



**AGENDA
CITY COMMISSION
MAY 21, 2024
ED "BOSH" FROELICH 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 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. GIS Coordinator Karla Schulz
 - b. Assistant City Engineer Riley McAdoo-Roesler

D. APPROVAL OF AGENDA

E. MINUTES

1. Consider approval of the minutes from the May 7, 2024 Board of City Commission regular 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

G. BIDS

H. CONSENT AGENDA

1. Consider approval of monthly bills
2. Consider the following abatements:
 - a. 2022 & 2023 Abatement application for MDI Limited Partnership #81, 100 1 ST NW
 - b. 2022 & 2023 Abatement application for Wells Fargo Bank, 111 2nd Ave NW
 - c. 2022 & 2023 Veterans Credit Job
3. Consider approval of the following gaming site authorizations:
 - a. Furry Friends Rockin Rescue at Stryker Enterprises LLC dba Main Street Drive Thru Liquor from July 1, 2024 to June 30, 2025
 - b. Mandan Moose Lodge #425 at Mandan Moose Lodge #425 from July 1, 2024 to June 30, 2025
 - c. Mandan Baseball Club at The Drink from July 1, 2024 to June 30, 2025
 - d. Mandan Baseball Club at Broken Oar from July 1, 2024 to June 30, 2025
 - e. Mandan Baseball Club at Seven Seas from July 1, 2024 to June 30, 2025
 - f. Mandan Baseball Club at Silver Dollar Bar from July 1, 2024 to June 30, 2025
 - g. Fort Abraham Lincoln Foundation at the Lonesome Dove from July 1, 2024 to June 30, 2025
 - h. Fort Abraham Lincoln Foundation at Midway Lanes from July 1, 2024 to June 30, 2025
 - i. Fort Abraham Lincoln Foundation at The Paddle Trap from July 1, 2024 to June 30, 2025
 - j. Fort Abraham Lincoln Foundation at Aviators from July 1, 2024 to June 30, 2025
4. Consider approval of Raffle Permit for RoughRider AMBUCS

5. Consider a Letter of Support for Northern Plains National Heritage Area / Missouri Valley Arts and Culture Collective
6. Consider a Minor Plat for Ramblewood 14th Addition
7. Consider a Minor Plat for Riverside 2nd Addition
8. Consider approving sole sourcing and pre-negotiating for the paste slakers on the Water Treatment Plant Phase III Optimization Project
9. Consider 1806 Mill and Overlay Preliminary Engineering Reimbursement Agreement
10. Consider 8th Avenue NW Trail project grant acceptance
11. Consider for approval the City of Mandan, Mandan Depot lease to Signature Events
12. *Consider approval of the special event permit for the Pre-Summer Kick-off Party*
13. *Consider approval of the special event permit for East Main Investment-July 3rd Street Dance*

I. OLD BUSINESS

J. NEW BUSINESS

1. Consider an update on City of Mandan Brownfields Assessment Grant
2. Consider Amendment 1 for the Water Treatment Plant Phase III Optimization project Engineering Service Agreement
3. Consider approval of Water Service Agreements for Meadow Park and Gateway Mobile Home Communities

K. RESOLUTIONS AND ORDINANCES

1. Second consideration of Ordinance 1445, a zone change from MHS - Trailer Park District to RH - Residential Mobile Home Park for Meadow Park
2. Second consideration of Ordinance 1446, a zone change from CB - Commercial District to RH - Residential Mobile Home Park for Gateway Park
3. First Consideration of Shores at Lakewood 2nd Addition Zone Change Ord 1447

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

- June 4, 2024 at 5:30 p.m.
- June 18, 2024 at 5:30 p.m.
- July 2, 2024 at 5:30 p.m.

N. ADJOURN

The Mandan City Commission met in regular session at 5:30 PM on May 7, 2024 in the Ed “Bosh” Froehlich Meeting Room at City Hall, Mandan, North Dakota. Vice President, Commissioner Camissa 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. Department heads present were City Administrator Neubauer, Finance Director Welch, Assessor Markley, Human Resource Director Berger, Engineering Director Wigness, Police Chief Ziegler, Building Official Singer, Fire Chief/Public Works Director Bitz, Business Development & Communications Director Cermak, Planner Stromme and Attorney Oster. Mayor Helbling was absent.

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. *Introduction of new employees:.*
 - a. *Shasta Reindl, Building Inspections (Permit Technician).* Building Official Singer introduced Permit Technician Shasta Reindl.
 - b. *Lance Scheid, Public Works (Utilities) .*
 - c. *Jeremy Krein, Public Works (Streets) .*
 - d. *Lance Hagel, Public Works (Streets).* Public Works Director Bitz introduced all three of the new employees in the Public Works department.

D. APPROVAL OF AGENDA

E. MINUTES

1. *Consider approval of the April 16, 2024, minutes for the City Commission meeting.* Commissioner Braun moved and Commissioner Rohr seconded to approve the minutes as presented. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

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.* Planner Stromme shared that the applicant requested this item be postponed, however since the item was noticed the public hearing did have to be opened. Staff will notice the item again, and bring it back when it's completed and the developer is ready. The applicant will resubmit an application and the application fee. Commissioner Rohr asked about the combination of public and private streets in the subdivision. Vice President Camisa opened the public hearing and invited the public to come forward to comment. A second and third invitation for comment was given. Hearing none, the public hearing closed. Commissioner Rohr moved and Commissioner Braun seconded 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. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

2. *Consider a parking variance for Lot 2 less the south 125', Block 1, Highland 2nd Replat in Section 22, Township 139N, Range 81W.* Planner Stromme presented the parking variance. Vice President Camisa opened the public hearing and invited the public to come forward to comment. A

second and third invitation for comment was given. Hearing none, the public hearing closed. Commissioner Braun moved and Commissioner Olson seconded to approve the variance request. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

3. *Consider a setback variance for Lot 1, Block 1, Ramblewood 11th Addition.* Planner Stromme presented the setback variance. Vice President Camisa opened the public hearing and invited the public to come forward to comment. The applicant spoke about the business concept and the car stacking concerns. A second and third invitation for comment was given. Hearing none, the public hearing closed. Commissioner Rohr moved and Commissioner Braun seconded to approve the variance request contingent upon a minor plat. Roll Call vote: Aye 3, Nay 1 (Commissioner Olson), Absent Mayor Helbling. The motion passed.

4. *First Consideration of Ordinance 1445, a zone change to RH - Residential for Meadow Park.* Planner Stromme presented the first consideration of Ordinance 1445 related to a zone change for Meadow Park. Vice President Camisa opened the public hearing and invited the public to come forward to comment. A second and third invitation for comment was given. Hearing none, the public hearing closed.

5. *First consideration of Ordinance 1446, a zone change from CB - Commercial to RH - Residential for Gateway Park.* Planner Stromme presented the first consideration of Ordinance 1446 related to a zone change for Gateway Park. Vice President Camisa opened the public hearing and invited the public to come forward to comment. A second and third invitation for comment was given. Hearing none, the public hearing closed.

6. *Consider an Appeal of denial of a variance to build a garage without a house for Riverside 2nd Addition.* Planner Stromme presented an appeal of denial of a variance to build a garage without a house for Riverside 2nd Addition. Stromme explained the applicant is seeking approval to construct a garage on a lot that does not have a home. The City Code of Ordinances 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. The Planning & Zoning Commission considered the variance request on April 22 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. Vice President Camisa opened the public hearing and invited the public to come forward to comment. Scott Weise came forward, explaining his son plans to construct a house on the south lot and he intends to build the shop on the lot to the north. He does not want to combine the two lots, as that would cause an unnecessary burden on his son when it comes to financing and taxes. Vacating the alley right-of-way would cut off access to the alley for his neighbors, so he didn't see that as an option either. A second and third invitation for comment was given. Hearing none, the public hearing closed. Commissioner Braun moved and Commissioner Olson seconded to accept the Planning & Zoning Commission's recommendation and deny the variance request. Roll Call vote: Aye 2, Nay 2 (Commissioner Rohr, Commissioner Camisa), Absent Mayor Helbling. The motion died due to the roll call vote resulting in a tie. Attorney Oster stated since the item tied, the board would need to table the item until the next meeting when all board members are present. Commissioner Braun moved and Commissioner Olson seconded to table the item. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

G. BIDS

1. *Consider Municipal Concrete Contract bids.* Eningeer Wigness presented the Municipal Concrete Contract bid. Commissioner Rohr moved and Commissioner Olson seconded to award the

Municipal Concrete project contract to Four Square Concrete, as presented. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

2. *Consider Public Works Solar Panel bids.* Engineer Wigness presented the solar panel bids for the Public Works facility. Commissioner Olson moved and Commissioner Braun seconded to move to award the construction contract for the Mandan Public Works Solar Panel project to Lightspring, LLC, as presented. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

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 Prairie 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.* Commissioner Rohr requested item 4 be pulled for discussion. Commissioner Braun moved and Commissioner Rohr seconded to approve consent agenda items 1 through 3 and 5 through 10, including all sub-items, as presented. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed. Chief Ziegler presented the COPS hiring program grant application request for four police officers.

Finance Director Welch answered questions related to the impact of the City's budget once the grant expires. Commissioner Braun motioned to table the item, the motion died due to lack of a second. Commissioner Rohr moved and Commissioner Olson seconded to approve allowing the Police Department to apply for a fiscal year 2024 COPS Hiring program grant. Roll Call vote: Aye 3, Nay 1 (Commissioner Braun), Absent Tim Helbling. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Update related to Morton County Senior Center.* Morton County Council on Aging Executive Director Debbie Lafferty and Morton County Commissioner Ray Morrel provided an update on the Morton County Senior Center. This was an update only, no action was requested.

2. *Consider increasing the monthly parking spot rent for city-owned parking spots.* Parking Authority Board Chair Renee Murrish presented the request to increase the monthly parking spot rent for city-owned parking spots. Commissioner Olson moved and Commissioner Rohr seconded to to increase the monthly parking spot rent for city-owned parking from \$20/month to \$30/month effective January 1, 2025. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

3. *Consider Engineering Service Agreement for 2025 Street Reconstruction project.* Engineer Wigness presented the engineering service agreement for the 2025 street reconstruction project. Commissioner Rohr moved and Commissioner Braun seconded to approve task order 5 for the study phase of the 2025 Street Rehabilitation project. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

4. *Consider Engineering Service Agreement and budget amendment for Water Meter Replacement project.* Engineer Wigness presented the engineering service agreement and budget amendment for the water meter replacement project. Commissioner Braun moved and Commissioner Rohr seconded to 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. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

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.* Planner Stromme presented the request to list a city-owned property for sale. Commissioner Rohr moved and Commissioner Olson seconded to approve staff working to list the property for public sale/trade. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

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.* Commissioner Rohr moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

2. *First consideration of Ordinance 1446, a zone change from CB - Commercial District to RH - Residential Mobile Home Park for Gateway Park.* Commissioner Braun moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 0, Nay 0, Absent Mayor Helbling. The motion passed.

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 There being no other business to come before the Board, Commissioner Rohr moved and Commissioner Braun seconded to adjourn at 7:41 p.m. Roll Call vote: Aye 4, Nay 0, Absent Tim Helbling. The motion passed.

James Neubauer
City Administrator

Timothy Helbling
Board of City Commissioners



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 15, 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 requested removal of this item from the May 7 agenda, and as the public notice about the project's public hearing was already done, it was necessary to conduct a hearing. The item was postponed at that meeting, and it now returns with updates.

Preliminary Plat

The proposed preliminary plat for Shores at Lakewood 2nd Addition comprises 46.82 acres with 103 lots in the updated version of the preliminary plat. The previous plat consisted of 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 generally conform 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.

Findings of Fact

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision would likely not have substantial effects on the safety and circulation of public roadways in the vicinity, and therefore no traffic impact study is required;
3. The proposed plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision;
4. The City of Mandan and other agencies **would not** be able to provide necessary public services, facilities and programs to serve the development allowed by the proposed subdivision at the time of development, without improvements to City Sanitary Sewer that if not made, prevent the development from moving forward;
5. Portions of the subdivision are located in the Special Flood Hazard Area, however the subdivision is proposed to be developed according to the existing ordinance requirements pertaining to Floodplain Development and therefore, the proposed development should not adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development,
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed subdivision is consistent with the Comprehensive Plan, the Future Land Use Plan, and other plans and studies, policies and accepted planning practice;
8. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Zone Change

1. The City of Mandan and other agencies would not be able to provide necessary public services, facilities and programs to serve the development allowed by this zone change, without improvements to City Sanitary Sewer that if not made, prevent the development from moving forward;
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 would not adversely affect public health, safety and general welfare.

Staff Comments

City Engineering Staff received a report indicating the capacity of the 40th Avenue SE Lift Station is a concern preventing the ability for all of the lots in this development to be served unless improvements are made to capacity.

ATTACHMENTS:

1. Applications
2. Updated 5-14-24 preliminary plat
3. 20.003672_Master PUD Zoning_20240515
4. Draft Zone Change Ordinance
5. Previous version - preliminary plat
6. 20.003672_Master Phasing_20240515
7. Vacate ROW Exhibit - Signed
8. Master Irrigation Plan
9. 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:

Staff recommends to conduct public hearing for this request and for the approval of the preliminary plat and zone change to be contingent on approval of a utility service plan. The zone change to PUD may be considered under Resolutions and Ordinances No. 3.

SUGGESTED MOTION:

I move for the approval of the preliminary plat for Shores at Lakewood Phase 2 contingent on approval of a utility service plan.

City Commission

Agenda Documentation

May 21, 2024

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

Page 4 of 4

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)		Variance (\$500)
Final Plat 21 to 40 lots (\$600)		Special Use Permit (\$450)
Final Plat more than 40 lots (\$750)		Stormwater submittal (\$300)
Annexation (\$450)		Stormwater 2 nd & subsequent resubmittal (\$50)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)		Document Recording (\$30)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)		
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 / 701-426-0977	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	Shores at Lakewood 2nd Addition
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	

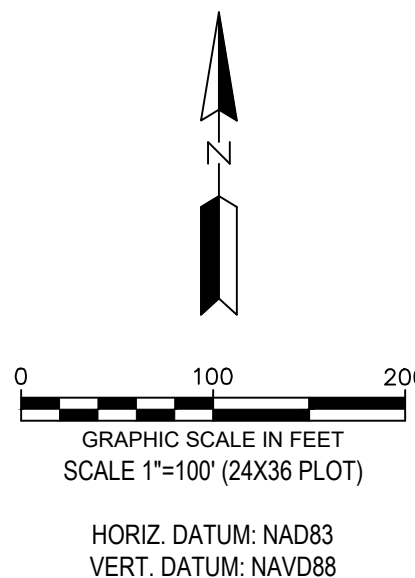
Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ 600	Date 2-9-2024
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

Updated 1/1/2024

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

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

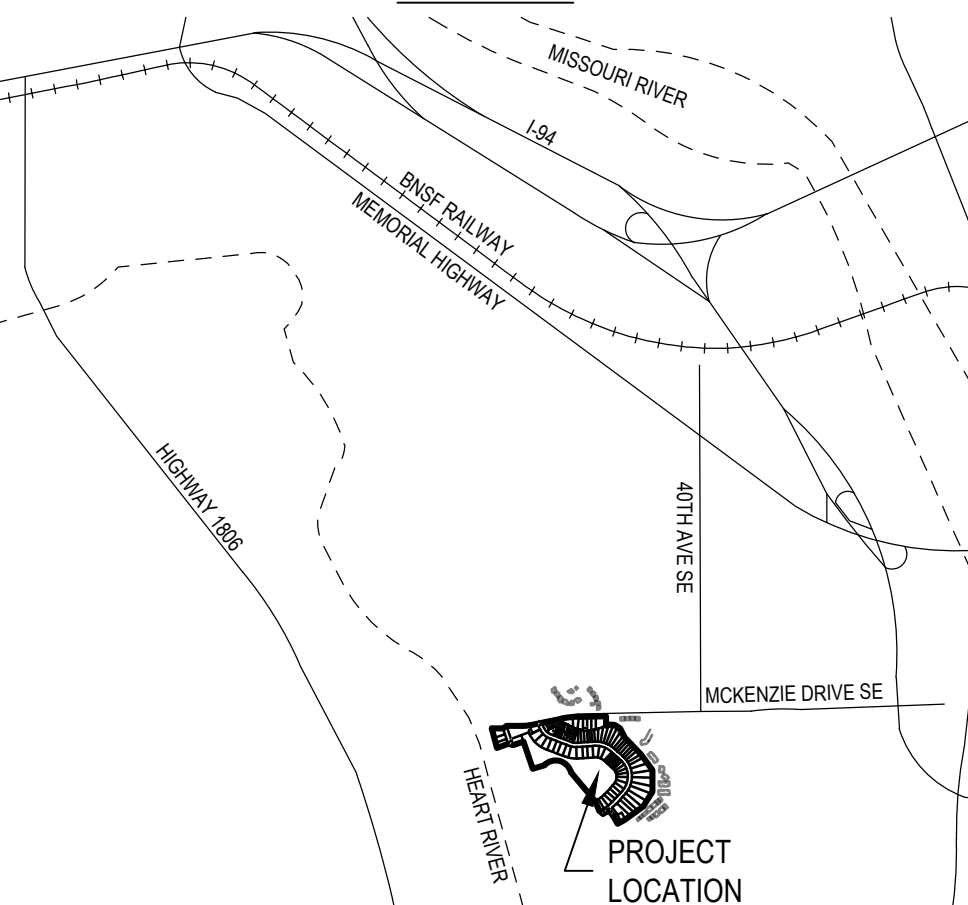
CLIENT:
TRX DEVELOPERS LLC
3100 N 14TH STREET
BISMARCK, ND, 58503
(701) 426-0197

SURVEYOR:
MICHAEL J. TARNOWSKI, PLS
MOUNTAIN PLAINS, LLC
1300 TACOMA AVE, SUITE A
BISMARCK, ND, 58504
(701) 557-3348

- NOTES:
1. PRELIMINARY PLAT DATED 5/14/2024.
 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: 103
 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	
LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)
1	25994	11	21350	21	19354	31	9647	41	3472	51	6116	61	14421
2	22164	12	13298	22	18311	32	8926	42	3472	52	3991	62	28099
3	20152	13	14646	23	17369	33	9368	43	3472	53	3868	63	9402
4	26018	14	11723	24	15996	34	6673	44	3471	54	3868		
5	29398	15	10623	25	13032	35	5518	45	8374	55	6434		
6	36225	16	11334	26	10355	36	5449	46	7122	56	18880		
7	30796	17	11501	27	8024	37	5379	47	5392	57	14706		
8	34084	18	10245	28	6455	38	5310	48	4244	58	15339		
9	29163	19	11720	29	6477	39	6612	49	4721	59	13740		
10	29007	20	16585	30	9221	40	5712	50	4994	60	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	
LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)	LOT	AREA (SF)
1	11832	12	8815	23	15210	34	14407
2	11832	13	8721	24	13680	35	55323
3	11832	14	6180	25	17453	36	17392
4	11136	15	6124	26	19210	37	491364
5	11050	16	6124	27	15317		
6	11050	17	6120	28	15840		
7	11741	18	6120	29	14040		
8	12831	19	6572	30	15840		
9	12831	20	16201	31	16098		
10	9130	21	13570	32	19457		
11	8912	22	15721	33	19659		

SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 3	
LOT	AREA (SF)
1	21345
2	14390
3	14880

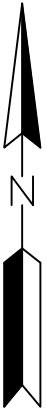
Line Table		
Line #	Length	Direction
L1	26.13	S11°41'11"E

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

Chord Bearing
S32°59'40"E

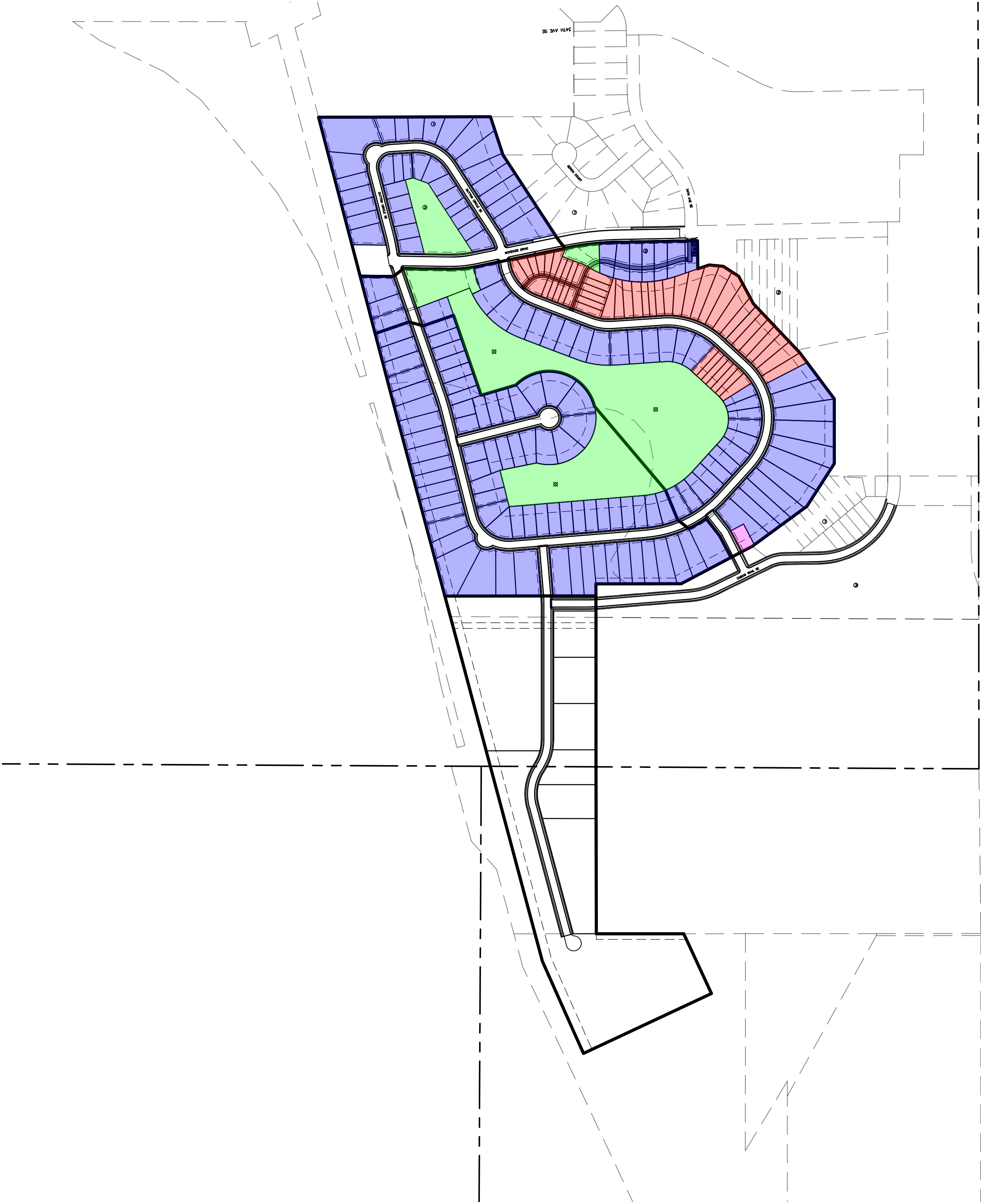


PLANNING AND ZONING PLAN SHORES AT LAKEWOOD TO THE CITY OF MANDAN



SCALE: 1 INCH = 400 FEET
PLOT SCALE 24X36
N.D. STATE PLANE, SOUTH ZONE
INTERNATIONAL FEET
BEARINGS AND DISTANCES ARE GRID

- R-7
- R-4
- R-3.2
- Parks/Greenspace
- City Lift Station
- Concrete Private Drive



SHEET 1 OF 1



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 from the original future land use plan 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:

- R7 – Residential
 - Lots 1-11 and 56-63, Block 1
 - Lots 1-36, Block 2
 - Lots 1-3, Block 3
- R3.2 – Residential

- Lots 12-55, Block 1
- 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.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

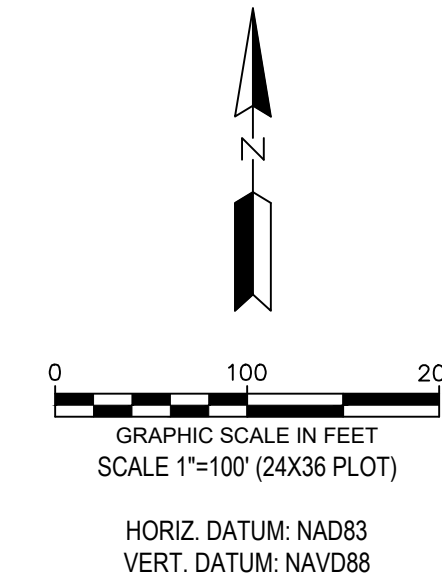
Planning and Zoning Commission:
First Consideration:
Second Consideration and Final Passage:
Recording Date:

March 25, 2024
May 21, 2024
June 4, 2024

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

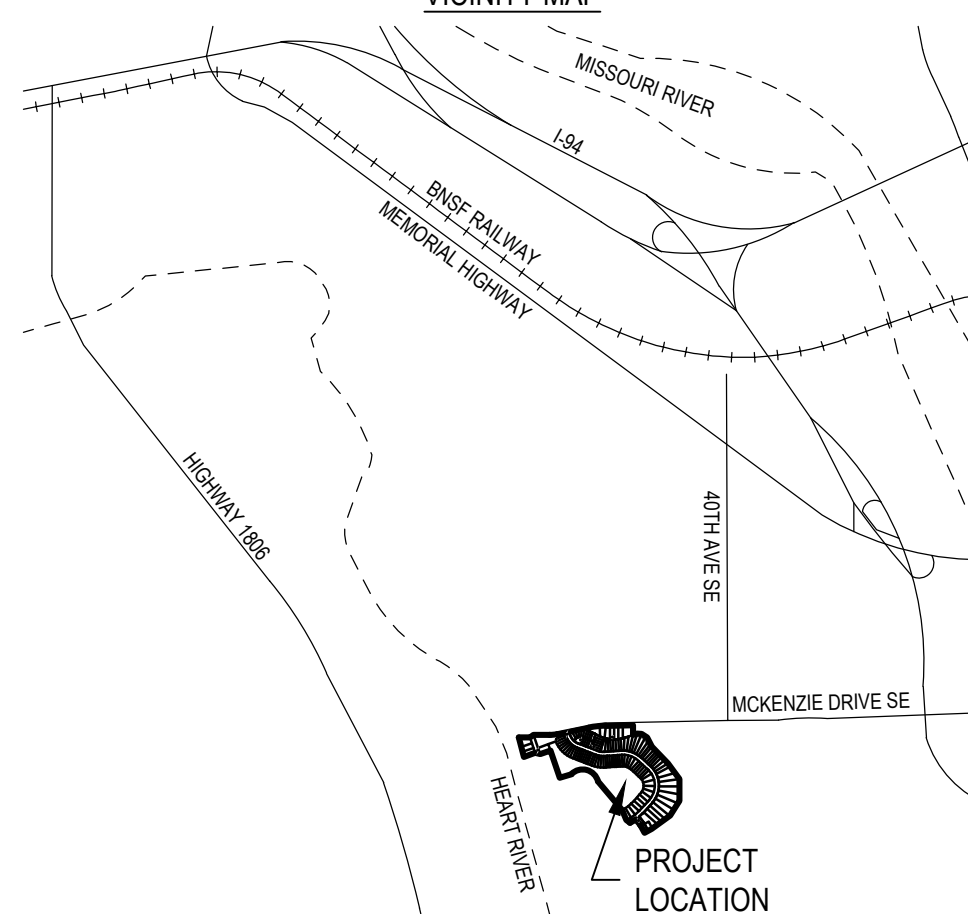
NOTES:

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						

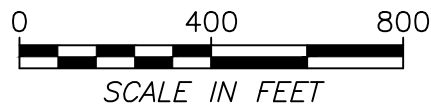
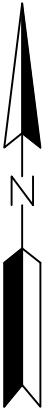
SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2		SHORES 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

