



**AGENDA
CITY COMMISSION
JULY 2, 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 on the day of the meeting. Include the agenda item number your comment references. Comments will be forwarded to the Commissioners and appropriate departments.

A. ROLL CALL

1. Roll call of all City Commissioners

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. Introduction of new employees:
 - a. Engineering Tech Jackson Mills

D. APPROVAL OF AGENDA

E. MINUTES

1. Consider approval of the following Board of City Commissioners meeting minutes:
 - a. June 18, 2024 Regular Meeting
 - b. June 25, 2024 Special Meeting

F. PUBLIC HEARING

1. First Consideration of Ordinance No. 1449, related to the Annexation of the Heart River Correctional Center Property
2. First Consideration of Ordinance 1450, related to the corrected annexation of Rock Prairie Estates Addition and the NW Trunk Sewer route

G. BIDS

H. CONSENT AGENDA

1. Consider approval of authorized check signers and employees with banking and cash management functions
2. Consider authorizing city staff to determine project sequencing for the Municipal Concrete Contract
3. Consider approval of a Request for Proposals for the Mandan Union Cemetery Geotechnical Evaluation
4. Consider approval of the special event permit for the Independence Day Parade, Art in the Park and 5k Race
5. Consider scheduling a public hearing to vacate an alley adjacent to Lots 4, 5, & 6 in Helblings 2nd Addition
6. Consider Final Plat for Longhorn 3rd Addition
7. Consider acceptance of State Water Commission cost-share funding
8. Consider authorizing staff to advertise for Collins Reservoir reconstruction bids
9. Acceptance of an AARP Community Challenge grant
10. *Consider approval of the Raffle Permit for Missouri Slope Lutheran Care Center Foundation*

I. OLD BUSINESS

J. NEW BUSINESS

1. Consider selection of a Vice President
2. Consider commissioner portfolio and committee assignments
3. Growth Fund Committee recommendation on fire sprinkler assistance for 104 2nd Ave NW

4. Lower Heart River Water Resource District Update
5. Consider entering into a supplementary Engineering Service Agreement to update City stormwater standards
6. *Consider Engineering Service Agreement for the Terra Vallee decommissioning project*

K. RESOLUTIONS AND ORDINANCES

1. First consideration of Ordinance 1448, an ordinance to amend and re-enact Section 24-1-2(c) of the Mandan code of ordinances, relating to penalties for parking violations
2. Resolution regarding participation in funding for a Bureau of Reclamation WaterSMART Grant Project
3. First Consideration of Ordinance No. 1449, related to the Annexation of the Heart River Correctional Center Property
4. First Consideration of Ordinance 1450, related to the corrected annexation of Rock Prairie Estates Addition and the NW Trunk Sewer route

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

- July 16, 2024 at 5:30 p.m.
- August 6, 2024 at 5:30 p.m.
- August 20, 2024 at 5:30 p.m.

N. ADJOURN

Departmental planning meeting will be held the Monday prior to the Commission meeting, all Commissioners are invited, noon, Veterans' Conference Room. Please notify the city administrator by 8:30 a.m. that Monday if you plan on attending. If more than two commissioners plan on attending, proper public notice must be given.

The Mandan City Commission met in regular session at 5:30 PM on June 18, 2024 in the Ed “Bosh” Froehlich Meeting Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL

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

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. *Quarterly work anniversary recognition .* Employees with 3, 5, 10, 15+ years of service were recognized for their years of service.

2. *Retirement/Service recognition.* Commissioner Camisa was recognized for his time serving on the Board of City Commissioners, Mayor Helbling presented Municipal Judge DeNae Kautzmann with a plaque for her 20 years of service to the City of Mandan and congratulated her on her retirement. Library Director Barb Sandstrom presented Outreach Service Driver Bel Neible with a plaque in recognition of the 10 years of service and upcoming retirement.

3. *Thank You to Allan and Debby Dykshoorn, Cottontail Way Greenhouse.* Planner Stromme thanked Allan and Debby Dykshoorn of Cottontail Way Greenhouse for their donation of flowers for the Main Street Planters, including the five planters along Main Streets and additional flowers at Mandan City Hall.

D. APPROVAL OF AGENDA

E. MINUTES

1. *Consider approval of the minutes from the June 4, 2024 Board of City Commission regular meeting.* Commisisoner Camisa moved and Commissioner Rohr seconded to approve the minutes as presented. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

F. PUBLIC HEARING

1. *Consider a Preliminary Plat for Longhorn 3rd Addition.* Planner Stromme presented the preliminary plat for Longhorn 3rd Addition. Mayor Helbling 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 Commisisoner Camisa seconded to to approve the preliminary plat. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

G. BIDS

H. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider Bicycle Friendly Community Renewal Application.*
3. *Consider 2023 Veterans Credit Abatement for Bernard Kuntz.*

4. *Consider approval of the following special event permits: .*
 - a. *4th of July kick-off party at Stage Stop.*
 - b. *4th of July weekend at Stage Stop.*
 - c. *Mandan Rodeo Days Concert.*
5. *Consider approval of 2023 Records Disposal for the following Departments:*
 - i. *Assessing*
 - ii. *Engineering.*
6. *Consider Amending the 2024 Grounds Maintenance Budget .*
7. *Consider Flex PACE letter of support for a loan to restructure the finance plan for West River Chiropractic Company.*
8. *Consider the following gaming site authorizations:.*
 - a. *Matpac Wrestling Club, Inc. at Stage Stop from June 21 to June 30, 2024.*
 - b. *Bismarck Cancer Center Foundation at Dale Pahlke Arena Mandan Rodeo Grounds on July 1-4, 2024.*
 - c. *Bismarck Cancer Center Foundation at Prairie West Golf Course on June 19, 2025.*
9. *Consider Functional Classification update submittal.*
10. *Consider a raffle permit for SCI-TR Safari Club International Theodore Roosevelt Chapter.*
11. *Consider agreements between BNSF Railway, North Dakota State Historical Preservation Office and the City of Mandan regarding salvageable granite blocks.*
12. *Consider approving sole sourcing services from Electronic Communications Inc..*

Commisisoner Camisa moved and Commissioner Braun seconded to approve consent agenda items 1 through 12 including all sub items as presented. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Consider changes to parking violation fines.* Parking Authority chair Renee Murrish presented the changes to parking violation fines. Commisisoner Camisa moved and Commissioner Rohr seconded to approve the current \$10 parking fines to \$15 per violation and increasing the loading zone violation from \$10 to \$50 effective Jan. 1, 2025, and for the City Attorney to draft the necessary ordinance changes. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.
2. *Presentation of the 2025 Preliminary CenCom Budget.* Central Dakota Communications Center (CenCom) Director Mike Dannenfelzer presented the 2025 preliminary budget. No action was needed, this was a presentation only.
3. *Consider request from TRX Developers to use City Right-of-Way for Shores at Lakewood Sprinklers .* Planner Stromme presented the request from TRX Developers to use City right-of-way for Shores at Lakewood sprinklers and the staff's recommendation to deny this request. Art Goldammer president of TRX Developers explained the reasoning behind the project and asked the commission to approve the request. A discussion was held. Commissioner Rohr moved and Commissioner Braun

seconded to table the item and bring it back to a future meeting. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

4. *Consider Amendment 2 for the Water Treatment Plant Phase III Optimization Project.*

Engineer Wigness presented the amendment for the water treatment plant phase III optimization project. Commissioner Camisa moved and Commissioner Braun seconded to authorize the use of an additional \$70,000 out of the Utility Fund and approve Amendment 2 as presented. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed. Commissioner Camisa moved and Commissioner Braun seconded to authorize City staff to submit this amended Engineering Service Agreement to the State Water Commission for cost-share consideration. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

K. RESOLUTIONS AND ORDINANCES

- L. OTHER BUSINESS Commissioner Olson announced that he would be resigning from the Board of City Commissioners effective immediately, as he has moved to Nebraska to be closer to family and is no longer qualified to serve as a Mandan City Commissioner. He thanked the citizens, City staff, Mandan Park District, and his fellow commissioners. Commissioner Rohr moved, and Commissioner Camisa seconded to accept Commissioner Olson's resignation. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed. Attorney Oster explained that there are three options to fill the vacancy: the board may choose to call a special election, citizens can petition for a special election, or the board may appoint a person to fill the unexpired term through 2026, if no petition is filed. Mayor Helbling stated he would like the incoming mayor and new City Commissioner to be a part of the decision-making process to fill the unexpired term. If a special election is not called for, the Commission may appoint a person to fill the remainder of the term after July 5.

City Administrator Neubauer recognized Mayor Helbling for his years of service to Mandan. He presented Helbling with a plaque to commemorate his time in office, including 8 years with the Mandan Park District, and gave a synopsis of the projects the mayor was involved in.

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

June 25, 2024 at 9 a.m. (Special Meeting via Zoom) .

July 2, 2024 at 5:30 p.m..

July 16, 2024 at 5:30 p.m..

August 6, 2024 at 5:30 p.m..

- N. ADJOURN There being no other business to come before the Board, the meeting adjourned at 06:58 p.m.

James Neubauer
City Administrator

James Froelich
Board of City Commissioners

The Mandan City Commission met in regular session at 9:00 AM on June 25, 2024 in the Dykshoorn Conference Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL

1. *Roll call of all City Commissioners.* Those present were Joe Camisa, Dennis Rohr, Mike Braun, Tim Helbling. Department heads present were City Administrator Neubauer, Human Resource Director Berger, Fire Chief/Public Works Director Bitz, Assistant City Engineer McAdoo-Roesler, Assistant Finance Director Schulz, and Attorney Oster.

B. THE PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

D. NEW BUSINESS

1. *Consider for approval the Abstract of Votes case by the voters of the City of Mandan in the Consolidated Primary Election held the 11th day of June A.D. 2024.* The abstract of votes from the June 11 primary election was included in the agenda packet and presented at the meeting. Commissioner Braun moved and Commissioner Camisa seconded to accept the abstract of votes for the City of Mandan June 11, 2024 Primary election as officially Certified by the Morton county Canvass Board. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

E. OTHER BUSINESS

F. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

July 2, 2024 at 5:30 p.m..

July 16, 2024 at 5:30 p.m..

Aug. 6, 2024 at 5:30 p.m..

G. ADJOURN There being no other business to come before the Board, Commissioner Camisa moved and Commissioner Rohr seconded to adjourn at 09:06 AM. Roll Call vote: Aye 4, Nay 0, Absent 0. The motion passed.

James Neubauer
City Administrator

James Froelich
Board of City Commissioners



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 26, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First Consideration of Ordinance No. 1449, related to the Annexation of the Heart River Correctional Center Property

STATEMENT/PURPOSE:

First Consideration of Ordinance No. 1449, related to the Annexation of the Heart River Correctional Center Property

BACKGROUND/ALTERNATIVES:

The State of North Dakota has requested the annexation of the property designated for development as the Heart River Correctional Center into the City of Mandan's corporate limits. This property is located immediately west of the City of Mandan, across the Heart River from the Municipal Golf Course, and south of West Main Street/Highway 10. It is currently known locally as the youth correction center.

Project Overview

The proposed annexation encompasses 86.91 acres and is a logical extension of the City's corporate boundaries. The site for the Heart River Correctional Center already receives some municipal utilities, including water and wastewater, indicating some legacy involvement the City has in this property already. The proposed annexation would clarify jurisdictional responsibilities, ensuring that the City is responsible for providing services to this property.

Future steps for this project include preparing and reviewing a subdivision plat for the proposed facility. Construction is slated to commence in late fall 2024, with a completion date in 2026.

Approval of the annexation at this point is contingent upon the completion and approval of the platting process. City and County staff have discussed the proposed annexation, and no issues or objections have been received from Morton County. Additional aspects

of the development review may include zoning, floodplain/USACE/LHRWRD coordination, and others.

Adjacent Properties Zoning, Land Use, and Future Land Use

Properties to the north include the BNSF Railroad right-of-way and a mix of MA - Industrial zoned properties currently used for industrial purposes, along with some R3.2 - Residential zoned residences. To the east lies the Heart River. The USDA Great Plains Research Facility is situated to the south on land zoned A - Agriculture. To the west are agricultural properties used for ranching, also zoned A - Agriculture, which include some residences. The City's Future Land Use Plan has designated the subject property as public lands, as it is currently Federal and State-owned with limited private development expected. The land use plan is supportive of additional industrial development on land north of here, which is not expected to conflict with the land use proposed at the corrections center due to site plan controls and distance.

Findings of Fact Annexation

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this annexation;
2. The proposed annexation is a contiguous extension of the current limits of the City of Mandan;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
5. The proposed annexation would not adversely affect public health, safety and general welfare.

ATTACHMENTS:

1. Application
2. DRAFT ANNEXATION ORDINANCE
3. Certificate of Survey
4. Location Map

FISCAL IMPACT:

N/a

STAFF IMPACT:

N/a

LEGAL REVIEW:

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

RECOMMENDATION:

Staff recommends conducting a public hearing for the annexation, and for a motion to approve the first consideration under Resolutions and Ordinances.

SUGGESTED MOTION:

N/A - After conducting the public hearing, the Commission may approve this item under Resolutions and Ordinances.

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)	
The State of ND is requesting annexation of the current Heart River Corrections Center & Youth Correctional Center for a proposed expansion, the Heart River Womens Transformational Center	

Engineer/Surveyor			Property Owner or Applicant		
Name Andrew Schrank - Highlands Engineering			Name State of North Dakota		
Address 319 24th St E			Address 701 16th Ave SW		
City Dickinson	State ND	Zip 58601	City Mandan	State ND	Zip 58554
email schrank@highlandseng.com			email cjangula@nd.gov		
Phone 701-483-2444		Fax	Phone 701-667-1400		Fax 701-667-1414
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	AG	AG	Heart River Womens Transformational Center		
Property Address						Legal Description				
701 16th Ave SW						See attached survey drawing				
Current Use										
Heart River Correctional Center & Youth Correctional Center										
Proposed Use										
Heart River Womens Transformational Center & Youth Correctional Center						Section 28		Township 139N		Range 81W
Parcel Size	Building Footprint		Stories	Building SF		Required Parking		Provided Parking		
86.91 ac										

Print Name Chris Jangula	Signature Chris Jangula	Date 5-1-24
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Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ 450	Date 5-10-2024
Notice in paper		Mailed to neighbors	P&Z meeting
☐ Approved	Approved with conditions:		
☐ Denied			

ORDINANCE NO. 1449

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota, but not embraced within the limits thereof, and has met all requirements as directed by Section 40-51.2-03 of the North Dakota Century Code.

SECTION 1. PROPERTY ANNEXED. The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

PARCEL "A" in the attached Certificate of Survey, and described as:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF (S½) OF SECTION TWENTY-EIGHT (28) AND THE NORTHWEST QUARTER (NW¼) OF SECTION THIRTY-THREE (33), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE EIGHTY-ONE WEST (R81W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION THIRTY-THREE (33) BEING A FOUND REBAR AND CAP; THENCE N 89°15'50" E ALONG THE NORTH LINE OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 475.00 FEET TO THE POINT OF BEGINNING BEING A SET REBAR AND CAP LS-5466 ON THE EAST LINE OF DOMBECK INDUSTRIAL PARK FIRST ADDITION, AS RECORDED AT THE MORTON COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 270271; THENCE N 00°16'02" W ALONG SAID EAST LINE AND LEAVING SAID NORTH LINE, A DISTANCE OF 113.52 FEET TO A SET REBAR AND CAP LS-5466 AT THE NORTHEAST CORNER OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF THE BURLINGTON NORTHERN RAILROAD AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 4019.72 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE, BEING SAID SOUTH RIGHT-OF-WAY OF SAID BURLINGTON NORTHERN RAILROAD, THOUGH A CENTRAL ANGLE OF 16°50'14" AND ARC LENGTH OF 1181.26 FEET TO A SET REBAR AND CAP LS-5466; THENCE CONTINUING N 78°48'44" E ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 1424.61 FEET TO THE WEST EDGE OF THE HEART RIVER; THENCE S 14°55'10" E ALONG SAID WEST EDGE OF SAID HEART RIVER LEAVING SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 214.67 FEET; THENCE CONTINUING S 10°54'24" E ALONG SAID WEST EDGE OF SAID HEART RIVER, A DISTANCE OF 210.25 FEET TO THE INTERSECTION OF SAID WEST EDGE OF SAID HEART RIVER AND SAID NORTH LINE OF SAID SECTION THIRTY-THREE (33); THENCE S 89°25'39" W ALONG SAID NORTH LINE LEAVING SAID WEST EDGE OF SAID HEART RIVER, A DISTANCE OF 479.85 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION THIRTY-THREE (33) BEING A FOUND BLM BRASS CAP; THENCE S 00°29'08" E LEAVING SAID NORTH LINE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW¼) OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 2039.66 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 80°39'22" W LEAVING SAID EAST LINE, A DISTANCE OF 1000.00 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 37°24'44" W, A DISTANCE OF 1576.94 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°15'50" W PARALLEL TO SAID NORTH LINE OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 250.00 FEET TO A SET REBAR AND CAP LS-5466 AT THE SOUTHEAST CORNER OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION; THENCE N 00°59'31" W ALONG THE EAST LINE OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION, A DISTANCE OF 599.88 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 86.91 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

SECTION 2. CORPORATE BOUNDARY EXTENDED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

James Froelich, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

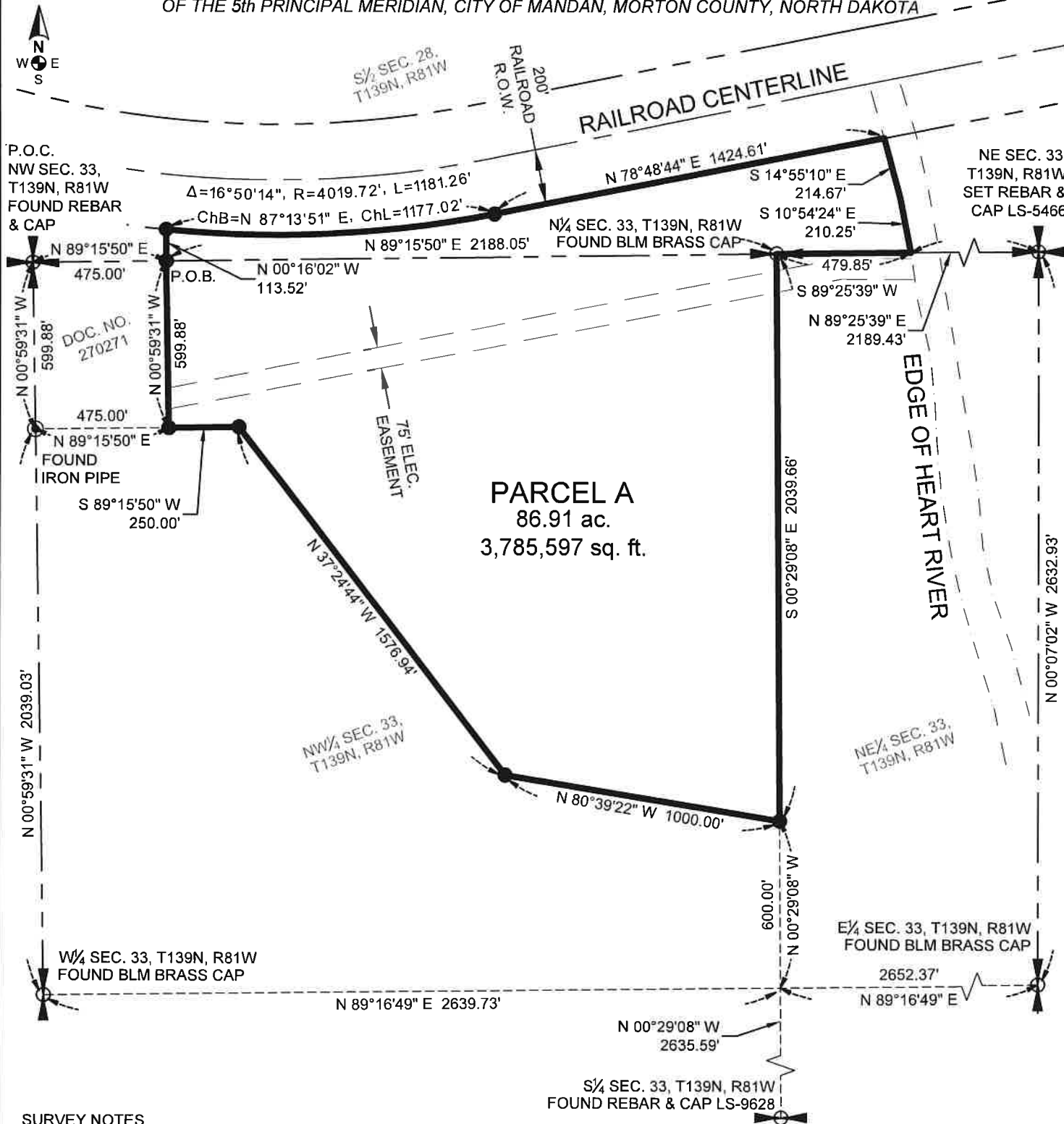
First Consideration:
Second Consideration and Final Passage:
Recording Date:

July 2, 2024

July 16, 2024

CERTIFICATE OF SURVEY

PARCEL A, PORTIONS OF THE S½ SECTION 28 & NW¼ SECTION 33, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



PARCEL A
86.91 ac.
3,785,597 sq. ft.

SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH LINE OF THE NORTHWEST QUARTER (NW¼) OF SECTION THIRTY-THREE (33) WITH THE BEARING BEING N 89°15'50" E, THAT WAS LOCATED BY A GPS OBSERVATION FROM LAT: N46°48'55.39287" / LONG: W100°54'36.90148", BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.

LEGEND

- PROPERTY BOUNDARY
- SECTION LINE
- QUARTER LINE
- EXISTING EASEMENT
- EDGE OF WATER
- SECTION CORNER
- QUARTER CORNER
- FOUND PROPERTY CORNER
- SET #5-18" REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING



I, KC Homiston, Registered Professional Land Surveyor, LS-5466, do hereby certify that the survey plat shown hereon was made by me, or under my direction, and is true and correct to the the best of my knowledge and belief.



HIGHLANDS
ENGINEERING

OFFICE: 701.483.2444
WWW.HIGHLANDSENG.COM



SCALE: 1" = 500'

SURVEY REQUESTED BY: STATE OF NORTH DAKOTA

PROJECT NUMBER: 231257

SCALE: 1"=500'

DRAWN BY: AJA

DATE: 05/02/24

SHEET NUMBER:

1 of 2

CERTIFICATE OF SURVEY

PARCEL A, PORTIONS OF THE S½ SECTION 28 & NW¼ SECTION 33, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

PARCEL "A" BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTH HALF (S½) OF SECTION TWENTY-EIGHT (28) AND THE NORTHWEST QUARTER (NW¼) OF SECTION THIRTY-THREE (33), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE EIGHTY-ONE WEST (R81W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION THIRTY-THREE (33) BEING A FOUND REBAR AND CAP; THENCE N 89°15'50" E ALONG THE NORTH LINE OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 475.00 FEET TO THE POINT OF BEGINNING BEING A SET REBAR AND CAP LS-5466 ON THE EAST LINE OF DOMBECK INDUSTRIAL PARK FIRST ADDITION, AS RECORDED AT THE MORTON COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 270271; THENCE N 00°16'02" W ALONG SAID EAST LINE AND LEAVING SAID NORTH LINE, A DISTANCE OF 113.52 FEET TO A SET REBAR AND CAP LS-5466 AT THE NORTHEAST CORNER OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF THE BURLINGTON NORTHERN RAILROAD AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 4019.72 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, BEING SAID SOUTH RIGHT-OF-WAY OF SAID BURLINGTON NORTHERN RAILROAD, THOUGH A CENTRAL ANGLE OF 16°50'14" AND ARC LENGTH OF 1181.26 FEET TO A SET REBAR AND CAP LS-5466; THENCE CONTINUING N 78°48'44" E ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 1424.61 FEET TO THE WEST EDGE OF THE HEART RIVER; THENCE S 14°55'10" E ALONG SAID WEST EDGE OF SAID HEART RIVER LEAVING SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 214.67 FEET; THENCE CONTINUING S 10°54'24" E ALONG SAID WEST EDGE OF SAID HEART RIVER, A DISTANCE OF 210.25 FEET TO THE INTERSECTION OF SAID WEST EDGE OF SAID HEART RIVER AND SAID NORTH LINE OF SAID SECTION THIRTY-THREE (33); THENCE S 89°25'39" W ALONG SAID NORTH LINE LEAVING SAID WEST EDGE OF SAID HEART RIVER, A DISTANCE OF 479.85 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION THIRTY-THREE (33) BEING A FOUND BLM BRASS CAP; THENCE S 00°29'08" E LEAVING SAID NORTH LINE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW¼) OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 2039.66 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 80°39'22" W LEAVING SAID EAST LINE, A DISTANCE OF 1000.00 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 37°24'44" W, A DISTANCE OF 1576.94 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°15'50" W PARALLEL TO SAID NORTH LINE OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 250.00 FEET TO A SET REBAR AND CAP LS-5466 AT THE SOUTHEAST CORNER OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION; THENCE N 00°59'31" W ALONG THE EAST LINE OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION, A DISTANCE OF 599.88 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 86.91 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.



I, KC Homiston, Registered Professional Land Surveyor, LS-5466, do hereby certify that the survey plat shown hereon was made by me, or under my direction, and is true and correct to the the best of my knowledge and belief.

