



**AGENDA
CITY COMMISSION
MAY 7, 2024
ED “BOSH” FROEHLICH MEETING ROOM
MANDAN CITY HALL
5:30 PM
WWW.CITYOFMANDAN.COM**

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The City of Mandan is encouraging citizens to provide their comments for agenda items via email to info@cityofmandan.com. Please provide your comments before Noon on the day of the meeting. Include the agenda item number your comment references. Comments will be forwarded to the Commissioners and appropriate departments.

A. ROLL CALL

1. Roll call of all City Commissioners

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. Introduction of new employees:
 - a. Shasta Reindl, Building Inspections (Permit Technician)
 - b. Lance Scheid, Public Works (Utilities)
 - c. Jeremy Krein, Public Works (Streets)
 - d. Lance Hagel, Public Works (Streets)

D. APPROVAL OF AGENDA

E. MINUTES

1. Consider approval of the April 16, 2024, minutes for the City Commission meeting

F. PUBLIC HEARING

1. Consider Preliminary Plat and Zone Change from A - Agriculture and R7 - Residential to PUD - Planned Unit Development for Shores at Lakewood Second Addition
2. Consider a parking variance for Lot 2 less the south 125', Block 1, Highland 2nd Replat in Section 22, Township 139N, Range 81W
3. Consider a setback variance for Lot 1, Block 1, Ramblewood 11th Addition
4. First Consideration of Ordinance 1445, a zone change to RH - Residential for Meadow Park
5. First consideration of Ordinance 1446, a zone change from CB - Commercial to RH - Residential for Gateway Park
6. Consider an Appeal of denial of a variance to build a garage without a house for Riverside 2nd Addition

G. BIDS

1. Consider Municipal Concrete Contract bids
2. Consider Public Works Solar Panel bids

H. CONSENT AGENDA

1. Consider allowing staff to apply for Marathon Petroleum's Community Investment Program Grant
2. Consider approval of Special Event Permits:
 - a. Touch a Truck, May 18, 2024
 - b. Mac and Cheese Festival, May 11, 2024
 - c. Buggies and Blues, June 8-9 2024
3. Consider approval of the following gaming site authorizations:
 - a. Mandan Hockey Club, Inc. at Blackstone Tavern from July 1, 2024, to June 30, 2025
 - b. Mandan Hockey Club, Inc. at Central Station from July 1, 2024, to June 30, 2025

- c. Mandan Hockey Club, Inc. at Vicky's Sports Bar from July 1, 2024 to June 30, 2025
- d. Mandan Hockey Club, Inc. at Old 10 Bar & Grill from July 1, 2024 to June 30, 2025
- e. Bismarck Cancer Center Foundation at Prarie West Golf Course from May 8 to June 30, 2024
- f. Prairie Public Broadcasting, Inc. at Strawberry Bar & Grill from July 1, 2024 to June 30, 2025
- g. Mandan Touchdown Club at Starion Sports Complex from August 1, 2024 to December 1, 2024
- h. Mandan Touchdown Club at Dickey's BBQ from July 1, 2024 to June 30, 2025
- 4. Consider Approval to allow the Police Department to apply for a Fiscal Year 2024 Community Orientated Policing Services (COPS) Hiring program grant for 4 police officers
- 5. Consider Mandan Progress Organization Event Grant Applications
- 6. Consider Minor Plat for Riverwood Commercial Park 4th Addition
- 7. Consider proclaiming May 19 to May 25, 2024 as National Public Works Week in the City of Mandan
- 8. Consider 2022-2023 Veterans Credit Abatements for Tom Tuntland
- 9. Consider annual highway closure agreement
- 10. Consider scheduling a public hearing to vacate a portion of right of way in Lakewood 7th addition

I. OLD BUSINESS

J. NEW BUSINESS

- 1. Update related to Morton County Senior Center
- 2. Consider increasing the monthly parking spot rent for city-owned parking spots
- 3. Consider Engineering Service Agreement for 2025 Street Reconstruction project
- 4. Consider Engineering Service Agreement and budget amendment for Water

Meter Replacement project

5. Consider listing a 1.5 acre portion of Lot A of NW 1/4 SE 1/4 & Lot A Of Gov LOT 7 (Less 12.32A Of Lot 7) 44.28 Acres (9001C), a City-owned property, for sale.

K. RESOLUTIONS AND ORDINANCES

1. First consideration of Ordinance 1445, a zone change from MHS - Trailer Park District to RH - Residential Mobile Home Park for Meadow Park
2. First consideration of Ordinance 1446, a zone change from CB - Commercial District to RH - Residential Mobile Home Park for Gateway Park

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

- May 21, 2024 at 5:30 p.m.
- June 4, 2024 at 5:30 p.m.
- June 18, 2024 at 5:30 p.m.

N. ADJOURN

The Mandan City Commission met in regular session at 5:30 PM on April 16, 2024 in the Ed “Bosh” Froehlich Meeting Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL

1. *Roll call of all City Commissioners.* Those present were Joe Camisa, Dennis Rohr, Mike Braun, Brad Olson, Tim Helbling. Department heads present were City Administrator Neubauer, Finance Director Welch, Assessor Markley, Human Resource Director Berger, Engineering Director Wigness, D.C. Bier, Building Official Singer, Fire Chief/Public Works Director Bitz, Business Development & Communications Director Cermak, Planner Stromme and Attorney Sand.

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. *Outstanding Supporter presentation to Marathon Petroleum Mandan Refinery.* Communications Specialist Schmidt presented the award to Marathon Petroleum Mandan Refinery.

D. APPROVAL OF AGENDA

E. MINUTES

1. *Consider approval of the following Board of City Commission minutes: .*

a. *March 12, 2024 Board Portal Training Session.*

b. *April 2, 2024 Board of Equalization Meeting.*

c. *April 2, 2024 minutes of the Mandan City Commission regular meeting .*

Commissioner Camisa moved and Commissioner Rohr seconded to approve the minutes as presented. Roll call vote: Aye 5, Nay 0. The motion passed.

F. PUBLIC HEARING

1. *Consider a variance to Section 105-1-3 (g) of the City Code of Ordinances related to Incidental Uses, Accessory Structures, Size for Lots 1 & 2, Block 19, Southside Addition.* Planner Stromme presented the variance and recommended to approve. Commissioner Camisa moved and Commissioner Rohr seconded to approve. Roll call vote: Aye 5, Nay 0. The motion passed.

G. BIDS

1. *Consider 2024 Street Reconstruction Bids.* Engineer Wigness presented the bids and recommended awarding them to the lowest bidders. Commissioner Camisa moved and Commissioner Rohr seconded to approve the bid from Strata Corporation as general contractor. Roll call vote: Aye 5, Nay 0. The motion passed. Commissioner Camisa moved and Commissioner Rohr seconded to approve the bid from Edling Electric, Inc. as electrical contractor. Roll call vote: Aye 5, Nay 0. The motion passed.

H. CONSENT AGENDA

1. *Consider approval of monthly bills.*

2. *Consider the following Abatements:.*

a. *Schell 2022 & 2023 Veterans Credit.*

- b. *Wutzke 2023 Veterans Credit .*
 - c. *Foote 2022 & 2023 Veterans Credit.*
 - d. *Schwind 2023 Veterans Credit .*
 3. *Consider approval of the following gaming site authorizations: .*
 - a. *American Legion Post 91 at Send-It 24/7 from July 1, 2024 to June 30, 2025.*
 - b. *Mandan Eagles Aerie 2451 at Mandan Eagles from June 30, 2024 to June 30, 2025.*
 - c. *Fort Abraham Lincoln Foundation at Aviators from April 23, 2024 to July 1, 2024.*
 4. *Consider proclaiming April 22nd, 2024 as Arbor Day in the City of Mandan. .*
 5. *Consider closing City of Mandan administrative offices the day after Independence Day and Thanksgiving .*
 6. *Consider approval of a raffle permit for Bismarck State College Energy Club.*
 7. *Consider acceptance of a State Water Commission Grant.*
 8. *Consider approval of updates to the Grounds Maintenance Superintendent job description.*
- Commissioner Braun moved, and Commissioner Camisa seconded to approve consent items one through eight, including all subitems. Roll call vote: Aye 5, Nay 0. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Consider a development agreement for Cat Creek Addition.* Planner Stromme presented the development agreement for Cat Creek Addition and recommended to approve. Commissioner Braun moved, and Commissioner Camisa seconded to approve the agreement. Roll call vote: Aye 5, Nay 0. The motion passed.
2. *Consider an Engineering Service Amendment for the 2024 Street Reconstruction project.* Engineer Wigness presented task order amendment number two with Moore Engineering and recommended to approve. Commissioner Braun moved, and Commissioner Camisa seconded to approve. Roll call vote: Aye 5, Nay 0. The motion passed.

K. RESOLUTIONS AND ORDINANCES

1. *Consider a resolution awarding a contract for the Northwest Trunk Sewer project.* Engineer Wigness presented the resolution awarding a contract for the Northwest Truck Sewer project and recommended to approve. Commissioner Camisa moved, and Commissioner Braun seconded to approve the resolution. Roll call vote: Aye 5, Nay 0. The motion passed.

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

May 7, 2024 at 5:30 p.m..

May 21, 2024 at 5:30 p.m..

June 4, 2024 at 5:30 p.m..

- N. ADJOURN There being no other business to come before the board, Commissioner Camisa moved and Commissioner Braun seconded to adjourn the meeting at 6:04 p.m. The motion received unanimous approval of all the members present.

James Neubauer
City Administrator

Joseph Camisa
Vice President, Board of City Commissioners



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a preliminary plat to be named Shores At Lakewood 2nd Addition and a zone change from Ag (Agriculture) and R7 (Residential) to PUD (Planned Unit Development). Said property is a replat of Lot 1, Block 2, Lakewood 7th Addition and the unplatted portion of Lot 1 of Lot B and Outlot A.

STATEMENT/PURPOSE:

Consider Preliminary Plat and Zone Change from A - Agriculture and R7 - Residential to PUD - Planned Unit Development for Shores at Lakewood Second Addition.

BACKGROUND/ALTERNATIVES:

Item Overview

The applicant for this item has requested its removal from the agenda. As the public noticing for the project's public hearing at this meeting has already taken place, it is necessary to conduct a hearing. Staff recommends that the item be postponed to a future meeting of the Planning and Zoning or City Commissions. Staff will determine, depending on the scale of proposed revisions, whether the resubmittal is able to go directly to the City Commission or necessitates a return to the Planning and Zoning Commission.

Preliminary Plat

The proposed preliminary plat for Shores at Lakewood 2nd Addition comprises 46.82 acres with 126 lots across three blocks. The second addition generally aligns with the masterplan but incorporates slight deviations such as a neighborhood-specific dog park on Lot 58, Block 1. The development's layout aims for primary vehicular access from McKenzie Drive via Grotto Loop SE and secondary access via Oxbow Trail SE, necessitating the extension of Oxbow Tri SE as part of this development.

The development would additionally include a stormwater/amenity lot and a City sewer

lift station. While some aspects stray from the original masterplan, the proposal largely adheres to the masterplan, and deviations are generally conforming to the original masterplan.

Staff supports the overall project but requires revisions concerning access issues, sewer infrastructure, and irrigation systems. The applicant is working with City staff to address these.

Zone Change

The proposed zone change would include the property in the Shores at Lakewood Planned Unit Development (PUD) district, which primarily outlines setback requirements and design standards.

As the developer initiates revisions, the proposal remains subject to change pending subsequent review and approval.

ATTACHMENTS:

1. Applications
2. Shores at Lakewood 2nd Addition - Prelim Plat_03132024
3. Draft Zone Change Ordinance
4. Location Map - Shores at Lakewood 2nd

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

The Planning and Zoning Commission recommended approval of the preliminary plat contingent on a number of modifications, many of which are being addressed. Give the applicants formal request for this item to be pulled from the agenda, **Staff recommends postponing the consideration of the Preliminary Plat and Zone Change for Shores at Lakewood 2nd Addition** subject to applicable public noticing requirements and the submission of a new development application in order to cover costs associated with additional review and re-noticing the item.

SUGGESTED MOTION:

I move to postpone the consideration of the Preliminary Plat and Zone Change for Shores at Lakewood 2nd Addition subject to applicable public noticing requirements and the submission of a new development application in order to cover costs associated with additional review and re-noticing the item.

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
x Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)	Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	Variance (\$400)
Final Plat more than 40 lots (\$750)	Special Use Permit (\$450)
Annexation (\$450)	Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater 2 nd & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)	
This application is for the preliminary plat of Shores at Lakewood 2nd Addition.	

Engineer/Surveyor			Property Owner or Applicant		
Name Nick Nustad, PE - Mountain Plains, LC			Name TRX Developers		
Address 1300 Tacoma Ave, Suite A			Address 3100 N 14th St		
City Bismarck	State ND	Zip 58504	City Bismarck	State ND	Zip 58503
email nnustad@mntnplains.com			email arthur@verityhomes.com		
Phone 701-955-3122		Fax na	Phone 701-426-0197		Fax na
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	Ag - Master
Property Address				Legal Description		
No current address - west end of McKenzie Drive				A replat of Lot 1, Block 2 of Lakewood 7th Addition and the unplatted portion of Lot 1 of Lot B and		
Current Use						
Ag				Outlot A of Section 1, Township 138 North, Range 81 West of the Fifth Principal Meridian,		
Proposed Use				Morton County, North Dakota		
Residential				Section 1	Township 138N	Range 81W
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking	
46.82 acres	NA	NA	NA	NA	NA	

Print Name Arthur Goldammer	Signature 	Date 1/19/2024
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Office Use Only			
Date Received:	Initials: nm	Fees Paid: \$ 500	Date 1-22-2024
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

CITY OF MANDAN		
Development Review Application		
Minor Plat (\$300)	x	Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)		Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)		Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)		Vacation (\$500)
Final Plat 21 to 40 lots (\$600)		Variance (\$400)
Final Plat more than 40 lots (\$750)		Special Use Permit (\$450)
Annexation (\$450)		Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)		Stormwater 2 nd & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)		Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)		
This application is for the re-zoning of the proposed Shores at Lakewood 2nd Addition from A - Agriculture to PUD - Planned Unit Development and be added to the existing Shores at Lakewood PUD by an amendment.		

Engineer/Surveyor			Property Owner or Applicant		
Name Nick Nustad, Mountain Plains, LLC			Name Arthur Goldammer - TRX Developers		
Address 1300 Tacoma Ave, Suite A			Address 3100 N 14th St		
City Bismarck	State ND	Zip 58504	City Bismarck	State ND	Zip 58503
email nnustad@mtplains.com			email arthur@verityhomes.com		
Phone 701-955-3122	Fax na		Phone 701-663-4117 / 701-426-0997	Fax na	
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	Addition	A-Agriculture	PUD-Planned Unit Development
Property Address				Legal Description		
No Current Address - West End of McKenzie Drive				A replat of Lot 1, Block 2 of Lakewood 7th Addition and the unplatted portion of Lot 1 of Lot B and		
Current Use				Outlot A of Section 1, Township 138 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota		
Agriculture						
Proposed Use						
Residential				Section 1	Township 138N	Range 81W
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking	
46.82 acres	na	na	na	na	na	
Print Name Arthur Goldammer			Signature		Date 2/8/24	

Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ 600	Date 2-9-2024
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

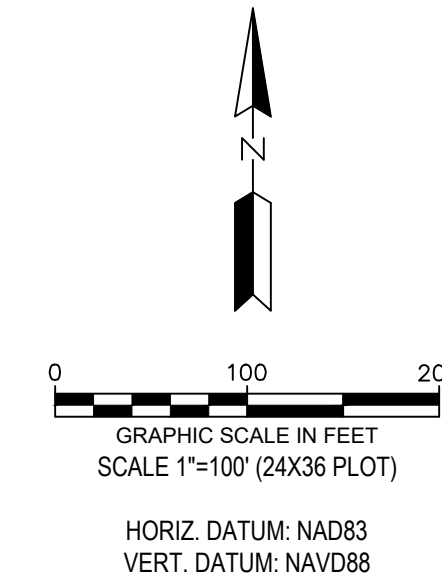
Updated 1/1/2024

N:\PLANNING & ZONING\0. Administration\Application Documents\Development Application - January 1, 2024.docx

Plot Date & Time: 13 March 2024 3:19 PM
C:\Users\Richard\Box\Engineering\Projects\2024\Shores at Lakewood 2nd Addition - Prelim Plat.dwg
G:\Users\Richard\Box\Engineering\Projects\2024\Shores at Lakewood 2nd Addition - Prelim Plat.dwg

PRELIMINARY PLAT SHORES AT LAKEWOOD 2ND ADDITION TO THE CITY OF MANDAN

A REPLAT OF LOT 1, BLOCK 2 OF LAKEWOOD 7TH ADDITION AND THE
UNPLATTED PORTION OF LOT 1 OF LOT B AND OUTLOT A
OF SECTION 1, TOWNSHIP 138 NORTH, RANGE 81 WEST
OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA

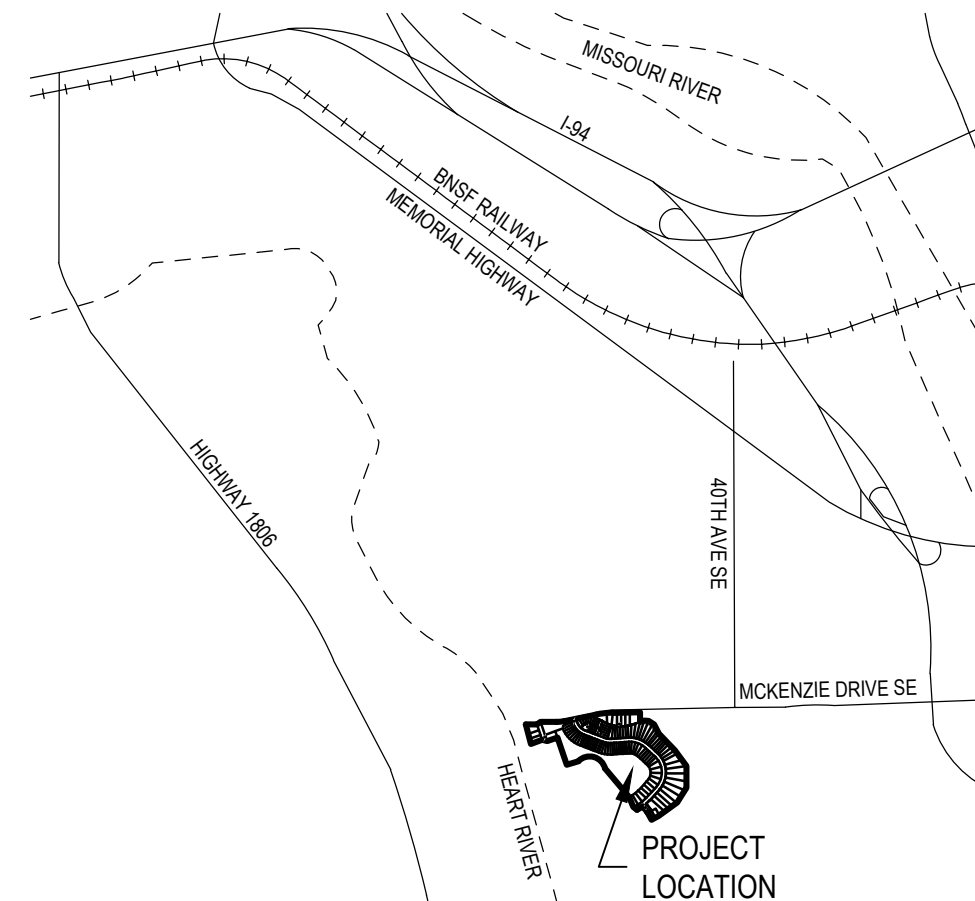


- LEGEND**
- FOUND MONUMENT
 - SET MONUMENT
 - CALCULATED POSITION
 - PLAT BOUNDARY
 - - - PROPOSED LOT LINE
 - - - SECTION LINE
 - - - PROPOSED EASEMENT
 - - - EXISTING EASEMENT
 - - - 100-YEAR FLOODPLAIN
 - - - EL. 1654.79' NAVD88
- KEYNOTES**
- (A) 30' UTILITY & PRIVATE DRIVE EASEMENT
 - (B) 10' IRRIGATION EASEMENT

- NOTES:**
1. PRELIMINARY PLAT DATED 1/25/2024.
 2. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 3. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
 4. TOTAL LOTS: 126
 5. TOTAL PLAT: 48.82 ACRES
 6. PROPOSED ZONING: PUD - RESIDENTIAL
 7. FRONT YARD SETBACK IS 25 FEET SIDE YARD SETBACK IS 5 FEET, AND BACK YARD SETBACK IS 20 FEET.
 8. 100 YEAR FLOOD PLAN: FEMA ZONE X. DOCUMENT #38059C0515D. EFFECTIVE DATE: 4/9/2015

PLAT BOUNDARY DESCRIPTION
A REPLAT OF LOT 1, BLOCK 2 OF LAKEWOOD 7TH ADDITION AND THE UNPLATTED PORTION OF LOT 1 OF LOT B AND OUTLOT A OF SECTION 1, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

VICINITY MAP



SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1	
LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)
1	27435	11	24390	22	11743	33	7422	43	3472	53	6116	63	14421	73	14421	83	14421
2	20723	12	12884	23	18081	34	8559	44	3472	54	3991	64	28099	74	28099	84	28099
3	21739	13	13038	24	16887	35	10410	45	3472	55	3868	65	9402	75	9402	85	9402
4	24837	14	11657	25	12655	36	6673	46	3471	56	3868						
5	31059	15	9954	26	13355	37	5518	47	8374	57	6434						
6	31578	16	8657	27	11160	38	5449	48	7122	58	18880						
7	36593	17	8756	28	7066	39	5379	49	5392	59	14706						
8	31258	18	10261	29	8001	40	5310	50	4244	60	15339						
9	29116	19	11484	30	8072	41	6612	51	4721	61	13740						
10	25625	20	12942	31	7149	42	5712	52	4994	62	13833						

SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2	
LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)
1	11832	12	8961	23	6820	34	7044	45	5760	56	53663	67	17392	78	14390	89	14880
2	11832	13	6916	24	5400	35	6585	46	7021	57	491364						
3	11832	14	7920	25	5400	36	6120	47	7011								
4	11136	15	7920	26	5760	37	6120	48	7011								
5	11050	16	6840	27	5760	38	5400	49	7011								
6	11050	17	7779	28	5940	39	5400	50	7011								
7	11741	18	9342	29	5940	40	5760	51	7011								
8	12831	19	8800	30	5580	41	5760	52	7011								
9	12831	20	7230	31	6202	42	5400	53	7011								
10	13052	21	7672	32	6970	43	5400	54	4724								
11	13426	22	5988	33	6978	44	5760	55	6253								

Line Table		
Line #	Length	Direction
L1	26.13	S11°41'11"E

Curve Table				
Curve #	Length	Radius	Delta	Chord Distance
C1	18.16	100.00	10°24'21"	18.14



ORDINANCE NO. 14XX

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

WHEREAS, The Mandan Land Use and Transportation Plan designates the subject property as Low-Density Residential.

WHEREAS, The Open Space designation for this area largely stems from being within the floodplain. The transition of Open Space to Low Density Residential and Commercial is supported due to the open area that will be preserved by the central pond, elevation out of the floodplain by LOMR-F, and flood-resilient basement proposed by the developer.

WHEREAS, Shores of Lakewood will be zoned and defined as a PUD as the overlay zoning with the R7 (Single-Family Residential), R4 (Single-Family Residential), R3.2 (Two-Family Residential), and CB (Commercial) as the underlying zoning. Housing types are limited to single-family attached (twin/town/row homes) and single-family detached homes.

WHEREAS, The Shores at Lakewood will be developed in 4 phases, as defined in the master plat and phasing map. Phase 1 of Shores at Lakewood will be zoned as a PUD (Planned Unit Development). Phases 2-4 will initially be identified as super blocks, requiring the developer to submit a final plat and PUD amendment, following the criteria defined in this master PUD plan, prior to development of each phase. Phases 2-4 will remain Ag (Agriculture) and be taxed as such, until development of each phase, independently, is complete and the lots are building permit ready.

WHEREAS, Lots may be combined to accommodate larger homes. For lots contained in blocks to be zoned R4 or R3.2, regulations governing R7 will apply.

WHEREAS, all residential lots shall be governed by the following setbacks:

- Front Yard – 25' from public street
- Front Yard – 15' for alley-accessed homes
- Side Yard – 5'
- Street Side Yard – 15'
- Rear Yard – 20'

WHEREAS, Except for regulations provided within the PUD District, the underlying zoning regulations shall apply to residential lots as follows:

- Lots 1-11 and 58 – 64, Block 1, Lots 1-11 and Lots 56-57, Block 2 and Lots 1-3, Block 3 – R7
- Lots 12-57, Block 1 and Lots 24-55, Block 2 – R3.2
- Block 2 & Lots 39-94, Block 4 – R4
- Block 7 – CB limited

- The following uses may be permitted:
 - **Utility Service Group**
 - **Service Group A**
 - In shop repair of carry in items
 - Furniture repair or upholstering
 - Dressmaker, Milliner or Tailor
 - Barber or beauty shop
 - Pet hospital or clinic
 - Pet grooming and dog daycare
 - Shoe and other leather goods repair
 - **Service Group B**
 - Self-Storage Units
 - Taxicab or Bus Company with Overnight Vehicle Parking
 - Kennel
 - Commercial garage or parking lot
 - Auto, truck or equipment repair
 - Animal hospital or clinic
 - Mobile cleaning, repair and restoration service

WHEREAS, Lot 21, Block 2, will be constructed as a community park and parking area for the use and enjoyment of the residents of Shores at Lakewood. This property will be owned and managed by the Home Owners Association.

WHEREAS, Block 7 shall be platted as a single block to be zoned CB – Limited as described in this ordinance. Occupied residential use shall not be allowed until such a time a tertiary access and right of way is granted from the south end of the property. Any development of this area shall be subject to a future EO 11988 USACE review, in addition to the City of Mandan review and site plan approval process. A PUD amendment process shall also be followed.

WHEREAS, Overall density upon buildout for residential units/area shall be between 2.5 to 4 units per gross acre.

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

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

ALL LOTS CONTAINED IN BLOCKS 1-7, SHORES AT LAKEWOOD ADDITION, SECTIONS 1 AND 12, TOWNSHIP 138N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA SHALL BE REZONED FROM A – AGRICULTURE TO PUD - PLANNED UNIT DEVELOPMENT.

Said tract shall be included in the Planned Unit Development (PUD)

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.

Joe Camisa, Vice President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

February 28, 2022
April 19, 2022
May 3, 2022



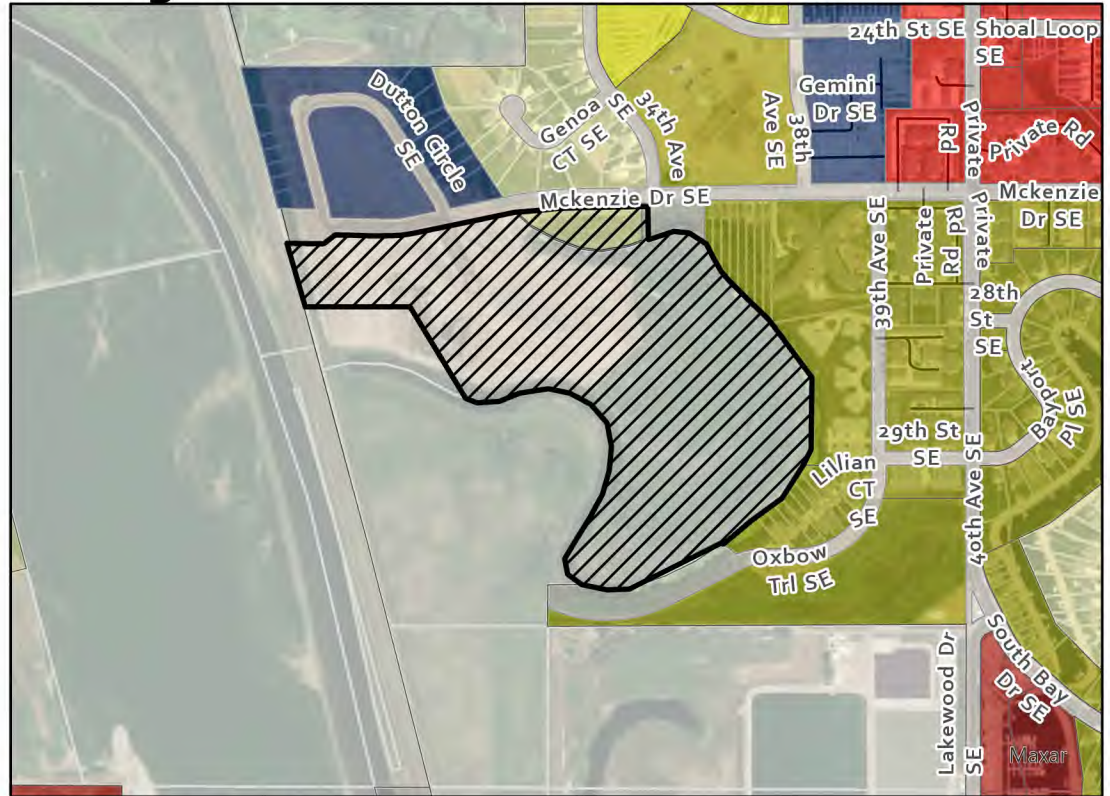
Zoning and Future Land Use Reference Map

Shores at Lakewood 2nd Addition

Zoning

Zoning Map Key

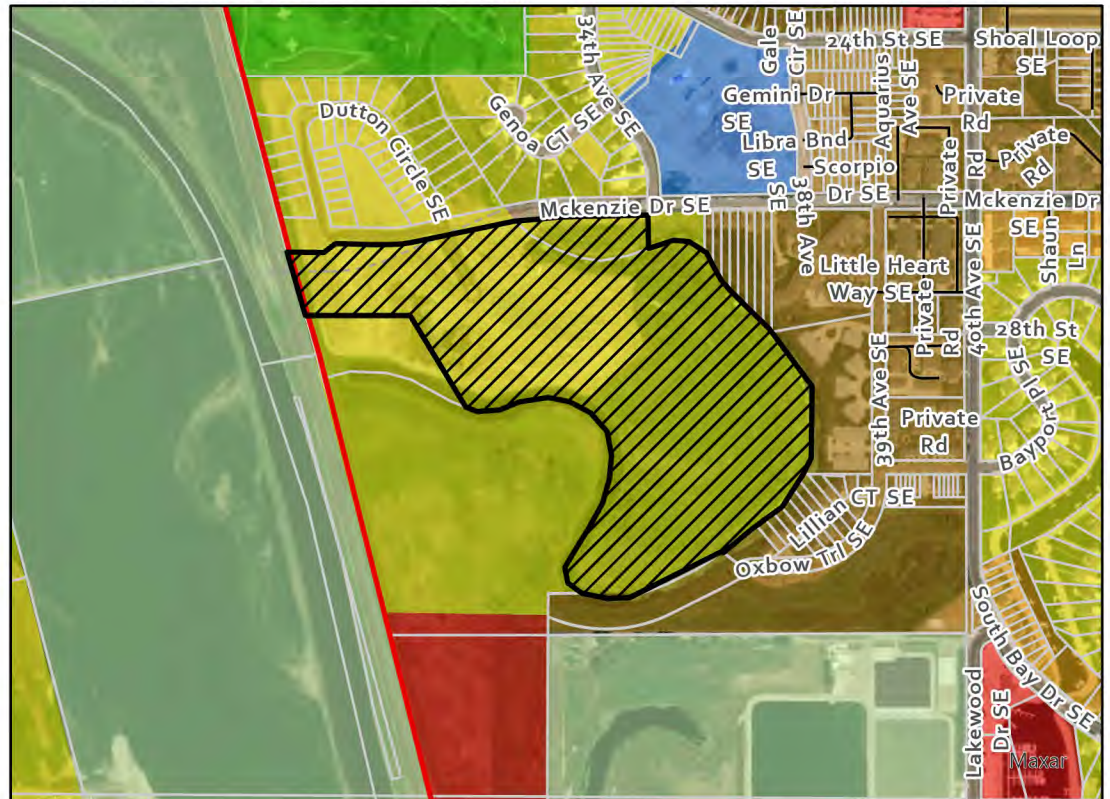
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
- PUD - Planned Unit Development
- R3.2 - Residential Single & Two Family
- R7 - Residential Single Family
- RH - Residential Mobile Home Park
- RM - Residential Multi-family Dwellings
- RMH - Residential Mobile Home Subdivision
- Residential - County Residential Zoning
- ROW - Right-of-Way
- Parcels
- February '24 Planning Items



Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- February '24 Planning Items

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a variance to Section 105-1-6 (1) of the City Code of Ordinances related to Automobile Parking - Off-street parking for Lot 2 less the south 125' Block 1, Highland 2nd Replat. The property is located at 1300 Collins Avenue.

STATEMENT/PURPOSE:

Domera Development is requesting approval of a variance to be able to construct a residential multifamily project with fewer parking spaces than required by City Ordinance. The proposed project would include 46 parking spaces when the City ordinance would require 50.

BACKGROUND/ALTERNATIVES:

Domera Development is requesting approval of a variance to Section 105-1-6 (1) of the City Code of Ordinances related to Automobile Parking - Off-street parking in order to permit the construction of a residential multifamily project with fewer parking spaces than required by the City for a project to be titled the Avalon at Mandan. Said property is Lot 2 less the south 125', Block 1, Highland 2nd Replat in Section 22, Township 139N, Range 81W.

Overview of Request

The requested variance would permit the construction of the Avalon at Mandan, a proposed twenty-five unit townhome project, to be built with four parking spaces fewer than required by the City Code of Ordinances. Detailed information including a site plan are included in the attachments.

Requested Variance

The requested variance to reduce the required parking from 50 spaces to 46 represents an 8% reduction in the amount provided versus required. The applicant states in the additional submittal that the project faces constraints, such as a reduced buildable area

due to easements, programmatic requirements (a minimum unit size/count as part of an incentive award), and City parking. The applicant states that in their experience fewer parking spaces are required/utilized in affordable projects and therefore requests a reduction for this project.

Property History

The property was replatted in 1986. It has remained undeveloped. It is possible that there was a home on the property previously from historical aerial imagery. Previous development proposals on the property, which included variances or special permitting, included a self-serve car wash/storage facility and a motor vehicle service facility. Each were recommended for denial by the Planning and Zoning Commission.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties are zoned CA - Commercial, R7 - Residential, and are developed with commercial services and single-family homes. The future land use designation for this property is commercial.

Additional Information and Public Outreach

- An application and fee of \$400 was received on March 21.
- 15 letters were sent to adjacent property owners.
- The legal notice was published on May 3.
- Prior to the April Planning and Zoning Commission Public Hearing, staff received two formal comments in opposition to the project. The same letters/comments have been forwarded to the City Commissioners.

Findings of Fact Zoning Variance

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area or within the CA - Commercial / RM - Residential Districts.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance **would deprive** the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Staff Comments

- JET Planning conducted a supplemental code audit (to the broader Zoning Ordinance Study) focused on housing and particularly missing middle housing. Based on parking utilization and best practices in community development, the report recommends the City reduce parking space requirements for housing developments.
- Peer communities across the region have begun implementing administrative parking reductions, such as for projects that include bike parking, are adjacent to transit routes, or would be affordable in nature or mixed use. 16.25 to 50 spaces are required for 25-unit program-based affordable housing projects in peer communities.
- The project received contingent approval at Mandan Architecture Review. Items being addressed are stormwater and fire code compliance. The site plan is subject to change.
- The subject property is sited along a public transit route and is in an area with an established sidewalk network, which are factors that support the utilization of alternative means of transportation.

ATTACHMENTS:

1. Application
2. Additional Submittal
3. Site Plans
4. Images
5. Location Map - Avalon at Mandan

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

The Planning and Zoning Commission considered this request at its April 22nd meeting and recommends approval of the requested variance based on the applicants'

City Commission

Agenda Documentation

May 7, 2024

Subject: Consider a parking variance for Lot 2 less the south 125', Block 1, Highland 2nd Replat in Section 22, Township 139N, Range 81W

Page 4 of 4

statement of hardship and the findings of fact included in this agenda document.

SUGGESTED MOTION:

I move to approve the variance request.

CITY OF MANDAN		
Development Review Application		
Minor Plat (\$300)		Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)		Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)		Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)		Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	x	Variance (\$400)
Final Plat more than 40 lots (\$750)		Special Use Permit (\$450)
Annexation (\$450)		Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)		Stormwater 2 nd & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)		Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)		
Parking variance request for the code requirement of 50 stalls with only 46 stalls provided on-site.		

Engineer/Surveyor			Property Owner or Applicant		
Name Koru Group, PLLC - Matthew Ervin, P.E.			Name Domera Development - Nathan Joseph		
Address 2135 CityGate Lane, suite 330			Address 1954 Airport Road, Suite 151		
City Naperville	State IL	Zip 60563	City Chamblee	State GA	Zip 30341
email matt@korugroup.com			email nathan.joseph@domeradev.com		
Phone (331) 256-9769		Fax	Phone (309) 696-0503		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	x	New	CA-Commercial	CA-Commercial	Avalon at Mandan
Property Address				Legal Description		
1300 Collins Avenue				Lot 2 less the south 125' Block 1, Highland 2nd Replat		
Current Use						
Undeveloped lot						
Proposed Use						
Two-story 25 unit town home building				Section 22	Township 139N	Range 81W
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking
55,551 Sq Ft	20,917 Sq Ft	2	39,293 Sq Ft	50 Stalls		46 Stalls

Print Name Nathan Joseph	Signature 	Date 03/21/2024
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Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$400	On the Date 3-21-2024
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

Additional Submittals

Variance

A zoning variance application shall include a detailed statement with the following information:

1. The circumstances or conditions applying to the land or buildings for which the variance is sought

On the rear (east) side of the site, there is an existing 30' Public utility easement containing existing overhead electrical lines as well as a gas line. The rear yard building setback for this parcel in the CA Commercial zoning district is only 20'. Therefore, 10' of buildable area is lost from this parcel. Additionally, due to significant elevation relief across the lot the parking needs to be on the lower end of the site that is accessible to Collins Avenue, and having to shift the building 10' further west to stay out of the 30' rear utility easement causes this development to be under parked by 4 stalls. With this development being an affordable living project awarded by the State, we are required to adhere to certain building size requirements set forth by the state, and those include 25 total units with the square footages we have proposed.

2. How the applicant is deprived of a reasonable use of said land or building;

Due to the multiple site constraints noted above (rear yard easement being larger than building setback and significant elevation drop across the parcel), the available area within the parcel to be developed has been reduced, and therefore, limits available room for parking on-site as we are required to meet the guidelines provided by the state in terms of building size and unit count. Since the state has set forth the required building size and unit count requirements for this site, we are constrained in not being able to reduce building size in order to make parking work on-site per the City's code.

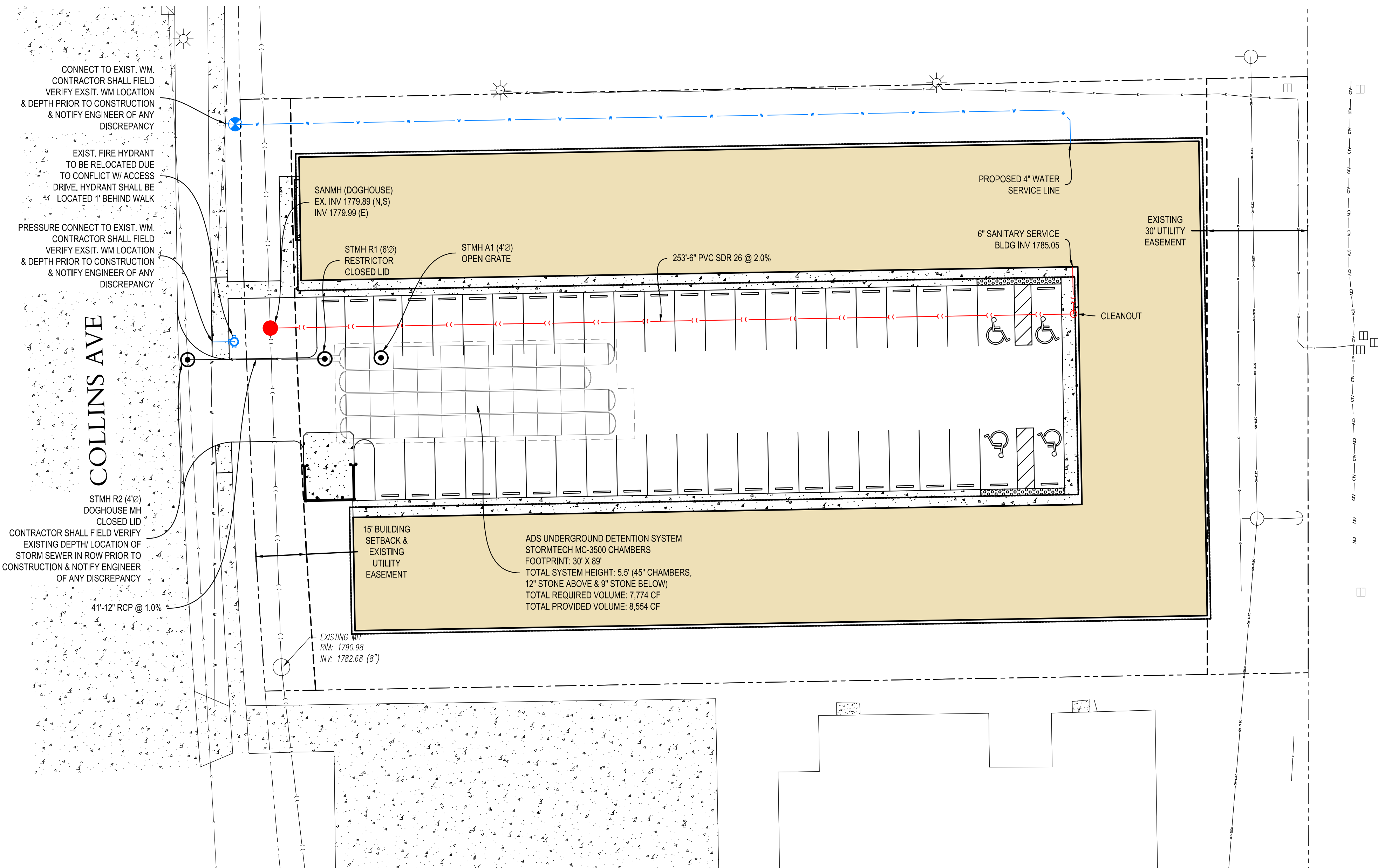
3. How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

This variance will not negatively impact the neighborhood or public welfare since this is an affordable living development and the required parking is typically less than that of a market rate development. While City code requires 2 stalls per unit, affordable living is typically 1 to 1.5 stalls per unit putting the required on-site parking need at 38 stalls with 46 provided. Therefore, under that standard the site will have adequate parking for the use with 8 additional stalls for guest/ overflow parking. Additionally, the adjacent residential streets have street parking that is readily available 24/7 for use to satisfy the 4 stalls we are short per the City's code requirements. The ADA requirements for handicap stalls is 2 stalls up to 50 total parking spaces. On this development, we are proposing 4 stalls as the state requires separate ADA stalls for the designated ADA units as well as providing ADS stalls for the common space areas.

4. The minimum variance that will accomplish the relief sought.

The minimum variance is a reduction in the required parking per code from 50 stalls down to 46 stalls, and the minimum variance is being requested. Since we are at the minimum unit count allowed by the state, we cannot reduce the size of the building in order to be code compliant with the number of parking stalls provided on-site.

The zoning map may be used to view the subject property and surrounding property's zoning and view property lines overlaid on an aerial. The zoning map may be found on the City's website at CityofMandan.com and selecting Departments → Engineering and Planning → Maps → Zoning Map or by clicking [here](#) if viewing this document digitally.



STORMWATER MANAGEMENT

EXISTING RELEASE RATES (PRE-DEVELOPMENT):

2-YR 24-HR: 0.085 CFS
10-YR 24-HR: 0.209 CFS
100-YR 24-HR: 0.508 CFS

PROPOSED RELEASE RATES (DEVELOPED CONDITION):

2-YR 24-HR: 0.083 CFS
10-YR 24-HR: 0.206 CFS
100-YR 24-HR: 0.323 CFS

UNDERGROUND DETENTION SYSTEM RELEASE:
UTILIZING A TWO-ORIFICE RELEASE. THE FIRST ORIFICE AT THE SYSTEM INVERT
WILL BE 1.65", AND THE SECOND ORIFICE WILL BE 2.5" IN DIAMETER AND PLACED
AT THE HWL OF THE 2-YEAR 24-HR STORM EVENT.

SITE IMPERVIOUS

Existing Impervious Area = 0 sf OR 0.00 Acres
Proposed Impervious Area = 40,380 sf OR 0.93 Acres
Net New Impervious Area = 40,380 sf OR 0.93 Acres

UTILITY LEGEND

	PROPOSED	EXISTING
STORM SEWER		
SANITARY SEWER		
WATERMAIN		
ELECTRIC		
TELEPHONE		
GAS		
STORM MANHOLE		
SANITARY MANHOLE		
VALVE VAULT / B-BOX		
FIRE HYDRANT		
TRANSFORMER		

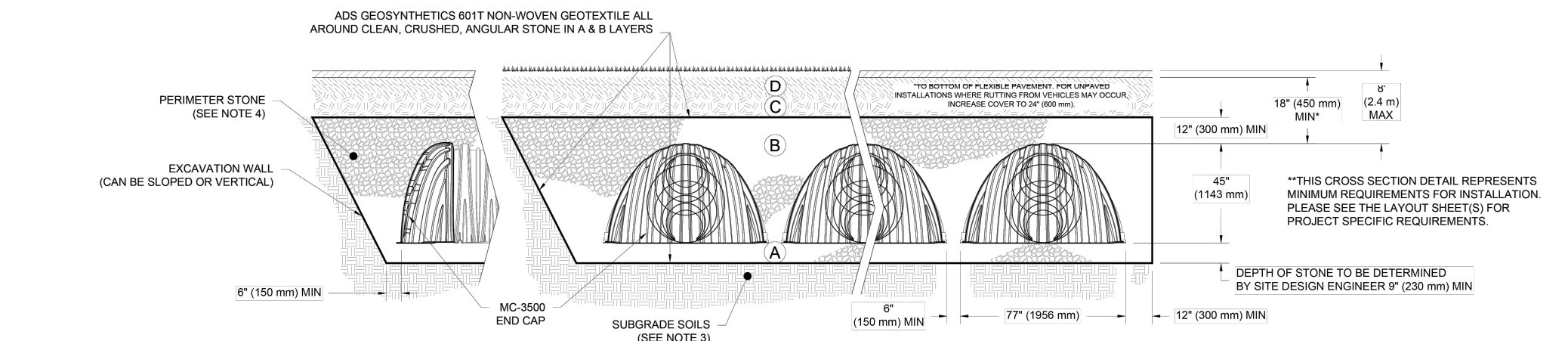
UTILITY NOTES

- ALL STORM SEWER PIPE SHALL MEET NORTH DAKOTA DOT SPECIFICATIONS FOR SELECTING THE PIPE CLASS. STORM PIPE MUST MEET ASTM C76 STANDARDS.
 - PRECAST CONCRETE SECTIONS FOR MANHOLES, CATCH BASINS, INLETS AND VAULTS SHALL MEET ASTM C478.
 - EXISTING UTILITIES SHOWN ARE FOR INFORMATION ONLY AND ARE NOT NECESSARILY EXCLUSIVE. CONTRACTOR SHALL VERIFY UTILITIES WHERE POSSIBLE AND NOTIFY ENGINEER OF DISCREPANCIES, EXCEPTIONS, OR OMISSIONS AS SOON AS POSSIBLE.
 - NO FILTER FABRIC ALLOWED UNDER FRAMES OR GRATES. ALL STRUCTURES SHALL HAVE INLET FILTERS INSTALLED. ALL INLET PROTECTION SHOULD BE IN ACCORDANCE WITH THE APPROVED STORMWATER POLLUTION PREVENTION PLAN.
 - GENERAL CONTRACTOR SHALL VERIFY SPECIFIC SIZE AND LOCATION OF CONDUIT FOR GAS, ELECTRIC AND TELEPHONE PRIOR TO INSTALLATION.
 - CONTRACTOR TO SEE LANDSCAPE AND IRRIGATION SPECIFICATIONS IN ARCHITECTURAL PLANS AND CONTRACT DOCUMENTS FOR ADDITIONAL REQUIREMENTS.
 - FRAME AND GRATE REQUIREMENTS:
STORM STRUCTURE (PAVEMENT)
NEENAH R-2502 FRAME FOR OPEN GRATES,
NEENAH R-1772 FOR CLOSED LIDS
STORM STRUCTURE (CURB)
NEENAH R-3278-A
- EXCEPTIONS TO ABOVE ARE NOTED ON PLANS. SEE SHEET C7.2 FOR FRAME AND GRATE DETAILS

ACCEPTABLE FILL MATERIALS: STORMTECH MC-3500 CHAMBER SYSTEMS

MATERIAL LOCATION	DESCRIPTION	AASHTO MATERIAL CLASSIFICATIONS	COMPACTION / DENSITY REQUIREMENT
D	FINAL FILL: FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF THE FLEXIBLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'D' LAYER.	ANY SOLID ROCK MATERIALS, NATIVE SOILS OR PER ENGINEER'S PLANS. CHECK PLANS FOR PAVEMENT SUBGRADE REQUIREMENTS.	N/A
C	INITIAL FILL: FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT STONE (B LAYER) TO 1" (40 mm) ABOVE THE TOP OF THE CHAMBER. NOTE THAT PAVEMENT SUBBASE MAY BE A PART OF THE 'C' LAYER.	GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, ~35% FINES OR MOST PAVEMENT SUBBASE MATERIALS CAN BE USED IN LIEU OF THIS LAYER.	BEGIN COMPACTIONS AFTER 1" (40 mm) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 12" (300 mm) MAX LIFTS TO A MIN. 95% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS.
B	EMBEDMENT STONE: FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE (A LAYER) TO THE 'C' LAYER ABOVE.	AASHTO M45 ¹ A-1, A-2-4, A-3 OR AASHTO M41 ¹ 3, 307, 4, 407, 5, 56, 57, 5, 67, 68, 7, 78, 8, 89, 9, 10	NO COMPACTION REQUIRED.
A	FOUNDATION STONE: FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE FOOT (BOTTOM) OF THE CHAMBER.	CLEAN, CRUSHED, ANGULAR STONE OR RECYCLED CONCRETE ² AASHTO M43 ¹ 3, 357, 4, 407, 5, 56, 57 OR AASHTO M43 ¹ 3, 357, 4, 407, 5, 56, 57	PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE. ^{2,3}

PLEASE NOTE:
1. THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR #4 STONE WOULD STATE: "CLEAN, CRUSHED, ANGULAR NO. 4 (AASHTO M43) STONE".
2. STORMTECH COMPACTION REQUIREMENTS ARE MET FOR 'A' LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 9" (230 mm) MAX LIFTS USING TWO FULL COVERS WITH A VIBRATORY COMPACTOR.
3. WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY RANVING OR GRADING WITHOUT COMPACTION EQUIPMENT. FOR SPECIAL LOAD DESIGNS, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.
4. ONCE LAYER 'C' IS PLACED, ANY SOLI MATERIAL CAN BE PLACED IN LAYER 'D' UP TO THE FINISHED GRADE. MOST PAVEMENT SUBBASE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER 'C' OR 'D' AT THE SITE DESIGN ENGINEER'S DISCRETION.
5. WHERE RECYCLED CONCRETE AGGREGATE IS USED IN LAYERS 'A' OR 'B' THE MATERIAL SHOULD ALSO MEET THE ACCEPTABILITY CRITERIA OUTLINED IN TECHNICAL NOTE 8.20 "RECYCLED CONCRETE STRUCTURAL BACKFILL".