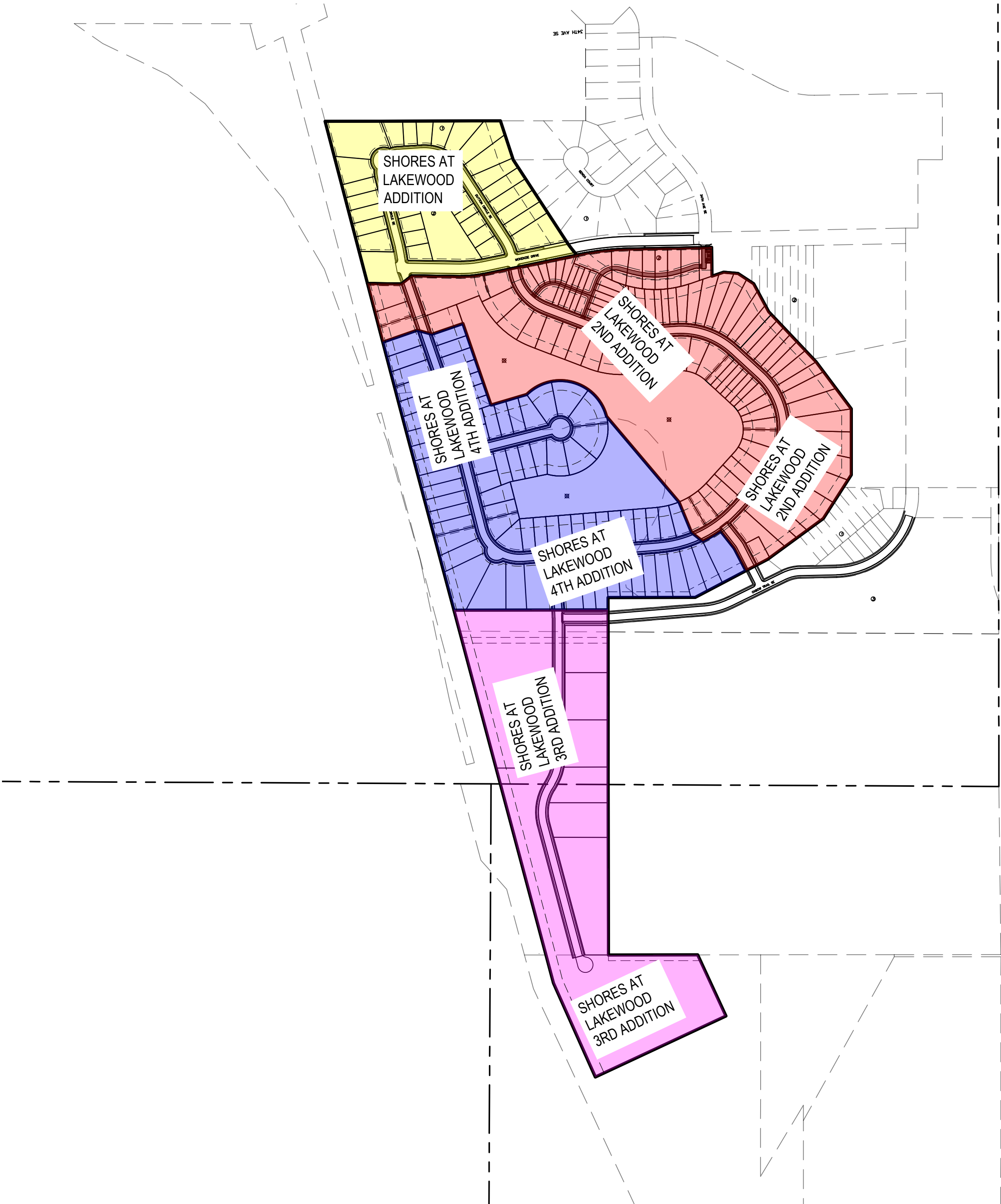
Curve Table				
Curve #	Length	Radius	Delta	Chord Distance
C1	18.16	100.00	10°24'21"	18.14



MASTERPLANNED SUBDIVISION/PHASING PLAN
SHORES AT LAKEWOOD
TO THE CITY OF MANDAN



SCALE: 1 INCH = 400 FEET
PLOT SCALE 24X36
N.D. STATE PLANE, SOUTH ZONE
INTERNATIONAL FEET
BEARINGS AND DISTANCES ARE GRID



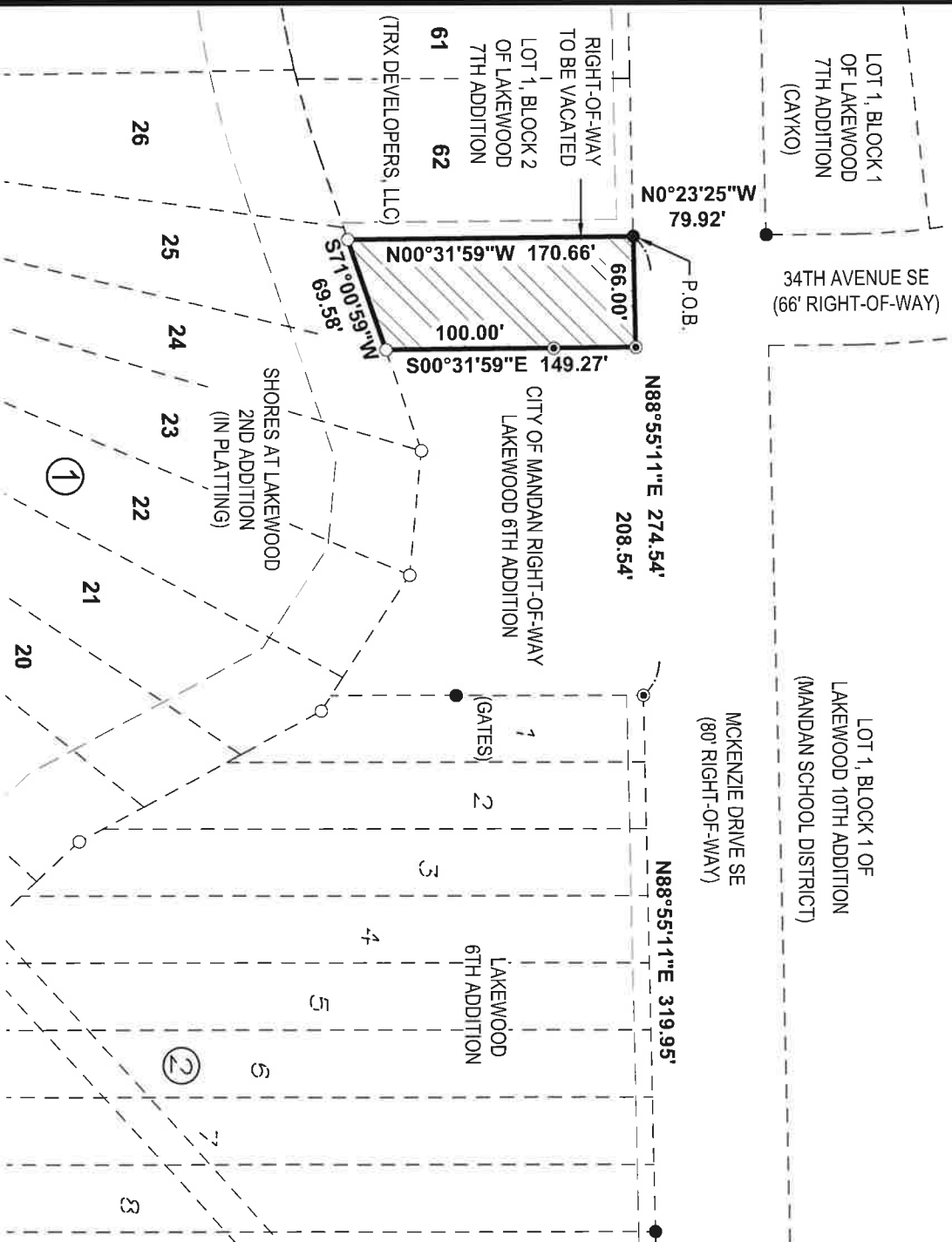
SHEET 1 OF 1



Engineering, Land Surveying & Utility Locating
1300 TACOMA AVE. BISMARCK, ND 58504 (701) 957-3348 WWW.MTPPLANS.COM

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°55'11"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.

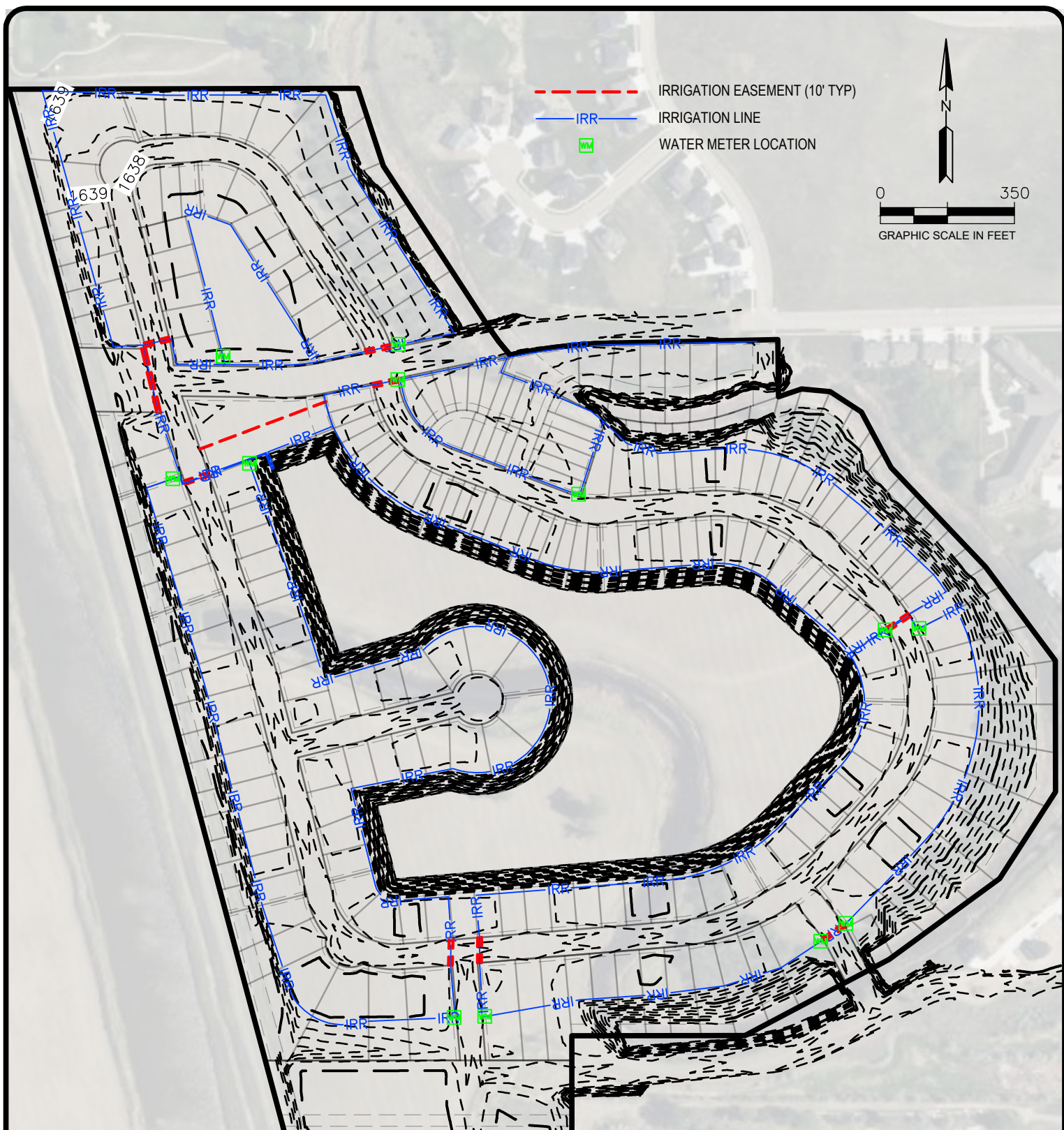
SAID TRACT OF LAND CONTAINS 0.242 ACRES, MORE OR LESS.



●	SET YPC TARNOWSKI LS-27506
○	CALCULATED POSITION
●	FOUND MONUMENT
- - - - -	PROPERTY LINE
- - - - -	EASEMENT LINE
▨ ▨ ▨ ▨ ▨	VACATE RIGHT-OF-WAY


SCALE: 1 INCH = 100 FEET


N.D. STATE PLANE, SOUTH ZONE
INTERNATIONAL FEET
BEARINGS AND DISTANCES ARE GRID

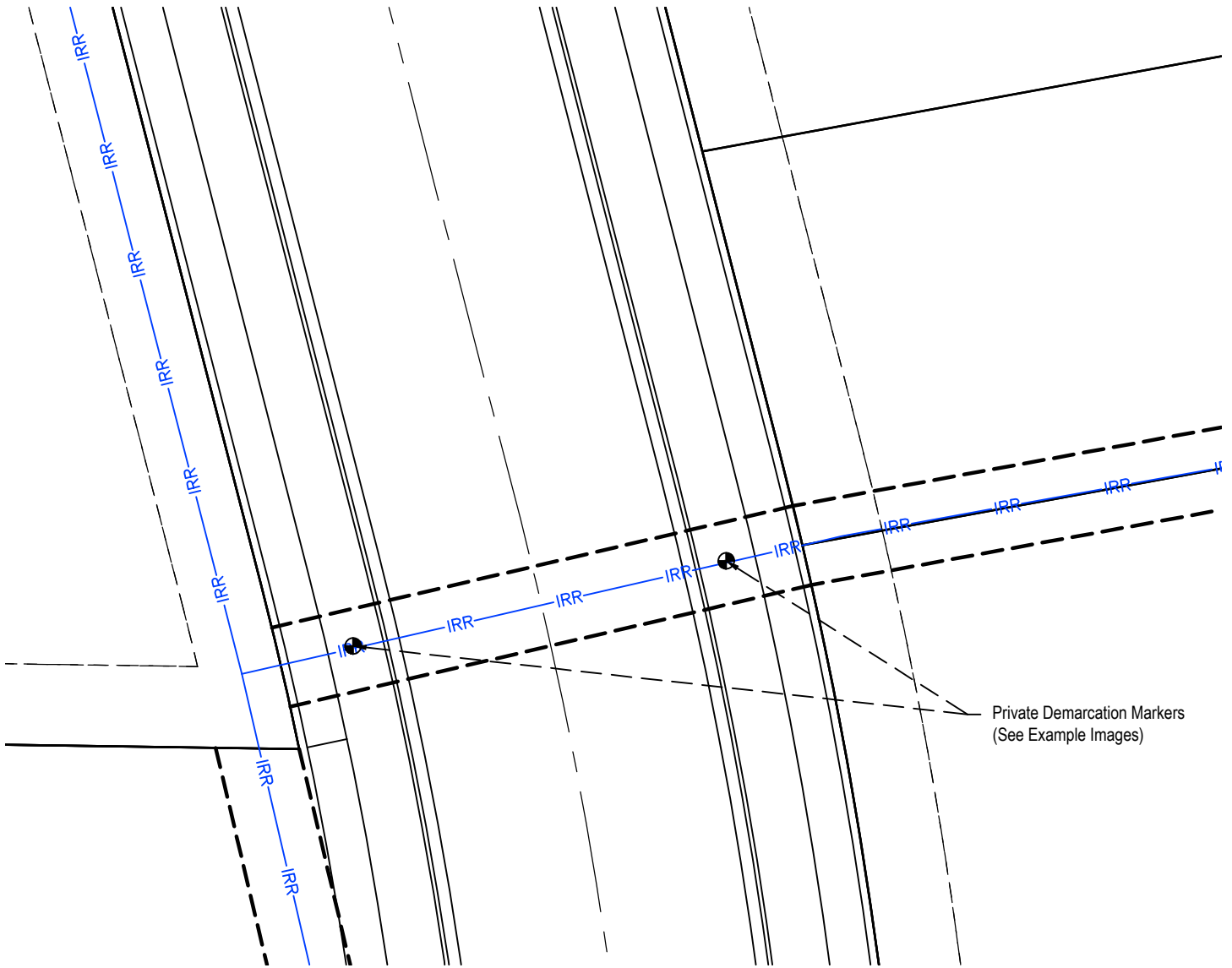


SHORES AT LAKEWOOD IRRIGATION SERVICE PLAN



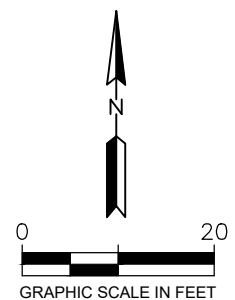
NO.	DATE	DESCRIPTION	DATE: May 2, 2024		
			PROJECT NO:	DRWN BY:	APPD BY:
			20.003672	NWN	---

SHEET NO:	1
SHEET TITLE:	EXHIBIT A



Notes:

- 1.) Tracer wire required above all irrigation lines.
- 2.) Private water demarcation markers required set at 2' behind the top back of curb directly above irrigation lines at all crossings.



IRRIGATION CROSSING DETAIL



NO.	DATE	DESCRIPTION	DATE: March 14, 2024			SHEET NO: 1	
			PROJECT NO: 20.003672	DRWN BY: NWN	APPD BY: ---	SHEET TITLE: EXHIBIT	



City of Bismarck Example





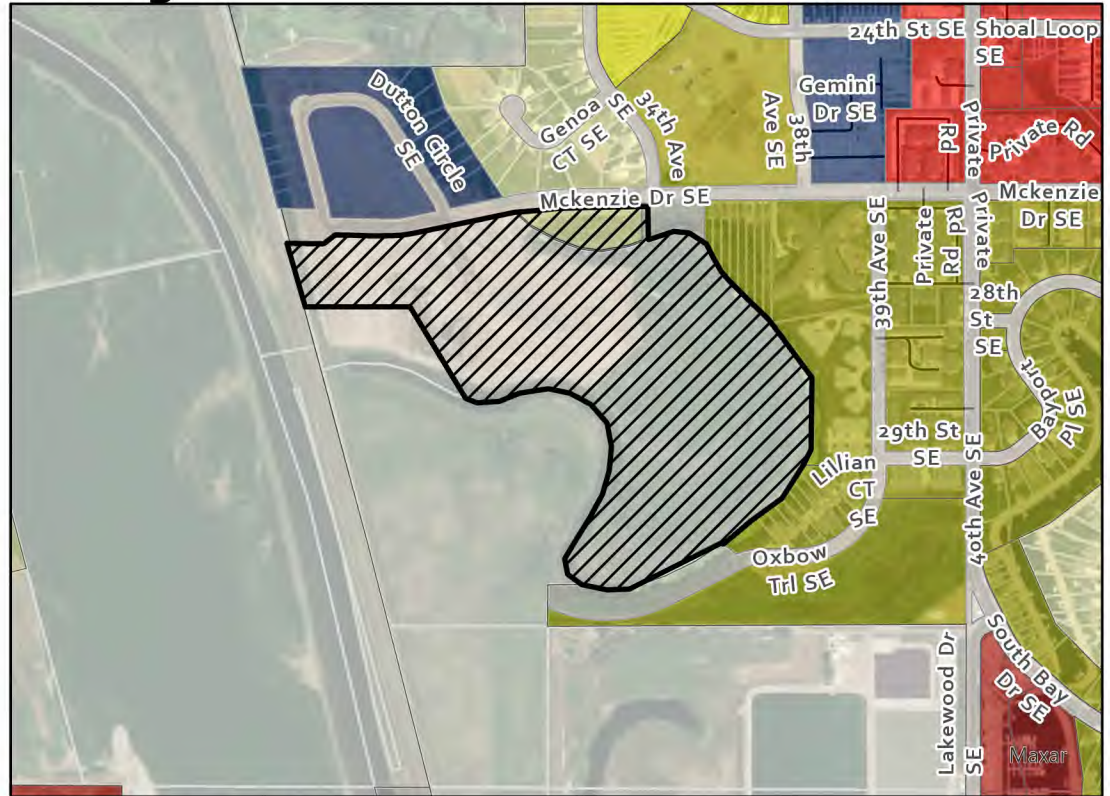
Zoning and Future Land Use Reference Map

Shores at Lakewood 2nd Addition

Zoning

Zoning Map Key

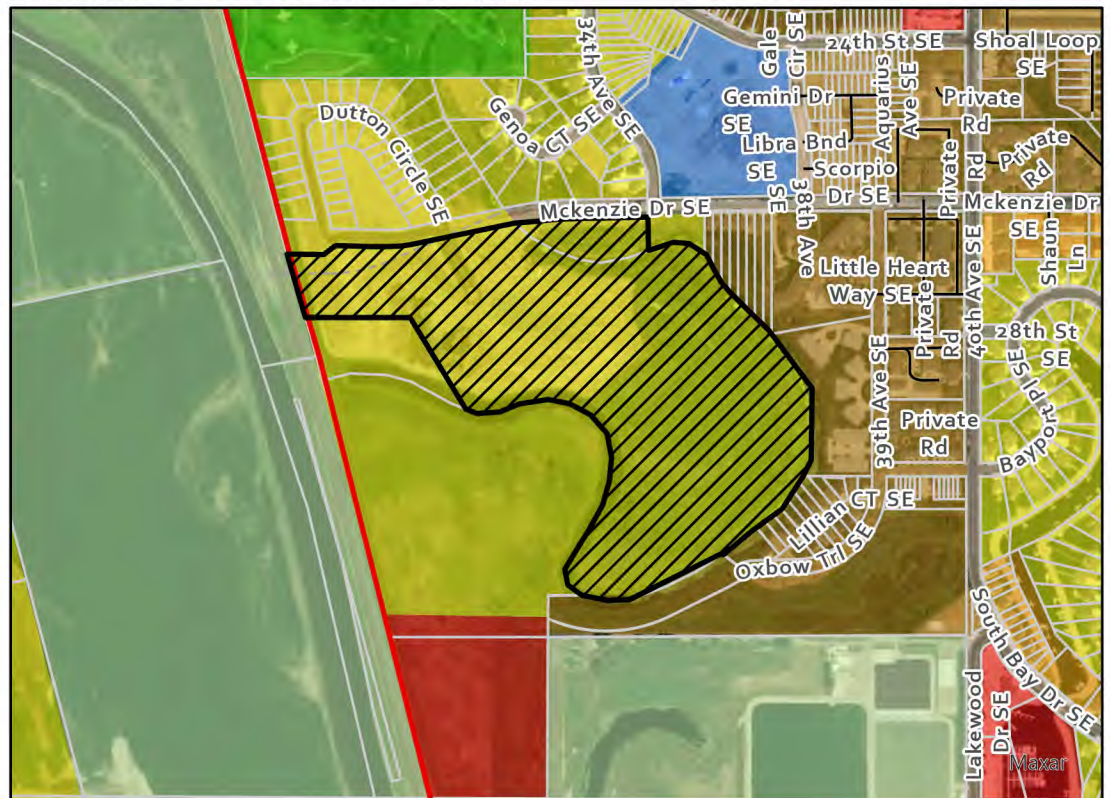
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light 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 21, 2024
PREPARATION DATE: May 8, 2024
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: 2022 & 2023 Abatement for MDI Limited Partnership
#81, 100 1 ST NW Mandan ND 58554

STATEMENT/PURPOSE:

To consider corrections to the 2022 & 2023 true and full values for property located at 100 1 ST NW Mandan ND 58554

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-2487000 with a legal description of S 9' Lot 2 & All Lot 3-6 & Vac Pt Alley Block 22 Mandan Proper (OT)
Building square foot adjusted from 88,265 to 56,294 double assessed 2 floors. Updated our drawing, added sprinklers to the building and added concrete parking to parcel.

ATTACHMENTS:

1. 2023 signed abatement
2. 2022 signed abatement
3. Abatement hearing letter MDI

FISCAL IMPACT:

2022 All taxing entities = \$16,543.29, City Share = \$3,675.58
2023 All taxing entities = \$16,823.18, City Share = \$3,827.15

STAFF IMPACT:

N/A

LEGAL REVIEW:

Submitted to City Attorney Oster

RECOMMENDATION:

City Commission

Agenda Documentation

May 21, 2024

Subject: 2022 & 2023 Abatement application for MDI Limited Partnership #81, 100 1 ST NW

Page 2 of 2

I recommend a motion to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications for MDI Limited Partnership #81 at 100 1 St NW.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications for MDI Limited Partnership #81 at 100 1 St NW.

Application For Abatement Or Refund Of Taxes
North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1 of the year following the year in which the tax becomes delinquent.

State of North Dakota
County of MORTON
Name MDI LIMITED PARTNERSHIP #81
Address 1600 UNIVERSITY AVE SUITE 212, ST PAUL, MN 55126-0000
Assessment District CITY OF MANDAN
Property I.D. No. 65-2487000
Telephone No.

Legal description of the property involved in this application:

S 9' LOT 2 & ALL LOT 3-6 & VAC PT ALLEY BLOCK 22 MANDAN PROPER (OT)

Total true and full value of the property described above for the year 2023 is:
Land \$ 204,100
Improvements \$ 4,824,800
Total \$ 5,028,900
(1)

Total true and full value of the property described above for the year 2023 should be:
Land \$ 204,100
Improvements \$ 3,627,506
Total \$ 3,831,606
(2)

The difference of \$ 1,197,294.00 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 VALUE BE ADJUSTED BASED ON ERROR IN SQUARE FOOTAGE OF BUILDING.

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 Date
J Gary L Stenson 5-7-2024
24775 (2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

Dated this _____ day of _____

City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from \$ _____ to \$ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ _____. The Board accepts \$ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached.

Dated _____

County Auditor

Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

Application For Abatement Or Refund Of Taxes

Name of Applicant

County Auditor's File No.

Date Application Was Filed
With The County Auditor

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)

North Dakota Century Code § 57-23-04

RECEIVED
MAY 07 2024
EX-100
RECEIVED

Page 33 of 239

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

Dated this _____ day of _____, _____

City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners,
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from \$ _____ to \$ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ _____. The Board accepts \$ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

Dated _____

County Auditor

Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

**Application For Abatement
Or Refund Of Taxes**

Name of Applicant

County Auditor's File No.

Date Application Was Filed
With The County Auditor

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)



City of Mandan
Assessing Department
205 2nd Avenue NW
Mandan, ND 58554
(701) 667-3232
kimberly.markley@cityofmandan.com

May 13, 2024

MDI Limited Partnership #81
1600 University Ave Suite 212
St. Paul, Minnesota 55126

RE: MDI Limited Partnership #81
Parcel #65-2487000

Dear Mr. Stenson,

I have received the Application for Abatement for MDI Limited Partnership #81.

The application will be presented at the May 21, 2024 City of Mandan Commission meeting. The meeting begins at 5:30 pm.

The City of Mandan Commission's recommendation will be forwarded to the Morton County Commission which will meet on May 28, 2024. The meeting will begin at 5:30 pm.

Sincerely,

Kimberly Markley
City of Mandan
City Assessor



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 9, 2024
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatements for Wells Fargo Bank at 111 2nd Ave NW

STATEMENT/PURPOSE:

To consider corrections to the 2022 & 2023 full & true values for property located at 111 2nd Ave NW

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-2338000 with a legal description of Lots 1, 2 & 3, & Lots 17-18 Block 9 Mandan Proper (OT) Changes to property record include: listing of building with additions instead of separate buildings, correct double assessing of 2nd floor square footage, and combining of parcels because structure built over lot line.

ATTACHMENTS:

1. 2022 signed abatement
2. 2023 signed abatement
3. Abatement hearing letter Wells Fargo

FISCAL IMPACT:

2022 All taxing entities = \$4,951.56, City Share = \$1,100.14
2023 All taxing entities = \$5,831.17, City Share = \$1,326.55

STAFF IMPACT:

N/A

LEGAL REVIEW:

Submitted to City Attorney Oster

RECOMMENDATION:

I recommend a motion to recommend approval to the Morton County Commission of the

2022 & 2023 Abatement Applications for Wells Fargo Bank at 111 2nd Ave NW as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications for Wells Fargo Bank at 111 2nd Ave NW as presented.

RECEIVED
APR 29 2024
File with the

File with the County Auditor on or before November 1 of the year following the year in which the tax becomes delinquent

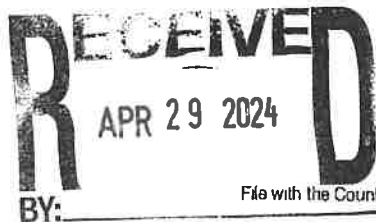
BY:

LOTS 1, 2 & 3, & LOTS 17-18 BLOCK 9 MANDAN PROPER (OT)

(2)

Page 38 of 239

6593



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
County of MORTON
Name WELLS FARGO BANK
Address 90 THOMSON PROPERTY TAX SERVICES PO BOX 2609, CARLSBAD, CA 92018-0000
Assessment District CITY OF MANDAN
Property I.D. No. 65-2338000
Telephone No. _____

Legal description of the property involved in this application:

LOTS 1, 2 & 3, & LOTS 17-18 BLOCK 9 MANDAN PROPER (OT)

Total true and full value of the property described above for the year 2023 is:

Land \$ 84,000
Improvements \$ 2,012,000
Total \$ 2,096,000
(1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 84,000
Improvements \$ 1,597,000
Total \$ 1,681,000
(2)

The difference of \$ 415,000.00 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 2023 true & full value be corrected.

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 _____

4/19/24
Date

24775
(2-2016)



City of Mandan
Assessing Department
205 2nd Avenue NW
Mandan, ND 58554
(701) 667-3232
kimberly.markley@cityofmandan.com

May 13, 2024

Michael Block
Consultant, Property Tax Commercial Ryan
150 South Fifth Street
Suite 2500
Minneapolis, Minnesota 55402

RE: Wells Fargo Bank
Parcel #65-2338000

Dear Mr. Block,

I have received the Application for Abatement for Wells Fargo Bank.

The application will be presented at the May 21, 2024 City of Mandan Commission meeting. The meeting begins at 5:30 pm.

The City of Mandan Commission's recommendation will be forwarded to the Morton County Commission which will meet on May 28, 2024. The meeting will begin at 5:30 pm.

Sincerely,

Kimberly Markley
City of Mandan
City Assessor



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 9, 2024
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Veterans Credit for Charlotte Job

STATEMENT/PURPOSE:

To consider the 2022 & 2023 Applications for Disabled Veterans Property Tax Credit for property located at 102 13th Ave NW.

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-1258000 with a legal description of W 70' of N 1/2 of Lot 26 & W 70' of Lots 27-28 & W 70' of S 10' of Lot 29 & Parcel 1A-1 (1,785 sq ft) Block 11 Heartview.

Reason for Abatement: I have reviewed the Disabled Veterans Property Tax Credit Application 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 rating that was given in 2022 & 2023.