SURVEY REQUESTED BY: STATE OF NORTH DAKOTA		
PROJECT NUMBER:	231257	SCALE.: N/A
DRAWN BY:	AJA	DATE: 05/02/24
SHEET NUMBER:	2 of 2	



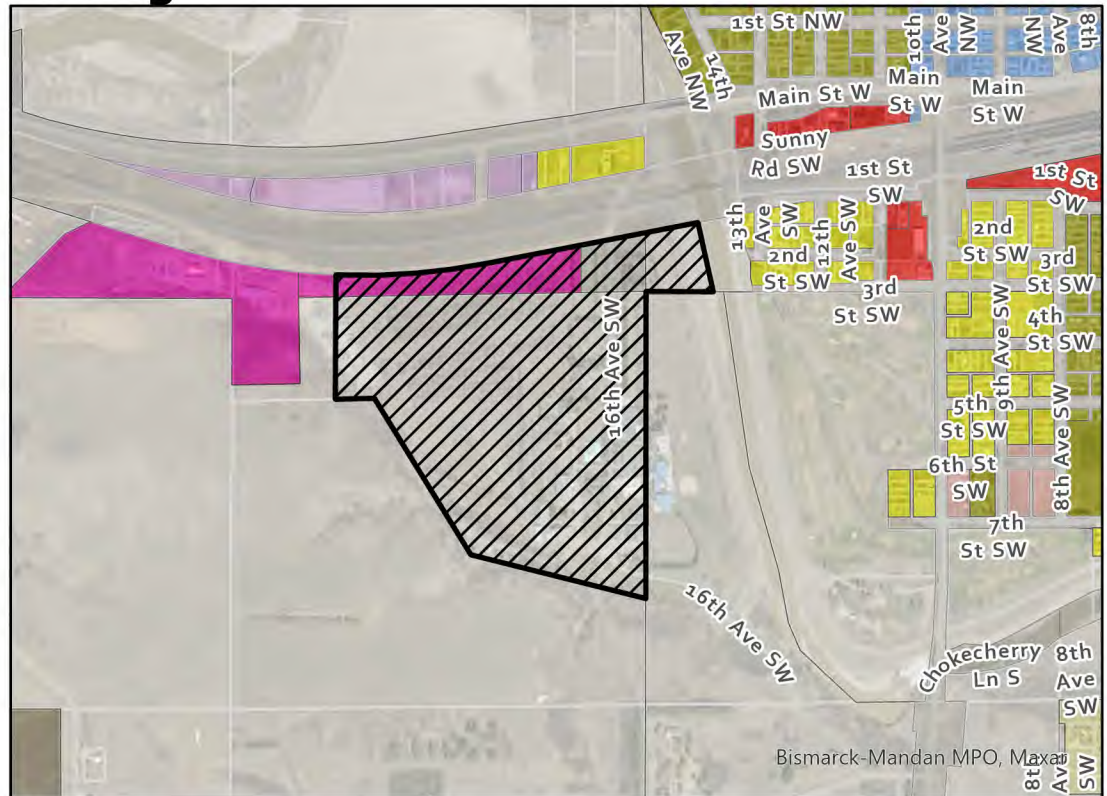
Zoning and Future Land Use Reference Map

Heart River Annexation

Zoning

Zoning Map Key

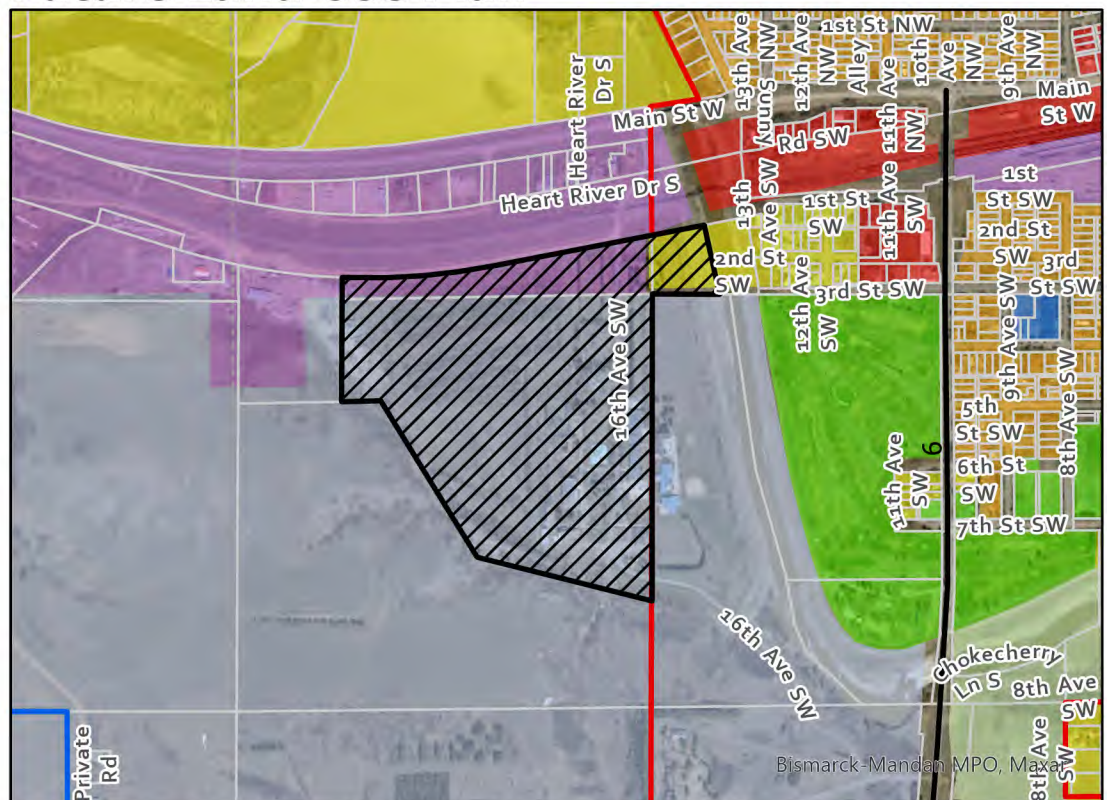
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light 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
- June '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
- June '24 Planning Items

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 26, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First Consideration of Ordinance 1450, related to the corrected annexation of Rock Prairie Estates Addition and the NW Trunk Sewer route

STATEMENT/PURPOSE:

BACKGROUND/ALTERNATIVES:

Derek Zander and other developers have been working in Northwest Mandan to construct new subdivisions and infrastructure for residential and commercial purposes. Rock Prairie Estates, Derek Zander's subdivision, has received approval. However, the associated annexation ordinance was recorded based on a previously approved development plan that changed before final plat approval. To clarify the property to be annexed for the Rock Prairie Estates Development, this ordinance is being written to annex all of Rock Prairie Estates, making it more interpretable than describing the abstract slivers of land that need to be incorporated into the City.

This item has been considered at multiple planning and zoning and city commission meetings, many of which were subject to public noticing requirements, and all meetings explicitly stipulated the character of the development and its inclusion in City limits. In many cases, this annexation is corrective in nature.

The second portion of the ordinance is to annex the portion of the trunk sewer route to be constructed between Rock Prairie Estates Addition's west boundary and the east boundary of the Liberty Hills property. The City does not want a trunk sewer route outside of its limits for jurisdictional purposes. The portion of the trunk sewer outside of City limits is located in an area with a master plan for development as Phase 2 of the Rock Prairie Estates project. It is anticipated that within a matter of a few years that the

second phase of the Rock Prairie Plat will be developed and more holistically contained within a future Mandan neighborhood. Approval of the annexation of that trunk sewer was an action item following the approval/execution of the NW Trunk Sewer Development Agreement, indicating that this has already been considered to some extent by the City Commission as a requirement for growth in this area.

The previously-approved and recorded annexation (Ord. 1400) is attached. It was stipulated in the most recent, final approval of Rock Prairie Estates, that the annexation be updated. This would be the action that completes that.

Adjacent Properties Zoning, Land Use, and Future Land Use

The properties north of the proposed annexation are undeveloped and designated as Agricultural (A). To the east, there is single and twin-family development within the R3.2 - Residential zoning. The south is bordered by Old Red Trail and the Interstate 94 right-of-way (ROW). To the west, the area is for commercial land use and zoned as CB - Commercial. The Future Land Use Plan aligns with the intended land uses included in this annexation.

Findings of Fact Annexation

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this annexation;
2. The proposed annexation is a contiguous extension of the current limits of the City of Mandan;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
5. The proposed annexation would not adversely affect public health, safety and general welfare.

ATTACHMENTS:

1. Application
2. DRAFT ORD 1450 - Rock Prairie Plat and NW Trunk Sewer Annexation
3. ANNEXATION
4. Rock Prairie preliminary plat & masterplan

5. Ord. No. 1400 r

FISCAL IMPACT:

N/a

STAFF IMPACT:

N/a

LEGAL REVIEW:

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

RECOMMENDATION:

Staff recommends conducting a public hearing for the annexation, and for a motion to approve the first consideration under Resolutions and Ordinances.

SUGGESTED MOTION:

N/A - After conducting the public hearing, the Commission may approve this item under Resolutions and Ordinances.

CITY OF MANDAN	
Development Review Application	
☐ Minor Plat (\$300)	☒ Zone Change (\$600)
☒ Preliminary Plat up to 20 acres (\$400)	☐ Planned Unit Development (\$700)
☐ Preliminary Plat more than 20 acres (\$450)	☒ Land Use and Transportation Plan Amendment (\$1,000)
☐ Final Plat up to 20 lots (\$400)	☐ Vacation (\$500)
☐ Final Plat 21 to 40 lots (\$550)	☐ Variance (\$400)
☐ Final Plat more than 40 lots (\$700)	☐ Special Use Permit (\$450)
☐ Annexation (\$450)	☐ Stormwater submittal (\$300)
☐ Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	☐ Stormwater 2 nd & subsequent resubmittal (\$50)
☐ Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	
Summary of Request (Add separate sheet(s) as necessary)	
Plat & zone multi-use subdivision	

Engineer/Surveyor			Property Owner or Applicant		
Name Swenson, Hagen & Co.			Name Red Trail Holdings, LLC		
Address 909 Basin Ave			Address 5012 37th Ave NW		
City Bismarck	State ND	Zip 58504	City Mandan	State ND	Zip 58554
email lniemiller@swensonhagen.com			email redtrailholdings@gmail.com		
Phone 701-223-2600	Fax 701-223-2601		Phone 701-426-0729	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	A	CC, CB, R7	Rock PRAIRIE ESTATES	
Property Address				Legal Description			
Old Red Trail & Corvette Street				Auditor's Lot H & Part of the SW 1/4			
Current Use							
AG							
Proposed Use							
Commercial/Residential				Section 7	Township 139	Range 81	
Parcel Size 40 Acres	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	

Print Name Derek Zander	Signature <i>Derek Zander</i>	Date 11-24-2021
----------------------------	----------------------------------	--------------------

Office Use Only			
Date Received:	Initials: <i>mm</i>	Fees Paid: \$ 2000	Date 11-24-2021
Notice in paper		Mailed to neighbors	P&Z meeting
☐ Approved	Approved with conditions:		
☐ Denied			

Additional Submittals

Future Land Use Map Amendment

A future land use map amendment application shall include the following additional submittals:

1. An explanation of how the application aligns with the goals, objectives, policies, and other information contained within the City of Mandan Land Use and Transportation Plan and other plans adopted by the city; and

The Planning Advisory Committee for the City of Mandan LUTP, noted that a key weakness for the city was a "lack of retail & restaurants, which is closely tied to the lack of overall commercia-industrial tax base". The proposed Land Use amendment helps to expand those uses, while at the same time providing a transition from the residential areas on the east (West Hills) to the proposed commercial zoning on the west. Old Red Trail, as an arterial road, is suited for commercial traffic; access onto the arterial will be limited to one point within the subdivision, providing a central point of access for the commercial uses, which would then have high visibility from the right-of-way.

2. How any amendment, if approved, would not further create potential for disharmonious adjacent land uses; and

The proposed location for commercial/industrial uses, adjacent to Old Red Trail, will have zoning that matches adjoining lands to the west. The addition of CB & CC zoning within this tract will transition into residential zoning to the north, and will be buffered on the east by residential zoning , as well as stormwater & drainage facilities.

3. An ESRI shapefile (.shp) of the future land use map amendment area and projected in spatial reference well-known ID (WKID) 102721.

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

Additional Submittals

Preliminary Plat

A preliminary plat application shall include the following additional submittals:

- ☒ Proposed name of subdivision in accordance with the city's subdivision naming policy.
- ☒ Legal description of property.
- ☒ Name, address and telephone number of the property owner and surveyor.
- ☒ Numerical and graphical scale of one inch equals 200 feet or less, north arrow and date located all in the same vicinity on the plat.
- ☒ Boundary line of proposed subdivision indicated by solid heavy line and block and lot lines indicated by less heavy lines.
- ☒ Boundary lines of adjacent tracts, their owners and existing buildings within 100 feet of the proposed subdivision shown by dashed lines.
- ☒ Lot and blocks numbered in numerical order.
- ☒ Exact location of existing utilities and utility easements for water mains, fire hydrants, storm sewers, bridges, culverts, sanitary sewers, gas lines, telephone lines, electrical lines, cable television, utility substations; indicating pipe or line dimensions, sizes, grades, when necessary, and type of material when available.
- ☒ Proposed zoning of the subdivision.
- ☒ Approximate location of all proposed utility lines and rights-of-way.
- ☒ Location, area and dimension of all existing and proposed land parcels to be dedicated for public use, other than streets.
- ☒ When appropriate, names, locations, rights-of-way width, grades and pavement widths of all existing transportation systems.
- ☐ Proposed preliminary street grades, as required by the city engineer, which should be submitted as a separate document after preliminary plat approval but before submission of the final plat.

☐ Identification and location of existing vegetative cover, historical and cultural features.

☒ Contours with a maximum interval of two feet; and in areas less than three percent grade, spot elevations shall be provided according to standard mapping practices.

☐ Proposed preliminary subdivision grade plan depicting cuts and fills as required by the city engineer to be submitted after preliminary plat approval but before final plat submittal.

☐ Location and dimension of existing building and encroachments.

☒ Proposed street names in accordance with the city's street naming policy.

☐ Location and elevation of lakes, rivers, creeks, indicating the approximate high and low water elevations and identification of area within the 100-year floodplain.

☒ Vicinity map depicting one-mile radius of the parcel.

If appropriate, the subdivider shall provide additional preliminary plat information within the extraterritorial jurisdiction as follows:

☐ Soil report indicating suitability for septic tanks and building development.

☐ Capability of solid waste disposal.

☐ Plan to convert large residential lots, over 20,000 square feet, to average city size lots upon annexation.

☐ Statement of available water supply acceptable under state health department regulations.

☐ Assurance that the subdivision utility systems, including water, sewer, storm sewer and streets can be integrated into the city's system upon annexation and meet all standards.

☐ Statement from the owner assuring maintenance of all constructed improvements.

☐ Statement from the appropriate police and fire departments concerning the availability of services.

ORDINANCE NO. 1450

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota, but not embraced within the limits thereof, and has met all requirements as directed by Section 40-51.2-03 of the North Dakota Century Code.

SECTION 1. PROPERTY ANNEXED. The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

ALL OF ROCK PRAIRIE ESTATES ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA IN SECTION 7, TOWNSHIP 139N, RANGE 81W.

AND

ALL THAT PART OF AUDITOR'S LOT H OF THE SW 1/4 OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST, MANDAN, MORTON COUNTY, NORTH DAKOTA—A STRIP OF LAND 30.00 FEET WIDE, 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE TERMINATION OF THE WESTERN CENTERLINE OF THE BLACKSTONE LANE NW RIGHT-OF-WAY OF ROCK PRAIRIE ESTATES ADDITION; THENCE NORTH 88 DEGREES 23 MINUTES 36 SECONDS WEST, A DISTANCE OF 876.79 FEET; THENCE SOUTH 66 DEGREES 42 MINUTES 24 SECONDS WEST, A DISTANCE OF 190.35 FEET; THENCE NORTH 23 DEGREES 17 MINUTES 36 SECONDS WEST, A DISTANCE OF 243.68 FEET, EXTENDING AND TRIMMING THE SIDELINES TO INTERSECT THE EAST LINE OF SAID ROCK PRAIRIE ESTATES.

SECTION 2. CORPORATE BOUNDARY EXTENDED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

James Froelich, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

First Consideration:
Second Consideration and Final Passage:
Recording Date:

July 2, 2024
July 16, 2024

ANNEXATION---AUDITOR'S LOT H—METES & BOUNDS

ALL THAT PART OF AUDITOR'S LOT H OF THE SW 1/4 OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST, MANDAN, MORTON COUNTY, NORTH DAKOTA—A STRIP OF LAND 30.00 FEET WIDE, 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE TERMINATION OF THE WESTERN CENTERLINE OF THE BLACKSTONE LANE NW RIGHT-OF-WAY OF ROCK PRAIRIE ESTATES ADDITION; THENCE NORTH 88 DEGREES 23 MINUTES 36 SECONDS WEST, A DISTANCE OF 876.79 FEET; THENCE SOUTH 66 DEGREES 42 MINUTES 24 SECONDS WEST, A DISTANCE OF 190.35 FEET; THENCE NORTH 23 DEGREES 17 MINUTES 36 SECONDS WEST, A DISTANCE OF 243.68 FEET, EXTENDING AND TRIMMING THE SIDELINES TO INTERSECT THE EAST LINE OF SAID ROCK PRAIRIE ESTATES.

ROCK PRAIRIE ESTATES ADDITION
*BEING AUDITOR'S LOT H AND PART OF THE SW 1/4 OF
SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST*
MANDAN, MORTON COUNTY, NORTH DAKOTA
PRELIMINARY PLAT & MASTERPLAN

MASTERPLAN:

APPROXIMATELY 40.0ACRES

EXISTING ZONING: A

PROPOSED ZONING: R3.2, R7, RM, CB

PRELIMINARY PLAT:

18.3 ACRES

34 LOTS

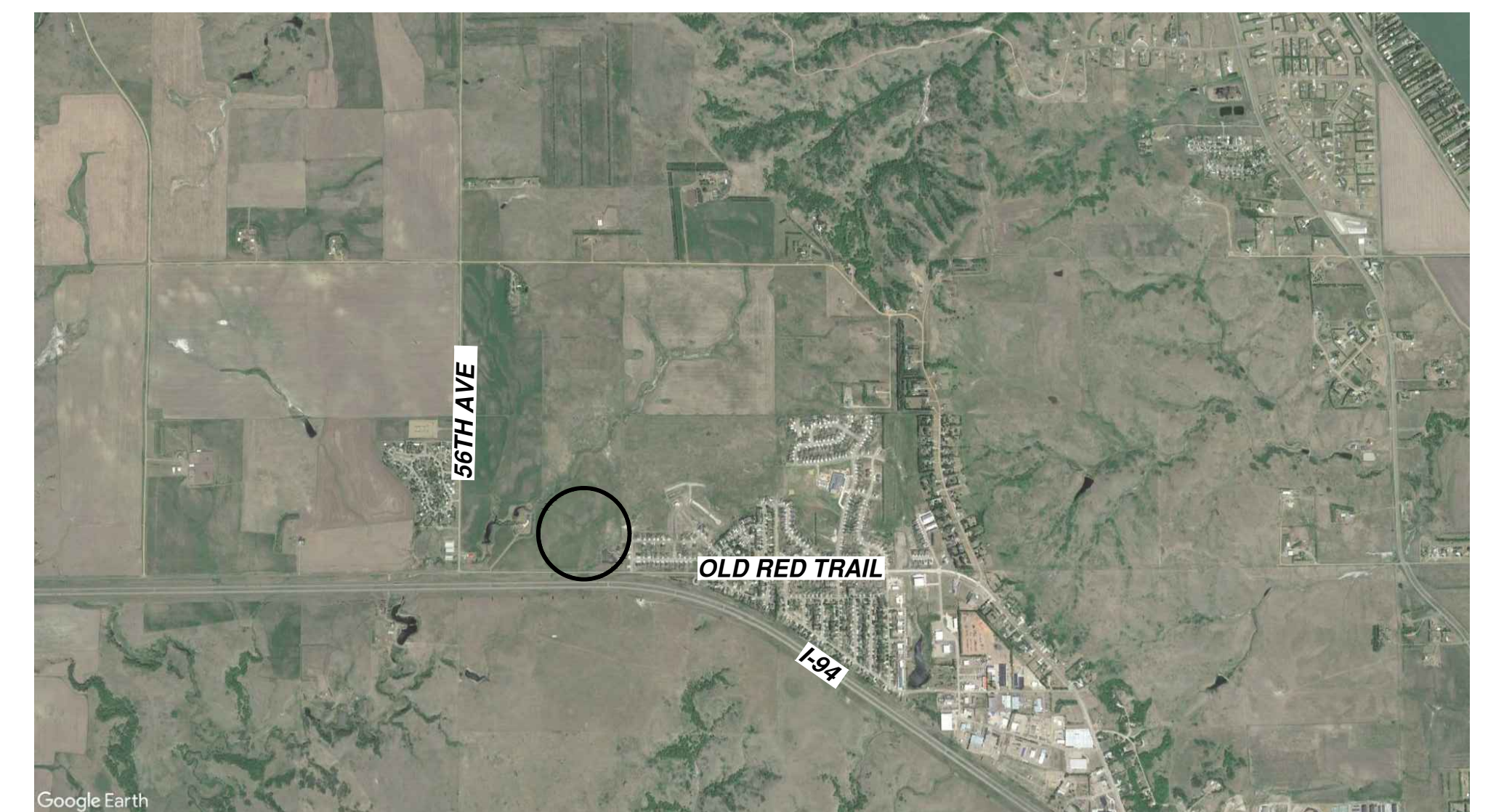
5 BLOCKS

OWNER:

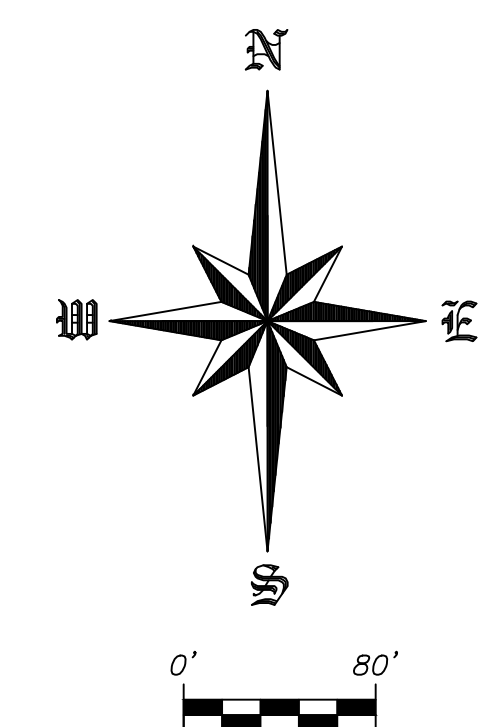
RED TRAIL HOLDINGS, LLC

5012 37TH AVE NW

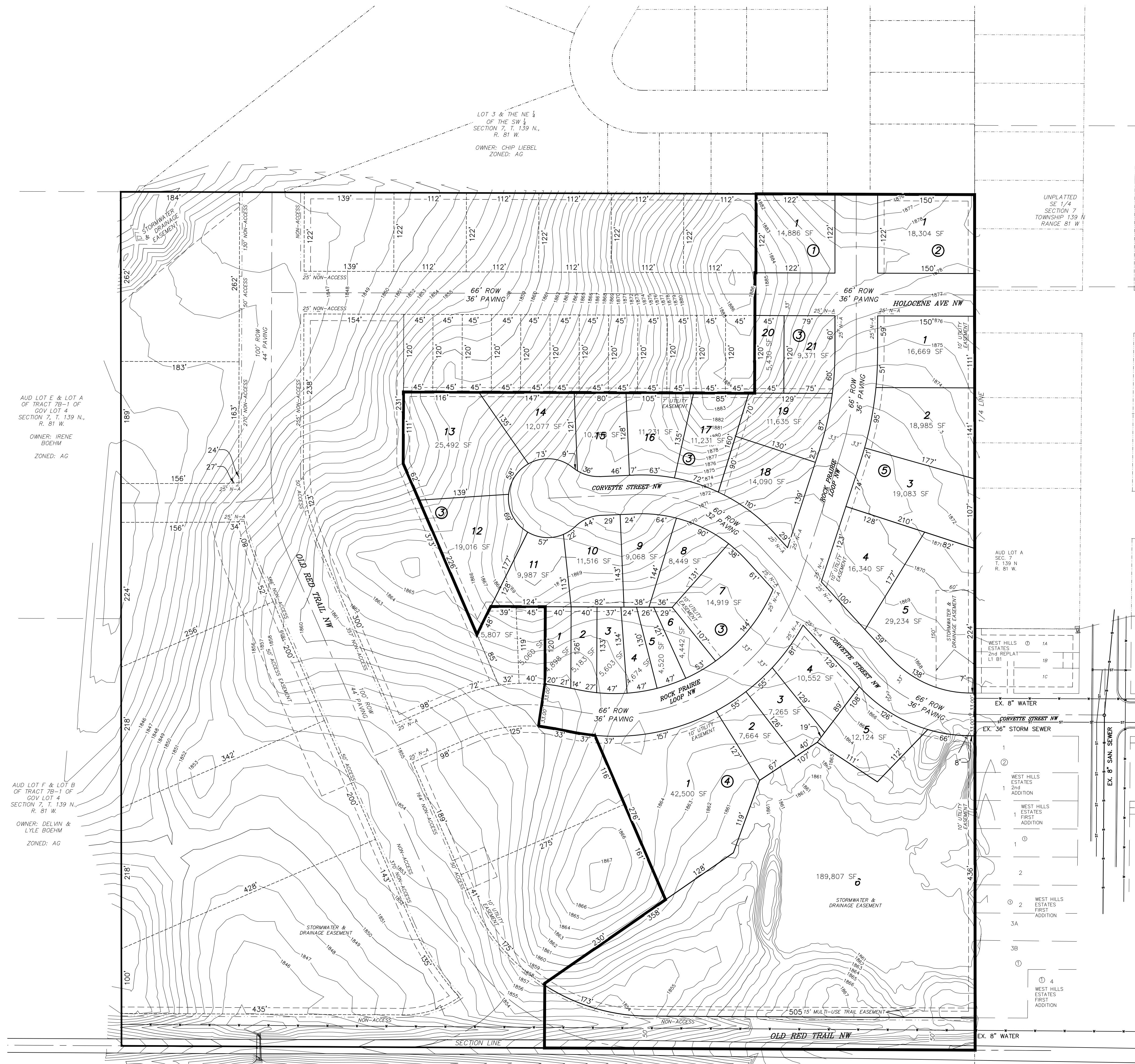
MANDAN, ND 58554



LOCATION MAP



SCALE - 1" = 80'
NOVEMBER 23, 2022



SWENSON, HAGEN & COMPANY P.C.