NOTES:

- CHAMBERS SHALL MEET THE REQUIREMENTS OF ASTM F2418, "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- CHAMBER CLASSIFICATION 46X78 DESIGNATION SS.
- MC-3500 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
- PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
- REQUIREMENTS FOR HANDLING AND INSTALLATION:
 - TO MAINTAIN THE WIDTH OF CHAMBERS DURING SHIPPING AND HANDLING, CHAMBERS SHALL HAVE INTEGRAL, INTERLOCKING STACKING LUGS.
 - TO ENSURE A SECURE JOINT DURING INSTALLATION AND BACKFILL, THE HEIGHT OF THE CHAMBER JOINT SHALL NOT BE LESS THAN 2".
 - TO ENSURE THE INTEGRITY OF THE ARCH SHAPE DURING INSTALLATION, THE ARCH STIFFNESS CONSTANT AS DEFINED IN SECTION 8.2.8 OF ASTM F2418 SHALL BE GREATER THAN OR EQUAL TO 500 LB/FT²IN.
 - AND b) TO RESIST CHAMBER DEFORMATION DURING INSTALLATION AT ELEVATED TEMPERATURES (ABOVE 73° F / 23° C), CHAMBERS SHALL BE PRODUCED FROM REFLECTIVE GOLD OR YELLOW COLORS.

Scale 1"=20'

KORU

Koru Group, PLLC

2135 CityGate Lane, Suite 330
Naperville, IL 60563

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KORU Group, PLLC

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CONSULTING ARCHITECT:

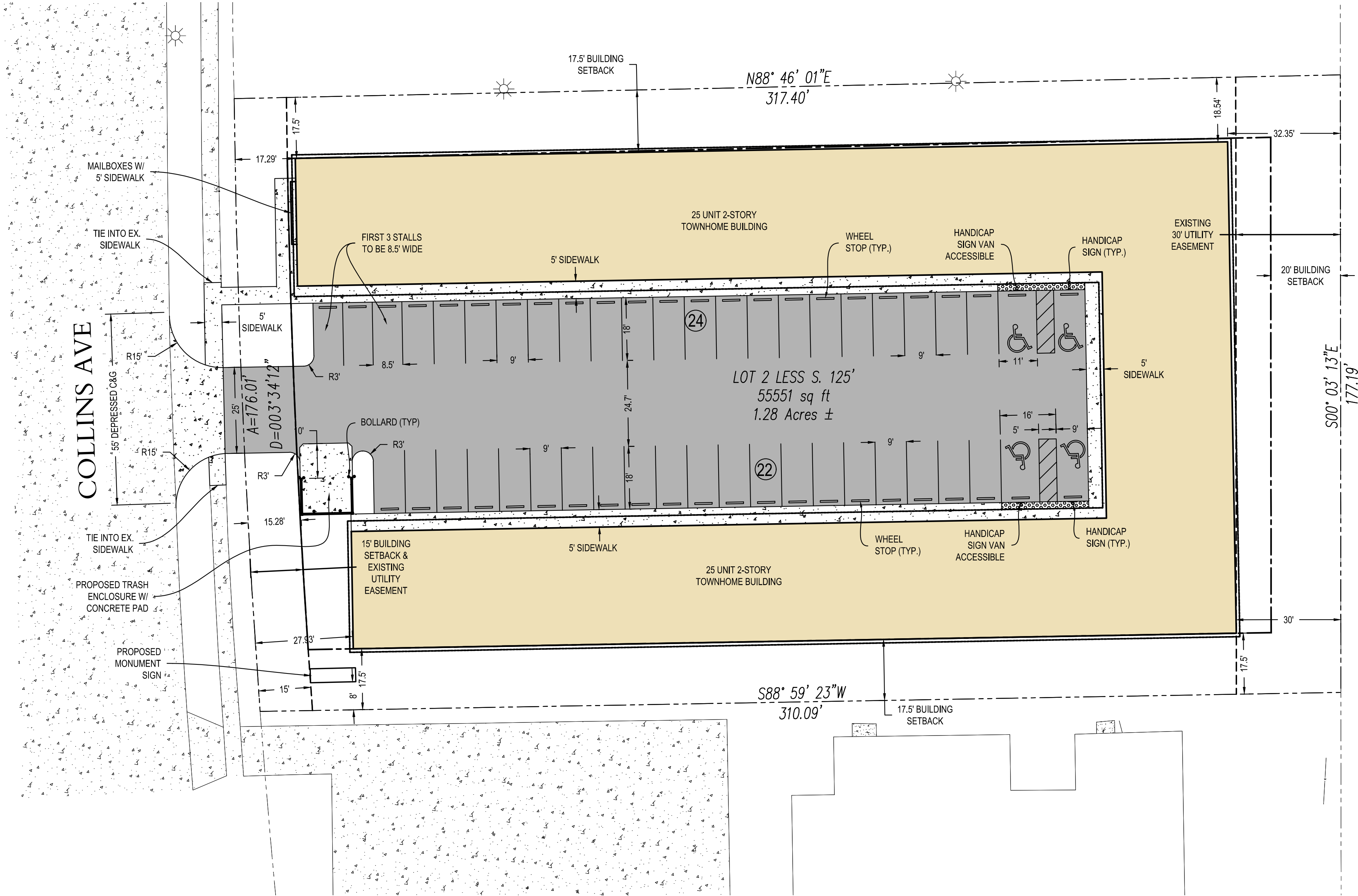
GENERAL CONTRACTOR:

CLIENT:

Avalon at Mandan
1000 Collins Avenue
Mandan, ND

REVISIONS:	#	DESCRIPTION	DATE
	1		3/19/2024
	2		
	3		
	4		
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	6		
	7		
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	9		
	10		

PROJECT NUMBER: 24005	REVIEWED BY: MTE
DRAWN BY: TR	SHEET TITLE:
DEVELOPMENT OVERVIEW PLAN	
SHEET NO.	
C1.0	



PROPERTY INFO

1300 Collins Avenue
Mandan, ND

Proposed Use: Two-Story Townhomes
Existing Zoning: CA - Commercial District
Required Zoning: CA - Commercial District

Parcel Area: 55,551 sf (±1.28 ac)
Pr. Building Footprint Area: 20,930 sf

PARKING

Quantity Req: 2 spaces = 25 * 2 = 50
1 unit (Mandan, ND Code of Ordinances)

Parking Provided: 46 = 42 Standard + 4 ADA

Stall Size Required: 8.5' x 18' (Standard), 9' x 18' (Standard), 14' x 18' (ADA-Standard) 16' x 18' (ADA-Van)

Drive Aisle Minimum: 24' (Two-way)

SITE IMPERVIOUS

Existing Impervious Area = 0 sf OR 0.00 Acres
Proposed Impervious Area = 40,380 sf OR 0.93 Acres
Net New Impervious Area = 40,380 sf OR 0.93 Acres

LEGEND

PROPOSED CURB & GUTTER	
EXISTING CURB & GUTTER	
PROPERTY LINE	
SETBACK LINE	
CONCRETE	
FULL-DEPTH ASPHALT PAVEMENT	
TRUNCATED DOMES	

KORU
Koru Group, PLLC
2135 CityGate Lane, Suite 330
Naperville, IL 60563

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CONSULTING ARCHITECT:

GENERAL CONTRACTOR:

CLIENT:

Avalon at Mandan

1300 Collins Avenue
Mandan, ND

NOT FOR CONSTRUCTION

REVISIONS:		
#	DESCRIPTION	DATE
1		3/19/2024
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PROJECT NUMBER: 24005

DRAWN BY: TR REVIEWED BY: MTE

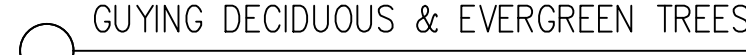
SHEET TITLE:

SITE PLAN

SHEET NO.

C1.1

1. In general, Contractor shall become familiar with the site and with scope of work prior to the submission of bid proposal and should notify Landscape Architect (LA) and/or owner of any discrepancies between the drawings and existing site conditions.
2. Bid Proposal shall show unit prices and quantities for all items shown on this drawing.
3. Contractor shall follow and conform to Mandan, ND building codes.
4. Job site safety and means and methods of construction are the responsibility of the Contractor.
5. Contractor shall excavate and dispose of excavated materials off site.
6. Contractor shall be responsible for any damage to buildings or site as a result of executing the work which is part of contract or additional work which may be added to this contract at a later date.
7. Site shall be kept clean at all times and shall be thoroughly cleaned at the end of each working day.
8. Driveways shall be unobstructed at all times and consideration for the neighboring properties maintained.
9. Determine and verify exact locations of all underground utilities in the field before work begins. Call JULIE 1-800-892-0123 (48 hours) before you dig, excluding Saturdays, Sundays, and holidays.
10. Plants and other materials are quantified and summarized for the convenience of the owner and jurisdictional agencies only. Confirm and install sufficient quantities to complete the work as drawn.
11. Landscape Architect not responsible for installation permits unless otherwise noted.
12. Determine subsoil conditions and subsurface drainage requirements of all plant material.
13. **Removals.** Contractor shall clear existing plant material and weeds as needed where new planting is provided per plan. New topsoil shall be provided and/or amended as needed to fine grade planting areas.
14. **Topsoil.** Any new topsoil shall be fertile, pulverized, friable, natural, loam, surface soil, free of subsoil, clay lumps, brush, weeds, stones larger than 1" in any dimension and other extraneous or toxic matter harmful to plant growth. Soil shall have acidity range of pH 5.7 - 10, less than 3% humus as determined by loss on ignition of moisture free samples dried at 100 degrees centigrade, less than 60% of material passing VSS #100 sieve consists of clay by dried weights of material.
15. **Amend Existing Soil.** Amend existing soil in all planting beds. Amended soil shall be 25% soil conditioner, 25% clean sand and 50% existing soil. Rootball amendments into planting beds.
16. **Plant Material.** The Landscape Architect reserves the right to personally select any or all nursery stock prior to digging. All plant material shall bear the same relationship to the new grade as they bore to the previous (nursery) grade. Comply with sizing and grading standards of the latest edition "American Standard for Nursery Stock". All plants are subject to inspection by the Landscape Architect at the job site or nursery.
17. **Plant Installation.** Set plant material in the planting pit to proper grade and alignment. Set plants upright, plumb, and face to give the best appearance and to insure proper growth of other or adjacent structures. Do not fill around trunks or stems. Do not use straw or muddy mixture for backfilling. Supply a minimum of 12" of soil mix on all sides of rootballs for trees and shrubs unless otherwise noted. Plant groundcover and perennials and tamp down soil around spot so dirt does not heave in front. Water in before applying mulch. Do not cover foliage with mulch. Balled roots shall be protected from drying out and care taken to prevent the ball from freezing.
18. **Mulch.** Provide 3" loose measure of mulch throughout all planting areas excluding groundcover beds. Mulch to be 6 month old, well rotted, shredded, hardwood bark mulch, not larger than 4" in length and 1/2" in width, free of wood chips and sawdust.
19. **Watering.** LC to water installed plant materials for the entire first season.
20. **Seed.** Supply and install Northern blend of seed mixture (60% bluegrass, 20% red fescue, 20% annual and perennial rye) on minimum 4" depth of fine, loam, pulverized, topsoil as needed. NAC ST75BN erosion control blanket to cover seed. See engineering plans.
21. **Repair Disturbed Areas.** All disturbed areas shall be repaired and fine graded and topdressed with a minimum 4" depth, rotted, pulverized topsoil. All existing soil not used in repair of disturbed areas shall be removed from site. Seed and blanket all repaired areas as noted.
22. **Bed Edge.** Space edge where bed meets lawn if no edging is installed.
23. Upon completion of all landscape work, the LC shall notify the LA and owner for approval and acceptance. LC shall guarantee all work and plant material for a minimum of one year, after acceptance by the LA and owner, of completed landscape work.



**EVERGREEN & DECIDUOUS
TREE NOTES:**

1. PRUNE TREE TO OFFSET ROOT LOSS
2. TREE TRUNK FLARE SHALL BEAR SAME RELATION TO FINISH GRADE AS IT BORE TO PREVIOUSLY EXISTING GRADE.
3. REMOVE BURLAP & ALL WIRES FROM TOP 1/2 OF BALL MINIMUM
4. SOIL CONNECTION:
DURING INSTALLATION, TAKE A SMALL AMOUNT OF SOIL FROM TOP AND SIDES OF ROOT BALL AND DISTRIBUTE INTO PLANTING SOIL BACKFILL AND WATER WELSA
5. APPLY MYCORRHIZAE (DIEHARD ROOT REVIVER OR APPROVED EQUAL) TO PLANTING BACKFILL, FOLLOWING MANUFACTURER'S INSTRUCTIONS.
6. ALL TREES 3" CAL & LARGER TO BE GUVED.
7. DO NOT MULCH AROUND TRUNK.

ORNAMENTAL TREE NOTES:

1. PRUNE TREE TO OFFSET ROOT LOSS
2. TREE TRUNK FLARE SHALL BEAR SAME RELATION TO FINISH GRADE AS IT BORE TO PREVIOUSLY EXISTING ONE
3. REMOVE BURLAP & ALL WIRES FROM TOP 1/2 OF BALL MINIMUM
4. SOIL CONNECTION:
DURING INSTALLATION, TAKE A SMALL AMOUNT OF SOIL FROM TOP AND SIDES OF ROOTBALL AND DISPERSE INTO PLANTING SOIL BALL, AND VICE VERSA
5. APPLY MYCORRHIZA (IDEAHARD ROOT REMOVER OR APPROX. EQUAL) TO PLANTING BACKFILL, FOLLOWING MANUFACTURER'S INSTRUCTIONS.
6. ALL ORNAMENTAL TREES 5' HT & LARGER TO HAVE ROOTBALL STAKED UNDERGROUND OR GUYED.



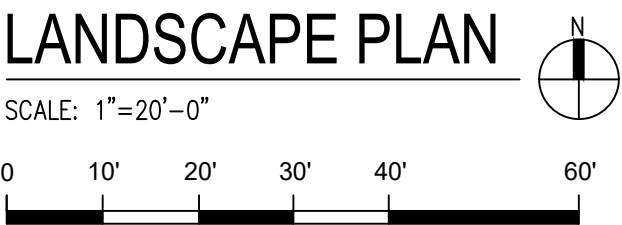
NOTES:

1. ORNAMENTAL TREES 5'-HT. - 8' HT. TO BE STAKED USING UNDERGROUND METHODS. ORNAMENTAL TREES 9' HT. & LARGER TO BE GUYED.
2. STAKING TO TAKE PLACE AFTER ROPE BURLAP, AND WIRE BASKET HAVE BEEN REMOVED.
3. DOWELS TO BE NATURAL WOOD (NOT PRESSURE-TREATED) AND WILL REMAIN AND DECOMPOSE OVER TIME.

— WOOD MULCH (3" DEPTH)

— ROOTBALL

— WOOD DOWELS [31" DIA. X 3' LENGTH MINIMUM, DRIVEN INTO GROUND AT EDGE OF ROOTBALL, DOWELS WILL DECOMPOSE OVER TIME]



PLANT LIST					
SHADE TREES					
KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
GEQ	2	2"	Celtis occidentalis	Common Hackberry	Specimen, symmetrical
GTS	1	2"	Gleditsia triacanthos var. inermis 'Skyline'	Skyline Thornless Honeylocust	Specimen, symmetrical
GYD	2	2"	Gymnocladus dioicus 'Espresso'	Espresso Kentucky Coffeetree	Specimen, symmetrical
QUM	1	2"	Quercus macrocarpa	Bur Oak	Specimen, symmetrical
EVERGREEN TREES					
KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
PGD	2	2"	Picea glauca 'Densata'	Black Hills Spruce	Specimen, symmetrical
PLC	2	6'	Picea pungens	Colorado Spruce	Specimen, symmetrical
ORNAMENTAL TREES					
KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
AAB	2	6'	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry	Specimen, clump form
SHRUBS					
KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
HYP	5	18"	Hydrangea paniculata 'SMPL0F'	Little Quick Fire Hydrangea	Full branching to ground
RJB	3	18"	Rhus copallina 'Buffalo'	Buffalo Juniper	Full branching to ground
HSJ	15	18"	Juniperus americana 'Go-Low'	Go-Low Fragrant Sumac	Full branching to ground
SPD	2	3"	Spirea x bundler 'Froebeli'	Froebel Spirea	Full branching to ground
TOH	3	4"	Thuja occidentalis 'Holmstrup'	Holmstrup Arborvitae	Full branching to ground
PERENNIALS AND ORNAMENTAL GRASSES					
KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
CKF	25	1 gal.	Calamagrostis acutiflora 'Karl Foerster'	Feather Reed Grass	Container
HRH	14	1 gal.	Hemerocallis 'Happy Returns'	Happy Returns Daylily	Container
HRH	7	1 gal.	Hemerocallis 'Rosy Returns'	Rosy Returns Daylily	Container
SPD	21	1 gal.	Sporobolus heterolepis	Prairie Droseed	Container



View looking east towards subject property.



View looking north towards subject property.



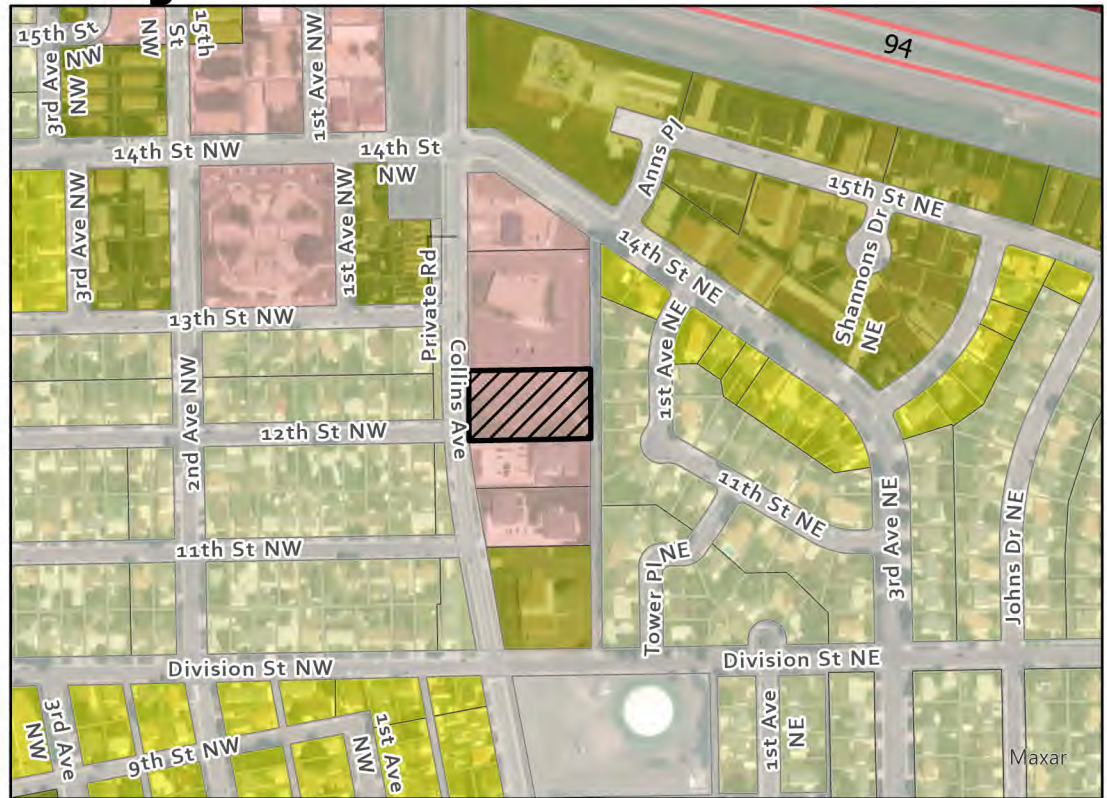
Zoning and Future Land Use Reference Map

Avalon at Mandan

Zoning Map Key

- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
- PUD - Planned Unit Development
- R3.2 - Residential Single & Two Family
- R7 - Residential Single Family
- RH - Residential Mobile Home Park
- RM - Residential Multi-family Dwellings
- RMH - Residential Mobile Home Subdivision
- Residential - County Residential Zoning
- ROW - Right-of-Way
- April '24 Planning Items

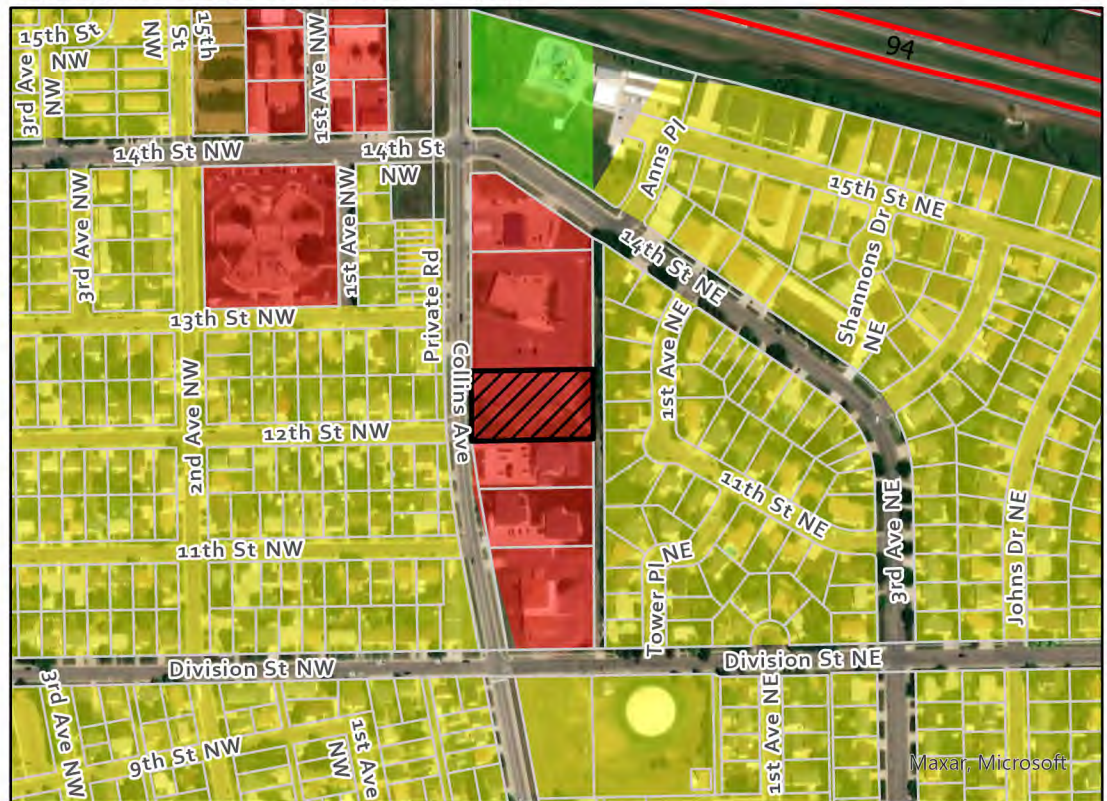
Zoning



Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- April '24 Planning Items

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consideration of a setback variance for Lot 1, Block 1, Ramblewood 11th Addition. The property is located at 2701 Memorial Highway SE, although the portion to be developed is primarily along Third Street SE.

STATEMENT/PURPOSE:

A request from Richard Holmes for consideration of a setback variance to Section 105-3-13 of the City Code of Ordinances related to the CC - Commercial District Front Yard.

BACKGROUND/ALTERNATIVES:

Richard Holmes (Daily Perks Coffee) requests approval of a variance to Section 105-3-13 (5) of the City Code of Ordinances related to CC - Commercial District Front Yard setbacks. The applicant seeks to construct a coffee shop on the property with a reduced setback of twenty-five feet where the zoning code would require thirty-five feet. Said property is a portion of Lot 1, Block 1, Ramblewood 11th addition in Section 36, Township 139, Range 81.

Project Overview

The applicant seeks to construct a coffee shop on the property. The site plan shows it to be a primarily drive-through and walk-up establishment with no indoor seating. The site would be accessed in two locations, from a shared driveway with the drive-through restaurant next door, and from its own driveway along Third Street SE.

Variance Request

The requested variance would reduce the front yard setback on the property from thirty-five feet to twenty-five feet in order for the coffee shop to be sited on the property. This represents at ~28% reduction in the front yard setback. The applicant states in their additional submittal that the property in question is not suitable for many types of development but adequate for their needs and that the twenty-five-foot setback will allow for an optimal site plan to be developed.

Property History

Ramblewood 11th was platted and developed in 2005. According to available records, it does not appear this property has previously been developed. Staff was unable to determine through reviewing records from the 2005 plat approval if this portion of lot 1, block 1 was contemplated for development. Compact-site coffee shops are an emerging trend in the region/metropolitan area.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties are zoned CC - Commercial and A - Agriculture and are developed with a mix of commercial uses. Dacotah Speedway and Dale Pahlke Arena are recreational uses immediately south of the proposed development. The future land use designation is commercial.

Additional Information and Public Outreach:

- Application and fee of \$700 was received on March 20.
- 10 letters were sent to adjacent property owners.
- Legal notice was published on April 12.
- No comments in support or opposition were received regarding this request

Findings of Fact Zoning Variance

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area or within the CC - Commercial District.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance **would deprive** the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Staff Comments

1. Staff will require right-in right-out turning movements for the site's driveway. Full turning movements will be possible at the shared access point.
2. A minor plat will need to follow (City Commission item) to split the lot.
3. City Ordinance requires sidewalks to be constructed on every lot in town. Past practice, although not endorsed by current staff, was to waive certain sidewalk

installations. This is an outdated practice, and a sidewalk must be installed on this property. Staff is willing to consider accepting a waiver of protest rights for a future sidewalk installation at some point when a project is completed in the area, such as the installation of a shared use trail along the Memorial Highway or a comprehensive project along third street. This could be captured in a development agreement or separate sidewalk install waiver.

ATTACHMENTS:

1. Application
2. Additional Submittal
3. Revised 4-4-2024 Daily Perks Preliminary Site Plan
4. Images
5. Location Map - Daily Perks

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

The Planning and Zoning Commission considered this request at its April 22nd meeting and recommends approval of the setback variance based on the applicants statement of hardship and the findings of fact contained in this agenda document, contingent upon a minor plat.

SUGGESTED MOTION:

I move to approve the variance request contingent upon a minor plat.

CITY OF MANDAN	
Development Review Application	
☒ Minor Plat (\$300)	Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)	Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	Variance (\$400)
Final Plat more than 40 lots (\$750)	Special Use Permit (\$450)
Annexation (\$450)	Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater 2 nd & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary) Split Lots Set-back Variance	

Engineer/Surveyor			Property Owner or Applicant		
Name Toman Engineering Co			Name Richard Holmes		
Address 501 1st St NW			Address 1015 West Broadway		
City Mandan	State ND	Zip 58554	City Dickinson	State ND	Zip 58601
email andram@tomanengineering.com			email holmesandsons@gmail.com		
Phone 701-663-6483		Fax 701-663-0923	Phone 701-590-5133		Fax dailyperksnd@gmail
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
☒ City	☐ ETA	☐ New	☒ Addition	CC	CC	Daily Perks Mandan Ramblewood 11th Add Replat
Property Address 2701 Memorial Highway SE				Legal Description Lot 1, Block 1, Ramblewood 11th		
Current Use None				Addition		
Proposed Use Coffee stand				Section 36 Township 139 N Range 81 W		
Parcel Size 16.520sf	Building Footprint 13X35	Stories 1	Building SF 455	Required Parking N/A	Provided Parking ~ 3	

Print Name Richard Holmes	Signature 	Date 3/20/2024
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Office Use Only			
Date Received: 3-20-24	Initials: AS	Fees Paid: \$ 7000	Date 3-20-24
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

1. The circumstances or conditions applying to the land or buildings for which the variance is sought?

The current front yard setback of 35ft on the property under consideration pose significant challenges for business development. Even after scaling down our usual building plans, we find it impossible to adequately manage the traffic flow within the confines of the 35-foot setbacks. In order to maximize the land's potential, we respectfully request a variance a reduction of 10 ft to 25ft.

2. How the applicant is deprived of a reasonable use of said land or building

This parcel of land, ideal for our business due to its small footprint presents a challenge with setbacks of 35 feet on the northwest side and 10 feet on the southwest side. These setbacks render it unfeasible to meet the requirements for optimal building use, including accommodating traffic flow, carloads, and ensuring ease of access, including parking.

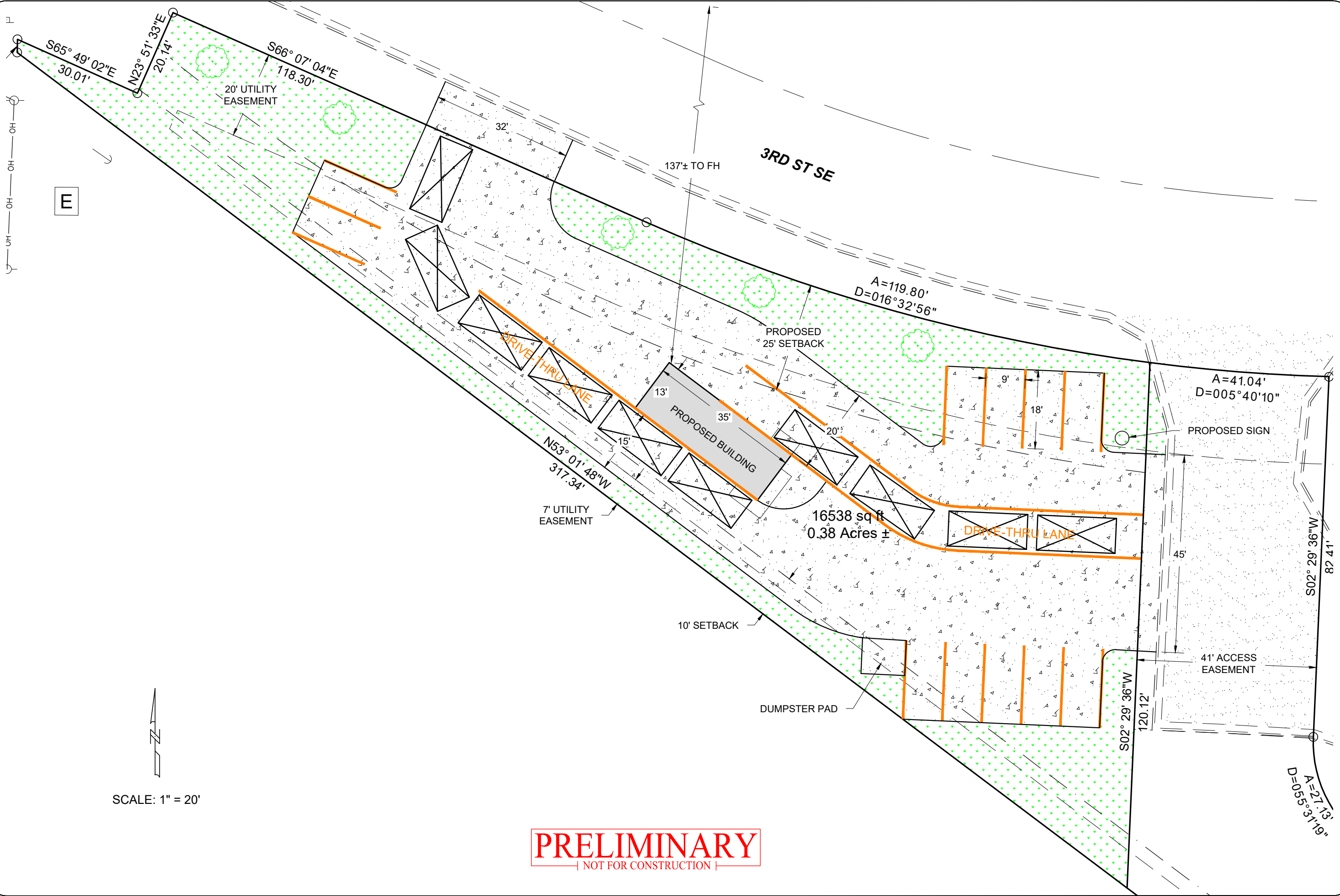
3. How the grant variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The unique angle at which 3rd Street intersects 24th Avenue alleviates any concerns regarding drivers' line of sight. Furthermore, on the western side, a building located across the street (northwest corner of 24th Ave) sits far enough north to ensure that our building placement does not obstruct their line of sight.

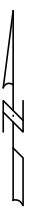
While this parcel of land may not be suitable for other businesses, it offers ample space for our operations. Our design as a drive-thru coffee stand, devoid of indoor seating, guarantees smooth traffic flow, a consistent car count, sufficient parking for staff, as well as designated areas for deliveries and garbage pickup.

4. The minimum variance that will accomplish the relief sought.

Granting this variance, reducing the front setback from 35ft to 25ft on the front yard side will facilitate the construction of Daily Perks drive-thru coffee on this property. This innovative adjustment showcases a creative and strategic approach, enabling the development of a concept that would otherwise be challenging to realize. As a business owner, collaborating with the city of Mandan on this application demonstrates an ability to unlock new possibilities, leading to impactful breakthroughs that may have seemed unattainable previously.



E



SCALE: 1" = 20'

PRELIMINARY
NOT FOR CONSTRUCTION

TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 • Fax: 701-663-0923
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THIS DOCUMENT MAY NOT BE USED OR REPRODUCED IN ANY FORM OR
BY ANY MEANS WITHOUT PERMISSION OF TOMAN ENGINEERING CO.



PROJECT:
DAILY PERKS EXPRESSO DRIVE THRU
PRELIMINARY SITE LAYOUT
PART OF LOT 1, BLK 1, RAMBLEWOOD 11TH

REVISIONS	
NO	DESCRIPTION

SHEET NUMBER
1
OF 1 SHEETS



View of subject property from the north.



View of subject property from east.



Street view of subject property from east.



Street view of subject property from east.



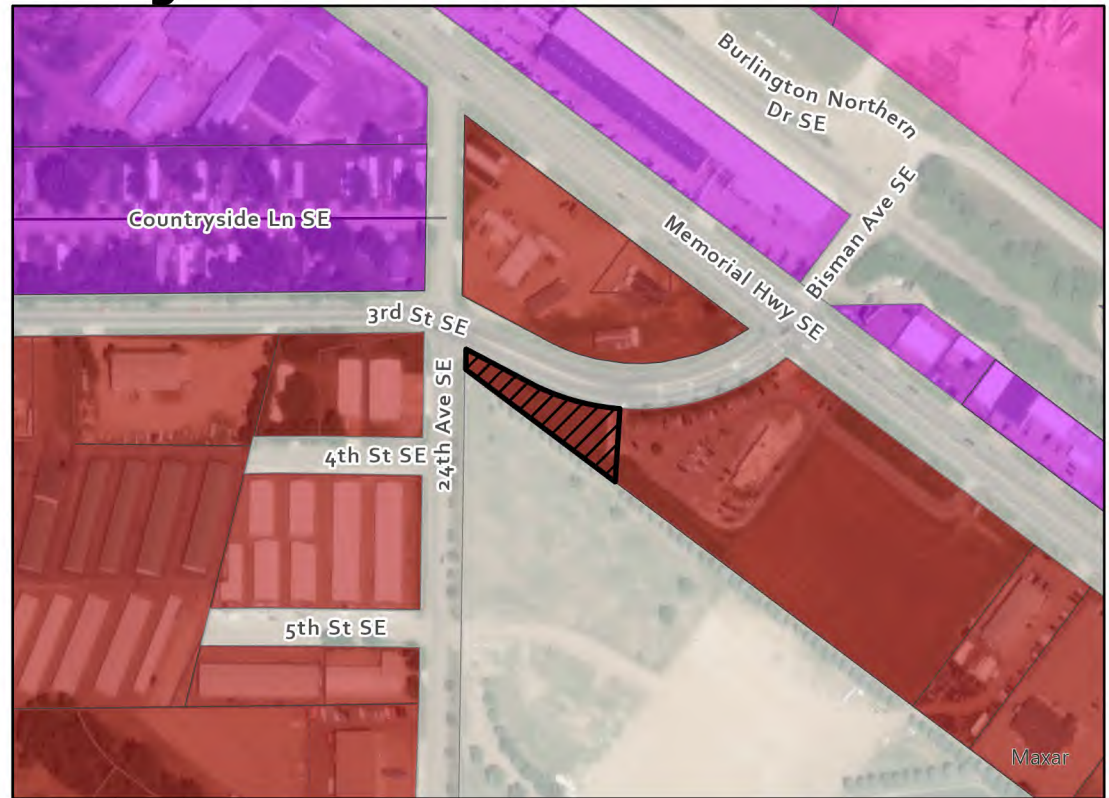
Zoning and Future Land Use Reference Map

Daily Perks

Zoning

Zoning Map Key

- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
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- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
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- R3.2 - Residential Single & Two Family
- R7 - Residential Single Family
- RH - Residential Mobile Home Park
- RM - Residential Multi-family Dwellings
- RMH - Residential Mobile Home Subdivision
- Residential - County Residential Zoning
- ROW - Right-of-Way
- April '24 Planning Items



Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
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- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- April '24 Planning Items

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First Consideration of Ordinance 1445, a zone change from MHS - Trailer Park to RH - Residential Mobile Home Park for Meadow Park. Said property is Auditor's Lot A of SE 1/4 NE 1/4 & Auditor's Lot B of NE 1/4 & Lot 4 of Auditor's Lot C of NE 1/4 & Auditor's Lot D of SW 1/4 NE 1/4 & Auditor's Lot G of NW 1/4 NE 1/4 & Auditor's Lot H of NW 1/4 NE 1/4 & NW 1/4 NE 1/4 (less.3.21a) 25.24 Acres in Section 34, Township 139N, Range 81W. The property is located at 117 Antelope Street (Meadow Park).

STATEMENT/PURPOSE:

Community Management Group, LLC, is requesting a zone change from MHS - Mobile Home Subdivision to RH - Residential in order to bring the parks zoning into conformity.

BACKGROUND/ALTERNATIVES:

Community Management Group, LLC (CMG) seeks approval of a zone change from MHS - Mobile Home Subdivision to RH - Residential. The current zoning of the park is nonconforming and per Section 105-1-1 of the City Code of Ordinances, certain improvements are not permitted when zoning nonconformities are present.

Project Overview

The property is currently zoned to a district that has been removed from the city's ordinances without being reassigned to an existing district within the code. In the fall of 2023, the applicant, CMG reached out to Mandan city staff regarding the zoning of Meadow Park prior to them becoming the owner. Per the regulations outlined in Section 105-1-1 of the City Code of Ordinances, which addresses existing uses and nonconformities, certain enhancements are restricted for properties with zoning nonconformities, including specifically the moving of buildings, including mobile and manufactured homes.

Requested Zone Change

The zone change request from MHS - Mobile Home Subdivision to RH - Residential would drastically reduce the number of zoning nonconformities present, and provide an ordinance-based framework to regulate improvements and assist in City processes such as code enforcement.

The RH - Residential standards include numerous provisions for the operation of a mobile home park, as well as mobile home site standards. In general, the mobile home site standards, which will most directly affect home placement and the use of lots, adhere well to the layout of Meadow Park.

Ordinances pertaining to the siting of mobile homes, accessory structures and other home-site related code provisions are provided below.

(9)Design requirements for mobile home site.

a. Minimum size. Each mobile home site shall have a minimum of 5,000 square feet of area with a minimum average width of 50 feet and minimum average depth of 100 feet. Mobile home sites located on a cul-de-sac may reduce frontage at the street line to 35 feet, but lot area must contain 5,000 square feet.

b. Land coverage. Total structural coverage of a mobile home site shall not exceed 50 percent of the site area. In computing the ground coverage, 400 square feet shall be added to the area of the mobile home site for the two required off-street parking spaces and all accessory buildings. All nonattached storage sheds must be located in the backyard and not within five feet of the side or rear site line.

c. Access. Each mobile home site shall abut on a street within the mobile home park, and access directly to the site shall only be from such an internal street.

d. Setback requirements. No part of the mobile home or other structure upon a mobile home site shall be closer than five feet to a mobile home site boundary line. Mobile homes shall be set back from each other and accessory buildings by at least 15 feet on adjacent lots. There shall be a minimum of ten feet between an individual mobile home and any abutting pavement of a park street.

Property History

Limited records are available surrounding the historic zoning of this property, when the district was repealed and for what reason it was not addressed in the past. The park was developed in the 1970s, with the third phase receiving City approval in 1977. It has been a mobile home park since. Morton County data indicates there are 282 dwelling units in the park.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties are zoned A - Agriculture, RM - Residential, CB - Commercial, MC - Industrial and R3.2 - Residential. Adjacent land uses include a mobile home park to the

north, commercial, residential and industrial to the east, the Heart River to the south and Memorial Ballpark to the west. The future land use designation for the property is medium-density residential.

Additional Information and Public Outreach:

- An application and fee of \$600 was received on March 22.
- 36 letters were sent to adjacent property owners.
- Legal notices were published on April 26 & May 3.

Findings of Fact Zone Change

1. The City of Mandan and/or other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this zone change, contingent on utilities;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed zoning change is consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
4. The proposed zoning change is compatible with adjacent zoning;
5. The proposed zoning change would not adversely affect public health, safety and general welfare.

Staff Comments

- The City and park management are working to enter into a water resale agreement.
- While there may still be nonconformities present following the rezone, the goal of this rezone is to, at a minimum, have the zoning allow the residential homes that are already in the park. The City maintains processes to consider unforeseen circumstances, and it is possible that ordinance requirements can be reviewed during the zoning study to address any potential for nonconformities post re-zone.
- Any and all zoning nonconformities created by this rezoning would be classified as legal nonconforming / grandfathered in. No changes are required to residences until a point at which the resident desires to change something about the property or a new tenant moves in. Building, Fire, and State Health code will apply to both existing and new structures in the park, as they do today.

ATTACHMENTS:

1. Application
2. Legal Descriptions - Meadow Park
3. Draft Ord. 1445
4. Images - Meadow Park
5. Location Map - Meadow Park

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

The Planning and Zoning Commission considered this request at its April 22nd meeting and recommends approval of the first consideration of Ordinance 1445.

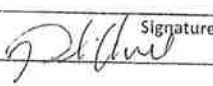
SUGGESTED MOTION:

I move to approve the first consideration of Ordinance 1445.

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	☒ Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)	Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	Variance (\$400)
Final Plat more than 40 lots (\$750)	Special Use Permit (\$450)
Annexation (\$450)	Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater 2 nd & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)	

Engineer/Surveyor			Property Owner or Applicant		
Name			Name		
Address			Community Management Group, LLC		
City			Address		
State			17837 1st Ave S PMB363		
Zip			City		
			State		
			Zip		
email			Normandy Park WA 98148		
Phone			email		
Fax			patrick@cmgparks.com; nick@cmgparks.com		
			Phone		
			Fax		
			(206) 992-6901		
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	New	Addition	MHS	RH	Meadow Park MHC
Property Address				Legal Description		
117 Antelope St. W, Mandan, ND				See Attached		
Current Use						
Mobile Home Community						
Proposed Use						
Mobile Home Community				Section	Township	Range
Parcel Size	Building Footprint	Stories	Building SF	34	139	81
				Required Parking		Provided Parking

Print Name	Signature	Date
Patrick McDonald		3-22-2024

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

Updated 1/1/2024

N:\PLANNING & ZONING\0. Administration\Application Documents\Development Application - January 1, 2024.docx



Shopping Cart: 0 Items [\$0.00] 🛒

[New Search](#)

[History](#)

[Payoff](#)

[Pay Taxes](#)

[Help](#)

Parcel#: 65-6137630

Status: Delinquent

Receipt: 34489

2023 Owner(s):
JEN-WRIGHT LLC

Mailing Address:

803 SOUTH FRONTIER TRL
MANDAN, ND 58554

2023 Values:

Market: \$1,300
Taxable: \$65
Disabled Vet Credit: \$0
Homestead Credit: \$0
Net Taxable: \$65

[Detail](#)

2023 Taxes:

[View Pie Charts](#)

First Half: \$9.14 **Due:** 3/1/2024
Second Half: \$9.13 **Due:** 10/15/2024
Total: \$18.27

[Show Current Tax Bill](#)

[Detail](#)

2023 Payments:

First Half: \$0.00
Second Half: \$0.00
Discount: \$0.00
Total: \$0.00
(May include penalty & interest)

2023 Legal Records:

Geo Code: Instru#: 485036 **Doc Type:** PLAT **Date:** 2018-08-22

Property address: 67 18TH AVE SE, MANDAN ND 58554

Subdivision: (984) MEADOWLANDS SECOND ADDITION **Lot:** 7 **Block:** 1

Note: Morton County makes the Web information available on an "as is" basis. All warranties and representations of any kind with regard to said information is disclaimed, including the implied warranties of merchantability and fitness for a particular use. Morton County does not warrant the information against deficiencies of any kind. Under no circumstances will Morton County, or any of its officers or employees be liable for any consequential, incidental, special or exemplary damages even if appraised of the likelihood of such damages occurring.

Web data was last updated 03/20/2024 09:00 AM.

Send Payments To:

Morton County Treasurer
210 2nd Ave NW
Mandan, ND 58554



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Parcel#: 65-6137600

Status: Delinquent

Receipt: 34488

2023 Owner(s):
JEN-WRIGHT LLC

Mailing Address:
803 SOUTH FRONTIER TRL
MANDAN, ND 58554

2023 Values:

Market: \$100
Taxable: \$5

Disabled Vet Credit: \$0
Homestead Credit: \$0
Net Taxable: \$5

☐ [Detail](#)

2023 Taxes:

First Half: \$0.71 **Due:** 3/1/2024
Second Half: \$0.70 **Due:** 10/15/2024
Total: \$1.41

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☐ [Detail](#)

[View Pie Charts](#)

2023 Payments:

First Half: \$0.00
Second Half: \$0.00
Discount: \$0.00
Total: \$0.00
(May include penalty & interest)

2023 Legal Records:

Geo Code: Instru#: 485036 **Doc Type:** PLAT **Date:** 2018-08-22

Property address: 1611 18TH AVE SE, MANDAN ND 58554
Subdivision: (984) MEADOWLANDS SECOND ADDITION **Lot:** 5 **Block:** 1

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Web data was last updated 03/20/2024 09:00 AM.

Send Payments To:

Morton County Treasurer
210 2nd Ave NW
Mandan, ND 58554



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Parcel#: 65-6137590

Status: Delinquent

Receipt: 34487

2023 Owner(s):
JEN-WRIGHT LLC

Mailing Address:

803 SOUTH FRONTIER TRL
MANDAN, ND 58554

2023 Value:

Market: \$100
Taxable: \$5

Disabled Vet Credit: \$0
Homestead Credit: \$0
Net Taxable: \$5

[Detail](#)

2023 Taxes:

[View Pie Charts](#)

First Half: \$0.71 **Due:** 3/1/2024
Second Half: \$0.70 **Due:** 10/15/2024
Total: \$1.41

[Show Current Tax Bill](#)

[Detail](#)

2023 Payments:

First Half: \$0.00
Second Half: \$0.00
Discount: \$0.00
Total: \$0.00
(May include penalty & interest)

2023 Legal Records:

Geo Code: Instru#: 485036 **Doc Type:** PLAT **Date:** 2018-08-22

Property address: 1603 18TH AVE SE, MANDAN ND 58554

Subdivision: (984) MEADOWLANDS SECOND ADDITION **Lot:** 4 **Block:** 1

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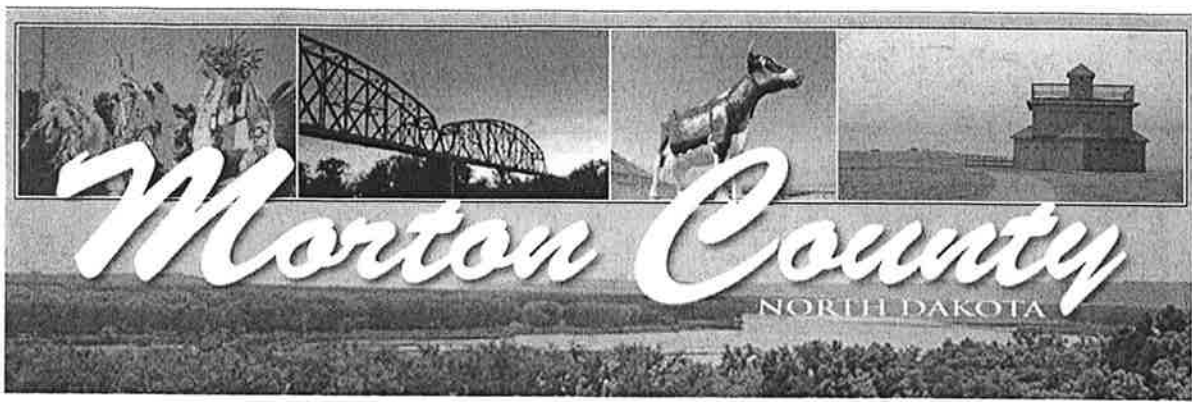
Web data was last updated 03/20/2024 09:00 AM.

Send Payments To:

Morton County Treasurer
210 2nd Ave NW
Mandan, ND 58554



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Shopping Cart: 0 Items [\$0.00]

[New Search](#)
[History](#)
[Payoff](#)
[Pay Taxes](#)
[Help](#)

Parcel#: 65-5800000

Status: Delinquent

Receipt: 34486

2023 Owner(s):
JEN-WRIGHT LLC

Mailing Address:

803 SOUTH FRONTIER TRL
MANDAN, ND 58554

2023 Values:

Market: \$3,645,900
Taxable: \$182,295
Disabled Vet Credit: \$0
Homestead Credit: \$0
Net Taxable: \$182,295

[Detail](#)

2023 Taxes:

First Half: \$26,139.12 **Due:** 3/1/2024
Second Half: \$25,614.27 **Due:** 10/15/2024
Total: \$51,753.39

[Show Current Tax Bill](#)

[Detail](#)

[View Pie Charts](#)

2023 Payments:

First Half: \$0.00
Second Half: \$0.00
Discount: \$0.00
Total: \$0.00
 (May include penalty & interest)

2023 Legal Records:

Geo Code:

Subdivision: (224) MANDAN LANDS
TRS: T139, R81, Sec. 34
Legal: AUD LOT A OF SE 1/4 NE 1/4 1.32AC (2941)
 & AUD LOT B OF NE 1/4 3.05AC (2930) &
 LOT 4 OF AUD LOT C OF NE 1/4 7.60AC (2934) & AUD LOT D OF SW 1/4 NE 1/4 N OF
 RIVER 11.35AC & AUD LOT G OF NW 1/4 NE
 1/4 4.56A & AUD LOT H OF NW 1/4 NE 1/4
 5.78AC & NW 1/4 NE 1/4 (LESS 3.21A)
 25.24 ACRES 58.90 ACRES

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Web data was last updated 03/20/2024 09:00 AM.