ATTACHMENTS:

1. 2022 & 2023 Vet Credit Abatements
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 move to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications for Charlotte Job at 102 13th Ave NW as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2022 & 2023 Abatement Applications for Charlotte Job at 102 13th Ave 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. 65-1258000

Name JOB/DWAYNE H & CHARLOTTE E

Telephone No. _____

Address 102 13TH AVE NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

W 70' OF N1/2 OF LOT 26 & W 70' OF LOTS 27-28 & W 70' OF S 10' OF LOT 29 & PARCEL 1A-1 (1,785 SQ FT) BLOCK 11 HEARTVIEW

Total true and full value of the property described above for the year 2022 is:

Land \$ 25,000
Improvements \$ 189,500
Total \$ 214,500
(1)

Total true and full value of the property described above for the year 2022 should be:

Land \$ 25,000
Improvements \$ 189,500
Total \$ 214,500
(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 2022 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 Charlotte

Date May 4 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. 65-1258000

Name JOB/DWAYNE H & CHARLOTTE E

Telephone No. _____

Address 102 13TH AVE NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

W 70' OF N1/2 OF LOT 26 & W 70' OF LOTS 27-28 & W 70' OF S 10' OF LOT 29 & PARCEL 1A-1 (1,785 SQ FT) BLOCK 11 HEARTVIEW

Total true and full value of the property described above for the year 2023 is:

Land \$ 42,000

Improvements \$ 204,800

Total \$ 246,800

(1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 42,000

Improvements \$ 204,800

Total \$ 246,800

(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 2023 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 Charlotte Job

Date May 4, 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 States 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 21, 2024
PREPARATION DATE: May 8, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: To consider a gaming site authorization for Furry Friends Rockin' Rescue at Main Street Drive Thru Liquor from July 1, 2024 to June 30, 2025

STATEMENT/PURPOSE:

To consider a gaming site authorization for Furry Friends Rockin' Rescue at Main Street Drive Thru Liquor from July 1, 2024 to June 30, 2025

BACKGROUND/ALTERNATIVES:

The gaming site authorization and rental agreement were received on May 7, 2024.

ATTACHMENTS:

1. Gaming Site Authoriztion Furry Friends Rockin Rescue at Main Street Drive Thru Liquor

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 Furry Friends Rocking Rescue at

City Commission

Agenda Documentation

May 21, 2024

Subject: Furry Friends Rockin Rescue at Stryker Enterprises LLC dba Main Street Drive Thru Liquor from July 1, 2024 to June 30, 2025

Page 2 of 2

Stryker Enterprises LLC dba Main Street Drive Thru Liquor 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

Furry Friends Rockin Rescue

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

Stryker Enterprises LLC dba Main Street Drive Thru Liquor

Street 1005 Main Street	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized July 1, 2024	Ending Date(s) Authorized June 30, 2025	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)

See Attached Drawing

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) Stryker Enterprises LLC		Site Name Main Street Drive Thru Liquor		Site Phone Number 701-663-8888
Site Address 1005 East Main Street	City Mandan	State ND	Zip Code 58554	County Morton
Organization Furry Friends Rockin Rescue		Rental Period July 1, 2024 to June 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 <u> </u> X Rent per Table \$ <u> </u>		☒ No ☐ Yes		\$
Number of Tables with wagers over \$5 <u> </u> X Rent per Table \$ <u> </u>				\$
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		\$ 400.00
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u> 4 </u>		☐ No ☒ Yes		\$ 400.00
Total Monthly Rent				\$ 800.00
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.

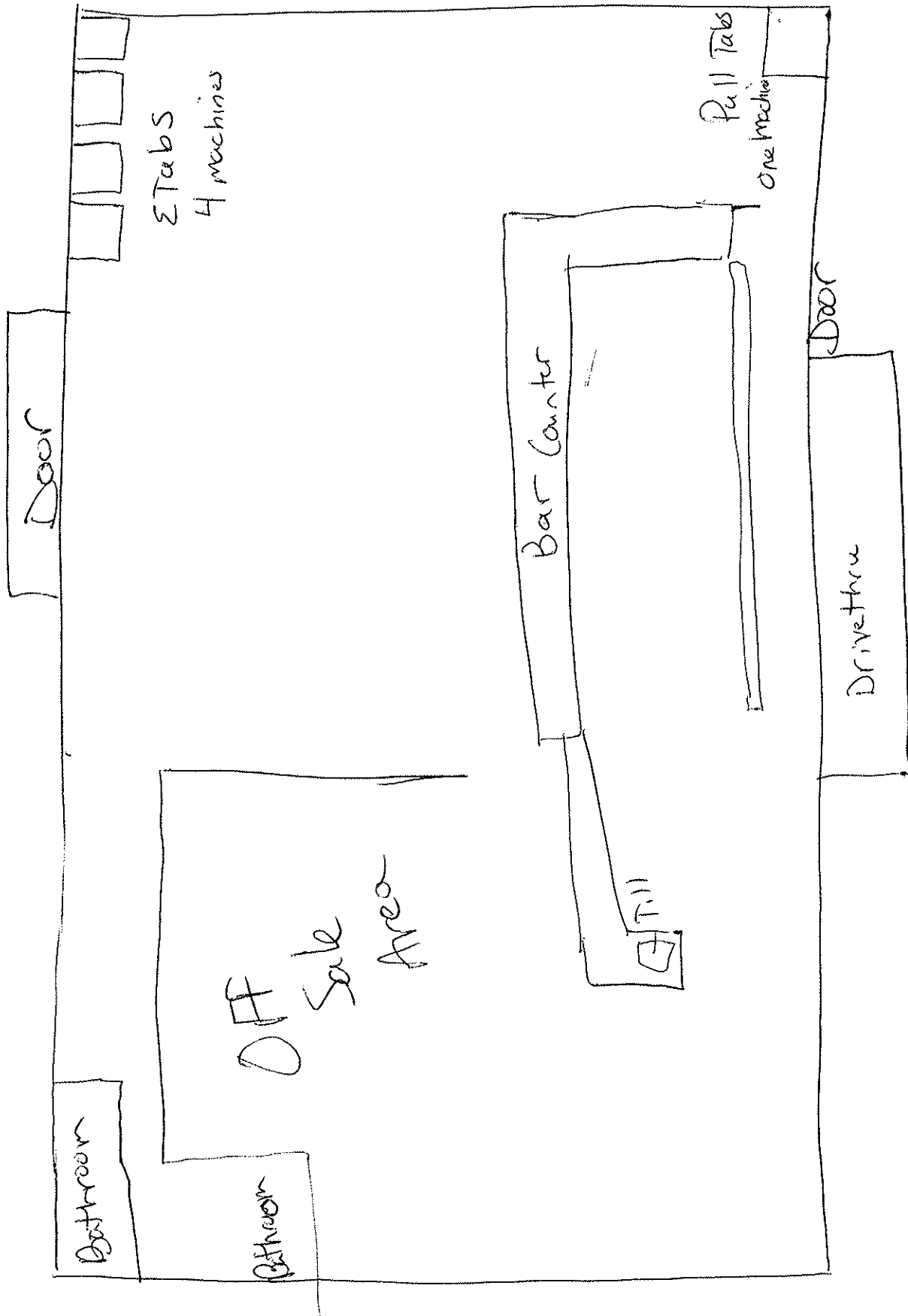
A LESSOR who is an officer or board member of an organization **may not** participate in the organization's decision-making that is a conflict of interest.

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>Shawn Stryker</i>	Title <i>Manager</i>	Date <i>5-7-24</i>
Signature of Lessee <i>Viggo Phaschauer</i>	Title <i>Viggo Phaschauer</i>	Date <i>4-30-24</i>

← main street →

↑ North





City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 13, 2024
SUBMITTING DEPARTMENT: Administration Department
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider Gaming Site Authorization for Mandan Moose Lodge #425 at Mandan Moose Lodge #425 from July 1, 2024 to June 30, 2025

STATEMENT/PURPOSE:

To consider Gaming Site Authorization for Mandan Moose Lodge #425 at Mandan Moose Lodge #425 from July 1, 2024, to June 30, 2025

BACKGROUND/ALTERNATIVES:

A gaming site authorization was received on May 9, 2024

ATTACHMENTS:

1. Mandan Moose Lodge _Gaming Site Authorization

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

To approve a gaming site authorization

SUGGESTED MOTION:

I move to approve the gaming site authorization for Mandan Moose Lodge #425 at Mandan Moose Lodge #425 from July 1, 2024, to June 30, 2025

City Commission

Agenda Documentation

May 21, 2024

Subject: Mandan Moose Lodge #425 at Mandan Moose Lodge #425 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 MOOSE LODGE #425

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

MANDAN MOOSE LODGE #425

Street

111 11TH AVE NE

City

MANDAN

ZIP Code

58554

County

MORTON

Beginning Date(s) Authorized

7/1/2024

Ending Date(s) Authorized

6/30/2025

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)

SOCIAL QUARTERS

If conducting Raffle or Poker activity provide date(s) or month(s) of the event(s) if known

POKER JANUARY, SEPTEMBER RAFFLES APRIL, OCTOBER

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



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 17, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Gaming Site Authorization for Mandan Baseball Club at The Drink

STATEMENT/PURPOSE:

To consider a gaming site authorization for Mandan Baseball Club at The Drink from July 1, 2024 to June 30, 2025.

BACKGROUND/ALTERNATIVES:

The gaming site authorization was received on May 17.

ATTACHMENTS:

1. Gaming Site Authorization Mandan Baseball - The Drink

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Approve as presented

SUGGESTED MOTION:

I move to approve the gaming site authorization for Mandan Baseball Club at The Drink from July 1, 2024 to June 30, 2025.

City Commission

Agenda Documentation

May 21, 2024

Subject: Mandan Baseball Club at The Drink 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 Baseball 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

The Drink

Street 4007 Southbay Drive SE	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" 2	

Specific location where games of chance will be conducted and played at the site (required)

Games will be located in bar area, excluding the 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

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) Lakewood Bar & Grill, Inc.		Site Name The Drink		Site Phone Number (701) 224-8063
Site Address 4007 Southbay Drive SE	City Mandan	State ND	Zip Code 58554	County Morton
Organization Mandan Baseball Club, Inc.	Rental Period 7/1/23 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 _____ X Rent per Table \$ _____		☐ No ☒ Yes		\$
Number of Tables with wagers over \$5 2 X Rent per Table \$ 300				\$ 600
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 10		☐ No ☒ Yes		\$ 1250
Total Monthly Rent				\$ 2,175

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 General Manager	Date 6-26-23
Signature of Lessee 	Title President	Date 7-7-2023



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 17, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider a gaming site authorization for Mandan Baseball Club at Broken Oar from July 1, 2024 to June 30, 2025

STATEMENT/PURPOSE:

Consider a gaming site authorization for Mandan Baseball Club at Broken Oar from July 1, 2024 to June 30, 2025.

BACKGROUND/ALTERNATIVES:

The gaming site authorization was received on May 17.

ATTACHMENTS:

1. Gaming Site Authorization Mandan Baseball - Broken Oar

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Approve as presented.

SUGGESTED MOTION:

I move to approve the gaming site authorization for Mandan Baseball Club at Broken Oar from July 1, 2024 to June 30, 2025.

City Commission

Agenda Documentation

May 21, 2024

Subject: Mandan Baseball Club at Broken Oar 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 Baseball 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

Broken Oar

Street 4724 Pintail Loop	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" 1	

Specific location where games of chance will be conducted and played at the site (required)

Games will be located in bar area, excluding the 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

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) B & B, Inc.		Site Name Broken Oar		Site Phone Number (701) 667-2159
Site Address 4724 Pintail Loop	City Mandan	State ND	Zip Code 58554	County Morton
Organization Mandan Baseball 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? 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? 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>10</u> ☐ No ☒ Yes				\$ 1250
Total Monthly Rent				\$ 1,875
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 President, owner	Date 2/23/24
Signature of Lessee 	Title President	Date 2-22-2024



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 17, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Mandan Baseball Club at Seven Seas from July 1, 2024 to June 30, 2025

STATEMENT/PURPOSE:

Consider approval of a gaming site authorization for Mandan Baseball Club at Seven Seas from July 1, 2024 to June 30, 2025.

BACKGROUND/ALTERNATIVES:

Received a gaming site authorization on May 17.

ATTACHMENTS:

1. Gaming Site Authorization Mandan Baseball - Seven Seas

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Approve as presented.

SUGGESTED MOTION:

i move to approve a gaming site authorization for Mandan Baseball Club at Seven Seas from July 1, 2024 to June 30, 2025.

City Commission

Agenda Documentation

May 21, 2024

Subject: Mandan Baseball Club at Seven Seas 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 Baseball 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

Seven Seas

Street 2611 Old Red Trail	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" 1	

Specific location where games of chance will be conducted and played at the site (required)

Games will be located in bar area, excluding the 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

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 (Rev. 08-2019)

License Number (Office Use Only)

G0808 (422) I

Site Owner (Lessor) BW-ss, Inc.		Site Name Seven Seas		Site Phone Number (701) 863-7401
Site Address 2611 Old Red Trail	City Mandan	State ND	Zip Code 58554	County Morton
Organization (Lessee) Mandan Baseball Club, Inc.		Rental Period 7/1/2022 to 6/30/2025		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 <u>2</u> X Rent per Table \$ <u>0.00</u>		☐ No ☒ Yes		\$ \$ 0.00
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 ☐ Electronic Dispensing Device Number of Electronic Devices <u>10</u>		☐ No ☒ Yes		\$ 0.00 \$ 500.00
Total Monthly Rent				\$ 500.00

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 for providing dispensing devices, 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 lessor's gaming license is suspended at this site for more than fourteen days or revoked.

RECEIVED
ATTY GENERAL'S LICENSING DEPT.

JUN 17 2022

Signature of Lessor <i>[Signature]</i>	Title General Manager	Date 5-10-22
Signature of Lessee <i>[Signature]</i>	Title President	Date 5-9-2022

(over)



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 17, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Mandan Baseball Club at Silver Dollar Bar from July 1, 2024 to June 30, 2025

STATEMENT/PURPOSE:

Consider a gaming site authorization for Mandan Baseball Club at Silver Dollar Bar from July 1, 2024 to June 30, 2025

BACKGROUND/ALTERNATIVES:

The gaming site authorization was received on May 17, 2024

ATTACHMENTS:

1. Gaming Site Authorization Mandan Baseball - Silver Dollar

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Approve as presented

SUGGESTED MOTION:

I move to approve the gaming site authorization for Mandan Baseball Club at Silver Dollar Bar from July 1, 2024 to June 30, 2025.

City Commission

Agenda Documentation

May 21, 2024

Subject: Mandan Baseball Club at Silver Dollar 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 Baseball 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

Silver Dollar Bar

Street 200 E. Main Street	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" 1	

Specific location where games of chance will be conducted and played at the site (required)

Games will be located in bar area, excluding the 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

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) East Main Investments, LLC		Site Name Silver Dollar Bar		Site Phone Number (701) 663-5248	
Site Address 200 E. Main Street		City Mandan	State ND	Zip Code 58554	County Morton
Organization Mandan Baseball 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	\$ 1250
If "Yes" please indicate the number of devices 10					
Total Monthly Rent					\$ 1.875
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 Manager	Date 1-24-24
Signature of Lessee	Title President	Date 1-24-2024



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 17, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Gaming site authorization for Fort Abraham Lincoln Foundation at The Lonesome Dove

STATEMENT/PURPOSE:

Consider a gaming site authorization for Fort Abraham Lincoln Foundation at the Lonesome Dove from July 1, 2024 to June 30, 2025.

BACKGROUND/ALTERNATIVES:

The gaming site authorization was received on May 17.

ATTACHMENTS:

1. Gaming Site Authorization FALF - Lonesome Dove

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Approve as presented

SUGGESTED MOTION:

I move to approve the gaming site authorization for Fort Abraham Lincoln Foundation at the Lonesome Dove from July 1, 2024 to June 30, 2025.

City Commission

Agenda Documentation

May 21, 2024

Subject: Fort Abraham Lincoln Foundation at the Lonesome Dove 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

Fort Abraham Lincoln 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

Lonesome Dove

Street 3929 Memorial Highway	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/01/2024	Ending Date(s) Authorized 6/30/2025	Number of Twenty-One tables, if zero, enter "0" 2	

Specific location where games of chance will be conducted and played at the site (required)

The Whole bar area except the 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

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) Lonesome Dove		Site Name Lonesome Dove		Site Phone Number (701) 663-2793
Site Address 3929 Memorial Highway	City Mandan	State ND	Zip Code 58554	County Morton
Organization Fort Abraham Lincoln Foundation	Rental Period July 1, 2024 to June 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 2 X Rent per Table \$ 300.002				\$ 600
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 10				☐ No ☒ Yes \$ 1,250
Total Monthly Rent				\$ 2,175
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>[Signature]</i>	Title <i>Pres.</i>	Date <i>3-29-24</i>
Signature of Lessee <i>Ann L Berth</i>	Title <i>Executive Director</i>	Date <i>01/23/2024</i>

North Dakota Century Code § 53-06.1-11 (Gross Proceeds - Allowable Expenses - Rent Limits)

4. For a site where bingo is conducted:
 - a. If bingo is the primary game, the monthly rent must be reasonable
 - b. If bingo is not the primary game, but is conducted with twenty-one, paddlewheels, or pull tabs, no additional rent is allowed.
5. For a site where bingo is not the primary game.
 - a. If twenty-one or paddlewheels is conducted, the monthly rent may not exceed two hundred dollars multiplied by the necessary number of tables based on criteria prescribed by gaming rule. For each twenty-one table with a wager greater than five dollars, an additional amount up to one hundred dollars may be added to the monthly rent. If pull tabs is also conducted involving only a jar bar, the monthly rent for pull tabs may not exceed an additional one hundred seventy-five dollars. If pull tabs is conducted involving only a dispensing device or a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional three hundred twenty-five dollars.
 - b. If twenty-one and paddlewheels are not conducted but pull tabs is conducted involving either a jar bar or dispensing device, the monthly rent may not exceed four hundred dollars.
 - c. If pull tabs is conducted using one or more electronic pull tab devices, the monthly rent may not exceed one hundred seventy-five dollars per machine for the first five machines in the same venue. For each additional machine in the same venue beyond five, the monthly rent may not exceed seventy-five dollars per machine up to a maximum of one thousand two hundred fifty dollars per month for all electronic pull tab devices in a single venue.

North Dakota Administrative Code § 99-01.3-02-06 (Rental Agreement)

3. Rent must be a fixed dollar amount per month
 - a. A participatory or graduated rate arrangement based on gross proceeds or adjusted gross proceeds is prohibited.
 - b. If bingo is the primary game or if a site is leased by an organization that has the alcoholic beverage license for that site, the monthly rent must be reasonable. Factors include time usage, floor space, local prevailing rates, and available sites and services. An organization may pay seasonal expenses, such as snow removal, air-conditioning, and heating, to a vendor.
 - c. If bingo is not the primary game, the maximum monthly rent must be according to subsection 5 of North Dakota Century Code section 53-06.1-11.

Special considerations are:

 - (1) If two or more organizations conduct twenty-one or paddlewheels, or both, involving a table and pull tabs for less than a month at a temporary site which is a public or private premise, or if two or more organizations are issued site authorizations to conduct games at a site on different days of the week, the maximum monthly rent, in the aggregate, may not exceed the limit set by subsection 5 of North Dakota Century Code section 53-06.1-11; and
 - (2) If a raffle, calcutta, sports pool, or poker is conducted with twenty-one, paddlewheels or pull tabs, no additional rent is allowed.
 - d. Except for applying subsection 3 or 4 of section 99-01.3-03-04, and additional rent paid to a lessor for simulcast racing, an organization or employee may not pay any additional rent or expense, from any source, or for any other purpose, including office or storage space, snow removal, maintenance or cleaning fees, equipment, furnishings, entertainment, or utilities. Except for a leased site at which bingo is the primary game conducted, an organization may not pay for any capital or leasehold improvements or remodeling.
- *4. If there is a change in the monthly rent or any other material change to a rental agreement, the agreement must be amended and a copy received by the attorney general before its effective date.

North Dakota Administrative Code § 99-01.3-08-01 (Restrictions and Requirements)

4. An organization may pay monthly rent for more than one table provided that each additional table is used at least thirteen times a quarter. This level of activity is based on a site's historical experience, or seasonal activity, for each of the previous four quarters, regardless of which organization conducted twenty-one at the site. For a new site or a site that has been completely remodeled in appearance and function, the level of activity must be reviewed and reestablished after the first full quarter. If an additional table is used at least thirteen times in at least one but not all of the previous four quarters, the allowable monthly rent for that table must be prorated over all the active months of the licensing year. For example, if a second table was used at least thirteen times in only two of the previous four quarters, the additional monthly rent for the second table would be a maximum of two hundred dollars per month (or three hundred dollars per month if a wager greater than five dollars is accepted on the table) multiplied by six months (totaling one thousand two hundred dollars) and prorated to one hundred dollars per month for the licensing year. The organization shall document each table's usage, which includes the date, table number, and drop box cash amount for each table and how the prorated rental amounts were determined. This documentation must be retained with the organization's twenty-one records for three years.



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 17, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider a gaming site authorization for Fort Abraham Lincoln Foundation at Midway Lanes from July 1, 2024 to June 30, 2025.

STATEMENT/PURPOSE:

Consider a gaming site authorization for Fort Abraham Lincoln Foundation at Midway Lanes from July 1, 2024 to June 30, 2025.

BACKGROUND/ALTERNATIVES:

The gaming site authorization was received on May 17.

ATTACHMENTS:

1. Gaming Site Authorization FALF - Midway Lanes

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Approve as presented

SUGGESTED MOTION:

I move to approve the gaming site authorization for Fort Abraham Lincoln Foundation at Midway Lanes from July 1, 2024 to June 30, 2025.

City Commission

Agenda Documentation

May 21, 2024

Subject: Fort Abraham Lincoln Foundation at Midway Lanes 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

Fort Abraham Lincoln 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

Midway Lanes

Street

3327 Memorial Highway

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"

1

Specific location where games of chance will be conducted and played at the site (required)

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) Brian Geohring		Site Name Midway Lanes		Site Phone Number (701) 663-0277
Site Address 3327 Memorial Highway	City Mandan	State ND	Zip Code 58554	County Morton
Organization Fort Abraham Lincoln Foundation		Rental Period July 1, 2024 to June 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 1 X Rent per Table \$ 300				\$ 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 10		☐ No ☒ Yes		\$ 1,250
Total Monthly Rent				\$ 1,875
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 GM Midway	Date 3/28/24
Signature of Lessee Adam L Barth	Title Executive Director	Date 01/23/2024

North Dakota Century Code § 53-06.1-11 (Gross Proceeds - Allowable Expenses - Rent Limits)

4. For a site where bingo is conducted:
 - a. If bingo is the primary game, the monthly rent must be reasonable
 - b. If bingo is not the primary game, but is conducted with twenty-one, paddlewheels, or pull tabs, no additional rent is allowed.
5. For a site where bingo is not the primary game.
 - a. If twenty-one or paddlewheels is conducted, the monthly rent may not exceed two hundred dollars multiplied by the necessary number of tables based on criteria prescribed by gaming rule. For each twenty-one table with a wager greater than five dollars, an additional amount up to one hundred dollars may be added to the monthly rent. If pull tabs is also conducted involving only a jar bar, the monthly rent for pull tabs may not exceed an additional one hundred seventy-five dollars. If pull tabs is conducted involving only a dispensing device or a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional three hundred twenty-five dollars.
 - b. If twenty-one and paddlewheels are not conducted but pull tabs is conducted involving either a jar bar or dispensing device, the monthly rent may not exceed four hundred dollars.
 - c. If pull tabs is conducted using one or more electronic pull tab devices, the monthly rent may not exceed one hundred seventy-five dollars per machine for the first five machines in the same venue. For each additional machine in the same venue beyond five, the monthly rent may not exceed seventy-five dollars per machine up to a maximum of one thousand two hundred fifty dollars per month for all electronic pull tab devices in a single venue.

North Dakota Administrative Code § 99-01.3-02-06 (Rental Agreement)

3. Rent must be a fixed dollar amount per month
 - a. A participatory or graduated rate arrangement based on gross proceeds or adjusted gross proceeds is prohibited.
 - b. If bingo is the primary game or if a site is leased by an organization that has the alcoholic beverage license for that site, the monthly rent must be reasonable. Factors include time usage, floor space, local prevailing rates, and available sites and services. An organization may pay seasonal expenses, such as snow removal, air-conditioning, and heating, to a vendor.
 - c. If bingo is not the primary game, the maximum monthly rent must be according to subsection 5 of North Dakota Century Code section 53-06.1-11.
Special considerations are:
 - (1) If two or more organizations conduct twenty-one or paddlewheels, or both, involving a table and pull tabs for less than a month at a temporary site which is a public or private premise, or if two or more organizations are issued site authorizations to conduct games at a site on different days of the week, the maximum monthly rent, in the aggregate, may not exceed the limit set by subsection 5 of North Dakota Century Code section 53-06.1-11; and
 - (2) If a raffle, calcutta, sports pool, or poker is conducted with twenty-one, paddlewheels or pull tabs, no additional rent is allowed.
 - d. Except for applying subsection 3 or 4 of section 99-01.3-03-04, and additional rent paid to a lessor for simulcast racing, an organization or employee may not pay any additional rent or expense, from any source, or for any other purpose, including office or storage space, snow removal, maintenance or cleaning fees, equipment, furnishings, entertainment, or utilities. Except for a leased site at which bingo is the primary game conducted, an organization may not pay for any capital or leasehold improvements or remodeling.
- *4. If there is a change in the monthly rent or any other material change to a rental agreement, the agreement must be amended and a copy received by the attorney general before its effective date.

North Dakota Administrative Code § 99-01.3-08-01 (Restrictions and Requirements)

4. An organization may pay monthly rent for more than one table provided that each additional table is used at least thirteen times a quarter. This level of activity is based on a site's historical experience, or seasonal activity, for each of the previous four quarters, regardless of which organization conducted twenty-one at the site. For a new site or a site that has been completely remodeled in appearance and function, the level of activity must be reviewed and reestablished after the first full quarter. If an additional table is used at least thirteen times in at least one but not all of the previous four quarters, the allowable monthly rent for that table must be prorated over all the active months of the licensing year. For example, if a second table was used at least thirteen times in only two of the previous four quarters, the additional monthly rent for the second table would be a maximum of two hundred dollars per month (or three hundred dollars per month if a wager greater than five dollars is accepted on the table) multiplied by six months (totaling one thousand two hundred dollars) and prorated to one hundred dollars per month for the licensing year. The organization shall document each table's usage, which includes the date, table number, and drop box cash amount for each table and how the prorated rental amounts were determined. This documentation must be retained with the organization's twenty-one records for three years.



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 17, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider a gaming site authorization for Fort Abraham Lincoln Foundation at The Paddle Trap from July 1, 2024 to June 30, 2025.

STATEMENT/PURPOSE:

Consider a gaming site authorization for Fort Abraham Lincoln Foundation at The Paddle Trap from July 1, 2024 to June 30, 2025.

BACKGROUND/ALTERNATIVES:

The gaming site authorization was received on May 17.

ATTACHMENTS:

1. Gaming Site Authorization FALF - Paddle Trap

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Approve as presented

SUGGESTED MOTION:

I move to approve the gaming site authorization for Fort Abraham Lincoln Foundation at The Paddle Trap from July 1, 2024 to June 30, 2025.

City Commission

Agenda Documentation

May 21, 2024

Subject: Fort Abraham Lincoln Foundation at The Paddle Trap 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

Fort Abraham Lincoln 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

Paddle Trap

Street

2500 Pirates Loop SE

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 and played at the site (required)

Whole bar area except 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

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) Paddle Trap		Site Name Paddle Trap		Site Phone Number (701) 202-3421
Site Address 2500 Pirates Loop SE	City Mandan	State ND	Zip Code 58554	County Morton
Organization Fort Abraham Lincoln Foundation		Rental Period July 1, 2024 to June 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		\$ <u>0</u>
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 <u>0</u> X Rent per Table \$ _____		☒ No ☐ Yes		\$ <u>0</u>
Number of Tables with wagers over \$5 <u>0</u> X Rent per Table \$ _____				\$ <u>0</u>
3. Is Paddlewheels conducted at this site? Number of Tables <u>0</u> X Rent per Table \$ _____		☒ No ☐ Yes		\$ <u>0</u>
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		\$ 400
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u>8</u>		☐ No ☒ Yes		\$ 1,100
Total Monthly Rent				\$ 1,500
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>Michelle Kuntz</i>	Title <i>President</i>	Date <i>1/24/24</i>
Signature of Lessee <i>Ann L Barth</i>	Title <i>Executive Director</i>	Date <i>01/23/2024</i>

North Dakota Century Code § 53-06.1-11 (Gross Proceeds - Allowable Expenses - Rent Limits)

4. For a site where bingo is conducted:
 - a. If bingo is the primary game, the monthly rent must be reasonable
 - b. If bingo is not the primary game, but is conducted with twenty-one, paddlewheels, or pull tabs, no additional rent is allowed.
5. For a site where bingo is not the primary game.
 - a. If twenty-one or paddlewheels is conducted, the monthly rent may not exceed two hundred dollars multiplied by the necessary number of tables based on criteria prescribed by gaming rule. For each twenty-one table with a wager greater than five dollars, an additional amount up to one hundred dollars may be added to the monthly rent. If pull tabs is also conducted involving only a jar bar, the monthly rent for pull tabs may not exceed an additional one hundred seventy-five dollars. If pull tabs is conducted involving only a dispensing device or a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional three hundred twenty-five dollars.
 - b. If twenty-one and paddlewheels are not conducted but pull tabs is conducted involving either a jar bar or dispensing device, the monthly rent may not exceed four hundred dollars.
 - c. If pull tabs is conducted using one or more electronic pull tab devices, the monthly rent may not exceed one hundred seventy-five dollars per machine for the first five machines in the same venue. For each additional machine in the same venue beyond five, the monthly rent may not exceed seventy-five dollars per machine up to a maximum of one thousand two hundred fifty dollars per month for all electronic pull tab devices in a single venue.