909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

I certify that this instrument was filed and recorded.

Nancy Seefeldt, County Recorder Fee \$20.00
By Nancy Seefeldt July 14, 2022 9:03:36 AMReturn to:
CITY OF MANDAN
205 2ND AVE NWCounty Recorder 511292
Morton County
Mandan ND 58554
Page 1 of 2

MANDAN ND 58554

**ORDINANCE NO. 1400****AN ORDINANCE TO EXERCISE THE POWERS OF THE CITY AS
OUTLINED IN THE CODE OF ORDINANCES OF THE CITY OF
MANDAN, NORTH DAKOTA PART 1, ARTICLE 3 (O) RELATED TO
ANNEXATION**

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

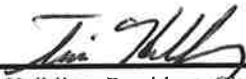
SECTION 1. PROPERTY ANNEXED. The following described land is situated in the County
of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan,
North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan,
namely;

BEING PART OF AUDITOR'S LOT H AND PART OF THE SW 1/4 OF SECTION 7,
TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO
THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS
FOLLOWS:

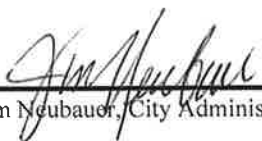
BEGINNING AT THE SE CORNER OF SAID SW 1/4; THENCE NORTH 89 DEGREES 42
MINUTES 24 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SW 1/4, A
DISTANCE OF 665.99 FEET; THENCE NORTH 00 DEGREES 17 MINUTES 36 SECONDS
EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 55 DEGREES 19 MINUTES 43
SECONDS EAST, A DISTANCE OF 308.41 FEET; THENCE NORTH 90 DEGREES 00
MINUTES 00 SECONDS WEST, A DISTANCE OF 138.94 FEET; THENCE NORTH 00
DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 206.31 FEET; THENCE
WESTERLY AND TO THE RIGHT, ON A 333.00 FOOT RADIUS CURVE, THE RADIUS
OF WHICH BEARS NORTH 01 DEGREE 07 MINUTES 43 SECONDS WEST, AN ARC
LENGTH OF 74.71 FEET; THENCE WESTERLY AND TO THE LEFT, ON A 967.00 FOOT
RADIUS CURVE, AN ARC LENGTH OF 50.92 FEET; THENCE NORTH 08 DEGREES 42
MINUTES 33 SECONDS EAST, A DISTANCE OF 66.00 FEET; THENCE NORTH 00
DEGREES 13 MINUTES 59 SECONDS EAST, A DISTANCE OF 129.13 FEET; THENCE
SOUTH 89 DEGREES 46 MINUTES 01 SECOND EAST, A DISTANCE OF 80.09 FEET;
THENCE NORTH 02 DEGREES 24 MINUTES 57 SECONDS WEST, A DISTANCE OF
141.50 FEET; THENCE SOUTH 87 DEGREES 35 MINUTES 03 SECONDS WEST, A

DISTANCE OF 40.00 FEET; THENCE NORTH 16 DEGREES 05 MINUTES 39 SECONDS WEST, A DISTANCE OF 61.75 FEET; THENCE NORTH 02 DEGREES 24 MINUTES 57 SECONDS WEST, A DISTANCE OF 121.25 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 01 SECOND EAST, A DISTANCE OF 266.84 FEET; THENCE SOUTH 78 DEGREES 34 MINUTES 09 SECONDS EAST, A DISTANCE OF 56.83 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 59 SECONDS EAST, A DISTANCE OF 165.16 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 01 SECOND EAST, A DISTANCE OF 322.79 FEET TO THE EAST LINE OF SAID SW 1 /4; THENCE SOUTH 00 DEGREES 02 MINUTES 00 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 1166.75 FEET TO THE POINT OF BEGINNING.

SECTION 2. CORPORATE BOUNDARY EXTENDED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.



Tim Helbling, President, City Commission



Jim Neubauer, City Administrator

Planning & Zoning public hearing
First Consideration
Second Consideration

February 28, 2022
June 21, 2022
July 5, 2022



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 20, 2024
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Approve authorized check signers and employees with banking and cash management functions.

STATEMENT/PURPOSE:

Consider approval of authorized check signers and employees with banking and cash management functions.

BACKGROUND/ALTERNATIVES:

Since the voters have elected a new Mayor and Municipal Judge, the City needs to authorize new check signers. Also, the City needs to update the list of employees who have authorization for banking and cash management functions.

The following newly elected officials are recommended to be check signers:

- James Froelich (Mayor/Board President) - replaces Tim Helbling
- Thomas Jackson (Municipal Judge) - replaces DeNae Kautzmann

Jim Neubauer (City Administrator) will remain as an authorized check signer.

The Mandan Remediation & Supplemental Environmental Projects Trust, Morton Mandan Public Library Board of Trustees, and Mandan Airport Authority Board approve the authorized check signers for their respective entities.

The following employees are recommended to perform banking and cash management functions for their respective departments:

- Jim Neubauer (City Administrator)
- Greg Welch (Finance Director)
- Justin Schulz (Assistant Finance Director)
- Dayne Anderson (Accountant)

Subject: Consider approval of authorized check signers and employees with banking and cash management functions

Page 2 of 2

- Jonathan Mathisen (Payroll & Benefits Specialist)
- Lisa Schobinger (Senior Accounting Technician)
- Candy Fleck (Clerk of Municipal Court)
- Barb Sandstrom (Library Director)
- Lindsay Gerhardt (Airport Manager)

ATTACHMENTS:

None

FISCAL IMPACT:

None

STAFF IMPACT:

None

LEGAL REVIEW:

N/A

RECOMMENDATION:

To approve the authorized check signers and employees with banking and cash management functions as indicated above.

SUGGESTED MOTION:

I move to approve the authorized check signers and employees with banking and cash management functions as indicated above.



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 21, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider authorizing city staff to determine project sequencing for the Municipal Concrete Contract

STATEMENT/PURPOSE:

To consider authorizing city staff to determine project sequencing for the Municipal Concrete Contract

BACKGROUND/ALTERNATIVES:

Section 119 of the Construction Specifications for Municipal Sidewalk Improvements states "The Board of City Commissioners reserves the right to determine in what order the work shall be done, and the work shall be executed in accordance with such directions". In order to avoid project delays, City Staff would like to be granted authorization to determine the project sequencing on behalf of the City Commission.

ATTACHMENTS:

1. Municipal Concrete Contract Specs pg12-13

FISCAL IMPACT:

None

STAFF IMPACT:

Minimal

LEGAL REVIEW:

These documents have been forwarded to the city attorney.

RECOMMENDATION:

Grant authorization to city staff to determine project sequencing for the Municipal Concrete Contract.

City Commission

Agenda Documentation

July 2, 2024

Subject: Consider authorizing city staff to determine project sequencing for the Municipal Concrete Contract

Page 2 of 2

SUGGESTED MOTION:

I move to grant city staff authorization to determine the project sequencing for the Municipal Concrete Contract.

CONTRACTOR. The CONTRACTOR shall be responsible for notifying the project observer a minimum of 72 hours prior to the expected survey.

SECTION 117 – PATENTS

The CONTRACTOR will be held responsible and be required to make good at CONTRACTOR's own expense any and all damages and suits for damages caused by infringements of the patent rights on devices or equipment for the requirements of this contract and is to indemnify and bear harmless the CITY OF MANDAN from all claims, damages, or expenses by the use thereof. All fees and royalties covering the same are to be included in the price bid by the CONTRACTOR for the work to be done under the specifications.

SECTION 118 – ESTIMATES AND PAYMENTS

The ENGINEER shall make a monthly approximate measurement of the work done to date and an estimate of the value of the same at the prices agreed upon in the contract. When directed by the ENGINEER, the CONTRACTOR shall measure the work completed and submit to the ENGINEER in duplicate copy form an estimate of the work completed to date and value of same at the prices agreed upon in the contract.

The ENGINEER shall retain ten percent (10%) of the amount of each payment until fifty percent (50%) of all work in the Contract Documents has been completed and accepted by the ENGINEER. No further amount of retainage shall be withheld from payments after fifty percent (50%) of the contract has been completed unless the ENGINEER has on file any valid claims against the CONTRACTOR by the CITY OF MANDAN or others. The ENGINEER may reduce the amount retained upon completion of ninety-five percent (95%) of all work in the Contract Documents and accepted by the ENGINEER. On completion and acceptance of a part of the work on which the price is stated separately in the Contract Documents, payment in full may be made, including retained percentages less authorized deductions.

Payment for materials in storage may be added to any monthly estimate. The CONTRACTOR must submit the materials invoices, and the materials must be stored on CITY lands or right-of-way, at the site, or as directed by the ENGINEER to be eligible for payment. All materials not in storage as directed by the CITY shall be deducted from the material invoice. No retainage will be deducted for materials stored as directed by the CITY.

SECTION 119 – TIME OF BEGINNING AND COMPLETION OF WORK

The work on this contract shall be started on a date to be specified in the Advertisement for Bids or in a written order from the Board of City Commissioners and shall be completed on the date specified in the Advertisement for Bids. Work shall continue without interruption until the contract is completed except for weather conditions or at the discretion of the ENGINEER. The Board of City Commissioners reserves the right to

determine in what order the work shall be done, and the work shall be executed in accordance with such directions.

SECTION 120 – CONTRACTOR’S RESPONSIBILITIES

Unless otherwise specified, the CONTRACTOR shall furnish all labor, materials, and equipment necessary for the completion of the Schedule of Work in accordance with the plans and specifications. The CONTRACTOR shall do all necessary hauling and perform all labor, incidental thereto, for which no express provisions have been made. The CONTRACTOR shall assume all risks or damages to persons or property prior to the final acceptance of the work. The CONTRACTOR shall so conduct its operation as not to interfere with the work of other contractors in the vicinity. The CONTRACTOR shall maintain at all times an efficiently sized crew headed by a competent construction foreman and the necessary skilled labor to efficiently complete the work.

The CONTRACTOR shall be responsible for maintenance and operation of all constructed facilities until final acceptance unless otherwise noted in specifications, notes, or special provisions. This includes locating of CONTRACTOR constructed underground facilities.

SECTION 121 – FINISHING AND CLEANUP

From time to time or as may be ordered by the ENGINEER and immediately after completion of the work, the CONTRACTOR shall at its own expense clean up and remove all refuse and unused materials of any kind resulting from the work. Upon failure to do so within twenty-four (24) hours after request by the ENGINEER, the work may be done by the Owner and the cost thereof charged to the CONTRACTOR and deducted from CONTRACTOR's final estimate. All excavated areas along trails, sidewalks, curbs, and other structures shall be backfilled with earth, and the cost of such work shall be incidental to the item of construction.

SECTION 122 – WARRANTY

The CONTRACTOR shall guarantee all work and materials and guarantee the performance of the finished project free from material defect or failure for a period of one (1) year from the date of final payment, and the performance bond shall remain in full force and effect for the period. The CONTRACTOR shall provide this warranty regardless of whether the cause of a failure is known or attributable to the CONTRACTOR except for damage caused by a third party by no fault of the CONTRACTOR.

SECTION 123 – LIQUIDATED DAMAGES

OWNER and CONTRACTOR recognize that time is of the essence of the Agreement. They further recognize that not only will OWNER suffer financial loss if the work is not completed within the times specified in the contract, plus any extensions thereof allowed pursuant to the terms of the contract, but also the public of the City of Mandan will



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 25, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider approval of a Request for Proposals for the Union Cemetery Geotechnical Evaluation

STATEMENT/PURPOSE:

To request advertising a Request for Proposal (RFP) for engineering services related to the Union Cemetery Geotechnical Evaluation project.

BACKGROUND/ALTERNATIVES:

The City of Mandan is currently dealing with geotechnical issues on the southeast side of Union Cemetery. The issues have been present for many years but have not been significantly problematic until recently. A hill slough has continued to creep back further into the cemetery property, and there are concerns that if the ground continues to slide, it will impact existing grave sites and/or erode away land that is planned to be used for future grave sites. Additionally, in the spring of 2023, the movement caused a watermain to break, which lead to an acceleration of the ground movement. This acceleration of ground movement then prompted the city to invest in a technical memo from BARR engineering in the summer of 2023. The technical memo provided a high level overview of the issue and surrounding area.

The hill is approximately 40 feet high, with the cemetery at the top of the slope and BNSF railroad tracks at the base of the slope. Based on a review of historical imagery, the movement has likely been present for decades. It is possible that the slope was originally cut to install the BNSF railroad tracks, but the slough may have been present before the railroad was installed. In addition to the slide.

As a first step in remediation, we are seeking engineering services for the Union Cemetery Geotechnical Evaluation project. Initial services shall include preparing a slope evaluation report, any geotechnical exploration the project may entail, along with the use of stated slope evaluation report to apply for grant funding. Completion of the initial service will allow city staff to pursue more funding opportunities to complete the

project in its entirety. If approved, we would plan to finalize the RFP and start advertising it on July 8th for a July 26th due date for proposals.

ATTACHMENTS:

1. RFP Draft

FISCAL IMPACT:

There is no direct cost associated with this agenda item today.

STAFF IMPACT:

This project will require regular communication between city staff and the consultant chosen to complete this project.

LEGAL REVIEW:

These documents have been forwarded to the city attorney.

RECOMMENDATION:

The Engineering Department suggests recommends approving the RFP.

SUGGESTED MOTION:

I move to approve the RFP related to the Union Cemetery Geotechnical Evaluation project.

REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES

The City of Mandan hereby solicits written proposals from professional civil engineering firms for engineering services required for the purpose of:

Provide grant application and management, planning, design engineering, pre-bid and bid services for the Cemetery landslide project. Initial services shall include preparing a slope evaluation report, any geotechnical exploration the project may entail, along with the use of stated slope evaluation report to apply for FEMA grant funding. The City plans to facilitate the application for a FEMA grant to partially fund this project. Should the project move forward after application of the FEMA grant the contract may be extended to include final design, preparation of bid and contract documents and construction oversight. Other possible funding sources may include the sales tax fund, city wide property taxes and the utility fund. The project is to design and implement a form of landslide mitigation onto the southeast corner of Union Cemetery.

The general schedule of the project is to complete the slope evaluation report in the late summer of 2025, with application to the FEMA grant also in late summer into fall of 2025. Pending those results we would move into final design and construction as soon as possible.

Written proposals shall address, at a minimum, the following items of consideration; the firm's:

- 1) Past performance (Does not have to be with the City of Mandan)
- 2) Ability of professional personnel
- 3) Basic project understanding
- 4) Willingness to meet time and budget requirements
- 5) Location of firm's staff performing the work
- 6) Related experience on similar projects

The selection of the firm will be based on the evaluation of the written proposals and interviews by the selection committee. The selection committee may interview all or some of the firms based on the proposals. The selection committee will then forward their recommendations to the Board of City Commissioners for their consideration. Price will be negotiated with the selected firm. If an agreement on scope of work and cost is reached with that firm, an engineering agreement will be executed with them.

Written proposals from qualified consultants will be accepted until 4:30 p.m., Friday, July 26th. Proposal pages shall be numbered and limited to six (6) pages in length. Each proposal shall contain a cover letter signed by an authorized officer of the firm. The cover letter will not be counted as one of the six (6) pages. The proposal may include appendices for more robust or additional information such as resumes, references, past projects, etc. that support the firm's capability. The appendices will not be considered as part of the six (6) page proposal and are not limited. The city anticipates reviewing the proposals during the week following July 29th. Depending on the amount of proposals, the City may look to interview as early as the week of August 5th and as late as the week of August 12th. It is anticipated that a recommendation for selection will go before the Board of the City Commissioners for their consideration at either the August 20th or the September 3rd City Commission meeting.

During the RFP period, the city will accept questions in written form by emailing Riley McAdoo-Roesler at riley.mcadooroessler@cityofmandan.com with the subject line including the text "Cemetery Landslide". All questions will be posted anonymously and answered within the [city's RFP section of the city website](#). Additionally, interested firms may request a half hour meeting with city engineering staff to ask questions about the project. Those questions are subject to posting on the city website as well.

For consideration, submit one (1) electronic copy of said proposal to:

City of Mandan
engineering@cityofmandan.com
Engineering Office
205 2nd Avenue NW
Mandan, ND 58554



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 25, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Consider approval of the special event permit for the Independence Day Parade, Art in the Park and 5k Race.

STATEMENT/PURPOSE:

Consider approval of the special event permit for the Independence Day Parade, Art in the Park and 5k Race.

BACKGROUND/ALTERNATIVES:

Mandan Independence Day Parade is an annual event featuring 75–100 floats that go down West Memorial Highway and all of Mandan Main Street. Mandan Art in the Park Festival features craft makers and food vendors from around the region in Dykshoorn Park. Mandan 4th of July Road Race features a 5k run with 500 runners on the morning of July 4th, on Main Street, after the closure. All City of Mandan Departments reviewed and signed off on the event. ND DOT Bismarck District reviewed and approved the traffic control plan. See attachment.

ATTACHMENTS:

1. Art in the Park, Parade SE Permit - signed

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

I recommend approving the special event permit for the Independence Day Parade, Art in the Park and 5k Race.

SUGGESTED MOTION:

I move to approve the special event permit for the Independence Day Parade, Art in the Park and 5k Race.

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: 6/15/2024

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

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

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

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

Comprehensive site plans must accompany this application.

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

Section 1 – Applicant Information

Name of Event Manager: Matt Schanandore

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

Date of Birth: 07/10/1983 Phone Number: 7019344540 Email: matt@mandanprogress.org

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

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

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

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

Name of Event Manager:

Driver's License Number: State

Date of Birth: Phone Number: Email:

Address: City: State: Zip:

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

If yes please list charge and year of conviction:

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

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

Business Address: 411 W Main St. City: Mandan State: ND Zip: 58554
Corporation/Organization: Mandan Progress Organization State of Incorporation: ND
Tax ID #: 45-0439012 501(c)3 #: _____ City Sales Tax ID #: _____
Have you ever coordinated/promoted another event/s? ☒ YES ☐ NO
If yes, please provide the following:
Last event/s Location: 4th of July Parade 2024 Date: 07/04/2024
Contact Name: Matt Schanandore Phone: 701-934-4540
E-mail Contact: matt@mandanprogress.org

Section 2 – Event Information

Event Name: Independence Day Parade/Art-in-the-park/5K Race Anticipated Daily Attendance: 30000
Event Date(s): July 3rd & 4th Set-up Date: July 2nd Hours: 7am - 9pm
Hours of event each day: (Art-in-the-park July 3rd 9am to 7pm July 4th 9am to 5pm / 5k Race July 4th 8am / Parade July 4th 7am - 1pm
(begin and end times)
Take Down Date(s): Art-in-the-Park July 4th after 5pm Hours: 5pm - 8pm
E-Mail address for public information: info@mandanprogress.org
WEB address for public information: www.VisitMandan.com
Location of Event/physical address: Dacotah Centennial Park / West Memorial Highway / Main Street / Dykshoorn Park
Sponsors of the Event: Various
Brief Description of Event:
Mandan Independence Day Parade is an annual event featuring 75 to 100 floats that process down West Memorial Hwy and all of the Mandan Main St.
Mandan Art-in-the-Park Festival features craft makers and food vendors from around the region in Dykshoorn Park.
Mandan 4th of July Road Race features a 5k run with 500 runners on the morning of July 4th, on Main St. after the closure

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

If yes, please provide the following:

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

Section 3 – Event Features

Will there be an admission charge? ☐ Yes ☒ No

If yes, Printed ticket count: _____ Tickets for presale count: _____

Will there be entertainment? ☒ Yes ☐ No

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

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

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

If yes, please attach a complete list of vendors.

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

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

What type of advertising/promotion will be done prior to the event?
(Attach all promotional material.)

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

TV: ☒ Yes ☐ No What Stations? KXMB -TV Live Streaming the Parade

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

Press Releases: ☒ Yes ☐ No How many? 2 - 3

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

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

Name of Promoter and Promotion Company: _____

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

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

Tents or Canopies: ☒ Yes ☐ No

Number of Tents: Many - Food Vendors, Craft Vendors, Large Seating

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

Fireworks or Pyrotechnics: ☐ Yes ☒ No

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

Fireworks or Pyrotechnics Production Company's name: _____

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

Require permits from the City of Mandan

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

Temporary Fencing: ☐ Yes ☒ No

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

Company Contact Name: _____

Contact phone: _____

Restroom Accommodations: Spiffy Biffs

Number of required portable toilets: 26 to 35 spread out at DCP, Main St. and Parks

Approved By: _____ Date Approved: _____ Initials: _____

Placement of sanitary toilet facilities must be on site plan.

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

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

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

Electrical Services/Generators ☐ Yes ☒ No

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

Company Contact name: _____

Contact phone: _____

Approved By: _____ Date Approved: _____ Initials: _____

Carnival/Amusement Rides: ☐ Yes ☒ No

A separate permit from the Fire Department may be required.

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ Date Approved: _____ Initials: _____

Signs / Banners ☐ Yes ☒ No

Company Contact name: _____

Contact phone: _____

Approved By: _____ Date Approved: _____ Initials: _____

Inflatables ☐ Yes ☒ No

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

Approved By: _____ Date Approved: _____ Initials: _____

Raffles

Will this event have a raffle? ☐ Yes ☒ No

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

Approved By: _____ Date Approved: _____ Initials: _____

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

Section 4 – Transportation

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

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

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

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

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

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

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

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

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

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

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

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

Section 5 – Use of City Utilities

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

Electric Location including amperage Dykshoorn and Heritage Parks

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

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

Water Location(s) Dykshoorn and Heritage Parks

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

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

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

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

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

Section 6 – Alcohol

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

Will alcohol be given away? ☐ Yes ☒ No

Will the alcohol be sold? ☐ Yes ☒ No

Will the alcohol be donated? ☐ Yes ☒ No

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

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

Approved By: _____ Date Approved: _____ Initials: _____

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

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

If yes, please explain:

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

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

If yes, who provided the training: _____

Date and time of most recent training: _____

Request Mandan Police Server Training: ☐ Yes ☐ No

If yes provide a contact person and contact information::

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

Section 7 – Event Security

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

Number of personnel requested: _____

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

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

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

Are you requesting private security? ☒ Yes ☐ No

Number of security personnel onsite: 3 - 7

Include security points and duties on event plans

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

Security Company and Contact Info: Spartan Security - Jared Gregar

Attach a copy of Company's License

Section 8 – Emergency Medical Services

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

Number of personnel requested: _____

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

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

Section 9 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

Garbage containers will be placed along Main Street. We will have volunteers pull and replace full garbages at the end of the parade.

Additionalyl, Trans Trash will be the last entry in the parade and will collect the garbage as they make their way down the parade route.

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: Armstrong Sanitation & Trans Trash

Contact Name: Grant Heidrich (MPO)

Phone: 701-751-2983

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.

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

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 (Jun 25, 2024 09:32 CDT)	<u>06/25/24</u>	☒	Approved	☐	Denied	☐	Conditional—See Narrative
Fire Department	Date						
<u>Patrick Haug</u> Patrick Haug (Jun 25, 2024 07:59 CDT)	<u>06/25/24</u>	☒	Approved	☐	Denied	☐	Conditional—See Narrative
Police Department	Date						
<u>Jack Wapner</u>	<u>06/25/24</u>	☒	Approved	☐	Denied	☐	Conditional—See Narrative
Engineering Department	Date						
<u>Brian Dirk</u> Brian Dirk (Jun 25, 2024 07:30 CDT)	<u>06/25/24</u>	☒	Approved	☐	Denied	☐	Conditional—See Narrative
Public Works	Date						

Fire Department Narrative:
N/A

Police Department Narrative:
N/A

Engineering Narrative:
NDDOT Bismarck District reviewed and approved the traffic control plan as well.

Public Works Narrative:
n/a

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)

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

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

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

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)

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

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)

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)



Mandan Progress Organization
Executive Director: Matt Schanandore
Office: 701-751-2983
Email: info@mandanprogress.org



2024 MANDAN 4th of JULY Independence Day Parade Line up.

GE1 Marine Color Guard
GE2 Walking Ole Glory
GE3 Mandan PD
GE4 Morton County Sherriff
GE5 Mandan Rural Fire Department
GE6 Mandan Fire Department
GE7 Bismarck Rural
GE8 Mandan Chevrolet Major Sponsor
GE9 Mandan Marching Band
GE10 Mandan Touchdown Club
GE11 Grand Marshall Anna Mary Breierlein
GE12 A & B Pizza 2023 Best Float

H13 Mandan Rodeo Days
H14 Midwest Alternative Livestock Auction
H15 Marvin Schwehr Doctor Buggy (in memory of Walt Nuen)
H16 Poop Scoops

1. Dakota Community Bank & Trust
2. Security First Bank of ND
3. Bismarck Bobcats
4. Touchstone Energy Cooperative
5. Starion Bank
6. RJR Maintenance



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7. Cloverdale Foods
8. Bismarck State College
9. Bobcat of Mandan
10. Bravera Bank
11. Mandan Hockey Club
12. Montana Dakota Utilities
13. The Container Pros
14. Poly Pro LLC
15. Mandan DECA
16. ND National Guard
17. Arlon Voge – Honor Flight
18. Western North Dakota Honor Flight
- 19.
- 20.