Send Payments To:

Morton County Treasurer
 210 2nd Ave NW
 Mandan, ND 58554



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ORDINANCE NO. 1445

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

WHEREAS, The Mandan Land Use and Transportation Plan designates the subject property as Medium Density Residential; and

WHEREAS, Adjacent properties to the north are zoned RM – Residential Multi-Family, to the west zoned AG – Agriculture, to the east zoned RM – Residential Multi-Family, CB – Commercial, and MC – Heavy Commercial/Light Industrial Restricted; and to the south AG - Agriculture. RH – Residential Mobile Home Park would be appropriate; and

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

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

(MEADOW PARK) AUDITOR'S LOT A OF SE 1/4 NE 1/4 & AUDITOR'S LOT B OF NE 1/4 & LOT 4 OF AUDITOR'S LOT C OF NE 1/4 & AUDITOR'S LOT D OF SW 1/4 NE 1/4 & AUDITOR'S LOT G OF NW 1/4 NE 1/4 & AUDITOR'S LOT H OF NW 1/4 NE 1/4 & NW 1/4 NE 1/4 (LESS.3.21A) 25.24 ACRES IN SECTION 34, TOWNSHIP 139N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 58.90 ACRES, MORE OR LESS.

- shall be removed from the MHS – Trailer Park District and shall be included in the RH – Residential Mobile Home Park.

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

Vice President, Joe Camisa
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

April 22, 2024
May 7, 2024
May 21, 2024



Aerial view of subject property.



View of subject property from 3rd Street SE.



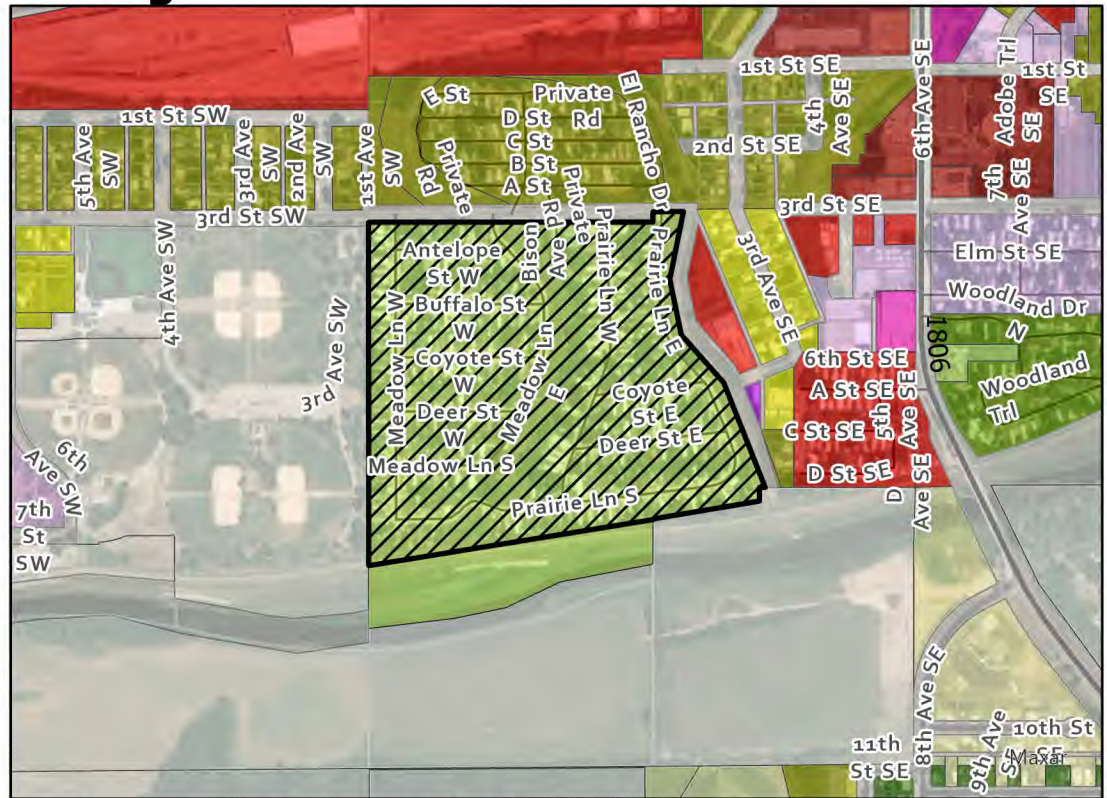
Zoning and Future Land Use Reference Map

Meadow Park

Zoning

Zoning Map Key

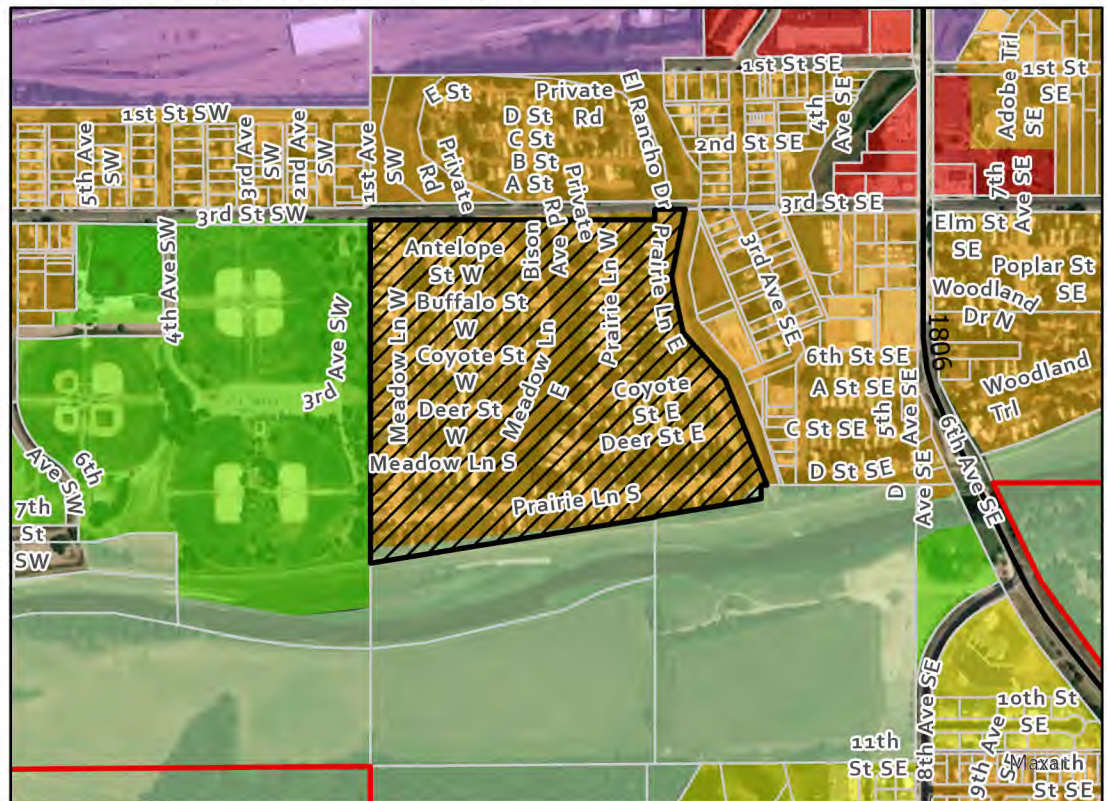
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
- PUD - Planned Unit Development
- R3.2 - Residential Single & Two Family
- R7 - Residential Single Family
- RH - Residential Mobile Home Park
- RM - Residential Multi-family Dwellings
- RMH - Residential Mobile Home Subdivision
- Residential - County Residential Zoning
- ROW - Right-of-Way
- April '24 Planning Items



Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- April '24 Planning Items

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First consideration of Ordinance 1446, a zone change from CB - Commercial to RH - Residential Mobile Home Park for Gateway Mobile Home Park. Said property is Auditor's Lot A of N1/2 SW1/4 (less .091 acres RD & less Hoovestols 2nd 3.75 acres & less part Meadowlands 2nd .48 acres) in Section 26, Township 139N, Range 81W. The property is located at 112 6th Avenue SE (Gateway Mobile Home Park).

STATEMENT/PURPOSE:

Community Management Group, LLC, is requesting a zone change from CB - Commercial to RH - Residential in order to bring the parks zoning into conformity.

BACKGROUND/ALTERNATIVES:

Community Management Group, LLC (CMG) seeks approval of a zone change from CB - Commercial to RH - Residential. The current zoning of the park is nonconforming and per Section 105-1-1 of the City Code of Ordinances, certain improvements are not permitted when zoning nonconformities are present.

Project Overview

In the fall of 2023, CMG reached out to Mandan city staff regarding the zoning of Gateway Park prior to them becoming the owner. Per the regulations outlined in Section 105-1-1 of the City Code of Ordinances, addressing existing uses and nonconformities, certain enhancements are restricted for properties with zoning nonconformities, including specifically the moving of buildings. The property is currently zoned to a district that has been removed from the city's ordinances without being reassigned to an existing district within the code. Correcting this issue would align the property's current use as a residential mobile home park with city regulations, thereby mitigating or eliminating the legal barriers that prevent new homes from being introduced into the park and providing a legal framework to regulate other proposals off of.

Requested Zone Change

The zone change request from CB - Commercial to RH - Residential would drastically reduce the number of zoning nonconformities present, and provide an ordinance-based framework to regulate improvements within the park. The RH - Residential standards include numerous provisions for the operation of a mobile home park, as well as mobile home site standards. In general, the mobile home site standards, which will most directly affect home placement and the use of lots, adhere well to the layout of Meadow Park. Ordinances pertaining to the siting mobile homes, accessory structures and other home-site related code provisions are provided below.

(9)Design requirements for mobile home site.

a. Minimum size. Each mobile home site shall have a minimum of 5,000 square feet of area with a minimum average width of 50 feet and minimum average depth of 100 feet. Mobile home sites located on a cul-de-sac may reduce frontage at the street line to 35 feet, but lot area must contain 5,000 square feet.

b. Land coverage. Total structural coverage of a mobile home site shall not exceed 50 percent of the site area. In computing the ground coverage, 400 square feet shall be added to the area of the mobile home site for the two required off-street parking spaces and all accessory buildings. All nonattached storage sheds must be located in the backyard and not within five feet of the side or rear site line.

c. Access. Each mobile home site shall abut on a street within the mobile home park, and access directly to the site shall only be from such an internal street.

d. Setback requirements. No part of the mobile home or other structure upon a mobile home site shall be closer than five feet to a mobile home site boundary line. Mobile homes shall be set back from each other and accessory buildings by at least 15 feet on adjacent lots. There shall be a minimum of ten feet between an individual mobile home and any abutting pavement of a park street.

Property History

City records, including a site plan of the park, lack date information. Staff believes the mobile home park was initially developed in the mid 1970s. It is shown to be fully built out in a 1981 aerial. It was common practice for Cities across the country to permit mobile home parks in industrial and commercial zoning. Mobile homes were repealed from the CB - Commercial district as a permitted use upon the enactment of deliberate zoning districts for mobile home parks, such as RH - Residential. Morton County data indicates there are 199 units in this park.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties are zoned DF - Downtown Fringe, CC - Commercial, RH - Residential, CB - Commercial, RM - Residential, and MB - Industrial. Land uses include commercial, vacant, institutional, residential (single family, multifamily and mobile home

parks) and features such as the redundant Heart River Levee and former Heart River Oxbows. The park is accessed via 6th Avenue SE.

Additional Information and Public Outreach:

- Application and fee of \$600 was received on March 22.
- 36 letters were sent to adjacent property owners.
- Legal notices was published on April 26 & May 3

Findings of Fact Zone Change

1. The City of Mandan and/or other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this zone change, contingent on utilities;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed zoning change is consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
4. The proposed zoning change is compatible with adjacent zoning;
5. The proposed zoning change would not adversely affect public health, safety and general welfare.

Staff Comments

- Staff is collaborating to ensure ordinance requirements such as a water resale agreement are in place, as required by City Code of Ordinances.
- While there may still be nonconformities present following the rezone, the goal of this rezone is to, at a minimum, have the zoning allow the residential homes that are already in the park. The City maintains processes to consider unforeseen circumstances and it is possible that ordinance requirements can be reviewed during the zoning study to address any potential for nonconformities post re-zone.
- Any and all zoning nonconformities created by this rezoning would be classified as legal nonconforming / grandfathered in. No changes are required to residences until a point at which the resident desires to change something about the property or a new tenant moves in. Building, Fire, and State Health code will apply to both existing and new structures in the park, as they do today.

ATTACHMENTS:

1. Application
2. Legal Descsription
3. Draft Ord. 1446
4. Images - Gateway
5. Location Map - Gateway

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

The Planning and Zoning Commission considered this request at its April 22nd meeting and recommends approval of the first consideration of Ordinance 1446.

SUGGESTED MOTION:

I move to approve the first consideration of Ordinance 1446.

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	☒ Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)	☐ Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)	☐ Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)	☐ Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	☐ Variance (\$400)
Final Plat more than 40 lots (\$750)	☐ Special Use Permit (\$450)
Annexation (\$450)	☐ Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	☐ Stormwater 2 nd & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	☐ Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)	

Engineer/Surveyor			Property Owner or Applicant		
Name			Name		
Address			Community Management Group, LLC		
City	State	Zip	City	State	Zip
			Normandy Park	WA	98148
email			email		
patrick@cmgparks.com; nick@cmgparks.com					
Phone		Fax	Phone		Fax
			(206) 992-6901		
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	New	Addition	CB	RH	Gateway MHC
Property Address				Legal Description		
112 6th Ave SE, Mandan, ND				See Attached		
Current Use						
Mobile Home Community						
Proposed Use						
Mobile Home Community				Section	Township	Range
				26	139	81
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking

Print Name	Signature	Date
Patrick W. [Signature]	[Signature]	3-22-2024

Office Use Only			
Date Received:	Initials: nm	Fees Paid: \$ 600	Date 3-22-2024
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

Updated 1/1/2024

N:\PLANNING & ZONING\0. Administration\Application Documents\Development Application - January 1, 2024.docx



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Parcel#: 65-5742000

Status: Delinquent

Receipt: 34485

2023 Owner(s):
JEN-WRIGHT LLC

Mailing Address:

803 SOUTH FRONTIER TRL
MANDAN, ND 58554

2023 Value:

Market: \$3,411,000
Taxable: \$170,550
Disabled Vet Credit: \$0
Homestead Credit: \$0
Net Taxable: \$170,550

[Detail](#)

2023 Taxes:

[View Pie Charts](#)

First Half: \$23,963.98 **Due:** 3/1/2024
Second Half: \$23,963.98 **Due:** 10/15/2024
Total: \$47,927.96

[Show Current Tax Bill](#)

[Detail](#)

2023 Payments:

First Half: \$0.00
Second Half: \$0.00
Discount: \$0.00
Total: \$0.00
 (May include penalty & interest)

2023 Legal Records:

Geo Code: Instru#: 485036 **Doc Type:** PLAT **Date:** 2018-08-22

Property address: 112 6TH AVE SE, MANDAN ND 58554

Subdivision: (224) MANDAN LANDS

TRS: T139, R81, Sec. 26

Legal: AUD LOT A OF N 1/2 SW 1/4 (LESS .091A

RD & LESS HOOVESTOLS 2ND 3.75AC & LESS

PT MEADOWLANDS 2ND .48AC)

30.67 ACRE

(2885)

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Web data was last updated 03/20/2024 09:00 AM.

Send Payments To:

Morton County Treasurer
 210 2nd Ave NW
 Mandan, ND 58554



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ORDINANCE NO. 1446

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

WHEREAS, The Mandan Land Use and Transportation Plan designates the subject property as Industrial; and

WHEREAS, Adjacent properties to the north is Right-of-Way, to the west zoned CB – Commercial & MB – Heavy Commercial/Heavy Industrial; to the east zoned RH – Residential Mobile Home Park & CC – Commercial/Light Industrial Transition; and to the south CB – Commercial, RM – Residential Multi-Family, RH – Residential Mobile Home Park & MB – Heavy Commercial/Heavy Industrial. RH – Residential Mobile Home Park zoning would be appropriate; and

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

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

(GATEWAY MOBILE HOME PARK) AUDITOR'S LOT A OF N1/2 SW1/4 (LESS .091 ACRES RD & LESS HOOVESTOLS 2ND 3.75 ACRES & LESS PART MEADOWLANDS 2ND .48 ACRES) OF SECTION 26, TOWNSHIP 139N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 30.67 ACRES, MORE OR LESS.

- shall be removed from the CB – Commercial District and shall be included in the RH – Residential Mobile Home Park District.

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

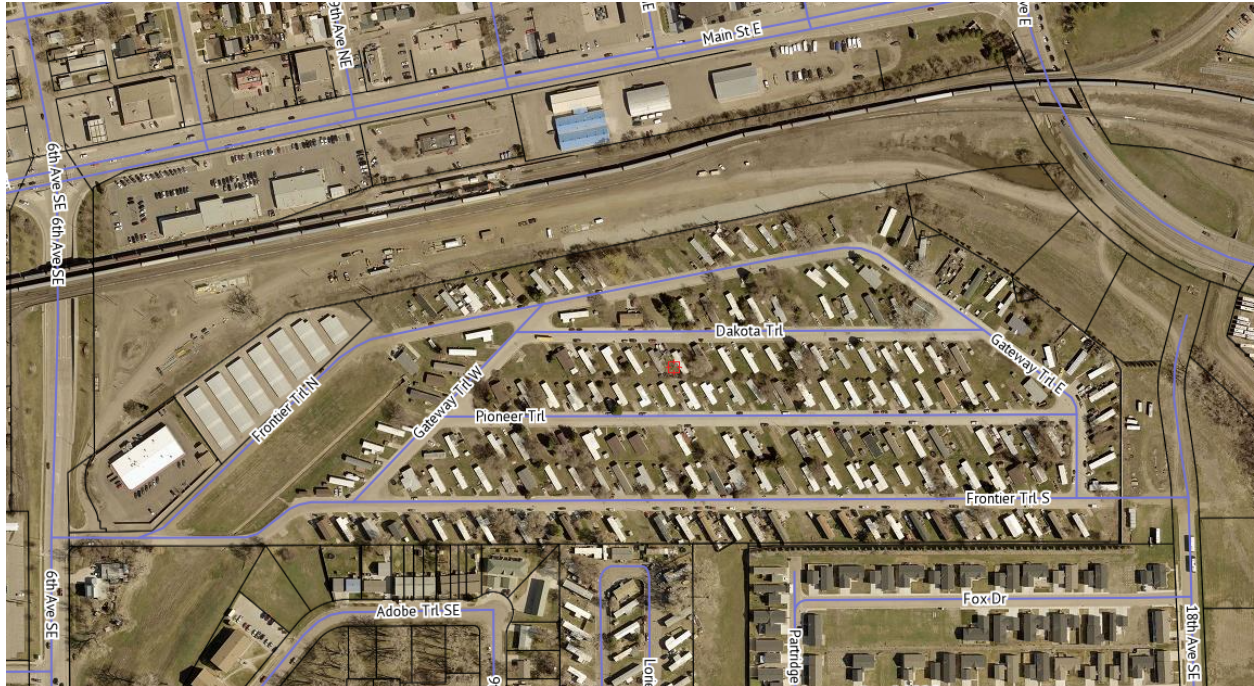
Joe Camisa, Vice President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

April 22, 2024
May 7, 2024
May 21, 2024



Aerial view of subject property.



View of subject property from west.



Zoning and Future Land Use Reference Map

Meadow Park

Zoning

Zoning Map Key

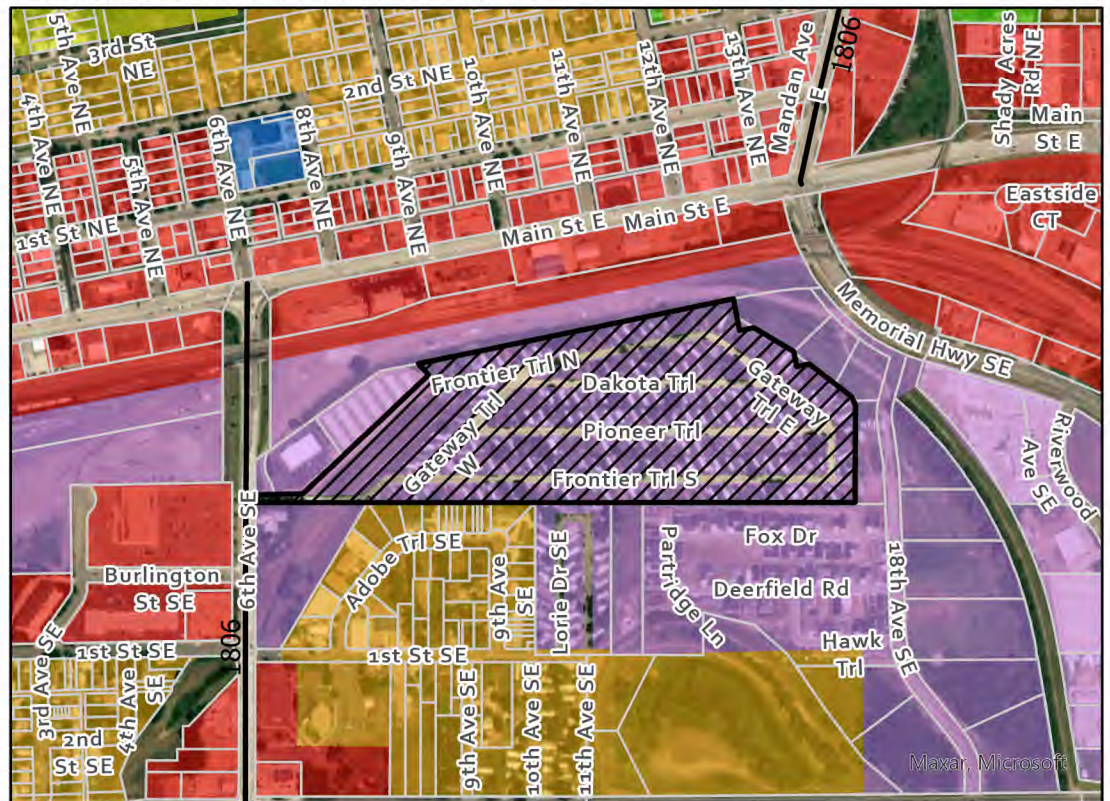
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
- PUD - Planned Unit Development
- R3.2 - Residential Single & Two Family
- R7 - Residential Single Family
- RH - Residential Mobile Home Park
- RM - Residential Multi-family Dwellings
- RMH - Residential Mobile Home Subdivision
- Residential - County Residential Zoning
- ROW - Right-of-Way
- April '24 Planning Items



Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- April '24 Planning Items

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consideration of an Appeal of a variance to build a garage without a house for Riverside 2nd Addition.

STATEMENT/PURPOSE:

Brenda Wiese seeks approval to construct a garage on a lot that does not have a home. The City Ordinance does not permit the construction of garages or the principal use being storage in R3.2 - Residential zoning without them being an accessory to a home.

BACKGROUND/ALTERNATIVES:

Brenda Wiese requests consideration for a variance to Sec. 105-3-7 (b) and 105-1-3 (4) of the City Code of Ordinances related to R3.2 - Residential permitted uses and Accessory Structures - timing. Said property is Section 28, Township 139, Range 81.

Project Overview

The Wiese's seek to construct a garage/shop on a lot for the storage of personal property in a zoning district where a home needs to be constructed prior to a garage and where storage is not a permitted principal use. The proposal would be for a residential dwelling to be constructed on the south lot, which would have its own accessory space, and construct an additional accessory building (which would serve as a principal use, requiring a variance) on the lot to the north. The applicant states that the buildings would be used in conjunction.

Property History

Riverside Addition was platted in 1882. The properties were previously developed with residential structures. All homes were demolished by 2010 and the property has generally been vacant since.

Variance Request

The City Code of Ordinances does not permit storage as a principal use on an R3.2 residential lot and requires a dwelling unit to exist on a property prior to any accessory

structures being placed on a property, as the primary use for R3.2 lots is housing. The applicant states that they have property that cannot be stored outside.

Planning and Zoning Commission Public Hearing

This matter was discussed during the April 22nd meeting, and the Commission did not find any hardship or justification supporting the request. The board expressed a preference to explore alternative proposals, such as vacating an alley right-of-way and combining lots, to prevent establishing a precedent for permitting such a structure on a residential lot. An update on this potential solution is provided in staff comments below.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties are zoned CB - Commercial and R3.2 - Residential and are developed with single family homes and heavy commercial uses. This property's future land use distinction is residential.

Additional Information and Public Outreach:

- An application and fee of \$700 was received on March 22.
- 13 letters were sent to adjacent property owners.
- The legal notice was published on April 12.

Findings of Fact Zoning Variance

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area or within the R3.2 - Residential District.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Staff Comments

- In 2023, a request for a similar variation to establish storage on residential lots was denied. Concerns raised at the Commission meeting included the potential precedence the use may set in residential areas.

Subject: Consider an Appeal of denial of a variance to build a garage without a house for Riverside 2nd Addition

Page 3 of 4

- There is a possibility for the properties to be merged into one, as the alley has been deemed non-essential for City operations. This merger wouldn't necessitate a variance, and the owner would be entitled to construct an accessory building on the lot associated with the home.
- Staff expressed concern that developing a lot without a dwelling could inadvertently encourage commercial activity on the property. Staff is unaware, without the lots being combined, of a way to require the lots to remain owned in conjunction.
- Following the Planning and Zoning Commission meeting, during which the potential alley vacation and lot consolidation were deliberated, the applicants provided clarification. While they initially suggested the properties would be collectively owned and maintained, they clarified that the intent is for them to have separate owners within the same family. This condition would preclude the possibility of lot combination.

ATTACHMENTS:

1. Application
2. Additional Submittal
3. Riverside 2nd Addition
4. Riverside 2nd Addition with features
5. Images
6. Location Map - Riverside 2nd

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

The request for an accessory building size variance was reviewed by the Planning & Zoning Commission during its meeting on April 22nd. They unanimously recommended denial, citing the absence of any identified hardship. Staff recommends taking into account both the Commission's recommendation and the applicant's appeal in making a decision on this matter.

SUGGESTED MOTION:

Two motions are drafted for the Commission regarding this appeal request.

1. I move to approve the variance request.
2. I move to accept the Planning and Zoning Commission's recommendation and deny the variance request.

CITY OF MANDAN		
Development Review Application		
X	Minor Plat (\$300)	Zone Change (\$600)
	Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
	Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
	Final Plat up to 20 lots (\$450)	Vacation (\$500)
	Final Plat 21 to 40 lots (\$600)	X
	Final Plat more than 40 lots (\$750)	Variance (\$400)
	Annexation (\$450)	Special Use Permit (\$450)
	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater submittal (\$300)
	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	Stormwater 2 nd & subsequent resubmittal (\$50)
		Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)		
Minor Plat to vacate lot lines and combine into 2 two lots, request variance for accessory structure.		

Engineer/Surveyor			Property Owner or Applicant		
Name ILSE Inc. / Mark R. Isaacs, PLS			Name Brenda Wiese		
Address 4215 Old Red Trail NW			Address 1200 3rd Street		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email mark@ilsurveynd.com			email hddop@msn.com		
Phone 701-595-2079		Fax	Phone 701-220-0509		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location			Type			Existing Zone	Proposed Zone	Project Name		
City	X	ETA	New	X	Addition	R-3.2	R-3.2	Riverside 2nd Addition		
Property Address						Legal Description				
1209 1st Street SW, Mandan, ND 58554						Lots 3-10 & West 4.5' of Lot 2, Block 1				
Current Use						Riverside Addition				
Vacant Lots										
Proposed Use										
Residential Housing						Section 28	Township 139	Range 81		
Parcel Size	Building Footprint		Stories	Building SF		Required Parking		Provided Parking		
0.71 Ac.										

Print Name Brenda Wiese	Signature 	Date 03-22-2024
----------------------------	--	--------------------

Office Use Only			
Date Received:	Initials: ym	Fees Paid: \$ 700	Date 3/22/2024
Notice in paper		Mailed to neighbors	P&Z meeting
Approved	Approved with conditions:		
Denied			

Additional Submittals

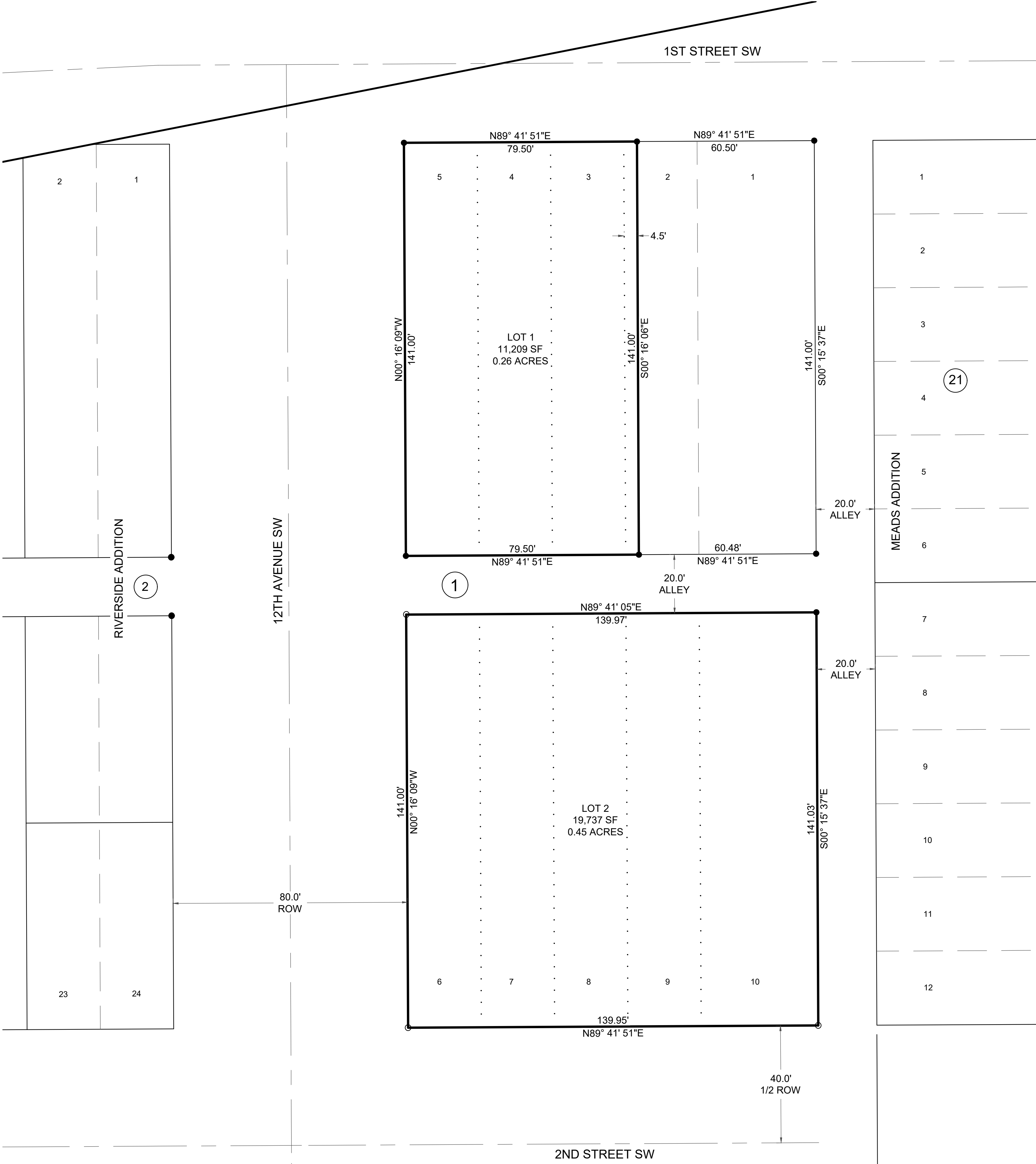
Variance

A zoning variance application shall include a detailed statement with the following information:

1. The circumstances or conditions applying to the land or buildings for which the variance is sought
lot 1 would like garage structure with no house
2. How the applicant is deprived of a reasonable use of said land or building;
Cannot park classic cars just in lot, would need to be inside structure to keep cars, and keep area neat,
3. How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
There are already garage only lots currently in the neighborhood.
4. The minimum variance that will accomplish the relief sought.
No paving Required, just garage

The zoning map may be used to view the subject property and surrounding property's zoning and view property lines overlaid on an aerial. The zoning map may be found on the City's website at CityofMandan.com and selecting Departments → Engineering and Planning → Maps → Zoning Map or by clicking [here](#) if viewing this document digitally.

RIVERSIDE 2ND ADDITION
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
ALL OF LOTS 3-10 AND THE WEST 4 1/2 FEET OF LOT 2, BLOCK 1 RIVERSIDE ADDITION
IN THE SE 1/4 OF SECTION 28, T139N, R81W



PROPERTY DESCRIPTION

LOTS 3, 4, 5, 6, 7, 8, 9, 10 AND THE WEST 4.5 FEET OF LOT 2, ALL IN BLOCK 1 IN RIVERSIDE ADDITION TO THE CITY OF MANDAN, NORTH DAKOTA AND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, CONTAINING 0.71 ACRES (30,946 SQUARE FEET), MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS OF FEET THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK R. ISAACS, RLS 9628

OWNER'S CERTIFICATE OF DEDICATION

I, THE UNDERSIGNED, BEING SOLE OWNER 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 OR SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATION AS "UTILITY EASEMENT".

BRENDA R. WIESE

SUBSCRIBED AND SWORN BEFORE ME, AND NOTARY PUBLIC, THIS DAY OF , 20.

NOTARY PUBLIC,

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE DAY OF , 20.

JIM NEUBAUER - CITY ADMINISTRATOR

TIM HELBLING - PRESIDENT OF THE BOARD OF CITY COMMISSIONERS

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA. HEREBY APPROVES "HELBLINGS 4TH ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE

OWNERS:
BRENDA R. WIESE
1200 3RD ST SW
MANDAN, ND 58554

SITE ADDRESS:
1209 1ST ST SW
MANDAN, ND 58554

- NOTES:
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
 - SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.

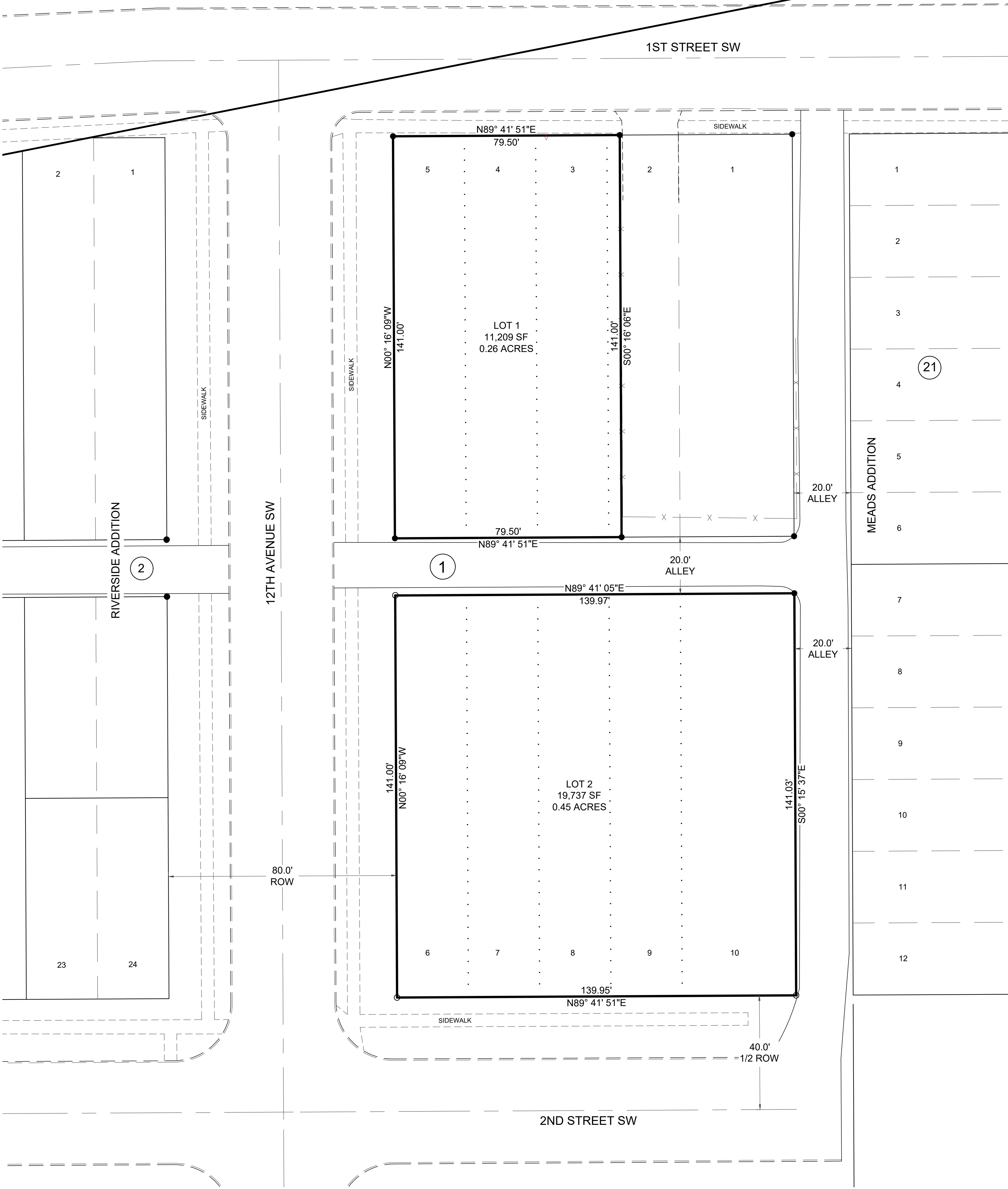
RIVERSIDE 2ND ADDITION
ALL OF LOTS 3-10
AND THE WEST 4.5' OF LOT 2
BLOCK 1, RIVERSIDE ADDITION
IN SE 1/4, SEC. 28-139-81
MANDAN, NORTH DAKOTA

SHEET: 1 OF 1 JOB NUMBER: 24023
SCALE: 1"= 20' DWG REVISION DATES
DRAWN BY: MRI
DWG DATE: 3/20/24
DWG NAME: 24023 Survey.dwg

Independent
Land
Surveying &
Engineering

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@isurveynd.com

RIVERSIDE 2ND ADDITION
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
ALL OF LOTS 3-10 AND THE WEST 4 1/2 FEET OF LOT 2, BLOCK 1 RIVERSIDE ADDITION
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BRENDA R. WIESE

SUBSCRIBED AND SWORN BEFORE ME, AND NOTARY PUBLIC, THIS ____ DAY OF _____, 20__.

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JIM NEUBAUER - CITY ADMINISTRATOR

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ALL OF LOTS 3-10
AND THE WEST 4.5' OF LOT 2
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MANDAN, NORTH DAKOTA

SHEET: 1 OF 1
SCALE: 1"= 20'
DRAWN BY: MRI
DWG DATE: 3/20/24
DWG NAME: 24023 Survey.dwg

JOB NUMBER: 24023

DWG REVISION DATES

DATE DESCRIPTION

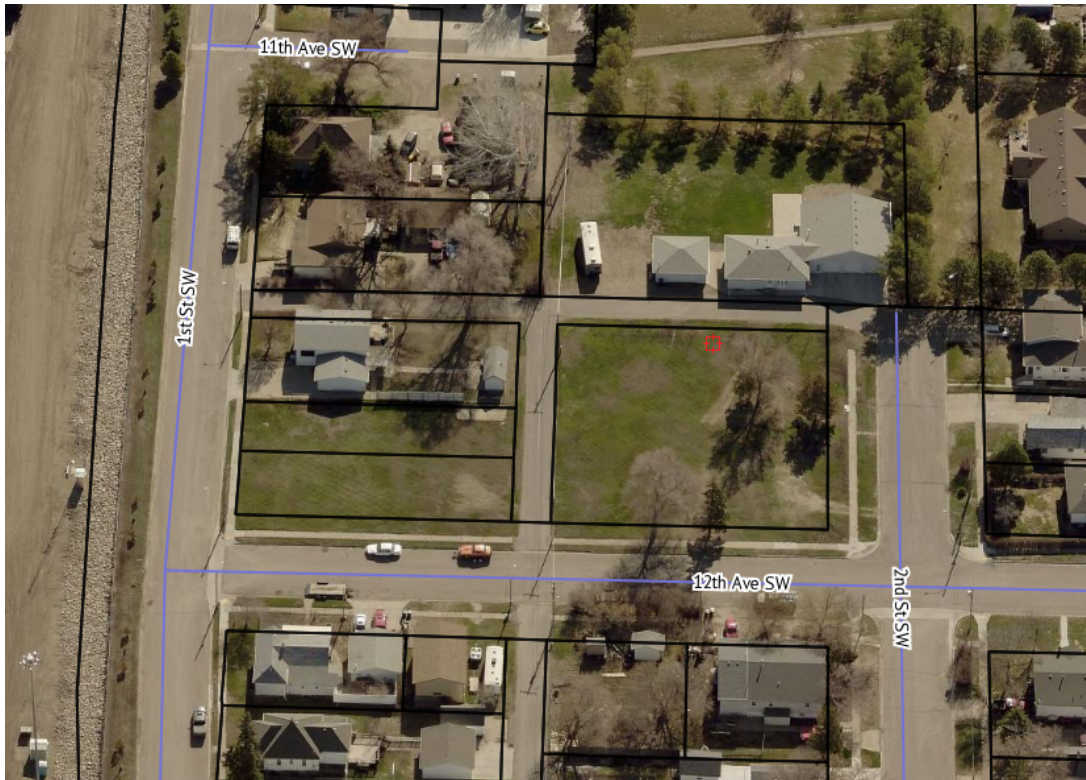
DATE DESCRIPTION

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Land
Surveying &
Engineering

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com



View of subject property looking towards the east.



View of subject property looking west.



View looking NE towards property.



View looking SE towards property.



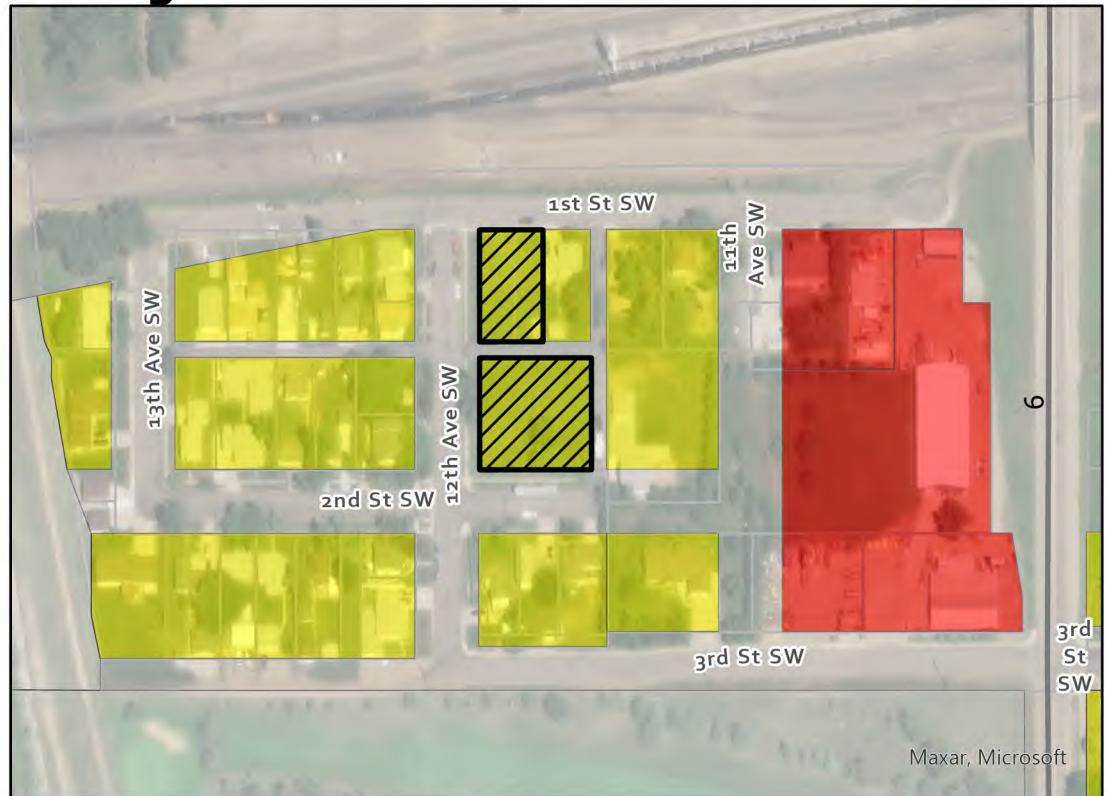
Zoning and Future Land Use Reference Map

Riverside 2nd Addition

Zoning

Zoning Map Key

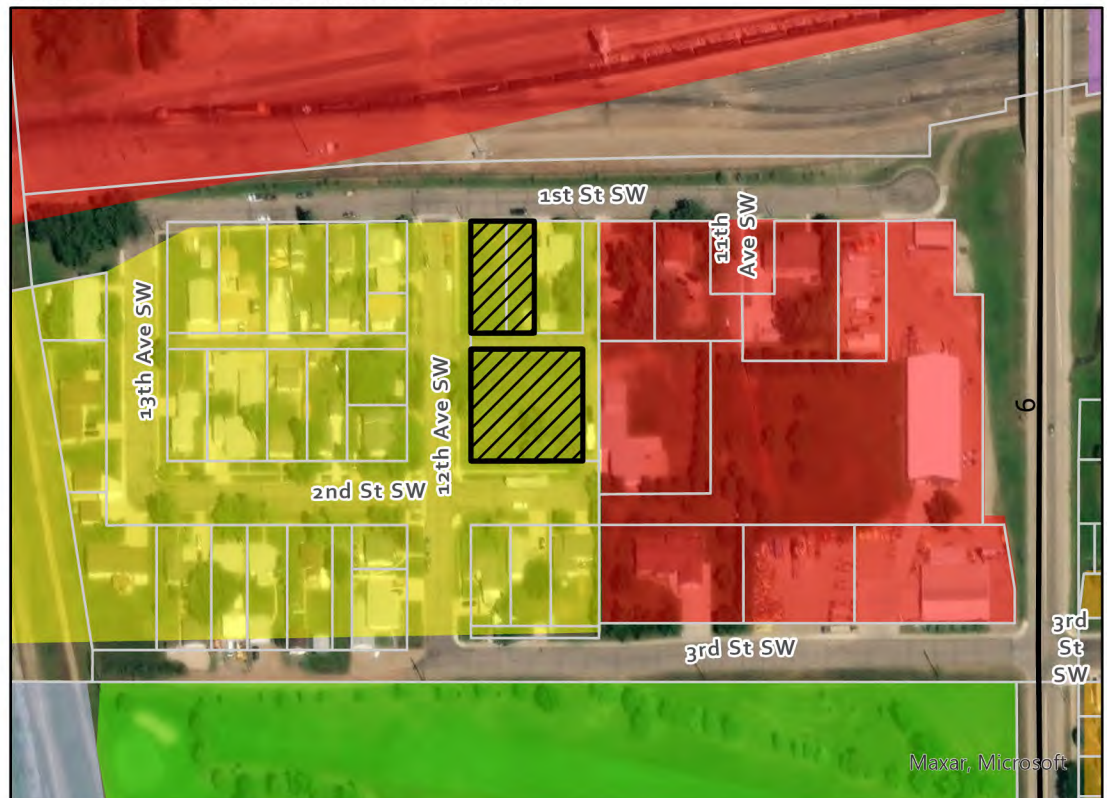
- | | |
|---|---|
| Agriculture - City of Mandan | MD - Heavy Commercial/Heavy Industrial Restricted |
| Agriculture - Morton County | MHS - Trailer Park |
| CA - Neighborhood Commercial | PUD - Planned Unit Development |
| CB - Business Commercial | R3.2 - Residential Single & Two Family |
| CC - Commercial/Light Industrial Transition | R7 - Residential Single Family |
| DC - Downtown Core | RH - Residential Mobile Home Park |
| DF - Downtown Fringe | RM - Residential Multi-family Dwellings |
| Industrial - Morton County | RMH - Residential Mobile Home Subdivision |
| LSMHS - Trailer Park Subdivision | Residential - County Residential Zoning |
| MA - Heavy Commercial/Light Industrial | ROW - Right-of-Way |
| MB - Heavy Commercial/Heavy Industrial | April '24 Planning Items |
| MC - Heavy Commercial/Light Industrial Restricted | |



Future Land Use Plan Key

- | |
|----------------------------|
| Rural Residential |
| Low Density Residential |
| Medium Density Residential |
| High Density Residential |
| Commercial |
| Industrial |
| Public/Semi-Public |
| Public Land |
| Park |
| Greenways |
| Open Space |
| Open Water |
| Parcels |
| City Limits |
| ETA Line |
| April '24 Planning Items |

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: May 1, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Municipal Concrete Contract bids

STATEMENT/PURPOSE:

To review and possibly award a contract for the Municipal Concrete project.

BACKGROUND/ALTERNATIVES:

Annually, the Engineering Department administers a city-wide concrete replacement project, which is made available to interested citizens that have improvement needs in the Right of Way adjacent to their properties. Through this project, citizens are able to take advantage of financing their improvements through special assessments.

This contract is also utilized by Public Works to repair identified concrete issues around the City.

On April 9th, the City received and opened three bids for the project:

Four Square Concrete - \$194,171.20

Nuss Construction - \$196,632.16

Waldo's Construction - \$210,736.00

ATTACHMENTS:

1. Resolution Approving Contract and Contractor's Bond
2. Four Square Proposal

FISCAL IMPACT:

The improvements associated with individual properties will be assessed back to the benefiting property. Improvements made at the request of Public Works, which have a broader impact, will be paid through the department's budget for street repairs.

STAFF IMPACT:

This contract will require moderate effort by the City to inspect work and administer the contract.

LEGAL REVIEW:

Agenda documents have been forwarded to the City Attorney for review.

RECOMMENDATION:

To award the Municipal Concrete project contract to Four Square Concrete, as presented.

SUGGESTED MOTION:

I move to award the Municipal Concrete project contract to Four Square Concrete, as presented.

RESOLUTION
APPROVING CONTRACTS AND CONTRACTORS' BONDS FOR
THE MUNICIPAL CONCRETE PROJECT
(Project No. 2024-05)

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 Municipal Concrete improvement project of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore 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 improvement is Four Square Concrete whose bid provides for the construction of said improvement at a total estimated base price of \$194,171.20.
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 contracts with said bidders on the part of the City, in the form prescribed by §40-22-35 and §40-22-35, N.D.C.C. as amended, provided that said bidders shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of §40-22-30 and 40-22-32 of said Code.