North Dakota Administrative Code § 99-01.3-02-06 (Rental Agreement)

3. Rent must be a fixed dollar amount per month
 - a. A participatory or graduated rate arrangement based on gross proceeds or adjusted gross proceeds is prohibited.
 - b. If bingo is the primary game or if a site is leased by an organization that has the alcoholic beverage license for that site, the monthly rent must be reasonable. Factors include time usage, floor space, local prevailing rates, and available sites and services. An organization may pay seasonal expenses, such as snow removal, air-conditioning, and heating, to a vendor.
 - c. If bingo is not the primary game, the maximum monthly rent must be according to subsection 5 of North Dakota Century Code section 53-06.1-11.

Special considerations are:

 - (1) If two or more organizations conduct twenty-one or paddlewheels, or both, involving a table and pull tabs for less than a month at a temporary site which is a public or private premise, or if two or more organizations are issued site authorizations to conduct games at a site on different days of the week, the maximum monthly rent, in the aggregate, may not exceed the limit set by subsection 5 of North Dakota Century Code section 53-06.1-11; and
 - (2) If a raffle, calcutta, sports pool, or poker is conducted with twenty-one, paddlewheels or pull tabs, no additional rent is allowed.
 - d. Except for applying subsection 3 or 4 of section 99-01.3-03-04, and additional rent paid to a lessor for simulcast racing, an organization or employee may not pay any additional rent or expense, from any source, or for any other purpose, including office or storage space, snow removal, maintenance or cleaning fees, equipment, furnishings, entertainment, or utilities. Except for a leased site at which bingo is the primary game conducted, an organization may not pay for any capital or leasehold improvements or remodeling.
- *4. If there is a change in the monthly rent or any other material change to a rental agreement, the agreement must be amended and a copy received by the attorney general before its effective date.

North Dakota Administrative Code § 99-01.3-08-01 (Restrictions and Requirments)

4. An organization may pay monthly rent for more than one table provided that each additional table is used at least thirteen times a quarter. This level of activity is based on a site's historical experience, or seasonal activity, for each of the previous four quarters, regardless of which organization conducted twenty-one at the site. For a new site or a site that has been completely remodeled in appearance and function, the level of activity must be reviewed and reestablished after the first full quarter. If an additional table is used at least thirteen times in at least one but not all of the previous four quarters, the allowable monthly rent for that table must be prorated over all the active months of the licensing year. For example, if a second table was used at least thirteen times in only two of the previous four quarters, the additional monthly rent for the second table would be a maximum of two hundred dollars per month (or three hundred dollars per month if a wager greater than five dollars is accepted on the table) multiplied by six months (totaling one thousand two hundred dollars) and prorated to one hundred dollars per month for the licensing year. The organization shall document each table's usage, which includes the date, table number, and drop box cash amount for each table and how the prorated rental amounts were determined. This documentation must be retained with the organization's twenty-one records for three years.



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 17, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider a gaming site authorization for Fort Abraham Lincoln Foundation at Aviators from July 1, 2024 to June 30, 2025

STATEMENT/PURPOSE:

Consider a gaming site authorization for Fort Abraham Lincoln Foundation at Aviators from July 1, 2024 to June 30, 2025.

BACKGROUND/ALTERNATIVES:

The gaming site authorization was received May 17.

ATTACHMENTS:

1. Gaming Site Authorization FALF - Aviators

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Approve as presented.

SUGGESTED MOTION:

I move to approve the gaming site authorization for Fort Abraham Lincoln Foundation at Aviators from July 1, 2024 to June 30, 2025.

City Commission

Agenda Documentation

May 21, 2024

Subject: Fort Abraham Lincoln Foundation at Aviators 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

Fort Abraham Lincoln 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

Aviators

Street 202 W. Main Street	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/01/2024	Ending Date(s) Authorized 6/30/2025	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)

The Whole bar area except the 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

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) AV8RS		Site Name Aviators		Site Phone Number 701-391-9489
Site Address 202 West Main Street	City Mandan	State ND	Zip Code 58554	County Morton
Organization Fort Abraham Lincoln Foundation	Rental Period July 1, 2024 to June 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 <u> </u> X Rent per Table \$ <u> </u>				☒ No ☐ Yes \$
Number of Tables with wagers over \$5 <u> </u> X Rent per Table \$ <u> </u>				\$
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 \$ 400
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u> 4 </u>				☐ No ☒ Yes \$ 700
Total Monthly Rent				\$ 1,100
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	Date 5-7-2024
Signature of Lessee 	Title Executive Director	Date 05/07/2024

North Dakota Century Code § 53-06.1-11 (Gross Proceeds - Allowable Expenses - Rent Limits)

4. For a site where bingo is conducted:
 - a. If bingo is the primary game, the monthly rent must be reasonable
 - b. If bingo is not the primary game, but is conducted with twenty-one, paddlewheels, or pull tabs, no additional rent is allowed.
5. For a site where bingo is not the primary game.
 - a. If twenty-one or paddlewheels is conducted, the monthly rent may not exceed two hundred dollars multiplied by the necessary number of tables based on criteria prescribed by gaming rule. For each twenty-one table with a wager greater than five dollars, an additional amount up to one hundred dollars may be added to the monthly rent. If pull tabs is also conducted involving only a jar bar, the monthly rent for pull tabs may not exceed an additional one hundred seventy-five dollars. If pull tabs is conducted involving only a dispensing device or a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional three hundred twenty-five dollars.
 - b. If twenty-one and paddlewheels are not conducted but pull tabs is conducted involving either a jar bar or dispensing device, the monthly rent may not exceed four hundred dollars.
 - c. If pull tabs is conducted using one or more electronic pull tab devices, the monthly rent may not exceed one hundred seventy-five dollars per machine for the first five machines in the same venue. For each additional machine in the same venue beyond five, the monthly rent may not exceed seventy-five dollars per machine up to a maximum of one thousand two hundred fifty dollars per month for all electronic pull tab devices in a single venue.

North Dakota Administrative Code § 99-01.3-02-06 (Rental Agreement)

3. Rent must be a fixed dollar amount per month
 - a. A participatory or graduated rate arrangement based on gross proceeds or adjusted gross proceeds is prohibited.
 - b. If bingo is the primary game or if a site is leased by an organization that has the alcoholic beverage license for that site, the monthly rent must be reasonable. Factors include time usage, floor space, local prevailing rates, and available sites and services. An organization may pay seasonal expenses, such as snow removal, air-conditioning, and heating, to a vendor.
 - c. If bingo is not the primary game, the maximum monthly rent must be according to subsection 5 of North Dakota Century Code section 53-06.1-11.

Special considerations are:

 - (1) If two or more organizations conduct twenty-one or paddlewheels, or both, involving a table and pull tabs for less than a month at a temporary site which is a public or private premise, or if two or more organizations are issued site authorizations to conduct games at a site on different days of the week, the maximum monthly rent, in the aggregate, may not exceed the limit set by subsection 5 of North Dakota Century Code section 53-06.1-11; and
 - (2) If a raffle, calcutta, sports pool, or poker is conducted with twenty-one, paddlewheels or pull tabs, no additional rent is allowed.
 - d. Except for applying subsection 3 or 4 of section 99-01.3-03-04, and additional rent paid to a lessor for simulcast racing, an organization or employee may not pay any additional rent or expense, from any source, or for any other purpose, including office or storage space, snow removal, maintenance or cleaning fees, equipment, furnishings, entertainment, or utilities. Except for a leased site at which bingo is the primary game conducted, an organization may not pay for any capital or leasehold improvements or remodeling.
- *4. If there is a change in the monthly rent or any other material change to a rental agreement, the agreement must be amended and a copy received by the attorney general before its effective date.

North Dakota Administrative Code § 99-01.3-08-01 (Restrictions and Requirements)

4. An organization may pay monthly rent for more than one table provided that each additional table is used at least thirteen times a quarter. This level of activity is based on a site's historical experience, or seasonal activity, for each of the previous four quarters, regardless of which organization conducted twenty-one at the site. For a new site or a site that has been completely remodeled in appearance and function, the level of activity must be reviewed and reestablished after the first full quarter. If an additional table is used at least thirteen times in at least one but not all of the previous four quarters, the allowable monthly rent for that table must be prorated over all the active months of the licensing year. For example, if a second table was used at least thirteen times in only two of the previous four quarters, the additional monthly rent for the second table would be a maximum of two hundred dollars per month (or three hundred dollars per month if a wager greater than five dollars is accepted on the table) multiplied by six months (totaling one thousand two hundred dollars) and prorated to one hundred dollars per month for the licensing year. The organization shall document each table's usage, which includes the date, table number, and drop box cash amount for each table and how the prorated rental amounts were determined. This documentation must be retained with the organization's twenty-one records for three years.



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 13, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Raffle Permit for RoughRider AMBUCS

STATEMENT/PURPOSE:

Consider approval of a raffle permit for RoughRider AMBUCS on 6/30/2024 at Send-It 24/7 Cornhole.

BACKGROUND/ALTERNATIVES:

Raffle for RoughRider AMBUCS at Send-It 24/7 Cornhole

ATTACHMENTS:

1. Raffle Permit 2024-36

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

Approve raffle permit for RoughRider AMBUCS.

SUGGESTED MOTION:

I move to approve a raffle permit for RoughRider AMBUCS.



LOCAL PERMIT OR RESTRICTED EVENT PERMIT
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
SFN 17926 (11-2023)

Permit Number
2024-36

Permit Type (check one)

☒ Local Permit ☐ Restricted Event Permit*

Games Authorized

☐ Raffle by a Political or Legislative District Party

☐ Bingo ☒ Raffle ☐ Raffle Board ☐ Calendar Raffle ☐ Sports Pool ☐ Poker* ☐ Twenty-One* ☐ Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group RoughRider AMBUCS		Dates Authorized (Read Instruction 2) 06/30/2024	
Organization or Group Contact Person Grant Bouley	E-mail gbouley78@hotmail.com	Telephone Number 218-779-2669	
Mailing Address 3616 Stonewall Dr	City Bismarck	State ND	ZIP Code 58503

SITE INFO

Site Name Send-It 24/7 Cornhole		County Morton	
Site Address 1700 E Main St	City Mandan	State ND	ZIP Code 58554
If the city or county is placing restrictions on the permit, please explain N/A			
Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.) One time 50/50 raffle drawing for charity event on 06/30/2024.			

Permits must be issued prior to the 1st event date.

Local governing bodies please see the instructions on the backside of this form on how to complete the permit. Be certain to provide the organization or group with the "Information Required to be Preprinted on a Standard Raffle Ticket" found on the backside of this forms if a raffle is being conducted. If a "Restricted Event Permit" is being issued, either provide organization or group with SFN 52880 "Report on a Restricted Event Permit" or make them aware that the report must be filed with the city or county and the Office of Attorney General within 30 days after the event. Before approving a site location, ensure compliance with the gaming law below

Before approving a local permit or restricted event permit the local governing body should review North Dakota Century Code 53-06.1-03(3)(a) which states:

3. A licensed organization or organization that has a permit shall conduct games as follows:

a. Only one licensed organization or organization that has a permit may conduct games at an authorized site on a day, except that a raffle may be conducted for a special occasion by another licensed organization or organization that has a permit when one of these conditions is met:

(1) When the area for the raffle is physically separated from the area where games are conducted by the regular organization.

(2) Upon request of the regular organization and with the approval of the alcoholic beverage establishment, the regular organization's license or permit is suspended for that specific time of day by the Attorney General.

Local governing bodies should also review North Dakota Administrative Code 99-01.3-01-05 (Permits) for the administrative rules governing permits. These rules may be viewed on the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/licensing-and-gaming/gaming/gaming-laws-rules-and-publications>

CITY OR COUNTY CONTACT PERSON

Printed Name of City or County Official Michael Breid	Title of City or County Official Sergeant	Telephone Number 701-667-3250	E-mail Address mbreid@mandanpd.com
Signature of City or County Official 		Date 05/13/2024	Issuing Governing Body ☒ City ☐ County

City or County must submit a copy of the permit above to the Office of Attorney General within 14 days of issuance.

Information required to be preprinted on a standard raffle ticket:

1. Name of Organization;
2. Ticket Number;
3. Price of the ticket, including any discounted price;
4. Prize, description of an optional prize selectable by a winning player or option to convert a **merchandise** prize to a cash prize that is limited to the lesser of the value of the merchandise prize or six thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty-five dollars, an organization may state the total number of minor prizes and their total retail price;
5. Print the authorizing city or county and permit number
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time of the drawing or drawings and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on the same day of the week or month, print the day and time of the drawing;
8. Location and street address of the drawing;
9. If a merchandise prize requires a title transfer involving the Department of Transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of ticket or winning prize is restricted to a person of a minimum age, a statement that a person must be at least "-" years of age to buy a ticket or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is an non-guaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep, or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or six thousand dollars.

North Dakota Administrative Code 99-01.3-05-02(4) states that an employee may not sell a ticket on a site where another organization is licensed or has a permit unless the employee is granted permission by the lessor and other organization.

North Dakota Administrative Code 99-01.3-05-01 through 99-01.3-05-05 (Raffles) in its entirety can be reviewed on the North Dakota Attorney General's website at <https://attorneygeneral.nd.gov/licensing-and-gaming/gaming/gaming-laws-rules-and-publications>

INSTRUCTIONS:

After a city or county governing board has authorized an organization to receive a local permit or restricted event permit, the city or county must complete the form.

1. Enter the city or county assigned "Permit Number".
2. Enter the beginning and ending date(s) for which the permit is authorized. **Note: Unexact blanket dates will not be accepted**
 - a. A permit must be on a fiscal year basis from July first to June thirtieth or on a calendar year basis.
 - b. A local permit can be issued for one or more events per fiscal year.
 - c. The "Dates Authorized" must only be the actual dates of the event(s) and does not include the dates the organization is selling tickets.
 - d. For a "one time" event permit, the beginning and ending date for "Dates Authorized" is the date of the event date.
 - e. If a local permit is issued for more than one event, enter the date of the first event as the beginning date and the date of the last event as the ending date.
 - f. A permit may not be issued more than twelve months prior to the first raffle drawing date.
 - g. A restricted event permit may be issued for only one event per year. If the organization has received a local permit during a fiscal year, it may not receive a restricted event permit. If the organization received a restricted event permit during the fiscal year, it may not receive a local permit.
3. Permits must provide the specific dates of event(s), site name, and site physical address. If there are multiple event dates that do not fit on the permit, a separate sheet must be submitted with the permit that provides a list of all event dates.
4. Enter any restriction place on the organization or group, such as days of the week or designation of an area at a site where games may be conducted.
5. When a restricted event permit is issued, provide a "Report on a Restricted Event Permit (SFN 52880)" form to the organization or be sure they know the form is available at <https://attorneygeneral.nd.gov/licensing-and-gaming/licensing/charitable-gaming> by scrolling to the bottom of the page.
6. Give the organization or group the completed permit form, keep a copy for your records, and **send a copy within 14 days** by email to agogaming@nd.gov, fax to (701) 328-3535 or by mail to:

Office of Attorney General
Gaming Division
600 E Blvd Ave, Dept. 125
Bismarck, ND 58505-0040

If you have questions on the local permit or restricted event permit process, please call: 1-800-326-9240



APPLICATION FOR A LOCAL PERMIT OR RESTRICTED EVENT PERMIT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL

GAMING DIVISION

SFN 9338 (9-2023)

Applying for (check one)	
☒ Local Permit	☐ Restricted Event Permit*
Games to be conducted	
☐ Bingo	☒ Raffle
☐ Raffle Board	☐ Calendar Raffle
☐ Sports Pool	☐ Poker*
☐ Twenty-One*	☐ Paddlewheels*

*See Instruction 2 (f) on Page 2. Poker, Twenty-One, and Paddlewheels may be conducted Only with a Restricted Event Permit. Only one permit per year.

LOCAL PERMIT RAFFLES MAY NOT BE CONDUCTED ONLINE AND CREDIT CARDS MAY NOT BE USED FOR WAGERS

ORGANIZATION INFO

Name of Organization or Group		Dates of Activity (Does not include dates for the sales of tickets)	
RoughRider AMBUCS		6/30/24	
Organization or Group Contact Person	E-mail	Telephone Number	
Grant Bouley	gbouley78@hotmail.com	218-779-2669	
Business Address	City	State	ZIP Code
3616 Stonewall Dr	Bismarck	ND	58503
Mailing Address (if different)	City	State	ZIP Code

SITE INFO

Site Name		County	
Send-It 24/7 Cornhole		Morton	
Site Physical Address	City	State	ZIP Code
1700 E Main St	Mandan	ND	58554
Provide the exact date(s) & frequency of each event & type (Ex. Bingo every Friday 10/1-12/31, Raffle - 10/30, 11/30, 12/31, etc.)			
one-time 50/50 raffle drawing for charity event on 6/30/24			

PRIZE / AWARD INFO (If More Prizes, Attach An Additional Sheet)

Game Type	Description of Prize	Exact Retail Value of Prize
50/50 raffle drawing	Cash prize	TBD
Total (limit \$40,000 per year)		\$ TBD

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds	
Providing Amtryke therapeutic tricycles to riders of all ages & abilities.	
Does the organization presently have a state gaming license? (If yes, the organization is not eligible for a local permit or restricted event permit and should call the Office of Attorney General at 1-800-326-9240)	
☐ Yes ☒ No	
Has the organization or group received a restricted event permit from any city or county for the fiscal year July 1 - June 30 (If yes, the organization or group does not qualify for a local permit or restricted event permit)	
☐ Yes ☒ No	
Has the organization or group received a local permit from an city or county for the fiscal year July 1 - June 30 (If yes, indicate the total retail value of all prizes previously awarded)	
☒ No ☐ Yes - Total Retail Value: (This amount is part of the total prize limit for \$40,000 per fiscal year)	
Is the organization or group a state political party or legislative district party? (If yes, the organization or group may only conduct a raffle and must complete SFN 52880 "Report on a Restricted Event Permit" within 30 days of the event. Net proceeds may be for political purposes.)	
☐ Yes ☒ No	

Printed Name of Organization Group's Permit Organizer	Telephone Number	E-mail Address
Grant Bouley	218-779-2669	gbouley78@hotmail.com
Signature of Organization Group's Permit Organizer	Title	Date
	Treasurer	May 9, 2024



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 15, 2024
SUBMITTING DEPARTMENT: Planning / Administration
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Letter of Support for Northern Plains National Heritage Area / Missouri Valley Arts and Culture Collective

STATEMENT/PURPOSE:

Consider Letter of Support for Northern Plains National Heritage Area / Missouri Valley Arts and Culture Collective

BACKGROUND/ALTERNATIVES:

Members of the Northern Plains National Heritage Area leadership reached out to city staff, seeking input and endorsement for the establishment of the Missouri Valley Arts and Culture Collaborative. This collaborative, envisioned as a new branch of the NPNHA, aims to foster arts and cultural programming while providing support for capacity building within the heritage area through its ability to leverage federal resources for culture, heritage and the arts within the heritage area.

ATTACHMENTS:

1. Letter of Support to MVACC

FISCAL IMPACT:

N/a - likely an ability for the City to contribute to in the future or source of matching funds for arts, heritage and culture events and capital.

STAFF IMPACT:

N/a

LEGAL REVIEW:

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

City Commission

Agenda Documentation

May 21, 2024

Subject: Consider a Letter of Support for Northern Plains National Heritage Area / Missouri Valley Arts and Culture Collective

Page 2 of 2

RECOMMENDATION:

Staff recommends approval of the letter of support.

SUGGESTED MOTION:

I move to extend a letter of support to Northern Plains National Heritage Area in its establishment of the Missouri Valley Arts and Culture Collaborative.



May 21, 2024

Aaron Barth
Executive Director
Northern Plains National Heritage Area

Mr. Barth,
The City of Mandan extends its support to the Northern Plains Heritage Foundation for its initiative in establishing the Missouri Valley Arts and Culture Collaborative (MVACC). We commend your dedication to fostering the arts and cultural heritage of the region.

Mandan acknowledges the role arts and culture play in shaping community identity, nurturing a sense of place, and bolstering economic prosperity. We strongly believe that organizations such as MVACC have the capability to broaden the region's arts and cultural offerings, enhancing the lives of residents and visitors alike.

As evidenced by previous public art installations and our legacy arts and cultural events, Mandan is well-positioned to be able to benefit from the establishment of MVACC, and we are eager to explore how the City can capitalize on its resources once created.

We envision a collaborative partnership wherein MVACC's expertise and resources are leveraged to enhance our community's cultural offerings and enrich the overall quality of life in Mandan and the region.

In closing, Mandan supports the establishment of the Missouri Valley Arts and Culture Collaborative (MVACC) by the Northern Plains Heritage Foundation, recognizing its potential to enhance the region's arts and cultural landscape. We look forward to exploring collaborative opportunities to enrich our community's cultural offerings and drive economic growth.
City of Mandan, North Dakota

Mayor Timothy Helbling



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 15, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Minor Plat for Ramblewood 14th Addition

STATEMENT/PURPOSE:

Consider Minor Plat for Ramblewood 14th Addition

BACKGROUND/ALTERNATIVES:

Richard Holmes requests consideration of a minor plat for Ramblewood 14th Addition, which would split Lot 1, Block 1, Ramblewood 11th into two lots for the purposes of constructing Daily Perks Coffee.

The applicant was granted a zoning setback variance at the 5/7/2024 City Commission meeting which permits the building to be constructed 25' from the front property line rather than the 35' required by zoning.

The property is 16,536sf (.038 acres) in size and would have access through the shared access point with the neighboring restaurant and its own controlled access point where vehicles would have right-in, right-out access from third street SE. The subject use adheres to minimum stacking requirements for restaurant uses, which is for nine vehicles need to be accommodated on the property.

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

1. A plan depicting access control / management must be submitted to City Engineering staff for review.

ATTACHMENTS:

1. Minor Plat Application
2. Ramblewood 14th Addition Final Plat
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:

Staff recommends approval of the minor plat.

SUGGESTED MOTION:

I move to approve the minor plat for Ramblewood 14th Addition.

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)		
Create lot for drive-thru coffee shop		

Engineer/Surveyor			Property Owner or Applicant		
Name Toman Engineering Co / Andra Marquardt			Name JLJJ Family Limited Partnership		
Address 501 1st St NW			Address 2220 S 9th St		
City Mandan	State ND	Zip 58554	City Bismarck	State ND	Zip 58504
email andram@tomanengineering.com			email C.Horner @ bis.midco.com		
Phone 701-663-6483		Fax 701-663-0923	Phone 701-220-9686		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
Property Address				Legal Description			
2701 Memorial Hwy				Part of Lot 1, Block 1			
Current Use							
None				Ramblewood 11th Addition			
Proposed Use							
Drive-thru coffee shop				Section 36		Township 139 N	
Parcel Size		Building Footprint		Stories		Building SF	
16536 sf						Required Parking	
						Provided Parking	

Print Name RANDI HORNER	Signature Randi Horner	Date 5/3/24
----------------------------	---------------------------	----------------

Office Use Only			
Date Received: 3-20-24	Initials: AS	Fees Paid: \$700	Date 3-20-24
Notice in paper		Mailed to neighbors	
Approved		P&Z meeting	
Approved with conditions:			
Denied			

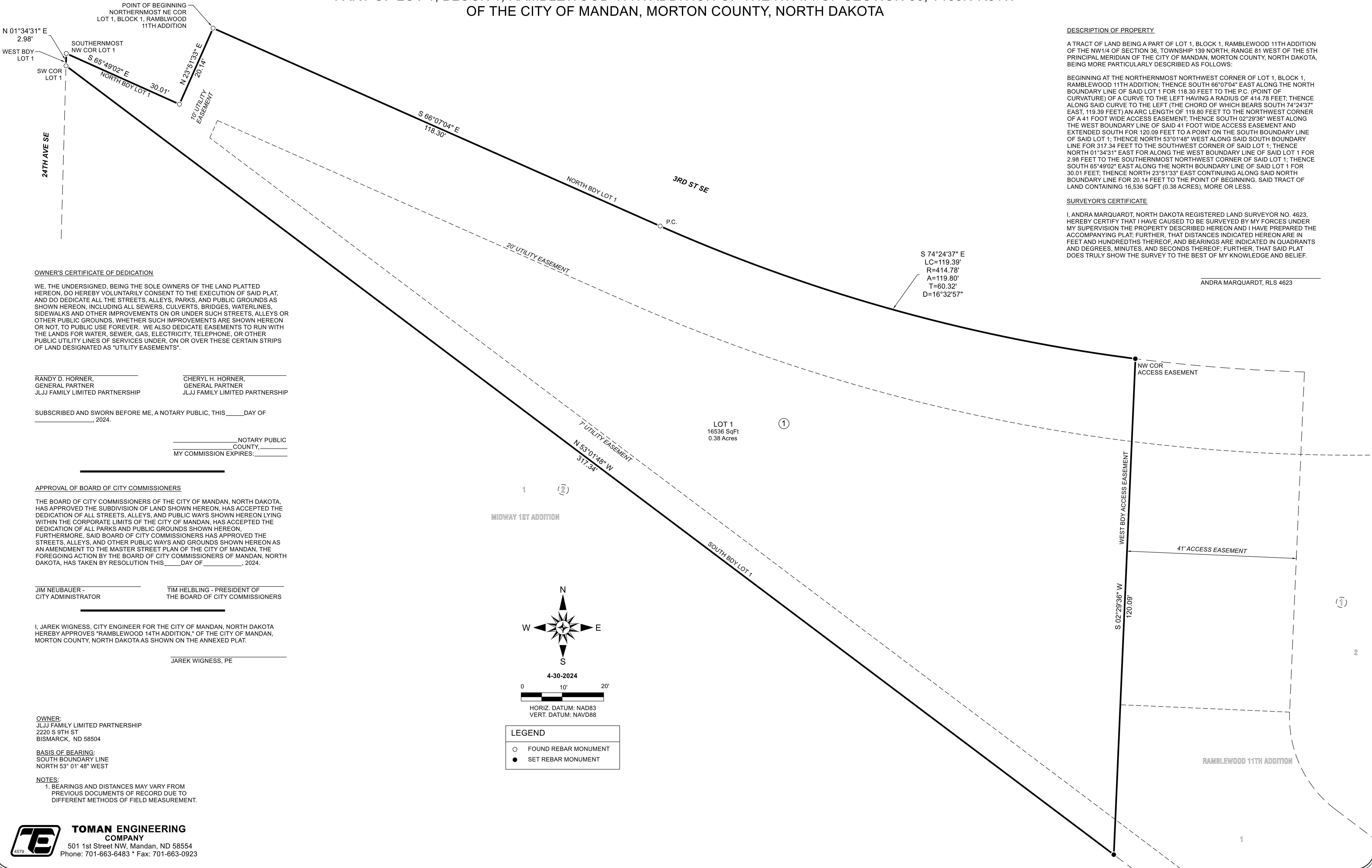
This is a duplicate application

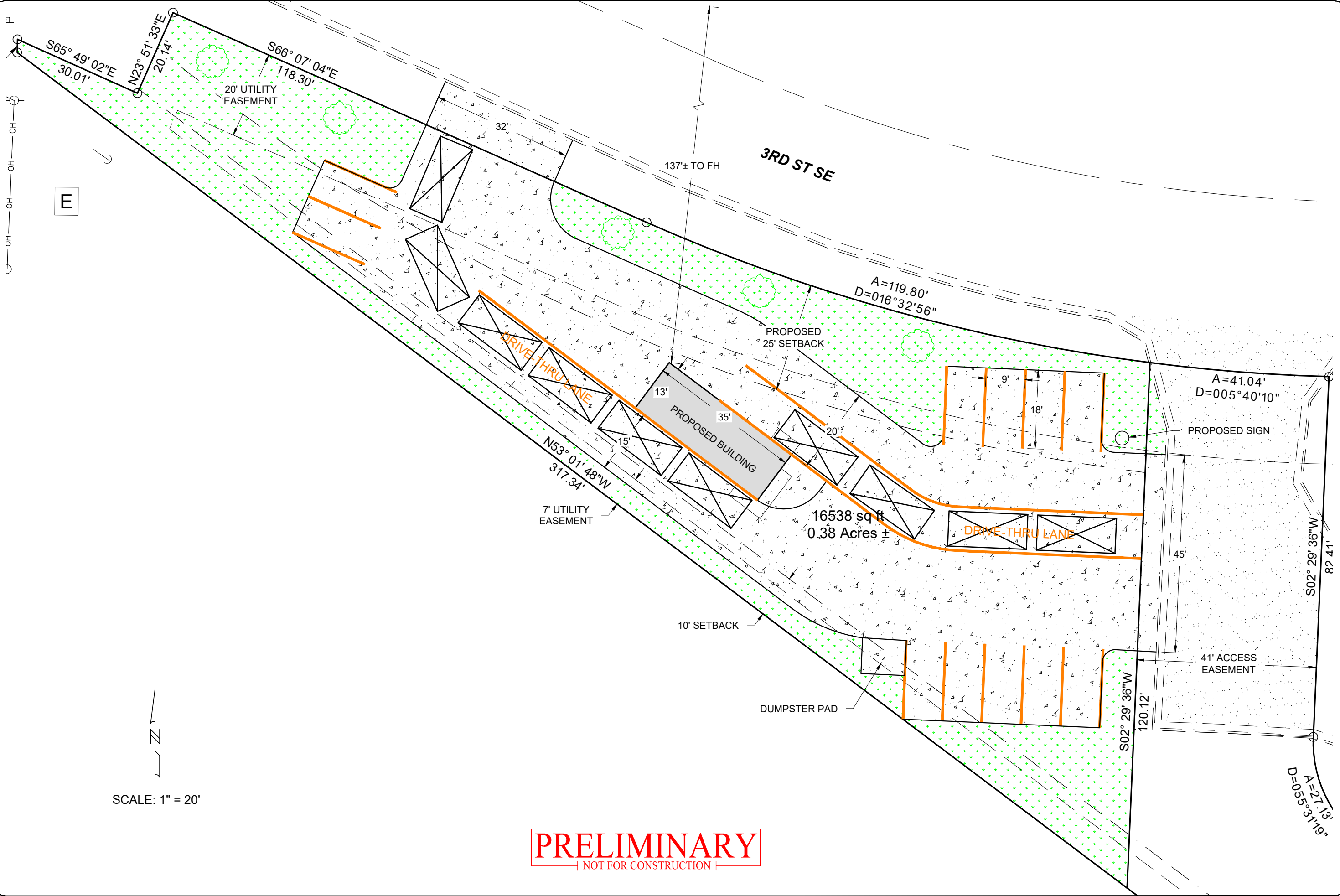
RAMBLEWOOD 14TH ADDITION

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

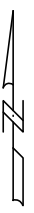
PART OF LOT 1, BLOCK 1, RAMBLEWOOD 11TH ADDITION OF THE NW1/4 OF SECTION 36, T139N-R81W

OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA





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
TECO © 2024 ALL RIGHTS RESERVED
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.