21. General Equipment and Supplies
22. First Community Credit Union
23. Dakota Stage ITD
24. Arrow Service Team
25. Bergs 24 Hr Towing
26. First Lutheran Church
27. Mandan Knights of Columbus
28. Wrap and Pack Moving Company
29. ND FlagPoleGuy.com
30. Dream Center Bismarck
31. The Corn Lady Sweetcorn
32. Bismarck/Mandan Dem. NPL
33. Mandan Wrestling Club
34. Edgewood Mandan
35. New Freedom Center
36. Harvestone Low Carbon Partners
37. 2 Vets Moving Company
38. Mark's Heating and Cooling
39. Fedorchak for ND

41. Sverdup Lodge Sons of Norway
42. Schwan Buick GMC Cadillac
43. Dakota Iron
44. West River Equipment
45. Dakota Star Gymnastics
46. Red Top Recovery



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47. Knights of Columbus JP Wagner
48. Sleepy Hollow Theatre and Arts Park
49. The Salvation Army
50. Dacotah Speedway
51. Cash Wise
52. Civil Air patrol
53. Mandan Fastpitch Association
54. Fort Abraham Lincoln State Park
55. West River Transit
56. Savanah Benz Advanced mechanical
57. Custom Truck Equipment Inc Bismarck
58. ABRA Auto Body
59. S & W Portable Sign
60. Spahr4judge
61. Dacotah Mandan Lions Clubs for District 5NW Zone 6
62. 701 Trailer and Equipment Rentals
63. Jason Hammes for District Judge
64. MHS Class of 74
65. NLF Outdoors
66. US Forest Services – Dakota Prairie Grasslands
67. Nightlife Limousine
68. Professional Touch Detail Center
69. Silver King Book Sales
70. BEV Shuttle Service
- 71 Catholic Charities North Dakota
72. ND Legend Derby
73. Last Call Bar/Fully Loaded
74. Northland Health Centers
75. Conlin's Furniture
76. Trans Trash



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Craft Vendor Instruction Sheet 2024

Greetings from the Mandan Progress Organization!

We are so excited to have you as a vendor for another phenomenal installment of Art in the Park! To create a fantastic experience for the public, and our vendors, we have outlined our set up process and timing below. Please join us in facilitating a smooth day of operations by reviewing the maps.

This sheet is our reference, and it is a great help to have it on hand for day-of instructions as well. Please let us know of any accommodations you may need.

The Mandan Progress Organization thanks you for being a part of Art in the Park. You have been assigned a location for your booth, which will be indicated in Dykshoorn or Heritage Park upon your arrival. **You may use the parking lane on Main Street for your unloading.** Please see Vendor Set-Up Schedule for more instructions.

Schedule

Craft Vendor Check In and Unloading

Time: July 2nd from 8:00 AM – 4:00 PM **PLEASE SEE ATTACHED Vendor Set-Up Schedule**

Location: South side of Main Street in front of Dykshoorn or Heritage Park

Craft Vendor Set Up

Time: July 2nd from 8:00 AM – 4:00 PM

Location: Dykshoorn and Heritage Parks

Vendor Show

Time: July 3rd from 9:00 AM – 7:00 PM

Location: Dykshoorn and Heritage Parks

Time: July 4th from 9:00 AM – 5:00 PM

Location: Dykshoorn and Heritage Parks

Independence Day Festivities (July 4th)

5k Road Race – 8:00 AM

Parade – 11:00 AM

MAIN STREET WILL BE SHUT DOWN (NO PARKING) ALL MORNING

Craft Vendor Break Down and Loading

Time: July 4th 5:00 PM – 7:30 PM

Location: Dykshoorn and Heritage Parks

(cont.)



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Executive Director: Matt Schanandore
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Parking:

Parking your vehicle after you have unloaded will be the west lot of the Morton Mandan Public Library. Additional parking instructions to follow. Absolutely no parking in the Hirsch Floral west lot. Vehicles will be towed.



Security:

Security will be provided each night from 7:00 PM – 7:00 AM beginning on July 2.

Set Up

Vendor Spots are mapped by letter then number. Each letter represents your section and the number your corresponding booth placement.

Inspections

The State Electrical Inspector will also be conducting inspections on all vendors using electricity. They are arriving at 12:00 PM July 3rd to begin inspections. The fee is \$15, paid at the time of inspection.

IMPORTANT REMINDERS:

MPO must receive your certificate of insurance with the Mandan Progress Organization listed as additional insured for you to vend.

Please remember to read and follow the Festival Rules.

NO STAKES in either park.

We are so grateful you chose to be with us for this fantastic festival and look forward to another great 4th!



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Email: info@mandanprogress.org

Art in the Park Festival Rules

Dates:

July 2nd – Set Up Starting at 8 AM (Check Vendor Set-Up Schedule)

July 3rd – Festival 9:00 AM to 7:00 PM

July 4th – Festival 9:00 AM – 5:00PM with teardown immediately after

Locations:

Heritage Park – 301 W Main Street Mandan, ND 58554

Dykshoorn Park – 511 W Main St Mandan, ND 58554

Festival Rules:

1. Vendors **MUST** have provided Mandan Progress Organization a copy of the certificate of insurance **WITH** Mandan Progress Organization listed as additional insured for the event. Failure to do so will result in a forfeiture of your space.
2. Work must be contained within the assigned space. Only one exhibitor will be permitted in each space. A two-person team or partnership producing a single product may qualify as a single exhibitor if this is adequately explained at the time of application. **NO AWNINGS OR MATERIALS CAN SURPASS YOUR ASSIGNED AND PAID FOR SPACE.**
3. Vendor booths must be manned **AT ALL TIMES** during the festival hours.
4. All works must be original works of art done by the artist and quality of products must be maintained throughout your booth. Printing from widely circulated photographs is not considered original works of art and will not be accepted.
5. No smoking (including electronic cigarettes) by vendors. Move outside the park to smoke.
6. Sales are not permitted outside of festival hours (i.e. July 3rd from 9 AM to 7 PM and July 4th from 9 AM to 4PM)
7. **NO STAKES CAN BE USED TO SECURE YOUR CANOPY.** We have beautiful parks that are maintained through sprinkler systems, so no stakes can be used. Instead, please use weights, sandbags, or other means to secure your booth. Vendors are responsible for properly securing their wares.
8. Each vendor is responsible for collecting North Dakota Sales Tax (7.25%) on all sales made during the Festival. You are required to collect 7.25% sales tax and mail your proceeds to the local office of the ND State Tax Commissioner.
9. Parking and traffic will not be permitted in the exhibit area. This rule will be **STRICTLY ENFORCED.**
10. **Festival hours will be July 3rd, 9am - 7pm; July 4th, 9am - 5pm. To avoid a fine, and be eligible for admission to future shows, exhibitors must show July 3 & 4. NO EARLY TAKE DOWNS!**
11. Artists and craftsmen violating the rules of the Festival will become ineligible for re-admission to future Festivals. There can be a fine assessed to vendors not following the rules and policies set forth. Participants must be present both days.
12. Vendors are required to keep their area clean both during the event and until they are fully broken down.
13. Vendors must register at the Information Booth prior to setting up.



Mandan Progress Organization
Executive Director: Matt Schanandore
Office: 701-751-2983
Email: info@mandanprogress.org

14. Security will be provided on the evenings of July 2 & 3. The committee will not be held responsible for any accidents, or damages due to weather.
15. To ensure effective communication, please double check that your day-of contact filled in during your application is correct.
16. Neither the vendor nor their representatives may be impaired by alcohol, marijuana, or illegal substances any time while on market premises.
17. **NO PETS.**
18. **NO BIKES.**

Vendor Set-Up Schedule

July 2nd, 2024

- Please unload and remove your vehicle from the unloading area (Main Street) within your allotted time. See below for the map, the areas in green are available to be used for unloading. See the park map for your section and number.



- Parking of your vehicle after you have unloaded is at the west lot of the library, and the east lot of Bravera Bank (next to the O'Reilly's lot).
- Security will be provided each night (7:00 p.m. to 7:00 a.m.) beginning on July 2nd.
- The festival begins at 9:00 AM. on July 3rd. Please arrive and be in your booth by 8:45 AM.
- If your designated Set-Up time does not work for you, you need to reach out to Courtney ASAP. She will co-ordinate an alternative plan courtney@mandanprogress.org

Sections A, D and F – 8:00 AM to 9:00 AM

316 Legacy - D4
Billie's Soaps - A13
Candy's Dollhouse - D6
Cracked Anvil – F3
Dakota Crafts - D1
J & J Welding – F7
James Hill – F1
Kate's Poperella - A11
Mark Levsen - A5
Norenwood – F5
Reflections of Minnesota - A8
Relish the Flavor - A16
Sage Winds - A10
Summer Lakes - A15
Up Here Gear - A6

Section B – 9:00 AM to 10:00 AM

1377 Threads – B2
Ah Jeez – B10
Bear Bliss Pit – B13
Big Dog – B8
Darrel Bowman – B15
Hornet Timer – B12
KD Creations – B14
Leashes by Liz – B16
Ola Balms – B4
Personal Touch Designs – B5
Stanley's Sugarbush – B6
Scott Seiler – B7
The Little Apiary – B1
Suncreek – B18

Section E – 10:00 AM to 11:00 AM

**YOU WILL BE PULLING IN IN NUMBER
ORDER (this section only)**

E1 Word Turners
E2 Southwind
E4 Happy Magnets
E6 Daron Kruger
E8 Dakota Live Edge
E10 GOC Rocks
E12 Wheatheadz
E14 Larry's Quality
E15 Live, Laugh Shop

Section G (Heritage Park) – 11:00 AM to 12:00 PM

Artsy Crafty Sisters – G9
Bare Naked – G18
Beyond Our Galaxy – G8
Bootleg Outfitters – G17
Crafty Mama – G28
Created by JT – G5
DK Handmade – G14
Farm-N-Her – G2
Grillwise – G6
Grubbworks LLC – G19
KruWorks – G27
Midnight Ranch - G1
Midwest Custom Gifts – G23
Nature's Gems – G10
Nodakian – G29
Painted Stuf – G12
SP Handmade – G21
Splendid Nature – G4
Ssjenns Cups – G7
Yoga Life – G3

MEMORANDUM

TO: OPERATORS OF TEMPORARY OUTDOOR INSTALLATIONS

FROM: Zach Paetz
N.D. STATE ELECTRICAL INSPECTOR
PHONE: office (701)328-9522 or cell (701)516-6475

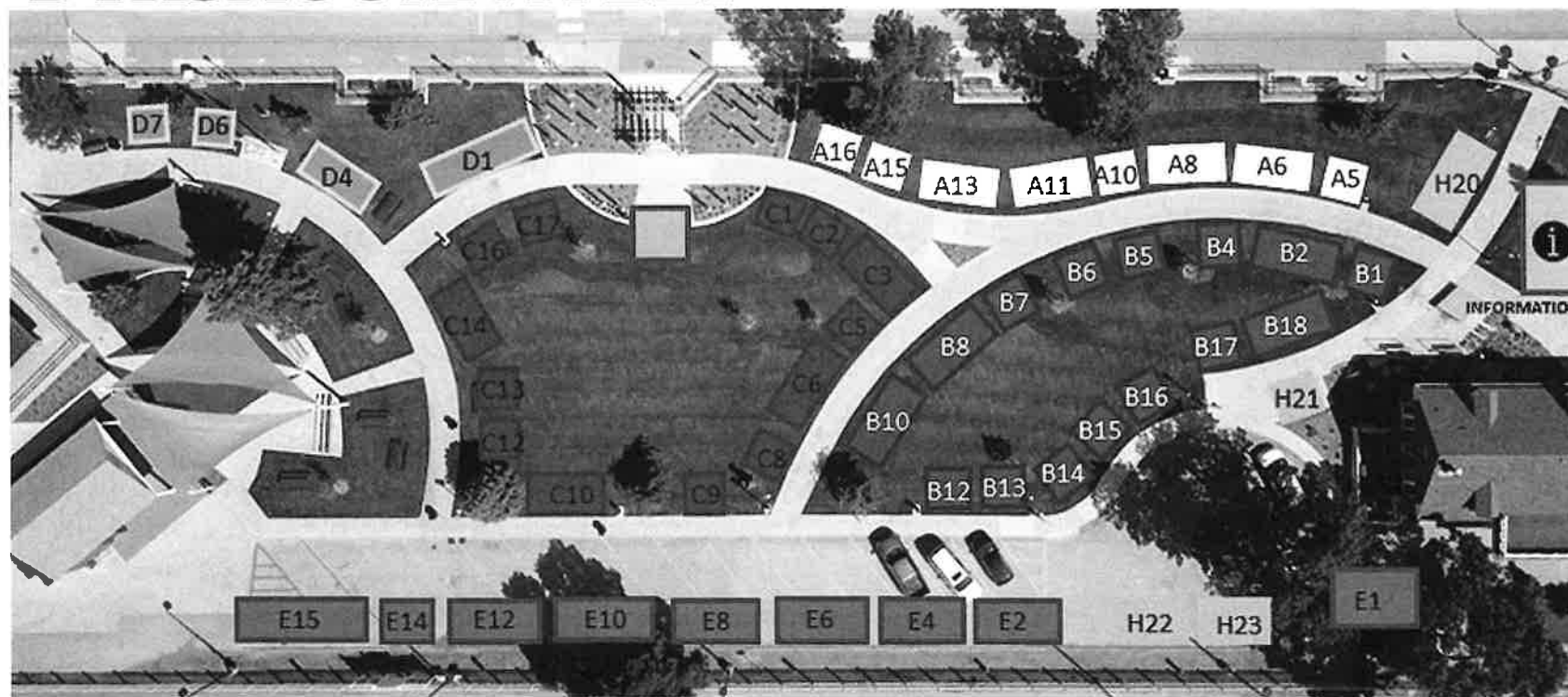
These are a few of the requirements for temporary installation of electrical wiring at fair stands. (Outdoor concession stands only.) Electrical inspections of concession stands and booths will begin on **Wednesday July 3rd at 7:00am Please have cords and mats, if needed, on walkways in place, power to your booth, and someone there with the inspection fee (\$15.00) as the inspector comes through.** Concession stands and booths should be ready by that time.

THIS IS VERY IMPORTANT AS YOU MUST BE INSPECTED AND HAVE A YEAR 2023 CERTIFICATE OF INSPECTION FROM NORTH DAKOTA PRIOR TO OPENING.

1. GFCI protection is required for all 15 and 20 ampere, 125 volt receptacles. This can be through a GFCI receptacle or with GFCI protection as an integral part of power supply cord. GFCI protection is required for all receptacles rated 250 volt, 50 amperes or less installed after 10/1/2020
2. Provide one adequately-sized and properly-fused flexible cord to each stand.
3. A fusible disconnect is required within the stand. (NOTE: plug strips must contain a fusible trip.)
4. Electrical equipment installed outdoors must be weather proof.
5. All cables must be in good condition - in continuous length with approved outdoor cord connectors.
6. All electrical equipment must be effectively grounded.
7. An inspection is required at the first engagement each year which will serve the entire year subject to subsequent inspections.
8. A **\$15.00** fee must be paid to the inspector at the first engagement or inspection.
9. Each stand having minor code violations will be issued a correction order with instruction to correct the same.
10. The electrical inspector is empowered to write a correction order for immediate compliance should the inspector find a condition dangerous to life and property.
11. Protection flexible cords or cables run on the ground, where accessible to the public, shall be covered with approved nonconductive mats. Cables and mats shall be arranged so as not to present a tripping hazard.
12. Bottom of all electrical boxes must be 6" above the ground.

ANY QUESTIONS CAN BE DIRECTED TO ME AT THE ABOVE ADDRESS OR PHONE NUMBER. THANK YOU.

DYKSHOORN PARK



1377 Threads
 316 Legacy LLC
 A Taste 4 Crafts
 Ah Jeez
 Angry Tomato Salsa
 Ariann's Girls
 Bears Bliss Pit
 BeDangled
 Big Dog Distillery
 Billie's Soap + Spa Products
 Bonnie's Crafting Den
 Brave Crow Comics
 Candy's Dollhouse
 DAKOTA LIVE EDGE
 dakotacrafts
 Daron Krueger Photography

B2
 D4
 C6
 B10
 C1
 C12
 B13
 C5
 B8
 A13
 C9
 C2
 D6
 E8
 D1
 E6

Darrel Bowman Pottery
 EarDesigns by Amy
 EASY TIMES
 G.O.C. Rocks
 Gideon's Brewing Co.
 Grubbersputz's
 Happy Magnets
 Hornet Timber
 Kate's Poperella
 KD CREATIONS
 Larry's Quality Woodworking
 Leashes by Liz
 Legends of Africa
 Live, Laugh and Shop
 Mark Levsen Woodcarving
 Ola Balms

B15
 C17
 C10
 E10
 C16
 C8
 E4
 B12
 A11
 B14
 E14
 B16
 B3
 E15
 A5
 B4

Personal Touch Designs
 Reflections of Minnesota
 Relish the Flavors Popcorn LLC
 Sage Winds
 Scott Seiler Photography
 Sign Design
 Southwind Treasures
 Stanleys Sugarbush, LLC
 Summer Lakes Beverage
 Suncreek Jewelry
 The Little Apiary
 Up Here Gear
 Wheatheadz
 Wood Turners
 Yeti Scrubs

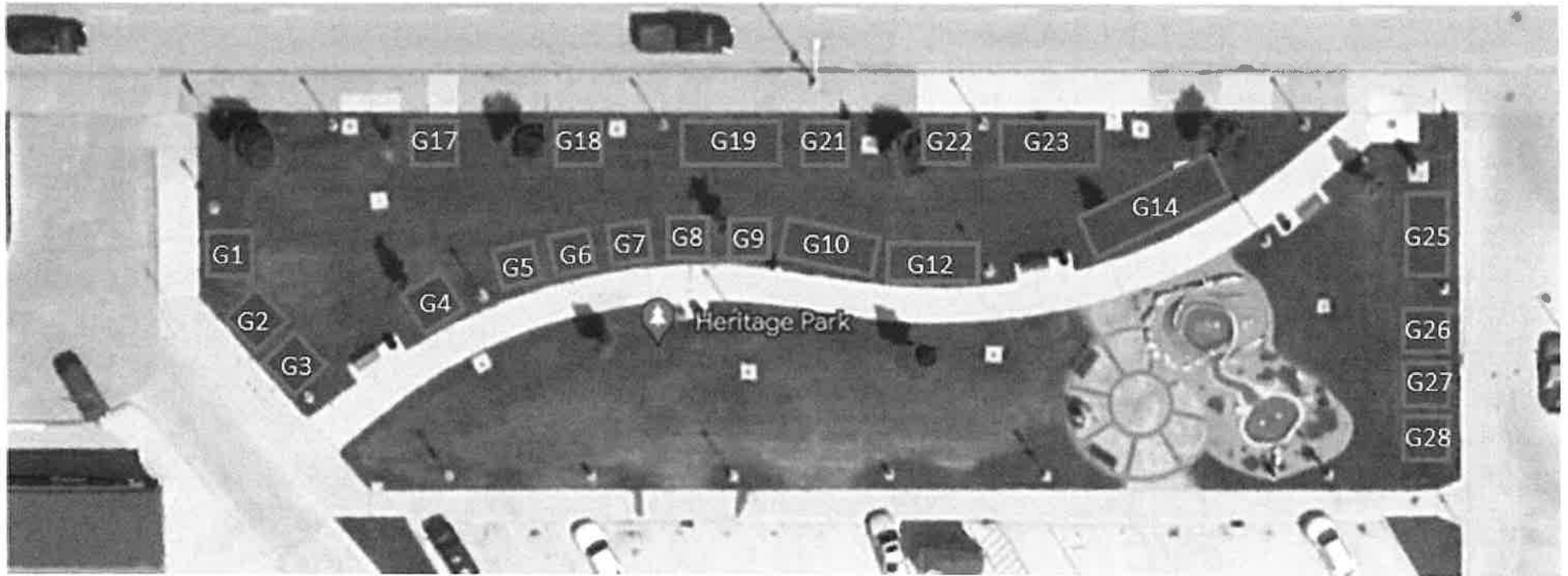
B5
 A8
 A16
 A10
 B7
 C14
 E2
 B6
 A15
 B18
 B1
 A6
 E12
 E1
 C13

FRONT OF MANDAN DEPOT



Cracked Anvil	F3
J & J welding & plasma designs	F7
James Hill	F1
Norenwood	F5

HERITAGE PARK



Artsy Crafty Sisters
 Bare Naked Soap Company
 Beyond our Galaxy
 Bootleg Outfitters LLC
 Crafty Mama
 Created By JT
 DK Handmade
 Farm-N-Her
 Grill Wise Gadgets
 Grubbworks, LLC, dba "Belle & Badger"
 Kru Works LLC

G9
 G18
 G8
 G17
 G28
 G5
 G14
 G28
 G6
 G19
 G27

Midnight Ranch Co
 Midwest Custom Gifts LLC
 Nature's Gems
 Nodiakian
 Painted StuF
 SP Handmade
 Splendid Nature
 Ssjenns Cups
 Yoga Life Holistic Healing

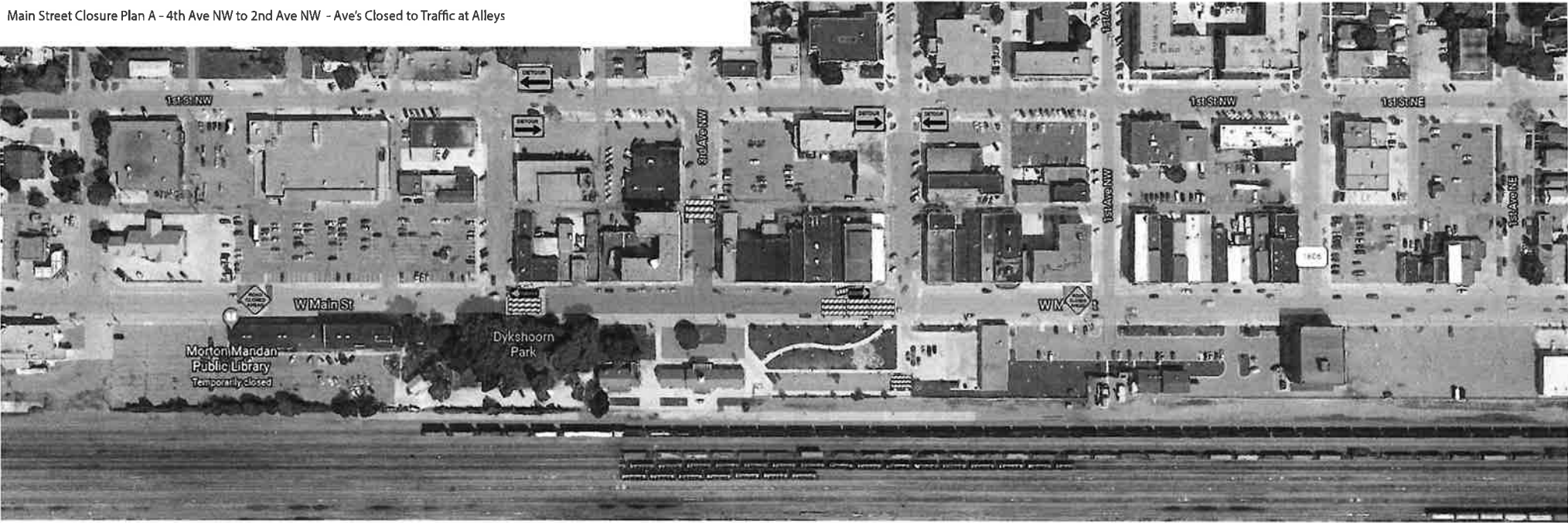
G1
 G23
 G10
 G29
 G12
 G21
 G4
 G7
 G3

<u>Business</u>	<u>Spot</u>				
1377 Threads	B2	EASYTIMES	C10	Sage Winds	A10
316 Legacy LLC	D4	Farm-N-Her	G28	Scott Seiler Photography	B7
A Taste 4 Crafts	C6	G.O.C. Rocks	E10	Sign Design	C14
Ah Jeez	B10	Gideon's Brewing Co.	C16	Southwind Treasures	E2
Angry Tomato Salsa	C1	Grill Wise Gadgets	G6	SP Handmade	G21
Ariann's Girls	C12	Grubbersputz's	C8	Splendid Nature	G4
Artsy Crafty Sisters	G9	Grubbworks, LLC, dba "B	G19	Ssjenns Cups	G7
Bare Naked Soap Comp	G18	Happy Magnets	E4	Stanleys Sugarbush, LLC	B6
Bears Bliss Pit	B13	Hornet Timber	B12	Summer Lakes Beverage	A15
BeDangled	C5	J & J welding & plasma d	F7	Suncreek Jewelry	B18
Beyond our Galaxy	G8	James Hill	F1	The Little Apiary	B1
Big Dog Distillery	B8	Kate's Poperella	A11	Up Here Gear	A6
Billie's Soap + Spa Produc	A13	KD CREATIONS?	B14	Wheatheadz	E12
Bonnie's Crafting Den	C9	Kru Works LLC	G27	Wood Turners	E1
Bootleg Outfitters LLC	G17	Larry's Quality Woodwork	E14	Yeti Scrubs	C13
Brave Crow Comics	C2	Leashes by Liz	B16	Yoga Life Holistic Healing	G3
Candy's Dollhouse	D6	Legends of Africa	B3		
Cracked Anvil	F3	Live, Laugh and Shop	E15		
Crafty Mama	G28	Mark Levsen Woodcarvi	A5		
Created By JT	G5	Midnight Ranch Co	G1		
DAKOTA LIVE EDGE	E8	Midwest Custom Gifts LLC	G23		
dakotacrafts	D1	Nature's Gems	G10		
Daron Krueger Photograp	E6	Nodiakian	G29		
Darrel Bowman Pottery	B15	Norenwood	F5		
DK Handmade	G14	Ola Balms	B4		
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		Personal Touch Designs	B5		
		Reflections of Minnesota	A8		
		Relish the Flavors Popcor	A16		