Dated this 7th day of May, 2024

Vice President Board of City Commissioners

Attest:

James Neubauer,
City Administrator

Proposal

2024 Municipal Sidewalk Improvement

April 9, 2024
Project No. 2024-05

To the Honorable President and members of the Board of City Commissioners
City of Mandan, Mandan, North Dakota

The undersigned hereby certifies that he has personally examined the location and construction details of work outlined on the plans and specifications for constructing, rebuilding and repairing sidewalks within the City of Mandan, ND, and has read and thoroughly understands the plans and specifications and contract documents governing the work embraced in this improvement in accordance with said plans, specifications and contract documents and at the following schedule of rates and prices:

Spec.	Item	Quantity	Unit	Unit Price	Total
201-3.2	TREE REMOVAL	1	E.A.	200. ⁰⁰	200. ⁰⁰
201-3.5	TREE ROOT CUTTING	2	E.A.	100. ⁰⁰	200. ⁰⁰
202-4.1	UNCLASSIFIED EXCAVATION	25	C.Y.	35. ⁰⁰	875. ⁰⁰
501-4.5	SAWING CONCRETE	772	L.F.	4. ⁰⁰	3088. ⁰⁰
302-4.3A	BASE MATERIAL	14	TON	28. ⁰⁰	392. ⁰⁰
601-3.8	ADA CURB RAMPS	32	S.F.	15. ⁰⁰	499. ²⁰
601-3.9	SIDEWALK TRENCH GRATE	1	EA	850. ⁰⁰	850. ⁰⁰
601-4.1	4 IN CONCRETE	5840	S.F.	14. ⁰⁰	81,760. ⁰⁰
601-4.3	4 IN CONCRETE REMOVAL	4420	S.F.	4. ⁵⁰	19,890. ⁰⁰
602-4.1	6 IN CONCRETE	1820	S.F.	15. ⁰⁰	27,300. ⁰⁰
602-4.3	6 IN CONCRETE REMOVAL	1256	S.F.	5. ⁰⁰	6,280. ⁰⁰
602-4.2	8 IN CONCRETE	500	S.F.	25. ⁰⁰	12,500. ⁰⁰
602-4.2A	8 IN CONCRETE REMOVAL	500	S.F.	6. ²⁵	3,125. ⁰⁰
602-4.2	CONCRETE STEPS	70	S.F.	25. ⁰⁰	1,750. ⁰⁰
603-5.4	8 IN CONCRETE VALLEY GUTTER	12	L.F.	100. ⁰⁰	1,200. ⁰⁰
603-5.3	STANDARD CURB & GUTTER	654	L.F.	40. ⁰⁰	26,160. ⁰⁰
603-5.6	CURB & GUTTER REMOVED	528	L.F.	9. ⁰⁰	4,752. ⁰⁰
1202-4.2	TOPSOIL & SEEDING	50	S.Y.	5. ⁰⁰	250. ⁰⁰
1209-4.50	ADJUST CURB BOX	15	E.A.	100. ⁰⁰	1,500. ⁰⁰
1515	SHORT ORDER FEE	10	EA	100. ⁰⁰	1,000. ⁰⁰
1514	MINIMUM JOB	1	EA	600. ⁰⁰	600. ⁰⁰
Total Project Cost					\$194,171. ²⁰

Quantities: This is a unit price bid. The quantities listed in the bid are the best estimate of the anticipated work required from the start of the contract thru December 31, 2024. It is anticipated that work will be required during this time frame under this bid. However, there is no guarantee that any work will be requested under this bid. Payment will be made for the final amount of work completed at unit prices specified in the contract.

In submitting this bid it is understood that the right to reject any and all bids is reserved by the Owner, and it is agreed that this bid may not be withdrawn during the period of days provided in the Contract Documents.

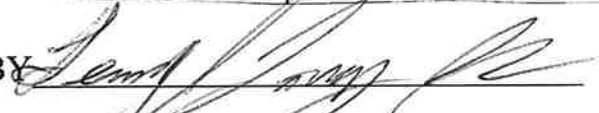
The Bidder hereby certifies:

- 1. That this bid is genuine and is not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules or any group, association, organization, or corporation.
- 2. That they have not directly or indirectly induced or solicited any other bidder to put in a false or sham bid.
- 3. That they have not solicited or induced any person, firm or corporation to refrain from bidding.
- 4. That they have not sought by collusion or otherwise to obtain from himself any advantage over any other bidder or over the Owner.
- 5. They received addendum:

Number	Dated	Initial
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of Bidder (Designate whether individual, partnership or corporation)

FIRM Four Square Concrete LLC

BY 

TITLE Owner

OFFICIAL ADDRESS

4150 County Rd 82

STREET

Mandan, ND 58554

CITY AND STATE

N.D. Contractor's License:

Class A No. 50361

Date issued/renewed

2.12.2024



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: May 2, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Public Works Solar Panel bids

STATEMENT/PURPOSE:

To review bids and consider awarding a Construction contract for the Mandan Public Works Solar Panels.

BACKGROUND/ALTERNATIVES:

A local specialty company presented an opportunity to the Public Works Department in January, 2024 to furnish and install solar panels on the public works shop. There is cost-share funding available in the form of tax credits to help offset the installation cost. The project is expected to be environmentally responsible by lowering the City's energy demands. In addition, this project is expected to provide future energy cost savings to help offset installation costs.

The project was publicly advertised and bid on May 1st with project specifications prepared by Moore Engineering. The project received 1 bid for the construction. The low bidder for the construction contract was Lightspring, LLC with a bid of \$178,247. The bid came in lower than the previously estimated construction cost of \$199,617 due to surplus in the solar panel market. The anticipated project completion date is December 2024.

ATTACHMENTS:

1. Bid Tabulation

FISCAL IMPACT:

The total cost of the engineering works is \$11,753. The anticipated project cost is to be \$178,247 with a \$20,000 contingency for structural improvements. The city anticipates receiving tax credits from the Department of Energy to reduce the cost. The total cost to the City of Mandan would be \$210,000.

STAFF IMPACT:

Moore Engineering will coordinate the project with input from City staff as necessary.

LEGAL REVIEW:

Agenda items have been forwarded to the City Attorney for review.

RECOMMENDATION:

Award a construction contract to Lightspring, LLC for the Mandan Public Works Solar Panel project.

SUGGESTED MOTION:

I move to award the construction contract for the Mandan Public Works Solar Panel project to Lightspring, LLC, as presented.



BID TABULATION

Public Works Solar Panels

City of Mandan

Mandan, North Dakota

Project No. 23512

Bid Date: May 1, 2024

Lightspring, LLC

1002 N. 5th Street

Bismarck, ND 58501

BID ITEM NO. & DESCRIPTION		UNIT	ESTIMATED QUANTITY	BID UNIT PRICE	BID PRICE
BASE BID					
1.	260001.00	PV System Installation	LSUM	1	\$178,247.00
				TOTAL	\$178,247.00



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: March 28, 2024
SUBMITTING DEPARTMENT: Public Works - Grounds Maintenance
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Public Works Director
SUBJECT: Consider allowing staff to apply for Marathon Petroleum's Community Investment Program Grant.

STATEMENT/PURPOSE:

Consider allowing staff to apply for Marathon Petroleum's Community Investment Program Grant.

BACKGROUND/ALTERNATIVES:

Marathon's Community Investment Program is designed to assist local communities' non-profits and government-related organizations and agencies. The City has applied for these funds in the past to help assist with the cost of equipment and projects throughout the City and its many departments. Public Works would like to submit a request for funds to purchase additional equipment (Tool-cat & attachments) that will aid Grounds Maintenance in maintaining multiple City properties and the completion of its daily tasks. The request to be submitted will be approximately \$110k.

Further information can be found at:

<https://www.marathonpetroleum.com/Sustainability/Community-Investment/>

ATTACHMENTS:

None

FISCAL IMPACT:

\$110k (Grant funds)

STAFF IMPACT:

Staff will continue to evaluate options for the grant money and document the process.

LEGAL REVIEW:

Attorney Oster's office has reviewed this document.

RECOMMENDATION:

To allow staff to apply for Marathon's Community Investment Program Grant, and make related purchases with grant funds if approved.

SUGGESTED MOTION:

I move to allow staff to apply for Marathon's Community Investment Program Grant, and make related purchases with grant funds if approved.



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Consider approval of a Special Event Permit for Touch a Truck.

STATEMENT/PURPOSE:

Consider approval of a Special Event Permit for Touch a Truck.

BACKGROUND/ALTERNATIVES:

Touch a Truck is an annual community event held on Main Street in the area of the 400 block and Dykshoorn Park. The event closes off the street to traffic and there are various vehicles and trucks parked for the community to view and learn about.

ATTACHMENTS:

1. 2024 Touch a Truck Event Permit Packet

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

Consider approving the Special Event Permit for Touch a Truck on May 18, 2024.

SUGGESTED MOTION:

I move to approve the Special Event Permit for Touch a Truck on May 18, 2024.

Permit Application #: _____ Date Complete: _____
(For office use only)

Special Events Permit Application

City of Mandan, ND

Mandan Police Department (Special Events) • 205 1st Ave. NW • Mandan, ND 58554
• Phone 701-667-3250 • FAX 701-667-3463

Date of Application: 4/8/2024

30 days prior to the event with a **non-refundable administration application fee of \$25 attached**. Late applications are permitted and subject to an **additional \$50 processing fee** for those submitted within 20 days of an event. **Any application not submitted prior to 20 days before the event will not be accepted for consideration.**

The payment of fees does not guarantee event approval if submitted late. Permits are \$30 per day/Sunday Permit will be \$45, to a maximum of \$150.00 per event not to exceed 14 days (Includes Sundays).

All applicants will be charged fees as appropriate and are expected to fully reimburse the city for all services related to event production which may include, but are not limited to, Police Services, Fire/EMS, Park and Facility Maintenance, Field Services, Sanitation, Street Engineering and Site Supervisors. (See Below Fee and Charges)

A storage fee of **\$500** will be assessed for all equipment not removed from any public venue or premises within 24 hours of the end of the event. Any vendor may request an extension for equipment removal and may be granted by the City Administrator. Full payment is due upon receipt of final invoice. Any property that is abandoned over 15 days will become property of the City of Mandan and may be sold to recoup any expenses accrued by the city.

Comprehensive site plans must accompany this application.

Street Dance: ☐ Beer Garden: ☐ Both: ☐ Parade or Other Public Event: ☐

Section 1 – Applicant Information

Name of Event Manager: Matt Schanandore

Driver's License Number: SCH-83-6204 State: _____

Date of Birth: 07/10/198 Phone Number: 7019344540 Email: matt@mandanprogress

Address: 2209 Westview Place SE City: Mandan State: ND Zip: 58554

Have you ever been convicted of a crime? ☐ YES ☐ NO

If yes please list charge(s) and year of conviction(s):

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Name of Event Manager: _____

Driver's License Number: _____ State: _____

Date of Birth: _____ Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Have you ever been convicted of a crime? ☐ YES ☐ NO

If yes please list charge and year of conviction:

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Permit Application #: _____ **Date Complete:** _____
(For office use only)

Business Address: 411 W Main St. City: Mandan State: ND Zip: 5855
Corporation/Organization: Mandan Progress Organization State of Incorporation: ND
Tax ID #: 45-0439012 501(c)3 #: _____ City Sales Tax ID #: _____
Have you ever coordinated/promoted another event/s? ☐ YES ☐ NO

If yes, please provide the following:

Last event/s Location: Past Touch a Truck Events Date: May 20th 2
Contact Name: Matt Schanandore Phone: 701-934-4540
E-mail Contact: matt@mandanprogress.org

Section 2 – Event Information

Event Name: Touch a Truck Anticipated Daily Attendance: 5000
Event Date(s): May 18th Set-up Date: May 18th Hours: 7am - 5pm
Hours of event each day: 10am - 3pm
(begin and end times)
Take Down Date(s): May 18th Hours: 3pm - 5pm
E-Mail address for public information: info@mandanprogress.org
WEB address for public information: www.mandanprogress.org
Location of Event/physical address: Main Street - from Collins Ave to 6th Ave NW
Sponsors of the Event: Various See Attached
Brief Description of Event:
Trucks of all shapes and sizes line up on Main Street for kids to come visit, view and exp

Has this event been held in another location? ☐ YES ☐ NO

If yes, please provide the following:

Last event/s Location: _____
Date: _____ Contact Name and Phone: _____

Section 3 – Event Features

Will there be an admission charge? ☐ Yes ☐ No
If yes, Printed ticket count: _____ Tickets for presale count: _____

Will there be entertainment? ☐ Yes ☐ No

If yes, please attach an itemized complete list of all entertainment.

(A complete list of entertainment will be required before final approval. Once approved, no changes may be made unless authorized by the City Administrator.)

Will merchandise and/or food items be sold? ☐ Yes ☐ No

If yes, please attach a complete list of vendors.

(Each vender must have all valid permits and license to sell their product)

Permit Application #: _____ **Date Complete:** _____
(For office use only)

What type of advertising/promotion will be done prior to the event?

(Attach all promotional material.)

Radio: ☐ Yes ☐ No What Stations? I Heart Radio

TV: ☐ Yes ☐ No What Stations? _____

Fliers/Posters: ☐ Yes ☐ No How many? 50 - 100

Press Releases: ☐ Yes ☐ No How many? 1 - 2

Newspaper Ads: ☐ Yes ☐ No What publication? Mandan Magazine

Is any other promoter/producer assisting you with your event? ☐ Yes ☐ No

Name of Promoter and Promotion Company: _____

Address: _____ City: _____ State: _____ Zip: _____

Will the event include any of the following? (Indicate on site plan and/or vendor list)

Tents or Canopies: ☐ Yes ☐ No

Number of Tents: Business Vendor

(Tents require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics: ☐ Yes ☐ No

(Fireworks or Pyrotechnics require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics Production Company's name: _____

(A copy of the Production Company's License and Insurance is required with this application, only if fireworks or pyrotechnics are being requested for this event.) *A separate bond may be required for this event.

Require permits from the City of Mandan

Any person for on- or off-sale alcoholic beverage licensee desiring to conduct a public beer garden shall make application for a special permit to do so to the board, 30 days in advance of the proposed event.

Temporary Fencing: ☐ Yes ☐ No

Provide accurate dimensions of fenced area on site plan along with the site plan.

Company Contact Name: _____

Contact phone: _____

Restroom Accommodations: Spiffy Biffs

Number of required portable toilets: 12

Approved By: _____ Date Approved: _____ Initials: _____

Placement of sanitary toilet facilities must be on site plan.

Permit Application #: _____ **Date Complete:** _____
(For office use only)

Attach a copy of the letter from the Custer Health that indicates the site plan has been reviewed and the required number of proper sanitation facilities is attendance.

Company Contact name: Spiffy Biffs
Contact phone: 701-224-0856

Electrical Services/Generators ☐ Yes ☐ No

Generators must be separated from tents by a minimum of 20' and shall be isolated from contact by fencing or other approved means.

Company Contact name: _____

Contact phone: _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Carnival/Amusement Rides: ☐ Yes ☐ No

A separate permit from the Fire Department may be required.

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Signs / Banners ☐ Yes ☐ No

Company Contact name: _____

Contact phone: _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Inflatables ☐ Yes ☐ No

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Raffles

Will this event have a raffle? ☐ Yes ☐ No

If yes you must apply for a City Permit \$25 Raffle Permit (Attach copy of State Gaming License if issued)

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 4 – Transportation

Does the event propose **using, closing or blocking** any of the following:

*If yes, specify location and duration on site map, **if on a DOT Highway or Roadway DOT authorization will be required.***

City Streets ☐ Yes ☐ No (Number of locations: 2 attach list of locations.)

City Sidewalks ☐ Yes ☐ No (Number of locations _____ attached list of locations)

City Bus Stops ☐ Yes ☐ No (Number of locations _____ attached list of locations)

Public Parking Lots ☐ Yes ☐ No (Number of locations 2 Heritage attached list of locations)

Public Bicycle Parking ☐ Yes ☐ No (Number of locations _____ attached list of locations)

Multiuse Paths ☐ Yes ☐ No (Number of locations _____ attached list of locations)

City Alleys ☐ Yes ☐ No (Number of locations _____ attached list of locations)

City Right-of-Ways ☐ Yes ☐ No (Number of locations _____ attached list of locations)

Approved By: _____ **Date Approved:** _____ **Initials:** _____

(Section 4 must be approved by Mandan City Engineer, and be approved by the City Commission before the event)

Section 5 – Use of City Utilities

Will any City electric hookups be used? ☐ Yes ☐ No

Electric Location including amperage Dykshoorn and Heritage Parks

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Will any City water hookups be used? ☐ Yes ☐ No

Water Location(s) Dykshoorn and Heritage Parks

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Will waste water/gray water be generated? ☐ Yes ☐ No

If so, how will it be disposed? Dykshoorn and Heritage Parks Waste Water barrels provide

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 6 – Alcohol

Will there be alcohol at the event? ☐ Yes ☒ No

Will alcohol be given away? ☐ Yes ☐ No

Will the alcohol be sold? ☐ Yes ☐ No

Will the alcohol be donated? ☐ Yes ☐ No

Who is the alcohol being donated by or purchased through: _____

Is alcohol included in the admission price of the event? ☐ Yes ☐ No

Approved By: _____ Date Approved: _____ Initials: _____

If you answered *Yes to any of the above*, a City and State Liquor License will be required. Attach copy(s) of all liquor licenses with this application. (If a City Liquor License is needed please contact the City of Mandan's Finance Department to apply at Phone: (701) 667-3213)

Has the applicant/organization ever had a liquor license or event permit denied, revoked or suspended? ☐ Yes ☐ No

If yes, please explain:

How will attendees be identified as minors or age 21 and over?

Have the alcohol servers received training in sale/service of alcoholic beverages? ☐ Yes ☐ No

If yes, who provided the training: _____

Date and time of most recent training: _____

Request Mandan Police Server Training: ☐ Yes ☐ No

If yes provide a contact person and contact information::

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 7 – Event Security

Are you requesting off-duty Mandan Police officers? ☐ Yes ☒ No

Number of personnel requested: _____

After reviewing the event application, the Chief of Police may require the use of the City of Mandan Off-Duty Police Officers for the event.

To schedule Off-Duty Police Officers, please call 701-667-3250.

Officers must be requested 2 weeks prior to any event and there will be a minimum of 4 work hours per officers per event at \$45 per-hour per officer.

Are you requesting private security? ☐ Yes ☒ No

Number of security personnel onsite: _____

Include security points and duties on event plans

The City of Mandan requires only security companies that are licensed and bonded in the State of North Dakota.

Security Company and Contact Info: _____

Attach a copy of Company's License

Section 8 – Emergency Medical Services

Are you requesting off-duty Mandan EMT's? ☐ Yes ☒ No

Number of personnel requested: _____

After reviewing the event application the Fire Chief may require the use of the City of Mandan Off-Duty EMT's or paramedics for the event.

EMTs or paramedics must be requested 2 weeks prior to any even and there will be the minimum of 4 work hours per employee per event \$35

Section 9 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

Garbage containers will be placed along Main Street. We will have volunteers pull and r
Additionalyl, Armstrong Sanitation will be the last entry in the parade and will collect the
parade route.

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: ECO-Sanitation

Contact Name: Peggy Armstrong Phone: 701-663-8219

All costs for containers, dumping and the removing all trash are the responsibility of the applicant/promoter. The City of Mandan's property and or the event site must be returned to its original condition and all equipment removed or daily fees will be accessed.

Section 10 – ADA Accessibility Requirements

Parking plan requirements

Attach a copy of your parking plan and include in the plan the necessary handicap parking areas and any code required handicap accessibility requirements. Also include medical access points and safe medical response routes for the event.

Section 11– Insurance and Bond Requirements

The City of Mandan has established insurance requirements for those facility users, vendors and contractors entering into agreements with the City for the purpose of special events and activities. Before commencing use or services under an agreement with the City of Mandan, a certificate of insurance or a copy of the required bond that complies with the requirements referenced below must be attached.

All special event applicants shall name the City of Mandan as an “Additional Insured”, per item one below, on all policy(ies), except workers compensation and shall reflect this on a Certificate of Insurance. Applicant agrees that any insurance available to the applicant shall be primary and non-contributory to the city’s self-insured retention.

Applicant shall obtain certificates of insurance from all vendors participating in this event unless covered under applicant’s insurance policy. Vendors must comply with all requirements listed in this section. Complete and accurate certificates must be received by the Special Events Office a minimum of five (5) working days prior to the event. Separate certificates of insurance shall be provided by all carnival and amusement companies and firework production companies with the limits shown in this section and shall name the City of Mandan as “Additional Insured” as per item one below. Additional coverage may be required depending upon the nature and scope of the event. For more information or questions regarding insurance requirements, please contact our City Administrator’s Office at 701-667-3214. The City Administrator reserves the right to evaluate the liability of each event and assess the required insurance limits. Event permits will not be issued until all insurance requirements are satisfactorily met.

The certificate must show:

1. The City of Mandan, its agents, officers, employees and volunteers are named as “Additional Insured.” All Certificate of Insurance policies must reflect this with the exception of workers compensation.
2. The City of Mandan shall be notified at least 30 days prior to cancellation or alteration of any insurance coverage. A 10-day notice of cancellation for non-payment of premium is required..
3. Workers Compensation Policies shall contain a Waiver of Subrogation clause in favor of the City of Mandan.
4. General Liability Including: Bodily Injury Contractual Independent Contractors
Comprehensive Form Product/Completed Operations Hazard
Premises Operation Personal injury Broad Form Property Damage

Permit Application #: _____ **Date Complete:** _____
(For office use only)

In addition, specific date(s) and locations(s) of the event, to include set up and take down, must be stated clearly on the certificate. Certificates shall be received no less than thirty (30) working days prior to the event.

City Services

Police..... \$45 per hour, per officer, 4 hour minimum

Fire/EMS..... \$35 per hour, per staff 4 hour minimum

Barricades.....Amount charged by contracted barricade provider

Trash Container drop-off/pick-up..... \$____ prices vary

Custodial..... \$____ per hour, per staff person

Miscellaneous fees

Tent/Canopy Permit.....\$____ per tent or canopy (Check with the Fire Department to ascertain if a permit is necessary)

Fireworks Permit..... \$____ per location

The Park District may require separate fees or permit if on Park District property. It is required that the event host checks with the Park District when planning an event on Park District property to avoid delays with the permitting process.

Permit Application #: _____ **Date Complete:** _____
(For office use only)

Fee Cost Worksheet

Police Services:

No. of Officers _____ x No. of Hours _____ = _____ x \$45 = \$ _____

Fire/EMT Services

No. of EMT's _____ x No. of Hours _____ = _____ x \$35 = \$ _____

Finance application processing Fee \$ _____

Trash Container Fee..... \$ _____

Custodial Fee..... \$ _____

Tent/Canopy Inspection and Permit..... \$ _____

Fireworks/Pyrotechnics Permit and Inspection Fee..... \$ _____

\$25 Application Fee..... \$ **25.00**

\$50 Late application Processing Fee (if Applicable)..... \$ _____

Event Application Fee (See Attached Fee Schedule)..... \$ _____

TOTAL: \$ **25.00**

Fees assessed by the Park District are not included.

Date Fees Paid: _____ **Initials:** _____

Signature Page from City Officials and Department Heads

Mitch L. Bitz

Mitch L. Bitz (Apr 15, 2024 08:11 CDT)

/ 15/04/2024

Fire Department

Date

Patrick B Haug

Patrick B Haug (Apr 16, 2024 07:45 CDT)

/ 16/04/2024

Police Department

Date



/15/04/2024

Engineering Department

Date

Brian Dirk

Brian Dirk (Apr 15, 2024 07:07 CDT)

/15/04/2024

Public Works

Date

Special Event Guide

Sec. 12-9-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public concert: means a musical performance by one or more groups held either indoors or outdoors where the audience is seated by reserve or general admission, free of charge or otherwise, with the audience being present primarily for the purpose of listening to music and the location of such musical performance having a seating capacity of at least 1,000 people, or, if the concert is outdoors, the site has a capacity of at least 300 persons.

Public dance: means any dance held either indoors or outdoors where the public may participate, whether an admission fee is charged or not, and is present primarily for the sole purpose of dancing, and where the location of the dance has a capacity of at least 100 persons.

Public event: means a music festival, public dance or public concert.

(Code 1979, § 10-04-07; Code 1994, § 12-03-09; Ord. No. 744, § 2, 1989)

ARTICLE 4. – AMUSEMENTS

Sec. 12-4-1. - Required to operate public amusements.

- a) It is unlawful to conduct or operate any amusement which is open to the public and for which an admittance fee is charged without having first secured a license from the city. The license fee for amusements shall be determined by resolution of the board.
- b) No license fee is required if a show, exhibition, entertainment, gallery, stand or other device is operated or given under the auspices of and for the benefit of a church or school, or charitable, fraternal or political organization. (Code 1979, § 10-04-01; Code 1994, § 13-04-01)

Sec. 12-4-2. - Public amusements for which license is required.

A person may not conduct, operate or maintain the following activities without first obtaining a license from the city:

- (1) Public dance, as that term is defined by N.D.C.C. § 53-02-01.
- (2) Any circus, carnival or similar event.
- (3) Any theatrical exhibition, motion picture show, vaudeville performance, opera or variety theater.
- (4) Any show, entertainment, gallery, stand or device of any description on the streets, alleys or public grounds within the city.
- (5) Any merry-go-round, rides or similar devices.

(Code 1979, §§ 10-04-02—10-04-05; Code 1994, § 13-04-02)

Sec. 12-4-3. - Liability insurance or bond required.

A person may not conduct, operate, manage or sponsor any Ferris wheel, merry-go-round or other amusement ride operated for hire, or for the purpose of promoting or advertising any trade or business, without first filing with the city license officer a bond indemnifying the public against damages sustained by reason of operation of the ride, or **certificate of liability insurance**, in the amount of **at least \$500,000.00**. Such bond or certificate of insurance is subject to the approval of the city attorney. This section applies to all persons, whether or not such persons are exempted from any other provision of this article. (Code 1994, § 13-04-03)

Sec. 12-4-4. - Licensee to maintain order.

Any licensee engaged in giving or conducting any public amusement for pay shall preserve good order in and about the place of exhibition or public amusement, and if necessary for that purpose, shall employ, at the licensee's own expense, a sufficient security force. (Code 1979, § 10-04-06; Code 1994, § 13-04-04)

Sec. 12-4-5. - Policing of dances, music festivals or public concerts.

A public dance or public dancing place or hall may not be conducted, maintained or operated, unless the same is policed as provided by N.D.C.C. § 53-02-08. A music festival or public concert, as defined in N.D.C.C. § 53-02-01, shall be policed as provided in N.D.C.C. § 53-02-08. The cost of the policing, as determined by the chief of police, must be paid by the applicant at the time of the license application or, at the discretion of the chief of police, a cash bond in a reasonable amount may be posted, which shall be refunded upon payment of costs of policing following the event. (Code 1994, § 13-04-05)

Sec. 12-4-6. - Use of streets.

It is unlawful for any person to play any game, sport or amusement upon any public right-of-way of the city, except as permitted by the board. (Code 1994, § 13-04-06)

Sec. 12-9-2. - Penalty.

Any person who gives, holds or conducts a public event in violation of this article or in violation of the conditions of the public event permit, who furnishes information required by this article which is false or misleading, or who violates any provision of this chapter shall be guilty of a Class B misdemeanor. (Code 1979, § 10-04-07; Code 1994, § 12-03-17; Ord. No. 744, § 2, 1989)

Sec. 12-9-3. - Required; nontransferable; fees.

No person shall give, hold or conduct a public event unless the owner of the place where the public event is given, or the person giving the same or in charge thereof, first shall have procured a permit to give, hold and conduct such public event. A permit may be issued for one or more public dances or public concerts. If a permit is issued to any person to conduct a public event, the event may be conducted in such place only by the person to whom the permit is issued. Such permit shall not be transferable. A permit fee shall be assessed for each event held within a 24-hour period or an annual permit fee may be assessed if the site location is intended to be a permanent site, and the amount of the fees shall be set from time to time by resolution of the board. A permit, other than an annual permit, shall not be valid for a period of greater than three consecutive days.

(Code 1979, § 10-04-07; Code 1994, § 12-03-10; Ord. No. 744, § 2, 1989)

Sec. 12-9-4. - Application; special permits.

Any person desiring to conduct a public event at a public building or site or any outdoor location shall make application for a permit to do so to the board, 30 days in advance of the proposed event. In the event the applicant proposes to sell or dispense or permit the consumption of alcoholic beverages at such public event, an application for a special permit under the provisions of sections [4-2-16](#) and [4-2-20](#) shall accompany the application for the public event. Four copies of the application shall be filed with the city license officer and shall set forth the following information:

Sec. 4-2-20. - Sunday alcoholic beverage permit.

Permit required. No person may dispense, sell or permit the consumption of alcoholic beverages within a licensed premises or publicly owned or operated facility on any Sunday unless said person has been granted a permit under the provisions of this section. The authority to issue a Sunday alcoholic beverage permit rests solely with the board.

Permit Application #: _____ **Date Complete:** _____
(For office use only)

- 1) Identification of applicant. The application shall include the name, address and driver's license number of the applicant and the name, address and driver's license number of the person who will manage or conduct the public event. The application shall also state whether the applicant or the person who will manage or conduct the event has been convicted of any crime relating to the sale of alcoholic beverages or controlled substances or within the past five years has been convicted of any crime against persons, including assault, disorderly conduct, sexual assault, rape or murder, and whether the applicant or the person who will manage or conduct the event has ever had a license of any kind revoked or cancelled by any municipal, state or federal authority.
- 2) Date, time and place. The place, date and hours of the proposed event shall be clearly identified.
- 3) Site plan. The person conducting the event shall include in the application a site plan which details the exact placement of the stage, lighting and other electrical equipment, public seating, toilet facilities, fencing or other barricades, parking, marked fire lanes, and the proximity of public roadways. The site plan submitted by the applicant shall be reviewed by the city engineer, who shall submit Estimate of attendance. his recommendations to the board.
- 4) The applicant shall provide an estimate of the number of persons that the person conducting the event has determined can be safely accommodated within the chosen site and an estimate of the number of persons expected to attend.
- 5) Ticket sales. The application shall contain information relating to ticket sales, which addresses the control of attendance to meet the site plan limitations, if any. If the person conducting the event intends to open the event to the general public without prior ticket sales, the application shall address the manner in which the person intends to limit the size of the crowd to meet the site plan limitations.
- 6) Traffic control. The application shall specify the proximity of public roadways to the site of the event and to the proposed parking area and shall contain a description of the manner in which traffic control will be handled to ensure the safe ingress and egress of pedestrians and vehicles. Appropriate arrangements shall be made by the person conducting the event to ensure that no interference will occur with the public use of any adjacent public roadways. The traffic control proposal shall be subject to the approval of the city engineer.
- 7) Parking. The application and site plan shall specify the planned accommodations for public parking. The person conducting the event shall provide adequate parking for persons in attendance commensurate with the estimated number of persons that the selected site can accommodate. Under no circumstances will parking be permitted upon public roadways if said parking would be in violation of posted parking restrictions.
- 8) Sanitation. The application shall include the number and placement of sanitary toilet facilities which will be provided by the person conducting the event. The application shall be accompanied by a letter from the city health officer that indicates that he has reviewed the site plan and estimate of the number of persons in attendance and has determined that the number and kind of proposed toilet facilities is adequate to meet the needs of persons in attendance at the event.
- 9) Garbage. The application shall include a description of the size and number of available garbage disposal units on the site of the event in addition to the arrangements made to clean up the site after the event has ended.
- 10) Fencing and barricades. The application shall contain a description of the fencing and barricade system which is intended to control access to the event site, if such event is to be outdoors, and the location of the fencing and barricade system shall be noted on the site plan. If alcoholic beverages are to be dispensed or consumed at the public event, which event is outdoor, the perimeter of the site must be surrounded by a six-foot cyclone-style fence or enclosed within a tent which has four sides. For all events, whether outdoors or indoors, adequate provisions for entrances and exits and access by fire, police and other emergency personnel or vehicles shall also be noted in the application and on the site plan.
- 11) Signing. The application shall contain a description of the signing which is proposed to control pedestrian and vehicular traffic, parking, and provide appropriate notices to the persons in

attendance at the event. The size, wording and placement of the signs shall be included in the description and shall be subject to the approval of the city engineer.

- 12) Sale or consumption of alcoholic beverages. If the applicant intends to sell or allow the consumption of alcoholic beverages at the public event the identity of the alcoholic beverage licensee who will be dispensing said beverages shall be provided. The board may, by resolution or by condition attached to the permit, restrict the sale, dispensing and consumption of alcoholic beverages to beer or beer and wine only at the event or series of events. Therefore, the person holding the event shall include within the application a description of the efforts that will be taken to prevent the consumption of other alcoholic beverages at the event, including those alcoholic beverages attempted to be brought in by members of the public. At all such events the dispensing of alcoholic beverages in glass bottles, glass drinking cups or any other glass containers shall be prohibited.
- 13) Security. N.D.C.C. § 53-02-08 requires the city police department to police the event at the expense of the person conducting the event, which payment must be received by the city license officer 72 hours in advance of the event. The application shall contain, in addition to the estimated number of persons in attendance, an estimate of the number of police officers which will be needed to adequately police the event. The chief of police will be responsible for making the final determination of the number of officers that will be required.
- 14) Bond required. The person conducting the event shall file with the city license officer a cash bond in an amount to be set by resolution of the board. The bond shall be returned to the person after the event if the site has been adequately cleaned and if no additional costs or property damage has resulted from or as a result of the event.
- 15) Cost to the city. If the proposed event necessitates any expenditures on the part of the city, excluding the cost of providing police security, such costs shall be paid to the city by the person conducting the event. The posted cash bond shall be used by the city to cover the costs associated with the event and the balance, if any, will be returned to the person conducting the event. If the cash bond does not cover the costs resulting from the public event, the person conducting the event shall be assessed the additional costs. Costs within this section include, but are not limited to, the following:
 - a. Costs of cleanup or garbage removal;
 - b. Costs of traffic signing, fencing or barricades;
 - c. Any property damage to public property which occurred during or as a result of the event; and
 - d. Any additional costs associated with crowd control, including injury to city employees or other persons, which occurred during or as a result of the event.
- 16) Temporary vacation of streets. If the site plan proposed by the applicant requires the use of any public street, alley or right-of-way, the application and the site plan shall clearly designate the portion of the public street, alley or right-of-way to be temporarily vacated. In no event shall more of a public street adjoining one-half of a public block be vacated and, in each instance, adequate access for emergency vehicles shall be provided. The temporary vacation of any public street or right-of-way shall be subject to the approval of the city engineer. The board shall determine whether any public street, alley or right-of-way may be temporarily vacated for a public event on a case-by-case basis.
(Code 1979, § 10-04-07; Code 1994, § 12-03-11; Ord. No. 744, § 2, 1989)

Sec. 12-9-5. - Inquiry and investigation.

The board shall make such inquiry and investigation as to the propriety of granting or refusing such permit as shall be deemed necessary.

(Code 1979, § 10-04-07; Code 1994, § 12-03-12; Ord. No. 744, § 2, 1989)

Sec. 12-9-6. - Refusal and revocation of public event permit for cause.

- (a) The board may revoke the public event permit at any time for violation of any of the provisions of this chapter. The board shall refuse to issue such permit, and shall revoke a permit already issued, where it appears that:
- 1) The permitted site is or is likely to become a public nuisance or detrimental to public health, safety or order;
 - 2) The provisions of this chapter are being violated;
 - 3) An alcoholic beverage or controlled substance is being sold, or given away, except as authorized by terms of the permit;
 - 4) Any of the city ordinances or state laws are being violated;
 - 5) The chief of police determines that adequate security cannot be provided to the public event either by city police officers, special police or a combination thereof; or
 - 6) The board has determined that the number of like events needs to be limited in order to ensure the health, safety and security of the public.
 - 7) The chief of police shall report any violations of the permit or violations of city ordinances or state laws immediately to the board. Notwithstanding any of the provisions of this chapter, if the chief of police determines that the conduct of any public event has become a public nuisance or injurious to the public peace, health or safety, the chief of police shall immediately cause said event to be closed to the public and thereafter notify the board of the action and reasons therefor.
- (Code 1979, § 10-04-07; Code 1994, § 12-03-14; Ord. No. 744, § 2, 1989)

Sec. 12-9-7. - Restrictions and conditions attached to public event permit.

If the board determines that the public event will not unduly interfere with the peace, health or safety of the public or the neighborhood in which the event will occur and that the applicant is in compliance with the requirements for sanitation and garbage disposal; parking, fencing, traffic and crowd control; security; and regulation of alcoholic beverage consumption, the board may approve the issuance of the permit to be effective for the dates designated and subject to any necessary restrictions and conditions, including the following restrictions and conditions:

- 1) Alcoholic beverages may be distributed and consumed, and dancing may be permitted only in those areas specifically designated in the site plan and approved by the board;
 - 2) Dancing and the distribution of alcoholic beverages shall be permitted only during the hours designated by the board, which in no event shall be before the hour of 12:00 noon on the date specified in the permit and after 1:00 a.m. of the following day;
 - 3) No person having a permit to hold a public event at which alcoholic beverages are to be sold, distributed or consumed shall permit in any such event any person who is obviously intoxicated or who is under 21 years of age, except persons under 21 years of age may be permitted at a public event if the sale and consumption of alcoholic beverages is segregated and constricted to an area barricaded from the public event by a six-foot cyclone-style fence or structure to which access by such persons is prohibited;
 - 4) The licensee as a condition to the issuance of such permit consents and agrees that any city police officer or special police officer may enter upon and inspect the licensed premises or site or any part at any time for the purpose of determining compliance with the conditions of the permit and city ordinances; and
 - 5) The licensee shall comply with all other applicable ordinances and laws relating to health and sanitation and the use and sale of alcoholic beverages in the city.
- (Code 1979, § 10-04-07; Code 1994, § 12-03-14; Ord. No. 744, § 2, 1989)

Sec. 12-9-8. - Limits on number of public event permits.

The board may, by resolution, set a maximum limit on the number of public event permits which will be granted during any period of time. Notwithstanding any restrictions on the number of events, the board may deny any application for a permit if it determines that adequate provision for traffic control, health, safety or security cannot be provided for the event.

(Code 1979, § 10-04-07; Code 1994, § 12-03-15; Ord. No. 744, § 2, 1989)

Sec. 12-9-9. - Indemnification of city.

A person may not give, hold or conduct a public event, nor may the board approve a permit for such public event, without the person having first filed with the city license officer a bond or certificate of insurance in the amount as specified by resolution of the board, indemnifying the city and the public against personal injury or property damages occurring at or as a result of the public event. The person giving, holding or conducting the public event agrees to save and hold harmless the city for any personal injury or property damage resulting from actions of any city employees, police officers or special officers in the course of their employment, which actions are directly related to the conduct of the public event.

(Code 1979, § 10-04-07; Code 1994, § 12-03-16; Ord. No. 744, § 2, 1989)

Sec. 24-9-3. - Parade permit required.

No person shall engage in, participate in, aid, form or start any parade without a parade permit issued by the city.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-4. - Application for parade permit.

- a. A person desiring a parade permit shall file an application with the city on forms provided by the city. Such application shall be filed not less than seven days nor more than 60 days before the date on which it is proposed to conduct the parade.
- b. The application for a parade permit shall contain all information deemed necessary by the city in order to fully evaluate the request
- c. The city, where good cause is shown therefor, may consider any application which is filed less than seven days before the date such parade is proposed to be conducted.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-5. - Standards for issuance of parade permit.

The city shall issue a parade permit when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

- 1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- 2) The conduct of the parade will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city.

- 3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto.
- 4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
- 5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire.
- 6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
- 7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- 8) The parade is not to be held for the sole purpose of advertising any product, cause, goods or events and is not designed to be held purely for private profit.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-6. - Notice of denial of parade permit.

If the city disapproves the application for a parade permit, the city shall mail to the applicant, within three days after the date upon which the application was filed, a notice of such action.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-7. - Alternative parade permit.

The city, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of such action, file a written notice of acceptance with the city. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this article.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-8. - Contents of parade permit.

Each parade permit shall state the following information:

- 1) Starting time.
- 2) Minimum speed.
- 3) Maximum speed.
- 4) Maximum interval of space to be maintained between the units of the parade.
- 5) The portions of the streets to be traversed that may be occupied by the parade.
- 6) The maximum length of the parade in miles or fractions thereof.
- 7) Such other information as the governing body shall find necessary to the enforcement of this article.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Permit Application #: _____ **Date Complete:** _____
(For office use only)

Sec. 24-9-9. - Carrying parade permit.

The parade chairperson or other person heading or leading such activity shall carry the parade permit upon their person during the conduct of the parade.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-10. - Revocation of parade permit.

The city may, after a hearing affording due process, revoke a parade permit issued under this article upon application of the standards for issuance as set forth in this article.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

2024 Touch-a Truck Sponsors List

Lincoln Repair

Bartlett& West

I Heart Media

Traffic Safety Services

Barnhart Crane

Knife River Corporation

Basin Electric

TransTrash

Cross Country Freight

OK Tire Store

Berg's 24 Hour Towing

Cloverdale

Precision Underground

Dakota Community Bank

Associated General Contractors of ND

Dairy Queen

NDDOT

American Legion

Tri Energy Cooperative

Wallwork Truck Center

First Net built with AT&T

Metro Ambulance

Golden Comb

Northwest Contracting

Big O Tires

Red Top Recovery

Central West Services

Bearscat Donuts

Dakota Crop Insurance

West River Striping

Northwest Tire

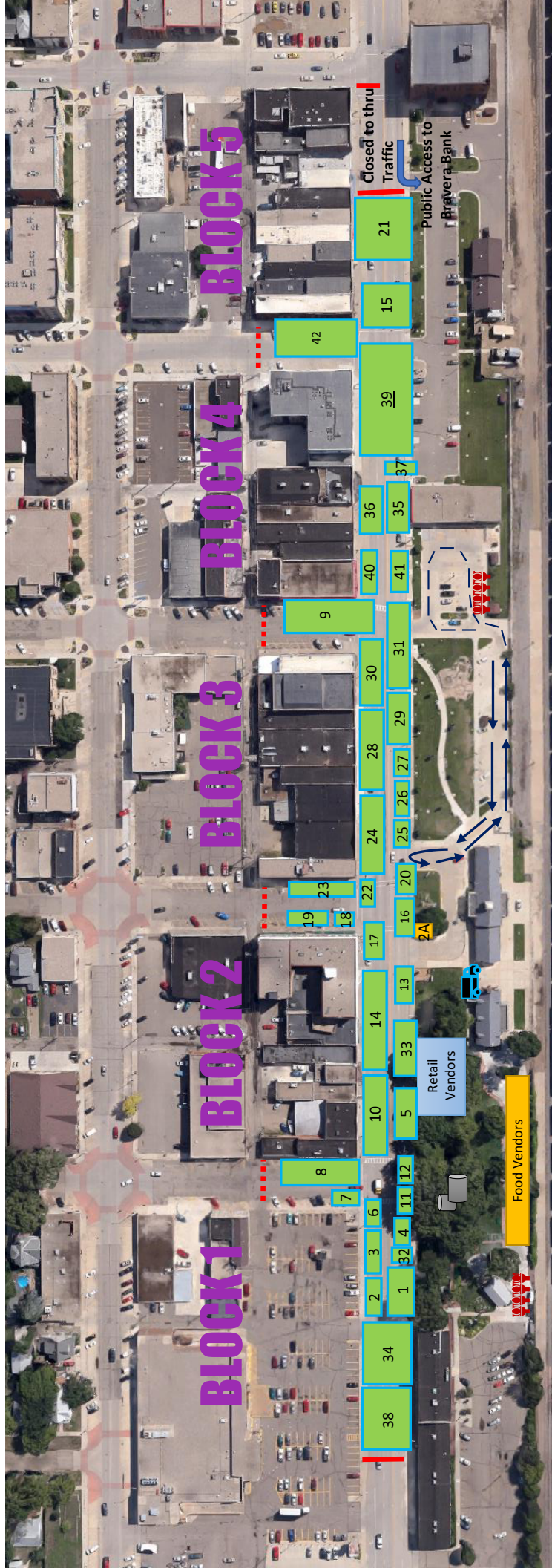
Strata Corporation

Touch a Truck Business

<u>Business Name</u>	<u>First Name</u>	<u>Last Name</u>	<u>Email</u>	<u>Street Address Line 1</u>	<u>Street Address Line 2</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>	<u>Phone</u>
Ballon Animals	Daden	Dolajak	dadendolajak@gmail.com			Mandan	ND	58554	
Live, Laugh and Shop	Jean Ponce	Tea	kragbe67@226 4th Avenue SE			Sioux Cent Iowa		51250	(712) 441-5199
Grubbersputz's	Norm	Stetson	grubbersputz@gmail.com			Mandan	ND	58554	(701) 391-4339
Mandan Early Learning	Janet	Bassingthw	janet.bassi 901 Division St NW			Mandan	ND	58554	(701) 751-6500
Milk&Hunny	Brianna	Roth	brianna@r 1007 W. Capitol Ave			Bismarck	ND	58501	(701) 391-5853
TOTAL									

Touch a Truck Food

<u>Business Name</u>	<u>First Name</u>	<u>Last Name</u>	<u>Email</u>	<u>Street Address Line 1</u>	<u>Street Address Line 2</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>	<u>Phone</u>
Moshi Bubble Tea	Rose	Mcmurtry	rpbatuigas 221 south Main			Richardton North Dak	ND	58652	(701) 690-7144
Copper Kettle Korn	Ramona	Dockter	ramona461 300 6th Ave NE			Mandan	ND	58554	(701) 220-4656
Udderly Amazing Treats & Eats	Luke	Ingemansen	udderlyam 604 N 21st St			Bismarck	ND	58501	(701) 202-2867
Fire It Up Concessions	Antonio	Torres	antonio.torres246@gmail.com			Debary	FL	32137	(757) 409-9006
The Sugar Monster	Jason	Schmidt	schmitt12 10105 37th St SW			Gladstone	ND	58630	(701) 290-3926
FOMO 10/40 Creamery	Andrew	Hershey	info@fomc 220 E Rosser Ave #524			Bismarck	ND	58502	(701) 681-0116
TOTAL									



1. **Dacotah Speedway**
 2. **Bis-Man Transit**
 3. **Wallwork Truck Center**
 4. **Morton Mandan Public Library**
 5. **Ascendum machinery**
 6. **American Red Cross of Western ND**
 7. **General Equipment & Supplies**
 8. **Red Top Recovery**
 9. **Huff Hills**
 10. **Barnhart Crane & Rigging**
 11. **City of Mandan Public Works**
 12. **City of Mandan Public Works**
 13. **Lincoln repair**
 14. **Northwest Contracting**
 15. **West River Equipment**
 16. **Bismarck state college**
 17. **2 vets moving**
 18. **Mandan Police Dept**
 19. **Metro Ambulance Service**
 20. **Precision underground**
 21. **AT&T**
 22. **North Dakota Highway Patrol**
 23. **Mandan Fire Dept**
 24. **Basin Electric Power**
 25. **Northwest Tire**
 26. **Harlow's School Bus Service**
 27. **OK Tire Store**
 28. **Northern Improvement Company**
 29. **TransTrash**
 30. **Bobcat of Mandan**

31. **ND Dept of Transportation**
 32. **Big O Tires**
 33. **Berg's Towing**
 34. **Knife River Corporation**
 35. **Cross Country Freight Solutions**
 36. **Mann Signs**
 37. **Nd Water Resources**
 38. **Central West Services**
 39. **Titan Machinery**
 40. **Arrow Service Team**
 41. **Deuces Wild Septic Service**
 42. **West River Striping**
 - 2A. **Copper Kettle Corn**
- Culvert Play Area**

"The Truck Stop" Information/Food Drop Off Site

Bathrooms

BNSF Mini Locomotive Route

BNSF Mini Locomotive Route (optional)

Street Closures in RED.

Main Street Closure Plan B - 6th Ave NW to Collins, With Access To Runnings, Ave's Closed to Traffic at Alleys

Closed to thru traffic
except to enter
Runnings of Mandan
Library

Closed to thru traffic
except to enter
Parking Lot and Bravera
Bank



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Consider approval of Special Event Permit, Mac and Cheese Festival on May 11, 2024.

STATEMENT/PURPOSE:

Consider approval of Special Event Permit, Mac and Cheese Festival on May 11, 2024.

BACKGROUND/ALTERNATIVES:

The 2nd annual Mac and Cheese Festival will be setup at Dykshoorn Park.

ATTACHMENTS:

1. Special_Event_Permit - Mac&Cheese Festival

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

I recommend approving the Special Event Permit for the Mac and Cheese Festival.

SUGGESTED MOTION:

I move to approve the Special Event Permit for the Mac and Cheese Festival on May 11, 2024.

Permit Application #: _____ Date Complete: _____
(For office use only)

Special Events Permit Application

City of Mandan, ND

Mandan Police Department (Special Events) • 205 1st Ave. NW • Mandan, ND 58554
• Phone 701-667-3250 • FAX 701-667-3463

Date of Application: 3/24/24

30 days prior to the event with a **non-refundable administration application fee of \$25 attached**. Late applications are permitted and subject to an **additional \$50 processing fee** for those submitted within 20 days of an event. **Any application not submitted prior to 20 days before the event will not be accepted for consideration.**

The payment of fees does not guarantee event approval if submitted late. Permits are \$30 per day/Sunday Permit will be \$45, to a maximum of \$150.00 per event not to exceed 14 days (Includes Sundays).

All applicants will be charged fees as appropriate and are expected to fully reimburse the city for all services related to event production which may include, but are not limited to, Police Services, Fire/EMS, Park and Facility Maintenance, Field Services, Sanitation, Street Engineering and Site Supervisors. (See Below Fee and Charges)

A storage fee of **\$500** will be assessed for all equipment not removed from any public venue or premises within 24 hours of the end of the event. Any vendor may request an extension for equipment removal and may be granted by the City Administrator. Full payment is due upon receipt of final invoice. Any property that is abandoned over 15 days will become property of the City of Mandan and may be sold to recoup any expenses accrued by the city.

Comprehensive site plans must accompany this application.

Street Dance: ☐ Beer Garden: ☐ Both: ☐ Parade or Other Public Event: ☐

Section 1 – Applicant Information

Name of Event Manager: Jordan Black
Driver's License Number: BLA-93-4300 State ND
Date of Birth: 01/26/1995 Phone Number: 360-915-4252 Email: jordan@funatixevents.c
Address: 507 W Bowen Ave City: Bismarck State: ND Zip: 58504
Have you ever been convicted of a crime? ☐ YES ☐ NO
If yes please list charge(s) and year of conviction(s):

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Name of Event Manager: _____
Driver's License Number: _____ State _____
Date of Birth: _____ Phone Number: _____ Email: _____
Address: _____ City: _____ State: _____ Zip: _____
Have you ever been convicted of a crime? ☐ YES ☐ NO
If yes please list charge and year of conviction:

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Permit Application #: _____ **Date Complete:** _____

(For office use only)

Business Address: 201 West Front Ave City: Bismarck State: ND Zip: 5850
Corporation/Organization: Funatix Events State of Incorporation: ND
Tax ID #: 83-3363498 501(c)3 #: _____ City Sales Tax ID #: _____
Have you ever coordinated/promoted another event/s? ☐ YES ☐ NO

If yes, please provide the following:

Last event/s Location: Mandan Rodeo Days Date: 7/4/23
Contact Name: Jordan Black Phone: 360-915-4252
E-mail Contact: jordan@funatixevents.com

Section 2 – Event Information

Event Name: Mac and Cheese Festival Anticipated Daily Attendance: 1,500
Event Date(s): 5/11/24 Set-up Date: 5/11/24 Hours: 9am-3pm
Hours of event each day: 3pm-8pm
(begin and end times)
Take Down Date(s): 5/11/24 Hours: 8pm-10pm
E-Mail address for public information: info@funatixevents.com
WEB address for public information: ndmacandcheese.com
Location of Event/physical address: Dyshorn Park, Mandan
Sponsors of the Event: Dacotah Community Bank and Trust, Family Fare, Cloverdale, Bis
Brief Description of Event:
the 2nd annual Mac and Cheese Festival is crowing the best mac and cheese between

Has this event been held in another location? ☐ YES ☐ NO

If yes, please provide the following:

Last event/s Location: Cottonwood Park
Date: 5/10/23 Contact Name and Phone: Jordan Black; 360-915-4252

Section 3 – Event Features

Will there be an admission charge? ☐ Yes ☐ No

If yes, Printed ticket count: 1,500 Tickets for presale count: 1,000

Will there be entertainment? ☐ Yes ☐ No

If yes, please attach an itemized complete list of all entertainment.

(A complete list of entertainment will be required before final approval. Once approved, no changes may be made unless authorized by the City Administrator.)