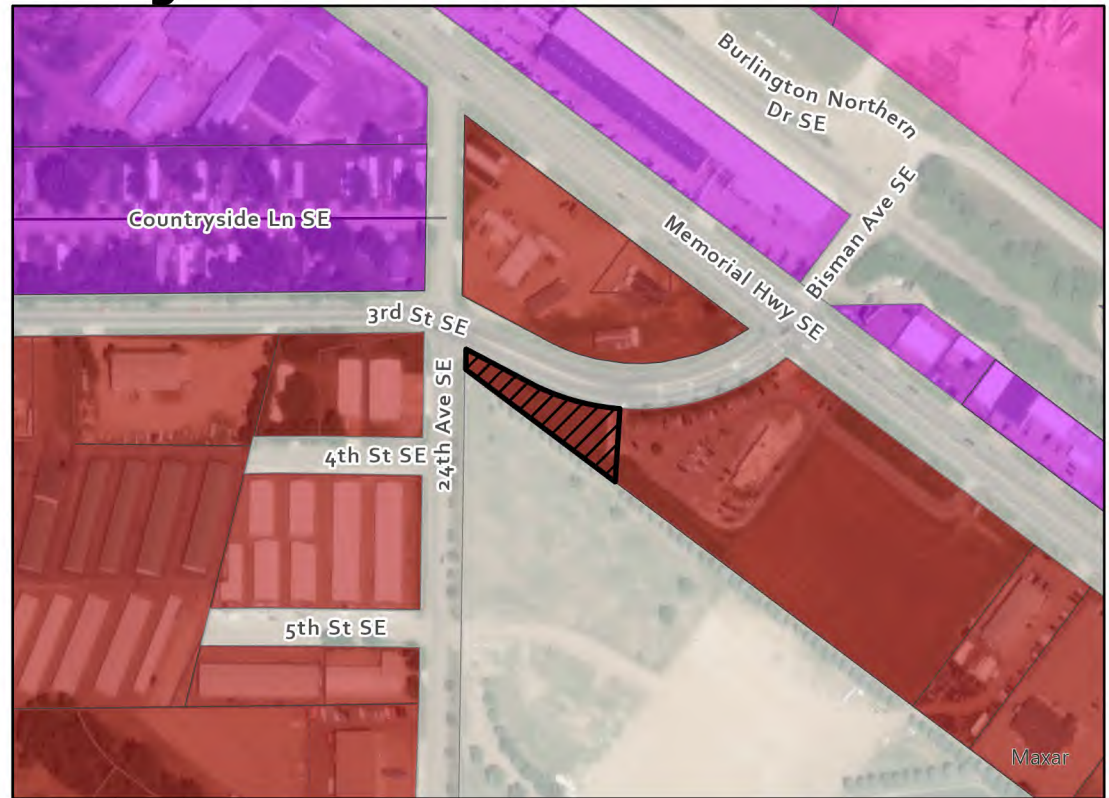
Zoning and Future Land Use Reference Map

Daily Perks

Zoning

Zoning Map Key

- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- 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 21, 2024
PREPARATION DATE: May 15, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consideration of a minor plat for Riverside 2nd Addition.

STATEMENT/PURPOSE:

Brenda Wiese requests approval of a minor plat to be named Riverside 2nd Addition.

BACKGROUND/ALTERNATIVES:

Brenda Wiese requests consideration of a minor plat to be named Riverside 2nd Addition. Said property is 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, Township 139, Range 81.

Project Overview

This item was before the board on May 7th as a variance request, which was denied. The project has since evolved away from the original request and will not consist of two buildings constructed as residential dwellings with oversize attached garages, commonly known as "shouses" which results in the project being able to be administratively approved. As there are underlying lots in this area that remain, the property still needs to be re platted in order to combine these lots for the future construction of the two separate "shouses", each which would be on their own lot.

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.

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.

**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.

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:

Staff recommends approval of the minor plat.

SUGGESTED MOTION:

I move to approve the minor plat of Riverside 2nd Addition.

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

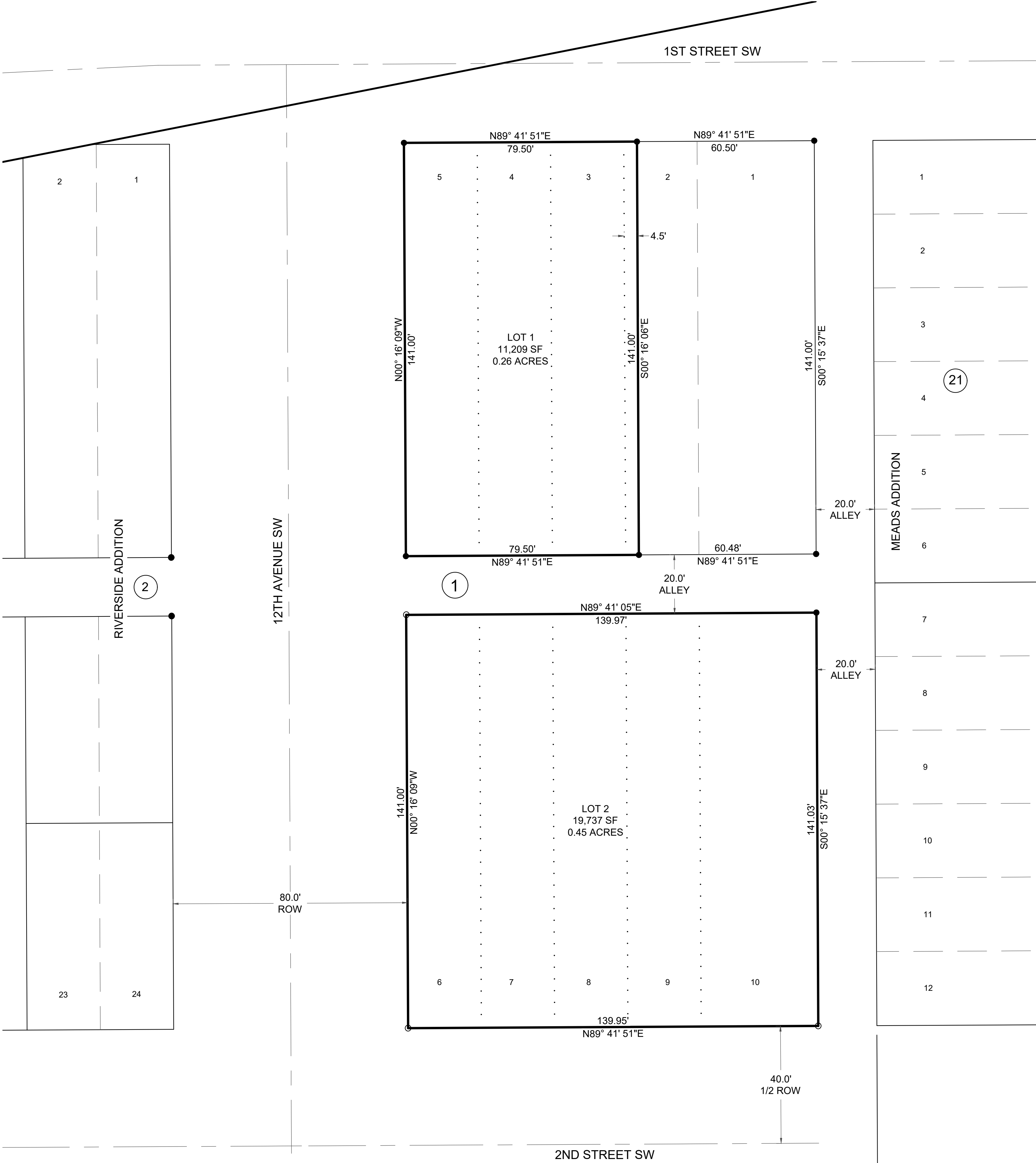
Variance

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.

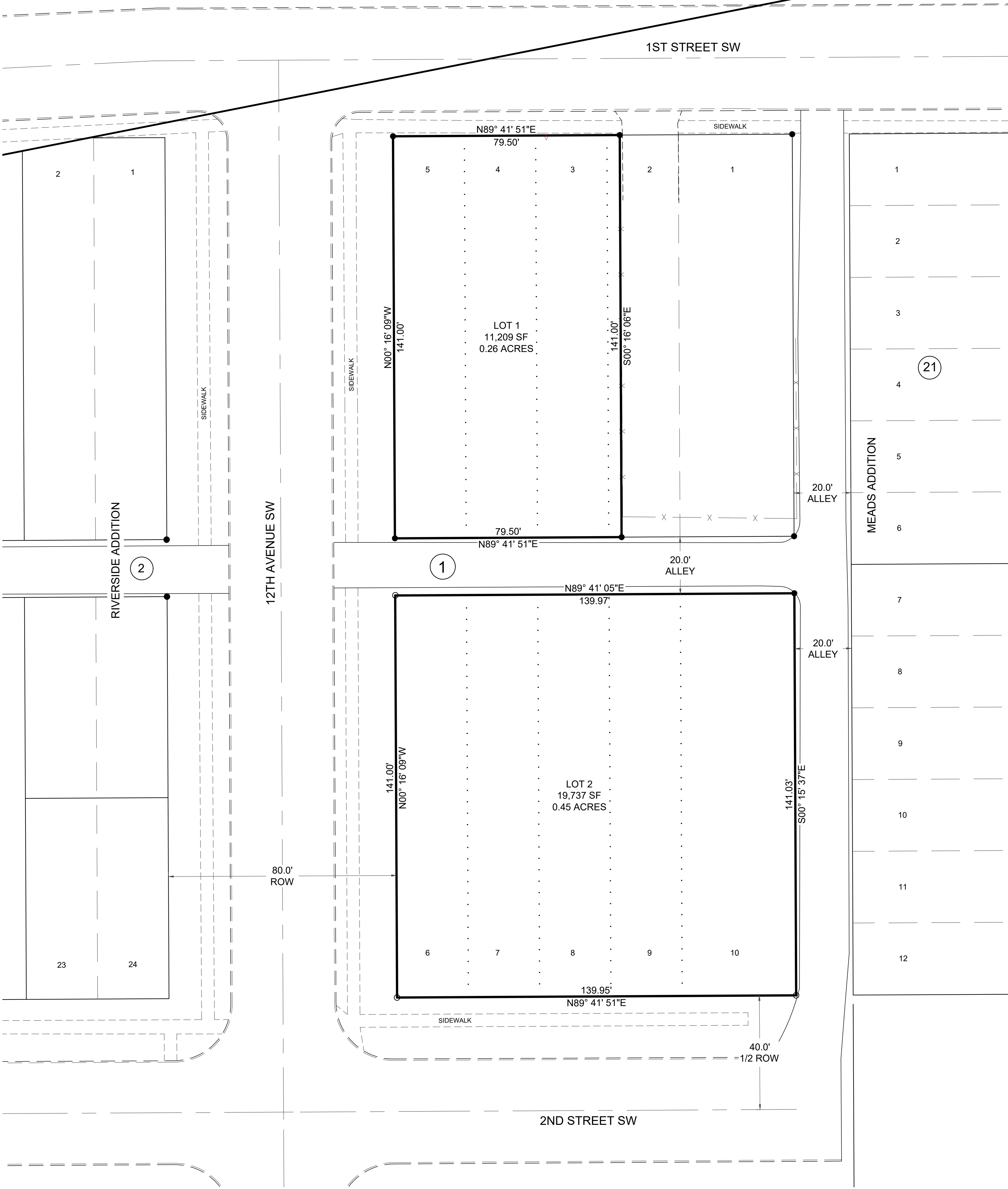
RIVERSIDE 2ND ADDITION
ALL OF LOTS 3-10
AND THE WEST 4.5' OF LOT 2
BLOCK 1, RIVERSIDE ADDITION
IN SE 1/4, SEC. 28-139-81
MANDAN, NORTH DAKOTA

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
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.

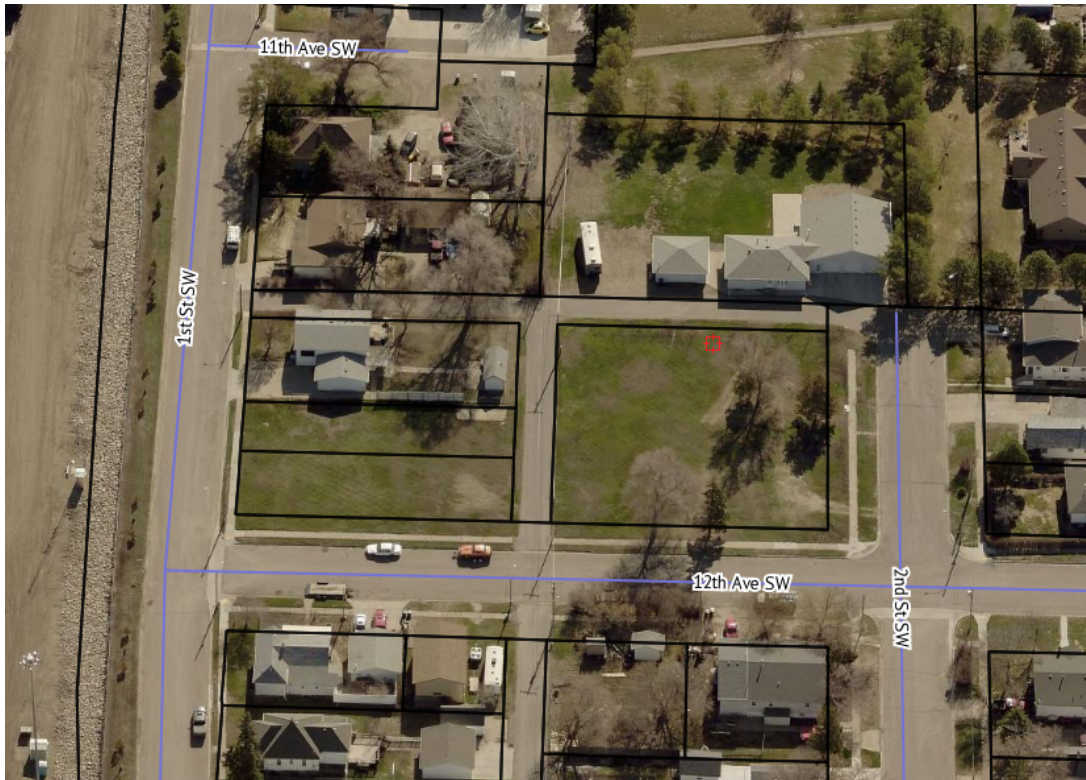
RIVERSIDE 2ND ADDITION
ALL OF LOTS 3-10
AND THE WEST 4.5' OF LOT 2
BLOCK 1, RIVERSIDE ADDITION
IN SE 1/4, SEC. 28-139-81
MANDAN, NORTH DAKOTA

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

JOB NUMBER: 24023
DWG REVISION DATES

Independent
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.



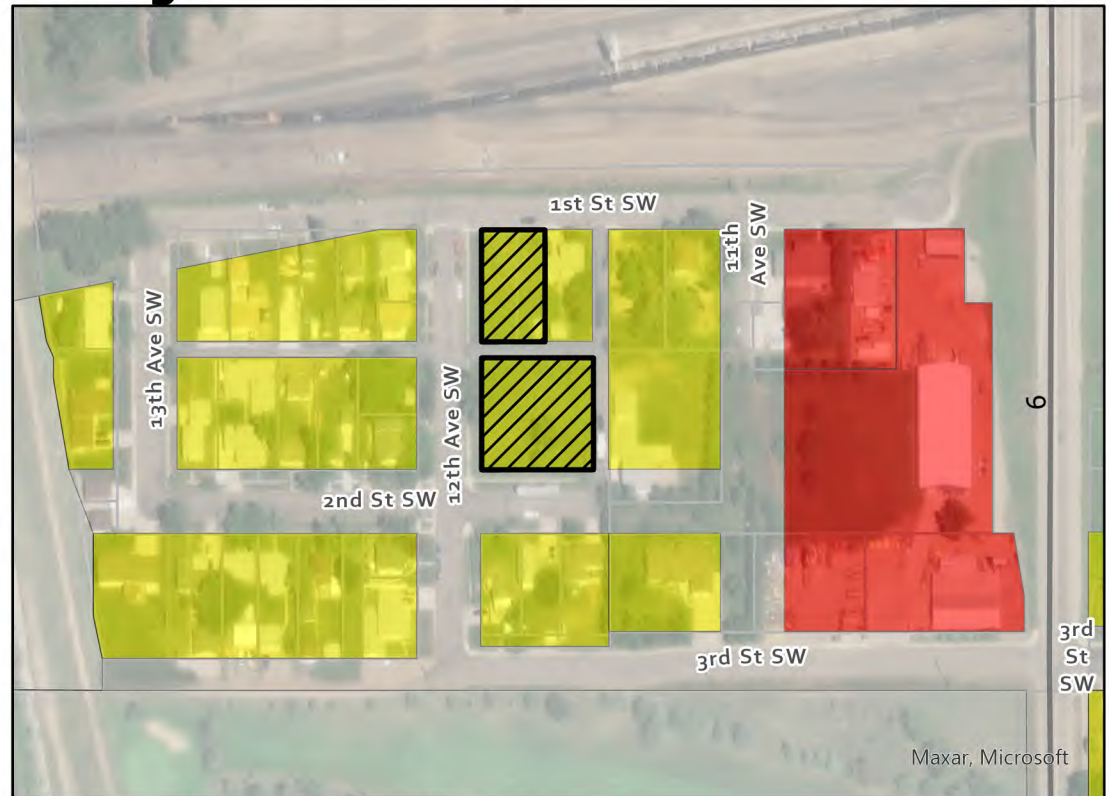
Zoning and Future Land Use Reference Map

Riverside 2nd Addition

Zoning

Zoning Map Key

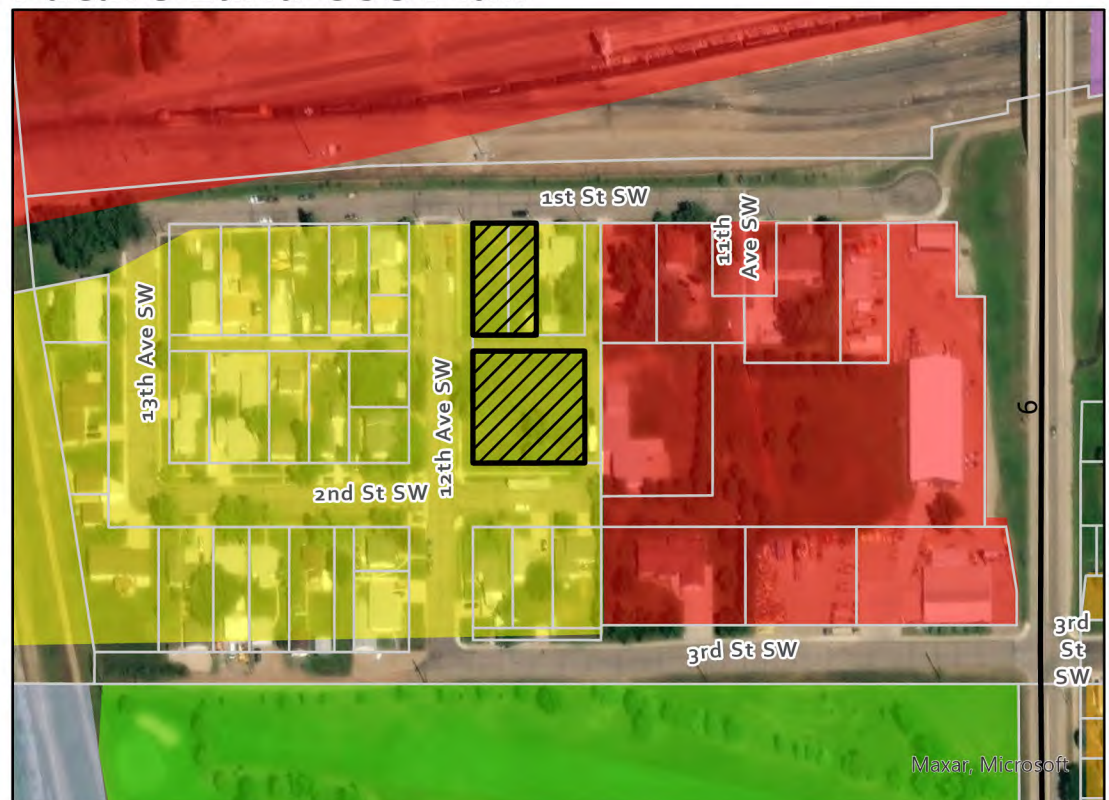
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light 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 21, 2024
PREPARATION DATE: May 16, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider approving sole sourcing and pre-negotiating for the paste slakers on the Water Treatment Plant Phase III Optimization Project.

STATEMENT/PURPOSE:

To consider and possibly approve sole sourcing Merrick Industries, Inc. as the paste slaker equipment manufacturer for the WTP Phase III Optimization Project and pre-negotiating equipment pricing.

BACKGROUND/ALTERNATIVES:

The Water Treatment Plant (WTP) currently operates two (2) 1,000 lb/hr Merrick Paste Slakers to feed lime for the softening process. As part of the WTP Phase III Optimization Project, the existing paste slakers will be replaced since they are nearing the end of their useful life. The project is currently in the final design phase.

Earlier in the design phase, major manufacturers for this type of lime feed equipment were identified. Two manufacturers (Merrick and one other) were identified with technology like that currently used at the WTP. The other slaker manufacturer was vetted by WTP staff and staff preferred Merrick slakers to maintain consistency in operations, potentially reduce costs by reusing existing components/controls, and to limit downtime during construction. Budgetary costs were received from both manufacturers and were similar in magnitude (anticipated cost between \$350,000 to \$425,000).

ATTACHMENTS:

None

FISCAL IMPACT:

The budget for the project included replacement of the existing slakers and there is no

impact currently. Final costs of the equipment will be realized once the design is complete and costs are pre-negotiated.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

RECOMMENDATION:

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

SUGGESTED MOTION:

I move to approve sole sourcing Merrick Industries, Inc as the paste slaker equipment manufacturer for the Water Treatment Plant Phase III Optimization project and to authorize staff to pre-negotiate pricing for this equipment.



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 16, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider 1806 Mill and Overlay Preliminary Engineering Reimbursement Agreement

STATEMENT/PURPOSE:

To review and possibly approve a preliminary engineering reimbursement agreement with the North Dakota Department of Transportation (NDDOT), related to Highway 1806 from 3rd Street SE to 19th Street SE.

BACKGROUND/ALTERNATIVES:

The NDDOT created a preliminary scoping document for a project on highway 1806 from 3rd St SE to 19th St SE. The scoping document called out multiple concerns with the current roadway. The proposed project includes a mill & overlay with accessibility improvements, which should remediate the existing roadway distress.

ATTACHMENTS:

1. Engineering Reimbursement Agreement

FISCAL IMPACT:

If we enter into this agreement and the NDDOT proceeds with project design, the City would be responsible for reimbursing engineering costs if we wanted the project to halt. If the project progresses to construction, the city would participate in improvements made outside the NDDOT right of way. All estimates for the project are very preliminary at this stage.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

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

RECOMMENDATION:

To enter into the agreement as presented

SUGGESTED MOTION:

I move to enter into the Preliminary Engineering Reimbursement Agreement with the NDDOT, as presented.

MEMO TO: Chad Orn
Deputy Director of Planning

FROM: Ardin Striefel, 328-2559
Local Government Division

DATE: 4/9/2024

SUBJECT: Preliminary Engineering Reimbursement Agreement for Project
NHU-1-806(059)068 - PCN 24230

This contract is a Preliminary Engineering Reimbursement agreement with City of Mandan for the ND Highway 1806 from 3rd Street SE to the 19th Street SE.

Contract # 38240435

- The type of work is a mill and overlay project.
- Federal Funds will be used for Preliminary Engineering Services.
- City shall reimburse NDDOT for any costs it has incurred for the engineering services if City terminate this agreement.
- No One time changes on the standard agreement template.

38/as

Contract routing:
Ardin Striefel Contract Owner
Stacey Hanson
Paul Benning
Shannon Sauer
Jarek Wigness - Mandan City Engineer
City of Mandan Officials
Ardin Striefel
Legal
Chad Orn

NDDOT Contract No. 38240435
Project No. NHU-1-806(059)068
PCN No. 24230

**North Dakota Department of Transportation
PRELIMINARY ENGINEERING REIMBURSEMENT AGREEMENT**

This agreement is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and Mandan, North Dakota, hereinafter referred to as the City.

WHEREAS, the City agrees that NDDOT proceed with project development activities on ND Highway 1806 from 3rd St SE to 19th St SE, NHU-1-806(059)068 (PCN 24230); and;

WHEREAS, the City agrees that the project be developed in accordance with NDDOT policies and with the scope of work identified in Attachment A, attached hereto and incorporated by reference.

NOW, THEREFORE, it is agreed that NDDOT will take all necessary steps in project development to deliver an environmental document and set of design plans approved by the City, and construct the project by scheduling a bid opening at such time as funding and project completion allows.

The City agrees that should it unilaterally and voluntarily terminate this agreement by whatever means or action, it shall reimburse NDDOT for any and all costs it has incurred for engineering services under this agreement.

The City further agrees that should it request or otherwise cause a material alteration to, or a reduction of the scope of the project, it shall reimburse NDDOT for any and all costs it has incurred for engineering services under this agreement.

In the event the City fails to reimburse NDDOT, such failure shall constitute an assignment of funds, derived from the State Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the City, and that the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the City until the total thereof equals the sum billed pursuant to this agreement.

Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.

The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.



Executed by the city of Mandan, at Mandan North Dakota, the last date below signed.

APPROVED:

CITY ATTORNEY (TYPE OR PRINT)

SIGNATURE

DATE

City of

NAME (TYPE OR PRINT)

SIGNATURE

*
TITLE

DATE

ATTEST:

CITY AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota, the last date below signed.

APPROVED as to substance by:
Paul Benning

LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

SIGNATURE
04/10/24

DATE

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

DIRECTOR (TYPE OR PRINT)

SIGNATURE

DATE

*Mayor or President City Commission

CLA 17057 (Div. 38)
L.D. Approved 7-17-89; 10-23



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



NORTH DAKOTA DEPARTMENT OF TRANSPORTATION APPENDIX E OF THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes nondiscrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



PROJECT SCOPING WORKSHEET

DATE: September 14, 2022
 PRIORITY# 2027-02
 City: Mandan Street: 1806 South from N Woodland Dr. to 19th St SE
 County: Morton Length: 6,000 feet
 Proposed Improvement: Mill and overlay of road.

Cost Estimates Breakdown (in \$1,000)							
Alternate	PE	R/W	Utility	Constr.	Bridges	Misc.	Total
				875		175	1,050

Present Road: Surface Width? 40'
 Surface Type? Asphalt

On Street Parking Allowed? Present: (No) One Side Both Sides Angle Parallel
 Proposed: (No) One Side Both Sides Angle Parallel

Proposed Improvements			
ADT Present: 10,910 (2019)	Yr.: 2023	Travel Way Width:	12'/lane
ADT Design: 19,131 (at 3% annual growth)	Design Yr.: 2038	No. of Lanes:	2
Design Speed: 40 mph			
Maximum Curve: N/A		Roadway Width:	40'
Maximum Grade: approx. 10%			

Right of Way	
Will Additional ROW or easement be acquired? No	ROW acquisition by: City DOT
Has any ROW easements been acquired since 7-1-72: Undetermined.	ROW condemnation by: City DOT
Est. No. of occupied family dwelling to be displaced? None	
Est. No. business to be displaced? None	

Impacts	
Will there be any additional Impacts (Cultural and Environmental Resources):	Not Expected
Will there be any impacts to 4(f) or 6(f) properties:	Not Expected
Airports: N/A	Public Hearings: Expected
Environmental Classification (Cat-Ex, EA, EIS):	Cat-Ex
Transportation Enhancements:	Reconstructed roadway
Intermodal:	N/A
Pedestrian Needs:	None.