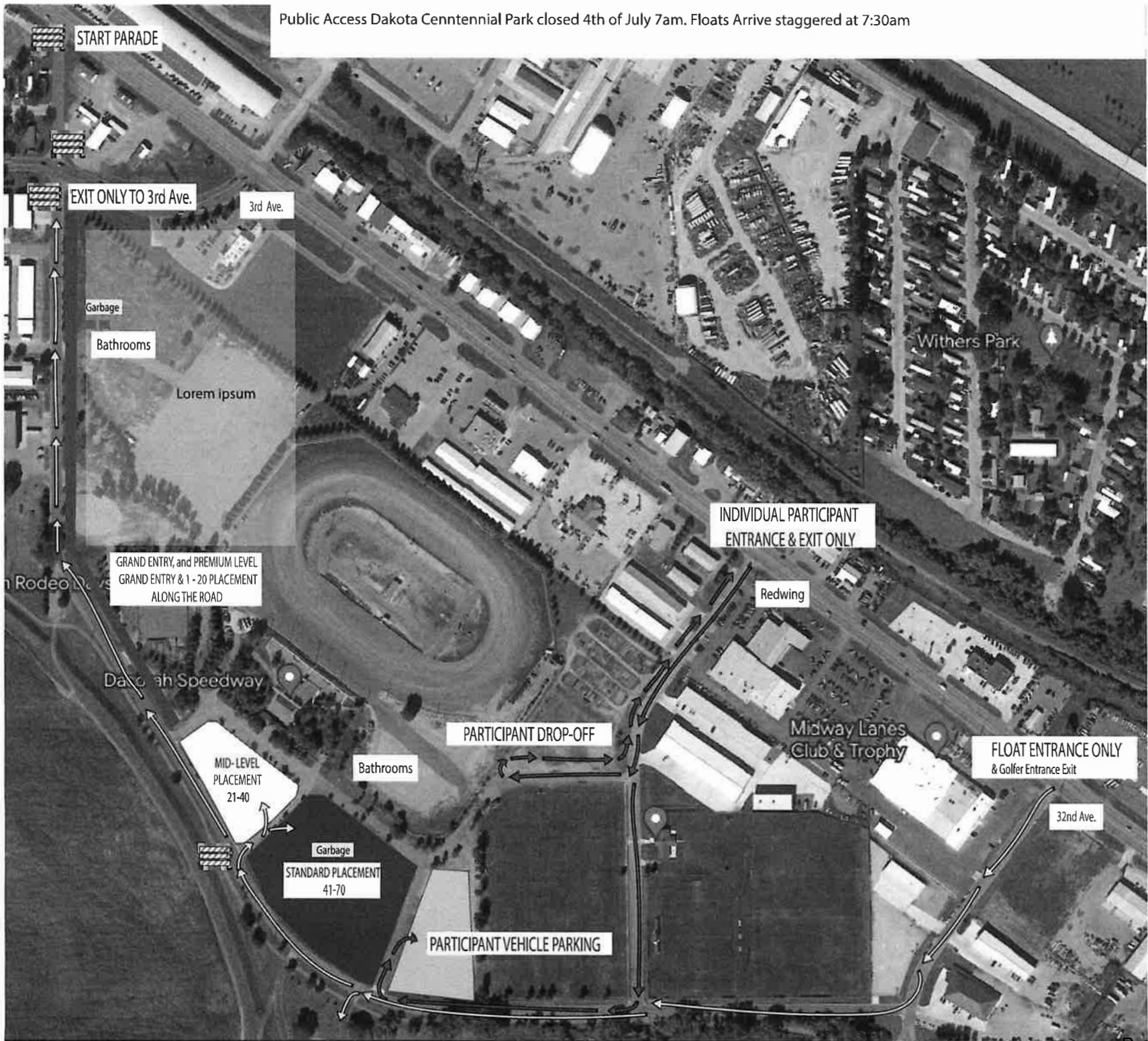


Imagery ©2022, CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO

Main Street Closure Plan A - 4th Ave NW to 2nd Ave NW - Ave's Closed to Traffic at Alleys



Public Access Dakota Cennntennial Park closed 4th of July 7am. Floats Arrive staggered at 7:30am



Art in the Park, Parade SE Permit

Final Audit Report

2024-06-25

Created:	2024-06-24
By:	Tasha Scott (tasha.scott@mandanpd.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAI_AeUwSA9zZLvwGKoZXd8We-dJtYjtcX

"Art in the Park, Parade SE Permit" History

-  Document created by Tasha Scott (tasha.scott@mandanpd.com)
2024-06-24 - 9:40:05 PM GMT
-  Document emailed to Pat Haug (phaug@mandanpd.com) for signature
2024-06-24 - 9:40:14 PM GMT
-  Document emailed to Brian Dirk (brian.dirk@cityofmandan.com) for signature
2024-06-24 - 9:40:14 PM GMT
-  Document emailed to Mitch Bitz (mbitz@cityofmandan.com) for signature
2024-06-24 - 9:40:15 PM GMT
-  Document emailed to Jarek Wigness (jarek.wigness@cityofmandan.com) for signature
2024-06-24 - 9:40:15 PM GMT
-  Email viewed by Brian Dirk (brian.dirk@cityofmandan.com)
2024-06-25 - 12:20:45 PM GMT
-  Document e-signed by Brian Dirk (brian.dirk@cityofmandan.com)
Signature Date: 2024-06-25 - 12:30:52 PM GMT - Time Source: server
-  Email viewed by Pat Haug (phaug@mandanpd.com)
2024-06-25 - 12:56:24 PM GMT
-  Signer Pat Haug (phaug@mandanpd.com) entered name at signing as Patrick Haug
2024-06-25 - 12:59:15 PM GMT
-  Document e-signed by Patrick Haug (phaug@mandanpd.com)
Signature Date: 2024-06-25 - 12:59:17 PM GMT - Time Source: server
-  Email viewed by Mitch Bitz (mbitz@cityofmandan.com)
2024-06-25 - 2:31:16 PM GMT

 Signer Mitch Bitz (mbitz@cityofmandan.com) entered name at signing as Mitch L. Bitz
2024-06-25 - 2:32:39 PM GMT

 Email viewed by Jarek Wigness (jarek.wigness@cityofmandan.com)
2024-06-25 - 2:32:40 PM GMT

 Document e-signed by Mitch L. Bitz (mbitz@cityofmandan.com)
Signature Date: 2024-06-25 - 2:32:41 PM GMT - Time Source: server

 Document e-signed by Jarek Wigness (jarek.wigness@cityofmandan.com)
Signature Date: 2024-06-25 - 4:52:25 PM GMT - Time Source: server

 Agreement completed.
2024-06-25 - 4:52:25 PM GMT



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 26, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider scheduling a public hearing to vacate an alley adjacent to Lots 4, 5, & 6 in Helblings 2nd Addition

STATEMENT/PURPOSE:

To consider the vacation of an alley adjacent to Lots 4, 5, & 6 in Helblings 2nd Addition

BACKGROUND/ALTERNATIVES:

L&H Manufacturing, Inc. & Helbling Land Company has requested the vacation of an alley. The request would vacate the alley and include this piece of property in a minor plat to be named Helblings 6th Addition.

The plat will combine lots 5 & 6, Block 1, in Helblings 2nd Addition into 1 lot and reconfigure Lot 4, Block 1, into 1 lot in Helblings 2nd Addition, with the vacated alley split between the two lots.

To proceed with the right-of-way vacation process, the item must be publicly noticed for four consecutive weeks. Consequently, the matter may come up for final consideration by the City Commission during its meeting on August 6th.

ATTACHMENTS:

1. Application
2. 24019 ROW Vacation Exhibit signed
3. Helblings 6th Addition
4. draft Resolution of Vacation - Helblings 6th

FISCAL IMPACT:

N/a

STAFF IMPACT:

Staff will dedicate time to reviewing the request and make a formal recommendation following the review.

LEGAL REVIEW:

The City Attorney has reviewed this as part of the agenda packet.

RECOMMENDATION:

Staff recommends scheduling a public hearing for August 6, 2024 to consider this request.

SUGGESTED MOTION:

I move to schedule a public hearing to consider the requested vacation at the August 6th meeting of the City Commission.

CITY OF MANDAN	
Development Review Application	
☒ Minor Plat (\$300)	☐ Zone Change (\$600)
☐ Preliminary Plat up to 20 acres (\$400)	☐ Planned Unit Development (\$700)
☐ Preliminary Plat more than 20 acres (\$450)	☐ Land Use and Transportation Plan Amendment (\$1,000)
☐ Final Plat up to 20 lots (\$400)	☒ Vacation (\$500)
☐ Final Plat 21 to 40 lots (\$550)	☐ Variance (\$400)
☐ Final Plat more than 40 lots (\$700)	☐ Special Use Permit (\$450)
☐ Annexation (\$450)	☐ Stormwater submittal (\$300)
☐ Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	☐ Stormwater 2 nd & subsequent resubmittal (\$50)
☐ Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	
Summary of Request (Add separate sheet(s) as necessary)	
Combine lots 5 & 6, Block 1 in Helblings 2nd Add. into 1 lot and reconfigure Lot 4, Block 1 in Helblings 2nd Add.	

Engineer/Surveyor			Property Owner or Applicant		
Name Mark R. Isaacs, RLS - ILSE, Inc.			Name L & H Manufacturing, Inc. & Helbling Land Company		
Address 4215 Old Red Trail NW			Address 410 6th Street SE		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email mark@ilsurveynd.com			email corralrv@midco.net		
Phone 701-595-2079		Fax	Phone 701-663-9538		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

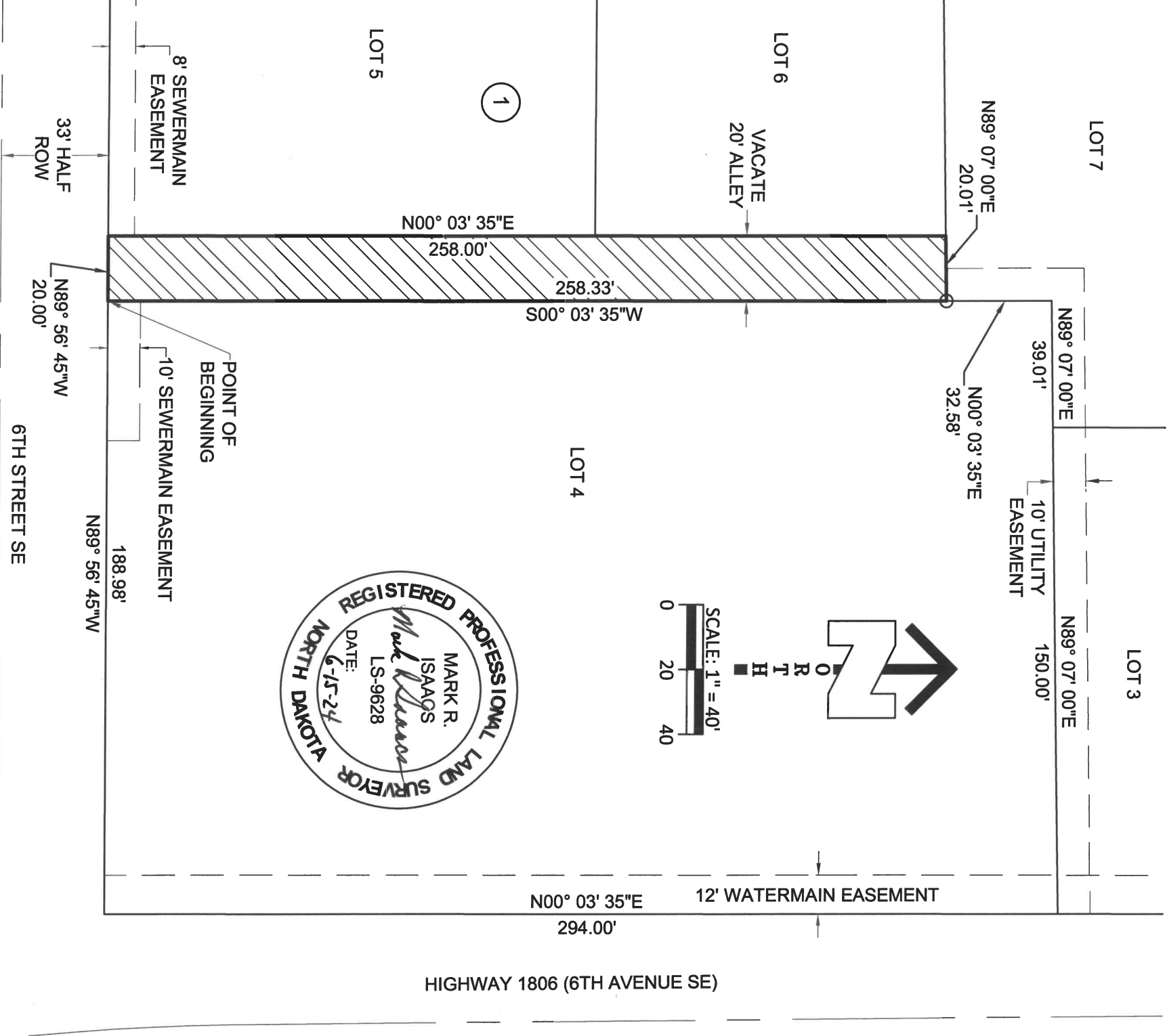
Location		Type		Existing Zone	Proposed Zone	Project Name
☒ City	☐ ETA	☐ New	☒ Addition	MA & MB		Helbling 6th Addition
Property Address				Legal Description		
612 3rd St. SE, Mandan, ND				Lots 4, 5, & 6, Block 1 in Helblings Addition		
Current Use						
Commercial				in the Northeast Quarter		
Proposed Use						
Commercial				Section 34	Township 139	Range 81
Parcel Size 2.85 Acres	Building Footprint	Stories	Building SF	Required Parking		Provided Parking

Print Name Tim Helbling, Managing Partner for Helbling Land Co.		Signature <i>Tim Helbling</i>		Date 6-4-24	
DONALD W. HELBLING, PRESIDENT - L & H MANUFACTURING, INC.					
Office Use Only					
Date Received:	Initials: <i>ym</i>	Fees Paid: \$ 300	Date: 6-5-2024	- plat	
Notice in paper		Mailed to neighbors		P&Z meeting	
☐ Approved	Approved with conditions:		\$500 6-14-2024 - vacation		
☐ Denied					

RIGHT OF WAY VACATION DESCRIPTION

A TRACT OF LAND BEING ADJACENT TO LOTS 4, 5, & 6 IN HELBLINGS' 2ND ADDITION IN SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 1 IN HELBLINGS' 2ND ADDITION; THENCE NORTH 89° 56' 45" WEST A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF LOT 5, BLOCK 1 IN HELBLINGS' 2ND ADDITION; THENCE NORTH 00° 03' 35" EAST A DISTANCE OF 258.00 FEET TO THE NORTHEAST CORNER OF LOT 6, BLOCK 1 IN HELBLINGS' ADDITION; THENCE NORTH 89° 07' 00" EAST A DISTANCE OF 20.01 FEET TO THE WEST LINE OF THE AFORESAID LOT 4; THENCE SOUTH 00° 03' 35" WEST A DISTANCE OF 258.33 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 5,163 SQUARE FEET, MORE OR LESS.



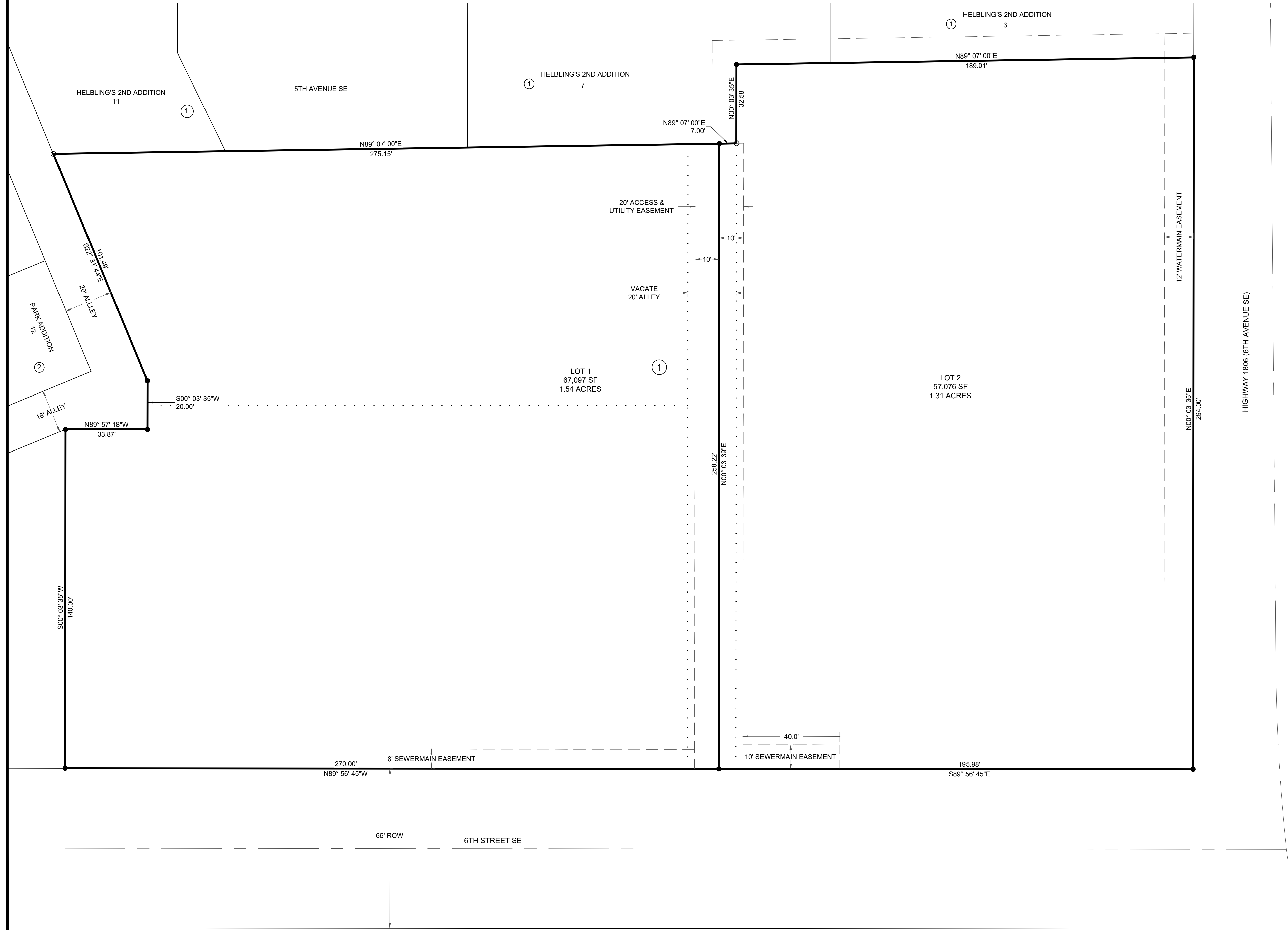
SHEET: 1 OF 1	JOB NUMBER: 24019
SCALE: 1"= 40'	DWG REVISION DATES
DRAWN BY: MRI	—
DWG DATE: 6/15/24	—
DWG NAME: 24019 ROW Vacation.dwg	

20' ALLEY VACATION
HELBLING'S 2ND ADDITION
LOTS 4, 5, 6; BLOCK 1
SEC. 34, T139N, R81W

4215 Old Red Trail NW
Mandan, ND 58554
Cell: 701-595-2079
mark@iisurveynd.com

Independent
Land
Surveying &
Engineering

HELBLINGS 6TH ADDITION
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
LOTS 4, 5, & 6, BLOCK 1 HELBINGS 2ND ADDITION
IN THE NE 1/4 OF SECTION 34, T139N, R81W



AREA TABLE	
LOT 1	1.54 ACRES (67,097 SF)
LOT 2	1.31 ACRES (57,076 SF)
TOTAL	2.85 ACRES (124,173 SF)

LEGEND	
○	FOUND SURVEY MONUMENT
●	SET CAPPED REBAR "LS-9628"
· · · · ·	VACATED LOT LINE

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.
- THE 20' ACCESS EASEMENT IS FOR THE BENEFIT OF LOTS 1 AND 2, BLOCK 1.

OWNER:
HELBLING LAND COMPANY
PO BOX 639
MANDAN, ND 58554

OWNER:
L & H MANUFACTURING, INC.
410 6TH STREET SE
MANDAN, ND 58554

SITE ADDRESS:
410 6TH STREET SE
MANDAN, ND 58554

BASED ON NORTH DAKOTA SOUTH
ZONE-NAD83, INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED
BY RTK FROM THE "BSMK" CORS STATION
AND ARE REPORTED IN GRID.

PROPERTY DESCRIPTION

LOTS 4, 5, AND 6, BLOCK 1 IN HELBLINGS 2ND ADDITION TO THE CITY OF MANDAN, SITUATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, CONTAINING 2.85 ACRES (124,173 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

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, SIDEWALKS, AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATION AS "UTILITY EASEMENT".

WE, DO HEREBY DEDICATE A 20 FOOT ACCESS EASEMENT FOR THE BENEFIT OF LOTS 1 AND 2, BLOCK 1, WHICH WILL RUN WITH THE LANDS.

DONALD W. HELBLING
L & H MANUFACTURING CO., INC.
LOT 1, BLOCK 1

TIM HELBLING, MANAGING PARTNER
HELBLING LAND COMPANY
LOT 2, BLOCK 1

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

NOTARY PUBLIC.

APPROVAL OF THE BOARD OF CITY COMMISSIONERS

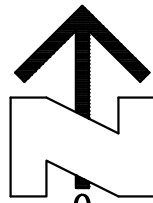
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND 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

-PRESIDENT OF THE BOARD
OF CITY COMMISSIONERS

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVES "HELBLINGS 6TH ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE



SCALE: 1" = 16'
0 8 16

DATE: MAY 31ST, 2024

VERTICAL DATUMN - NAVD 1988.

HELBLINGS 6TH ADDITION
LOTS 4, 5, & 6, BLOCK 1
HELBLINGS 2ND ADDITION
MANDAN, NORTH DAKOTA

Independent
Land
Surveying &
Engineering

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

SHEET: 1 OF 1	JOB NUMBER: 24019
SCALE: 1"= 16'	DWG REVISION DATES
DRAWN BY: MRI	- -
DWG DATE: 5/31/24	- -
DWG NAME: 24019 Survey.dwg	

RESOLUTION OF VACATION
Board of City Commissioners
City of Mandan, North Dakota

WHEREAS, the owners of Lots 4, 5, & 6 in Helbling's 2nd Addition in Section 34, Township 139N, Range 81 W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota have requested that an adjacent 20' alley be vacated; and

WHEREAS, the subject property is to be replatted as a 20' access & utility easement on Helblings 6th Addition.

WHEREAS, the City of Mandan has no use for an alley at this location and deems this alley unnecessary; and

WHEREAS, the required public notices were published for four consecutive weeks on July 12, 19, 26, and August 2, 2024.

WHEREAS, the required public hearing was conducted by the Board of City Commissioners on August 6, 2024.

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, that the above described public right-of-way be and the same is hereby vacated.

BE IT FURTHER RESOLVED, that the within and foregoing Resolution shall become effective from the time of its passage and publication.

Approved and passed August 6, 2024, by at least two-thirds vote of all the members of the Board of City Commissioners.

President, Board of City Commissioners

ATTEST:

City Administrator

Public Notice Dates: July 12, July 19, 26, and August 2, 2024

Public Hearing: August 6, 2024

Final Passage: August 20, 2024

Publication Date:



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 26, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Final Plat of Longhorn 3rd Addition.

STATEMENT/PURPOSE:

The Central Dakota Humane Society is requesting approval of a final plat to be named Longhorn 3rd Addition. Said property is located in the extra-territorial jurisdiction and would be a replat of Lot 1, Block 1, Longhorn 2nd Addition.

BACKGROUND/ALTERNATIVES:

Overview Of Request

The requested final plat aims to adjust access to the property. The applicant, Central Dakota Humane Society (CDHS), plans to expand their operations and requires better access. The previous plat limited access to the current location of aprons and placed non-access lines and easements, directing all Longhorn 2nd traffic to use the existing aprons. Access to the CDHS lot was restricted to an offset location opposite of Entzel Drive. The proposed modification would realign the approach to be in line with Entzel Drive, enhancing safety at the intersection by improving sight lines.

Final Plat

The property to be replatted covers 11.69 acres and will be reconfigured into a one-lot, one-block subdivision. It dedicates no new rights-of-way. The section labels indicate the percentage of the property that was previously in Sections 9 and 10, but this does not mean the property is divided into two separate lots. The site is significantly encumbered by overhead electrical transmission infrastructure. Additionally, the access easement is intended for Lot 1, Block 1, Longhorn 3rd, and Lot 2, Block 1, Longhorn 2nd. Right-of-way for 37th Street to be a future arterial road was acquired with the 2020 plat.

Property History

Longhorn was originally approved as a residential development. The Humane Society's operations on this property began in 1994. In 2020, the property was rezoned from R7 - Residential to CB - Commercial (Ord. 1336) with restrictions in tandem with a section

line vacation, land use and transportation plan amendment, and the approval of the Longhorn 2nd Addition plat.