Will merchandise and/or food items be sold? ☐ Yes ☐ No

If yes, please attach a complete list of vendors.

(Each vender must have all valid permits and license to sell their product)

Permit Application #: _____ **Date Complete:** _____

(For office use only)

What type of advertising/promotion will be done prior to the event?

(Attach all promotional material.)

Radio: ☐ Yes ☐ No What Stations? Townsquare

TV: ☐ Yes ☐ No What Stations? _____

Fliers/Posters: ☐ Yes ☐ No How many? _____

Press Releases: ☐ Yes ☐ No How many? _____

Newspaper Ads: ☐ Yes ☐ No What publication? _____

Is any other promoter/producer assisting you with your event? ☐ Yes ☐ No

Name of Promoter and Promotion Company: Funatix Events

Address: 201 West Front Ave City: Bismarck State: ND Zip: 58504

Will the event include any of the following? (Indicate on site plan and/or vendor list)

Tents or Canopies: ☐ Yes ☐ No

Number of Tents: 0

(Tents require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics: ☐ Yes ☐ No

(Fireworks or Pyrotechnics require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics Production Company's name: _____

(A copy of the Production Company's License and Insurance is required with this application, only if fireworks or pyrotechnics are being requested for this event.) *A separate bond may be required for this event.

Require permits from the City of Mandan

Any person for on- or off-sale alcoholic beverage licensee desiring to conduct a public beer garden shall make application for a special permit to do so to the board, 30 days in advance of the proposed event.

Temporary Fencing: ☐ Yes ☐ No

Provide accurate dimensions of fenced area on site plan along with the site plan.

Company Contact Name: _____

Contact phone: _____

Restroom Accommodations: 10 plus ADA

Number of required portable toilets: 11 porta potties

Approved By: _____ Date Approved: _____ Initials: _____

Placement of sanitary toilet facilities must be on site plan.

Permit Application #: _____ **Date Complete:** _____

(For office use only)

Attach a copy of the letter from the Western Plains Public Health that indicates the site plan has been reviewed and the required number of proper sanitation facilities is attendance.

Company Contact name: _____

Contact phone: _____

Electrical Services/Generators ☐ Yes ☐ No

Generators must be separated from tents by a minimum of 20' and shall be isolated from contact by fencing or other approved means.

Company Contact name: _____

Contact phone: _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Carnival/Amusement Rides: ☐ Yes ☐ No

A separate permit from the Fire Department may be required.

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Signs / Banners ☐ Yes ☐ No

Company Contact name: Funatix Events

Contact phone: 360-915-4252

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Inflatables ☐ Yes ☐ No

Company Contact name: Funatix Events

Contact phone: 360-915-4252

Bonded and Insured Amount: _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Raffles

Will this event have a raffle? ☐ Yes ☐ No

If yes you must apply for a City Permit \$25 Raffle Permit (Attach copy of State Gaming License if issued)

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Section 4 – Transportation

Does the event propose **using, closing or blocking** any of the following:

*If yes, specify location and duration on site map, **if on a DOT Highway or Roadway DOT authorization will be required.***

City Streets ☐ Yes ☐ No (Number of locations: _____ attach list of locations.)

City Sidewalks ☐ Yes ☐ No (Number of locations _____ attached list of locations)

City Bus Stops ☐ Yes ☐ No (Number of locations _____ attached list of locations)

Public Parking Lots ☐ Yes ☐ No (Number of locations _____ attached list of locations)

Public Bicycle Parking ☐ Yes ☐ No (Number of locations _____ attached list of locations)

Multiuse Paths ☐ Yes ☐ No (Number of locations _____ attached list of locations)

City Alleys ☐ Yes ☐ No (Number of locations _____ attached list of locations)

City Right-of-Ways ☐ Yes ☐ No (Number of locations _____ attached list of locations)

Approved By: _____ **Date Approved:** _____ **Initials:** _____

(Section 4 must be approved by Mandan City Engineer, and be approved by the City Commission before the event)

Section 5 – Use of City Utilities

Will any City electric hookups be used? ☐ Yes ☐ No

Electric Location including amperage Dykshorn park

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Will any City water hookups be used? ☐ Yes ☐ No

Water Location(s) _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Will waste water/gray water be generated? ☐ Yes ☐ No

If so, how will it be disposed? _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 6 – Alcohol

Will there be alcohol at the event? ☒ Yes ☐ No

Will alcohol be given away? ☐ Yes ☐ No

Will the alcohol be sold? ☐ Yes ☐ No

Will the alcohol be donated? ☐ Yes ☐ No

Who is the alcohol being donated by or purchased through: Funatix Catering and Concession

Is alcohol included in the admission price of the event? ☐ Yes ☐ No

Approved By: _____ Date Approved: _____ Initials: _____

If you answered *Yes to any of the above*, a City and State Liquor License will be required. Attach copy(s) of all liquor licenses with this application. (If a City Liquor License is needed please contact the City of Mandan's Finance Department to apply at Phone: (701) 667-3213)

Has the applicant/organization ever had a liquor license or event permit denied, revoked or suspended? ☐ Yes ☐ No

If yes, please explain:

How will attendees be identified as minors or age 21 and over?
Wristbands, and ID checks through out

Have the alcohol servers received training in sale/service of alcoholic beverages? ☐ Yes ☐ No

If yes, who provided the training: Funatix Events

Date and time of most recent training: 4/27/24

Request Mandan Police Server Training: ☐ Yes ☐ No

If yes provide a contact person and contact information::

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 7 – Event Security

Are you requesting off-duty Mandan Police officers? ☒ Yes ☐ No

Number of personnel requested: 2

After reviewing the event application, the Chief of Police may require the use of the City of Mandan Off-Duty Police Officers for the event.

To schedule Off –Duty Police Officers, please call 701-667-3250.

Officers must be requested 2 weeks prior to any event and there will be a minimum of 4 work hours per officers per event at \$45 per-hour per officer.

Are you requesting private security? ☐ Yes ☒ No

Number of security personnel onsite: _____

Include security points and duties on event plans

The City of Mandan requires only security companies that are licensed and bonded in the State of North Dakota.

Security Company and Contact Info: _____

Attach a copy of Company's License

Section 8 – Emergency Medical Services

Are you requesting off-duty Mandan EMT's? ☐ Yes ☐ No

Number of personnel requested: _____

After reviewing the event application the Fire Chief may require the use of the City of Mandan Off-Duty EMT's or paramedics for the event.

EMTs or paramedics must be requested 2 weeks prior to any even and there will be the minimum of 4 work hours per employee per event \$35

Section 9 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

Funatix Events clean up the park after the event

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: _____

Contact Name: _____ Phone: _____

All costs for containers, dumping and the removing all trash are the responsibility of the applicant/promoter. The City of Mandan's property and or the event site must be returned to its original condition and all equipment removed or daily fees will be accessed.

Section 10 – ADA Accessibility Requirements

Parking plan requirements

Attach a copy of your parking plan and include in the plan the necessary handicap parking areas and any code required handicap accessibility requirements. Also include medical access points and safe medical response routes for the event.

Section 11– Insurance and Bond Requirements

The City of Mandan has established insurance requirements for those facility users, vendors and contractors entering into agreements with the City for the purpose of special events and activities. Before commencing use or services under an agreement with the City of Mandan, a certificate of insurance or a copy of the required bond that complies with the requirements referenced below must be attached.

All special event applicants shall name the City of Mandan as an “Additional Insured”, per item one below, on all policy(ies), except workers compensation and shall reflect this on a Certificate of Insurance. Applicant agrees that any insurance available to the applicant shall be primary and non-contributory to the city’s self-insured retention.

Applicant shall obtain certificates of insurance from all vendors participating in this event unless covered under applicant’s insurance policy. Vendors must comply with all requirements listed in this section. Complete and accurate certificates must be received by the Special Events Office a minimum of five (5) working days prior to the event. Separate certificates of insurance shall be provided by all carnival and amusement companies and firework production companies with the limits shown in this section and shall name the City of Mandan as “Additional Insured” as per item one below. Additional coverage may be required depending upon the nature and scope of the event. For more information or questions regarding insurance requirements, please contact our City Administrator’s Office at 701-667-3214. The City Administrator reserves the right to evaluate the liability of each event and assess the required insurance limits. Event permits will not be issued until all insurance requirements are satisfactorily met.

The certificate must show:

1. The City of Mandan, its agents, officers, employees and volunteers are named as “Additional Insured.” All Certificate of Insurance policies must reflect this with the exception of workers compensation.
2. The City of Mandan shall be notified at least 30 days prior to cancellation or alteration of any insurance coverage. A 10-day notice of cancellation for non-payment of premium is required..
3. Workers Compensation Policies shall contain a Waiver of Subrogation clause in favor of the City of Mandan.
4. General Liability Including: Bodily Injury Contractual Independent Contractors
Comprehensive Form Product/Completed Operations Hazard
Premises Operation Personal injury Broad Form Property Damage

Permit Application #: _____ **Date Complete:** _____
(For office use only)

In addition, specific date(s) and locations(s) of the event, to include set up and take down, must be stated clearly on the certificate. Certificates shall be received no less than thirty (30) working days prior to the event.

City Services

Police..... \$45 per hour, per officer, 4 hour minimum
Fire/EMS..... \$35 per hour, per staff 4 hour minimum
Barricades.....Amount charged by contracted barricade provider
Trash Container drop-off/pick-up..... \$____ prices vary
Custodial..... \$____ per hour, per staff person

Miscellaneous fees

Tent/Canopy Permit.....\$____ per tent or canopy (Check with the Fire Department to ascertain if a permit is necessary)
Fireworks Permit..... \$____ per location
The Park District may require separate fees or permit if on Park District property. It is required that the event host checks with the Park District when planning an event on Park District property to avoid delays with the permitting process.

Permit Application #: _____ Date Complete: _____

(For office use only)

Fee Cost Worksheet

Police Services:

No. of Officers 2 x No. of Hours 5 = 10 x \$45 = \$ 450.00

Fire/EMT Services

No. of EMT's _____ x No. of Hours _____ = _____ x \$35 = \$ _____

Finance application processing Fee \$ _____

Trash Container Fee..... \$ _____

Custodial Fee..... \$ _____

Tent/Canopy Inspection and Permit..... \$ _____

Fireworks/Pyrotechnics Permit and Inspection Fee..... \$ _____

\$25 Application Fee..... \$ _____

\$50 Late application Processing Fee (if Applicable)..... \$ _____

Event Application Fee (See Attached Fee Schedule)..... \$ _____

TOTAL: \$ _____

Fees assessed by the Park District are not included.

Date Fees Paid: _____ **Initials:** _____

Signature Page from City Officials and Department Heads

Mitch L. Bitz / _____
Mitch L. Bitz (Apr 26, 2024 13:26 CDT)

Fire Department Date

Patrick Haug / _____
Patrick Haug (Apr 26, 2024 10:57 CDT)

Police Department Date

Jack Williams / _____

Engineering Department Date

Brian Dirk / _____
Brian Dirk (Apr 26, 2024 11:04 CDT)

Public Works Date

Special Event Guide

Sec. 12-9-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public concert: means a musical performance by one or more groups held either indoors or outdoors where the audience is seated by reserve or general admission, free of charge or otherwise, with the audience being present primarily for the purpose of listening to music and the location of such musical performance having a seating capacity of at least 1,000 people, or, if the concert is outdoors, the site has a capacity of at least 300 persons.

Public dance: means any dance held either indoors or outdoors where the public may participate, whether an admission fee is charged or not, and is present primarily for the sole purpose of dancing, and where the location of the dance has a capacity of at least 100 persons.

Public event: means a music festival, public dance or public concert.

(Code 1979, § 10-04-07; Code 1994, § 12-03-09; Ord. No. 744, § 2, 1989)

ARTICLE 4. – AMUSEMENTS

Sec. 12-4-1. - Required to operate public amusements.

- a) It is unlawful to conduct or operate any amusement which is open to the public and for which an admittance fee is charged without having first secured a license from the city. The license fee for amusements shall be determined by resolution of the board.
- b) No license fee is required if a show, exhibition, entertainment, gallery, stand or other device is operated or given under the auspices of and for the benefit of a church or school, or charitable, fraternal or political organization. (Code 1979, § 10-04-01; Code 1994, § 13-04-01)

Sec. 12-4-2. - Public amusements for which license is required.

A person may not conduct, operate or maintain the following activities without first obtaining a license from the city:

- (1) Public dance, as that term is defined by N.D.C.C. § 53-02-01.
- (2) Any circus, carnival or similar event.
- (3) Any theatrical exhibition, motion picture show, vaudeville performance, opera or variety theater.
- (4) Any show, entertainment, gallery, stand or device of any description on the streets, alleys or public grounds within the city.
- (5) Any merry-go-round, rides or similar devices.

(Code 1979, §§ 10-04-02—10-04-05; Code 1994, § 13-04-02)

Sec. 12-4-3. - Liability insurance or bond required.

A person may not conduct, operate, manage or sponsor any Ferris wheel, merry-go-round or other amusement ride operated for hire, or for the purpose of promoting or advertising any trade or business, without first filing with the city license officer a bond indemnifying the public against damages sustained by reason of operation of the ride, or certificate of liability insurance, in the amount of at least \$500,000.00. Such bond or certificate of insurance is subject to the approval of the city attorney. This section applies to all persons, whether or not such persons are exempted from any other provision of this article. (Code 1994, § 13-04-03)

Sec. 12-4-4. - Licensee to maintain order.

Any licensee engaged in giving or conducting any public amusement for pay shall preserve good order in and about the place of exhibition or public amusement, and if necessary for that purpose, shall employ, at the licensee's own expense, a sufficient security force. (Code 1979, § 10-04-06; Code 1994, § 13-04-04)

Sec. 12-4-5. - Policing of dances, music festivals or public concerts.

A public dance or public dancing place or hall may not be conducted, maintained or operated, unless the same is policed as provided by N.D.C.C. § 53-02-08. A music festival or public concert, as defined in N.D.C.C. § 53-02-01, shall be policed as provided in N.D.C.C. § 53-02-08. The cost of the policing, as determined by the chief of police, must be paid by the applicant at the time of the license application or, at the discretion of the chief of police, a cash bond in a reasonable amount may be posted, which shall be refunded upon payment of costs of policing following the event. (Code 1994, § 13-04-05)

Sec. 12-4-6. - Use of streets.

It is unlawful for any person to play any game, sport or amusement upon any public right-of-way of the city, except as permitted by the board. (Code 1994, § 13-04-06)

Sec. 12-9-2. - Penalty.

Any person who gives, holds or conducts a public event in violation of this article or in violation of the conditions of the public event permit, who furnishes information required by this article which is false or misleading, or who violates any provision of this chapter shall be guilty of a Class B misdemeanor. (Code 1979, § 10-04-07; Code 1994, § 12-03-17; Ord. No. 744, § 2, 1989)

Sec. 12-9-3. - Required; nontransferable; fees.

No person shall give, hold or conduct a public event unless the owner of the place where the public event is given, or the person giving the same or in charge thereof, first shall have procured a permit to give, hold and conduct such public event. A permit may be issued for one or more public dances or public concerts. If a permit is issued to any person to conduct a public event, the event may be conducted in such place only by the person to whom the permit is issued. Such permit shall not be transferable. A permit fee shall be assessed for each event held within a 24-hour period or an annual permit fee may be assessed if the site location is intended to be a permanent site, and the amount of the fees shall be set from time to time by resolution of the board. A permit, other than an annual permit, shall not be valid for a period of greater than three consecutive days.

(Code 1979, § 10-04-07; Code 1994, § 12-03-10; Ord. No. 744, § 2, 1989)

Sec. 12-9-4. - Application; special permits.

Any person desiring to conduct a public event at a public building or site or any outdoor location shall make application for a permit to do so to the board, 30 days in advance of the proposed event. In the event the applicant proposes to sell or dispense or permit the consumption of alcoholic beverages at such public event, an application for a special permit under the provisions of sections [4-2-16](#) and [4-2-20](#) shall accompany the application for the public event. Four copies of the application shall be filed with the city license officer and shall set forth the following information:

Sec. 4-2-20. - Sunday alcoholic beverage permit.

Permit required. No person may dispense, sell or permit the consumption of alcoholic beverages within a licensed premises or publicly owned or operated facility on any Sunday unless said person has been granted a permit under the provisions of this section. The authority to issue a Sunday alcoholic beverage permit rests solely with the board.

Permit Application #: _____ **Date Complete:** _____

(For office use only)

- 1) Identification of applicant. The application shall include the name, address and driver's license number of the applicant and the name, address and driver's license number of the person who will manage or conduct the public event. The application shall also state whether the applicant or the person who will manage or conduct the event has been convicted of any crime relating to the sale of alcoholic beverages or controlled substances or within the past five years has been convicted of any crime against persons, including assault, disorderly conduct, sexual assault, rape or murder, and whether the applicant or the person who will manage or conduct the event has ever had a license of any kind revoked or cancelled by any municipal, state or federal authority.
- 2) Date, time and place. The place, date and hours of the proposed event shall be clearly identified.
- 3) Site plan. The person conducting the event shall include in the application a site plan which details the exact placement of the stage, lighting and other electrical equipment, public seating, toilet facilities, fencing or other barricades, parking, marked fire lanes, and the proximity of public roadways. The site plan submitted by the applicant shall be reviewed by the city engineer, who shall submit Estimate of attendance, his recommendations to the board.
- 4) The applicant shall provide an estimate of the number of persons that the person conducting the event has determined can be safely accommodated within the chosen site and an estimate of the number of persons expected to attend.
- 5) Ticket sales. The application shall contain information relating to ticket sales, which addresses the control of attendance to meet the site plan limitations, if any. If the person conducting the event intends to open the event to the general public without prior ticket sales, the application shall address the manner in which the person intends to limit the size of the crowd to meet the site plan limitations.
- 6) Traffic control. The application shall specify the proximity of public roadways to the site of the event and to the proposed parking area and shall contain a description of the manner in which traffic control will be handled to ensure the safe ingress and egress of pedestrians and vehicles. Appropriate arrangements shall be made by the person conducting the event to ensure that no interference will occur with the public use of any adjacent public roadways. The traffic control proposal shall be subject to the approval of the city engineer.
- 7) Parking. The application and site plan shall specify the planned accommodations for public parking. The person conducting the event shall provide adequate parking for persons in attendance commensurate with the estimated number of persons that the selected site can accommodate. Under no circumstances will parking be permitted upon public roadways if said parking would be in violation of posted parking restrictions.
- 8) Sanitation. The application shall include the number and placement of sanitary toilet facilities which will be provided by the person conducting the event. The application shall be accompanied by a letter from the city health officer that indicates that he has reviewed the site plan and estimate of the number of persons in attendance and has determined that the number and kind of proposed toilet facilities is adequate to meet the needs of persons in attendance at the event.
- 9) Garbage. The application shall include a description of the size and number of available garbage disposal units on the site of the event in addition to the arrangements made to clean up the site after the event has ended.
- 10) Fencing and barricades. The application shall contain a description of the fencing and barricade system which is intended to control access to the event site, if such event is to be outdoors, and the location of the fencing and barricade system shall be noted on the site plan. If alcoholic beverages are to be dispensed or consumed at the public event, which event is outdoor, the perimeter of the site must be surrounded by a six-foot cyclone-style fence or enclosed within a tent which has four sides. For all events, whether outdoors or indoors, adequate provisions for entrances and exits and access by fire, police and other emergency personnel or vehicles shall also be noted in the application and on the site plan.
- 11) Signing. The application shall contain a description of the signing which is proposed to control pedestrian and vehicular traffic, parking, and provide appropriate notices to the persons in

attendance at the event. The size, wording and placement of the signs shall be included in the description and shall be subject to the approval of the city engineer.

- 12) Sale or consumption of alcoholic beverages. If the applicant intends to sell or allow the consumption of alcoholic beverages at the public event the identity of the alcoholic beverage licensee who will be dispensing said beverages shall be provided. The board may, by resolution or by condition attached to the permit, restrict the sale, dispensing and consumption of alcoholic beverages to beer or beer and wine only at the event or series of events. Therefore, the person holding the event shall include within the application a description of the efforts that will be taken to prevent the consumption of other alcoholic beverages at the event, including those alcoholic beverages attempted to be brought in by members of the public. At all such events the dispensing of alcoholic beverages in glass bottles, glass drinking cups or any other glass containers shall be prohibited.
- 13) Security. N.D.C.C. § 53-02-08 requires the city police department to police the event at the expense of the person conducting the event, which payment must be received by the city license officer 72 hours in advance of the event. The application shall contain, in addition to the estimated number of persons in attendance, an estimate of the number of police officers which will be needed to adequately police the event. The chief of police will be responsible for making the final determination of the number of officers that will be required.
- 14) Bond required. The person conducting the event shall file with the city license officer a cash bond in an amount to be set by resolution of the board. The bond shall be returned to the person after the event if the site has been adequately cleaned and if no additional costs or property damage has resulted from or as a result of the event.
- 15) Cost to the city. If the proposed event necessitates any expenditures on the part of the city, excluding the cost of providing police security, such costs shall be paid to the city by the person conducting the event. The posted cash bond shall be used by the city to cover the costs associated with the event and the balance, if any, will be returned to the person conducting the event. If the cash bond does not cover the costs resulting from the public event, the person conducting the event shall be assessed the additional costs. Costs within this section include, but are not limited to, the following:
 - a. Costs of cleanup or garbage removal;
 - b. Costs of traffic signing, fencing or barricades;
 - c. Any property damage to public property which occurred during or as a result of the event; and
 - d. Any additional costs associated with crowd control, including injury to city employees or other persons, which occurred during or as a result of the event.
- 16) Temporary vacation of streets. If the site plan proposed by the applicant requires the use of any public street, alley or right-of-way, the application and the site plan shall clearly designate the portion of the public street, alley or right-of-way to be temporarily vacated. In no event shall more of a public street adjoining one-half of a public block be vacated and, in each instance, adequate access for emergency vehicles shall be provided. The temporary vacation of any public street or right-of-way shall be subject to the approval of the city engineer. The board shall determine whether any public street, alley or right-of-way may be temporarily vacated for a public event on a case-by-case basis.
(Code 1979, § 10-04-07; Code 1994, § 12-03-11; Ord. No. 744, § 2, 1989)

Sec. 12-9-5. - Inquiry and investigation.

The board shall make such inquiry and investigation as to the propriety of granting or refusing such permit as shall be deemed necessary.

(Code 1979, § 10-04-07; Code 1994, § 12-03-12; Ord. No. 744, § 2, 1989)

Sec. 12-9-6. - Refusal and revocation of public event permit for cause.

- (a) The board may revoke the public event permit at any time for violation of any of the provisions of this chapter. The board shall refuse to issue such permit, and shall revoke a permit already issued, where it appears that:
- 1) The permitted site is or is likely to become a public nuisance or detrimental to public health, safety or order;
 - 2) The provisions of this chapter are being violated;
 - 3) An alcoholic beverage or controlled substance is being sold, or given away, except as authorized by terms of the permit;
 - 4) Any of the city ordinances or state laws are being violated;
 - 5) The chief of police determines that adequate security cannot be provided to the public event either by city police officers, special police or a combination thereof; or
 - 6) The board has determined that the number of like events needs to be limited in order to ensure the health, safety and security of the public.
 - 7) The chief of police shall report any violations of the permit or violations of city ordinances or state laws immediately to the board. Notwithstanding any of the provisions of this chapter, if the chief of police determines that the conduct of any public event has become a public nuisance or injurious to the public peace, health or safety, the chief of police shall immediately cause said event to be closed to the public and thereafter notify the board of the action and reasons therefor.
- (Code 1979, § 10-04-07; Code 1994, § 12-03-14; Ord. No. 744, § 2, 1989)

Sec. 12-9-7. - Restrictions and conditions attached to public event permit.

If the board determines that the public event will not unduly interfere with the peace, health or safety of the public or the neighborhood in which the event will occur and that the applicant is in compliance with the requirements for sanitation and garbage disposal; parking, fencing, traffic and crowd control; security; and regulation of alcoholic beverage consumption, the board may approve the issuance of the permit to be effective for the dates designated and subject to any necessary restrictions and conditions, including the following restrictions and conditions:

- 1) Alcoholic beverages may be distributed and consumed, and dancing may be permitted only in those areas specifically designated in the site plan and approved by the board;
 - 2) Dancing and the distribution of alcoholic beverages shall be permitted only during the hours designated by the board, which in no event shall be before the hour of 12:00 noon on the date specified in the permit and after 1:00 a.m. of the following day;
 - 3) No person having a permit to hold a public event at which alcoholic beverages are to be sold, distributed or consumed shall permit in any such event any person who is obviously intoxicated or who is under 21 years of age, except persons under 21 years of age may be permitted at a public event if the sale and consumption of alcoholic beverages is segregated and constricted to an area barricaded from the public event by a six-foot cyclone-style fence or structure to which access by such persons is prohibited;
 - 4) The licensee as a condition to the issuance of such permit consents and agrees that any city police officer or special police officer may enter upon and inspect the licensed premises or site or any part at any time for the purpose of determining compliance with the conditions of the permit and city ordinances; and
 - 5) The licensee shall comply with all other applicable ordinances and laws relating to health and sanitation and the use and sale of alcoholic beverages in the city.
- (Code 1979, § 10-04-07; Code 1994, § 12-03-14; Ord. No. 744, § 2, 1989)

Sec. 12-9-8. - Limits on number of public event permits.

The board may, by resolution, set a maximum limit on the number of public event permits which will be granted during any period of time. Notwithstanding any restrictions on the number of events, the board may deny any application for a permit if it determines that adequate provision for traffic control, health, safety or security cannot be provided for the event.

(Code 1979, § 10-04-07; Code 1994, § 12-03-15; Ord. No. 744, § 2, 1989)

Sec. 12-9-9. - Indemnification of city.

A person may not give, hold or conduct a public event, nor may the board approve a permit for such public event, without the person having first filed with the city license officer a bond or certificate of insurance in the amount as specified by resolution of the board, indemnifying the city and the public against personal injury or property damages occurring at or as a result of the public event. The person giving, holding or conducting the public event agrees to save and hold harmless the city for any personal injury or property damage resulting from actions of any city employees, police officers or special officers in the course of their employment, which actions are directly related to the conduct of the public event.

(Code 1979, § 10-04-07; Code 1994, § 12-03-16; Ord. No. 744, § 2, 1989)

Sec. 24-9-3. - Parade permit required.

No person shall engage in, participate in, aid, form or start any parade without a parade permit issued by the city.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-4. - Application for parade permit.

- a. A person desiring a parade permit shall file an application with the city on forms provided by the city. Such application shall be filed not less than seven days nor more than 60 days before the date on which it is proposed to conduct the parade.
- b. The application for a parade permit shall contain all information deemed necessary by the city in order to fully evaluate the request
- c. The city, where good cause is shown therefor, may consider any application which is filed less than seven days before the date such parade is proposed to be conducted.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-5. - Standards for issuance of parade permit.

The city shall issue a parade permit when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

- 1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- 2) The conduct of the parade will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city.

Permit Application #: _____ **Date Complete:** _____

(For office use only)

- 3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto.
- 4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
- 5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire.
- 6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
- 7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- 8) The parade is not to be held for the sole purpose of advertising any product, cause, goods or events and is not designed to be held purely for private profit.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-6. - Notice of denial of parade permit.

If the city disapproves the application for a parade permit, the city shall mail to the applicant, within three days after the date upon which the application was filed, a notice of such action.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-7. - Alternative parade permit.

The city, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of such action, file a written notice of acceptance with the city. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this article.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-8. - Contents of parade permit.

Each parade permit shall state the following information:

- 1) Starting time.
- 2) Minimum speed.
- 3) Maximum speed.
- 4) Maximum interval of space to be maintained between the units of the parade.
- 5) The portions of the streets to be traversed that may be occupied by the parade.
- 6) The maximum length of the parade in miles or fractions thereof.
- 7) Such other information as the governing body shall find necessary to the enforcement of this article.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Permit Application #: _____ **Date Complete:** _____
(For office use only)

Sec. 24-9-9. - Carrying parade permit.

The parade chairperson or other person heading or leading such activity shall carry the parade permit upon their person during the conduct of the parade.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-10. - Revocation of parade permit.

The city may, after a hearing affording due process, revoke a parade permit issued under this article upon application of the standards for issuance as set forth in this article.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

THE FESTIVAL



- | | |
|----------------|---|
| 3:30 PM | Music by Prairie Road
<i>Petro Hunt Entertainment Area</i> |
| 5 PM | Music by Jake Ingamar
<i>Petro Hunt Entertainment Area</i> |
| 6:15 PM | Music by Lilly Danielle
<i>Petro Hunt Entertainment Area</i> |
| 7 PM | Music by Natalie & Randy
<i>Petro Hunt Entertainment Area</i> |
| 7:30 PM | Golden Noodle Award Winner
<i>Cloverdale Judge's Zone</i> |
| 7:45 PM | Alcohol Serving Closed
<i>Bismarck Distillery Beer Gardens</i> |
| 8:00 PM | Event Conclusion |





EVENT
PRESENTED BY
Dakota
COMMUNITY
BANK & TRUST

WHAT'S ON THE MENU



BRISKET
MAC BOWL



SOUTHERN
SMOKED MAC



FLAMIN' HOT
PIGGY MAC



NOT YO
MAMA'S MAC



BACON
CHEESEBURGER
MAC



BEER
CHEESE MAC



THE CHEESY
UDDER 2.0



PORK BELLY
GOUDA MAC



THE CHEESY
ENCORE



IPA BUFFALO
MAC



FIREPIT
MAC ROLL



- 1. Family Fare Kids zone: Inflatables & Crafts
- 2. Family Fare Kids zone: Crafts & Face Painting
- 3. Live Entertainment
- 4. Beer Garden
- 5. Restrooms

- 6. Food Vendor Trucks (along fence)
- 7. Cloverdale Cheddar Council
- 8. Beer Garden
- 9. Beer Garden
- 10. Walk-Up Ticket Tent

- 11. ID Check Tent
- 12. Food Vendor Tents **tents facing truck vendors*
- 13. Ticket Tent



1

2

3

4

5

- 1. By the Batch
- 2. Laughing Sun
- 3. Funatix Tent
- 4. Stage Stop
- 5. Funatix Catering
- 6. Stonehome

- 7. Hensley's Food Truck
- 8. Gettin' Sauced
- 9. Udderly Amazing
- 10. JD's BBQ
- 11. PickaBOB
- 12. The FirePit Bismarck

10x10 Tent

Food Truck

Funatix Tent

6

7

8

9

10

11

12

Special_Event_Permit

Final Audit Report

2024-04-26

Created:	2024-04-26
By:	Megan Helbling (megan.helbling@mandanpd.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAv60iN4XZBTqvw5wL5oRh0x-LeW0YBazK

"Special_Event_Permit" History

-  Document created by Megan Helbling (megan.helbling@mandanpd.com)
2024-04-26 - 3:51:31 PM GMT
-  Document emailed to Pat Haug (phaug@mandanpd.com) for signature
2024-04-26 - 3:51:42 PM GMT
-  Document emailed to Brian Dirk (brian.dirk@cityofmandan.com) for signature
2024-04-26 - 3:51:42 PM GMT
-  Document emailed to Mitch Bitz (mbitz@cityofmandan.com) for signature
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-  Email viewed by Jarek Wigness (jarek.wigness@cityofmandan.com)
2024-04-26 - 3:52:21 PM GMT
-  Document e-signed by Jarek Wigness (jarek.wigness@cityofmandan.com)
Signature Date: 2024-04-26 - 3:53:33 PM GMT - Time Source: server
-  Email viewed by Pat Haug (phaug@mandanpd.com)
2024-04-26 - 3:53:50 PM GMT
-  Email viewed by Brian Dirk (brian.dirk@cityofmandan.com)
2024-04-26 - 3:55:34 PM GMT
-  Signer Pat Haug (phaug@mandanpd.com) entered name at signing as Patrick Haug
2024-04-26 - 3:57:08 PM GMT
-  Document e-signed by Patrick Haug (phaug@mandanpd.com)
Signature Date: 2024-04-26 - 3:57:10 PM GMT - Time Source: server

 Document e-signed by Brian Dirk (brian.dirk@cityofmandan.com)

Signature Date: 2024-04-26 - 4:04:00 PM GMT - Time Source: server

 Email viewed by Mitch Bitz (mbitz@cityofmandan.com)

2024-04-26 - 6:15:49 PM GMT

 Signer Mitch Bitz (mbitz@cityofmandan.com) entered name at signing as Mitch L. Bitz

2024-04-26 - 6:26:22 PM GMT

 Document e-signed by Mitch L. Bitz (mbitz@cityofmandan.com)

Signature Date: 2024-04-26 - 6:26:24 PM GMT - Time Source: server

 Agreement completed.

2024-04-26 - 6:26:24 PM GMT



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 30, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Buggies and Blues, June 8-9, 2024

STATEMENT/PURPOSE:

Consider approval of Buggies and Blues special event permit for June 8-9, 2024.

BACKGROUND/ALTERNATIVES:

Buggies and Blues annual car show event takes place on Main Street and requires the street to be closed off from traffic for the event from Collins Ave to 6th Ave NW. See attached Special Events Permit.

ATTACHMENTS:

1. 2024 Buggies and Blues Event Permit Packet

FISCAL IMPACT:

N/A

STAFF IMPACT:

Staff to assist with the closing of the street and or removing vehicles before closure.

LEGAL REVIEW:

N/A

RECOMMENDATION:

I recommend approving the special event permit for Buggies and Blues that will include Main St. closure from Collins Ave to 6th Ave NW from June 8-9, 2024.

SUGGESTED MOTION:

I move to approve the special event permit for Buggies and Blues on June 8-9, 2024.

Permit Application #: _____ Date Complete: _____
(For office use only)

Special Events Permit Application

City of Mandan, ND

Mandan Police Department (Special Events) • 205 1st Ave. NW • Mandan, ND 58554
• Phone 701-667-3250 • FAX 701-667-3463

Date of Application: 4/29/2024

30 days prior to the event with a **non-refundable administration application fee of \$25 attached**. Late applications are permitted and subject to an **additional \$50 processing fee** for those submitted within 20 days of an event. **Any application not submitted prior to 20 days before the event will not be accepted for consideration.**

The payment of fees does not guarantee event approval if submitted late. Permits are \$30 per day/Sunday Permit will be \$45, to a maximum of \$150.00 per event not to exceed 14 days (Includes Sundays).

All applicants will be charged fees as appropriate and are expected to fully reimburse the city for all services related to event production which may include, but are not limited to, Police Services, Fire/EMS, Park and Facility Maintenance, Field Services, Sanitation, Street Engineering and Site Supervisors. (See Below Fee and Charges)

A storage fee of **\$500** will be assessed for all equipment not removed from any public venue or premises within 24 hours of the end of the event. Any vendor may request an extension for equipment removal and may be granted by the City Administrator. Full payment is due upon receipt of final invoice. Any property that is abandoned over 15 days will become property of the City of Mandan and may be sold to recoup any expenses accrued by the city.

Comprehensive site plans must accompany this application.

Street Dance: ☐ Beer Garden: ☐ Both: ☐ Parade or Other Public Event: ☐

Section 1 – Applicant Information

Name of Event Manager: Matt Schanandore

Driver's License Number: SCH-83-6204 State: _____

Date of Birth: 07/10/198 Phone Number: 7019344540 Email: Matt@mandanprogress

Address: 2209 West View Place SE City: Mandan State: ND Zip: 58554

Have you ever been convicted of a crime? ☐ YES ☐ NO

If yes please list charge(s) and year of conviction(s):

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Name of Event Manager: _____

Driver's License Number: _____ State: _____

Date of Birth: _____ Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Have you ever been convicted of a crime? ☐ YES ☐ NO

If yes please list charge and year of conviction:

(List all Jurisdictions where you have been charged with a crime, also list any other names you have used when charged)

Permit Application #: _____ **Date Complete:** _____

(For office use only)

Business Address: 411 West Main St. City: Mandan State: ND Zip: 5855
Corporation/Organization: Mandan Progress Organization State of Incorporation: ND
Tax ID #: 45-0439012 501(c)3 #: _____ City Sales Tax ID #: _____
Have you ever coordinated/promoted another event/s? ☐ YES ☐ NO

If yes, please provide the following:

Last event/s Location: 2023 Buggies and Blues Date: June 10th
Contact Name: Matt Schannadore Phone: 701-934-4540
E-mail Contact: matt@mandanprogress.org

Section 2 – Event Information

Event Name: Buggies and Blues Block Party/C Anticipated Daily Attendance: 2000 & 8000
Event Date(s): June 8th and 9th Set-up Date: June 7th and 9th Hours: 6/9 - 8am t
Hours of event each day: June 8th 12pm to 11pm and June 9th 10am to 4pm
(begin and end times)
Take Down Date(s): June 7th & June 9th Hours: 6/10 10pm to 6
E-Mail address for public information: info@mandanprogress.org
WEB address for public information: www.visitmandan.com
Location of Event/physical address: Main Street Between Collins Ave and 6th Ave NW
Sponsors of the Event: Multiple Sponsors - Lead BEK Communication and Marathon Man
Brief Description of Event:
Annual Buggies and Blues Car Show.
Friday 6/7 Set up of Stage on Intersection of Main and 4th Ave NW.
Saturday 6/8 Food Vendors in Dykshoorn Park, Music on Stage at 3pm, Classic Car Pa
Sunday 6/9 Classic Car Show 10am to 4pm music in Dykshoorn Park from 12pm to 4pm
Has this event been held in another location? ☐ YES ☐ NO

If yes, please provide the following:

Last event/s Location: _____
Date: _____ Contact Name and Phone: _____

Section 3 – Event Features

Will there be an admission charge? ☐ Yes ☐ No
If yes, Printed ticket count: _____ Tickets for presale count: _____

Will there be entertainment? ☐ Yes ☐ No

If yes, please attach an itemized complete list of all entertainment.

(A complete list of entertainment will be required before final approval. Once approved, no changes may be made unless authorized by the City Administrator.)

Will merchandise and/or food items be sold? ☐ Yes ☐ No

If yes, please attach a complete list of vendors.

(Each vender must have all valid permits and license to sell their product)

Permit Application #: _____ **Date Complete:** _____

(For office use only)

What type of advertising/promotion will be done prior to the event?

(Attach all promotional material.)

Radio: ☐ Yes ☐ No What Stations? I Heart

TV: ☐ Yes ☐ No What Stations? KXMB TV

Fliers/Posters: ☐ Yes ☐ No How many? 500

Press Releases: ☐ Yes ☐ No How many? 2

Newspaper Ads: ☐ Yes ☐ No What publication? _____

Is any other promoter/producer assisting you with your event? ☐ Yes ☐ No

Name of Promoter and Promotion Company: _____

Address: _____ City: _____ State: _____ Zip: _____

Will the event include any of the following? (Indicate on site plan and/or vendor list)

Tents or Canopies: ☐ Yes ☐ No

Number of Tents: 6 to 10

(Tents require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics: ☐ Yes ☐ No

(Fireworks or Pyrotechnics require permits from the Fire Department and inspection fees will be applied.)

Fireworks or Pyrotechnics Production Company's name: _____

(A copy of the Production Company's License and Insurance is required with this application, only if fireworks or pyrotechnics are being requested for this event.) *A separate bond may be required for this event.

Require permits from the City of Mandan

Any person for on- or off-sale alcoholic beverage licensee desiring to conduct a public beer garden shall make application for a special permit to do so to the board, 30 days in advance of the proposed event.

Temporary Fencing: ☐ Yes ☐ No

Provide accurate dimensions of fenced area on site plan along with the site plan.

Company Contact Name: Mandan Progress Organization

Contact phone: _____

Restroom Accommodations: _____

Number of required portable toilets: _____

Approved By: _____ Date Approved: _____ Initials: _____

Placement of sanitary toilet facilities must be on site plan.

Permit Application #: _____ **Date Complete:** _____

(For office use only)

Attach a copy of the letter from the Custer Health that indicates the site plan has been reviewed and the required number of proper sanitation facilities is attendance.

Company Contact name: _____

Contact phone: _____

Electrical Services/Generators ☐ Yes ☐ No

Generators must be separated from tents by a minimum of 20' and shall be isolated from contact by fencing or other approved means.

Company Contact name: See Attached document from United Rental - Generator is for St

Contact phone: _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Carnival/Amusement Rides: ☐ Yes ☐ No

A separate permit from the Fire Department may be required.

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Signs / Banners ☐ Yes ☐ No

Company Contact name: Mandan Progress Organization Provided

Contact phone: _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Inflatables ☐ Yes ☐ No

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Raffles

Will this event have a raffle? ☐ Yes ☐ No

If yes you must apply for a City Permit \$25 Raffle Permit (Attach copy of State Gaming License if issued)

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 4 – Transportation

Does the event propose **using, closing or blocking** any of the following:

*If yes, specify location and duration on site map, **if on a DOT Highway or Roadway DOT authorization will be required.***

City Streets ☐ Yes ☐ No (Number of locations: 9 Blocks attach list of locations.)

City Sidewalks ☐ Yes ☐ No (Number of locations _____ attached list of locations)

City Bus Stops ☐ Yes ☐ No (Number of locations _____ attached list of locations)

Public Parking Lots ☐ Yes ☐ No (Number of locations 4 lots attached list of locations)

Public Bicycle Parking ☐ Yes ☐ No (Number of locations _____ attached list of locations)

Multiuse Paths ☐ Yes ☐ No (Number of locations _____ attached list of locations)

City Alleys ☐ Yes ☐ No (Number of locations _____ attached list of locations)

City Right-of-Ways ☐ Yes ☐ No (Number of locations _____ attached list of locations)

Approved By: _____ **Date Approved:** _____ **Initials:** _____

(Section 4 must be approved by Mandan City Engineer, and be approved by the City Commission before the event)

Section 5 – Use of City Utilities

Will any City electric hookups be used? ☐ Yes ☐ No

Electric Location including amperage Dykshoorn Park Services for Food Vendors

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Will any City water hookups be used? ☐ Yes ☐ No

Water Location(s) Dykshoorn Park Services for Food Vendors

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Will waste water/gray water be generated? ☐ Yes ☐ No

If so, how will it be disposed? Disposed in Indicated gray water black barrels

Approved By: _____ **Date Approved:** _____ **Initials:** _____

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 6 – Alcohol

Will there be alcohol at the event? ☐ Yes ☐ No

Will alcohol be given away? ☐ Yes ☐ No

Will the alcohol be sold? ☐ Yes ☐ No

Will the alcohol be donated? ☐ Yes ☐ No

Who is the alcohol being donated by or purchased through: The Paddle Trap

Is alcohol included in the admission price of the event? ☐ Yes ☐ No

Approved By: _____ Date Approved: _____ Initials: _____

If you answered *Yes to any of the above*, a City and State Liquor License will be required. Attach copy(s) of all liquor licenses with this application. (If a City Liquor License is needed please contact the City of Mandan's Finance Department to apply at Phone: (701) 667-3213)

Has the applicant/organization ever had a liquor license or event permit denied, revoked or suspended? ☐ Yes ☐ No

If yes, please explain:

How will attendees be identified as minors or age 21 and over?
Minors under the age of 21 - 500 to 1,000

Have the alcohol servers received training in sale/service of alcoholic beverages? ☐ Yes ☐ No

If yes, who provided the training: _____

Date and time of most recent training: _____

Request Mandan Police Server Training: ☐ Yes ☐ No

If yes provide a contact person and contact information::

Permit Application #: _____ Date Complete: _____
(For office use only)

Section 7 – Event Security

Are you requesting off-duty Mandan Police officers? ☐ Yes ☐ No

Number of personnel requested: _____

After reviewing the event application, the Chief of Police may require the use of the City of Mandan Off-Duty Police Officers for the event.

To schedule Off –Duty Police Officers, please call 701-667-3250.

Officers must be requested 2 weeks prior to any event and there will be a minimum of 4 work hours per officers per event at \$45 per-hour per officer.

Are you requesting private security? ☐ Yes ☐ No

Number of security personnel onsite: 4 to 7

Include security points and duties on event plans

The City of Mandan requires only security companies that are licensed and bonded in the State of North Dakota.

Security Company and Contact Info: Spartan Solutions - Jared Gregor

Attach a copy of Company's License

Section 8 – Emergency Medical Services

Are you requesting off-duty Mandan EMT's? ☐ Yes ☐ No

Number of personnel requested: _____

After reviewing the event application the Fire Chief may require the use of the City of Mandan Off-Duty EMT's or paramedics for the event.

EMTs or paramedics must be requested 2 weeks prior to any even and there will be the minimum of 4 work hours per employee per event \$35

Section 9 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

Boy Scouts Troop 54 - See Attached Agreement

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: Armstrong Sanitation

Contact Name: _____ Phone: _____

All costs for containers, dumping and the removing all trash are the responsibility of the applicant/promoter. The City of Mandan's property and or the event site must be returned to its original condition and all equipment removed or daily fees will be accessed.

Section 10 – ADA Accessibility Requirements

Parking plan requirements

Attach a copy of your parking plan and include in the plan the necessary handicap parking areas and any code required handicap accessibility requirements. Also include medical access points and safe medical response routes for the event.

Section 11– Insurance and Bond Requirements

The City of Mandan has established insurance requirements for those facility users, vendors and contractors entering into agreements with the City for the purpose of special events and activities. Before commencing use or services under an agreement with the City of Mandan, a certificate of insurance or a copy of the required bond that complies with the requirements referenced below must be attached.

All special event applicants shall name the City of Mandan as an “Additional Insured”, per item one below, on all policy(ies), except workers compensation and shall reflect this on a Certificate of Insurance. Applicant agrees that any insurance available to the applicant shall be primary and non-contributory to the city’s self-insured retention.

Applicant shall obtain certificates of insurance from all vendors participating in this event unless covered under applicant’s insurance policy. Vendors must comply with all requirements listed in this section. Complete and accurate certificates must be received by the Special Events Office a minimum of five (5) working days prior to the event. Separate certificates of insurance shall be provided by all carnival and amusement companies and firework production companies with the limits shown in this section and shall name the City of Mandan as “Additional Insured” as per item one below. Additional coverage may be required depending upon the nature and scope of the event. For more information or questions regarding insurance requirements, please contact our City Administrator’s Office at 701-667-3214. The City Administrator reserves the right to evaluate the liability of each event and assess the required insurance limits. Event permits will not be issued until all insurance requirements are satisfactorily met.

The certificate must show:

1. The City of Mandan, its agents, officers, employees and volunteers are named as “Additional Insured.” All Certificate of Insurance policies must reflect this with the exception of workers compensation.
2. The City of Mandan shall be notified at least 30 days prior to cancellation or alteration of any insurance coverage. A 10-day notice of cancellation for non-payment of premium is required..
3. Workers Compensation Policies shall contain a Waiver of Subrogation clause in favor of the City of Mandan.
4. General Liability Including: Bodily Injury Contractual Independent Contractors
Comprehensive Form Product/Completed Operations Hazard
Premises Operation Personal injury Broad Form Property Damage

Permit Application #: _____ **Date Complete:** _____
(For office use only)

In addition, specific date(s) and locations(s) of the event, to include set up and take down, must be stated clearly on the certificate. Certificates shall be received no less than thirty (30) working days prior to the event.

City Services

Police..... \$45 per hour, per officer, 4 hour minimum

Fire/EMS..... \$35 per hour, per staff 4 hour minimum

Barricades.....Amount charged by contracted barricade provider

Trash Container drop-off/pick-up..... \$____ prices vary

Custodial..... \$____ per hour, per staff person

Miscellaneous fees

Tent/Canopy Permit.....\$____ per tent or canopy (Check with the Fire Department to ascertain if a permit is necessary)

Fireworks Permit..... \$____ per location

The Park District may require separate fees or permit if on Park District property. It is required that the event host checks with the Park District when planning an event on Park District property to avoid delays with the permitting process.

Permit Application #: _____ **Date Complete:** _____
(For office use only)

Fee Cost Worksheet

Police Services:

No. of Officers _____ x No. of Hours _____ = _____ x \$45 = \$ _____

Fire/EMT Services

No. of EMT's _____ x No. of Hours _____ = _____ x \$35 = \$ _____

Finance application processing Fee \$ _____

Trash Container Fee..... \$ _____

Custodial Fee..... \$ _____

Tent/Canopy Inspection and Permit..... \$ _____

Fireworks/Pyrotechnics Permit and Inspection Fee..... \$ _____

\$25 Application Fee..... \$ _____

\$50 Late application Processing Fee (if Applicable)..... \$ _____

Event Application Fee (See Attached Fee Schedule)..... \$ _____

TOTAL: \$ _____

Fees assessed by the Park District are not included.

Date Fees Paid: _____ **Initials:** _____

Permit Application #: _____ Date Complete: _____
(For office use only)

Signature Page from City Officials and Department Heads

Mitch L. Bitz / _____
Mitch L. Bitz (Apr 29, 2024 15:30 CDT)

Fire Department Date

Patrick Haug / _____
Patrick Haug (Apr 29, 2024 15:16 CDT)

Police Department Date

Jack Wiggins / _____

Engineering Department Date

Brian Dirk / _____
Brian Dirk (Apr 30, 2024 08:06 CDT)

Public Works Date

Special Event Guide

Sec. 12-9-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public concert: means a musical performance by one or more groups held either indoors or outdoors where the audience is seated by reserve or general admission, free of charge or otherwise, with the audience being present primarily for the purpose of listening to music and the location of such musical performance having a seating capacity of at least 1,000 people, or, if the concert is outdoors, the site has a capacity of at least 300 persons.

Public dance: means any dance held either indoors or outdoors where the public may participate, whether an admission fee is charged or not, and is present primarily for the sole purpose of dancing, and where the location of the dance has a capacity of at least 100 persons.

Public event: means a music festival, public dance or public concert.

(Code 1979, § 10-04-07; Code 1994, § 12-03-09; Ord. No. 744, § 2, 1989)

ARTICLE 4. – AMUSEMENTS

Sec. 12-4-1. - Required to operate public amusements.

- a) It is unlawful to conduct or operate any amusement which is open to the public and for which an admittance fee is charged without having first secured a license from the city. The license fee for amusements shall be determined by resolution of the board.
- b) No license fee is required if a show, exhibition, entertainment, gallery, stand or other device is operated or given under the auspices of and for the benefit of a church or school, or charitable, fraternal or political organization. (Code 1979, § 10-04-01; Code 1994, § 13-04-01)

Sec. 12-4-2. - Public amusements for which license is required.

A person may not conduct, operate or maintain the following activities without first obtaining a license from the city:

- (1) Public dance, as that term is defined by N.D.C.C. § 53-02-01.
- (2) Any circus, carnival or similar event.
- (3) Any theatrical exhibition, motion picture show, vaudeville performance, opera or variety theater.
- (4) Any show, entertainment, gallery, stand or device of any description on the streets, alleys or public grounds within the city.
- (5) Any merry-go-round, rides or similar devices.

(Code 1979, §§ 10-04-02—10-04-05; Code 1994, § 13-04-02)

Sec. 12-4-3. - Liability insurance or bond required.

A person may not conduct, operate, manage or sponsor any Ferris wheel, merry-go-round or other amusement ride operated for hire, or for the purpose of promoting or advertising any trade or business, without first filing with the city license officer a bond indemnifying the public against damages sustained by reason of operation of the ride, or certificate of liability insurance, in the amount of at least \$500,000.00. Such bond or certificate of insurance is subject to the approval of the city attorney. This section applies to all persons, whether or not such persons are exempted from any other provision of this article. (Code 1994, § 13-04-03)

Sec. 12-4-4. - Licensee to maintain order.