Railroads Crossings						
RR Name	No. Xings	No. Tracks and Type of Crossing	Daily Train Movements	Train Speed	Present Protection	Proposed Protection
N/A						

Purpose and Need Statement for Regional Projects

For regional projects the cities, *in cooperation with NDDOT district offices*, will be asked to submit a Purpose and Need Statement for each regional project proposed.

The Purpose and Need Statement should be approximately two pages in length which address the following issues:

1. When was the current street section built. Has there been any additional maintenance to the street section.

Paved in 1958. Patching in 1989 and 1992. In 1997, a reconstruct from Heart River Bridge to south of 19th Street. There is currently (2022) a concrete pavement repair project on 1806 South that doesn't include repairing asphalt pavement in the project location.

2. How many driving lanes and turning lanes does the street section currently have and what is the widths of the driving and turning lanes.

Two Lanes. One lane each Southbound and Northbound.

3. What is the condition of the pavement section.

North of Heart River Bridge the pavement is in fair to poor condition with many transverse and longitudinal cracks and patches. South of Heart River Bridge, pavement is fair with many transverse and longitudinal cracks and some rutting.

- A. If the pavement section is asphalt, is there any alligator cracking, longitudinal cracking, transverse cracking, raveling, bituminous patching or rutting.
- B. If the pavement section is concrete, is there any broken slabs, faulting, bituminous patching, joint spalling, transverse cracking, or longitudinal cracking.

4. How are the existing geometrics of the roadway?

Adequate.

5. Are there any access points to adjoining properties that present a special concern?

No

6. Are there any existing sidewalks or shared use path in place?

Yes. Pedestrian facilities on west side.

7. What is the condition of the existing storm sewer? Will any additional storm sewer work need to be done along with this project?

The existing storm and water conveyance system is fair.

8. What is the condition of the city's water and sewer line? Will any work have to be done to the city's water and sewer lines along with this project?

Not anticipated with this project.

9. Describe the existing lighting system currently in place? What type of standards and luminaires are currently being used?

The city uses LEDs. Streetlights will not be replaced for this section of repairs.

10. What intersections currently have traffic signals? Are there any locations that have a high accident rate? Are additional turning lanes needed?

There are no traffic signals within the scope of this repair.

Remarks:

Approved at the September 20, 2022 Mandan City Commission meeting.

City Engineer:

Justin Forest

Date: October 14, 2022

District Engineer:

Lay Land

Date: 10/17/22

Note: Please attach a map showing location and extent of the project.

1806 South to 19th St SE



Estimate

Mill and Overlay from Concrete Pavement by Woodland Dr to Heart River Bridge

Mill and Overlay from Heart River Bridge to 19th St SE

ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
AC Superpave (FAA 43)	2,698	Ton	\$133.51	\$ 360,196.79
Bituminous Tack Coat	1,214	Gal	\$3.90	\$ 4,734.82
Bituminous Seal Coat	24,281	S.Y.	\$8.58	\$ 208,331.93
Asphalt Removal	24,281	S.Y.	\$10.45	\$ 253,737.61
Traffic Control	1	L.S.	\$14,820.00	\$ 14,820.00
PVMT MRKNG Painted - 4" LN	21,820	L.F.	\$1.03	\$ 22,518.24
Fog Seal	2,428	Gal	\$4.55	\$ 11,047.91
Total Construction Costs				\$ 875,387.30
20% Contingency				\$ 175,077.46
Estimated Total Cost				\$ 1,050,464.76

Risk Management Appendix

Routine* Service Agreements with Sovereign Entities and Political Subdivisions of the State of North Dakota:

Parties: **State** – State of North Dakota, its agencies, officers and employees

Governmental Entity – The Governmental Entity executing the attached document, its agencies, officers and employees

Governments – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability** insurance – minimum limits of liability required of the Governmental Entity are **\$406,250 per person and \$1,625,000 per occurrence**. The minimum limits of liability required of the State are **\$406,250 per person and \$1,625,000 per occurrence**.
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$500,000 per person and \$2,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. The Governments shall have all the benefits, rights and coverages of an additional insured under these policies that shall not be limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of the Contractor. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007
Revised 11-23

Certificate Of Completion

Envelope Id: A4D88634CA864A2C933F26EEAD2819B9

Status: Sent

Subject: Contract #38240435: Please DocuSign: Preliminary Engineering Reimbursement Agreement - PCN 24230

Contract Number: 38240435

PCN: 24230

Source Envelope:

Document Pages: 11

Signatures: 1

Envelope Originator:

Certificate Pages: 4

Initials: 2

Ardin Striefel

AutoNav: Enabled

608 E Boulevard Ave

Enveloped Stamping: Enabled

Bismarck, ND 58505

Time Zone: (UTC-06:00) Central Time (US & Canada)

astriefe@nd.gov

IP Address: 165.234.92.5

Record Tracking

Status: Original

Holder: Ardin Striefel

Location: DocuSign

4/9/2024 3:13:30 PM

astriefe@nd.gov

Security Appliance Status: Connected

Pool: StateLocal

Storage Appliance Status: Connected

Pool: Carahsoft OBO North Dakota Department of

Location: DocuSign

Transportation CLOUD

Signer Events**Signature****Timestamp**

Stacey Hanson

smhanson@nd.gov

Assistant Local Government Engineer

Carahsoft OBO North Dakota Department of

Transportation CLOUD

Security Level: Email, Account Authentication
(None), Authentication

Signature Adoption: Pre-selected Style

Using IP Address: 96.2.71.153

Sent: 4/9/2024 4:24:20 PM

Viewed: 4/9/2024 8:37:02 PM

Signed: 4/9/2024 8:38:35 PM

Authentication Details

SMS Auth:

Transaction: 142bcf42-d6b5-4702-88bb-5c43151665f8

Result: passed

Vendor ID: TeleSign

Type: SMSAuth

Performed: 4/9/2024 8:36:57 PM

Phone: +1 701-527-8879

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Paul Benning

pbenning@nd.gov

Local Government Director

Security Level: Email, Account Authentication
(None), Authentication

Signature Adoption: Pre-selected Style

Using IP Address: 165.234.253.12

Sent: 4/9/2024 8:38:36 PM

Viewed: 4/10/2024 8:10:04 AM

Signed: 4/10/2024 8:10:13 AM

Authentication Details

SMS Auth:

Transaction: 0854dc06-017a-4c37-938d-75c6a62ae433

Result: passed

Vendor ID: TeleSign

Type: SMSAuth

Performed: 4/10/2024 8:09:59 AM

Phone: +1 701-214-2502

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Signer Events	Signature	Timestamp
Shannon Sauer ssauer@nd.gov Security Level: Email, Account Authentication (None), Authentication	SS Signature Adoption: Pre-selected Style Using IP Address: 165.234.253.12	Sent: 4/10/2024 8:10:16 AM Viewed: 4/10/2024 9:34:19 AM Signed: 4/10/2024 9:34:25 AM

Authentication Details

SMS Auth:
Transaction: 751abe21-0073-497f-acdf-2ae4f8982cbd
Result: passed
Vendor ID: TeleSign
Type: SMSAuth
Performed: 4/10/2024 9:34:13 AM
Phone: +1 701-426-9825

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Jarek Wigness
jarek.wigness@cityofmandan.com
Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Ardin Striefel
astriefe@nd.gov
Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Clint Morgenstern
cdmorgenstern@nd.gov
Security Level: Email, Account Authentication (None), Authentication

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Chad Orn
corn@nd.gov
Security Level: Email, Account Authentication (None), Authentication

Signer Events	Signature	Timestamp
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Ardin Striefel astriefe@nd.gov Carahsoft OBO North Dakota Department of Transportation CLOUD Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	VIEWED Using IP Address: 165.234.252.245	Sent: 4/9/2024 3:13:37 PM Viewed: 4/9/2024 4:09:46 PM Completed: 4/9/2024 4:24:20 PM
Agent Delivery Events	Status	Timestamp
Jarek Wigness jarek.wigness@cityofmandan.com Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign		Sent: 4/10/2024 9:34:27 AM Resent: 4/22/2024 6:25:38 AM Resent: 5/9/2024 7:47:47 AM Viewed: 5/9/2024 8:03:24 AM
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
DOT Legal Admin dotlegaladmin@nd.gov Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Legal Admin dotlegaladmin@nd.gov Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	4/9/2024 3:13:37 PM
Envelope Updated	Security Checked	4/9/2024 4:24:20 PM
Envelope Updated	Security Checked	4/9/2024 4:24:20 PM
Envelope Updated	Security Checked	4/9/2024 4:24:20 PM
Envelope Updated	Security Checked	4/9/2024 4:24:20 PM
Envelope Updated	Security Checked	4/9/2024 4:24:20 PM
Envelope Updated	Security Checked	4/9/2024 4:24:20 PM
Envelope Updated	Security Checked	4/9/2024 4:24:20 PM
Envelope Updated	Security Checked	4/9/2024 4:24:20 PM
Envelope Updated	Security Checked	4/10/2024 8:03:42 AM

Payment Events	Status	Timestamps
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City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 16, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider 8th Avenue NW Trail project grant acceptance

STATEMENT/PURPOSE:

To consider accepting the Transportation Alternatives (TA) Grant and commit to providing local funds for the 8th Ave NW – Mandan High School Pedestrian Trail

BACKGROUND/ALTERNATIVES:

The Transportation Alternatives (TA) program that the DOT offers recently solicited jurisdictions for project applications. The City's application for the 8th Avenue NW trail was successful. The project will complete a 1,000 feet long by 8 feet wide concrete trail paralleling 8th Ave NW from 24th St NW to 27th St NW. This project has been awarded for fiscal year 2026.

ATTACHMENTS:

None

FISCAL IMPACT:

This project has been awarded federal funding of 80.93% of the total eligible project cost. The remaining 19.07% is the City's responsibility. The City will pay the local costs up front and assess the surrounding properties for the amount. The estimated costs for the project are as follows:

<u>Estimated Project Cost</u>	<u>Federal Share</u>	<u>Local Share</u>
\$484,213	\$391,874	\$92,339

STAFF IMPACT:

Minimal

LEGAL REVIEW:

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

RECOMMENDATION:

To accept the Transportation Alternatives Grant for the 8th Ave NW Mandan High School Pedestrian trail project with the commitment to pay for the local share amount by local special assessment.

SUGGESTED MOTION:

I move to accept the Transportation Alternatives Grant, as presented.



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 16, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Lease of the Mandan Depot to Signature Events

STATEMENT/PURPOSE:

To consider for approval the lease between the City of Mandan owned Depot to Signature Events

BACKGROUND/ALTERNATIVES:

The City of Mandan issued a request for proposals and received two responses in June 2021. Signature Events was the successful applicant, and we have since been working on iterations of the lease which accommodates the City, Mandan Progress Organization and Signature Events. Discussions have been held with all parties involved and thus the additional time it has taken to finalize the lease arrangements.

Highlights of the lease include:

- Term = June 1, 2022, through Dec. 31, 2027
- Option to renew for a five-year term, to exercise the option, notice to do so must be by Nov. 1, 2025. The dates may seem unusual. However, due to the nature of the event planning business, bookings two years in advance, adequate notice is required for both parties.
- Rent = \$2,000/month, tenant pays utilities, taxes, special assessments, etc. rent increases 3% each year.
- Share use with Mandan Progress Organization is outlined in the lease.

ATTACHMENTS:

1. 2021-05-21 Lease Agreement - Signature Events

FISCAL IMPACT:

Signature Events is current in rental payments and has been following the schedule for payments outlined in this lease.

STAFF IMPACT:

minimal

LEGAL REVIEW:

City Attorney Oster has been involved of the drafting of the lease as presented.

RECOMMENDATION:

I recommend approval of the lease agreement between the City of Mandan and Signature Events LLC as proposed.

SUGGESTED MOTION:

I move to approve the lease agreement between the City of Mandan and Signature Events LLC as proposed.



Lease Agreement between City of Mandan

&

Signature Events LLC

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LEASE AGREEMENT

THIS LEASE AGREEMENT is entered into effective June 1, 2022, between the **City of Mandan**, a municipal corporation, whose post office address is Mandan City Hall, 205 Second Avenue NW, Mandan, ND 58554, herein referred to as “**City**,” and Signature Events LLC, whose post office address is 401 West Main Street, Mandan, ND 58554, hereinafter referred to as “**Tenant**.”

1. Recitals

- 1.1. City is the owner of the following described land and building located at 401 West Main Street, Mandan, ND 58554:

Lot 5, Block 1, BNSF Commercial Park 3rd Addition to the City of Mandan, Morton County, North Dakota.

- 1.2. Tenant desires to lease said land owned by City for the purpose of operating a business in the former “Depot” building.

- 1.3. This Lease and any amendments or addendums thereto is contingent upon the approval of the Board of City Commissioners.

In consideration of the mutual covenants contained in this Lease Agreement, the Parties agree to the following:

2. Description of Premises

- 2.1. City leases to the Tenant the following-described land and Depot:

Lot 5, Block 1, BNSF Commercial Park 3rd Addition to the City of Mandan, Morton County, North Dakota.

The certain premises leased to Tenant shall hereinafter be referred to as “Leased Premises.”

3. Purpose of Lease and Tenant’s Use of Premises

- 3.1. The Leased Premises is to be used by Tenant for the purpose of operating the Signature Events business in the former “Depot” building, or upon approval of the governing board of the City, for other legitimate uses permitted within the CB Restricted Zoning District of the City of Mandan. The use of the premises is subject to the conditions contained in this Lease Agreement.

- 3.2. Tenant may make improvements to the Leased Premises with the consent of the City. In the event the improvement adds to the usability, appearance, and

utilization of the Leased Premises, the parties may agree to an adjustment to the rent to account for the value of said improvements.

4. Term of Lease

- 4.1. The term of this lease is for a period beginning June 1, 2022, and terminating on December 31, 2027. The Board of City Commissioners of the City of Mandan in approving this period has by resolution determined that due to the nature of the property or its use and its appurtenant fixtures or equipment and necessary improvements, a longer term lease is required to assure the success of the enterprise or use.

5. Option to Renew

- 5.1. Thereafter the Tenant shall have the option to renew this Lease Agreement for a five-year term. The monthly rental amount will continue to increase 3% per year for each year of the renewal agreement, unless the Board of City Commissioners determines that economic or market conditions require a lesser or greater annual percentage of increase.
- 5.2. To exercise the option to renew, Tenant must give the City written notice of its intention to do so by November 1, 2025, or this Lease Agreement shall terminate on December 31, 2027.

6. Rent and Late Fees

- 6.1. Tenant shall pay rent during the initial lease term as follows:

The sum of \$2,000 per month, commencing on June 1, 2022. The monthly rental amount will increase 3% on January 1 of each year (beginning on January 1, 2024), unless the Board of City Commissioners determines that economic or market conditions require a lesser or greater annual percentage of increase.

- 6.2. Tenant will pay rent to the City in monthly installments payable on the first day of each month. Payments made later than ten (10) days after the due date will be assessed a \$20.00 late fee. Rent payments shall be made payable to the City of Mandan and sent to the City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554.

7. Utilities, Services & Taxes

- 7.1. Tenant shall pay for all utilities, including water and sewer service, gas, electricity, and garbage disposal.

- 7.2. Tenant will pay or reimburse City of the annual real estate taxes and special assessments if any, attributable to Tenant's use of the leased premises.

8. Snow Removal & Grass Areas

- 8.1. Tenant is responsible for snow removal on sidewalks.
- 8.2. City is responsible for snow removal in the horseshoe area on the north side of the property.
- 8.3. City is responsible for mowing grass areas on the north and south side of the Depot.

9. Shared Use with Mandan Progress Organization ("MPO")

Tenant agrees to share the leased premises on a limited basis with MPO. Shared use shall be as follows unless other arrangements are made and agreeable to Tenant and MPO. Tenant and MPO may additionally enter into separate agreement(s) in writing concerning the shared use. In the event of any conflict between such agreements and this Lease Agreement as to the rights and obligations of Tenant and City under this Lease Agreement, this Lease Agreement shall control and supersede any inconsistency, conflict, or ambiguity.

- 9.1. The annual dates for events requiring shared access are set forth below. One week prior to any event requiring shared access, MPO must provide a copy of the applicable event insurance to Tenant for the portion of the property being used, with Tenant listed as an additional insured.

<u>Event</u>	<u>Signature Events</u>	<u>MPO</u>
Touch A Truck Third Saturday in May	Tenant requires access to east sidewalk at all times and sidewalk in front of building	MPO access to the area adjacent to the curb on the Horseshoe Loop
Buggies-N-Blues Second full weekend in June (Saturday & Sunday) 4 th of July Celebration July 2, 3, and 4th	Tenant access to sidewalk in front of building and Horseshoe Loop except the area MPO has access to.	MPO access to the area adjacent to the curb on the Horseshoe Loop
Holiday Lights	Horseshoe Loop is open to the public other than when the area is coned off by Signature Events due to an event.	Horseshoe Loop is open to the public other than when the area is coned off by Signature Events due to an event.

10. Liability and Property Insurance

- 10.1. Tenant shall purchase and at all times maintain comprehensive general liability insurance containing standard coverage against any and all injury to person or property in an amount of at least \$1 Million Dollars, and including what is commonly known as supplemental contract or extended coverage, which includes the City as a named insured.
- 10.2. Tenant shall purchase and at all times maintain during the terms of this lease agreement, at its own cost and expenses, personal property insurance coverage against any and all damage to furnishings, wall coverings, equipment, fixtures, accessories, appliances and other property located within the leased premises. The personal property insurance shall include what is commonly known as supplemental contract or extended coverage, which includes the City as a named insured. The personal property insurance shall be in an amount equal to the replacement value of the furnishings, wall coverings, equipment, fixtures, accessories, appliances and other property, which policy and replacement value shall be reviewed annually by the Tenant so as to maintain adequate coverage at all times. A written statement of this annual review shall be endorsed by the Tenant and its insurance agent and shall be filed with the City Administrator's Office of the City of Mandan.
- 10.3. The comprehensive general liability coverage shall name the City as additional insured for all claims arising out of the performance of the Parties' obligations under this Lease Agreement. The coverage shall also waive any claim of premium or commissions against the City. Finally, the coverage provided to the City as an additional insured shall be independent of and not limited by any contractual indemnity running in favor of the City. The coverage shall be primary without right of contribution from any other insurance carried by the City. Certificates of insurance for the comprehensive liability insurance, personal property insurance and blanket contractual coverage shall be furnished by the insurance agency handling such policies.

11. Waiver of Rights of Subrogation

- 11.1. The Tenant shall waive any and all rights of recovery, claim, action, or cause of action against the City and its officers, employees, and agents for any loss or damage that may occur to any person or property by reason of any cause which is insured against under the terms of the general liability, personal property, or blanket contractual liability policies, regardless of cause or origin, including the negligence of the City, its officers, employees, or agents and to include in any standard liability policy a clause or endorsement to the effect that any such waiver

shall not adversely affect or impair said policies or prejudice the right of the party granting such waiver to recover thereunder. The provisions of this paragraph are in addition to and not meant to limit the applicability of any other provision of this Lease Agreement.

12. Indemnification of City

- 12.1. Tenant agrees to defend, indemnify, protect and save the City against any and all claims, demands, suits, damages, liabilities, judgments, losses, and fines, penalties, costs or expenses of whatever kind or nature, including attorney's fees, directly or indirectly, arising out of the Tenant's operation and use of the land, including but not limited to those relating to:

12.1.1. Injury to person and property;

12.1.2. Tenant's operating policies, rules, and regulations;

12.1.3. Tenant's employment, contract, and rental disputes;

12.1.4. Failure by Tenant to perform any of the terms or conditions of this Lease Agreement;

12.1.5. Failure by Tenant to comply with any law or regulation of any governmental authority,

12.1.6. Any construction lien or security interest filed against the Leased Premises or equipment, materials, or alterations of the leased premises or improvements thereon which shall result from the action of Tenant, whether occurring from negligence, contract or any other source, and regardless of fault on the part of the Tenant, shall be an event of default.

- 12.2. The foregoing obligation is in addition to and not limited by any requirement on the part of the Tenant to purchase and maintain specified insurance coverages.

13. Liens

- 13.1. Tenant shall keep the leased premises free and clear of all liens arising out of any work performed, materials furnished, or obligation incurred by Tenant.

14. Compliance with Lease and Laws

- 14.1. Tenant shall not cause or allow any undue waste on the leased premises and shall comply with all applicable laws and ordinances respecting the use and occupancy of the leased premises relating to matters not covered elsewhere in this Lease Agreement.

15. Parking

- 15.1. The parties agree that a portion of the Parking Lot as designated on the attached Exhibit shall be for handicapped and public parking of customers of the Tenant and shall be subject to such parking regulations as the City may impose. Tenant may cone off area during events, or place covers over public parking signs to indicate Tenant parking.

16. Assignments, Sales and Subleases of Leased Premises

- 16.1. City may assign management of Lease to a third party if agreed to by all parties.
- 16.2. Tenant shall not assign, sell or sublet the Leased Premises or any part thereof or interest therein, without the prior written consent of the City. Any attempt to assign, sell or sublet without the consent of the City shall be deemed a default by Tenant, entitling City to re-enter and occupy the Leased Premises.

17. Default of Tenant

- 17.1. If any rents are reserved, or any part thereof, or any charges due, or if Tenant violates or defaults in any of the provisions of this Lease Agreement, the City may cancel this Lease Agreement by giving notice as required under this Lease Agreement, and City may re-enter and take possession of the Leased Premises.

18. Assignments, Sales and Subleases of Leased Premises, Termination and Surrender

- 18.1. Tenant shall surrender the leased premises to the City:
- 18.2. Within thirty (30) days of receipt of the default and termination notice by certified mail, or if undeliverable,
- 18.3. Within thirty (30) days of posting of the notice of default on the front door of the leased premises, or

18.4. On the last day of the term of this Lease Agreement.

18.5. Upon surrender, the leased premises shall be in as good a condition as when the Tenant took possession, except for ordinary wear and tear, loss by fire or other unavoidable casualty, or loss by any cause beyond the Tenant's control.

19. Notices

19.1. Except where otherwise required by state statute, all notices given pursuant to the provisions of the Lease Agreement may be sent by certified mail, postage prepaid, return receipt requested, to the last known mailing address of the party for whom the notice is intended. If delivery cannot be made to Tenant by certified mail, the City may cause notice to be made by posting of the notice on the front door of the leased premises. Notices to City shall be addressed to City Administrator, City Hall, 205 2nd Avenue NW, Mandan, ND 58554. Notices to Tenant shall be addressed to Signature Events, 401 West Main Street, Mandan, ND 58554.

20. Waivers

20.1. The failure of City to insist on strict performance of any of the terms or conditions hereof shall be deemed a waiver of the rights or remedies that the Parties may have regarding that specific instance only, and shall not be deemed a waiver of any subsequent breach or default in any terms or conditions hereof.

21. Succession

21.1. This Lease Agreement shall benefit and be binding upon the City and the Tenant and their respective heirs, legal representatives, successors, and assigns.

22. Applicable Law

22.1. This Lease Agreement shall be governed and construed in accordance with the laws of the State of North Dakota.

23. Amendments or Modifications of Lease Agreement

23.1. This Lease Agreement may be modified or amended at any time by the written agreement of the Parties.

IN WITNESS WHEREOF, The Parties to this Lease Agreement have signed the day and date first above written.

THE CITY OF MANDAN

SIGNATURE EVENTS

By: _____

By: _____

Tim Helbling, President of the
Board of City Commissioners

Title: _____

ATTEST:

James Neubauer, City Administrator



Exhibit of Property Lease Mandan Depot Property

Lot 5, Block 1, BNSF Commercial Park 3rd Addition
401 West Main Street, Mandan, ND



Lease

Feature

- City Property
- Depot Lease Area
- MPO Event Use

0 90 180 360 Feet



Feature	Square Feet*
City Property	360sf
Depot Lease Area	26,000sf
MPO Event Use	1,800sf

**square footage is calculated using measurement tools in City GIS data and does not represent a survey.*



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 17, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: *Consider approval of the special event permit for the Pre-Summer Kick-off Party*

STATEMENT/PURPOSE:

Consider approval of the special event permit for the Pre-Summer Kick-off Party

BACKGROUND/ALTERNATIVES:

Stage Stop Liquors is holding an outdoor summer event with music and a foam machine. See attached special event permit.

ATTACHMENTS:

1. Stage Stop Liquor - Summer Kick Off Party - signed

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

I recommend approving the special event permit for Stage Stop Pre-Summer Kick-off Party

SUGGESTED MOTION:

I move to approve the Special Event Permit on June 6-9, 2024

City Commission

Agenda Documentation

May 21, 2024

Subject: *Consider approval of the special event permit for the Pre-Summer Kick-off Party*

Page 2 of 2

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

PD ch 2500
check 11561
5-6-24
Jm

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: 05/06/2024

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: Jamie Haff

Driver's License Number: HAF-76-4835 State N.D.

Date of Birth: 06/03/1976 Phone Number: 701-202-1065 Email: jamiehaff1@gmail.com

Address: 111 oakes ave City: Mandan State: M.D. 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: 611 6th ave se City: Mandan State: N.D. Zip: 58554
Corporation/Organization: Stage Stop Liquors State of Incorporation: N.D.
Tax ID #: 30-1090561 501(c)3 #: _____ City Sales Tax ID #: 33951733
Have you ever coordinated/promoted another event/s? ☒ YES ☐ NO

If yes, please provide the following:

Last event/s Location: 611 6th ave se Date: 06/09/2023
Contact Name: Luke Clausen Phone: 701-260-3412
E-mail Contact: lclausen@dtcenergygroup.com

Section 2 – Event Information

Event Name: Pre summer kick off party Anticipated Daily Attendance: 500
Event Date(s): 06/07/2024 thru 06/09/2024 Set-up Date: 06/07/2024 Hours: 7 hours
Hours of event each day: 6pm to 12:45 am
(begin and end times)
Take Down Date(s): 06/09/2024 Hours: 5
E-Mail address for public information: info@stagestopsaloon.com
WEB address for public information: stagestopsaloon.com
Location of Event/physical address: 611 6th ave se Mandan, N.D. 58554
Sponsors of the Event: _____
Brief Description of Event:
Outdoor summer event with music, *Foam Party. Foam machine will create foam*
approx. 2-3 feet high. SEE ATTACHED DOCUMENTS.

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? 96.5 fm _____

TV: ☐ Yes ☒ No What Stations? _____

Fliers/Posters: ☒ Yes ☐ No How many? 10 _____

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: _____

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: 2 _____

(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: Stage Stop _____

Contact phone: 701-202-1065 _____

Restroom Accommodations: Spiffy Biff _____

Number of required portable toilets: 4 _____

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: Stage Stop
Contact phone: 701-202-1065

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: _____ 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 _____

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: _____

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?

21 and older will be identified with wristbands.

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

If yes, who provided the training: Jamie Haff, General Manager at Stage Stop

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: Bisman security 701-223-2328

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?

We will be using our own waste containers and company for removal.

(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 _____ 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

<u>Mitch L. Bitz</u> Mitch L. Bitz (May 7, 2024 15:50 CDT)	<u>05/07/24</u>	☒	Approved	☐	Denied	☐	Conditional—See Narrative
Fire Department	Date						
<u>Patrick Haug</u> Patrick Haug (May 7, 2024 15:59 CDT)	<u>05/07/24</u>	☒	Approved	☐	Denied	☐	Conditional—See Narrative
Police Department	Date						
<u>[Signature]</u> [Signature]	<u>17/05/24</u>	☒	Approved	☐	Denied	☐	Conditional—See Narrative
Engineering Department	Date						
<u>Brian Dirk</u> Brian Dirk (May 7, 2024 15:36 CDT)	<u>05/07/24</u>	☒	Approved	☐	Denied	☐	Conditional—See Narrative
Public Works	Date						

Fire Department Narrative:

Police Department Narrative:

Engineering Narrative:

Public Works Narrative:

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.

- 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 entertainment for June 7th is slow burn starting at 6pm and rock creek starting at 9pm.