Adjacent Properties Zoning, Land Use and Future Land Use

Property directly to the north lies within Morton County zoning jurisdiction. Properties lying to the west, east and south are A - Agriculture. The Future Land Use Map identifies this property as Commercial, Low Density Residential to the west, open space to the north and west and rural residential to the north and south.

Additional Information and Public Outreach

- An application and fee of \$450 was received on May 23.
- The preliminary plat was before this board on May 29.
- The preliminary plat was approved at City Commission on June 18.

Findings of Fact Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was approved by the Planning and Zoning Commission;
3. The proposed subdivision generally demonstrates an ability for the property to align with the Future Land Use Plan and other plans and studies;
4. The proposed subdivision is not located in the Special Flood Hazard Area or an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development;
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
6. The proposed subdivision is generally consistent with the master plan, other adopted plans, policies and accepted planning practice; and
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Staff Comments

- Staff began working on this project in 2022. The City has approved the adjustment to the site access and it has been vetted by Engineering. The plat is what will actually adjust the access. The access easement serving Lot 2, Block 1, Longhorn 2nd, is adjusted slightly to extend further west than previously depicted to ensure that it overlaps with the proposed new approach to 37th Street
- The CDHS Expansion was approved by Mandan Architecture Review Commission.
- Staff requests document numbers for recorded easements be added to the final plat,

if/when they are available.

ATTACHMENTS:

1. Application
2. Longhorn 3rd Addition Final Plat
3. Images
4. Longhorn 3rd Location Map

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed as part of the agenda packet

RECOMMENDATION:

The Planning and Zoning Commission considered this request at its June 24th meeting and unanimously recommends approval.

SUGGESTED MOTION:

I move to approve the final plat of Longhorn 3rd 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)
X	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)		
Replat of property to modify existing non-access lines and existing access easments.		

Engineer/Surveyor			Property Owner or Applicant		
Name Mark R. Isaacs, PLS / ILSE, Inc.			Name Central Dakota Humane Society		
Address 4215 Old Red Trail NW			Address 2104 37th Street		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email mark@ilsurveynd.com			email cjkemmet@bis.midco.net		
Phone 701-595-2079		Fax	Phone 701-425-6397		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	CB	CB	Longhorn 3rd Addition			
Property Address						Legal Description					
2104 37th Street, Mandan, ND 58554						Lot 1, Block 1 in Longhorn 2nd Addition					
Current Use											
Humane Society											
Proposed Use											
Same						Section 10	Township 139 N	Range 81 W			
Parcel Size	Building Footprint		Stories	Building SF		Required Parking		Provided Parking			
11.69 Ac.											

Print Name Jerald C Kemmet	Signature Jerald C Kemmet	Date 5/23/24
-------------------------------	------------------------------	-----------------

Office Use Only			
Date Received:	Initials: <i>hm</i>	Fees Paid: \$ 450	Date: 5-23-2024
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

LONGHORN 3RD ADDITION
OF MORTON COUNTY, NORTH DAKOTA, LYING WITHIN THE EXTRA-
TERRITORIAL JURISDICTION OF THE CITY OF MANDAN, NORTH DAKOTA
LOT 1, BLOCK 1 IN LONGHORN 2ND ADDITION
PART OF THE NE 1/4 OF SECTION 9, T139N, R81W
PART OF THE NW 1/4 OF SECTION 10, T139N, R81W

PROPERTY DESCRIPTION

ALL OF LOT 1, BLOCK 1 IN LONGHORN 2ND ADDITION SITUATED IN THE NORTHEAST QUARTER OF SECTION 9 AND IN THE NORTHWEST QUARTER OF SECTION 10 ALL BEING IN TOWNSHIP 139 NORTH, RANGE 81 WEST IN MORTON COUNTY, NORTH DAKOTA, CONTAINING 11.69 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, SIDEWALKS, AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATION AS "UTILITY EASEMENT".

WE, DO HEREBY DEDICATE A 40 FOOT ACCESS EASEMENT FOR THE BENEFIT OF LOT 1, BLOCK 1 IN THIS PLAT AND LOT 2, BLOCK 1 IN LONGHORN 2ND ADDITION, WHICH WILL RUN WITH THE LANDS.

GERALD C. KEMMET
CENTRAL DAKOTA HUMANE SOCIETY

STATE OF _____)
COUNTY OF _____) SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2024.

NOTARY PUBLIC _____

PLANNING COMMISSION APPROVAL

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS ____ DAY OF _____, 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORINANCES OF THE CITY OF MANDAN, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

BILL ROBINSON - CHAIRMAN

NANCY MOSER - SECRETARY

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, 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 "LONGHORN 3RD ADDITION" LYING WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE

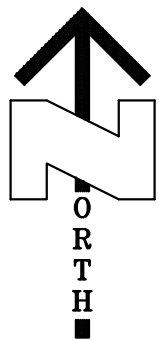
SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, 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 DISTANCE INDICATES HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS AND 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

LEGEND

- FOUND SURVEY MONUMENT
● SET 1/2" CAPPED REBAR "LS-9628"
- - - - - NON-ACCESS LINE



SCALE: 1" = 60'
0 30 60

DATE: MAY 24TH, 2024

VERTICAL DATUMN - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH
ZONE-NAD83, INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED
BY RTK FROM THE "BSMK" CORRS STATION
AND ARE REPORTED IN GRID.

AREA TABLE

LOT 1	11.69 ACRES
TOTAL	11.69 ACRES

OWNER:
CENTRAL DAKOTA HUMANE SOCIETY
2104 37TH STREET
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.
- EXISTING ZONING IS CB RESTRICTED
- THE 40' ACCESS EASEMENT SHOWN HEREON IS FOR JOINT-USE, AND TO THE BENEFIT OF LOT 1, BLOCK 1 IN THIS PLAT AND LOT 2, BLOCK 1 IN LONGHORN 2ND ADDITION.

LONGHORN 3RD ADDITION
LOT 1, BLOCK 1 IN
LONGHORN 2ND ADDITION
PART OF THE NW 1/4
SECTION 10, T-139-N, R-81-W
MORTON CO., NORTH DAKOTA

SHEET: 1 OF 1	JOB NUMBER: 21034
SCALE: 1"= 60'	DWG REVISION DATES
DRAWN BY: MRI	- -
DWG DATE: 5/24/24	- -
DWG NAME: 21034 Final Plat.dwg	

Independent
Land
Surveying &
Engineering

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

Property Images



View looking south towards property



View looking east towards property



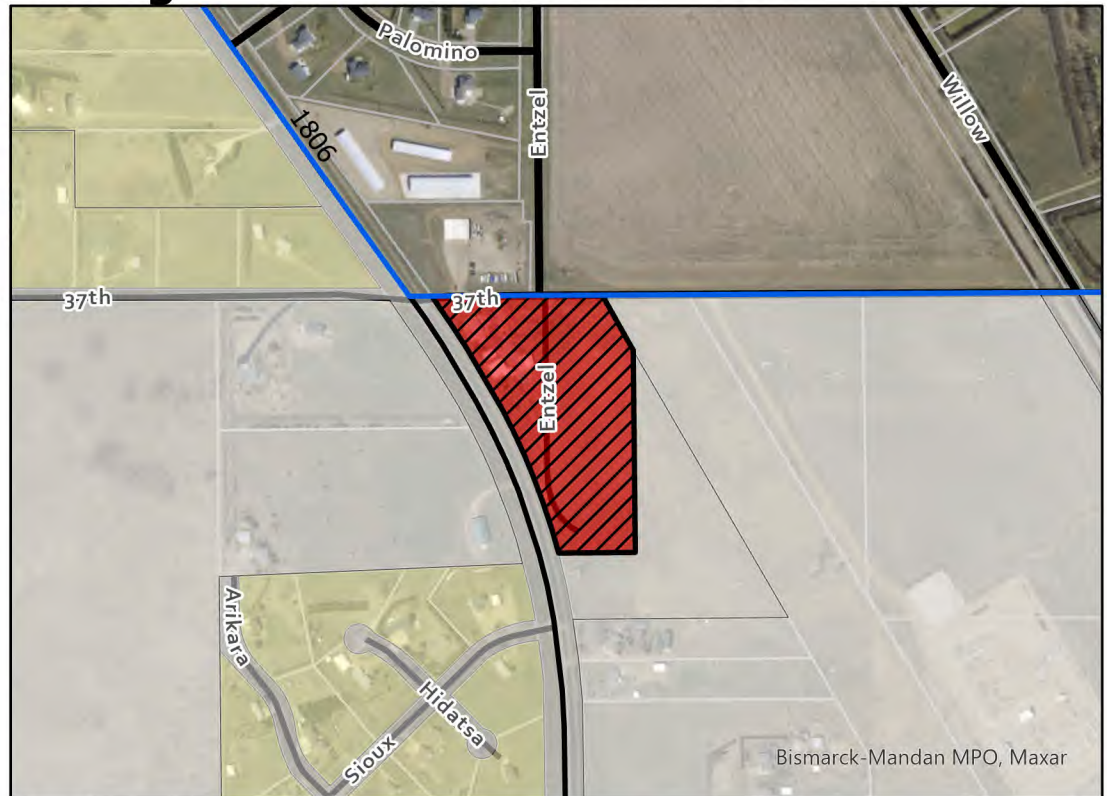
Zoning and Future Land Use Reference Map

Longhorn 3rd Addition

Zoning

Zoning Map Key

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

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 26, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider acceptance of State Water Commission cost-share funding

STATEMENT/PURPOSE:

To consider entering into a cost-share agreement with the State Water Commission related to the amendment of our Engineering Service Agreement with AE2S to include Basic Asset Inventory Assessment services.

BACKGROUND/ALTERNATIVES:

The State Water Commission (SWC) recently made the development of a Basic Asset Inventory Assessment (BAIA) a mandatory component of all funding applications. We amended our engineering service agreement with AE2S to include this work. This assessment is a cost-share eligible item, so we submitted this to the SWC for funding consideration and were awarded a 60% cost share for the amended, additional work. The attached agreement is the official acceptance of that awarded funding.

ATTACHMENTS:

1. ESA Cost Share Amendment

FISCAL IMPACT:

Entering into this agreement would reduce the City's financial burden for this additional work from \$20,000 to \$8,000.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

This agreement has been reviewed by the City Attorney.

RECOMMENDATION:

To enter into this agreement with the State Water Commission.

SUGGESTED MOTION:

I move to enter into the cost-share agreement, as presented.

**Agreement for Cost-Share Reimbursement
City of Mandan
Basic Asset Inventory and Analysis**

1. PARTIES. This agreement is between the State of North Dakota (State), by and through the State Water Commission (Commission), and the City of Mandan (Sponsor).

2. PROJECT DESCRIPTION AND LOCATION. Sponsor is seeking funding for costs to prepare a Basic Asset Inventory and Analysis for Sponsor's water system (Project). Project is located in Morton County, North Dakota.

3. COMMISSION'S RESPONSIBILITY AND INTENT. Commission will provide Sponsor with cost-share, not to exceed \$12,000, as approved by Secretary in June 2024, to reimburse 60 percent of the actual eligible costs incurred in Project. Commission cost-share is contingent on availability of funds and conditions of this agreement. Commission's intent in providing this funding to Sponsor is to assist Sponsor financially with Project costs. Sponsor retains sole and absolute discretion in the manner and means of carrying out Project, except to the extent specified in this agreement.

4. SPONSOR'S RESPONSIBILITIES. Sponsor must:

- a. Complete Project.
- b. Provide continued maintenance for Project.
- c. Ensure all applicable permits (federal, state, and local) are obtained.
- d. Acquire all title to land and easements for Project.
- e. Comply with all North Dakota laws governing the requirements for competitive bids, advertising, and awarding of contracts for construction of Project.
- f. Maintain a Project file containing relevant documents and correspondence generated during the course of Project. Commission is not responsible for maintaining a Project file.
- g. Provide a progress report to Commission at least every four years if the term of Project exceeds four years.
- h. Notify Commission of any changes to Project funding, including additional funding or funding sources. Cost-share may be modified based on the revised local share.
- i. Prior to signature, inform Commission and any other relevant party regarding Project of any errors, misinterpretations, changes, modifications, miscalculations, incorrect Project descriptions, or any other information stated herein that is inaccurate.

- j. Notify Commission of litigation related to Project. If Project becomes the subject of litigation before all funds have been disbursed, the Secretary may withhold funds until the litigation is concluded.

5. ELIGIBLE COSTS. Commission has sole discretion to determine eligible costs and availability of Commission funds. Additional information is outlined in Commission's cost-share policy. Commission will not cost-share in litigation costs unless there has been a separate authorization.

6. PAYMENT. Commission will make partial payments upon receipt and approval of Sponsor's written request. Sponsor must provide Commission verification of actual costs and a Project status report with each payment request. A Commission representative may inspect Project to determine whether the work satisfies Commission's cost share requirements before Commission makes payment(s) to Sponsor. Request for final payment must include verification of Project completion as requested by Commission.

7. INDEMNIFICATION. Sponsor must require all subcontractors, other than state employed subcontractors, before commencement of an agreement between Sponsor and the subcontractor, to defend, indemnify, and hold harmless State, from and against claims based on the vicarious liability of State or its agents, but not against claims based on State's negligence or intentional misconduct. This obligation to defend, indemnify, and hold harmless does not extend to professional liability claims arising from professional errors and omissions. The legal defense provided by subcontractor to State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for State is necessary. Subcontractor also agrees to reimburse State for all costs, expenses, and attorneys' fees incurred if State prevails in an action against subcontractor in establishing and litigating the indemnification coverage required herein. This obligation continues after the termination of this agreement.

8. INSURANCE. Sponsor must secure and keep in force during the term of this agreement, from an insurance company, government self-insurance pool, or government self-retention fund authorized to do business in North Dakota, commercial general liability with minimum limits of liability of \$500,000 per person and \$2,000,000 per occurrence.

In addition, Sponsor must require all subcontractors, other than state employed subcontractors, before commencement of an agreement between Sponsor and the subcontractor, to secure and keep in force during the term of this agreement, from insurance companies authorized to do business in North Dakota, the following insurance coverages:

- a. Commercial general liability, including premises or operations, contractual, and products or completed operations coverages (if applicable), with minimum liability limits of \$2,000,000 per occurrence.
- b. Automobile liability, including Owned (if any), Hired, and Non-owned automobiles, with minimum liability limits of \$500,000 per person and

- \$2,000,000 per occurrence.
- c. Workers' compensation coverage meeting all statutory requirements. The policy must provide coverage for all states of operation that apply to the performance of this contract.
- d. If subcontractor is domiciled outside State, employer's liability or "stop gap" insurance of not less than \$2,000,000 as an endorsement on the workers' compensation or commercial general liability insurance.

The insurance coverages listed above must meet the following additional requirements:

- e. Any deductible or other similar obligation under the policies is the sole responsibility of the subcontractor. The amount of any deductible is subject to approval by State.
- f. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and must be placed with insurers rated "A-" or better by A.M. Best Company, Inc., provided any excess policy follows form for coverage. Less than an "A-" rating must be approved by the State. The policies must be in form and terms approved by the State.
- g. State will be defended, indemnified, 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 duty to defend, indemnify, and hold harmless State under this agreement is not limited by the insurance required in this agreement.
- h. State must be endorsed on the commercial general liability policy, including any excess policies, as additional insured. State must have all the benefits, rights, and coverages of an additional insured under these policies that are not limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of Sponsor.
- i. The insurance required in this agreement, through a policy or endorsement, must include:
 - (1) A "Waiver of Subrogation" waiving any right to recovery the insurance company may have against State;
 - (2) A provision that subcontractor's insurance coverage is primary (i.e., pay first) as respects any insurance, self-insurance, or self-retention maintained by State and that any insurance, self-insurance, or self-retention maintained by State must be in excess of the subcontractor's insurance and must not contribute with it;
 - (3) Cross liability/severability of interest for all policies and endorsements;
 - (4) The legal defense provided to State under the policy and any endorsements must be free of any conflicts of interest, even if retention of separate legal counsel for State is necessary;
 - (5) The insolvency or bankruptcy of the insured subcontractor

must 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.

- j. Failure to provide insurance as required in this agreement is a material breach of contract entitling State to terminate this agreement immediately.

9. BREACH. Violation of any provision of this agreement by Sponsor constitutes breach of this agreement. A breach obligates Sponsor to reimburse Commission for all funds paid to Sponsor and relieves Commission of all obligations under this agreement.

10. AGREEMENT BECOMES VOID. This agreement is void if not signed and returned by Sponsor within 60 days of Commission's signature.

11. TERMINATION.

- a. Commission may terminate this agreement effective upon delivery of written notice to Sponsor, or a later date as may be stated in the notice, under any of the following conditions:
 - (1) If Commission determines an emergency exists.
 - (2) If funding from federal, state, or other sources is not obtained and continued at levels sufficient to provide the funds necessary to comply with this agreement. The parties may modify this agreement to accommodate a reduction in funds.
 - (3) If federal or state laws or rules are modified or interpreted in a way that the services are no longer allowable or appropriate for purchase under this agreement or are no longer eligible for the funding proposed for payments authorized by this agreement.
 - (4) If any license, permit, or certificate required by law, rule, or this agreement is denied, revoked, suspended, or not renewed.
 - (5) If Sponsor does not submit a timely progress report under 4.(g.), or the Commission determines after reviewing a progress report that Project has not made sufficient progress.
 - (6) If Commission determines that continuing the agreement is no longer necessary or would not produce beneficial results commensurate with the further expenditure of public funds.
- b. Any termination of this agreement is without prejudice to any obligations or liabilities of either party already accrued prior to termination.
- c. The rights and remedies of any party provided in this agreement are not exclusive.

12. APPLICABLE LAW AND VENUE. This agreement is governed by and construed under the laws of State. Any action to enforce this agreement must be adjudicated exclusively in the District Court of Burleigh County, North Dakota.

13. SEVERABILITY. If any term of this agreement is declared by a court having jurisdiction to be illegal or unenforceable, the validity of the remaining terms is unaffected, and if possible, the rights and obligations of the parties are to be construed and enforced as if the agreement did not contain that term.

14. SPOILIATION – PRESERVATION OF EVIDENCE. Sponsor agrees to promptly notify Commission of all potential claims that arise or result from this agreement. Sponsor must also take all reasonable steps to preserve all physical evidence and information that may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and grants to Commission the opportunity to review and inspect the evidence, including the scene of an accident.

15. NONDISCRIMINATION. Sponsor agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), N.D.C.C. title 34, and all applicable federal and state laws, rules, and policies relating to nondiscrimination, accessibility, and civil rights.

16. MERGER AND MODIFICATION. This agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified within this agreement. This agreement may not be modified, supplemented, or amended in any manner, except by written agreement signed by both parties.

**NORTH DAKOTA STATE WATER
COMMISSION**

By:



ANDREA TRAVNICEK, PH.D.
Secretary

Date: 06/14/2024

CITY OF MANDAN

By:

TIM HELBLING
Mayor

Date: _____



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 26, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider authorizing staff to advertise for Collins Reservoir Reconstruction bids

STATEMENT/PURPOSE:

To authorize city staff and consultants to advertise for the solicitation of bids for the Collins Reservoir Reconstruction project.

BACKGROUND/ALTERNATIVES:

The Collins Reservoir is 70 years old and at the end of its useful life. AE2S and City Staff have been working on the design of a project that would include the construction of a new 2 million gallon reservoir on the property, along with the removal of the existing reservoir. Design was recently completed, and a bid package is ready to be advertised. If the anticipated project schedule is kept, the construction contract would be awarded this fall with installation following in 2025.

ATTACHMENTS:

None

FISCAL IMPACT:

There are no fiscal impacts associated with the advertisement for bids. Once bids are opened, a recommendation for award/rejection would follow soon after. The engineering for this project received 27% funding from the State Water Commission, and there is a high likelihood that the construction phase would receive similar funding assistance.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

The agenda documentation has been made available for review by the City Attorney.

RECOMMENDATION:

To authorize City Staff to proceed with the advertisement for bids.

SUGGESTED MOTION:

I move to authorize the advertisement for bids for the Collins Reservoir Reconstruction project.



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 27, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Acceptance of AARP Community Challenge Grant

STATEMENT/PURPOSE:

Accept AARP Community Challenge Grant

BACKGROUND/ALTERNATIVES:

The City of Mandan was awarded \$10,500.00 from AARP's Community Challenge to install twenty-five new bike racks in town. There is no cost to the City. The City was one of 343 grantees this year.

ATTACHMENTS:

None

FISCAL IMPACT:

Positive, \$10,500.00 with no local match.

STAFF IMPACT:

Significant staff time went into preparing the original application and will go into the install as well.

LEGAL REVIEW:

This has been reviewed by the City Attorney.

RECOMMENDATION:

Staff recommends acceptance of the grant award.

SUGGESTED MOTION:

I move to accept the grant award.



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 28, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Raffle Permit for Missouri Slope Lutheran Care Center Foundation.

STATEMENT/PURPOSE:

Consider approval of the raffle permit for Missouri Slope Lutheran Care Center Foundation on July 11, 2024, at Prairie West Golf Course.

BACKGROUND/ALTERNATIVES:

Penny auction to be held at Prairie West Golf Course during the tournament on July 11, 2024.

ATTACHMENTS:

1. Missouri Slope Lutheran Care Center

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

Approve raffle permit for Missouri Slope Lutheran Care Center Foundation.

SUGGESTED MOTION:

I move to approve the raffle permit for Missouri Slope Lutheran Care Center Foundation.

City Commission

Agenda Documentation

July 2, 2024

Subject: *Consider approval of the Raffle Permit for Missouri Slope Lutheran Care Center Foundation*

Page 2 of 2

**LOCAL PERMIT OR RESTRICTED EVENT PERMIT**

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
SFN 17926 (11-2023)

Permit Number
2024-40

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 Missouri Slope Lutheran care Center Foundation		Dates Authorized (Read Instruction 2) 07/11/2024	
Organization or Group Contact Person Gayla Sherman	E-mail gayla.sherman@mslcc.com	Telephone Number 701-877-1499	
Mailing Address 4916 N Washington St	City Bismarck	State ND	ZIP Code 58554

SITE INFO

Site Name Prairie West Golf Course		County Morton	
Site Address 2709 Longspur Trail	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.) Penny auction to be held at Prairie West GC during tournament on July 11th, 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 06/28/2024	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 ☐ 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 Missouri Slope Lutheran Care Center Foundation		Dates of Activity (Does not include dates for the sales of tickets) July 11, 2024	
Organization or Group Contact Person Gayla Sherman, Foundation Director	E-mail gayla.sherman@mslcc.com	Telephone Number 701-877-1499	
Business Address 4916 N Washington St	City Bismarck	State ND	ZIP Code 58503
Mailing Address (if different)	City	State	ZIP Code

SITE INFO

Site Name Prairie West Golf Course		County Morton	
Site Physical Address 2709 Longspur Trail	City Mandan	State ND	ZIP Code 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.) Bucket Auction (Raffle) on July 11, 2024			

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

Game Type	Description of Prize	Exact Retail Value of Prize
Bucket Auction	See attached sheet	
	O	
Total (limit \$40,000 per year)		\$

ADDITIONAL REQUIRED INFORMATION

Intended Uses of Gaming Proceeds To support daily operations and special projects at Missouri Slope Lutheran Care Center -- North Campus and Hillview Campus	
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 Gayla Sherman	Telephone Number 701-877-1499	E-mail Address gayla.sherman@mslcc.com
Signature of Organization Group's Permit Organizer 	Title Foundation Director	Date Jun 17, 2024



MISSOURI SLOPE

LUTHERAN CARE CENTER FOUNDATION

Event: 2024 Hillview Cup Golf Tournament

Venue: Prairie West Golf Course

Date: July 11, 2024

Organizer: Missouri Slope Foundation (Gayla Sherman, Foundation Director)

Raffle Items:

1. Car Care Basket - \$600 value
2. Medora Package - \$500 value
3. Wine Basket - \$430 value
4. Scheels Gift Card - \$250 value
5. Four Rounds of Golf at Riverwood - \$250 value
6. Gift Card Tree - \$250 value
7. Spa Basket - \$200 value
8. Coffee in Mandan - \$145 in gift cards, coffee "pot" and floral arrangement - \$200 value
9. Butcher Block Meat and Cheese Assortment - \$150 value
10. Outdoor Package – \$150 value
11. Restaurant Gift Card - \$100 value
12. Whiskey & Bourbon Basket - \$100 value

Total value of Bucket Auction items: \$3,180

Missouri Slope Foundation is a 501(c)3 tax-exempt organization: EIN 36-3589734



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 14, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider Selection of Commission Vice President

STATEMENT/PURPOSE:

To consider the selection of a Vice President of the Board of City Commissioners

BACKGROUND/ALTERNATIVES:

The Vice President would fill in when the President/Mayor is unable to attend City Commission Meetings or as requested by the President/Mayor.

ATTACHMENTS:

None

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

SUGGESTED MOTION:

I move to appoint _____ as the Vice President of the Board of City Commissioners



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 14, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider City Commission portfolio and committee assignments.

STATEMENT/PURPOSE:

To consider the City Commission portfolio and committee assignments.

BACKGROUND/ALTERNATIVES:

With the election of a new Mayor and City Commissioner, the assignment of portfolios and committees is necessary. The attached list are the suggested portfolios and committee assignments.

ATTACHMENTS:

1. 2024-07-02 Suggestions Commission Portfolio Assignments

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Mayor Froelich recommends the portfolio and committee assignments as presented.

SUGGESTED MOTION:

I move to approve the portfolio and committee assignments as presented.