Any licensee engaged in giving or conducting any public amusement for pay shall preserve good order in and about the place of exhibition or public amusement, and if necessary for that purpose, shall employ, at the licensee's own expense, a sufficient security force. (Code 1979, § 10-04-06; Code 1994, § 13-04-04)

Sec. 12-4-5. - Policing of dances, music festivals or public concerts.

A public dance or public dancing place or hall may not be conducted, maintained or operated, unless the same is policed as provided by N.D.C.C. § 53-02-08. A music festival or public concert, as defined in N.D.C.C. § 53-02-01, shall be policed as provided in N.D.C.C. § 53-02-08. The cost of the policing, as determined by the chief of police, must be paid by the applicant at the time of the license application or, at the discretion of the chief of police, a cash bond in a reasonable amount may be posted, which shall be refunded upon payment of costs of policing following the event. (Code 1994, § 13-04-05)

Sec. 12-4-6. - Use of streets.

It is unlawful for any person to play any game, sport or amusement upon any public right-of-way of the city, except as permitted by the board. (Code 1994, § 13-04-06)

Sec. 12-9-2. - Penalty.

Any person who gives, holds or conducts a public event in violation of this article or in violation of the conditions of the public event permit, who furnishes information required by this article which is false or misleading, or who violates any provision of this chapter shall be guilty of a Class B misdemeanor. (Code 1979, § 10-04-07; Code 1994, § 12-03-17; Ord. No. 744, § 2, 1989)

Sec. 12-9-3. - Required; nontransferable; fees.

No person shall give, hold or conduct a public event unless the owner of the place where the public event is given, or the person giving the same or in charge thereof, first shall have procured a permit to give, hold and conduct such public event. A permit may be issued for one or more public dances or public concerts. If a permit is issued to any person to conduct a public event, the event may be conducted in such place only by the person to whom the permit is issued. Such permit shall not be transferable. A permit fee shall be assessed for each event held within a 24-hour period or an annual permit fee may be assessed if the site location is intended to be a permanent site, and the amount of the fees shall be set from time to time by resolution of the board. A permit, other than an annual permit, shall not be valid for a period of greater than three consecutive days.

(Code 1979, § 10-04-07; Code 1994, § 12-03-10; Ord. No. 744, § 2, 1989)

Sec. 12-9-4. - Application; special permits.

Any person desiring to conduct a public event at a public building or site or any outdoor location shall make application for a permit to do so to the board, 30 days in advance of the proposed event. In the event the applicant proposes to sell or dispense or permit the consumption of alcoholic beverages at such public event, an application for a special permit under the provisions of sections [4-2-16](#) and [4-2-20](#) shall accompany the application for the public event. Four copies of the application shall be filed with the city license officer and shall set forth the following information:

Sec. 4-2-20. - Sunday alcoholic beverage permit.

Permit required. No person may dispense, sell or permit the consumption of alcoholic beverages within a licensed premises or publicly owned or operated facility on any Sunday unless said person has been granted a permit under the provisions of this section. The authority to issue a Sunday alcoholic beverage permit rests solely with the board.

Permit Application #: _____ **Date Complete:** _____

(For office use only)

- 1) Identification of applicant. The application shall include the name, address and driver's license number of the applicant and the name, address and driver's license number of the person who will manage or conduct the public event. The application shall also state whether the applicant or the person who will manage or conduct the event has been convicted of any crime relating to the sale of alcoholic beverages or controlled substances or within the past five years has been convicted of any crime against persons, including assault, disorderly conduct, sexual assault, rape or murder, and whether the applicant or the person who will manage or conduct the event has ever had a license of any kind revoked or cancelled by any municipal, state or federal authority.
- 2) Date, time and place. The place, date and hours of the proposed event shall be clearly identified.
- 3) Site plan. The person conducting the event shall include in the application a site plan which details the exact placement of the stage, lighting and other electrical equipment, public seating, toilet facilities, fencing or other barricades, parking, marked fire lanes, and the proximity of public roadways. The site plan submitted by the applicant shall be reviewed by the city engineer, who shall submit Estimate of attendance, his recommendations to the board.
- 4) The applicant shall provide an estimate of the number of persons that the person conducting the event has determined can be safely accommodated within the chosen site and an estimate of the number of persons expected to attend.
- 5) Ticket sales. The application shall contain information relating to ticket sales, which addresses the control of attendance to meet the site plan limitations, if any. If the person conducting the event intends to open the event to the general public without prior ticket sales, the application shall address the manner in which the person intends to limit the size of the crowd to meet the site plan limitations.
- 6) Traffic control. The application shall specify the proximity of public roadways to the site of the event and to the proposed parking area and shall contain a description of the manner in which traffic control will be handled to ensure the safe ingress and egress of pedestrians and vehicles. Appropriate arrangements shall be made by the person conducting the event to ensure that no interference will occur with the public use of any adjacent public roadways. The traffic control proposal shall be subject to the approval of the city engineer.
- 7) Parking. The application and site plan shall specify the planned accommodations for public parking. The person conducting the event shall provide adequate parking for persons in attendance commensurate with the estimated number of persons that the selected site can accommodate. Under no circumstances will parking be permitted upon public roadways if said parking would be in violation of posted parking restrictions.
- 8) Sanitation. The application shall include the number and placement of sanitary toilet facilities which will be provided by the person conducting the event. The application shall be accompanied by a letter from the city health officer that indicates that he has reviewed the site plan and estimate of the number of persons in attendance and has determined that the number and kind of proposed toilet facilities is adequate to meet the needs of persons in attendance at the event.
- 9) Garbage. The application shall include a description of the size and number of available garbage disposal units on the site of the event in addition to the arrangements made to clean up the site after the event has ended.
- 10) Fencing and barricades. The application shall contain a description of the fencing and barricade system which is intended to control access to the event site, if such event is to be outdoors, and the location of the fencing and barricade system shall be noted on the site plan. If alcoholic beverages are to be dispensed or consumed at the public event, which event is outdoor, the perimeter of the site must be surrounded by a six-foot cyclone-style fence or enclosed within a tent which has four sides. For all events, whether outdoors or indoors, adequate provisions for entrances and exits and access by fire, police and other emergency personnel or vehicles shall also be noted in the application and on the site plan.
- 11) Signing. The application shall contain a description of the signing which is proposed to control pedestrian and vehicular traffic, parking, and provide appropriate notices to the persons in

attendance at the event. The size, wording and placement of the signs shall be included in the description and shall be subject to the approval of the city engineer.

- 12) Sale or consumption of alcoholic beverages. If the applicant intends to sell or allow the consumption of alcoholic beverages at the public event the identity of the alcoholic beverage licensee who will be dispensing said beverages shall be provided. The board may, by resolution or by condition attached to the permit, restrict the sale, dispensing and consumption of alcoholic beverages to beer or beer and wine only at the event or series of events. Therefore, the person holding the event shall include within the application a description of the efforts that will be taken to prevent the consumption of other alcoholic beverages at the event, including those alcoholic beverages attempted to be brought in by members of the public. At all such events the dispensing of alcoholic beverages in glass bottles, glass drinking cups or any other glass containers shall be prohibited.
- 13) Security. N.D.C.C. § 53-02-08 requires the city police department to police the event at the expense of the person conducting the event, which payment must be received by the city license officer 72 hours in advance of the event. The application shall contain, in addition to the estimated number of persons in attendance, an estimate of the number of police officers which will be needed to adequately police the event. The chief of police will be responsible for making the final determination of the number of officers that will be required.
- 14) Bond required. The person conducting the event shall file with the city license officer a cash bond in an amount to be set by resolution of the board. The bond shall be returned to the person after the event if the site has been adequately cleaned and if no additional costs or property damage has resulted from or as a result of the event.
- 15) Cost to the city. If the proposed event necessitates any expenditures on the part of the city, excluding the cost of providing police security, such costs shall be paid to the city by the person conducting the event. The posted cash bond shall be used by the city to cover the costs associated with the event and the balance, if any, will be returned to the person conducting the event. If the cash bond does not cover the costs resulting from the public event, the person conducting the event shall be assessed the additional costs. Costs within this section include, but are not limited to, the following:
 - a. Costs of cleanup or garbage removal;
 - b. Costs of traffic signing, fencing or barricades;
 - c. Any property damage to public property which occurred during or as a result of the event; and
 - d. Any additional costs associated with crowd control, including injury to city employees or other persons, which occurred during or as a result of the event.
- 16) Temporary vacation of streets. If the site plan proposed by the applicant requires the use of any public street, alley or right-of-way, the application and the site plan shall clearly designate the portion of the public street, alley or right-of-way to be temporarily vacated. In no event shall more of a public street adjoining one-half of a public block be vacated and, in each instance, adequate access for emergency vehicles shall be provided. The temporary vacation of any public street or right-of-way shall be subject to the approval of the city engineer. The board shall determine whether any public street, alley or right-of-way may be temporarily vacated for a public event on a case-by-case basis.
(Code 1979, § 10-04-07; Code 1994, § 12-03-11; Ord. No. 744, § 2, 1989)

Sec. 12-9-5. - Inquiry and investigation.

The board shall make such inquiry and investigation as to the propriety of granting or refusing such permit as shall be deemed necessary.

(Code 1979, § 10-04-07; Code 1994, § 12-03-12; Ord. No. 744, § 2, 1989)

Sec. 12-9-6. - Refusal and revocation of public event permit for cause.

- (a) The board may revoke the public event permit at any time for violation of any of the provisions of this chapter. The board shall refuse to issue such permit, and shall revoke a permit already issued, where it appears that:
- 1) The permitted site is or is likely to become a public nuisance or detrimental to public health, safety or order;
 - 2) The provisions of this chapter are being violated;
 - 3) An alcoholic beverage or controlled substance is being sold, or given away, except as authorized by terms of the permit;
 - 4) Any of the city ordinances or state laws are being violated;
 - 5) The chief of police determines that adequate security cannot be provided to the public event either by city police officers, special police or a combination thereof; or
 - 6) The board has determined that the number of like events needs to be limited in order to ensure the health, safety and security of the public.
 - 7) The chief of police shall report any violations of the permit or violations of city ordinances or state laws immediately to the board. Notwithstanding any of the provisions of this chapter, if the chief of police determines that the conduct of any public event has become a public nuisance or injurious to the public peace, health or safety, the chief of police shall immediately cause said event to be closed to the public and thereafter notify the board of the action and reasons therefor.
- (Code 1979, § 10-04-07; Code 1994, § 12-03-14; Ord. No. 744, § 2, 1989)

Sec. 12-9-7. - Restrictions and conditions attached to public event permit.

If the board determines that the public event will not unduly interfere with the peace, health or safety of the public or the neighborhood in which the event will occur and that the applicant is in compliance with the requirements for sanitation and garbage disposal; parking, fencing, traffic and crowd control; security; and regulation of alcoholic beverage consumption, the board may approve the issuance of the permit to be effective for the dates designated and subject to any necessary restrictions and conditions, including the following restrictions and conditions:

- 1) Alcoholic beverages may be distributed and consumed, and dancing may be permitted only in those areas specifically designated in the site plan and approved by the board;
 - 2) Dancing and the distribution of alcoholic beverages shall be permitted only during the hours designated by the board, which in no event shall be before the hour of 12:00 noon on the date specified in the permit and after 1:00 a.m. of the following day;
 - 3) No person having a permit to hold a public event at which alcoholic beverages are to be sold, distributed or consumed shall permit in any such event any person who is obviously intoxicated or who is under 21 years of age, except persons under 21 years of age may be permitted at a public event if the sale and consumption of alcoholic beverages is segregated and constricted to an area barricaded from the public event by a six-foot cyclone-style fence or structure to which access by such persons is prohibited;
 - 4) The licensee as a condition to the issuance of such permit consents and agrees that any city police officer or special police officer may enter upon and inspect the licensed premises or site or any part at any time for the purpose of determining compliance with the conditions of the permit and city ordinances; and
 - 5) The licensee shall comply with all other applicable ordinances and laws relating to health and sanitation and the use and sale of alcoholic beverages in the city.
- (Code 1979, § 10-04-07; Code 1994, § 12-03-14; Ord. No. 744, § 2, 1989)

Sec. 12-9-8. - Limits on number of public event permits.

The board may, by resolution, set a maximum limit on the number of public event permits which will be granted during any period of time. Notwithstanding any restrictions on the number of events, the board may deny any application for a permit if it determines that adequate provision for traffic control, health, safety or security cannot be provided for the event.

(Code 1979, § 10-04-07; Code 1994, § 12-03-15; Ord. No. 744, § 2, 1989)

Sec. 12-9-9. - Indemnification of city.

A person may not give, hold or conduct a public event, nor may the board approve a permit for such public event, without the person having first filed with the city license officer a bond or certificate of insurance in the amount as specified by resolution of the board, indemnifying the city and the public against personal injury or property damages occurring at or as a result of the public event. The person giving, holding or conducting the public event agrees to save and hold harmless the city for any personal injury or property damage resulting from actions of any city employees, police officers or special officers in the course of their employment, which actions are directly related to the conduct of the public event.

(Code 1979, § 10-04-07; Code 1994, § 12-03-16; Ord. No. 744, § 2, 1989)

Sec. 24-9-3. - Parade permit required.

No person shall engage in, participate in, aid, form or start any parade without a parade permit issued by the city.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-4. - Application for parade permit.

- a. A person desiring a parade permit shall file an application with the city on forms provided by the city. Such application shall be filed not less than seven days nor more than 60 days before the date on which it is proposed to conduct the parade.
- b. The application for a parade permit shall contain all information deemed necessary by the city in order to fully evaluate the request
- c. The city, where good cause is shown therefor, may consider any application which is filed less than seven days before the date such parade is proposed to be conducted.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-5. - Standards for issuance of parade permit.

The city shall issue a parade permit when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

- 1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- 2) The conduct of the parade will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city.

- 3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto.
- 4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
- 5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire.
- 6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
- 7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- 8) The parade is not to be held for the sole purpose of advertising any product, cause, goods or events and is not designed to be held purely for private profit.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-6. - Notice of denial of parade permit.

If the city disapproves the application for a parade permit, the city shall mail to the applicant, within three days after the date upon which the application was filed, a notice of such action.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-7. - Alternative parade permit.

The city, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of such action, file a written notice of acceptance with the city. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this article.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-8. - Contents of parade permit.

Each parade permit shall state the following information:

- 1) Starting time.
- 2) Minimum speed.
- 3) Maximum speed.
- 4) Maximum interval of space to be maintained between the units of the parade.
- 5) The portions of the streets to be traversed that may be occupied by the parade.
- 6) The maximum length of the parade in miles or fractions thereof.
- 7) Such other information as the governing body shall find necessary to the enforcement of this article.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Permit Application #: _____ **Date Complete:** _____

(For office use only)

Sec. 24-9-9. - Carrying parade permit.

The parade chairperson or other person heading or leading such activity shall carry the parade permit upon their person during the conduct of the parade.

(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Sec. 24-9-10. - Revocation of parade permit.

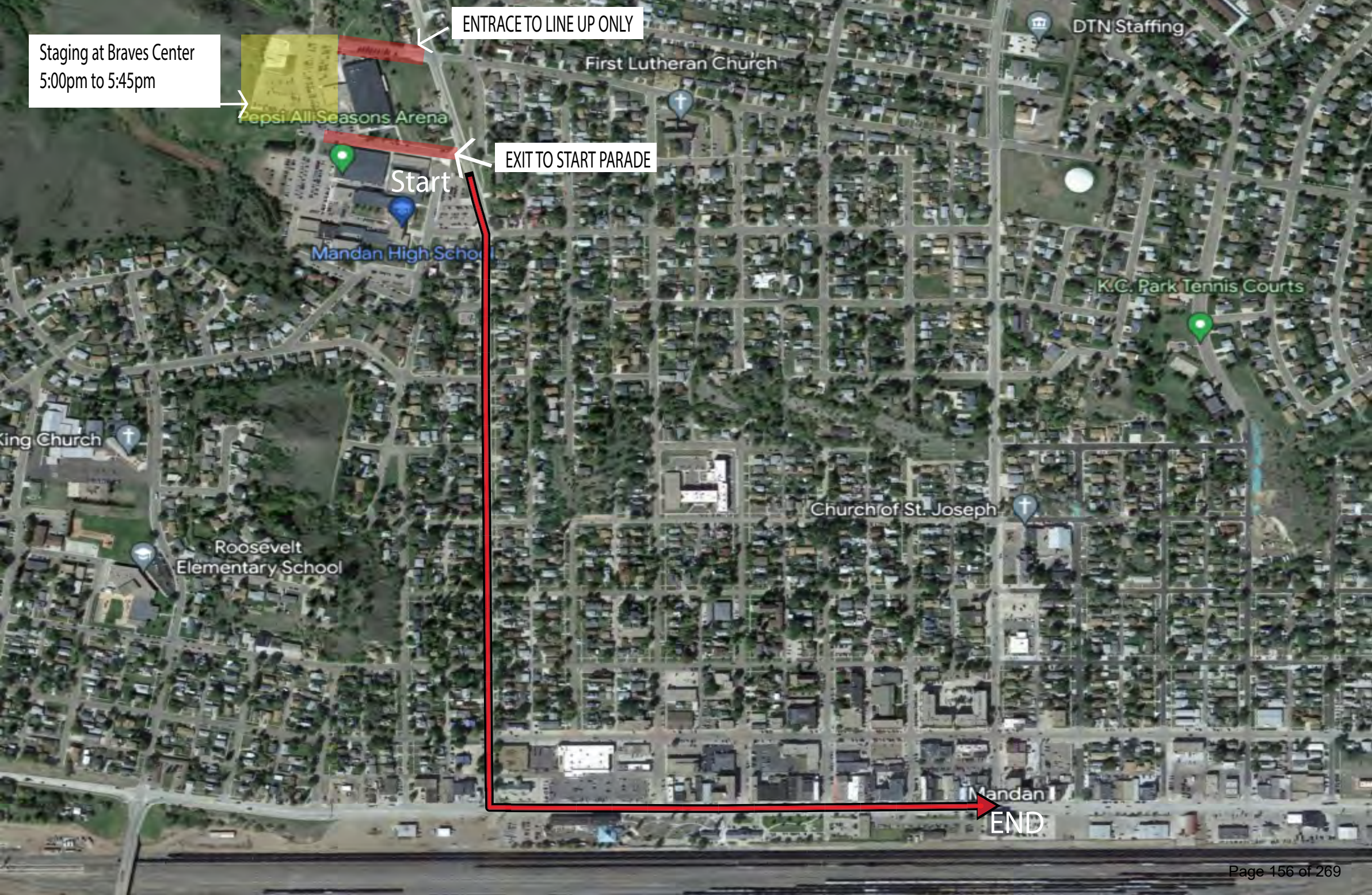
The city may, after a hearing affording due process, revoke a parade permit issued under this article upon application of the standards for issuance as set forth in this article.

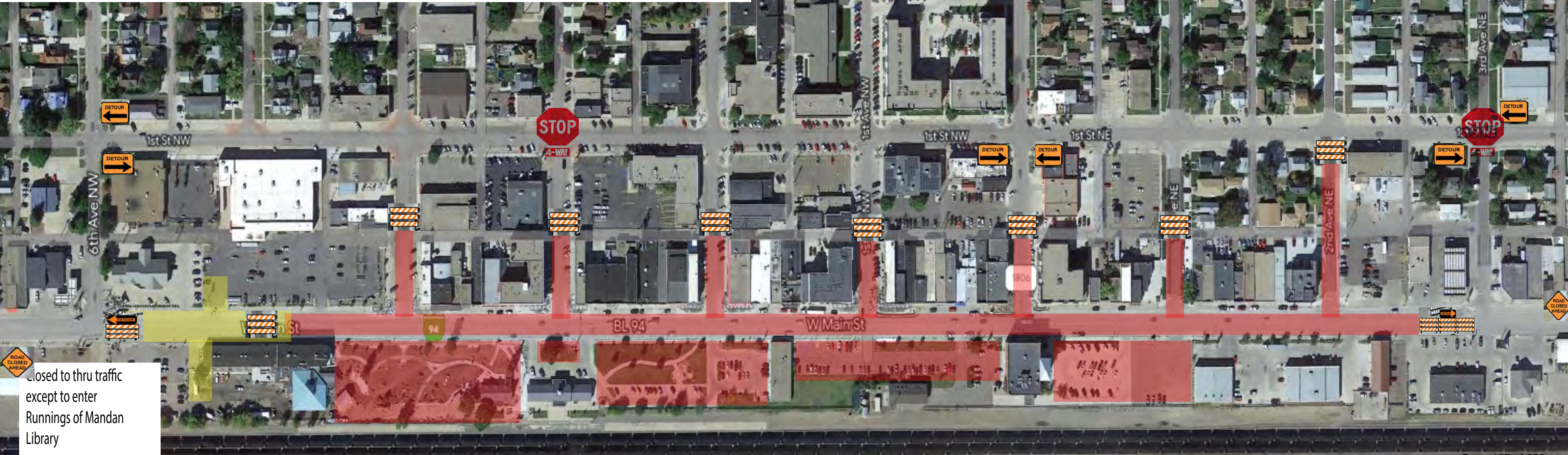
(Code 1979, § 9-01-01; Code 1994, § 20-09-02; Ord. No. 658, § 1, 1982; Ord. No. 789, § 1-3, 1991)

Main Street Closure Plan E - 6th Ave NW to 3rd Ave NW - 4th & 3rd Ave closed to Traffic at Alleys

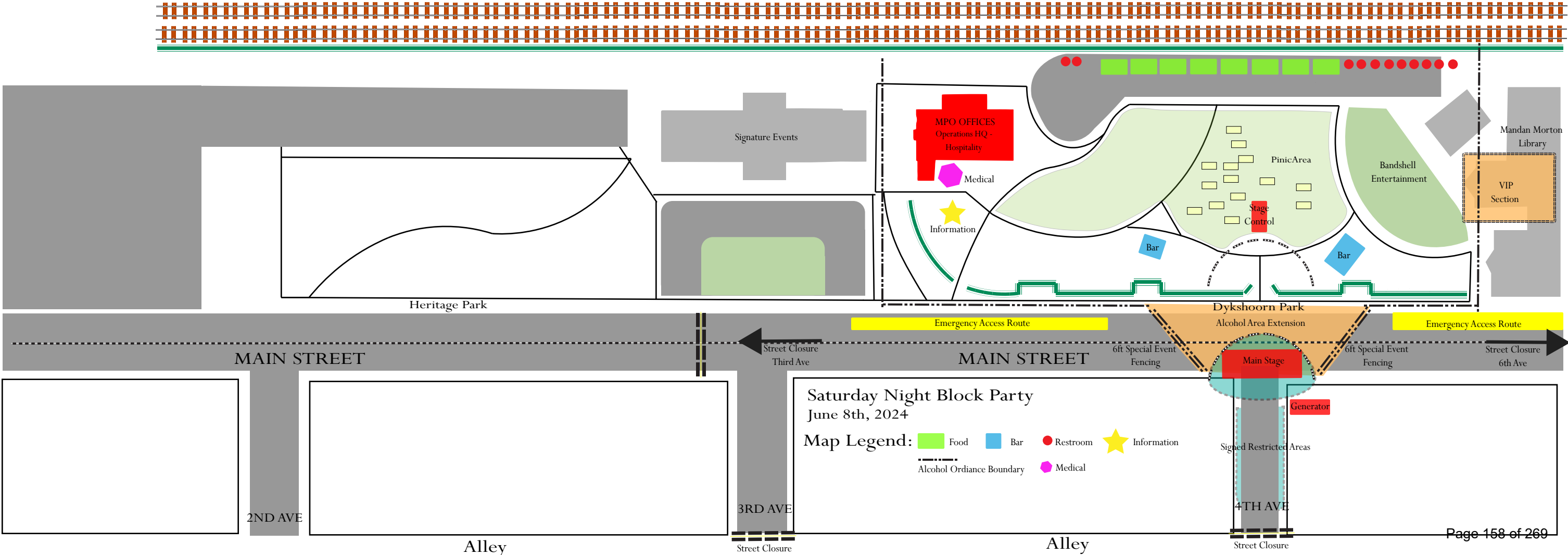


Buggies and Blues Parade will depart Mandan High School at 5:45 continue south on 6th Ave NW to Main St. The Parade will proceed West on Main to Collin Ave at which point the parade will end, and cars will enter Normal Traffic.





Closed to thru traffic
except to enter
Runnings of Mandan
Library



2024 Buggies and Blues Sponsors

Presenting

- BEK Communications
- Marathon Refinery

Mustang

American Legion

Spiffy Biffs

Heritage Exteriors

Rud Oil/Napa Auto Parts

Dakota Community Bank

Railway Credit Union

Ressler Siding & Window

BNC Bank

Outlaw Tarp Detail & Accessories

First Community Credit Union

Continental

Cloverdale

I Heart (Trade)

Security First Bank

Monaco

Comfort Inn and Suites

Impala

Memory Lane

Shawn's Repair

Traffic Safety Systems TRADE

Mojo/ Big Rig

Scheels

Galaxy

Scotty's Drive In

Gate City Bank

Bravera Bank

Dakota Kustomz

Family Fare

Butcher Block Meats

Goodhart Associates

Haga Kommer

Coal Country Coffee

Gremlin

Mandan Auto Glass

Pizza Ranch

Barnes Transmissions

Golden Comb

Interstate Engineering

NISC

ProFinish

Zander Body Shop

Wagner Financial

Twin City Roofing

D&S Auto & Trailer Sales

TrueNorth Steel

Keller Insurance Services

Quality Home Furnishings

2024 Buggies and Blues Food Vendors

Sat & Sun	Fireflour Pizza / Anima Cucina
Sat & Sun	Hound Doggs
Sat & Sun	L&J Concessions
Sat & Sun	Moshi Bubble Tea
Sun	Copper Kettle Korn
Sat & Sun	Joslynn Fae Sales
Sat & Sun	Udderly Amazing Treats & Eats
Sat & Sun	Bronson's Concessions LLC
Sat & Sun	Los lunas llc
Sat & Sun	Chinese & American food express
Sat & Sun	The Sugar Monster
Sun	Hensley's Tasty Truck
Sat & Sun	Reidt Sales
Sat & Sun	Shea Foods
Sun	FOMO 10/40 Creamery
Sat & Sun	Norm's Catering
Sat & Sun	The Rolling Yo
Sun	Bismarck High School Demonettes

2024 Buggies and Blues Bands/Entertainment

Saturday Afternoon – Unleashed

Saturday Evening – Shirts and Skins

Sunday Afternoon – Moments Notice

2024 Buggies and Blues Craft /Business Vendors

Milk&Hunny

Rustic Radiance

Relish the Flavors Popcorn LLC

Candy's Dollhouse

Cloverdale Foods

Mystery Toy Market

Bears Bliss Pit

Grubbersputz's



*Mandan Progress Organization
Executive Director: Matt Schanandore
Office: 701-751-2983
Email: info@mandanprogress.org*

Buggies-n-Blues 2024 Support Contract June 8th & 9th

The Mandan Progress Organization is requesting the support of Boy Scout Troop 54, under the direction of Veronica Barnick, to provide the following:

Saturday June 8th

Sanitation Detail –

Arrive at 6:00 p.m. at the MPO office on June 8th. Garbage bags and plastic gloves will be provided and are available upon check-in. The area to be covered is Dykshoorn park. Responsible for picking up garbage throughout this area and emptying totes into large dumpsters. Work will be complete at approx. 11:30 p.m.

Soda Beverage Sales – Facilitate beverage sales in Dykshoorn Park 2pm-10:30pm

Sunday June 9th

Traffic Cone Set Up –

Arrive at 7:00 a.m. on June 9th near Runnings. Cones will be loaded on a trailer and a driver will be provided. Scouts will unload a stack of 10 cones and place each stack on the sidewalk about a trailer length (20-25') apart. As cars arrive on the west end of Main Street around 7:30 a.m., at 8:30am Scouts will set cones and string ribbon between cones securing with tape. At 4 p.m., Scouts will meet on the west end of Main Street to load cones onto the trailer. They also will help unload cones into the storage building between Bravera Bank and Hirsch Florist on Main Street.

Sanitation detail -

Boy Scouts will work from 11 a.m. to 4 p.m. Scouts are responsible for picking up garbage in Dykshoorn Park and Heritage Parks, parking lots and along Main Street from Runnings to 1st Ave NE. They are also responsible for pulling and replacing garbage bags from the totes throughout the event area.

Soda Beverage Sales – Facilitate beverage sales in Dykshoorn Park 11am- 4pm

Total compensation- \$2,250

MPO Signature & Date

MPO Contact Information

Grant Heidrich Operations Administrator

701-595-3161 cell

Matt Schanandore, Executive Director

701-934-4540 cell

Boy Scouts Signature & Date

Boy Scouts Troop 54 Contact

Veronica Barnick 701-527-4851



*Mandan Progress Organization
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Veronica Barnick 701-527-4851



BRANCH 728
3925 MIRIAM AVENUE
BISMARCK ND 58501
701-222-1040

233132940

Job Site

MANDAN PROGRESS ORGANIZATION
411 W MAIN ST
MANDAN ND 58554-3164

Office: 701-426-7528 Job: 701-934-4540

Customer # : 6266359
Quote Date : 04/26/24
Estimated Out : 06/08/24 08:00 AM
Estimated In : 06/09/24 08:00 AM
UR Job Loc : 411 W MAIN ST, MANDA
UR Job # : 2
Customer Job ID :
P.O. # : NPOR
Ordered By : MATT SCHANANDORE
Written By : ANDREA MALARD
Salesperson :

MANDAN PROGRESS ORGANIZATION
411 W MAIN ST
MANDAN ND 58554-3164

**This is not an invoice
Please do not pay from this document**

RENTAL ITEMS:

Qty	Equipment	Description	Minimum	Day	Week	4 Week	Estimated Amt.
1	2403187	GENERATOR 70-84 KVA TIER 4	430.00	430.00	1,258.00	3,589.00	430.00

Rental Subtotal: 430.00

SALES/MISCELLANEOUS ITEMS:

Qty	Item	Price	Unit of Measure	Extended Amt.
1	ENVIRONMENTAL SERVICE CHARGE	[ENV/MCI] 8.600	EACH	8.60
1	DELIVERY CHARGE	160.000	EACH	160.00
1	PICKUP CHARGE	160.000	EACH	160.00

Sales/Misc Subtotal: 328.60

Agreement Subtotal: 758.60

Tax: 55.00

Estimated Total: 813.60

COMMENTS/NOTES:

CONTACT: MATT SCHANANDORE
CELL#: 701-934-4540
PLEASE DROP ON 4TH AVE NE BY RUNNINGS

TO SCHEDULE EQUIPMENT FOR PICKUP, CALL 800-UR-RENTS (800-877-3687)
WE ARE AVAILABLE 24/7 TO SUPPLY YOU WITH A CONFIRMATION #
IN ORDER TO CLOSE THIS CONTRACT

This proposal may be withdrawn if not accepted within 30 days. The above referenced Rental Protection Plan, environmental, and tax charges are estimates and are subject to change.

NOTICE: This is not a rental agreement. The rental of equipment and any items listed above is subject to availability and subject to the terms and conditions of the Rental and Service Agreement, which are available at <https://www.unitedrentals.com/legal/rental-service-terms-US> and which are incorporated herein by reference. A COPY OF THE RENTAL AND SERVICE AGREEMENT TERMS ARE AVAILABLE IN PAPER FORM UPON REQUEST.

North Dakota
Private Investigation & Security Board



This Certifies that

SPARTAN SOLUTIONS GROUP, LLC

Is hereby authorized to operate as a

LICENSED PRIVATE SECURITY AGENCY

At

547 S 7TH St # 218, Bismarck, ND 58504

Post Conspicuously in licensed place of business.

License #:

445

Date of Issue:

April 18, 2024

Date of Expiration:

September 30, 2024



2024 Buggies and Blues Event Permit Packet

Final Audit Report

2024-04-30

Created:	2024-04-29
By:	Megan Helbling (megan.helbling@mandanpd.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA-EoJORAgxTobGJEA7UqTSDDSHCylenP_

"2024 Buggies and Blues Event Permit Packet" History

-  Document created by Megan Helbling (megan.helbling@mandanpd.com)
2024-04-29 - 8:14:06 PM GMT
-  Document emailed to Pat Haug (phaug@mandanpd.com) for signature
2024-04-29 - 8:14:28 PM GMT
-  Document emailed to Mitch Bitz (mbitz@cityofmandan.com) for signature
2024-04-29 - 8:14:28 PM GMT
-  Document emailed to Jarek Wigness (jarek.wigness@cityofmandan.com) for signature
2024-04-29 - 8:14:29 PM GMT
-  Document emailed to Brian Dirk (brian.dirk@cityofmandan.com) for signature
2024-04-29 - 8:14:29 PM GMT
-  Email viewed by Jarek Wigness (jarek.wigness@cityofmandan.com)
2024-04-29 - 8:15:09 PM GMT
-  Email viewed by Pat Haug (phaug@mandanpd.com)
2024-04-29 - 8:15:50 PM GMT
-  Signer Pat Haug (phaug@mandanpd.com) entered name at signing as Patrick Haug
2024-04-29 - 8:16:22 PM GMT
-  Document e-signed by Patrick Haug (phaug@mandanpd.com)
Signature Date: 2024-04-29 - 8:16:24 PM GMT - Time Source: server
-  Document e-signed by Jarek Wigness (jarek.wigness@cityofmandan.com)
Signature Date: 2024-04-29 - 8:17:16 PM GMT - Time Source: server
-  Email viewed by Mitch Bitz (mbitz@cityofmandan.com)
2024-04-29 - 8:24:41 PM GMT

 Signer Mitch Bitz (mbitz@cityofmandan.com) entered name at signing as Mitch L.Bitiz
2024-04-29 - 8:30:32 PM GMT

 Document e-signed by Mitch L.Bitiz (mbitz@cityofmandan.com)
Signature Date: 2024-04-29 - 8:30:34 PM GMT - Time Source: server

 Email viewed by Brian Dirk (brian.dirk@cityofmandan.com)
2024-04-30 - 1:04:31 PM GMT

 Document e-signed by Brian Dirk (brian.dirk@cityofmandan.com)
Signature Date: 2024-04-30 - 1:06:38 PM GMT - Time Source: server

 Agreement completed.
2024-04-30 - 1:06:38 PM GMT



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 18, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Mandan Hockey Club, Inc. at Blackstone Tavern from July 1, 2024, to June 30, 2024

STATEMENT/PURPOSE:

To approve a gaming site authorization

BACKGROUND/ALTERNATIVES:

The Finance Department received a gaming site authorization for Mandan Hockey Club, Inc. at Blackstone Tavern from July 1, 2024 to June 30, 2025.

ATTACHMENTS:

1. Mandan Hockey Club - Blackstone Tavern Gaming Site

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

To approve the gaming site authorization for Mandan Hockey Club, Inc. at Blackstone Tavern from July 1, 2024, to June 30, 2024

SUGGESTED MOTION:

I move to approve the gaming site authorization for Mandan Hockey Club, Inc. at Blackstone Tavern from July 1, 2024, to June 30, 2024

City Commission

Agenda Documentation

May 7, 2024

Subject: Mandan Hockey Club, Inc. at Blackstone Tavern from July 1, 2024, to June 30, 2025

Page 2 of 2



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Mandan Hockey Club, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Blackstone Tavern

Street

2630 Old Red Trail

City

Mandan

ZIP Code

58554

County

Morton

Beginning Date(s) Authorized

7/1/2024

Ending Date(s) Authorized

6/30/25

Number of Twenty-One
tables, if zero, enter "0"

1

Specific location where games of chance will be conducted and played at the site (required)

Bar Area

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)



Bingo



Club Special



Sports Pools



ELECTRONIC Quick Shot Bingo



Tip Board



Twenty-One



Raffles



Seal Board



Poker



ELECTRONIC 50/50 Raffle



Punchboard



Calcuttas



Pull Tab Jar



Prize Board



Paddlewheel with Tickets



Pull Tab Dispensing Device



Prize Board Dispensing Device



Paddlewheel Table



ELECTRONIC Pull Tab Device

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

PRINT Name and official position of person signing on behalf of city/county above

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) <i>Print Name</i> Om Kanch LLC		Site Name Blackstone Tavern		Site Phone Number 701-663-8686	
Site Address 2630 Old Red Trail		City Mandan	State ND	Zip Code 58554	County Morton
Organization Mandan Hockey Club, Inc.		Rental Period 7-1-24 to 6-30-25			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?				☐ No ☒ Yes	
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☒ No ☐ Yes	\$
2. Is Twenty-One conducted at this site?				☐ No ☐ Yes	\$
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____					
Number of Tables with wagers over \$5 1 X Rent per Table \$ 300					\$ 300
3. Is Paddlewheels conducted at this site?				☒ No ☐ Yes	\$
Number of Tables _____ X Rent per Table \$ _____					
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site?				☐ No ☒ Yes	\$ 325
Please Check: ☒ Jar Bar ☒ Standard Dispensing Device					
5. Are Electronic Pull-Tabs conducted at this site?				☐ No ☒ Yes	\$ 1,125
If "Yes" please indicate the number of devices 10					
Total Monthly Rent					\$ 1,750
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐					

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device, and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessors on call or temporary or permanent employee(s) will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

A LESSOR who is an officer or board member of an organization may not participate in the organization's decision-making that is a conflict of interest.

At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>X</i>	Title <i>X</i> Owner	Date <i>X</i> 02/07/24
Signature of Lessee 	Title Gaming Manager	Date 7-1-24



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 18, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Mandan Hockey Club, Inc. at Central Station from July 1, 2024, to June 30, 2025

STATEMENT/PURPOSE:

To approve a gaming site authorization

BACKGROUND/ALTERNATIVES:

Finance Department received an applicatin for a gaming site authorizaition from Mandan Hockey Club, Inc at Central Station from July 1, 2024, to June 30, 2025.

ATTACHMENTS:

1. Mandan Hockey Club - Central Station Gaming Site

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

To approve the gaming site authorization

SUGGESTED MOTION:

I move to approve the gaming site authorization for Mandan Hockey Club, Inc. at Central Station from July 1, 2024, to June 30, 2025.

City Commission

Agenda Documentation

May 7, 2024

Subject: Mandan Hockey Club, Inc. at Central Station from July 1, 2024, to June 30, 2025

Page 2 of 2



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Mandan Hockey Club, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Central Station

Street 111 Collins Ave	City Mandan	ZIP Code 58554	County Morton
----------------------------------	-----------------------	--------------------------	-------------------------

Beginning Date(s) Authorized 7/1/2024	Ending Date(s) Authorized 6/30/25	Number of Twenty-One tables, if zero, enter "0" 1
---	---	--

Specific location where games of chance will be conducted and played at the site (required)

Bar Area

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

☒ Bingo	☐ Club Special	☐ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☒ Twenty-One
☒ Raffles	☐ Seal Board	☐ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☒ Pull Tab Jar	☐ Prize Board	☐ Paddlewheel with Tickets
☒ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☒ Paddlewheel Table
☒ ELECTRONIC Pull Tab Device		

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) Central Station LLC		Site Name Central Station		Site Phone Number 701-751-2244
Site Address 111 Collins Ave	City Mandan	State ND	Zip Code 58554	County Morton
Organization Mandan Hockey Club	Rental Period 7/1/2024 to 6/30/2025			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?				☐ No ☒ Yes
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☐ No ☐ Yes \$
2. Is Twenty-One conducted at this site?				☐ No ☒ Yes \$
Number of Tables with wagers up to \$5 <u> </u> X Rent per Table \$ <u> </u>				
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>				\$ 300
3. Is Paddlewheels conducted at this site?				☐ No ☒ Yes \$
Number of Tables <u> </u> X Rent per Table \$ <u>200</u>				200
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site?				☐ No ☒ Yes \$
Please Check: ☒ Jar Bar ☒ Standard Dispensing Device				325
5. Are Electronic Pull-Tabs conducted at this site?				☐ No ☒ Yes \$
If "Yes" please indicate the number of devices <u>10</u>				1250
Total Monthly Rent				\$ 2075.00
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device, and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessors on call or temporary or permanent employee(s) will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

A LESSOR who is an officer or board member of an organization may not participate in the organization's decision-making that is a conflict of interest.

At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title Member/Owner	Date 4-3-2024
Signature of Lessee 	Title MHC Gaming Manager	Date 4/3/2024



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 18, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Mandan Hockey Club, Inc. at Vicky's Sports Bar from July 1, 2024, to June 30, 2025

STATEMENT/PURPOSE:

To approve a gaming site authorization for Mandan Hockey Club, Inc. at Vicky's Sports Bar from July 1, 2024, to June 30, 2025

BACKGROUND/ALTERNATIVES:

Finance Department received an application for a gaming site authorization for Mandan Hockey Club, Inc. at Vicky's Sports Bar from July 1, 2024, to June 30, 2025

ATTACHMENTS:

1. Mandan Hockey Club - Vicki's Sports Bar

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

To approve the gaming site authorization

SUGGESTED MOTION:

I move to approve the gaming site authorization for Mandan Hockey Club, Inc. at Vicky's Sports Bar from July 1, 2024 to June 30, 2025.

City Commission

Agenda Documentation

May 7, 2024

Subject: Mandan Hockey Club, Inc. at Vicky's Sports Bar from July 1, 2024 to June 30, 2025

Page 2 of 2



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Mandan Hockey Club, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Vicky's Sports Bar

Street 106 2nd Ave NW	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/1/2024	Ending Date(s) Authorized 6/30/25	Number of Twenty-One tables, if zero, enter "0" 1	

Specific location where games of chance will be conducted and played at the site (required)

Bar Area

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization must provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

☐ Bingo	☐ Club Special	☐ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☒ Twenty-One
☒ Raffles	☐ Seal Board	☐ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☒ Pull Tab Jar	☐ Prize Board	☐ Paddlewheel with Tickets
☒ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☐ Paddlewheel Table
☒ ELECTRONIC Pull Tab Device		

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) Vicky's Sports Bar		Site Name Vicky's Bat		Site Phone Number 701-663-4877
Site Address 106 2nd Ave NW	City Mandan	State ND	Zip Code 58554	County Morton
Organization Mandan Hockey Club	Rental Period 7/1/2024 to 6/30/25			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☐ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 <u> </u> X Rent per Table \$ <u> </u>		☐ No ☐ Yes		\$
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>				\$ 300
3. Is Paddlewheels conducted at this site? Number of Tables <u> </u> X Rent per Table \$ <u> </u>		☐ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☒ Jar Bar ☒ Standard Dispensing Device		☐ No ☒ Yes		\$ 325
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u>9</u>		☐ No ☒ Yes		\$ 1175
Total Monthly Rent				\$ 1500.00
6. If the only gaming activity to be conducted at the site is a raffle drawing please check here. ☐				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device, and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessors on call or temporary or permanent employee(s) will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, **the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.**

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

A LESSOR who is an officer or board member of an organization **may not** participate in the organization's decision-making that is a conflict of interest.

At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>Vicky Johnson</i>	Title <i>Owner</i>	Date <i>4-17-24</i>
Signature of Lessee <i>Ryan Moberg</i>	Title <i>Gaming Manager</i>	Date <i>4-17-24</i>



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 18, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider approval for gaming site authorization for Mandan Hockey Club, Inc. at Old 10 Bar & Grill from July 1, 2024, to June 30, 2025.

STATEMENT/PURPOSE:

To approve a gaming site authorization for Mandan Hockey Club, Inc. at Old 10 Bar & Grill from July 1, 2024, to June 30, 2025.

BACKGROUND/ALTERNATIVES:

Finance Department received an application for a gaming site authorization for Mandan Hockey Club, Inc. at Old 10 Bar & Grill from July 1, 2024, to June 30, 2025.

ATTACHMENTS:

1. Mandan Hockey Gaming Site

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

To approve the gaming site authorization

SUGGESTED MOTION:

I move to approve the gaming site authorization for Mandan Hockey Club, Inc. at Old 10

City Commission

Agenda Documentation

May 7, 2024

Subject: Mandan Hockey Club, Inc. at Old 10 Bar & Grill from July 1, 2024 to June 30, 2025

Page 2 of 2

Bar & Grill from July 1, 2024 to June 30, 2025.



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Mandan Hockey Club, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Old 10 Bar & Grill

Street 417 E Main St	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/1/2024	Ending Date(s) Authorized 6/30/25	Number of Twenty-One tables, if zero, enter "0" 1	

Specific location where games of chance will be conducted and played at the site (required)

Bar Area

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization must provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

☐ Bingo	☐ Club Special	☐ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☒ Twenty-One
☒ Raffles	☐ Seal Board	☐ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☒ Pull Tab Jar	☐ Prize Board	☐ Paddlewheel with Tickets
☒ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☐ Paddlewheel Table
☒ ELECTRONIC Pull Tab Device		

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) Cody Stern/Nathan Wolf		Site Name Old 10 Bar & Grill		Site Phone Number 701-426-6313
Site Address 417 E Main St	City Mandan	State ND	Zip Code 58554	County Morton
Organization Mandan Hockey Club	Rental Period 7/1/2024 to 6/30/2025			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☐ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		☐ No ☒ Yes		\$
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>				\$ 300
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		☐ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☒ Jar Bar ☒ Standard Dispensing Device		☐ No ☒ Yes		\$ 325
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u>3</u>		☐ No ☒ Yes		\$ 525
Total Monthly Rent				\$ 1150.00
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device, and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessors on call or temporary or permanent employee(s) will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, **the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.**

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

A LESSOR who is an officer or board member of an organization **may not** participate in the organization's decision-making that is a conflict of interest.

At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>Nathan Wolf</i>	Title <i>Owner</i>	Date <i>4/3/24</i>
Signature of Lessee <i>Nathan Wolf</i>	Title <i>MHC Gaming Manager</i>	Date <i>4/5/24</i>



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 18, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Bismarck Cancer Center Foundation at Prarie West Golf Course from May 8 to June 30, 2024.

STATEMENT/PURPOSE:

To consider approval of gaming site authorization for Bismarck Cancer Center Foundation at Prarie West Golf Course from May 8 to June 30, 2024.

BACKGROUND/ALTERNATIVES:

The Finance Department received an application for gaming site authorization for Bismarck Cancer Center Foundation at Prarie West Golf Course from May 8 to June 30, 2024.

ATTACHMENTS:

1. Bismarck Cancer Center Gaming Site Authorization & Rental Agreement

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

To approve the gaming site authorization for Bismarck Cancer Center Foundation at Prarie West Golf Course.

SUGGESTED MOTION:

City Commission

Agenda Documentation

May 7, 2024

Subject: Bismarck Cancer Center Foundation at Prarie West Golf Course from May 8 to June 30, 2024

Page 2 of 2

I move to approve a gaming site authorization for Bismarck Cancer Center Foundation at Prarie West Golf Course from May 8 to June 30, 2024.



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Bismarck Cancer Center Foundation

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Prarie West Golf Course

Street	City	ZIP Code	County
2709 Longspur Trail	Mandan	ND	58554

Beginning Date(s) Authorized	Ending Date(s) Authorized	Number of Twenty-One tables, if zero, enter "0"
July 1, 2023 May 8, 2024 <i>BCC</i>	June 30, 2024	

Specific location where games of chance will be conducted and played at the site (required)

SE of Clubhouse

If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known

June 2023

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must throughly explain each game type to be conducted. The City/County can only approve these games at the site.

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

☐ Bingo	☐ Club Special	☐ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☐ Twenty-One
☐ Raffles	☐ Seal Board	☐ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☐ Pull Tab Jar	☐ Prize Board	☐ Paddlewheel with Tickets
☐ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☐ Paddlewheel Table
☐ ELECTRONIC Pull Tab Device		

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

PRINT Name and official position of person signing on behalf of city/county above

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) Mandan Park District - Prairie West Golf Course		Site Name Prairie West Golf		Site Phone Number 701-751-6171
Site Address 2709 Longspur Trail	City Mandan	State ND	Zip Code 58554	County Morton
Organization Bismarck Cancer Center Foundation		Rental Period May 8, 2024 June 30, 2023 to July 1, 2024		Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☐ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☐ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		☐ No ☐ Yes		\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		☐ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☐ Standard Dispensing Device		☐ No ☐ Yes		\$
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices _____		☐ No ☐ Yes		\$
Total Monthly Rent				\$
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☒				
TERMS OF RENTAL AGREEMENT: This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance. The LESSOR agrees that no game will be directly operated as part of the lessor's business. The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device, and sell raffle tickets or sports pool chances on a board on behalf of an organization. The LESSOR agrees that the lessors on call or temporary or permanent employee(s) will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed. If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site. The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds. The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee. The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name. A LESSOR who is an officer or board member of an organization may not participate in the organization's decision-making that is a conflict of interest. At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.				
Signature of Lessor <i>Pat Zick</i>		Title <i>Golf Professional</i>		Date <i>4-5-24</i>
Signature of Lessee <i>Amy Grown</i>		Title <i>Executive Director</i>		Date <i>4-9-2024</i>



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 22, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider gaming site authorization for Prairie Public Broadcasting, Inc. at Strawberry Bar & Grill from July 1, 2024, to June 30, 2025

STATEMENT/PURPOSE:

To consider a gaming site authorization for Prairie Public Broadcasting, Inc. at Strawberry Bar & Grill from July 1, 2024 to June 30, 2025

BACKGROUND/ALTERNATIVES:

Administration Department received an application for gaming site authorization.

ATTACHMENTS:

1. Gaming Site Strawberry Bar & Grill

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

To approve the gaming site authorization.

SUGGESTED MOTION:

I move to approve the gaming site authorization for Prairie Public Broadcasting, Inc. at Strawberry Bar & Grill from July 1, 2024 to June 30, 2025.

City Commission

Agenda Documentation

May 7, 2024

Subject: Prairie Public Broadcasting, Inc. at Strawberry Bar & Grill from July 1, 2024 to June 30, 2025

Page 2 of 2



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization
Prairie Public Broadcasting, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location Strawberry Bar & Grill			
Street 210 West Main St	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/1/24	Ending Date(s) Authorized 6/30/25		Number of Twenty-One tables, if zero, enter "0" 0
Specific location where games of chance will be conducted <u>and</u> played at the site (required) entire facility, excluding restrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known			

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

☐ Bingo	☐ Club Special	☐ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☐ Twenty-One
☐ Raffles	☐ Seal Board	☐ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☐ Pull Tab Jar	☐ Prize Board	☐ Paddlewheel with Tickets
☐ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☐ Paddlewheel Table
☐ ELECTRONIC Pull Tab Device		

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

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RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) The Strawberry Llc		Site Name Strawberry Bar & Grill		Site Phone Number (701) 751-7348
Site Address 210 W Main Ave	City Mandan	State ND	Zip Code 58554	County Morton
Organization (Lessee) Prairie Public Broadcasting, Inc		Rental Period 12/18/2023 to 6/30/2027		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☒ No ☐ Yes ☐ No ☐ Yes \$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ ☒ Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ ☒ Rent per Table \$ _____				☒ No ☐ Yes \$ \$
3. Is Paddlewheels conducted at this site? Number of Tables _____ ☒ Rent per Table \$ _____				☒ No ☐ Yes \$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: ☐ Jar Bar ☒ Standard Dispensing Device				☐ No ☒ Yes \$ 150.00
☒ Electronic Dispensing Device Number of Electronic Devices <u>10</u>				\$ 600.00
Total Monthly Rent				\$ 750.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. ☐				
TERMS OF RENTAL AGREEMENT: This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance. The LESSOR agrees that no game will be directly operated as part of the lessor's business. The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization. The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed. If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site. The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds. The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee. The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name. At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.				
Signature of Lessor 		Title OWNER		Date 12-21-23
Signature of Lessee 		Title PRESIDENT & CEO		Date 12/15/23 (over)



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 22, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Gaming site authorization for Mandan Touchdown Club at Starion Sports Complex from August 1, 2024, to December 1, 2024.