The entertainment for June 8th a dj method entertainment starting at 6pm

Bismarck Mandan Security
Special Event Request

Company Name:

Stage Stop Saloon and Grill

Date: 4/30/2024

Address:

611 6th Ave. SE

Contact Name:

Jamie Haff

Address:

Telephone:

701-202-1065

City /State /Zip:

Mandan, ND 58554

Email:

jamiehaff1@gmail.com

Billing Address if Different than Above:

Event Start Date:

See Comments

Event End Date:

See Comments

Location:

Stage Stop Saloon and Grill: 611 6th Ave. SE, Mandan

Hours Wanted:

09:00pm -01:00am

Days Wanted:

See Comments

Number of Guards:

2

Patrol Type:

Unarmed Uniformed Guard

Hourly Rate:

\$38.00

Mileage:

Travel Rate:

Comments:

June 07th and 08th: (2) Guards /09:00pm -01:00am.....\$304.00

July 03rd: (2) Guards /09:00pm -01:00am.....\$304.00

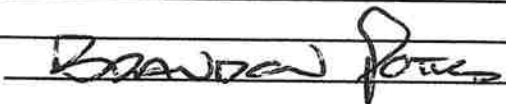
July 05th and 06th: (2) Guards /09:00pm -01:00am.....\$304.00

July 27th: (2) Guards /09:00pm -01:00am.....\$304.00

Total Billing:

Other:

Signature:



Bismarck Mandan Security

Revised: 09/30/2020



1414 Continental Ave. Bismarck, ND 58504

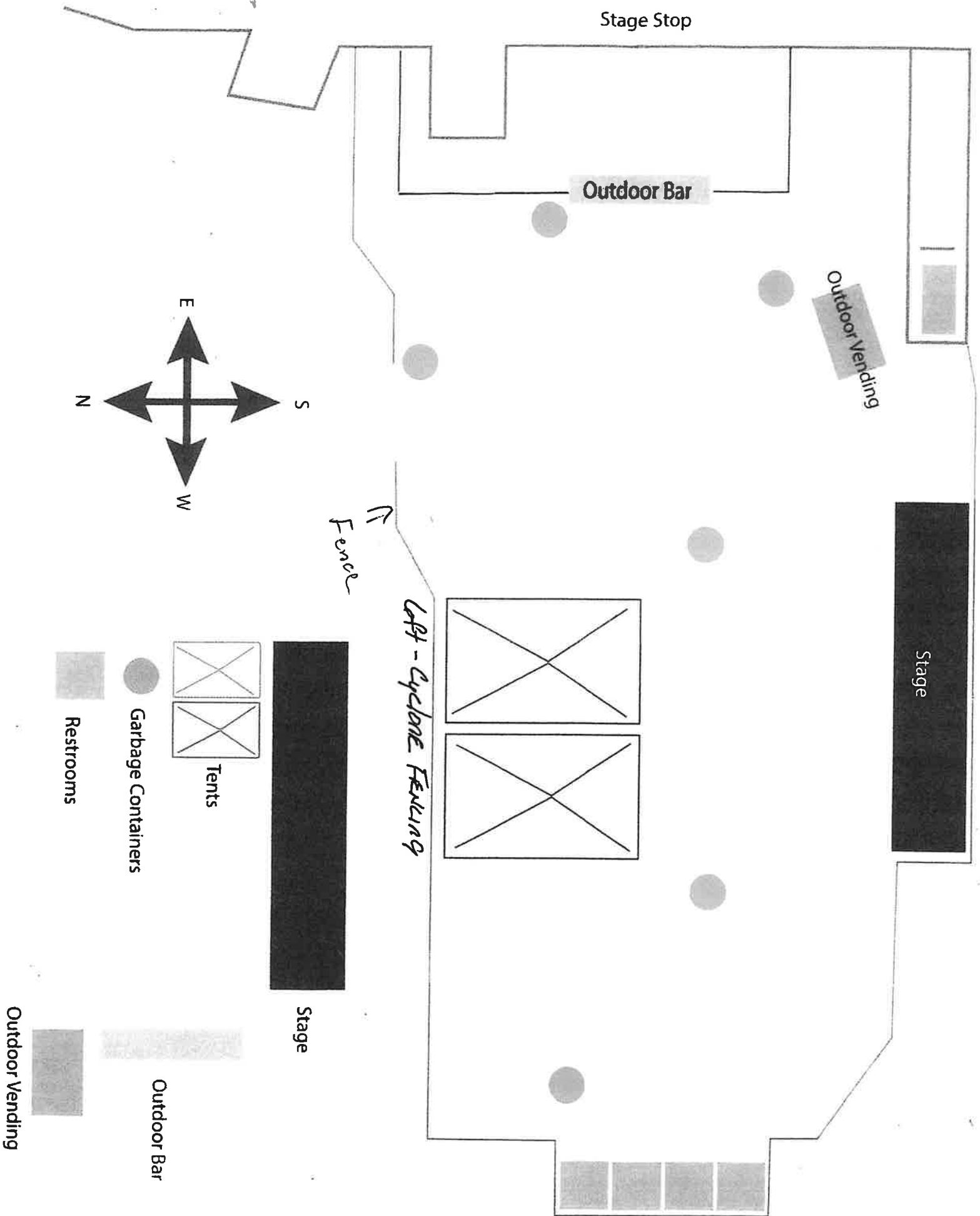
To Whom it May Concern,

Spiffy Biffs will be providing portable toilets for events at Stage Stop Saloon & Grill located at 611 6th Ave SE, Mandan, ND 58554 for the following dates in 2024: June 7-8, July 3-7, and July 26-28. We will provide toilets according to event attendance projections and type of activities as described by the event coordinators.

A handwritten signature in blue ink that reads "Lillian Hansen".

Lillian Hansen, Office Manager





MATERIAL SAFETY DATA SHEET

Section 1 Identification

Manufacturer: Partymachines.com
Address:..... 9701 Brown Ln suite C 308
Austin, TX 78754

Emergency Phone Numbers: 911

Effective Date: 06-19-2006
Revised Date: NA

Trade Name: Dr. Party's Dance Foam Concentrate
Chemical Type: Water Base
Chemical Formula: Proprietary

Section 2 hazardous Ingredients / Identity information

Components	Pct.	ACGIH TLV	(OSHA PEL)
------------	------	-----------	------------

NONE (ingredients are non-toxic / biodegradable)

Section 3 Physical Data

Boiling point:	212 F	Specific Gravity (water=1)	1.000
Vapor Pressure (mm Hg.)	NA	Melting point	NA
Vapor Density (AIR-1)	NA	Evaporative Rate (water=1)	1.00
Solubility in WATER	Complete		

Appearance and Odor: Clear, Colorless / mild detergent odor

Section 4 Fire and Explosion Hazard

Flash point (method used) NA Flammable Limits...LEL... NA UEL...NA
Extinguishing Media: NONE
Special Fire Fighting Procedure.....Wear mask if vaporized by heat.
Unusual Fire and Explosion Hazards....Makes foam when agitated.

Section 5 Reactivity Data

Stability:	Stable:	YES	Unstable:	NA
Conditions to Avoid:		High Heat		

Incompatibility (materials to avoid) Acids

Hazardous Decomposition or byproducts: CO,CO2 possible
Hazardous Polymerization: May Occur: NA
Conditions to Avoid: NA
Will Not Occur YES

Dr. Party's Dance Foam Concentrate

Section 6 Health Hazard Data

Routes of Exposure:	Skin	May cause slight irritation with prolonged contact.
	Eye	May cause irritation with prolonged contact.
	Ingestion	May cause slight irritation to membranes.
	Inhalation	Vaporized product may irritate membranes.

Health Hazards (Acute and chronic) Unknown

Effects of Overexposure May cause dryness and irritation to skin and mucous membranes.

Emergency and First Aid Procedure: External areas flush with water. Ingest of this product transferred to the mouth by fingers, etc may produce the above-mentioned effects. Swallowing larger doses may cause injury, seek medical attention. Do not induce vomiting. Drink large quantities of water.

Section 7 Spill and Leak Procedure

Steps to be taken in case of SPILL or LEAK Contain spill area. Mop or vacuum into a proper disposal spill container.

Waste disposal Method: Dispose of According to local, state and federal waste disposal laws.

Precautions to be taken in handling and storage: Keep from freezing. Wear protective goggles and gloves when working with prolonged skin contact.

Other Precautions: NONE

Section 8 Control Measures

Respiratory Protection (specify Type)	None, under normal use.
Ventilation: Local exhaust	Normal
Protective Gloves:	To prevent prolonged skin contact.
Eye Protection:	Yes, for undiluted product.
Other Protective Clothing or Equipment:	Apron if needed.

NOTICE:

The information herein is presented in good faith and believes to be accurate as the effective date shown above. However, no warranty, express or implied, is given. Regulatory requirements are subject to change and may differ from one to another. It is the buyer's responsibility to ensure its activities comply with federal, state and local laws.

Dr. Party's Dance Foam concentrate Safe for air travel

Pat Haug

From: Jamie Haff <jamiehaff1@gmail.com>
Sent: Tuesday, May 7, 2024 1:20 PM
To: Pat Haug
Subject: Stage Stop foam party
Attachments: Liquid Foam MSDS.pdf

Hello this is Jamie Haff the General Manager of the Stage Stop. Here are some of the details of the foam party. We will be having a separate fence around the area where the foam is going to be used. We will be using plastic as a way to hold the foam in approximately 3 feet up. For the area we will be using rugs as to prevent people from possible slipping. The foam is non toxic and is nothing other then bubbles. This is something we had thought of to bring something fun for adults to do to relive some of there childhood memories. I mean who as a kid didn't like bubbles. Once again the foam is supposed to be safe but we are adding the rugs just as a precaution. The foam is made up of 99 percent water and less then 1 percent foam powder surfactant solution. I got all this information from partymachines.com I also attached the msds sheet.

Fencing. We talked to MPO and are renting there fence to secure the area as i was informed that cattle panels will not work. so we will be using the 6 foot tall panels as required.
Any questions feel free to email me at jamiehaff1@gmail.com or you can call me at 701-202-1065 thank you.

Stage Stop Liquor - Summer Kick Off Party

Final Audit Report

2024-05-17

Created:	2024-05-07
By:	Megan Helbling (megan.helbling@mandanpd.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAACPpd-x0CnDmi4b-G_z0dCculHLSZriEa

"Stage Stop Liquor - Summer Kick Off Party" History

-  Document created by Megan Helbling (megan.helbling@mandanpd.com)
2024-05-07 - 8:23:47 PM GMT
-  Document emailed to Pat Haug (phaug@mandanpd.com) for signature
2024-05-07 - 8:23:58 PM GMT
-  Document emailed to Brian Dirk (brian.dirk@cityofmandan.com) for signature
2024-05-07 - 8:23:58 PM GMT
-  Document emailed to Mitch Bitz (mbitz@cityofmandan.com) for signature
2024-05-07 - 8:23:58 PM GMT
-  Document emailed to Jarek Wigness (jarek.wigness@cityofmandan.com) for signature
2024-05-07 - 8:23:58 PM GMT
-  Email viewed by Brian Dirk (brian.dirk@cityofmandan.com)
2024-05-07 - 8:35:42 PM GMT
-  Document e-signed by Brian Dirk (brian.dirk@cityofmandan.com)
Signature Date: 2024-05-07 - 8:36:04 PM GMT - Time Source: server
-  Email viewed by Mitch Bitz (mbitz@cityofmandan.com)
2024-05-07 - 8:44:02 PM GMT
-  Signer Mitch Bitz (mbitz@cityofmandan.com) entered name at signing as Mitch L. Bitz
2024-05-07 - 8:50:00 PM GMT
-  Document e-signed by Mitch L. Bitz (mbitz@cityofmandan.com)
Signature Date: 2024-05-07 - 8:50:02 PM GMT - Time Source: server
-  Email viewed by Pat Haug (phaug@mandanpd.com)
2024-05-07 - 8:59:04 PM GMT

 Signer Pat Haug (phaug@mandanpd.com) entered name at signing as Patrick Haug
2024-05-07 - 8:59:36 PM GMT

 Document e-signed by Patrick Haug (phaug@mandanpd.com)
Signature Date: 2024-05-07 - 8:59:38 PM GMT - Time Source: server

 Email viewed by Jarek Wigness (jarek.wigness@cityofmandan.com)
2024-05-17 - 4:37:27 PM GMT

 Document e-signed by Jarek Wigness (jarek.wigness@cityofmandan.com)
Signature Date: 2024-05-17 - 4:45:49 PM GMT - Time Source: server

 Agreement completed.
2024-05-17 - 4:45:49 PM GMT



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 17, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: *Consider approval of the special event permit for East Main Investment-July 3rd Street Dance.*

STATEMENT/PURPOSE:

Consider approval of the special event permit for East Main Investment-July 3rd Street Dance

BACKGROUND/ALTERNATIVES:

East Main Investments is holding a street dance on July 3rd from 7p.m. to 12:30 a.m. See attached special event permit.

ATTACHMENTS:

1. East Main Investment-July 3rd Street Dance

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

I recommend approving the special event permit for East Main Investments July 3rd street dance.

SUGGESTED MOTION:

I move to approve the special event permit for East Main Investments on July 3rd, 2024.

City Commission

Agenda Documentation

May 21, 2024

Subject: *Consider approval of the special event permit for East Main Investment-July 3rd Street Dance*

Page 2 of 2

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: 4/22/24

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: Crystal Connover

Driver's License Number: ORF-85-7011 State North Dakota

Date of Birth: 12/18/1985 Phone Number: 701-516-7967 Email: c.orf221@gmail.com

Address: 4200 41st Ave 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: 200 E. Main St City: Mandan State: ND Zip: 58554
Corporation/Organization: East Main Investments dba Silver Dollar Bar State of Incorporation: ND
Tax ID #: 92-3635583 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: _____ Date: _____
Contact Name: _____ Phone: _____
E-mail Contact: _____

Section 2 – Event Information

Event Name: 3rd of July Street Dance Anticipated Daily Attendance: 300
Event Date(s): July 3, 2024 Set-up Date: July 3, 2024 Hours: 10-Midnight
Hours of event each day: 7pm-12:30am
(begin and end times)
Take Down Date(s): July 4th Hours: Noon-4
E-Mail address for public information: silverdollarmandan@gmail.com
WEB address for public information: n/a
Location of Event/physical address: 200 E. Main St but on the 1st Ave street
Sponsors of the Event: n/a
Brief Description of Event:
3rd of July Street Dance

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? _____

TV: ☐ Yes ☒ No What Stations? _____

Fliers/Posters: ☒ Yes ☐ No How many? 100

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: _____

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: 2 for shade over outdoor bar

(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: 701-751-2983

Restroom Accommodations: Yes (Spiffy Biff)

Number of required portable toilets: 3-4

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: Lana Schmidt
Contact phone: 701-667-3370

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: 1 _____ attach list of locations.)

City Sidewalks ☒ Yes ☐ No (Number of locations 1 _____ 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 _____

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: Silver Dollar Bar

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?

Security and staff at entrance of bar and temporary fencing to ID individuals coming into the street dance.

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

If yes, who provided the training: Crystal Conover

Date and time of most recent training: daily

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

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: Bis-Man Security Inc. - 701-223-2328 (they indicated license is on file)

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?

All trash and cleanup will be handled by Silver Dollar staff and trash removed by Armstrong Sanitation

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: Armstrong Sanitation

Contact Name: Peggy Becker

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..... \$ _____

\$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: 5-6-24 Initials: naif

Permit Application #: _____ Date Complete: _____

(For office use only)

Signature Page from City Officials and Department Heads

Mitch L. Bitz
Mitch L. Bitz (May 7, 2024 15:53 CDT)

/ 05/07/24

☐

Approved

☐

Denied

☒

Conditional—See Narrative

Fire Department

Date

Patrick Haug
Patrick Haug (May 7, 2024 16:02 CDT)

/ 05/07/24

☐

Approved

☐

Denied

☒

Conditional—See Narrative

Police Department

Date

Jack L. Hirsch

17/05/24

☒

Approved

☐

Denied

☐

Conditional—See Narrative

Engineering Department

Date

Brian Dirk
Brian Dirk (May 7, 2024 15:35 CDT)

/ 05/07/24

☒

Approved

☐

Denied

☐

Conditional—See Narrative

Public Works

Date

Fire Department Narrative:

Will need to inspect once venue is setup

Police Department Narrative:

The Silver Dollar Bar is seeking a special permit to have a street dance on July 3, 2024. The event would be held on the 100 block of 1 Ave NE. The Silver Dollar Bar is requesting to erect a stage on 1 Ave NE, just south of east/west alley. The Silver Dollar bar is requesting they be allowed to leave the erected stage in place until after the 4th of July parade. The Mandan Police Department is ok with approval of the event, but have the following concerns with the erected stage being left in place during the 4th of July parade.

Police Department narrative continued on next page.

Engineering Narrative:

Need to coordinate ingress and egress of Dakota Crop Insurance vehicles before this event overlaps with the parade event.

Public Works Narrative:

Police Department narrative continued;

1. The stage will block any ingress and egress for emergency vehicles in this particular area because the stage will block the southern portion of 1 Ave NE 100 block.
2. Because of the closing of several streets near Dykshorn Park and the downtown area, the stage blocking the roadway will further limit traffic in the downtown area, especially after the parade ends and spectators are trying to leave the area.
3. The stage will potentially pose a safety issue. There is a possibility spectator's will climb on the stage for a better view of the parade and children playing on or around the stage, which could cause a possible injury to a spectator and/or child.

The Mandan Police Department approval of this special event permit is contingent upon the removal of the erected stage prior by 600am on July 4th, 2024 due to the listed concerns of the stage being left in place until after the 4th of July parade.

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)

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

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)

Subject: Request for permission to allow Post Parade Equipment Tear Down

Dear City of Mandan,

I hope this message finds all of you well. As Owners of the Silver Dollar Bar, we are writing to formally request permission from the City of Mandan to allow the band, "Unleased", and the staging company to dismantle their equipment following the 4th of July parade.

We understand that such an arrangement may require formal approval and presentation before the City Commission. However, we wish to emphasize the importance of this request due to its financial and logistical implications.

Should this request be denied, it would result in additional costs amounting up to \$2,000. Furthermore, it would necessitate the band and staging company's presence on the streets until the early hours of the morning, causing potential disruption to the surrounding area.

In an effort to minimize inconvenience and enhance the parade experience for attendees, we propose that our staff undertake the task of dismantling the temporary fencing on the evening of the 3rd. This would facilitate access to the North side of Main St and 1st Ave for chair placement and viewing, thereby contributing positively to the overall event atmosphere. We assure you that we will promptly address any restroom accommodations required after the parade, ensuring the comfort and convenience of all attendees.

Furthermore, in our commitment to ensuring the safety and enjoyment of all attendees, we intend to employ additional security (BisMan Security) personnel and staff dedicated to crowd control throughout the duration of the event. This proactive measure aims to manage any potential crowd-related issues effectively and maintain a secure environment for everyone involved. Additionally, we propose implementing an age restriction policy, limiting participation in the event to individuals aged 21 and over. This restriction aligns with the nature of our establishment and the adult-oriented atmosphere of the occasion.

Parking will be the same as past years utilizing as much parking available around the area and the downtown district.

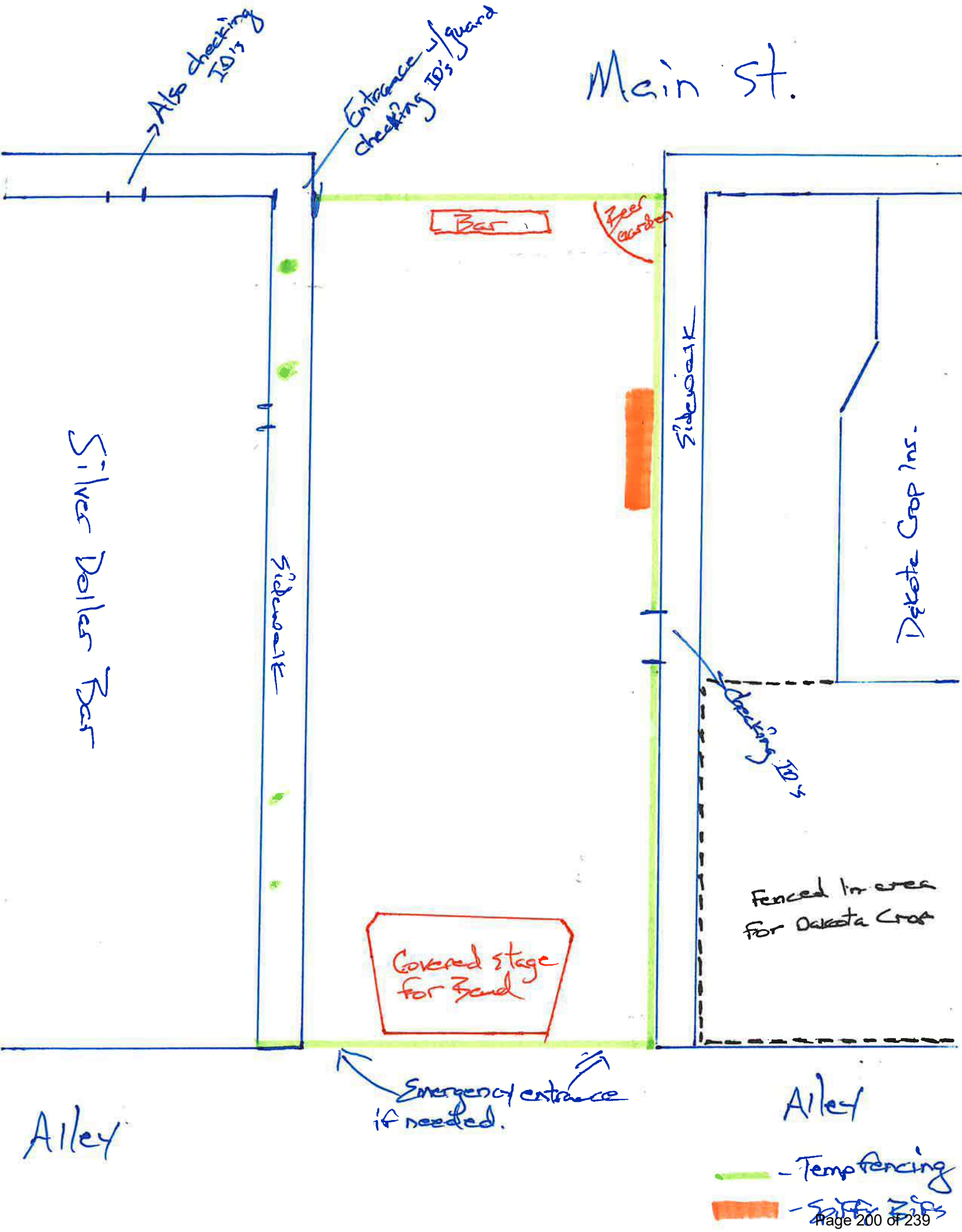
We are prepared to provide any necessary documentation or information to support this request and are available to discuss further details at your earliest convenience.

Thank You for considering our proposal.

Warm Regards,



Jason Arenz
Co-Owner
The Silver Dollar Bar



Main St.

Also checking ID's

Entrance w/ guard checking ID's

Bar

Zee's garden

Sidewalk

Dakota Crop Ins.

Checking ID's

Fenced in area for Dakota Crop

Covered stage for Band

Emergency entrance if needed.

Alley

Alley

- Temp fencing
- Safety Zips

Bismarck Mandan Security Inc

P.O. Box 744
428 Airport Road
Bismarck, ND 58502
Phone 701-223-2328 Fax 701-223-7969

INVOICE

DATE	INVOICE #
4/30/2024	12131

Silver Dollar Bar
Jason
701-426-6732

QUANTITY	ITEM	DESCRIPTION	RATE	AMOUNT
1	Guard	Security Guard Services Silver Dollar Street Dance - 7/3/24 4 Guards - 8pm-1am	760.00	760.00
TERMS - NET 30. PLEASE REMIT TO ABOVE ADDRESS.			TOTAL	\$760.00

Bruce's Manufactured Housing, Inc. / Spiffy
Biffs
1414 Continental Ave
Bismarck, ND 58504
+1 7012239778
accounts@spiffybiffs.com



Estimate

ADDRESS
Silver Dollar Mandan
Jason Arenz
200 E Main
Mandan, ND 58554

SHIP TO
Silver Dollar Mandan
200 E Main
Mandan, ND 58554

ESTIMATE # 1579
DATE 04/02/2024

PURCHASE ORDER
July 3, 2024

ACTIVITY	QTY	RATE	AMOUNT
Portable Toilet (Special)	5	75.00	375.00T
Portable Sink (Special)	1	70.00	70.00T
Portable Toilet Delivery or Pickup Deliver and Pick up	2	70.00	140.00T
Fuel Surcharge	2	5.00	10.00T
Units would be placed prior to the 3rd and locked up.			SUBTOTAL 595.00
Please confirm by June 20th.			TAX 43.14
			TOTAL \$638.14

Accepted By

Accepted Date

Performance Contract

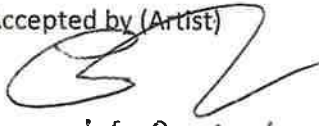
1. Agreement made between:
 - a. Artist - Unleashed!
 - b. Purchaser – Silver Doller Bar
2. Date(s) of engagement: 07/03/2024
3. Performance time: 9-close
4. Place of engagement: MANDAN N.D
5. Contract price: \$3000 plus 6% of total gross sales to be paid to artist after performance – check can be made payable to "COREY JESSER dba Unleashed!".

Production responsibilities of purchaser:

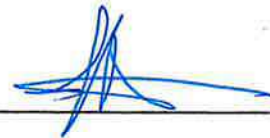
- Purchaser will provide artist access to performance site by 8 am on 07/03/2024 for equipment setup and will allow artist to tear down and remove equipment immediately after the performance.
- Purchaser will provide adequate power to operate lighting and audio equipment for performance. (50 amp – 220 v power source within 50ft. of stage)
- Purchaser will provide adequate security and protection for artist's equipment for the duration of the performance. The artist will have final say in stopping and/or continuing the performance because of inclement weather. The artist will be paid in full in the case of an abbreviated performance or cancelled performance because of inclement weather.
- The artist will perform at least (3) one hour sets with a few short breaks between sets.

We look forward to assisting you in every way possible.

Accepted by (Artist)


date: 4-9-24

Accepted by (Purchasers)


date: _____



**MIDWEST FAMILY MUTUAL
INSURANCE COMPANY**

P.O. BOX 9425, Minneapolis, MN 55440-9425

**EAST MAIN INVESTMENTS LLC
DBA SILVER DOLLAR BAR
4509 BORDEN HARBOR DR SE
MANDAN, ND 58554**

CPND0560135591



**Midwest Family Mutual
Insurance Company**

Insuring Midwest Values Since 1891

**MIDWEST FAMILY MUTUAL
INSURANCE COMPANY**
P.O. BOX 9425 Minneapolis, MN 55440-9425

New Business Declarations

Policy Number	Policy Period		Agent #	
	From	To		
CPND0560135591	06/28/23	06/28/24	12:01 AM Standard Time 06736	
Named Insured and Address			Agent	
EAST MAIN INVESTMENTS LLC DBA SILVER DOLLAR BAR 4509 BORDEN HARBOR DR SE MANDAN, ND 58554			VAALER INS INC-BISMARCK PO BOX 933 BISMARCK, ND 58501 Phone: (701)258-2800	

Commercial Portfolio Policy Summary

Coverage Part/Policy Attached	Effective Date	Annual Premium	Prorated Premium
This policy consists of the following coverage parts/policies for which a premium is indicated. This premium may be subject to adjustment or final audit.			
Businessowners Policy Coverages	06/28/2023 - 06/28/2024	\$8,802.00	\$8,802.00
	Policy Fees/Taxes	\$.00	\$.00
	Estimated Total Premium	\$8,802.00	\$8,802.00



**Midwest Family Mutual
Insurance Company**

Insuring Midwest Values Since 1891

**MIDWEST FAMILY MUTUAL
INSURANCE COMPANY**

P.O. BOX 9425 Minneapolis, MN 55440-9425

Businessowner's Policy

New Business Declarations

Policy Number	Policy Period	Agent #
	From To	
CPND0560135591	06/28/23 06/28/24	12:01 AM Standard Time 06736
Named Insured and Address		Agent
EAST MAIN INVESTMENTS LLC DBA SILVER DOLLAR BAR 4509 BORDEN HARBOR DR SE MANDAN, ND 58554		VAALER INS INC-BISMARCK PO BOX 933 BISMARCK, ND 58501 Phone: (701)258-2800

Policy Summary

'X' IF SUPPLEMENTAL DECLARATION ☒ SUPPLEMENTAL DECLARATION

Business Description:
Taverns and Bars

Form of Business:
LLC

In return for the payment of the premium and subject to all the terms of this policy, we agree with you to provide the insurance as stated in this policy.

DESCRIBED PREMISES

Forms Applicable: Special

Premises No. Bldg. No. Location
SEE ATTACHED SUPPLEMENTAL DECLARATIONS

Mortgage Holder Name and Address
SEE ATTACHED SCHEDULE

PROPERTY

PREM NO. BLDG NO. PREM NO. BLDG NO. PREM NO. BLDG NO.

SEE ATTACHED SUPPLEMENTAL DECLARATIONS

Business Income/Extra Expense

ACTUAL LOSS SUSTAINED

Premium:

Included

Deductible \$ SEE ATTACHED SUPPLEMENTAL DECLARATIONS

OPTIONAL COVERAGES

SEE ATTACHED SUPPLEMENTAL DECLARATIONS

LIABILITY AND MEDICAL PAYMENTS

Except for Damage to Premises Rented to You, each paid claim for the following coverages reduces the amount of insurance we provide during the applicable annual period. Please refer to paragraph D.4 of the Businessowners Coverage Form.

	Limits of Insurance
Liability and Medical Expenses	\$1,000,000 Per Occurrence
Medical Expense	\$1,000 Per Person
Damage to Premises Rented to You	\$50,000 Any One Premises
Other Than Products/Completed Operations Aggregate	\$2,000,000
Products/Completed Operations Aggregate	\$2,000,000

TOTAL PREMIUM

\$8,802.00

FORMS AND ENDORSEMENTS: SEE ATTACHED SCHEDULE

During the past three years no insurer has canceled any insurance issued to the name insured, similar to that afforded hereunder, unless otherwise stated herein.

THESE DECLARATIONS, TOGETHER WITH THE COVERAGE FORM(S), COMMON POLICY CONDITIONS AND FORMS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY.