<u>Portfolio</u>	<u>Regular Meetings</u>	<u>Tuesday, June 28, 2022</u>	<u>Suggestions Tuesday July 2, 2024</u>
Health Inspection		Braun, Mike	Braun, Mike
Assessing		Braun, Mike	Braun, Mike
Building Inspection		Braun, Mike	Braun, Mike
Human Resources		Camisa, Joseph	Froelich, James
Budget & Finance Committee		Helbling, Tim	Froelich, James
Business Development		Helbling, Tim	Froelich, James
Lower Heart Water Resource District	4th Tuesday - MCH - 2:00 P.M.	Helbling, Tim	Froelich, James
Public Buildings		Helbling, Tim	Froelich, James
Municipal Court		Camisa, Joseph	Froelich, James
Fire		Rohr, Dennis	Rohr, Dennis
Mandan Parking Authority		Rohr, Dennis	Rohr, Dennis
Police		Rohr, Dennis	Rohr, Dennis
Cemetery		Olson, Brad	Sjoberg, Craig
Engineering		Camisa, Joseph	Sjoberg, Craig
Mandan Airport Authority	2nd Monday - Airport - Noon	Braun, Mike	Sjoberg, Craig
Morton Mandan Public Library	4th Monday, MMPL - 5:30 P.M.	Olson, Brad	Sjoberg, Craig
Planning & Zoning	4th Monday, MCH - 5:30 P.M.	Camisa, Joseph	Sjoberg, Craig
Water and Sewer Treatment		Camisa, Joseph	Sjoberg, Craig
Safety & Wellness Committee	2nd Thursday, MCH - 10:00 A.M.	Camisa, Joseph	Sjoberg, Craig
Forestry		Olson, Brad	Sjoberg, Craig
Solid Waste Utility		Olson, Brad	Sjoberg, Craig
Street Light Utility		Olson, Brad	Sjoberg, Craig
Streets		Olson, Brad	Sjoberg, Craig
Waterline & Sewerline Maintenance		Olson, Brad	Sjoberg, Craig
<u>Committees</u>		<u>Commissioner</u>	
County Planning & Zoning	4th Wednesday, Courthouse - 5:30 P.M.	Braun, Mike	Braun, Mike
Bismarck Mandan Chamber EDC	2nd Thursday, Chamber EDC Office 7:30 A.M.	Camisa, Joseph	Froelich, James
Law Enforcement Center Advisory Committee		Camisa, Joseph	Froelich, James
Budget & Finance Committee		Helbling, Tim	Froelich, James
City Planning & Zoning	4th Monday - MCH-5:30 P.M.	Helbling, Tim	Froelich, James
Mandan Growth Fund		Helbling, Tim	Froelich, James
Mandan Progress Organization		Helbling, Tim	Froelich, James
Mandan Visitors Committee		Helbling, Tim	Froelich, James
Metropolitan Planning Organization	3rd Tuesday: Jan - June Tom Baker July - Dec. MCH 1:30 PM	Helbling, Tim	Froelich, James
Renaissance Zone		Helbling, Tim	Froelich, James
City Planning & Zoning (Optional)	4th Monday - MCH-5:30 P.M.	Camisa, Joseph	Rohr, Dennis
CennCom	Feb & Dec As Announced	Rohr, Dennis	Rohr, Dennis
Bismarck Mandan Transit	4th Thursday, Bis Man Transit, 11:30 A.M.	Rohr, Dennis	Rohr, Dennis
County Planning & Zoning	4th Wednesday, Morton County Courthouse - 5:30 P.M.	Rohr, Dennis	Rohr, Dennis
Law Enforcement Center Advisory Committee		Rohr, Dennis	Rohr, Dennis
Cemetery Advisory Committee		Olson, Brad	Sjoberg, Craig
Dakota Media Access	Generally, 2nd Tuesday, DMA Offices, Noon	Olson, Brad	Sjoberg, Craig



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 24, 2024
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Madison Cermak
PRESENTER: Madison Cermak, Business Development & Communications Director
SUBJECT: Growth Fund Committee recommendation on fire sprinkler assistance for 104 2nd Avenue NW.

STATEMENT/PURPOSE:

To consider a Mandan Growth Fund (MGF) Committee recommendation to provide up to \$10,000 in matching funds to Missouri Valley Rentals LLC for installation of a fire sprinkler system at 104 2nd Avenue NW to accommodate use of the vacant space with remodeling and the start of a new business.

BACKGROUND/ALTERNATIVES:

The MGF discussed this topic held May 30, 2024. Built in 1929, 220 W Main St was the former home of the Ben Franklin store, which also included 104 2nd Ave NW. With ownership under Missouri Valley Rentals LLC, plans are to renovate the space and lease it to a Mandan-based cigar shop.

Currently, there is no fire code requirement for a fire suppression system as plans are, but plans to remodel for future use in the lower level of the building will create enough reason to require a fire suppression system by fire code. The proposal work by Nova Fire Protection is limited to the main floor and lower level areas only. All other areas of the 220 W Main St. building remain un-sprinkled. The estimated cost for installing the system is \$29,802. Additional investments include any other materials needed for building code requirements for the type of business occupying the space. All approvals will be contingent upon the Building Official's finalization.

The applicant is seeking \$10,000 in matching funds for the sprinkler system and will exceed the 50% match requirement.

ATTACHMENTS:

1. Application Big Sticks Cigar

FISCAL IMPACT:

The MGF has an uncommitted balance for economic development projects of approximately \$394,710.12 as of May 31, 2024. The proposal limits assistance per project to no more than \$10,000.

STAFF IMPACT:

Staff time will be required for conveyance of the necessary program participating agreement, expense review and reimbursement plus follow-up.

LEGAL REVIEW:

City Attorney Amy Oster will draft a Promissory Note and Forgivable Loan Agreement if the request is approved.

RECOMMENDATION:

The MGF voted 8-0 (with one member absent) to recommend providing 50% matching funds not to exceed \$10,000 to be structured as a forgivable loan for the installation of a fire sprinkler system at 104 2nd Ave NW.

SUGGESTED MOTION:

I move to approve providing 50% matching funds, not to exceed \$10,000, to be structured as a forgivable loan for installation of a fire sprinkler system at 104 2nd Ave NW.



FIRE SPRINKLER ASSISTANCE APPLICATION

PRIMARY CONTACT INFORMATION FOR THIS APPLICATION

Name: Missouri Valley Rentals
Address: 220 W Main
Phone: 701-391-9489 Fax: _____
E-mail: missouri.valley.rentals@gmail.com

Applicant Name:

(name of person/entity
to receive funds)

Missouri Valley Rentals LLC

Property Owner:

Missouri Valley Rentals

Property Address:

220 W Main St. / 104 2nd Ave. NW

DESCRIPTION OF PROPERTY

Current commercial uses or tenant(s):

Mane Expressions

Dupree Firearms

Backspur Daisy

Big Stick Cigar Lounge

Building History including Date of Construction:

Built in 1929 @ Ben Franklin

Qualifying Action:

☒ Business Start-Up

☐ Business Expansion

☐ Business Retention with major building remodel

Total Qualifying

Expenses:

Big Stick Cigar Lounge
\$ 29,802.⁰⁰

Forgivable

Loan Amount of Requested:

\$ 10,000.⁰⁰

Is the fire sprinkler system installation or retrofit part of a larger project?

Yes



No, it's the only work I am doing ☐

If yes, please describe comprehensive project.

Possible Future use for Non Grade Levels

Summary of Existing Building Condition:

See photo attached

- The address of 104 2nd Ave NW

Summary of Proposed Scope of Work. Bids or official estimates from licensed commercial contractors or other providers of needed services and materials are required as an attachment.

Nova Fire Sprinklers attachment

How will your project complement Mandan's economic and community development efforts? What is the nature of the business(es)? What are growth plans, if any, over the next five years?

Allow for future business.
We are not required to install sprinkler system, but
the installation will create future use of the building.

List of any other incentives being sought and/or approved to date through city, county or state programs.

Fire Sprinkler system - Central station

For more information, call the Business Development Office at 701-667-3485.

Signature of applicant:

Ryan S. Decker

Date:

5-20-2024

Signature of property owner:
(if different than applicant)

Date:

NOVA

FIRE PROTECTION, INC.

5/10/2024

Bid ID: 15085

MISSOURI VALLEY RENTALS
Attn: Ryan Diechert
2630 OLD RED TRAIL
MANDAN, ND 58554

P: (701) 391-9489
F:
E: missourivalleyrentals@gmail.com

Job: **Ben Franklin Bldg**
104 2nd Ave NW
Mandan, ND 58554

Proposal

SCOPE:

Design and install a wet-type Fire Sprinkler System in accordance with NFPA 13 (2016 edition) for the 2,800 SF project referenced above. Area of work covered under this proposal is limited to the Speak Easy and Cigar Bar areas only. All other areas of the building remain unsprinklered.

Starting point will be the water service located at the existing system riser in the lower level of the Copper Dog restaurant next door. At this location the existing riser will be modified to allow for adding the Ben Franklin Building to the riser. The existing piping below the backflow preventer will be modified and extended through the wall in to the lower level of the Ben Franklin Building. At this location the new controls for this area of work will be added. Control equipment will be furnished and installed for a single wet-riser and Fire Department Connection. Weatherproof horn/strobe device will also be furnished, but installation shall be completed by others.

Design: Occupancy designations and associated spacing constraints will be per NFPA 13. Price is based on an adequate city water supply to support the fire sprinkler system design specified.

Sprinkler Heads & Materials: Sprinkler coverage for areas with a finished ceiling are provided by semi-recessed pendant heads fed off pipe concealed above the ceiling. Areas without a finished ceiling will be protected by upright heads fed off exposed-to-view pipe.

All piping will be steel; Sch.7 type will be used for grooved applications and Sch.30 will be used for threaded applications. All materials are in accordance with NFPA 13.

Drawings, Permits, & Sales Tax: Design drawings are included and will be submitted to local Authority Having Jurisdiction. Applicable building permits and sales tax are included.

Price Breakdown:

Cigar Bar: \$24,869.00
Speak Easy: \$ 4,933.00

Items NOT included in this proposal:

Electrical wiring
Fire alarms
Painting exposed pipe

NOVA

FIRE PROTECTION, INC.

Base Bid for the scope of work above is..... \$29,802.00

We appreciate the opportunity to submit this proposal and look forward to working with your company. Prices are valid for 30 days from date above.

Sincerely,

Chad Johnson

Chad Johnson, Project Manager

c: (701) 781-6637

e: chad@novafire.com

Acceptance: The above price, scope, and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Progress payments will be paid within thirty days of invoice.

Check All that Apply: ☒ Base Bid

Accepted by: _____ PO #: _____ Date: _____

Note: Bids or official estimates from licensed commercial contractors or other providers of needed services and materials are required. Applicants seeking to perform work themselves must 1) be licensed contractors that perform work for others, 2) must obtain quotes from two other licensed contractors, and 3) will be held to the lowest quote.

Summary of Proposed Expenditures		
Source of Estimate or Bid	Purpose	Estimated Cost
Nova Fire	Sprinklers	29,802. ⁰⁰
Total		\$ 29,802. ⁰⁰



ONE WAY

NO
PARKING
TUES-THUR
1AM TO 7AM

90 MIN
PARKING
8:00AM
TO 5:00 PM





City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 26, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Bill Robinson
SUBJECT: Lower Heart River Water Resource District (LHWRD)
Update

STATEMENT/PURPOSE:

To update the commission on the status of the LHWRD project and request consideration of a phased project approach to the Flood Mitigation Assistance (FMA) Grant.

BACKGROUND/ALTERNATIVES:

In 2012 FEMA study indicated extensive free-board deficiencies throughout the system due to concurrent free flow discharges and mailed ice jams. A feasibility study conducted in 2019 identified other times that do not met updated levee criteria requiring some slope stability and seepage remediations. Currently, the project is responding to the Conditional Letter of Map Revisions (CLOMAR) issue and adding in an additional free-board deficient reach.

ATTACHMENTS:

1. Mandan Flood Risk Reduction_MandanCityCommission_July2024_Slides
2. 2024-07-02 Letter re LHWRD

FISCAL IMPACT:

Action at this time does not have a fiscal effect.

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

I recommend approval of the request asking for consideration for a phased project approach to the FMA grant.

SUGGESTED MOTION:

I move to approve the request asking for consideration for a phased project approach to the FMA grant.

Mandan Flood Protection Project

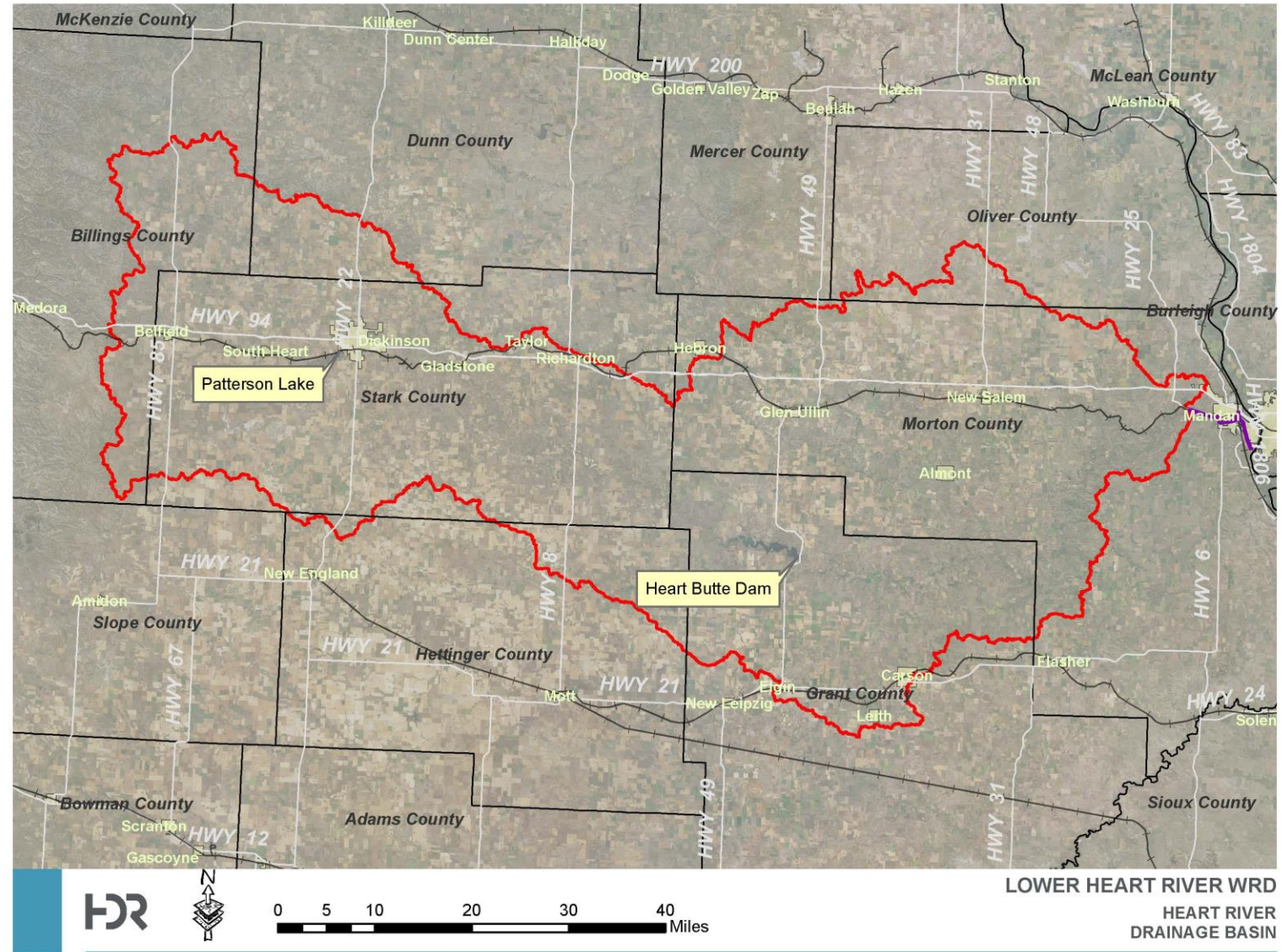
*Mandan City Commission
July 2, 2024*

Lower Heart River Water Resource District and City of Mandan
Bill Robinson, Lower Heart Water Resource District



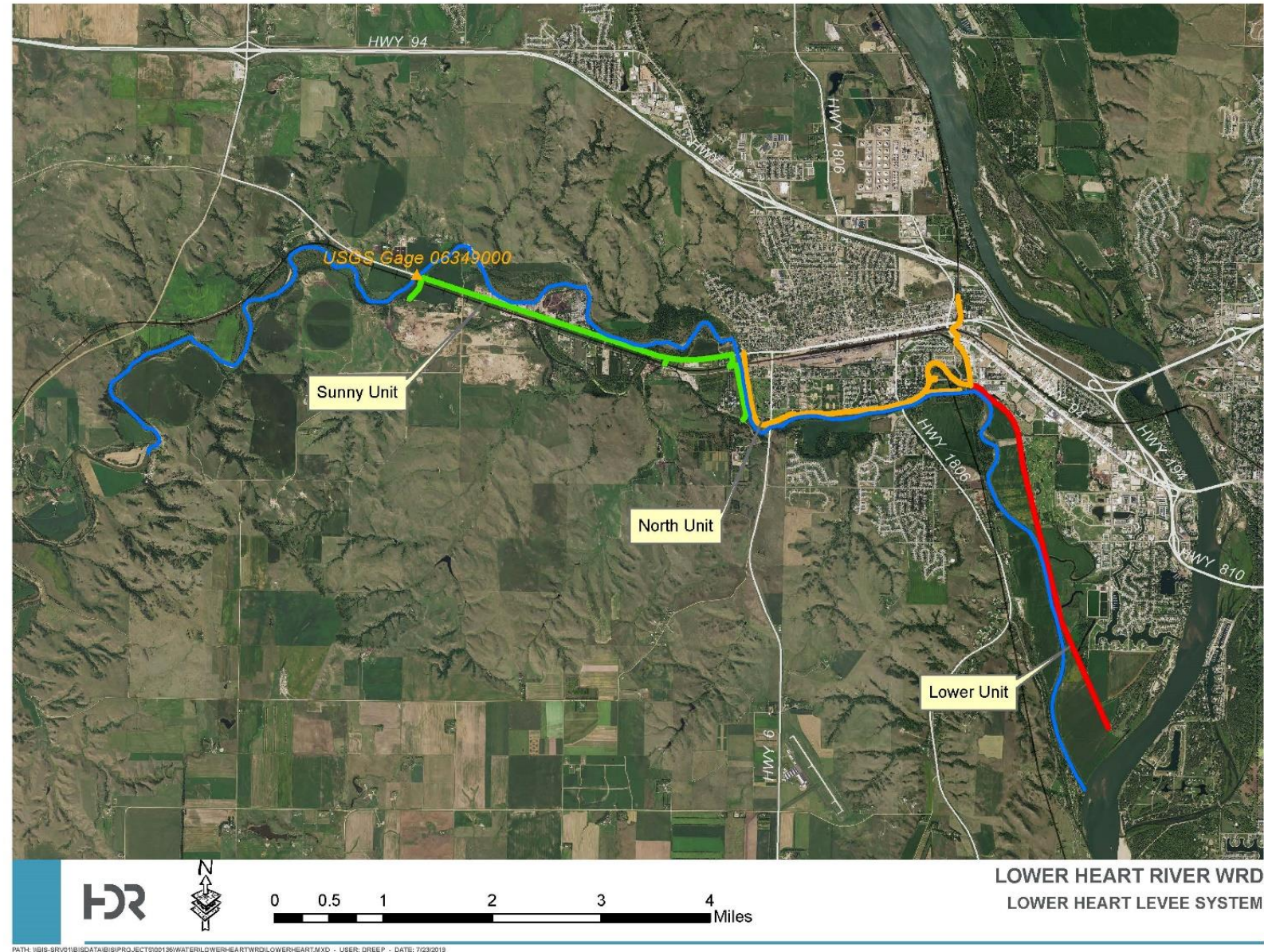
Heart River

- Originates in Billings County
- 3,310 Square Miles at Mandan
- Two reservoirs on the mainstem:
- Dickinson Dam (Patterson Lake) - 1950
- Heart Butte Dam (Lake Tschida) – 1949
- Susceptible to ice jams in Mandan.



Lower Heart Levee System Background

- Levee system installed in 1940s and 1950s by USACE
- Consists of 3 Main Segments
 - Sunny Unit,
 - North (Mandan) Unit
 - Lower Unit



Lower Heart Levee System Background

- Approximately 9 miles in total length:
 - U.S. end at USGS Gaging Station on I-94 Business Loop
 - D.S. end approximately 1,000 feet upstream of Missouri River confluence
- Several updates throughout history including levee raises
- Part of the National Levee Database
- Participant in PL 84-99 Program with USACE
- Heart River is susceptible to ice jams in this reach



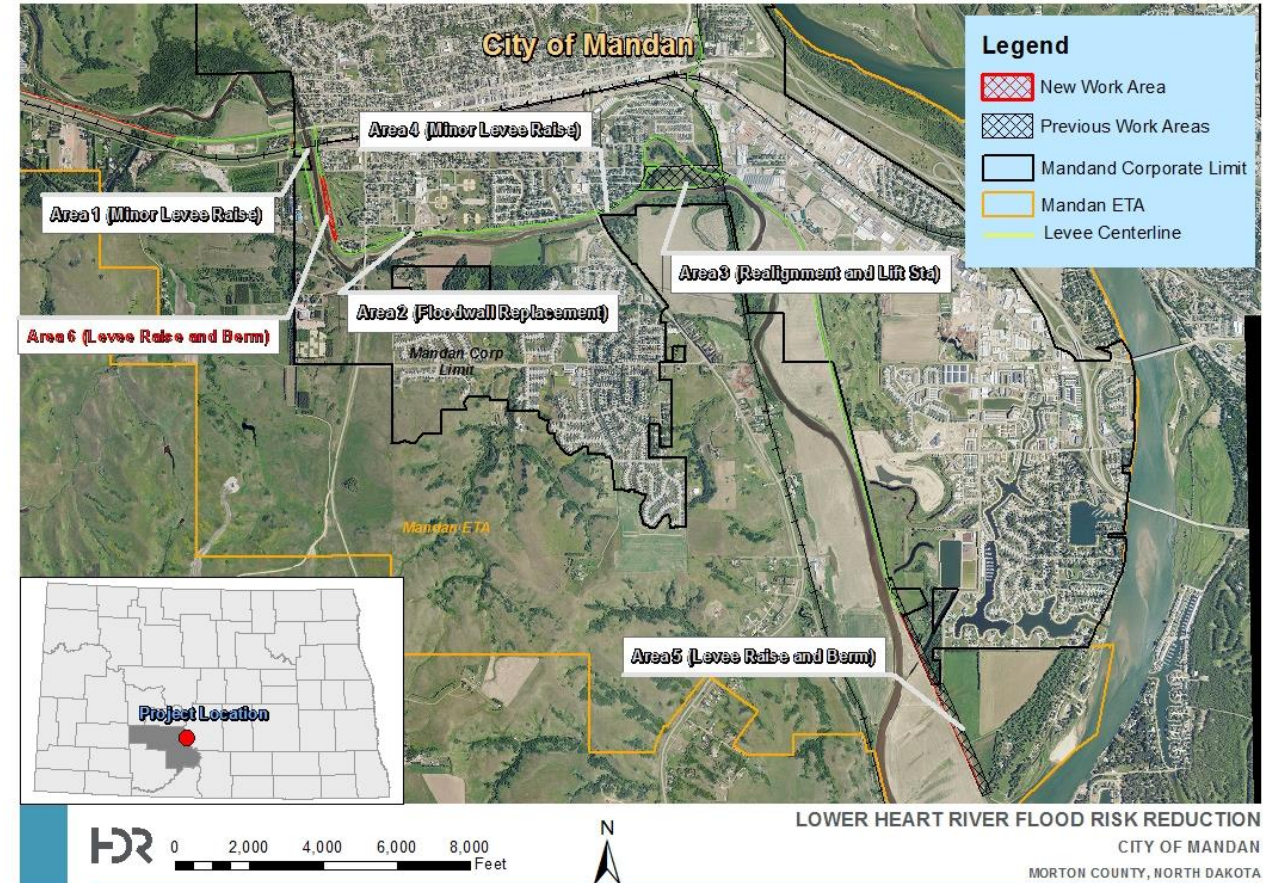
Flood Risk Reduction Project

- 2012 FEMA study indicated extensive freeboard deficiencies throughout system due to concurrent free flow discharges with modeled ice jams
- Feasibility Study (2019) identified other items that do not meet updated levee criteria requiring some slope stability and seepage remediations.
- Currently responding to full CLOMR issues and adding in an additional free-board deficient reach



Lower Heart Levee System Next Steps

- Next steps are to finalize design of project (Mandan and Lower Units):
 - Replace 900 feet of floodwall with levee
 - ~ 1 mile of levee raise on Lower Unit (1-2 feet)
 - ~ 2,000 ft of levee raise on Mandan Unit (6"-9")
 - Isolated levee raises (< 6")
 - Stability Berm on Lower Unit
 - Seepage Berm on Mandan Unit
 - Levee realignment at 3rd Street SE
 - New Lift Station at 3rd Street SE and other interior drainage improvements



Flood Risk Reduction Project – Funding

Federal

- FEMA provided funding (Hazard Mitigation Grant) for geotechnical work during feasibility phase.
- Flood Mitigation Assistance (FMA) Grant was applied for in 2023 cycle (FY2022) in the amount of \$13.8M (60%) – Successful and waiting award.

State

- North Dakota State Water Commission (NDSWC) has funded feasibility study at 35% and design work at 60% - Total of \$2.35M.
- Anticipate \$8.5M (60% cost share) from NDSWC for construction.

Local

- Lower Heart Water Resource District has funded local costs to date through an annual appropriation from Morton County (4 mil).
- City of Mandan has approved a city-wide assessment district with tiered contributions to fund construction of project from local level.