STATEMENT/PURPOSE:

Consider approval of gaming site authorization for Mandan Touchdown Club at Starion Sports Complex from August 1, 2024, to December 1, 2024.

BACKGROUND/ALTERNATIVES:

Administration Department received an application for gaming site authorization Mandan Touchdown Club at Starion Sports Complex from August 1, 2024, to December 1, 2024.

ATTACHMENTS:

1. Gaming Site Mandan Touchdown - Starion Sports Complex

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

To approve the gaming site authorization

SUGGESTED MOTION:

City Commission

Agenda Documentation

May 7, 2024

Subject: Mandan Touchdown Club at Starion Sports Complex from August 1, 2024 to December 1, 2024

Page 2 of 2

I move to approve the gaming site authorization for Mandan Touchdown Club at Starion Sports Complex from August 1, 2024 to December 1, 2024.



GAMING SITE AUTHORIZATION

OFFICE OF ATTORNEY GENERAL

SFN 17996 (02/2018)

G - _____ (____)____

Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization **Mandan Touchdown Club**

The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location Starion Sports Complex			
Street 111 Old Red Trail	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 8/1/24	Ending Date(s) Authorized 12/1/24	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted and played at the site (required) Lobby of the Starion Sports Complex			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known August, September, October, November			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

☐ Bingo	☐ Club Special	☐ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☐ Twenty-One
☒ Raffles	☐ Seal Board	☐ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☐ Pull Tab Jar	☐ Prize Board	☐ Paddlewheels with Tickets
☐ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☐ Paddlewheel Table
☐ ELECTRONIC Pull Tab Device		

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

1. City/County-Retain a **copy** of the Site Authorization for your files.
2. City/County-Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

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Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 **OR** 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Mandan Parks And Recreation		Site Name Starion Sports Complex		Site Phone Number (701) 751-6166
Site Address 111 Old Red Trail Ne	City Mandan	State ND	Zip Code 58554	County Morton
Organization (Lessee) Mandan Touchdown Club		Rental Period 8/1/2024 to 12/1/2024		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☒ No ☐ Yes ☐ No ☐ Yes \$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				☒ No ☐ Yes \$ \$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____				☒ No ☐ Yes \$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: ☐ Jar Bar ☐ Standard Dispensing Device				☒ No ☐ Yes \$
☐ Electronic Dispensing Device Number of Electronic Devices _____				\$
Total Monthly Rent				\$ 0.00

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. ☒

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title Director	Date 4/22/2024
Signature of Lessee 	Title Treasurer - Mandan Touchdown Club	Date 4/22/2024



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 22, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider gaming site authorization for Mandan Touchdown Club at Dickey's BBQ from July 1, 2024 to June 30, 2025

STATEMENT/PURPOSE:

To consider a gaming site authorization for Mandan Touchdown Club at Dickey's BBQ from July 1, 2024 to June 30, 2025

BACKGROUND/ALTERNATIVES:

Administration department received an application for a gaming site authorization for Mandan Touchdown Club at Dickey's BBQ from July 1, 2024 to June 30, 2025

ATTACHMENTS:

1. Gaming Site Mandan Touchdown Club - Dickeys BBQ

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

To approve the gaming site authorization for Mandan Touchdown Club at Dickey's BBQ from July 1, 2024 to June 30, 2025

SUGGESTED MOTION:

City Commission

Agenda Documentation

May 7, 2024

Subject: Mandan Touchdown Club at Dickey's BBQ from July 1, 2024 to June 30, 2025

Page 2 of 2

I move to to approve the gaming site authorization for Mandan Touchdown Club at Dickey's BBQ from July 1, 2024 to June 30, 2025.



GAMING SITE AUTHORIZATION

OFFICE OF ATTORNEY GENERAL

SFN 17996 (02/2018)

G - _____ (_____) _____

Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization **Mandan Touchdown Club**

The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location Dickey's BBQ			
Street 4524 Memorial Highway	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/1/24	Ending Date(s) Authorized 12/1/25 6/30/25	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Dickey's BBQ Front of store			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

☐ Bingo	☐ Club Special	☐ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☐ Twenty-One
☐ Raffles	☐ Seal Board	☐ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☐ Pull Tab Jar	☐ Prize Board	☐ Paddlewheels with Tickets
☐ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☐ Paddlewheel Table
☒ ELECTRONIC Pull Tab Device		

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

1. City/County-Retain a **copy** of the Site Authorization for your files.
2. City/County-Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

RETURN ALL DOCUMENTS TO:

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Bismarck, ND 58505-0040
Telephone: 701-328-2329 **OR** 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Pit Masters Llc		Site Name Dickey's Bbq <i>717</i>		Site Phone Number (701) 212-6144	
Site Address 4524 Memorial Highway		City Mandan		State ND	Zip Code 58554
County Morton		Rental Period 7/1/2024 to 6/30/2025		Monthly Rent Amount	
Organization (Lessee) Mandan Touchdown Club					
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.					
☒ No ☐ Yes ☐ No ☐ Yes \$					
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____					
☒ No ☐ Yes \$ \$					
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____					
☒ No ☐ Yes \$					
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: ☐ Jar Bar ☐ Standard Dispensing Device ☐ No ☒ Yes \$					
☒ Electronic Dispensing Device Number of Electronic Devices <u>3</u> \$ 525.00					
Total Monthly Rent \$ 525.00					
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. ☐					
TERMS OF RENTAL AGREEMENT: This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance. The LESSOR agrees that no game will be directly operated as part of the lessor's business. The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization. The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed. If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site. The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds. The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee. The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name. At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.					
Signature of Lessor 		Title Owner		Date 4/17/2024	
Signature of Lessee 		Title Treasurer - Mandan Touchdown Club		Date 4/17/2024	



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 25, 2024
SUBMITTING DEPARTMENT: Mandan Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: FY2024 COPS Hiring Program

STATEMENT/PURPOSE:

Consider approval to allow the Police Department to apply for FY2024 COPS Hiring program grant for 4 police officers.

BACKGROUND/ALTERNATIVES:

The COPS Grant Hiring Program is a federal grant to allow police departments to assist police departments to add additional (new) police officer positions to their department. The Police Department has applied for and received this grant in the past. The COPS Hiring program grant provides up to 75 percent funding of the approved entry level salaries and fringe benefits for each newly hired/or rehired full-time sworn law enforcement officer for three years within a five-year period of performance to accommodate time needed for recruitment and hiring.

There is a minimum 25 percent local cash match (cost share) requirement. The maximum federal share per officer position is \$125,000 over the three-year period, (not \$125,000 per year).

This federal grant would go into effect October 1, 2024, with the anticipation of hiring of officers in January 2025. This federal grant would pay for the fiscal years of 2025, 2026, and 2027 for four police officers. Two of the new officers hired would be assigned as Community Outreach Officers that would work with community members and businesses, respond to specific traffic complaints and other assigned tasks. Two Police Officers would be assigned to patrol to continue community outreach after business hours, assist with calls for service, respond to specific traffic complaints and other assigned tasks.

ATTACHMENTS:

1. Process_for_Applying_to_COPS_Office_Solicitations

FISCAL IMPACT:

The starting salary/fringe Benefits for a newly hired police officer:

\$55,598.40 (Salary)

\$45,834.66 (Benefits)

\$101, 433.06 (Total cost for 1 newly Hired Police Officer)

\$405,732.24 (4 police officers for 1 year)

\$1,217,196.72 (Total cost for 4 Police Officers for 3 years)

\$500,000.00 (Total received from COPS Grant for 4 police officers for three years)

\$239,065.57 (Net cost to City of Mandan per year for 2025, 2026, 2027)

\$717,196.72 (Total Net Cost to the City of Mandan for 4 police officers for 3 years)

\$40,000.00 Equipment costs 4 new officers,\$10,000.00 per officer X 4 (radios, bulletproof vests, uniforms, weapons)

\$405,732.24 City of Mandan's net responsibility for the four police officers in 2029 at the conclusion of the grant funding (not including future salary adjustments)

STAFF IMPACT:

Minimal

LEGAL REVIEW:

N/A

RECOMMENDATION:

To approve allowing the police department to apply for a FY2024 COPS Hiring program grant

SUGGESTED MOTION:

I move to approve allowing the Police Department to apply for a FY2024 COPS Hiring program grant.

Process for Applying to COPS Office Solicitations

Step 1. Register with SAM database/Confirm SAM number (the Unique Entity ID (UEI) will be from SAM)

System of Award Management (SAM) registration and renewal can take as long as 10 business days to complete.

If you do not have an Employer Identification Number (EIN), the process can take up to five weeks.

SAM registration procedures can be accessed at www.sam.gov.

The person registering with SAM will be the designated SAM E-Business Point of Contact, who can assign the people who submit applications for the organization (your Authorized Organization Representatives). You must review your SAM registration once a year.

Step 2. Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password.

Complete the AOR profile on Grants.gov and create a username and password. An applicant entity's unique entity identifier (obtained through SAM.gov) must be used to complete this step. For more information about the registration process for organizations and other entities, visit the [Grants.gov registration page](https://www.grants.gov/grants/registration). Individuals registering with Grants.gov may visit the [Applicant Registration page](https://www.grants.gov/grants/registration).

Step 3. Acquire confirmation for the AOR from the E-Business Point of Contact (E-Biz POC).

The SAM E-Biz POC at the applicant organization must log into Grants.gov to confirm the applicant organization's AOR. The E-Biz POC will need the Marketing Partner Identification Number (MPIN) password obtained when registering with SAM to complete this step. Note that an organization can have more than one AOR.

Step 4. Search for the funding opportunity on Grants.gov.

Search using the Assistance Listing title and the funding opportunity number from the solicitation.

Step 5. Access Funding Opportunity and Application Package from Grants.gov.

Select "Apply for Grants" under the "Applicants" column. Enter your email address to be notified of any changes to the opportunity package before the closing date. Click the Workspace icon to use Grants.gov Workspace.

Step 6. Complete and Submit the SF-424 and SF-LLL via Grants.gov.

Within 48 hours after submitting the [SF-424](#) and [SF-LLL](#), the applicant should receive two notifications from Grants.gov. The first will confirm the receipt of the SF-424 and SF-LLL. The second will state whether the SF-424 and SF-LLL has been validated and successfully submitted, or whether it has been rejected due to errors, with an explanation. It is possible to first receive a message indicating that the application is received, and then receive a rejection notice a few minutes or hours later. Submitting the SF-424 and the SF-LLL well ahead of the Grants.gov deadline provides time to correct the problem(s) that caused the rejection.

Important: DOJ urges each applicant to submit the SF-424 and the SF-LLL at least 72 hours prior to the Grants.gov due date, to allow time to receive validation messages or rejection notifications from Grants.gov, and to correct in a timely fashion any problems that may have caused a rejection notification. Verify the application deadline (date and time) in the solicitation.

New Entity without a JustGrants Account

Step 7. Register the Entity Administrator (E-Biz POC) and the Application Submitter with DOJ's Justice Grants System (JustGrants).

Within 24 hours of JustGrants receiving an application from Grants.gov, the user submitting the application in Grants.gov and SAM E-Biz POC will receive an email to register for a JustGrants account. The email is from DOJ's secure user management system (DIAMD) and will include instructions on how to create an account.

To ensure that you receive these emails and that they are not flagged as spam, we recommend adding **DIAMD-NoReply@usdoj.gov** to the trusted sender list in your email settings.

The E-Biz POC at the applicant organization serves as the Entity Administrator and must log in to JustGrants to confirm the entity's profile, add users, and assign the two required Authorized Representatives (Law Enforcement Executive/Program Official and Government Executive/Financial Official). The Authorized Representatives are officials who have ultimate and final responsibility for all programmatic and financial decisions for your agency, as the legal recipient. For guidance on who should be your Authorized Representatives, please see below:

- **For law enforcement agencies**, COPS Office awards require that both the top law enforcement executive (e.g., chief of police, sheriff, or equivalent) and the top government executive (e.g., mayor, board chairman, or equivalent) sign the application, and (if awarded funding) accept the Award Package. The top law enforcement executive must be assigned the role of Authorized Representative 1 and the top government executive must be assigned the role of Authorized Representative 2 in Just Grants.

- **For non-law enforcement agencies** (institutions of higher education, school districts, private organizations, etc.), COPS Office awards require that both the programmatic official (e.g., executive director, chief executive officer, or equivalent) and financial official (e.g., chief financial officer, treasurer, or equivalent) sign the application, and (if awarded funding) accept the Award Package. These two officials must have the ultimate signatory authority to sign contracts on behalf of your organization. The programmatic official must be assigned the role of Authorized Representative 1 and the financial official must be assigned the role of Authorized Representative 2 in Just Grants.

Please note that nonexecutive positions (e.g., clerks, trustees) are not acceptable Authorized Representatives.

The user who submitted the application in Grants.gov serves as the Application Submitter. Within minutes of completing your JustGrants account registration, the Application Submitter and the E-Biz POC (Entity Administrator) users will receive an email from JustGrants with a link to the application started in Grants.gov.

Application Submitters and E-Biz POC Users with a JustGrants Account

Step 8. Review and Invite the Two Required Authorized Representatives in JustGrants

The Entity Administrator will need to log in to JustGrants to review and assign the required two Authorized Representatives. (Law Enforcement Executive/Program Official and Government Executive/Financial Official). The Authorized Representatives are officials who have ultimate and final responsibility for all programmatic and financial decisions for your agency, as the legal recipient. For guidance on who should be your Authorized Representatives, please see below:

For law enforcement agencies, COPS Office awards require that both the top law enforcement executive (e.g., chief of police, sheriff, or equivalent) and the top government executive (e.g., mayor, board chairman, or equivalent) sign the application, and (if awarded funding) accept the Award Package. The top law enforcement executive must be assigned the role of Authorized Representative 1 and the top government executive must be assigned the role of Authorized Representative 2 in Just Grants.

- **For non-law enforcement agencies** (institutions of higher education, school districts, private organizations, etc.), COPS Office awards require that both the programmatic official (e.g., executive director, chief executive officer, or equivalent) and financial official (e.g., chief financial officer, treasurer, or equivalent) sign the application, and (if awarded funding) accept the Award Package. These two officials must have the ultimate signatory authority to sign contracts on behalf of your organization. The programmatic official must be assigned the role of Authorized Representative 1 and the financial official must be assigned the role of Authorized Representative 2 in Just Grants.

Please note that nonexecutive positions (e.g., clerks, trustees) are not acceptable Authorized Representatives.

If an Authorized Representative needs to be invited, the Entity Administrator will need to invite the individual to receive a JustGrants account. These actions are required before an application can be submitted.

Within minutes of being invited to be an Authorized Representative, the individual will receive an email from **DIAMD-NoReply@usdoj.gov** with instructions on how to create an account in DOJ's secure user management system.

Once the Authorized Representatives receives the email and completes the steps to create an account, the Authorized Representative will be available in JustGrants.

Review the "[JustGrants User Roles Guide](#)" to become familiar with the various JustGrants Entity User roles.

Step 9. Complete and Submit the JustGrants Application

The Application Submitter will need to complete the application by entering data into web-based forms, uploading attachments, and accepting assurances and certifications. Before you submit your application, each section must be completed and free of validation errors. If not, please return to each identified page using the table of contents on the right side of the page. If any required fields are unanswered, they will be flagged with warning messages. In this case, answer these required fields. You will not be able to submit your application until all validation issues are corrected and the application is certified.

The Application Submitter will also need to confirm the required two Authorized Representatives (Law Enforcement Executive/Program Official and Government Executive/Financial Official).

The Application Submitter will need to select two authorized representatives via dropdown field in the "Confirm Authorized Representative" section of the application. The dropdown will display all authorized representatives that have been assigned for your entity (the [Application Submission Job Aid Reference Guide](#) for this step).

If you do not see authorized representatives for your entity in the dropdown field within the "Confirm Authorized Representative" section of the application, you will need to add and assign the role for each authorized representative for your entity. Please be aware users will not be visible in JustGrants until they have successfully logged into JustGrants. If you need assistance adding users and assigning roles for your entity, please refer to the [Entity Management Job Aid Reference Guide](#).

Once all sections are completed, the application submitter will submit the application. Upon successful submission of an application, the Application Submitter, Entity Administrator, and the two Authorized Representatives will receive an email from JustGrants confirming submission of the application. The COPS Office will not accept applications submitted via mail or email.



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Mandan Progress Organization Event Grants

STATEMENT/PURPOSE:

To consider approval of the Mandan Progress Organization Event Grant recommendations.

BACKGROUND/ALTERNATIVES:

City of Mandan has continuously provided \$20,000 to the Mandan Progress Organization (MPO) to be utilized to assist funding events. The MPO has an application and ranking process whereby they make a recommendation to the City regarding the organizations to receive a portion of the \$20,000.

ATTACHMENTS:

1. MPO Commission Presentation Request 2024

FISCAL IMPACT:

\$20,000 budgeted via Sales Tax Fund

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

I recommend approval of the funding recommendations as submitted by the MPO.

SUGGESTED MOTION:

I move to approve the funding recommendations as submitted by the MPO.



*Mandan Progress Organization
Executive Director: Matt Schanandore
Office: 701-751-2983
Email: info@mandanprogress.org*

Jim Neubauer
City Administrator
205 2nd Ave NW
Mandan, ND 58554

Dear Mr. Neubauer,

The Mandan Progress Organization is the community leader for executing great experiences and events that benefit the Mandan community. The City of Mandan provides the MPO funds each year to bring new events to the community and assist in keeping established events a continued growth, which allows for the betterment to the citizens of Mandan and its visitors. Provides a basis for an economic impact on the business community and for citizens and its visitors a quality of life. Grant monies are awarded divided between 50% in Mandan Bucks and 50% in a check. Money is derived from the 1% city sales tax fund and it is budgeted at \$20,000 for the year.

I request the opportunity to come before the Mandan City Commission on May 7th, 2024, to request the \$20,000 grant monies budgeted for 2024. Please see attached Agenda Documentation.

The 2024 event grant review committee recommended the following grant applications with the recommended funding amount for each awardee.

- Dacotah Speedway - \$2,200
- ND Railroad Museum Watermelon Days - \$500
- Dacotah Lions (Movie in the Park) - \$700
- Friends of Fort Lincoln - \$500
- MPO Touch -a-Truck - \$1,000
- Musicians Association – Summer Band Series - \$2,500
- Mandan Horse and Saddle - \$1,800
- MPO Art-in-the-Park - \$1,500
- MPO Independence Day - \$2,500
- MPO Holiday Lights - \$2,500
- MPO Buggies N Blues - \$3,300
- BAGA- Mandan Window Wonderland Art Program - \$1,000

Total amount awarded - \$20,000

Thanks for your time.

Sincerely,
Matt Schanandore
Executive Director
Mandan Progress Organization.

Matt Schanandore



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Minor Plat for Riverwood Commercial Park 4th Addition.

STATEMENT/PURPOSE:

Consider Minor Plat for Riverwood Commercial Park 4th Addition.

BACKGROUND/ALTERNATIVES:

Farland Properties LLC and SML Properties LLC request consideration of a minor plat for a subdivision replat to be titled Riverwood Commercial Park 4th Addition. The property is located in central Mandan, on the east side of Riverwood Avenue SE between Memorial Highway SE and 3rd Street SE.

Project Overview

The plat serves to transfer twelve feet of land from Farland Properties, presently described as Auditors Lot B of Lot 3, Block 2, Riverwood Commercial Park to SML Properties LLC, presently described as Auditors Lot C of Lot 3, Riverwood Commercial Park for the purposes of a building addition.

Minor Plat Overview / Property Info

The proposed minor plat is 1.86 acres in size and contains two lots in one block. Lot 1, Block 1 is .87 acres in size and Lot 2 .99 acres. Each lot contains Utility Easements including a mix of standard lot-serving utilities and overhead power transmission.

One building exists on each parcel. The lots are zoned MA – Industrial.

Adjacent Zoning, Land Use, Future Land Use

The adjacent properties are zoned MA – Heavy Commercial/Light Industrial, MC - Heavy Commercial/Light Industrial Restricted, and CB – Commercial Business. The Future Land Use Plan identifies this area for Industrial.

Findings of Fact Minor Plat

1. All requirements for approval of a minor subdivision plat have been met;
2. The proposed subdivision is generally consistent with the intent and purpose of the zoning ordinance;
3. The proposed subdivision is consistent with the Future Land Use Plan, other adopted plans and policies, as well as accepted planning practice; and
4. The proposed subdivision would not adversely affect public health, safety and general welfare.

Agency & Other Department Comments

- Staff has sent this plat request to relevant stakeholders for review.
- The proposed building addition will be subject to Mandan Architecture Review Commission.
- This item has previously been approved by the City Commission and its approval has expired. There are no changes and staff recommends re-approval in order to permit its recording.

ATTACHMENTS:

1. Application
2. Riverwood Commercial 4th Park Final Plat
3. Images
4. Location Map

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

The City Attorney has reviewed this agenda document.

RECOMMENDATION:

Planning staff recommends approval of the minor plat for Riverwood Commercial Park 4th Addition.

City Commission

Agenda Documentation

May 7, 2024

Subject: Consider Minor Plat for Riverwood Commercial Park 4th Addition

Page 3 of 3

SUGGESTED MOTION:

I move to approve the minor plat for Riverwood Commercial Park 4th Addition.

CITY OF MANDAN		
Development Review Application		
☒	Minor Plat (\$300)	Zone Change (\$600)
☐	Preliminary Plat up to 20 acres (\$400)	Planned Unit Development (\$700)
☐	Preliminary Plat more than 20 acres (\$450)	Land Use and Transportation Plan Amendment (\$1,000)
☐	Final Plat up to 20 lots (\$400)	Vacation (\$500)
☐	Final Plat 21 to 40 lots (\$550)	Variance (\$400)
☐	Final Plat more than 40 lots (\$700)	Special Use Permit (\$450)
☐	Annexation (\$450)	Stormwater submittal (\$300)
☐	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater 2 nd & subsequent resubmittal (\$50)
☐	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	
Summary of Request (Add separate sheet(s) as necessary)		
Combine Lots		

Engineer/Surveyor			Property Owner or Applicant		
Name Toman Engineering Co. / Andra Marquardt			Name Farland Properties LLC		
Address 501 1st St NW			Address 3611 Foxhaven Loop		
City Mandan	State ND	Zip 58554	City Bismarck	State ND	Zip 58503
email andram@tomanengineering.com			email		
Phone 701-663-6483		Fax 701-663-0923	Phone		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
☒ City	☐ ETA	☐ New	☒ Addition	MA	MA	Riverwood Commercial Park 4th Add.	
Property Address					Legal Description		
150 Riverwood Ave SE					Aud. Lots "B" & "C", Lot 3, Block 2		
Current Use					Riverwood Commercial Park		
Commercial							
Proposed Use							
MB					Section 26	Township 139 N	Range 81 W
Parcel Size 1.86 Ac±	Building Footprint	Stories	Building SF		Required Parking	Provided Parking	

Print Name <i>SHANE FARLAND</i>	Signature <i>Shane Farland</i>	Date 8/8/23
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Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ <i>300</i>	Date <i>8-8-2023</i>
Notice in paper		Mailed to neighbors	
P&Z meeting			
☐ Approved	Approved with conditions:		
☐ Denied			

CITY OF MANDAN		
Development Review Application		
☒	Minor Plat (\$300)	Zone Change (\$600)
☐	Preliminary Plat up to 20 acres (\$400)	Planned Unit Development (\$700)
☐	Preliminary Plat more than 20 acres (\$450)	Land Use and Transportation Plan Amendment (\$1,000)
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☐	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	
Summary of Request (Add separate sheet(s) as necessary)		
Combine Lots		

Engineer/Surveyor			Property Owner or Applicant		
Name Toman Engineering Co. / Andra Marquardt			Name SML Properties LLC		
Address 501 1st St NW			Address 4075 Sunny Dr S		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email andram@tomanengineering.com			email <i>Shawn</i>		
Phone 701-663-6483		Fax 701-663-0923	Phone 701-226-3111		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
☒ City	☐ ETA	☐ New	☒ Addition	MB	MB	Riverwood Commercial Park 4th Add.	
Property Address 160 Riverwood Ave SE					Legal Description Aud. Lots "B" & "C", Lot 3, Block 2		
Current Use Commercial					Riverwood Commercial Park		
Proposed Use MB					Section 26 Township 139 N Range 81 W		
Parcel Size 1.86 Ac±	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	

Print Name <i>Shawn Lunjstol</i>	Signature 	Date <i>8-8-23</i>
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Office Use Only			
Date Received:	Initials:	Fees Paid: \$	Date
Notice in paper	Mailed to neighbors	P&Z meeting	
☐ Approved	Approved with conditions:		
☐ Denied			

RIVERWOOD COMMERCIAL PARK 4TH ADDITION

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

ALL OF AUDITOR'S LOTS "B" AND "C" OF LOT 3, BLOCK 2, RIVERWOOD COMMERCIAL PARK OF THE SE1/4, SECTION 26, T139N-R81W OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

DESCRIPTION OF PROPERTY

ALL OF AUDITOR'S LOTS "B" AND "C" OF LOT 3, BLOCK 2, RIVERWOOD COMMERCIAL PARK OF THE SE1/4 OF SECTION 26, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA. SAID TRACT OF LAND CONTAINING 1.86 ACRES, MORE OR LESS

SURVEYOR'S CERTIFICATE

I, ANDRA L. MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS THEREOF AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDRA L. MARQUARDT, RLS 4623

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING THE SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT, AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, SIDEWALKS AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OF SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATED AS "UTILITY EASEMENTS".

LOT 1

SHANE FARLAND
FARLAND PROPERTIES LLC

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF ____, 2023.

NOTARY PUBLIC
COUNTY, ____
MY COMMISSION EXPIRES: ____

LOT 2

SHAWN LUNSTAD
SML PROPERTIES LLC

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF ____, 2023.

NOTARY PUBLIC
COUNTY, ____
MY COMMISSION EXPIRES: ____

APPROVAL OF BOARD OF CITY COMMISSIONERS

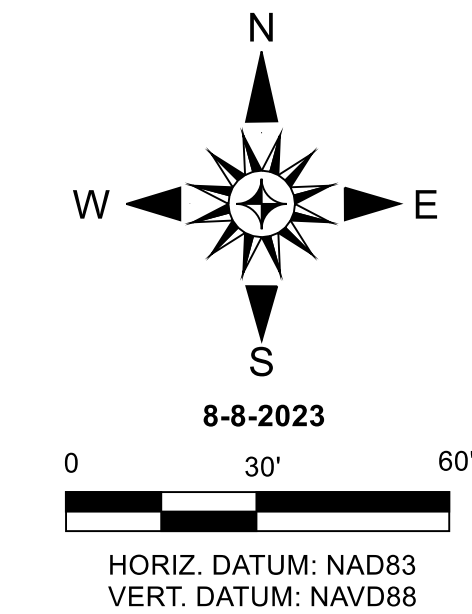
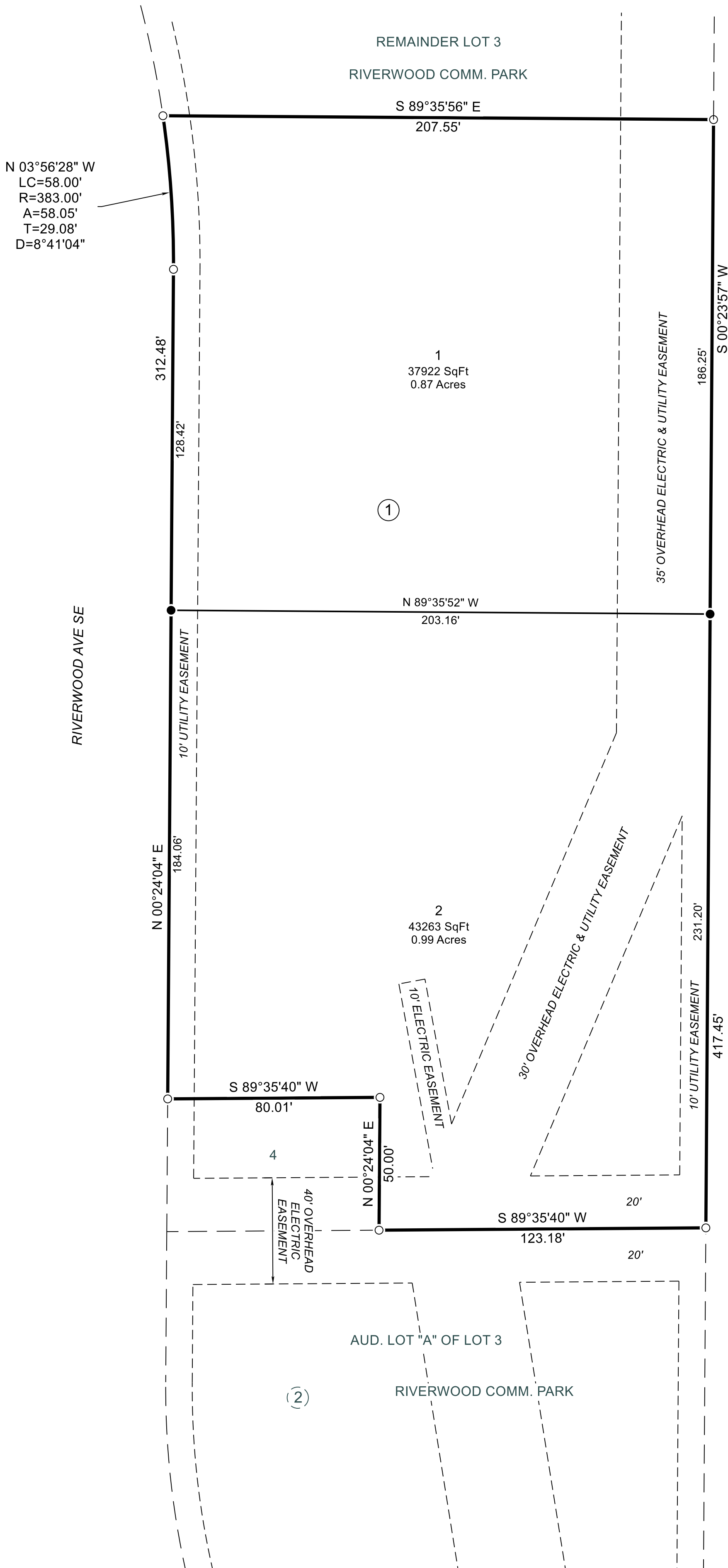
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN. THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION THIS ____ DAY OF ____, 2023.

JIM NEUBAUER -
CITY ADMINISTRATOR

TIM HELBLING - PRESIDENT OF
THE BOARD OF CITY COMMISSIONERS

I, _____, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVES "RIVERWOOD COMMERCIAL PARK 4TH ADDITION," OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

- CITY ENGINEER



LEGEND	
●	SET REBAR MONUMENT
○	FOUND REBAR MONUMENT

OWNERS:
LOT 1:
FARLAND PROPERTIES LLC
3611 FOXHAVEN LOOP
BISMARCK, ND 58503

LOT 2:
SML PROPERTIES LLC
4075 SUNNY DR S
MANDAN, ND 58554

BASIS OF BEARING:
EAST BOUNDARY LINE
SOUTH 00° 23' 57\"/>

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.



**TOMAN ENGINEERING
COMPANY**

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

EXHIBIT 3





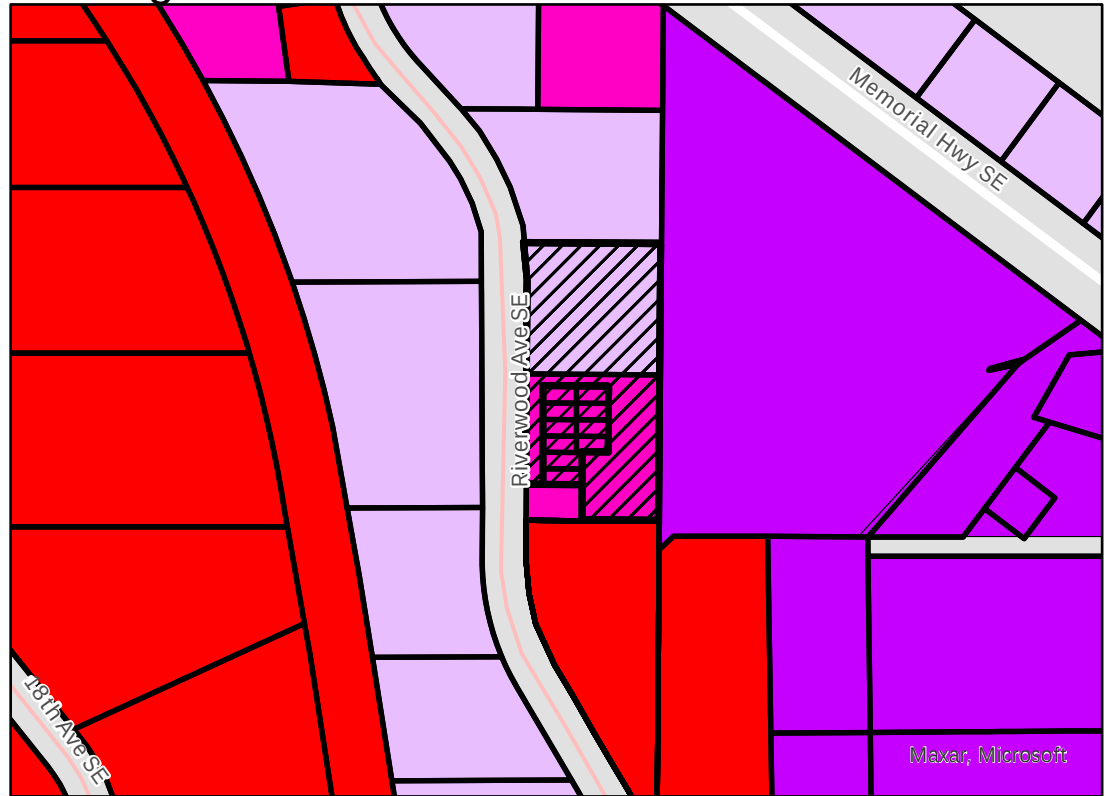
Zoning and Future Land Use Reference Map

Riverwood Commercial Park 4th Addition

Zoning Map Key

- | | |
|---|--|
| Agriculture - City of Mandan | MHS - Trailer Park |
| Agriculture - Morton County | PUD - Planned Unit Development |
| CA - Neighborhood Commercial | R3.2 - Residential Single & Two Family |
| CB - Business Commercial | R7 - Residential Single Family |
| CC - Commercial/Light Industrial Transition | RH - Residential Mobile Home Park |
| DC - Downtown Core | RM - Residential Multi-family Dwellings |
| DF - Downtown Fringe | RMH - Residential Mobile Home Subdivision |
| Industrial - Morton County | Residential - County Residential Zoning |
| LSMHS - Trailer Park Subdivision | ROW - Right-of-Way 08-City Primary Streets |
| MA - Heavy Commercial/Light Industrial | 09-City Secondary Streets |
| MB - Heavy Commercial/Heavy Industrial | 11-City Trailer Court Streets |
| MC - Heavy Commercial/Light Industrial Restricted | 12-City Private Dr |
| MD - Heavy Commercial/Heavy Industrial Restricted | |

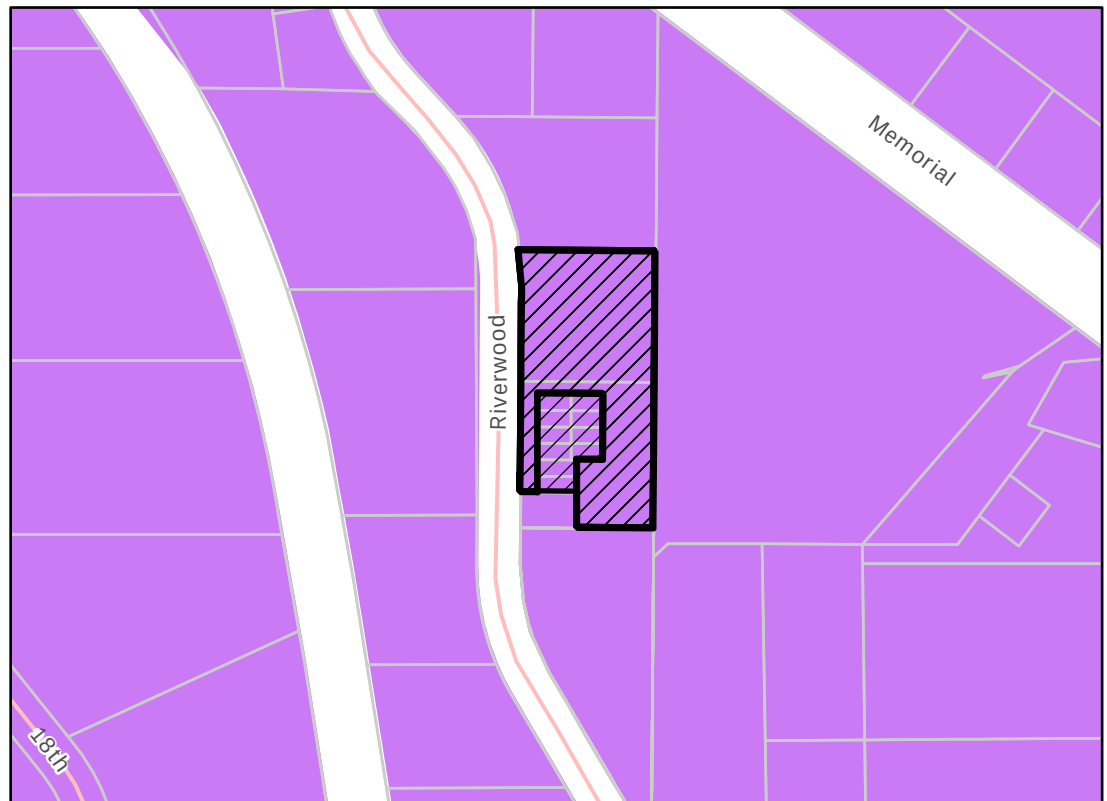
Zoning



Future Land Use Plan Key

- | |
|----------------------------|
| Rural Residential |
| Low Density Residential |
| Medium Density Residential |
| High Density Residential |
| Commercial |
| Industrial |
| Public/Semi-Public |
| Public Land |
| Park |
| Greenways |
| Open Space |
| Open Water |
| Parcels |
| City Limits |
| ETA Line |
| August Planning Activities |
| 08-City Primary Streets |
| 09-City Secondary Streets |

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Public Works Director
SUBJECT: National Public Works Week Proclamation

STATEMENT/PURPOSE:

To proclaim May 19 to May 25, 2024 as National Public Works Week in the City of Mandan

BACKGROUND/ALTERNATIVES:

Annually, the City of Mandan has recognized a week in honor of National Public Works Week. This year, Public Works Week is May 19 to May 25, 2024. We use this week to acknowledge the hard work of the employees and to also help the community understand the work that they do. In conjunction with National Public Works Week, Public Works also holds an annual Open House that the public and everyone is invited to attend on May 23rd from 4:00 p.m. to 6:00 p.m. At the Open House, the public will be able to tour the facility and learn about the equipment that we use. The public can also enjoy a bite to eat

ATTACHMENTS:

1. National Public Works Week Proclamation

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

City Commission

Agenda Documentation

May 7, 2024

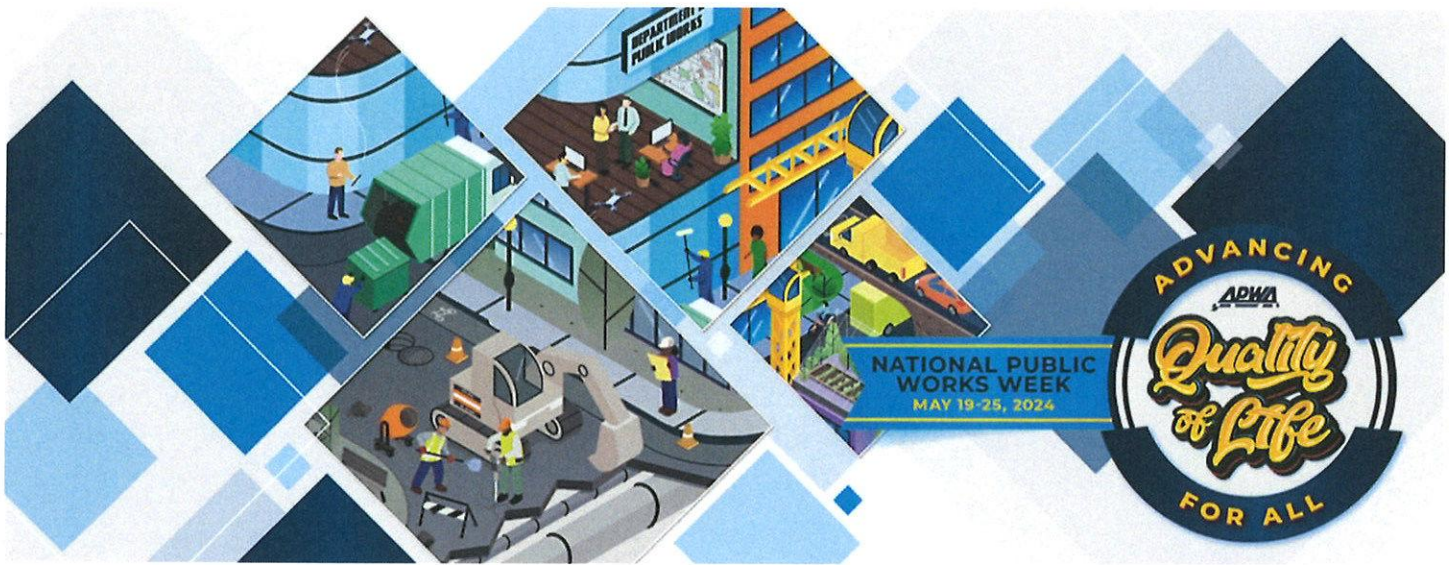
Subject: Consider proclaiming May 19 to May 25, 2024 as National Public Works Week in the City of Mandan

Page 2 of 2

To read and approve the proclamation as presented.

SUGGESTED MOTION:

I move to approve the proclamation declaring May 19 to May 25 as National Public Works Week in the City of Mandan.



National Public Works Week Proclamation

May 19–25, 2024

“Advancing Quality of Life For All”

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of **MANDAN, NORTH DAKOTA** and,

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest of the citizens, civic leaders, and children in **MANDAN, NORTH DAKOTA** to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, I, **MAYOR TIM HELBLING**, do hereby designate the week May 19–25, 2024, as National Public Works Week. I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing the quality of life for all.

DATED THIS 7th Day of May, 2024

City of Mandan Mayor, Tim Helbling



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: May 1, 2024
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Veterans Credit for Tom Tuntland

STATEMENT/PURPOSE:

To consider the 2022 & 2023 Applications for Disabled Veterans Property Tax Credit for property located at 900 24th St NW.

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-5109000 with a legal description of Lot 10 Block 1 Terra Vallee 1st.

Reason for Abatement: I have reviewed the Disabled Veterans Property Tax Credit Applications and documentation, which are on file in my office. This applicant qualifies for the Disabled Veterans Property Tax Credit for 2022 & 2023. This abatement is to correct the percentage of disability compensation rating that was given in 2022 & 2023.

ATTACHMENTS:

1. Tuntland 2022-2023 Abatement Forms
2. Vet Credit Flyer

FISCAL IMPACT:

No fiscal impact on the City since the Tax Credit is reimbursed by the State of ND.

STAFF IMPACT:

N/A

LEGAL REVIEW:

Submitted to City Attorney Amy Oster

RECOMMENDATION:

I recommend a motion to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications for Tom Tuntland at 900 24th St NW as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications for Tom Tuntland at 900 24th St NW as presented.

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1 of the year following the year in which the tax becomes delinquent.

State of North Dakota Assessment District CITY OF MANDAN
County of COUNTY OF MORTON Property I.D. No. 65-5109000
Name TUNTLAND/TOM/& MICHEL DEPLAZES Telephone No. _____
Address 900 24TH ST NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 10 BLOCK 1 TERRA VALLEE 1ST

Total true and full value of the property described above for the year 2023 is:

Land \$ 40,000
Improvements \$ 253,600
Total \$ 293,600
(1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 40,000
Improvements \$ 253,600
Total \$ 293,600
(2)

The difference of \$ 0.00 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
☐ 2. Residential or commercial property's true and full value exceeds the market value
☐ 3. Error in property description, entering the description, or extending the tax
☐ 4. Nonexisting improvement assessed
☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
☐ 6. Duplicate assessment
☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
☐ 8. Error in noting payment of taxes, taxes erroneously paid
☒ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
☐ 10. Other (explain) _____

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

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

Applicant asks that Veterans Credit rating change be approved.

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant X [Signature]

Date 4-26-2024

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1 of the year following the year in which the tax becomes delinquent.

State of North Dakota Assessment District CITY OF MANDAN
County of COUNTY OF MORTON Property I.D. No. 65-5109000
Name TUNTLAND/TOM/& MICHEL DEPLAZES Telephone No. _____
Address 900 24TH ST NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 10 BLOCK 1 TERRA VALLEE 1ST

Total true and full value of the property described above for the year 2022 is:

Land \$ 40,000
Improvements \$ 226,000
Total \$ 266,000
(1)

Total true and full value of the property described above for the year 2022 should be:

Land \$ 40,000
Improvements \$ 226,000
Total \$ 266,000
(2)

The difference of \$ 0.00 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
☐ 2. Residential or commercial property's true and full value exceeds the market value
☐ 3. Error in property description, entering the description, or extending the tax
☐ 4. Nonexisting improvement assessed
☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
☐ 6. Duplicate assessment
☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
☐ 8. Error in noting payment of taxes, taxes erroneously paid
☒ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
☐ 10. Other (explain) _____

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

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

Applicant asks that Veterans Credit rating change be approved.

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant [Signature]

Date 4-26-2024



DISABLED VETERANS

PROPERTY TAX CREDIT

The Disabled Veterans Credit is a property tax credit that is available to veterans of the United States Armed Forces with service-connected disability.

It may reduce the taxable value of a residence and associated taxes due.



ELIGIBILITY

1. You must be a disabled veteran of the United States Armed Forces with an armed forces service-connected disability of 50% or greater in the year for which your application is made.
2. You must have received an honorable discharge or be retired from the United States Armed Forces.
3. You must reside on and have an interest in the property, as of the assessment date.

APPLY

Applicants will need to provide their DD214 and the determination of disability by the VA to your local assessor or county director of tax equalization.

To apply, submit the Application for Disabled Veterans Property Tax Credit to your local assessor. The applications can be found at www.tax.nd.gov/veterans.



ADDITIONAL INFORMATION

The following table shows how taxable values may reduce with the credit.

Disability Percentage	Maximum Reduction
100%	\$8,100
90%	\$7,290
80%	\$6,480
70%	\$5,670
60%	\$4,860
50%	\$4,050

To qualify, veterans must meet all eligibility requirements and file an application with the local assessor or county director of tax equalization, by February 1 in the year that the property is assessed and credit is requested.

To obtain disability and honorable discharge documentation, contact your Veterans Service Office or the United State Department of Veterans Affairs at 866-634-8387.

Office of State Tax Commissioner
600 E. Boulevard Ave. Dept. 127
Bismarck, N.D. 58505-0599
701-328-7088
tax.nd.gov



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: May 1, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider annual highway closure agreement

STATEMENT/PURPOSE:

To consider approving of the agreement necessary for the DOT to allow the city to close state highways for events.

BACKGROUND/ALTERNATIVES:

Primarily, this agreement is to allow the MPO to conduct their events on state highways, most notably Main Street, with the DOT's blessing. Individual permits will still need to be submitted to the city for each event that explains the details of the events to include road closures plus all the other event details. So long as the events follow the terms of this agreement, the DOT is satisfied.

ATTACHMENTS:

None

FISCAL IMPACT:

Minimal

STAFF IMPACT:

Coordination and variable levels of involvement for each events' details necessary in order to satisfy the terms of this agreement.

LEGAL REVIEW:

All commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION:

Approve of the execution of the agreement with the DOT.

SUGGESTED MOTION:

I move to approve of the Long-Term Temporary Highway Closure Agreement with the DOT



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: May 1, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider scheduling a public hearing to vacate a portion of right of way in Lakewood 7th addition

STATEMENT/PURPOSE:

To consider the vacation of a portion of right of way south of McKenzie Drive SE in Lakewood 7th Addition.

BACKGROUND/ALTERNATIVES:

TRX Developers, LLC has requested the vacation of a portion of the right-of-way in Lakewood 7th Addition to convert it from public to private property. This request aims to facilitate the construction of a private road within the development to serve as a means of access from a private road to McKenzie Drive SE.

The specific portion of the right-of-way to be vacated is situated immediately south of the intersection of McKenzie Drive SE and 34th Avenue SE, as initially outlined in the Lakewood 7th Addition plat. Further details regarding the location are provided in the attached survey exhibit and location map. The proposed private road would intersect with McKenzie Drive SE at 34th Avenue SE, forming a four-leg intersection, with the fourth leg being the new private road.

To proceed with the right-of-way vacation process, the item must be publicly noticed for four consecutive weeks. Consequently, the matter may come up for final consideration by the City Commission during its meeting on June 5th.

ATTACHMENTS:

1. Application
2. Vacate ROW Exhibit - Signed
3. Location Map

FISCAL IMPACT:

N/a

STAFF IMPACT:

Staff will dedicate time to reviewing the request and make a formal recommendation following the review.

LEGAL REVIEW:

The City Attorney has reviewed this as part of the agenda packet.

RECOMMENDATION:

Staff recommends scheduling a public hearing for June 5th, 2024 to consider this request.

SUGGESTED MOTION:

I move to schedule a public hearing to consider the requested vacation at the June 5th meeting of the City Commission.

CITY OF MANDAN		
Development Review Application		
☐	Minor Plat (\$300)	☐ Zone Change (\$600)
☐	Preliminary Plat up to 20 acres (\$400)	☐ Planned Unit Development (\$700)
☐	Preliminary Plat more than 20 acres (\$450)	☐ Land Use and Transportation Plan Amendment (\$1,000)
☐	Final Plat up to 20 lots (\$400)	☒ Vacation (\$500)
☐	Final Plat 21 to 40 lots (\$550)	☐ Variance (\$400)
☐	Final Plat more than 40 lots (\$700)	☐ Special Use Permit (\$450)
☐	Annexation (\$450)	☐ Stormwater submittal (\$300)
☐	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	☐ Stormwater 2 nd & subsequent resubmittal (\$50)
☐	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	
Summary of Request (Add separate sheet(s) as necessary)		
To vacate part of McKenzie Drive SE right-of-way (Lakewood Sixth Addition). The vacated right-of-way would become part of the Shores at Lakewood 2nd Addition plat. See attached map for clarity.		