Includes copyright material of Insurance Service Office, Inc., with its permission.

Location Address(es)

Prem. No.	Bldg. No.	Address
1	1	200 E Main St, Mandan, ND, 58554

Description of Premises

Prem. No.	Bldg. No.	Occupancy	Construction
1	1	Taverns and Bars	Joisted Masonry

Coverages

Prem. No.	Bldg. No.	Coverages	Limit of Insurance	Automatic increase in Insurance	Ded	Wind/Hail Ded
1	1	Building - RC	\$672,243	9%	\$5,000	\$5,000
1	1	Personal Property/Contents - RC	\$300,000	9%	\$5,000	\$5,000

Optional Coverages

Prem. No.	Bldg. No.	Coverages	Limit	Ded
1	1	Equipment Breakdown deductible ---- total sublimit on: \$972,243 expediting expenses perishable good computer equipment hazardous substances	\$972,243	\$5,000
1	1	Ultimate Property Advantage		
1	1	Ultimate Liability Advantage		
1	1	Hired & Non-owned Auto Liability-Combined	\$1,000,000	

Special Interest

		Unit
Loss Payee		
1	Capital Credit Union 204 W Thayer Ave Bismarck, ND 58502	Unit 1
Mortgagee		
1	Capital Credit Union 204 W Thayer Ave	Unit 1

Unit

Bismarck, ND 58502

Form Schedule

Forms and Endorsements applying to this Coverage Part and made part of this policy at time of issue:

FORMS APPLICABLE TO ALL PREMISES AND COVERAGES

Form	Edition	Description	Premis-Bldg	Ded	Limit	Premium
MFM ML1	04-05	Amendatory Endorsement #1				
000-BOP	07-15	Businessowners Forms	ALL			
BOP0882	11-01	Bodily Injury Property Damage Due to Mold Exc	ALL			
BOP0996	05-00	Deductible Clause	ALL			
BOP P 02	01-21	Policyholder Notice	ALL ND			
BP0417	01-10	Employment-Related Practices Exclusion	ALL ND			
BP0517	01-06	Exclusion - Silica or Silica- Related Dust	ALL			
BP 00 03	02-22	Businessowners Coverage Form	ALL ND			
BP 01 17	09-17	North Dakota Changes	ALL ND			
BP 05 01	07-02	Calculation of Premium	ALL			
BP 05 15	12-20	Disclosure Pursuant to TRIA	ALL			
BP 05 23	01-15	Cap Losses from Certified Acts of Terrorism	ALL			
BP 14 86	07-13	Communicable Disease Exclusion	ALL ND			
BP 15 04	05-14	Excl - Access/Disclosure of Confidential Info	ALL			
BP 15 60	02-21	Cyber Incident Exclusion	ALL			
BP0526M	01-16	Excl of Certified Acts of Terrorism Inv N/B/C	ALL ND			
IL0234	01-92	ND Changes-Cancellations and Non-renewal	ALL ND			
MFM 001	01-23	Policyholder Notice	ALL			
MFM 001A	03-20	Midwest Family Mutual Service Fee Schedule	ALL			
MFMBP037	07-19	Medical Expense at Your Request End	ALL ND			
MFMBP038	12-22	Wind/Hail Loss Settlement Provisions	ALL ND			
MFMBP041	04-23	War and Cyber War Exclusion	ALL ND			
MFMBP-02	09-15	Asbestos Exclusion	ALL			
MWILP001	01-04	US Treasury Dept OFAC Advisory Notice	ALL			
PRIV NTC	12-22	Privacy Policy Notice	ALL			
BOP0026	01-16	Equipment Breakdown Coverage	1-1			
BP0404	01-10	Hired Auto & Non-Owned Auto Liability	ALL ND			
BP1203	01-10	Loss Payable Clauses	1-1			
MFM CL00	10-19	Cyber Liability - MFM NetGuard Plus	ALL		100,000	\$112.00
MFMBP035	10-19	Ultimate Property Advantage	1-1			

Form	Edition	Description	Premis-Bldg	Ded	Limit	Premium
		Endorsement				
MFMBP036	09-18	Ultimate Liability Advantage Endorsement	1-1			
MFMIL005	09-15	Business Income/Extra Expense Limit	ALL			
IR 08 84	03-18	Commercial (BOP/Garage) Identity Recovery Cov	ALL	\$500	25,000	\$27.00

BP 00 00 01-18

ALCOHOLIC BEVERAGE LICENSE

Class A
General Retail On & Off Sale Beer & Liquor

CITY OF MANDAN
STATE OF NORTH DAKOTA

License Number: *51*

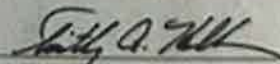
Fee Received: \$ *4100*

East Main Investments dba Silver Dollar Bar of Mandan, North Dakota, is hereby licensed to sell alcoholic beverages as described above as allowed under the provisions of the Title V of the North Dakota Century Code, and acts supplemental and amendatory thereto for retail purposes at *200 E. Main St* for consumption off of (and on) said premises, for the license year ending *June 30, 2024*.

Licenses hereinbefore named, in consideration of the issuance of this license, hereby agrees to abide by all State laws relating to sale of alcoholic beverages and in additions agrees to abide by all local regulations, ordinances, or resolutions regulating or restricting the operation and sale of alcoholic beverages by licensees and by any future amendments thereto Chapter 4 of the Mandan Municipal Code.

This License is not transferable without specific authority from the local Issuing Governing Body and only as provided by the laws of the State of North Dakota.

Dated this *11th* day of *July*.


Chairman of Local Governing Body

Mandan City Commission
Governing Body

ATTEST:





THIS LICENSE MUST BE POSTED CONSPICUOUSLY IN THE PLACE OF BUSINESS ON PREMISES LICENSED.

State of North Dakota Sales and Use Tax Permit

Issued under the provisions of North Dakota Sales and Use Tax Acts,
375107 00

**SILVER DOLLAR BAR
EAST MAIN INVESTMENTS LLC
200 E MAIN ST
MANDAN ND 58554-3329**

is hereby licensed to engage in business as a retailer in the State of North Dakota.
This permit is not transferable. Post conspicuously in licensed place of business.

A person who does a temporary business at one place or who is a transient business (other than on a regular or permanent route) must exhibit this permit to a prospective customer before soliciting a sale.

Brian Kroshus
State Tax Commissioner

No. AA-03811
Not Transferable
2024

OFFICE OF ATTORNEY GENERAL
600 E. Boulevard Ave. • Licensing Section • Bismarck, ND 58505-0040

RETAIL ALCOHOLIC BEVERAGE LICENSE

EAST MAIN INVESTMENTS LLC
SILVER DOLLAR BAR
200 E MAIN ST
MANDAN, ND 58554-3329

is hereby authorized to sell BEER and LIQUOR at retail
at the premises located at 200 E MAIN ST MANDAN

Dated 01/26/2024

Post Conspicuously in Your Place of Business

Fee: \$200.00
Expires Dec. 31, 2024
2024



Drew H. Wrigley
ATTORNEY GENERAL

East Main Investment - July 3rd Street dance

Final Audit Report

2024-05-17

Created:	2024-05-07
By:	Megan Helbling (megan.helbling@mandanpd.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAi_m-a-6fits0GMHf8QnFqYv7ASOHRNOo

"East Main Investment - July 3rd Street dance" History

-  Document created by Megan Helbling (megan.helbling@mandanpd.com)
2024-05-07 - 8:20:05 PM GMT
-  Document emailed to Pat Haug (phaug@mandanpd.com) for signature
2024-05-07 - 8:20:14 PM GMT
-  Document emailed to Brian Dirk (brian.dirk@cityofmandan.com) for signature
2024-05-07 - 8:20:14 PM GMT
-  Document emailed to Mitch Bitz (mbitz@cityofmandan.com) for signature
2024-05-07 - 8:20:15 PM GMT
-  Document emailed to Jarek Wigness (jarek.wigness@cityofmandan.com) for signature
2024-05-07 - 8:20:15 PM GMT
-  Email viewed by Brian Dirk (brian.dirk@cityofmandan.com)
2024-05-07 - 8:35:04 PM GMT
-  Document e-signed by Brian Dirk (brian.dirk@cityofmandan.com)
Signature Date: 2024-05-07 - 8:35:31 PM GMT - Time Source: server
-  Email viewed by Mitch Bitz (mbitz@cityofmandan.com)
2024-05-07 - 8:51:11 PM GMT
-  Signer Mitch Bitz (mbitz@cityofmandan.com) entered name at signing as Mitch L. Bitz
2024-05-07 - 8:53:11 PM GMT
-  Document e-signed by Mitch L. Bitz (mbitz@cityofmandan.com)
Signature Date: 2024-05-07 - 8:53:13 PM GMT - Time Source: server
-  Email viewed by Pat Haug (phaug@mandanpd.com)
2024-05-07 - 8:59:51 PM GMT

 Signer Pat Haug (phaug@mandanpd.com) entered name at signing as Patrick Haug
2024-05-07 - 9:02:53 PM GMT

 Document e-signed by Patrick Haug (phaug@mandanpd.com)
Signature Date: 2024-05-07 - 9:02:55 PM GMT - Time Source: server

 Email viewed by Jarek Wigness (jarek.wigness@cityofmandan.com)
2024-05-17 - 4:37:21 PM GMT

 Document e-signed by Jarek Wigness (jarek.wigness@cityofmandan.com)
Signature Date: 2024-05-17 - 4:44:30 PM GMT - Time Source: server

 Agreement completed.
2024-05-17 - 4:44:30 PM GMT



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 15, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider update from City Staff on Brownfields Grant

STATEMENT/PURPOSE:

Consider update from City Staff on Brownfields Grant

BACKGROUND/ALTERNATIVES:

The City of Mandan was awarded \$300,000 from the United States Environmental Protection Agency in 2021 for brownfield assessment activities within the community. This grant has supported various projects and opportunities aimed at restoring and redeveloping properties through fully funded environmental assessment work, redevelopment planning, and resource road mapping. As the three-year grant period draws to a close, this document provides an update on the grant's progress and previews upcoming activities related to Legacy city projects and new prospects.

Planning Director Stromme will walk through slides highlighting progress and next steps.

Grant Progress:

- **May 2021:**
 - Selected as Brownfields Assessment grantee with initial \$300,000 grant.
- **Fall 2021:**
 - Commenced grant activities.
 - Created brownfields inventory and initiated property owner outreach.
- **Spring 2022:**
 - Participated in "EPA Technical Assistance - Land Revitalization" for City Hall and Civic Complex. Estimated consulting value: \$100,000 at no cost to Mandan. This plan refreshed previous studies related to the City's presence in downtown Mandan with updated renderings, streetscapes proposals and associated funding strategies.
- **Fall 2022:**
 - Initiated property assessments.

- Staff attended National Brownfields Training Conference in Oklahoma City, OK. This conference presented strategies Midwest/western Cities have successfully deployed brownfields resources in the redevelopment of previous industrial sites.
- **Spring 2023:**
 - Continued assessment on City Hall including the commencement of the Phase 2 assessment.
 - Completed funding formula for City Hall received from Adaapta.
 - Continued stakeholder outreach and identification of additional properties to conduct assessment work.
- **Fall 2023:**
 - Further education at National Brownfields Training Conference.
 - Joined "Brightfields Accelerator" for solar projects.
 - Identified potential solar projects for partnerships.
- **Spring 2024:**
 - Received complete phase 2 assessment for City Hall.
 - Attended training conference in Denver, CO.
 - Identified potential planning grant and private property owner interest in restoration grant.
- **Grant spend to date:**
 - \$140,000 with ~\$60,000 committed to projects = approximately \$100,000 left with the ability to request an extension. The City has engaged with close to two dozen property owners in Mandan and have completed assessment work on six properties including a mix of public and private.

Upcoming Work:

- **Late Spring 2024:**
 - Project leaders seek funding to cover contractor fees to assist in drafting a cleanup grant application / multipurpose grant app / RLF app.
- **Summer 2024:**
 - Conduct additional open houses for Civic Complex plan.
 - Complete phase 2 testing at City Hall including soil borings.
 - Explore establishment of Revolving Loan Fund with agencies like Lewis and Clark Development Group.
 - Request extension of EPA Assessment Grant in order to provide continued assessment work / incentive into the future.
- **Fall 2024:**
 - Submit cleanup grant applications, potentially securing up to \$2 million.
- **Spring 2025:**
 - Await potential cleanup award - typically announced in June.
- **2026: If awarded**
 - Commence cleanup at City Hall.
 - Potential commencement of High School and Mandan Villa projects.

- **2027:**
 - Commence renovation.
- **2029:**
 - Cleanup grant expires.

ATTACHMENTS:

None

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 16, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Amendment 1 for the Water Treatment Plant
Phase III Optimization project Engineering Service
Agreement

STATEMENT/PURPOSE:

To consider and possibly approve an amendment with AE2S for additional professional services related to the Water Treatment Plant (WTP) Phase III Optimization Project and to authorize them to apply for additional State Water Commission (SWC) Cost-Share Funding.

BACKGROUND/ALTERNATIVES:

A professional services task order was approved at the December 19, 2023 City Commission Meeting and generally includes the replacement of CO2 tanks and lime systems, filter rehabilitation, upgrading the chlorine room and equipment, and several other items. This project provides much needed redundancy to these systems and reduces the chances of future plant shutdowns. The design engineering work is progressing with construction planned for 2025.

This task order amendment is to assist the City with developing and submitting a Basic Asset Inventory Assessment (BAIA). This BAIA is a newer funding requirement of the SWC and is needed prior to requesting construction cost-share funding. Recall we currently have an agreement with the SWC for preconstruction (design and bidding) funding only. In addition, the SWC requires a separate cost-share funding application be submitted since this scope of work is different than the original cost-share agreement.

ATTACHMENTS:

1. Amendment 1

FISCAL IMPACT:

The City budgeted \$700,000 in 2024 for the preliminary engineering for this project.

This amendment is in the amount of \$20,000 and brings the total engineering services agreement amount to \$574,000. This needs to be submitted to SWC but we understand it is eligible for 60% SWC cost-share funding.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

All items have been forwarded to the City Attorney.

RECOMMENDATION:

Approve the amendment with AE2S for additional services related to the WTP Phase III Optimization Project and authorize City staff to submit a SWC cost-share application for this work.

SUGGESTED MOTION:

I move to approve Amendment No. 1 for engineering services related to the Water Treatment Plant Phase III Optimization project and authorize City staff to submit this for cost-share consideration.

Amendment No. 1 To Task Order No. 6

1. Background Data:

- a. Effective Date of Task Order: December 19, 2023
- b. Owner: City of Mandan
- c. Engineer: Advanced Engineering and Environmental Services, LLC
- d. Specific Project: Design and bidding services under the Mandan WTP Phase III Optimization project for improvements to the lime feed and storage system, the carbon dioxide feed and storage system, the chlorine storage system, and other miscellaneous improvements.

2. Description of Modifications

- A. The Scope of Services currently authorized to be performed by Engineer in accordance with the Task Order and previous amendments, if any, is modified as follows:
 - Funding Assistance consisting of the additional primary tasks identified below:
 - Due to a new requirement by the DWR, the project will require a Basic Asset Inventory Assessment (BAIA) to receive funding. Specific BAIA tasks include::
 - Horizontal Assets: Distribution asset collection using the City's GIS database, data review, and update for SWC BAIA tool.
 - Vertical Assets: Pump Station, Reservoir, and Water Treatment Plant asset inventory collection, review, and update for SWC BAIA tool. This will be high level asset collection and will not be a detailed asset inventory.
 - Department of Water Resources (DWR) coordination meeting (one (1) meeting anticipated).
 - Assist with completing and submitting the BAIA tool to DWR.
- B. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation: \$20,000.00
- C. The schedule for rendering services under this Task Order is modified as follows: N/A.

3. Task Order Summary (Reference only)

- a. Original Task Order amount: \$554,000
- b. Net change for prior amendments: \$0
- c. This amendment amount: \$20,000
- d. Adjusted Task Order amount: \$574,000

The foregoing Task Order Summary is for reference only and does not alter the terms of the Task Order, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Task Order as set forth in this Amendment. All provisions of the Agreement and Task Order not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is May 21, 2024.

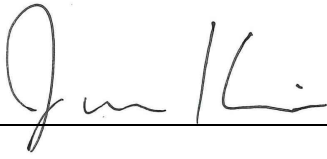
OWNER:

By: _____

Print Name: Mayor Tim Helbling

Title: President of the Board of City Commissioners

Date Signed: _____

ENGINEER: 
By: _____

Print Name: Jasper Klein, PE

Title: Operations Manager

Date Signed: 05/14/2024



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 16, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Water Service Agreements Meadow Park & Gateway
Mobile Home Communities

STATEMENT/PURPOSE:

To consider Water Service Agreements for Meadow Park and Gateway Mobile Home Communities

BACKGROUND/ALTERNATIVES:

The Meadow Park and Gateway Mobile Home communities have recently come under new ownership. These parks currently have master meters which are read by the City and the park owners are billed accordingly. The City does not own or maintain the individual meters within the park.

Highlights of the contract include:

- Term - 10 years unless terminated by mutual consent of the parties.
- User - responsible for transporting the water from the point of connection to the City meter
- User - install, operate and maintain the private metering equipment at their own expense
- User - may not charge its residents more than the actual cost of water purchased by user from the CITY
- User - Any items reimbursed for the cost of water lines with the PARK, administrative fees, or invoicing costs shall not be charged to the resident with this water rate.

We are awaiting the appropriate names for the contract and those will be inserted when we receive them.

We also plan on reviewing all the mobile home parks and updating any existing agreements or entering into new agreements with those that we are unable to locate.

ATTACHMENTS:

1. Water Service Agreement - Meadow Park and Gateway Park

FISCAL IMPACT:

We are already being paid via a master meter so there will be no financial impact to the City.

STAFF IMPACT:

minimal

LEGAL REVIEW:

City Attorney Oster has prepared the contract

RECOMMENDATION:

I recommend entering into the contract as presented.

SUGGESTED MOTION:

i move to enter into the Water Service Contract as presented with Meadow Park and Gateway MMobile Home Communities.

City of Mandan
WATER SERVICE CONTRACT

Water User Entity: Meadow Park MHP LLC, and Gateway Park MPH LLC North Dakota limited liability companies.

1. PARTIES: The Parties to this Water Service Contract (this “Contract”) are:

City of Mandan
205 Second Ave. NW
Mandan, ND 58554
Attn: City Administrator

known herein as the “CITY,” and,

Meadow Park MHP LLC & Gateway Park MPH LLC
PO Box 62592
Irvine CA 92602

known herein as the “USER” (the CITY and the USER together may be referred to herein as the “Parties”).

2. PURPOSE: The purpose of this Contract is for the CITY to sell treated water to the USER, and for USER to resell the water to residents of its two manufactured home parks located at 803 S. Frontier Trail, Mandan, North Dakota, known as Meadow Park Mobile Home Community and Gateway Mobile Home Community (collectively, “PARK”). The USER will make payment to the CITY at the rates and pursuant to the terms and conditions set forth in this Contract. This Contract is for the sale of treated water and does not apply to other city services that are provided and billed to this property.

3. TERM OF CONTRACT: The term of the Contract (the “Term”) shall be for ten (10) years, unless terminated sooner pursuant to the terms of this Contract. The Term shall begin on June 1, 2024, and will continue until May 31, 2034, unless terminated sooner pursuant to the terms of this Contract.

4. TERMINATION:

a. Mutual Termination. This Contract may be terminated at any time by mutual consent of the Parties in writing

b. Default by USER. If the USER fails to make payment as required by this Contract within the time specified herein, or any extension thereof, or if USER breaches any of the terms of this agreement, the CITY will provide a 30-day written notice of default (the “User Default Notice”) to the USER prior to termination of the whole or any part of this Contract.

c. Termination by Either Party. Either party may terminate the contract with 6-months’ written notice to the other party. During the 6-month notice period, the CITY

will provide adequate water supply, as described under the terms of this agreement, and USER shall pay all amounts due until the expiration of the 6-month period.

5. WATER SERVICE: The CITY agrees to sell water to the USER, at the point of metered connection. The USER is responsible for transporting the water from the point of connection.

In times of water shortages, the USER will share restrictions in the same proportion as other customers of the CITY, and the USER will limit pumping and implement restrictions. In no event shall any liability accrue against the CITY or any of its officers, agents, or employees for any damage or inconvenience, direct or indirect, arising from water shortages.

6. METERING WATER USAGE: This section applies to the single metered connection the USER has with the CITY. The USER has a water meter and Electronic Read Transmitter (“ERT”) from the CITY in use.

The USER may test the accuracy of the metering equipment every other year, and such tests shall be performed in the presence of a CITY representative. At any time, the CITY can test the metering equipment at the CITY’s expense, with the test performed in the presence of a USER representative.

The CITY shall have access to the metering equipment belonging to the USER at all reasonable times for the purpose of verifying meter readings.

A claim of error presented after a payment has become delinquent shall not prevent discontinuance of service as provided in this contract. The USER agrees to continue to make payments for water service after a claim of error has been presented; however, USER may make payments under protest, and such payments will not prejudice the USER’s claim of error.

If any meter fails to register for any period, the amount of water delivered during such period shall be deemed to be the amount of water delivered in the corresponding period immediately prior to the failure, unless the CITY and the USER shall agree upon a different amount.

7. GENERAL OBLIGATIONS: The USER is responsible for the design, operation, and maintenance of its water system. The USER is responsible for the installation of the points of connection with the CITY’s water system and for any water lines necessary to connect with the USER’s water system. The connecting facilities, the meters, and any other lines or apparatus necessary for the USER’s connections shall be the property of the USER.

The USER shall be responsible for the control, distribution, and use of all water delivered to the USER by the CITY under this Contract, beyond the point of delivery, and all services, maintenance, and repair of the USER’s distribution system. The USER agrees that it will comply with the rules and regulations of the Environmental Protection Agency and the North Dakota Department of Health for water use, distribution, and discharge. Any costs associated with causing the USER’s water distribution system to comply with any state or federal agency regulations shall be borne by the USER.

The USER will install, operate, and maintain, at its own expense, the necessary private metering equipment for properly measuring the quantity of water delivered to each individual lot within the PARK. Generally accepted, reliable commercial meters may be used by the USER to resell the amount of water to each individual lot. **No later than April 1st of each year**, USER shall provide CITY a list of how much water was resold within PARK, including any user fee or connection fee or any other fee relating to the water that is charged during the entire prior calendar year. The total amount of water, connection, administrative or other fees that can be attributed to the water shall not exceed 100% of the actual cost of water purchased by USER from the CITY at the PARK location. In other words, USER may not charge its residents more than the actual cost of water purchased by USER from the CITY. If USER collects proceeds in excess of 100% of the cost of the water purchased, USER shall be considered a consecutive water user with the State Department of Environmental Quality for this site. Any items reimbursed for the cost of water lines with the PARK, administrative fees, or invoicing costs shall not be charged to the resident with this water rate.

The USER shall hold the CITY, its officers, agents, employees and successors, and assigns harmless from every claim for damages to persons or property, direct or indirect, and of whatever nature, arising out of or in any manner connected with the operation, maintenance, and replacement of the USER's distribution system. The USER's distribution system includes all works extending from the point of delivery of water to the USER.

8. WATER SERVICE, WATER RATES AND PAYMENT FOR WATER SERVICE: The USER agrees to make payments for water service in accordance with the following terms and conditions:

- a. The water rate ("Water Rate") for services provided under this Contract shall be the standard fees applied to mobile home parks. The CITY will make annual adjustments to the USER's Water Rate, and such annual adjustment shall be the same percent adjustment as other adjusted customer rates.
- b. Periodically, the cost of service will have a more detailed review in conjunction with the review of all utility operation rates by the CITY, and the price will be adjusted accordingly.
- c. The CITY will furnish to the USER a monthly utility bill for water service. All payments for water service shall be made no later than 15 days following receipt of the statement from the CITY.
- d. Payments not made within 15 days of the billing shall be considered delinquent and in default.
- e. Amounts unpaid by the USER after the due date shall be imposed a penalty of one and one half percent (1.5%) per month of the amount of such delinquent payment.
- f. During any period when the USER is in default, the USER shall remain obligated to make all payments required under this Contract. Any action of the CITY

pursuant to this section shall not limit or waive any remedy provided by the Contract or by law for the recovery of money due or which may become due under this Contract.

9. COMPLIANCE WITH ALL APPLICABLE LAWS. The USER shall observe and comply with all Federal, State, and local laws, rules, ordinances, and regulations affecting the conduct of services provided and the performance of all obligations relating to this Agreement, to include all environmental laws and obligations so that in no way CITY bears any responsibility or increased cost due to USER'S actions. USER must follow all local, state and federal rules and regulations relating to the placement of the meters on property, including if licenses are required or consent is required to affix the meter to any home. If CITY has increased reporting or regulatory burdens because of USER's actions, USER will indemnify and hold the CITY harmless of any costs, including any costs of additional staff time and attorney's fees.

10. REMEDIES NOT EXCLUSIVE: The use by either Party of any remedy specified herein for the enforcement of this Contract is not exclusive and shall not deprive the Party using such remedy of, or limit the application of, any other remedy provided by law.

11. AMENDMENTS: This Contract may be amended at any time by mutual agreement of the Parties, except insofar as any proposed amendments are in any way contrary to applicable law, but such amendments will not be binding or effective unless made in writing or executed by the parties.

12. WAIVER OF RIGHTS: Any waiver at any time by either Party of its rights with respect to a default or any other matter arising in connection with this Contract, shall not be deemed to be a waiver with respect to any other default or matter.

13. NOTICES: All notices that are required either expressly or by implication to be given by any Party to the other under this contract shall be in writing. All such notices shall be deemed to have been given and delivered, if delivered personally or if delivered by registered or certified mail. All notices shall be addressed to the Parties at their addresses as shown on the signature page of this contract.

14. ASSIGNMENT: The provisions of this Contract shall apply to and bind the successors and assigns of the respective Parties, but no assignment or transfer of this Contract, or any part hereof or interest herein, shall be valid until and unless approved by the non-assigning Party in writing.

15. MERGER CLAUSE: This Contract constitutes the entire agreement between the Parties. No waiver, consent, modification, or change of terms of this Contract shall bind either party unless in writing, signed by the Parties, and attached herein. Such waiver, consent, modification, or change, if made, shall be effective only in a specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Contract.

IN WITNESS WHEREOF, the parties hereto have executed this WATER SERVICE CONTRACT on the day and year written below.

CITY OF MANDAN

Dated this _____ day of May, 2024.

Attest:

Tim Helbling, President
Board of City Commissioners

James Neubauer
City Administrator

MEADOW PARK MPH LLC & GATEWAY PARK MPH LLC

Dated this ____ day of May, 2024.

Attest:

By _____ Its _____

By _____, Its _____



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 15, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Second and final consideration of Ordinance 1445, a zone change from MHS - Trailer Park District to RH - Residential Mobile Home Park for Meadow Park.

STATEMENT/PURPOSE:

Second and final consideration of Ordinance 1445, a zone change from MHS - Trailer Park District to RH - Residential Mobile Home Park for Meadow Park.

BACKGROUND/ALTERNATIVES:

Ordinance 1445 would rezone Meadow Park from MHS - Trailer Park to RH - Residential. It was approved at the 5/7/24 meeting and there have been no changes made. City Staff suggests that this item should only be approved once a water resale agreement is in place.

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 second and final consideration of Ordinance No. 1445 for Meadow Park.

City Commission

Agenda Documentation

May 21, 2024

Subject: Second 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

SUGGESTED MOTION:

I move to approve the second and final consideration of Ordinance No. 1445 for Meadow Park.

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 21, 2024
PREPARATION DATE: May 15, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Second and final consideration of Ordinance 1446, a zone change from CB - Commercial District to RH - Residential Mobile Home Park for Gateway Park.

STATEMENT/PURPOSE:

Second and final consideration of Ordinance 1445, a zone change from CB - Commercial District to RH - Residential Mobile Home Park for Gateway Park.

BACKGROUND/ALTERNATIVES:

Ordinance 1445 would rezone Gateway Park from CB - Commercial District to RH - Residential. It was approved at the 5/7/24 meeting and there have been no changes made. City Staff suggests that this item should only be approved once a water resale agreement is in place.

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 second and final consideration of Ordinance No. 1446 for Gateway Park.

City Commission

Agenda Documentation

May 21, 2024

Subject: Second consideration of Ordinance 1446, a zone change from CB - Commercial District to RH - Residential Mobile Home Park for Gateway Park

Page 2 of 2

SUGGESTED MOTION:

I move to approve the second and final consideration of Ordinance No. 1446 for Gateway Park.

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



City Commission

Agenda Documentation

MEETING DATE: May 21, 2024
PREPARATION DATE: May 21, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First Consideration of Shores at Lakewood 2nd
Addition Zone Change Ord 1447

STATEMENT/PURPOSE:

BACKGROUND/ALTERNATIVES:

Detailed background on this item can be found under Public Hearing no. 1.

ATTACHMENTS:

1. Draft Zone Change Ordinance

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval contingent upon approval of a utility servicing plan.

SUGGESTED MOTION:

I move to approve the first consideration of Ord. 1447 contingent on the utility servicing plan approval.

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 from the original future land use plan 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:

- R7 – Residential
 - Lots 1-11 and 56-63, Block 1
 - Lots 1-36, Block 2
 - Lots 1-3, Block 3
- R3.2 – Residential

- Lots 12-55, Block 1
- 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.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

March 25, 2024
May 21, 2024
June 4, 2024