Engineer/Surveyor			Property Owner or Applicant		
Name Nick Nustad - Mountain Plains, LLC			Name Arthur Goldammer - TRX Developers, LLC		
Address 1300 Tacoma Ave, Suite A			Address 3100 North 14th Street		
City Bismarck	State ND	Zip 58504	City Bismarck	State ND	Zip 58503
email nnustad@mntnplains.com			email arthur@verityhomes.com		
Phone 7019553122		Fax	Phone 7014260197		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

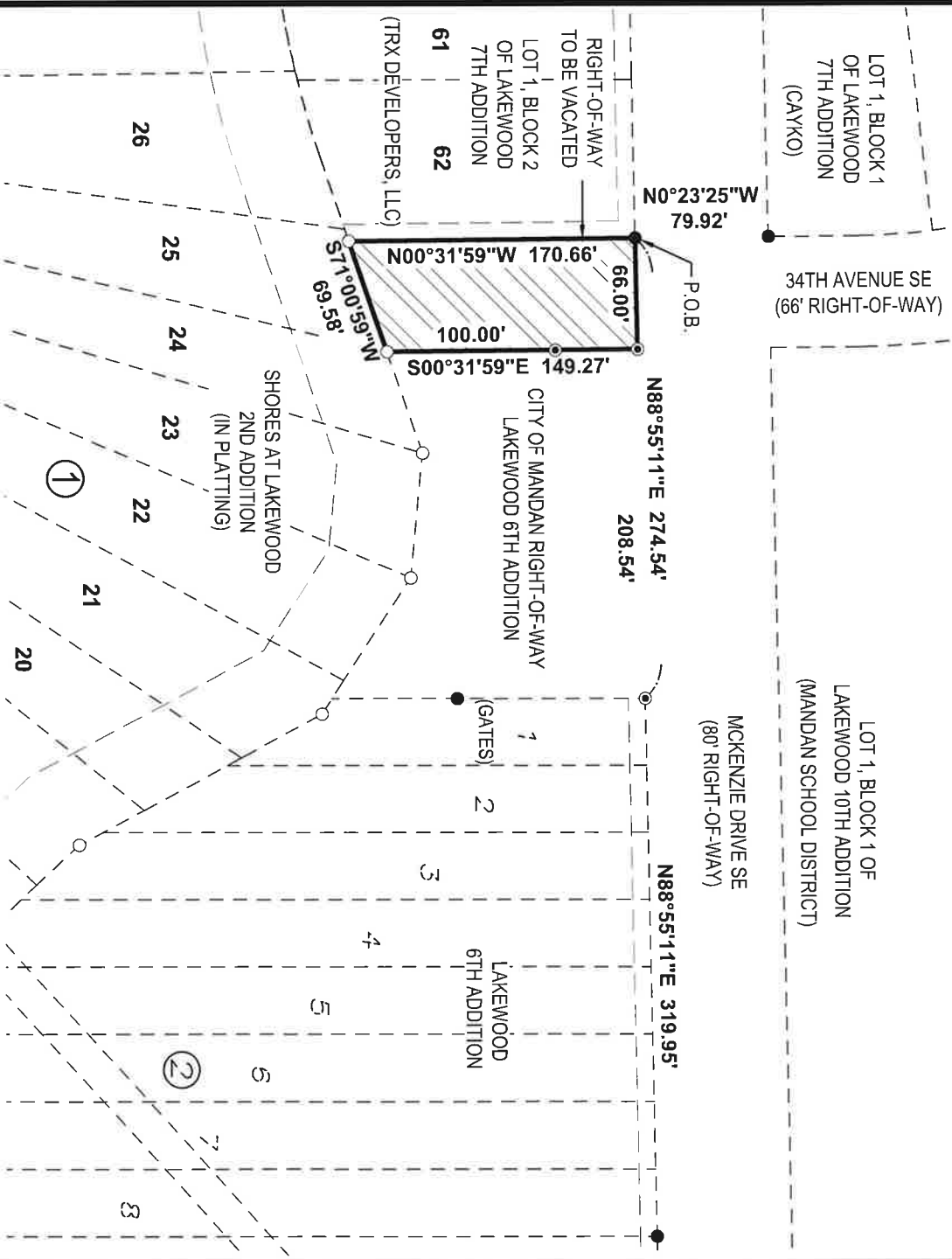
Location		Type		Existing Zone	Proposed Zone	Project Name	
☒ City	☐ ETA	☐ New	☐ Addition	N/A	N/A	Shores at Lakewood 2nd Addition	
Property Address				Legal Description			
McKenzie Drive SE				Lakewood Sixth Addition			
Current Use							
public right-of-way							
Proposed Use							
For Shores at Lakewood 2nd Addition private drive connection.				Section 1	Township 138	Range 81	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	

Print Name Arthur Goldammer	Signature 	Date 4/24/24
--------------------------------	---	-----------------

Office Use Only			
Date Received:	Initials: <i>ym</i>	Fees Paid: \$ 500	Date 5-2-2024
Notice in paper		Mailed to neighbors	P&Z meeting
☐ Approved	Approved with conditions:		
☐ Denied			

EXHIBIT 'A'

RIGHT-OF-WAY AND UTILITY EASEMENT VACATION
LOCATED IN LAKEWOOD SIXTH ADDITION
IN THE NE1/4 OF SECTION 1, T138N, R81W
OF THE 5TH PRINCIPAL MERIDIAN
CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



RIGHT-OF-WAY VACATION DESCRIPTION
A STRIP OF LAND BEING A PORTION OF THE PUBLIC RIGHT-OF-WAY LOCATED WITHIN LAKEWOOD SIXTH ADDITION,
IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 1, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE FIFTH
PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2 OF LAKEWOOD 7TH ADDITION; THENCE N88°35'11"E A DISTANCE OF 66.00 FEET; WHICH BEARS S88°55'11"W A DISTANCE OF 208.54 FEET FROM THE NORTHWEST CORNER OF LOT 1, BLOCK 2 OF LAKEWOOD SIXTH ADDITION; THENCE S00°31'59"E A DISTANCE OF 149.27 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID LAKEWOOD SIXTH ADDITION; THENCE S71°00'59"W ON AND ALONG SAID SOUTH BOUNDARY LINE A DISTANCE OF 69.58 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 2 OF LAKEWOOD 7TH ADDITION; THENCE N00°31'59"W ON AND ALONG THE EAST LINE OF SAID LOT 1, BLOCK 2 OF LAKEWOOD 7TH ADDITION A DISTANCE OF 170.66 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 0.242 ACRES, MORE OR LESS.



- ☒ SET YPC TARNOWSKI LS-27506
☐ CALCULATED POSITION
☒ FOUND MONUMENT
 _____ PROPERTY LINE
 _____ EASEMENT LINE
 _____ VACATE RIGHT-OF-WAY
 _____ N.D. STATE PLANE, SOUTH ZONE
 _____ INTERNATIONAL FEET
 _____ BEARINGS AND DISTANCES ARE GRID
- 0 50 100
 SCALE: 1 INCH = 100 FEET

PROJECT TITLE: RIGHT-OF-WAY VACATION LAKEWOOD SIXTH ADDITION		 MOUNTAIN PLAINS, LLC LAND SURVEYING & ENGINEERING, INC.		1300 TACOMA AVE BISMARCK, ND 58504 PHONE: (701) 557-3348 WWW.MTNPLAINS.COM	
CLIENT NAME: TRX DEVELOPERS, LLC		DRWN BY: CHKD BY: APPD BY: DATE:		4/25/2024	
PROJECT NO: 002623N		JME	MJT	MJT	SCALE: 1" = 100'
		SHEET NO:		1 OF 1	



Zoning and Future Land Use Reference Map

Shores at Lakewood 2nd ROW Vacation

Zoning Map Key

- | | |
|---|---|
| Agriculture - City of Mandan | MD - Heavy Commercial/Heavy Industrial Restricted |
| Agriculture - Morton County | MHS - Trailer Park |
| CA - Neighborhood Commercial | PUD - Planned Unit Development |
| CB - Business Commercial | R3.2 - Residential Single & Two Family |
| CC - Commercial/Light Industrial Transition | R7 - Residential Single Family |
| DC - Downtown Core | RH - Residential Mobile Home Park |
| DF - Downtown Fringe | RM - Residential Multi-family Dwellings |
| Industrial - Morton County | RMH - Residential Mobile Home Subdivision |
| LSMHS - Trailer Park Subdivision | Residential - County Residential Zoning |
| MA - Heavy Commercial/Light Industrial | ROW - Right-of-Way |
| MB - Heavy Commercial/Heavy Industrial | Parcels |
| MC - Heavy Commercial/Light Industrial Restricted | May '24 Planning Items |

Zoning



Future Land Use Plan Key

- | |
|----------------------------|
| Rural Residential |
| Low Density Residential |
| Medium Density Residential |
| High Density Residential |
| Commercial |
| Industrial |
| Public/Semi-Public |
| Public Land |
| Park |
| Greenways |
| Open Space |
| Open Water |
| Parcels |
| City Limits |
| ETA Line |
| May '24 Planning Items |

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: DeNae Kautzmann
SUBJECT: Update related to Morton County Senior Center

STATEMENT/PURPOSE:

This is simply an update to the City Commission

BACKGROUND/ALTERNATIVES:

Memo

To: Jim Neubauer, City Administrator
From: DeNae Kautzmann, Chair of Ad Hoc Morton County Council of Aging Selection/Build Committee
Date: April 30, 2024
Re: Appearance before the City Commission on May 7, 2024

A new Senior Center is being explored due to the need for a larger kitchen, more parking, and a larger gathering space. A short presentation by DeNae Kautzmann, Chair of the recently formed Morton County Council of Aging Site Selection/Build Committee will highlight actions taken by the Committee and the Council. Debbie Lafferty, Executive Director of Morton County Council of Aging, will review the Aging Nutrition Program which will highlight the need for a larger kitchen to meet the service needs now and into the future.

No action by the Board is necessary. This presentation is solely informational.

ATTACHMENTS:

None

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

N/A

SUGGESTED MOTION:

N/A



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 29, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Renee Murrish
SUBJECT: Consider increasing the monthly rent in reference to city-owned parking spots.

STATEMENT/PURPOSE:

Consider increasing the monthly rent on city-owned parking spots.

BACKGROUND/ALTERNATIVES:

At the April 23, 2024, Parking Authority meeting, it was discussed by the Parking Authority voting members to consider increasing the monthly rate of all rented spots that the city owns. The current rate is \$20/month and there has never been an increase in the rates, to the best of anyone's knowledge. The Parking Authority voted to recommend that the City Commission review this request and consider the approval to increase the rate from \$20/month to \$30/month. There are currently 71 rented parking spots in the three city-owned parking lots with 68 of them under contract. It is recommended that the rate change would take effect January 1, 2025, if approved.

ATTACHMENTS:

1. LotStatusReport
2. Lot D
3. Parking Lot E & F Map
4. 4.23.24 Proposed Parking Lot spaces increase

FISCAL IMPACT:

Increase in revenue from rented spots from \$20/month (\$17,040/annually) to \$30/month (\$25,560/annually) would provide an increase of \$8,520 annually, with all spots under contract.

STAFF IMPACT:

There will be no impact on the police department's staff.

LEGAL REVIEW:

N/A

RECOMMENDATION:

The Parking Authority recommends increasing the monthly parking spot rent from \$20/month to \$30/month effective January 1, 2025, by a unanimous vote.

SUGGESTED MOTION:

I move to increase the monthly parking spot rent for city-owned parking from \$20/month to \$30/month effective January 1, 2025.

LOT STATUS REPORT

Sorted by Lot, Space #

Lot F**East side of Fire Station**

Open: 3 Rented: 47 Pending: 0

1	Recurring	Haga Kommer
2	Recurring	Haga Kommer
3	Recurring	Collins Place A...
4	Recurring	Collins Place A...
5	Recurring	Collins Place A...
6	Recurring	Collins Place A...
7	Recurring	Collins Place A...
8	Recurring	Collins Place A...
9	Recurring	Collins Place A...
10	Recurring	Collins Place A...
11	Recurring	Collins Place A...
12	Recurring	Collins Place A...
13	Recurring	Collins Place A...
14	Recurring	Collins Place A...
15	Recurring	Collins Place A...
16	Recurring	Collins Place A...
17	Recurring	Collins Place A...
18	Recurring	Collins Place A...
19	Recurring	Collins Place A...
20	Recurring	Collins Place A...
21	Recurring	Collins Place A...
22	Recurring	Collins Place A...
23	Recurring	Collins Place A...
24	Recurring	Collins Place A...
25	Recurring	Collins Place A...
26	Recurring	Collins Place A...
27	Recurring	Collins Place A...
28	Recurring	Collins Place A...
29	Recurring	Collins Place A...
30	Recurring	Collins Place A...
31	Recurring	Starion Bank
32	Recurring	Starion Bank
33	Recurring	Starion Bank
34	Recurring	Starion Bank
35	Recurring	Starion Bank
36	Recurring	Express Yourself...
37	Recurring	Express
38	Recurring	Yourself Anthony Feist

39	Recurring	Anthony Feist
40	Open	
41	Recurring	Starion Bank
42	Recurring	Starion Bank
43	Recurring	Starion Bank
44	Recurring	Starion Bank
45	Open	
46	Recurring	Kelsch Law Firm
47	Open	
48	Recurring	Jason Arenz
49	Recurring	Collins Place A...
50	Recurring	Collins Place A...

Lot E**South side of Fire Station**

Open: 0 Rented: 12 Pending: 0

1	Recurring	Kelsch Law Firm
2	Recurring	Kelsch Law Firm
3	Recurring	Kelsch Law Firm
4	Recurring	Kelsch Law Firm
5	Recurring	Kelsch Law Firm
6	Recurring	Kelsch Law Firm
7	Recurring	Kelsch Law Firm
8	Recurring	Kelsch Law Firm
9	Recurring	Kelsch Law Firm
10	Recurring	Kelsch Law Firm
11	Recurring	Kelsch Law Firm
12	Recurring	Kelsch Law Firm

Lot D**South of Home Life Extended
Care**

Open: 0 Rented: 9 Pending: 0

15	Recurring	Starion Bank
16	Recurring	Starion Bank
17	Recurring	Starion Bank
18	Recurring	Starion Bank
19	Recurring	Starion Bank
20	Recurring	Starion Bank
21	Recurring	Starion Bank
22	Recurring	Starion Bank
23	Recurring	Starion Bank





Parking Authority Meeting
April 23, 2024 @ 7:45am

Issue:

Mandan City rented parking lots need to be adjusted due to lack of increases for decades and need to be caught up with the current market.

Propose by Reneé Murrish:

Raising the monthly rate starting January 1, 2025, for Mandan City Parking Lot E, Lot F, and Lot D to \$35 per month an \$15 per month increase from the current \$20 per month rate.

Comparisons from Bismarck:



Parkade Parking Ramp

- *432 Spaces
- *Offer Hourly & Monthly
- *Monthly- Covered-\$64 and Roof Top-\$40



Galleria -7th & Broadway Ramp

- *282 Spaces
- *Offer Hourly & Monthly
- *Monthly-\$64 for all spaces



6th & Thayer Ramp

- *500 Spaces
- *Offer Hourly & Monthly
- *Monthly-Covered \$64 and Roof Top \$40



3rd & Main

- *450 Spaces
- *Offer Hourly & Monthly
- *Monthly- Covered \$64 | Roof Top \$40 |
- Alley \$70- For business owners**



Rosser Parking Surface Lot

- *61 Spaces
- *No electricity
- *Monthly \$64**



5th & Thayer Surface Lot

- *63 Spaces
- *No Electricity
- *Monthly \$64**



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: May 1, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Engineering Service Agreement for 2025 Street Reconstruction project

STATEMENT/PURPOSE:

To consider entering into an agreement with Moore Engineering for the Engineering Study & 30% Design for the 2025 Street Project Rehabilitation Project area. The scope will include full conditions assessment of the 135 blocks and 40 alleys in the study area (streets, curbs, alleys, water system, lighting, ADA, drainage), public input meeting, an addendum to the project concept report approved in December, 2023 and special assessment protest process.

BACKGROUND/ALTERNATIVES:

The City of Mandan and Moore Engineering entered an MSA for engineering services on September 5, 2023. This is presented as a task order to assist the engineering department with this project for 2024.

The engineering department and public works department have worked to identify areas to be included in future street rehabilitation projects. Staff have identified the areas and are prepared to move forward with the study and report phase. Moore Engineering has prepared a contract to complete the study & report and preliminary design work.

Under this agreement, we would be committing to preliminary design of the project. It is intended to be far enough to answer the major questions about project scope and get a good grasp on project costs before selecting a project area and presenting to the public and commission as a resolution of necessity, thereby starting the protest period. If not protested, we would start from the 30% design, amend the contract, and come to an agreement for the final design phase.

ATTACHMENTS:

1. Task Order No. 5

FISCAL IMPACT:

The total cost of the preliminary study engineering contract is \$223,635.00. This cost would ultimately be included in the special assessment district. As with any other special assessment project, there is financial risk in this initial design phase since the district has not yet been created. We mitigate our exposure by limiting this phase to 30% design. Our risk is further mitigated by the nature of the anticipated work. Water main replacement work is considered a health and safety concern, and this portion of the project would be non-protestable.

STAFF IMPACT:

Significant effort working alongside Moore Engineering.

LEGAL REVIEW:

The City Attorney was provided the agreement to review and comment.

RECOMMENDATION:

Approve Task Order 5 – 2025 Street Rehabilitation Project: Studies & Reports

SUGGESTED MOTION:

I move to approve Task Order 5 for the study phase of the 2025 Street Rehabilitation project.

**SUGGESTED FORM OF
TASK ORDER**

This is Task Order No. 5,
consisting of six (6) pages.

Task Order No. 5

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated September 5, 2023 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

- A. Effective Date of Task Order: May 7, 2024
- B. Owner: City of Mandan
- C. Engineer: Moore Engineering, Inc.
- D. Specific Project (title): Mandan 2025 Street Rehabilitation
- E. Specific Project (description): Engineering evaluations, project concept addendum, estimates, assessment district assistance, public information meeting, through 30% design for the 2025 Street Rehabilitation project

GENERAL DESCRIPTION OF PROJECT: The Task Order includes a study of the Project area and an addendum to the Project Concept Report approved in December 2023. The project area consists of approximately 135 blocks and 40 alleys in downtown Mandan. The extents of the study and report are shown in the attached exhibit. The objective of the Task Order is to study and identify infrastructure needs within the Project area. The report addendum will outline proposed improvements, costs, and alternatives for Owner.

2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are as follows:
 - 1. Studies and Reports: After acceptance of the Agreement by Owner and upon written authorization from the Owner, Engineer shall:
 - a. Meet with Owner to define and clarify Owner's requirements for the Project and available data.
 - b. Submit and administer Department of Water Resources application for Basic Asset Inventory funding.
 - c. Evaluate previous studies and municipal water and sanitary sewer data provided by Owner.
 - d. Hold Bi-Weekly (Assume 8) Engineering & Public Works Committee meetings to review alternatives for street improvements.
 - e. Conduct PASER survey and create exhibits to evaluate recommended pavement treatments.

- f. Perform preliminary visual surveys of existing conditions of 135 blocks of streets and 40 blocks of alleys for initial recommendations of proposed improvements.
 - g. Coordinate Geotechnical Report for street cores (25) and soil borings (7) and Ground Penetrating Radar (GPR).
 - 1) Request proposal from Geotechnical subconsultant and present to Owner for approval.
 - 2) Provide Geotechnical firm with map of proposed street core locations.
 - h. Evaluate existing lighting and potential lighting options for Owner's consideration.
 - i. Visually evaluate existing retaining walls and identify walls in need of improvements.
 - j. Identify and evaluate solutions available to Owner based on preliminary visual surveys.
 - k. Prepare an addendum to the Project Concept Report ("Report") approved in December 2023, which will, as appropriate, contain schematic layouts, sketches and conceptual design criteria with appropriate exhibits to indicate the agreed-to requirements, considerations involved and those alternate solutions available to Owner which Engineer recommends. For each recommended solution Engineer will provide the following, which will be separately itemized: opinion of probable construction cost; proposed allowances for contingencies; the estimated total costs of design, professional, and related services to be provided by Engineer and its Consultants; and, on the basis of information furnished by Owner, a summary of allowances for other items and services included within the Total Project Costs. Engineer will provide three (3) bound copies of the draft report.
 - l. Revise preliminary Report based on comments from Public Works Committee and City Commission
 - m. Prepare final Report addendum for commission approval (up to 10 bound copies).
2. Preliminary Design Services. Upon completion of the above Engineer shall:
- a. Review Geotechnical report and incorporate recommendation into report.
 - b. Hold two (2) field reviews with a Public Works representative to determine proposed street improvements and curb repairs.
 - c. Provide limited field surveys and topographic and utility mapping for preliminary design purposes. Final design may require additional detailed surveys.
 - d. Identify required right-of-way needs in the project area.
 - e. Coordinate with utility companies in the area to obtain dry utility maps.
 - f. Complete preliminary street and ADA ramp preliminary design (to determine limits of removals and rehabilitation).
 - g. Prepare existing conditions drawings and other drawings or exhibits related to existing conditions, traffic routing, typical sections, proposed street and utility considerations.
 - h. Identify potential right-of-way and or easement needs.
 - i. Complete quantity take-offs and preliminary opinion of construction costs.
 - j. Conduct up to two (2) field reviews with Owner to review design alternatives.
3. Additional Services - Special Assessment District Services

- a. Prepare a map and legal description of the Improvement District for special assessments. Meet with Owner one (1) time to review Improvement District documents for approval at City Commission meeting.
 - b. Prepare preliminary special assessment footage or area exhibit for Report.
 - c. Utilize the City's GIS parcel map for preparation of special assessments based on front footage or area. Coordinate with City to determine final parcels from tax roll.
 - d. Create preliminary special assessment map based on parcels.
 - e. Prepare a preliminary special assessment list.
 - f. Prepare individual letters to property owners.
 - g. Attend City Commission meeting for resolution of necessity.
 - h. Prepare for and conduct one (1) public meeting.
 - i. Provide technical assistance during protest period.
- B. Resident Project Representative (RPR) Services – Not Applicable
- C. Designing to a Construction Cost Limit – Not Applicable
- D. Other Services - None
- E. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order. The following items form the basis of the proposed scope and fee:
- 1. No environmental permitting, environmental field or office studies, or hazard/site assessment is included in this proposal.
 - 2. Addressing unknown utility conflicts during design will be considered Additional Services.
 - 3. Hold bi-weekly meetings (estimated to be 2 hours each) with engineering department in order to provide updates and request decisions from the City.
 - 4. The project limits are defined in the attached exhibit; 2nd St NW (included) to Division St and 6th Ave NW to Collins Ave.
 - 5. Two intersections will be studied further; Division Street and Sunset Drive, and 10th Ave NW and 3rd St NW. The intersection study will be based on geometry and will provide alternatives and estimated costs.
 - 6. Geotechnical services will be contracted as a sub-consultant under Moore Engineering. Electrical Engineering services will be contracted as a sub-consultant under Moore Engineering.
 - 7. The Special Assessment Commission is responsible to determine the method of how to specially assess each property within the Improvement District. The Engineer only assists in the calculations based on the methods chosen by the Special Assessments Commission.

8. The design for street improvements will have a level of effort to address drainage issues known and identified by the Owner, but it cannot be expected that all drainage issues will be entirely resolved.
9. Proposed street sections used will be based on recommendations provided by the geotechnical engineer. Design will be based on the information obtained from the soil borings. Unknown soil conditions may be encountered during construction, thus a contingency fund will be established to address those areas if encountered.
10. The following items are specifically excluded:
 - a. Detailed Boundary survey to determine existing property lines
 - b. Utility Coordination meeting
 - c. Pavement Life Cycle Cost Analysis
 - d. Lighting Design
 - e. Hydraulic modeling of water main, storm sewer or sanitary sewer
 - f. Structural analysis of existing retaining walls
11. This agreement is expected to take the project to a 30% design level. Final Design and Construction engineering services are not included. If requested, an amendment to this Agreement for Engineering Services will be provided to the Owner once a construction contract is awarded.

3. Additional Services

- A. Additional Services that may be authorized or necessary under this Task Order are: those services (and related terms and conditions) set forth in Paragraph A2.01 of Exhibit A, as attached to the Agreement referred to above, such paragraph being hereby incorporated by reference.

4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following:

- A. Attend meetings and provide direction as indicated in the above parts of this Task Order.
- B. Provide any sewer televising tapes of the area, water main records, water main break records, and record of lead service lines.

5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule: services are to be finished in a timely matter as to provide adequate time to begin construction in April or May of 2025. Engineer shall proceed immediately and provide schedule updates to Owner about the feasible bid opening and construction start dates.

6. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

Description of Service	Amount	Basis of Compensation
1. Basic Services (Part 1 of Exhibit A)		
a. Study and Report Phase	\$111,590.00	Hourly, Standard Rates
b. Preliminary Design Phase (30%)	\$66,330.00	Hourly, Standard Rates
c. Special Assessment District Phase Services	\$18,630.00	Hourly, Standard Rates
d. Transportation Phase Services	\$27,085.00	Hourly, Standard Rates
e. Bidding or Negotiating Phase	N/A	TBD
f. Construction Phase *	N/A	TBD
g. Resident Project Representative Services *	N/A	TBD
h. Post-Construction Phase	N/A	TBD
TOTAL COMPENSATION	\$223,635.00	
2. Additional Services (Part 2 of Exhibit A)	N/A	TBD

Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor are estimates only.

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

7. Consultants retained as of the Effective Date of the Task Order:

- A. Braun Intertec (Geotechnical)
- B. Prairie Engineering, Inc. (Electrical)

8. Other Modifications to Agreement and Exhibits: None

9. Attachments:

- A. Project Area Map
- B. Work Breakdown Structures (tasks and hours)
- C. Moore Engineering, Inc. 2024 Billing Schedule

10. Other Documents Incorporated by Reference: None

11. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is May 7, 2024.

OWNER:

By: _____

Print Name: Tim Helbling

Title: Mayor

ENGINEER:

By: _____

Print Name: Tyson Hajicek, PE

Title: COO

Engineer License or Firm's
Certificate No. (if required): 011C
State of: North Dakota

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Jarek Wigness, PE

Title: City Engineer

Address: 205 2nd Ave NW
Mandan, ND 58554

E-Mail
Address: Jarek.Wigness@cityofmandan.com

Phone: (701) 667-3225

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

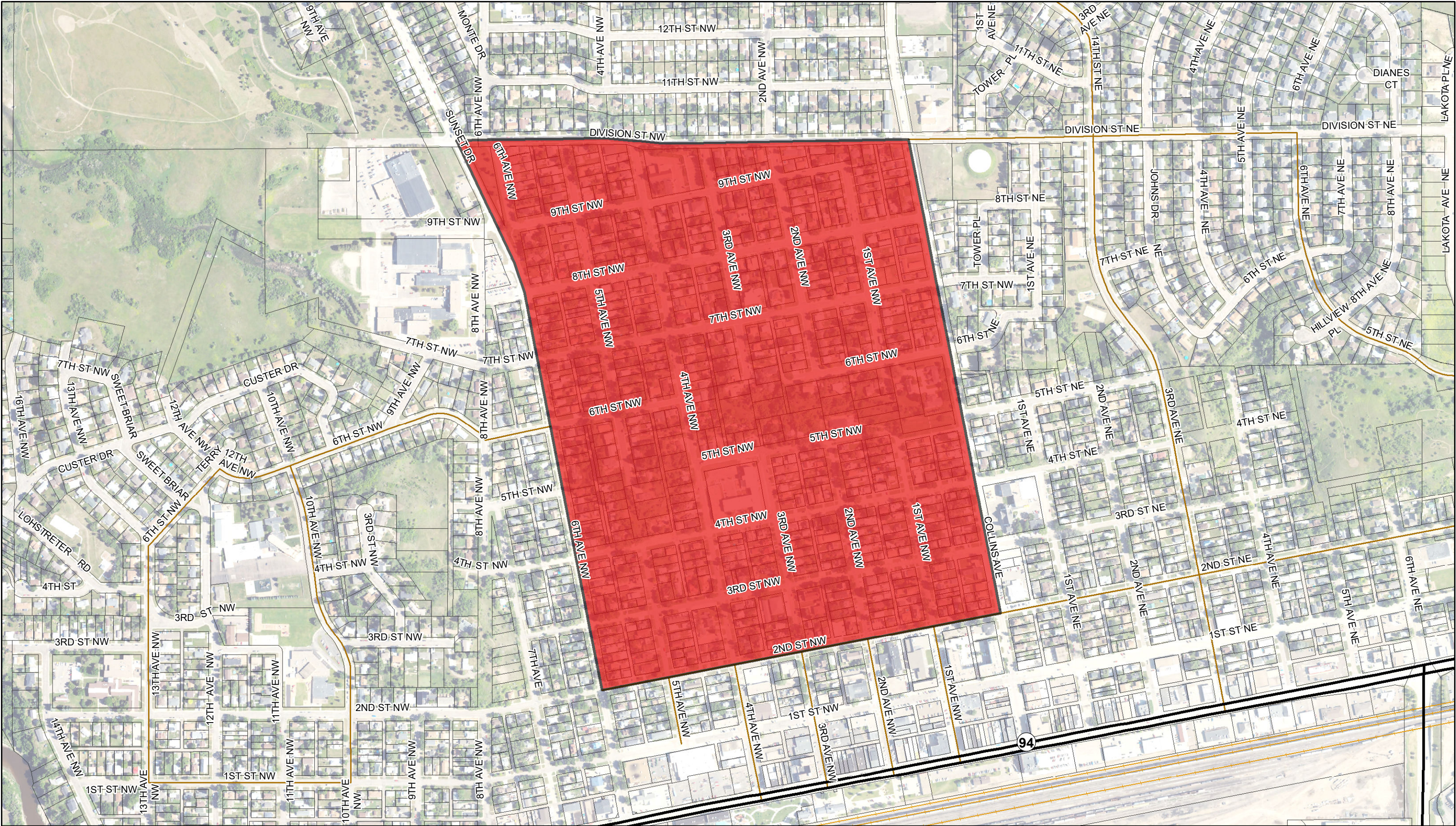
Name: Carl Jackson, PE

Title: Market Leader

Address: 4503 Coleman Street, Ste. 105
Bismarck, ND 58503

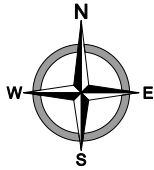
E-Mail
Address: Carl.jackson@mooreengineeringinc.com

Phone: (701) 751-8389



MIDTOWN WEST PROJECT AREA
MANDAN, NORTH DAKOTA

Created By: KMV Date Created: 09/29/23 Date Saved: 04/16/24 Date Exported: 04/16/24
Plotted By: kyle.volk Parcel Date: 05/07/23 Aerial Image: 2023 County NAIP SIDS Elevation Data: N/A
Horizontal Datum: NAD 1983 StatePlane North Dakota North FIPS 3301 Feet Vertical Datum: NAVD1988
T:\Projects\23500\23512\23512_Project_Area_Midtown_West_Exhibit.mxd



Legend

 Project Area





Project Name: Mandan, ND- 2025 Street Rehabilitation

Project Number: 24080

Client: City of Mandan

DATE: 4/29/2024

					PM		MUNI					WR		TRANSP		GIS		SURVEY			AD	
Project Name: Mandan, ND- 2025 Street Rehabilitation					SR PROJECT MANAGER	SR PROJECT ADMINISTRATOR	SENIOR PE	PE II	GRADUATE ENGINEER	ENGINEERING DESIGNER II	SUBCONSULTANT	SENIOR PE	PE I	SENIOR PE	PROJECT ENGINEER	CADD TECH III	SR GIS COORDINATOR	GIS TECH I	SR LAND SURVEYOR	SURVEY CREW CHIEF II	SURVEY CREW CHIEF I	OFFICE ADMINISTRATOR I
Project Number: 24080																						
Client: City of Mandan																						
DATE: 4/29/2024																						
PHASE	TASK NO.	PHASE DESCRIPTION	Defined Limits	TASK HOURS TOTAL	Carl	Mara	Tom	Grant	Aidan	Mike G		Josh H.	X	Jordan N.	Amy S.	Chris S.	Kyle V	Brook S	Jim A	Brady I	Maguire	Karl N
100 - Studies & Reports																						
100	100.001	Internal Team Coordination	16 Weeks - 0.5hr/week	40.00	8		8	8	8	8												
100	100.002	City of Mandan Coordination/meetings (Bi-Weekly)	16 Weeks - 2 hrs Bi-Weekly	52.00	18			18	16													
100	100.003	Sub cor. & Geotech - Street Corings, Soil Borings & Pavement Design (Typical Sections for Traditional and CTB)	Braun - \$27,500								\$27,500											
100	100.004	Topo Survey - FL, CL, No Boundary or Utilities, Bring in Utilities from GIS	Midtown West area - 60 Hours Total	63.00															3	30	30	
100	100.005	Collect Project Info (Record dwgs, GIS Parcels, existing utilities, photograph conditions, drainage issues, etc.)		21.00			2	4	8								1	6				
100	100.006	Streets - Paser Ratings & Evaluation of Asphalt Pavement - Field Time - 135 Blocks	4 Days w/ 2 person crew - 135 Blocks	84.00			2	2	40	40												
100	100.007	Alleys - Paser Ratings & Evaluation of Asphalt Pavement - Field Time - 40 Alleys	1 Day with 2 person crew - 40 Alleys	24.00			2	2	10	10												
100	100.008	Identify Asphalt & Concrete Replacement Areas	1 Day with 2 person crew	24.00				2	10	10								2				
100	100.009	Street Lighting Assessment	Prairie - \$500								\$500											
100	100.010	Evaluate Ex. Storm Sewer report analysis to provide recommended alternatives		16.00	1		3	6				2	4									
100	100.011	Review Owners records for water main breaks		8.00				4	4													
100	100.012	Determine ADA Non Compliance Locations	2 Day with 2 person crew	35.00				3	16	16												
100	100.013	Review Owner Supplied CCTV Video of SS Mains (No more than 8 hours)		10.00				2	8													
100	100.014	Collect Owners Water Main maps (PVC/CIP/ACP) for identifying water main replacement needs		8.00					4	4												
100	100.015	DWR BAIA/CIP funding application	1 application	8.00					4	4												
100	100.015	Prepare and Submit Draft Project Concept Report addendum (Decision Document)	Addendum to original	36.00	2		2	8	16	8												
100	100.015	Incorporate Stakeholder Comments		12.00				4	4	4												
100	100.015	Prepare and Submit Final PCR addendum	Addendum to original	16.00				8	8													
				457.00	29		19	71	156	104	\$28,000	2	4				1	8	3	30	30	
310 - Preliminary Design																						
310	310.001	Prepare Existing Conditions Dwgs & Maps		30.00						30												
310	310.002	Pavement Rehabilitation Recommendations based on Paser Rating, Then Cross Checked with water main and storm sewer needs		21.00			1	4	8	8												
310	310.003	Lighting Scope Recommendations: Prelim Schematic and Quantities	\$500 for Praire								\$500											
310	310.004	Identify Right-of-Way and Easement Needs		6.00				2	4													
310	310.005	Coordination with Rocky Mountain ADA Region		10.00				2	8													
310	310.006	ID and Analyze Alternatives for ADA Non-Compliance Locations, Sidewalk Limits		10.00				2	8													
310	310.007	Identify Paving Limits (Rehab vs Replace vs Patches)		14.00				2	4	8												
310	310.008	Identify and analyze drainage areas and drainage design alternatives		28.00			4	4				4	16									
310	310.009	Field Review of Alternates (Plan-in-hand with City staff)	Assume 1	20.00	4			8	8													
310	310.010	Traffic review, Road closures and Detour Routing Planning		12.00			4	4	4													
310	310.011	Analyze storm sewer alternatives for cost and effectiveness		47.00	2		4	4	4			5	8				4	16				
310	310.012	Pavement Design Alternates & Typical Sections (tradition/CSB/geogrid)		18.00	2		4	4	4	4												
310	310.013	Utility company coordination/mapping/correspondence		12.00					8	4												
310	310.014	30% QMP Review		18.00	2		4	8	4													
310	310.015	Compute Quantities & Separation into different Pay Groups (To Match City funds)		36.00				4	16	16												
310	310.016	Identify funding and eligible items within the cost estimate	DWR	12.00					12													
310	310.017	DWR BAIA/CIP Analysis - Water Distribution		72.00				4	16	8				8	24	12						
				366.00	10		21	52	108	78	\$500	9	24	8	24	12	4	16				
601 - Special Assessment District Phase																						
601	601.001	Develop Special Assessment Boundary Map and Legal Description		12.00					4										8			
601	601.002	Preliminary Special Assessment Calculations		26.00	2			8	16													
601	601.003	Prepare Individual Letters to residents with Special Assessment Totals & Mail	1 mailer/property	20.00				8	4													8
601	601.004	Commission Mtg Support - Resolution of Necessity		6.00	2			2	2													
601	601.005	Preparation for and Conduct Public Input Mtgs	1 Meeting	16.00	4			4	8													
601	601.006	Technical Support during Protest Period, FA/Q for Website, Etc.		12.00				4	8													
601	601.007	Score Protest Results & Technical Support at Final Commission Approval Mtg		10.00	2			4	4													
				102.00	10			30	46										8			8
602 - Transportation Phase Services																						
602	602.001	Intersection review and data collection - topo/field collection	2 Ints. Division/Sunset and 10th/3rd	28.00										2	10	4			2	5	5	
602	602.002	10th/3rd Intersection alternatives and estimates	2 Alternatives	48.00				2	2					8	24	12						
602	602.003	Sunset/Division intersection alternatives and estimates	3 Alternatives	76.00				2	2					16	32	24						
				152.00				4	4					26	66	40			2	5	5	
				2	49		40	157	314	182	28,500	11	28	34	90	52	5	24	13	35	35	8

MOORE ENGINEERING, INC.**2024 BILLING SCHEDULE**

Effective January 1, 2024

NOTE: Rates contained in this Billing Schedule are valid until December 31, 2024. After December 31, 2024, Hourly Billing Rates will be escalated annually and direct expenses may be adjusted to meet market conditions.

<u>Description</u>		<u>Billing Rate Per Hour</u>
1	Principal - SR Project Manager	\$225.00
2	Project Manager - SR PE - SR Technical Advisor	\$215 - \$220
3	Professional Engineer I, II	\$195 - \$205
4	Graduate - Project Engineer	\$165 - \$180
5	Engineering Designer I,II, SR	\$155 - \$180
6	Engineering Technician I, II, III	\$120 - \$145
7	Environmental Scientist I, II, II, SR	\$135 - \$210
8	Environmental Technician Intern, I, II	\$80 - \$120
9	Landscape Architect I, II, SR	\$155 - \$180
10	Project Manager Assistant I, II, III, SR	\$135 - \$155
11	Office Administrator I, II, III, SR	\$115 - \$165
12	CADD Technician I, II, III	\$140 - \$150
13	Senior GIS Coordinator - GIS Manager	\$195 - \$200
14	GIS Analyst - GIS Developer	\$165 - \$180
15	GIS Programmer I,II,III	\$150 - \$170
16	GIS Technician I, II, III	\$140- \$150
17	GIS Specialist I, II, III	\$145 - \$165
18	Land Surveyor - Senior Land Surveyor	\$180 - \$215
19	Survey Manager	\$170.00
20	Survey Crew Chief I, II - Survey Data Analyst	\$150 - \$165
21	Project Coordinator - CADD Standards Coordinator	\$180 - \$200
22	Funding Specialist	\$165.00
23	Survey Technician I,II, III	\$105 - \$120
24	Construction Engineer/Specialist, I, II, SR	\$165 - \$185
25	Administrative Assistant I, II, III	\$95 - \$105

Travel Expenses	Project Mileage	Per current IRS rate per mile	
	Lodging	Cost * 1.15	
	Meals	Cost * 1.15	
Survey Supplies	Per Diem	\$60.00	per day
	Iron Pins	\$1.25	each
	Fence Posts	\$5.00	each
	Motorized Offroad Vehicles	\$75.00	per day
Miscellaneous	Project Expenses	Cost * 1.15	
	Sub Consultants	Cost * 1.15	



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: May 1, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Engineering Service Agreement and budget amendment for Water Meter Replacement project

STATEMENT/PURPOSE:

To consider entering into an agreement with AE2S to assist in grant funding applications related to the upcoming water meter replacement efforts.

BACKGROUND/ALTERNATIVES:

The City's most recent water meter replacement effort was over 10 years ago. Meters and their appurtenances have expected lifespans of about 15 - 20 years, so even the newest meters are nearly halfway through their expected useful life. The replacement effort would include the replacement of all the older meters in town and would occur over a 3-year period. With this grant application, the City would be eligible to receive \$100,000 in each of those 3 years.

ATTACHMENTS:

1. WaterSMART Grant Application Task Order

FISCAL IMPACT:

The grant application is expected to cost about \$15,000 to write. This hadn't been budgeted for in 2024. We would recommend authorizing \$15,000 from the City Utility Fund to pay for this application effort. This investment is expected to return hundreds of thousands of dollars for the City's water meter replacement projects.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

The agenda documents have been forwarded to the City attorney for review.

RECOMMENDATION:

Enter into an agreement with AE2S and authorize the use of \$15,000 out of the City Utility Fund for the application effort.

SUGGESTED MOTION:

I move to enter into the agreement with AE2S, as presented, and authorize the use of \$15,000 out of the City Utility Fund to be used for this application effort.

Task Order 8

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated January 21, 2020, and as amended January 20, 2023 (“Agreement”), Owner and Engineer agree as follows:

1. Background Data

- a. Effective Date of Task Order: May 7, 2024
- b. Owner: City of Mandan
- c. Engineer: Advanced Engineering and Environmental Services, LLC
- d. Specific Project (title): WaterSMART Grant Application Assistance
- e. Specific Project (description): Grant application development for the WaterSMART Small-Scale Water Efficiency Grant. This funding will be used to replace aged water meters and smart points infrastructure.

2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are as follows:

Task 01 – Project Management and Administration

- Provide general project management duties to coordinate the work between Engineer and Owner, including, providing updates to the Owner in a timely manner, responding to emails and calls from the Owner and Owner’s representatives, coordination of the project team, monitoring of the project schedule and budget, invoicing, another miscellaneous administrative tasks.
- Facilitate the Application Development Check-in Meeting with the Owner.
- Facilitate the Application Review Meeting with the Owner.

Task 02 – Data Request and Evaluation

- Request data from the Owner that is necessary for preparing the Application. Data that is necessary for the Application is anticipated to include, but not limited to:
 - o Water system GIS files, including water mains, meters, services, pressures zones, water towers, etc.
 - o Customer water meter/consumption volumetric data (2020-2023).
 - o Wholesale water purchase volumetric data (2020-2023).
 - o Relevant past planning efforts, including but not limited to Water Conservation Plans, Drought Contingency Plans, Water System Master Plans, etc.
- Evaluate the data and information as needed to generate the information required to comply with the Application requirements.

Task 03 – Technical Proposal Preparation

- Prepare an executive summary.
- Develop a project location map and prepare the project location narrative.
- Prepare the project description and define project milestones.

- Based on the evaluation criteria required by the Application, prepare responses to each evaluation criteria category.

Task 04 – Project Budget Preparation

- Prepare the funding plan and letters of commitment.
- Prepare the budget proposal.
- Prepare the budget narrative.

Task 05 – Grant Application Development and Submission

- Prepare and complete the following mandatory federal forms:
 - o SF-424 Application for Federal Assistance
 - o SF-424 Budget Information (SF-424A)
 - o SF-424 Assurance (SF-424B)
- Prepare a title page and table of contents page.
- Prepare the environmental and cultural resources compliance section of the Application.
- Prepare the required permits or approvals section of the Application.
- Package the Application and all necessary information into an electronic PDF for submission.
- Send the electronic PDF to the Owner and support the online, electronic submission process.

B. Resident Project Representative (RPR) Services - N/A

C. Other Services

Engineer shall also provide the following services: None

D. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

3. Additional Services

A. Additional Services that may be authorized or necessary under this Task Order are:

- Those services (and related terms and conditions) set forth in Paragraph A2.01 of Exhibit A, as attached to the Agreement referred to above, such paragraph being hereby incorporated by reference.

4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following:

- A. Provide all necessary data and information to Engineer to appropriately complete the WaterSMART Grant Application.
- B. Attend Application Development Check-in meeting with Engineer.
- C. Attend Application Review Meeting with Engineer.

5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule:

WaterSMART Small-Scale Water Efficiency Grant Submittal Deadline: Tuesday, July 9, 2024

6. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

Task	Fee	Basis of Compensation
Task 01 – Project Management and Administration	\$1,140	
Task 02 – Data Request and Evaluation	\$650	
Task 03 – Technical Proposal Preparation	\$4,900	
Task 04 – Project Budget Preparation	\$3,380	
Task 05 – Grant Application Development	\$4,930	
Total	\$15,000	Lump Sum

Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor are estimates only. Lump sum amounts and estimated totals included in the breakdown by phases incorporate Engineer's labor, overhead, profit, reimbursable expenses (if any), and Consultants' charges, if any. Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered. Engineer shall not exceed the total lump sum compensation amount unless approved in writing by the Owner.

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

7. Consultants retained as of the Effective Date of the Task Order: NA

8. Other Modifications to Agreement and Exhibits: NA

9. Attachments: NA

10. Other Documents Incorporated by Reference: NA

11. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is May 7, 2024.

OWNER:

By: _____

Print Name: Jarek Wigness, PE

Title: City Engineer

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Jarek Wigness, PE

Title: City Engineer

Address: 205 2nd Ave NW
Mandan, ND 58554

E-Mail
Address: Jarek.Wigness@cityofmandan.com

Phone: 701-667-3215

ENGINEER:

By: *Jasper Klein*
Jasper Klein (Apr 30, 2024 13:44 CDT)

Print Name: Jasper Klein, PE

Title: Operations Manager

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Zac Ranisate, PE

Title: Project Engineer

Address: 1815 Schafer St, Ste 301
Bismarck, ND 58501

E-Mail
Address: Zac.Ranisate@ae2s.com

Phone: 701-221-0530



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: May 1, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider listing a 1.5 acre portion of LOT A OF NW 1/4 SE 1/4 & LOT A OF GOV LOT 7 (LESS 12.32A OF LOT 7) 44.28 ACRES (9001C), a City-owned property, for sale.

STATEMENT/PURPOSE:

Consider listing a portion of a city owned lot for sale.

BACKGROUND/ALTERNATIVES:

The Planning department has been tasked with aiding in the sale of a portion of city-owned land located south of the wastewater treatment plant in southeast Mandan.

A consultant advising the Lower Heart Water Resource District on the Mandan Flood Risk Reduction Project has suggested to the City that a portion of this land could potentially facilitate the acquisition of a crucial piece of land in southeast Mandan for the future flood risk reduction project. This could be achieved by exchanging it for the desired parcel and subsequently transferring it from the City to the Water Resource District. Since the City sees little benefit in retaining ownership of this property and recognizes the significant advantages of completing the flood project, it is willing to assist in this initiative. The suggested acreage for the transfer is between one and two acres, hence the proposed description of 1.5 acres.

Staff seeks authorization to commence collaboration with a real estate broker, as outlined in Sec. 2-4-8 of the City Code, to publicly list and sell the property. All reasonable offers will be considered and brought back to the City Commission, with a preference given to proposals aligning with the land swap recommended by the Lower Heart Water Resource District.

ATTACHMENTS:

1. City owned lot

Subject: Consider listing a 1.5 acre portion of Lot A of NW 1/4 SE 1/4 & Lot A Of Gov LOT 7 (Less 12.32A Of Lot 7) 44.28 Acres (9001C), a City-owned property, for sale.

Page 2 of 2

FISCAL IMPACT:

If the property is sold, it may generate a small amount of revenue for the City. Future survey work may incur costs.

STAFF IMPACT:

minimal

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

Staff recommends that the City explore listing this property for public sale/trade, and pending offers received consider transferring this property at a future meeting of the City Commission.

SUGGESTED MOTION:

I move to approve staff working to list the property for public sale/trade.





City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 30, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First consideration of Ordinance 1445, a zone change from MHS - Trailer Park District to RH - Residential Mobile Home Park for Meadow Park.

STATEMENT/PURPOSE:

First consideration of Ordinance 1445, a zone change from MHS - Trailer Park District to RH - Residential Mobile Home Park for Meadow Park.

BACKGROUND/ALTERNATIVES:

Detailed background on this item can be found under Public Hearing F.4. on this agenda.

ATTACHMENTS:

1. Ord. 1445

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

Staff recommends approval of the first consideration of Ordinance No. 1445.

SUGGESTED MOTION:

I move to approve the first consideration of Ordinance No. 1445.

City Commission

Agenda Documentation

May 7, 2024

Subject: First consideration of Ordinance 1445, a zone change from MHS - Trailer Park District to RH - Residential Mobile Home Park for Meadow Park

Page 2 of 2

ORDINANCE NO. 1445

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

WHEREAS, The Mandan Land Use and Transportation Plan designates the subject property as Medium Density Residential; and

WHEREAS, Adjacent properties to the north are zoned RM – Residential Multi-Family, to the west zoned AG – Agriculture, to the east zoned RM – Residential Multi-Family, CB – Commercial, and MC – Heavy Commercial/Light Industrial Restricted; and to the south AG - Agriculture. RH – Residential Mobile Home Park would be appropriate; and

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

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

(MEADOW PARK) AUDITOR'S LOT A OF SE 1/4 NE 1/4 & AUDITOR'S LOT B OF NE 1/4 & LOT 4 OF AUDITOR'S LOT C OF NE 1/4 & AUDITOR'S LOT D OF SW 1/4 NE 1/4 & AUDITOR'S LOT G OF NW 1/4 NE 1/4 & AUDITOR'S LOT H OF NW 1/4 NE 1/4 & NW 1/4 NE 1/4 (LESS.3.21A) 25.24 ACRES IN SECTION 34, TOWNSHIP 139N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 58.90 ACRES, MORE OR LESS.

- shall be removed from the MHS – Trailer Park District and shall be included in the RH – Residential Mobile Home Park.

SECTION 2. RE-ENACTMENT. Section 105-2-2 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city 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:

April 22, 2024
May 7, 2024
May 21, 2024



City Commission

Agenda Documentation

MEETING DATE: May 7, 2024
PREPARATION DATE: April 30, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First consideration of Ordinance 1446, a zone change from CB - Commercial District to RH - Residential Mobile Home Park for Gateway Park.

STATEMENT/PURPOSE:

First consideration of Ordinance 1445, a zone change from MHS - Trailer Park District to RH - Residential Mobile Home Park for Meadow Park.

BACKGROUND/ALTERNATIVES:

Detailed background on this item can be found under Public Hearing F.5. on this agenda.

ATTACHMENTS:

1. Ordinance 1446

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet.

RECOMMENDATION:

Staff recommends approval of the first consideration of Ordinance No. 1446.

SUGGESTED MOTION:

I move to approve the first consideration of Ordinance No. 1446.

City Commission

Agenda Documentation

May 7, 2024

Subject: First consideration of Ordinance 1446, a zone change from CB - Commercial District to RH - Residential Mobile Home Park for Gateway Park

Page 2 of 2

ORDINANCE NO. 1446

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

WHEREAS, The Mandan Land Use and Transportation Plan designates the subject property as Industrial; and

WHEREAS, Adjacent properties to the north is Right-of-Way, to the west zoned CB – Commercial & MB – Heavy Commercial/Heavy Industrial; to the east zoned RH – Residential Mobile Home Park & CC – Commercial/Light Industrial Transition; and to the south CB – Commercial, RM – Residential Multi-Family, RH – Residential Mobile Home Park & MB – Heavy Commercial/Heavy Industrial. RH – Residential Mobile Home Park zoning would be appropriate; and

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

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

(GATEWAY MOBILE HOME PARK) AUDITOR'S LOT A OF N1/2 SW1/4 (LESS .091 ACRES RD & LESS HOOVESTOLS 2ND 3.75 ACRES & LESS PART MEADOWLANDS 2ND .48 ACRES) OF SECTION 26, TOWNSHIP 139N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 30.67 ACRES, MORE OR LESS.

- shall be removed from the CB – Commercial District and shall be included in the RH – Residential Mobile Home Park District.

SECTION 2. RE-ENACTMENT. Section 105-2-2 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city 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:

April 22, 2024
May 7, 2024
May 21, 2024