Flood Risk Reduction Project – Implementation Timeline

- Fall 2024:
 - Submit revised CLOMR to FEMA
 - Submit revised Section 408 Permission to USACE
- Spring/Summer, 2025: Construction Bidding
- Fall, 2025: Construction Commencing
- Summer, 2027: Construction Complete
- Fall, 2027: Special Assessment Implementation



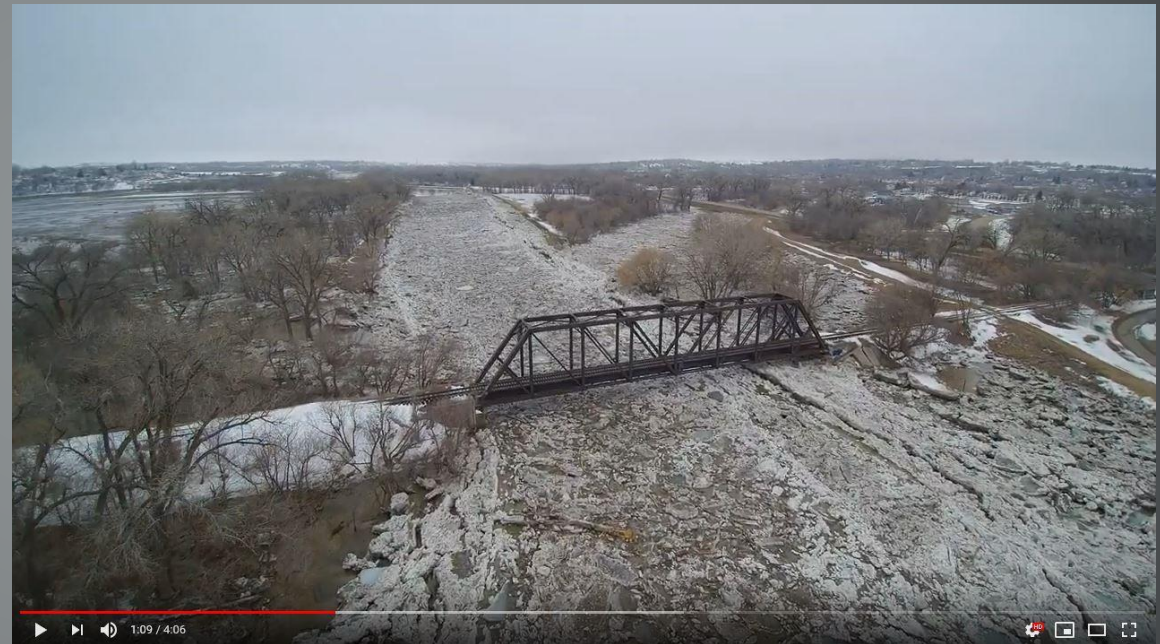
Questions



Lower Heart
Water
Resource
District




DS of Trolley Bridge, Mar. 26, 2019 –
NDSWC Drone Flight



Trolley Bridge, Mar. 26, 2019 –
NDSWC Drone Flight



Administration

July 2, 2024

RE: Phasing Consideration Request
Flood Mitigation Assistance (FMA) Grant Program
Federal Emergency Management Agency (FEMA)

Dear State and Federal FMA Application Reviewers,

The Lower Heart River Water Resource District (LHRWRD), in partnership with the City of Mandan, applied for a FY2022 Flood Mitigation Assistance (FMA) grant for the Lower Heart River Flood Risk Reduction project. In August, 2023, we were notified through the North Dakota Department of Emergency Services (NDDDES) the application was moved to the next step in the selection process, and we recently responded to Requests For Information (RFIs) from the review team. We understand these are typical steps which ultimately result in an award of the FMA grant.

Due to the timeline of the review and approval period, we are requesting consideration for a phased project approach to this grant. Since the application submittal in January of 2023, we have continued the design and permitting process for the project, which has stretched our local budget and threatens to create a situation where we need to pause progress as we move toward the construction phase due to cash flow limitations.

Our proposed approach to the phasing option would consist of two main phases:

- Phase 1 - Design, permitting
- Phase 2 - Construction

Thank you for consideration of this request. A caveat to the request is that a phased award would not jeopardize the total amount of the award.

Sincerely,

James Froelich
Mayor, City of Mandan

CC: Bill Robinson, Chairman, Lower Heart River Water Resource District
Dennis Reep, HDR Engineering



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 26, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider entering into an Engineering Service Agreement to update City stormwater standards

STATEMENT/PURPOSE:

To enter into a supplementary agreement with Houston Engineering to provide services to finalize the City's Stormwater standards update.

BACKGROUND/ALTERNATIVES:

This agreement includes a continuation of services provided previously. In January 2019 Houston Engineering, Inc. completed two memorandums related to the City of Mandan's stormwater management program. These memorandums were never officially adopted by the City. This scope of services focuses on the next steps required to implement the recommendations contained in these memorandums.

This work would include reviewing and revising the memorandums with City staff to incorporate changes that were either left over from the previous effort, or were necessitated by evolving regulations over the last five years. The officially adopted stormwater management ordinances and manual are 18 and 13 years old, respectively. It is imperative to align these documents with current best practices, as well as introduce quality-of-life improvements to the stormwater management review process.

ATTACHMENTS:

1. Service Agreement

FISCAL IMPACT:

The proposed supplementary service agreement totals \$49,900. We would recommend authorizing the use of \$49,900 from the City Utility fund to accommodate these costs.

STAFF IMPACT:

Subject: Consider entering into a supplementary Engineering Service Agreement to update City stormwater standards

Moderate effort will be required from City staff to provide feedback and facilitate the adoption process.

LEGAL REVIEW:

Agenda documents have been made available to the City Attorney for review.

RECOMMENDATION:

To enter into the agreement, as presented.

SUGGESTED MOTION:

I move to enter into the agreement with Houston Engineering and authorize the use of \$49,900 from the City Utility Fund for these services.

AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

This is an Agreement between the **City of Mandan** (Owner) and **Houston Engineering, Inc.** (Engineer). Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as **Stormwater Management Ordinance and Design Standards Manual** (Project). Engineer's services under this Agreement (Services) are generally identified as see **Appendix 1, Scope of Services and Engineer's Standard Hourly Rates**.

Owner and Engineer further agree as follows:

1.01 Services of Engineer

- A. Engineer shall provide or furnish the Services set forth in this Agreement, and any Additional Services authorized by Owner and consented to by Engineer.

2.01 Owner's Responsibilities

- A. Owner shall provide Engineer with existing Project-related information and data in Owner's possession and needed by Engineer for performance of Engineer's Services. Owner will advise the Engineer of Project-related information and data known to Owner but not in Owner's possession. Engineer may use and rely upon Owner-furnished information and data in performing its Services, subject to any express limitations applicable to the furnished items.
 - 1. Following Engineer's assessment of initially-available Project information and data, and upon Engineer's request, Owner shall obtain, furnish, or otherwise make available (if necessary through retention of specialists or consultants) such additional Project-related information and data as is reasonably required to enable Engineer to complete its Services; or, with consent of Engineer, Owner may authorize the Engineer to obtain or provide all or part of such additional information and data as Additional Services.
- B. Owner shall provide necessary direction and make decisions, including prompt review of Engineer's submittals, and carry out its other responsibilities in a timely manner so as not to delay Engineer's performance. Owner shall give prompt notice to Engineer whenever Owner observes or otherwise becomes aware of (1) any relevant, material defect or nonconformance in Engineer's Services, or (2) any development that affects the scope or time of performance of Engineer's Services.

3.01 Schedule for Rendering Services

- A. Engineer shall complete its Services within the following specific time period: **The schedule for this shall commence on July 15th and be substantially completed as established in the scope of services.** The schedule may be adjusted to the mutual benefit to Owner and Engineer.
- B. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's Services is impaired, or Engineer's Services are delayed or suspended, then the time for completion of Engineer's Services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably.

4.01 Invoices and Payments

- A. Invoices: Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt.
- B. Payment: As compensation for Engineer providing or furnishing Services and Additional Services, Owner shall pay Engineer as set forth in this Paragraph 4.01, Invoices and Payments. If Owner disputes an invoice, either as to amount or entitlement, then Owner shall promptly advise Engineer in writing of the specific basis for doing so, may withhold only that portion so disputed, and must pay the undisputed portion.
- C. Failure to Pay: If Owner fails to make any payment due Engineer for Services, Additional Services, and expenses within 30 days after receipt of Engineer's invoice, then (1) the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day; (2) in addition Engineer may, after giving 7 days' written notice to Owner, suspend Services under this Agreement until Engineer has been paid in full all amounts due for Services, Additional Services, expenses, and other related charges, and in such case Owner waives any and all claims against Engineer for any such suspension; and (3) if any payment due Engineer remains unpaid after 90 days, Engineer may terminate the Agreement for cause pursuant to Paragraph 5.01.A.2.
- D. Reimbursable Expenses: Engineer is entitled to reimbursement of expenses only if so indicated in Paragraph 4.01.E or 4.01.F. If so entitled, and unless expressly specified otherwise, the amounts payable to Engineer for reimbursement of expenses will be the Project-related internal expenses actually incurred or allocated by Engineer, plus all invoiced external expenses allocable to the Project, including Engineer's subcontractor and subconsultant charges, with the external expenses multiplied by a factor of [0%].
- E. Basis of Payment
 - 1. Hourly Rates. Owner shall pay Engineer for Services as follows:
 - a. An amount equal to the cumulative hours charged to the Project by Engineer's employees times standard hourly rates for each applicable billing class, plus reimbursement of expenses incurred in connection with providing the Services.
 - b. Engineer's Standard Hourly Rates are attached as **Appendix 1**.
 - c. The total compensation for Services and reimbursement of expenses is estimated to be **\$49,900**.
 - d. Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered but shall not exceed the total estimated compensation amount noted above unless approved in writing by the Owner.
- F. Additional Services: For Additional Services, Owner shall pay Engineer an amount equal to the cumulative hours charged in providing the Additional Services by Engineer's employees, times standard hourly rates for each applicable billing class; plus, reimbursement of expenses incurred in connection with providing the Additional Services. Engineer's standard hourly rates are included in **Appendix 1, Scope of Services and Engineer's Standard Hourly Rates**.

5.01 Termination

A. Termination for Cause

1. Either party may terminate the Agreement for cause upon 30 days' written notice in the event of substantial failure by the other party to perform in accordance with the terms of the Agreement, through no fault of the terminating party.
 - a. Notwithstanding the foregoing, this Agreement will not terminate under Paragraph 5.01.A.1 if the party receiving such notice begins, within 7 days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt thereof; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30-day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein will extend up to, but in no case more than, 60 days after the date of receipt of the notice.
2. In addition to its termination rights in Paragraph 5.01.A.1, Engineer may terminate this Agreement for cause upon 7 days' written notice (a) if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional, (b) if Engineer's services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer's control, (c) if payment due Engineer remains unpaid for 90 days, as set forth in Paragraph 4.01.C, or (d) as the result of the presence at the Site of undisclosed Constituents of Concern as set forth in Paragraph 6.01.I.
3. Engineer will have no liability to Owner on account of any termination by Engineer for cause.

B. Termination for Convenience: Owner may terminate this Agreement for convenience, effective upon Engineer's receipt of notice from Owner.

C. Payments Upon Termination: In the event of any termination under Paragraph 5.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement, and to reimbursement of expenses incurred through the effective date of termination. Upon making such payment, Owner will have the limited right to the use of all deliverable documents, whether completed or under preparation, subject to the provisions of Paragraph 6.01.F, at Owner's sole risk.

1. If Owner has terminated the Agreement for cause and disputes Engineer's entitlement to compensation for services and reimbursement of expenses, then Engineer's entitlement to payment and Owner's rights to the use of the deliverable documents will be resolved in accordance with the dispute resolution provisions of this Agreement or as otherwise agreed in writing.
2. If Owner has terminated the Agreement for convenience, or if Engineer has terminated the Agreement for cause, then Engineer will be entitled, in addition to the payments identified above, to invoice Owner and receive payment of a reasonable amount for services and expenses directly attributable to termination, both before and after the effective date of termination, such as reassignment of personnel, costs of terminating contracts with Engineer's subcontractors or subconsultants, and other related close-out costs, using methods and rates for Additional Services as set forth in Paragraph 4.01.F.

6.01 General Considerations

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by Engineer. Subject to the foregoing standard of care, Engineer may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. Engineer shall not at any time supervise, direct, control, or have authority over any Constructor's work, nor will Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a Constructor to comply with laws and regulations applicable to that Constructor's furnishing and performing of its work. Engineer shall not be responsible for the acts or omissions of any Constructor.
- C. Engineer neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish and perform its work.
- D. Engineer's opinions of probable construction cost (if any) are to be made on the basis of Engineer's experience, qualifications, and general familiarity with the construction industry. However, because Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable construction cost prepared by Engineer. If Owner requires greater assurance as to probable construction cost, then Owner agrees to obtain an independent cost estimate.
- E. Engineer shall not be responsible for any decision made regarding the construction contract requirements, or any application, interpretation, clarification, or modification of the construction contract documents, other than those made by Engineer.
- F. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether the Project is completed or not. Engineer grants to Owner a limited license to use the deliverable documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment due and owing for all Services and Additional Services relating to preparation of the deliverable documents, and subject to the following limitations:
 - 1. Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer;

2. any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and subconsultants.
 3. Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and subconsultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and
 4. such limited license to Owner shall not create any rights in third parties.
- G. Owner and Engineer agree to transmit, and accept, Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, in accordance with a mutually agreeable protocol.
- H. Waiver of Damages; Limitation of Liability: To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's officers, directors, members, partners, agents, employees, subconsultants, and insurers, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to this Agreement or the Project, from any cause or causes, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$100,000 or the total amount of compensation received by Engineer, whichever is greater.
- I. The parties acknowledge that Engineer's Services do not include any services related to unknown or undisclosed Constituents of Concern. If Engineer or any other party encounters, uncovers, or reveals an unknown or undisclosed Constituent of Concern, then Engineer may, at its option and without liability for consequential or any other damages, suspend performance of Services on the portion of the Project affected thereby until such portion of the Project is no longer affected, or terminate this Agreement for cause if it is not practical to continue providing Services.
- J. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute will be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.
- K. This Agreement is to be governed by the laws of the State of North Dakota.
- L. Engineer's Services do not include: (1) serving as a "municipal advisor" for purposes of the registration requirements of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission; (2) advising Owner, or any municipal entity or other person or entity, regarding municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances; (3) providing surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements; or (4) providing legal advice or representation.

7.01 Definitions

- A. Constructor—Any person or entity (not including the Engineer, its employees, agents, representatives, subcontractors, and subconsultants), performing or supporting construction activities relating to the Project, including but not limited to contractors, subcontractors, suppliers, Owner's work forces, utility companies, construction managers, testing firms, shippers, and truckers, and the employees, agents, and representatives of any or all of them.
- B. Constituent of Concern—Asbestos, petroleum, radioactive material, polychlorinated biphenyls (PCBs), lead based paint (as defined by the HUD/EPA standard), hazardous waste, and any substance, product, waste, or other material of any nature whatsoever that is or becomes listed, regulated, or addressed pursuant to laws and regulations regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic, or dangerous waste, substance, or material.

8.01 Successors, Assigns, and Beneficiaries

- A. Successors and Assigns
 - 1. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 8.01.A.2 the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
 - 2. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, money that is due or may become due) in this Agreement without the written consent of the other party, except to the extent that any assignment, subletting, or transfer is mandated by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
- B. Beneficiaries: Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any Constructor, other third-party individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

9.01 Total Agreement

- A. This Agreement (including any expressly incorporated attachments) constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

Attachments: **Appendix 1, Scope of Services and Engineer's Standard Hourly Rates.**

APPENDIX E, STORM WATER ORDINANCE REVISED (January 2019)

APPENDIX F, STORMWATER DESIGN STANDARDS MANUAL (January 2019)

This Agreement's Effective Date is July 15, 2024.

Owner:

City of Mandan

By:

(authorized individual's signature)

Date:

(date signed)

Name: James Froehlich

(typed or printed)

Title: Mayor

(typed or printed)

Address for giving notices:

205 2nd Avenue NW

Mandan, ND 58554

Designated Representative:

Name: Jarek W. Wigness, PE

Title: Mandan City Engineer

Address:

205 2nd Avenue NW

Mandan, ND 58554

Phone: 701-667-3225

Email: jarek.wigness@cityofmandan.com

Engineer:

Houston Engineering, Inc.

By:

(authorized individual's signature)

Date:

(date signed)

Name: Sherwin Wanner, PE

Title: Bismarck Office Manager

Address for giving notices:

3712 Lockport Street

Bismarck, ND 58503

Designated Representative:

Name: Michael Gunsch, PE, CFM

Title: Senior Project Manager

Address:

3712 Lockport Street

Bismarck, ND 58503

Phone: 701-527-2134

Email: mgunsch@houstoneng.com

This is **Appendix 1, Scope of Services and Engineers Standard Hourly Rates**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated **July 2, 2024**

Scope of Services – City of Mandan

STORMWATER ORDINANCE AND DESIGN STANDARDS MANUAL

In January 2019 Houston Engineering, Inc. completed two memorandums related to the City of Mandan's stormwater management program. This scope of services focuses on the next steps required to implement the recommendations contained in these memorandums, which are included as part of this agreement.

PHASE 100 - APPENDIX E - STORMWATER ORDINANCE

\$16,600

The City of Mandan's Stormwater Ordinance (*Chapter 107- Drainage and Stormwater Management*) was implemented in 2006. Regulatory requirements under the EPA's MS4 Program, NDDEQ MS4 Permit, and the need and means to manage stormwater runoff and its impacts have continued to evolve. The scope of services will follow the recommendations contained in **Appendix E** and include material changes occurring since 2019. The Community Rating System (CRS) Program and river setbacks described in the memorandum are not included.

The budget includes revising the ordinance language to accommodate the current MS4 regulatory requirements and stormwater compliance documentation. The focus will be on language updates as well as refinements to streamline timelines, improve enforcement provisions, and provide greater flexibility for the City Engineer to manage the stormwater program. The scope includes three meetings with City staff/administration to review the current ordinance, then periodic visits (two) to refine the content and revisions prior to submitting for legal counsel review. It is anticipated the revised ordinance will replace the current version. After the review the services including assisting the City Engineer in submittal and public hearings for adoption by the Mandan City Commission.

PHASE 200 - APPENDIX F - STORMWATER DESIGN STANDARDS MANUAL

\$33,300

The City of Mandan's Stormwater Design Standards Manual (*Manual*) was first published in 2011 and has not been updated since that time. Engineering standards, methodologies, design principles and regulatory requirements have been evolving and the scope of this work will be as recommended in **Appendix F**, along with the consideration other changes occurring since 2019.

The budget includes creating a revised *Manual* for digital publication that incorporates updates to comply with regulatory requirements, as well as technical revisions to accommodate existing technical design and industry standards. The scope includes three meetings with City staff/administration to launch the revision process, then periodic visits (three) as technical updates are developed responding to the City questions and comments prior to draft/final publication/adoption. It is intended the new *Manual* will replace the current version, and as a technical policy document in the future will be modified by the City Engineer. The *Manual* will reference the stormwater ordinance, where applicable.

SCHEDULE

The schedule is to complete the preliminary documents by late August with finalization in early October depending on the City of Mandan's direction after the preliminary documents are provided. All services will be provided on a time and materials not to exceed the budget without written permission. The combined budget of **\$49,900** is available to each task per Article 401 Basis of Payment E(1)(d).

Engineer's Standard Hourly Rates

2024 FEE SCHEDULE



LABOR RATES

The following is a schedule of hourly rates and charges for services offered by Houston Engineering, Inc. These rates are subject to a modest increase on January 1st of each year (typically no more than 5%).

Category	2024 Rates	Category	2024 Rates	Category	2024 Rates
Engineering Assistant 1	\$100	Technician Assistant	\$103	Project Assistant 1	\$84
Engineering Assistant 2	118	Technician 1	118	Project Assistant 2	97
Engineer 1	143	Technician 2	126	Project Assistant 3	103
Engineer 2	150	Technician 3	135	Project Assistant 4	108
Engineer 3	158	Technician 4	143	Project Assistant 5	115
Engineer 4	165	Technician 5	150	Project Assistant 6	120
Engineer 5	176	Technician 6	158	Planner 1	\$165
Engineer 6	187	Technician 7	166	Planner 2	181
Engineer 7	198	Technician 8	175	Planner 3	197
Engineer 8	208	Technician 9	183	Planner 4	228
Engineer 9	218	Technician 10	192	Planner 5	239
Engineer 10	228	Technician 11	200	Land Surveyor 1	\$150
Engineer 11	238	GIS Assistant	\$73	Land Surveyor 2	172
Engineer 12	250	GIS Analyst 1	112	Land Surveyor 3	190
Engineer 13	259	GIS Analyst 2	123	Land Surveyor 4	203
Scientist 1	\$139	GIS Analyst 3	135	Land Surveyor 5	228
Scientist 2	150	GIS Analyst 4	147	Land Surveyor 6	250
Scientist 3	165	GIS Analyst 5	158	CAD Technician 1	\$105
Scientist 4	178	GIS Analyst 6	169	CAD Technician 2	110
Scientist 5	189	Project Manager 1 – Technology	172	CAD Technician 3	118
Scientist 6	221	Project Manager 2 – Technology	190	CAD Technician 4	126
Scientist 7	250	Project Manager 3 – Technology	221	CAD Technician 5	135
Hydrogeologist 1	\$150	Software Engineer 1	\$130	CAD Technician 6	143
Hydrogeologist 2	166	Software Engineer 2	146	Drone Pilot	\$159
Hydrogeologist 3	189	Software Engineer 3	157	Drone Visual Observer	64
Hydrogeologist 4	235	Software Engineer 4	168	Landscape Architect 1	\$137
Hydrogeologist 5	250	Software Engineer 5	181	Landscape Architect 2	148
Senior Consultant 1	\$211	Software Engineer 6	192	Landscape Architect 3	159
Senior Consultant 2	262	Computer Technician	\$182	Landscape Architect 4	171
Senior Consultant 3	274			Landscape Architect 5	182
Senior Consultant 4	285				
Senior Consultant 5	295				

SURVEY CREWS & REIMBURSABLE EXPENSES

Category	2024 Rates	Category	2024 Rates
Survey Crews:		ATV/Snowmobile/ Boat	\$15/hour
1-Person Crew (plus equipment)	\$183/hour	ATV w/Tracks	\$30/hour
2-Person Crew (plus equipment)	\$222/hour	Hydrone RCV	\$50/hour
3-Person Crew (plus equipment)	\$275/hour	Small UAS (Drone)	\$25/hour
4-Person Crew (plus equipment)	\$308/hour	Large UAS (Drone)	\$50/hour
Meals	Actual Cost	Deliveries/Postage/Printing	Actual Cost
Hotel	Actual Cost	Surveying Materials: Lath, Hubs, Pipe, etc.	Actual Cost
Mileage – Vehicles:		Special Equipment and Other Materials Required	Actual Cost
2-Wheel Drive	IRS Standard Mileage Rate	Subconsultants	Actual Cost + 10%
4-Wheel Drive	IRS Standard Mileage Rate + \$.20/Mile		
GPS Equipment	\$25/hour/unit		
Robotic Total Station	\$40/hour		

Standard

Page 1 of 1



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 26, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider Engineering Service Agreement for the Terra Vallee decommissioning project

STATEMENT/PURPOSE:

To consider an engineering service agreement with Apex Engineering Group to complete the design and bidding phase of the Terra Vallee lift station decommissioning project.

BACKGROUND/ALTERNATIVES:

The decommissioning of the Terra Valle lift station would be accompanied by the installation of a gravity sewer main from the current lift station location to the new sanitary trunk line along the west side of 1806, which was completed in 2023. This project was identified as the preferred alternative to the construction of an interceptor sewer line along the ditch between Old Red Trail and Interstate 94. The City budgeted \$500,000 in 2024 to complete this work. During the preliminary engineering phase under the I94 interceptor sewer contract, cost estimates for the sanitary sewer work were revised to be about \$600,000. City staff submitted an additional \$500,000 budget request to be considered for 2025 to accommodate the revised costs.

During the preliminary engineering phase of the project, coordinating the new sewer main alignment with an improvement to one of the City's top storm water problem sites was also discussed. This problem site was identified by Houston Engineering during a 2019 study, which is included as an attachment. This ESA would include design work for the storm water improvement. We recently received an estimated cost of \$1.4M for the storm water portion of the project.

Apex structured the design contract not to exceed 12% of the estimated construction cost of the designed improvements, which is at \$2.0M total.

ATTACHMENTS:

1. Terra Vallee Improvements ESA
2. Houston Problem Site M

FISCAL IMPACT:

The design contract would be in the amount of \$240,000. This would be in addition to the work completed under the I94 Interceptor project, which was just over \$100K. The City budgeted \$500K in 2024 for the decommissioning project with an additional \$500K budget request submitted for 2025. These budget requests would accommodate the Terra Vallee decommissioning piece of the project, but the storm water improvements would require additional consideration. Pursuing a partnership with Marathon regarding the stormwater improvements have been discussed during the preliminary engineering phase.

STAFF IMPACT:

Moderate effort coordinating with the design team, as well as other potential project partners, would be required.

LEGAL REVIEW:

Agenda documents have been made available to the City Attorney for review.

RECOMMENDATION:

To enter into a design contract for the Terra Vallee decommissioning project.

SUGGESTED MOTION:

I move to enter into the agreement with Apex Engineering, as presented.

SUGGESTED FORM OF TASK ORDER

This is Task Order No. 3,
consisting of 7 pages.

Task Order 3, Terra Vallee Sanitary Sewer and Regional Stormwater Improvements

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated November 7, 2017 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

- a. Effective Date of Task Order: July 2, 2024
- b. Owner: City of Mandan, ND
- c. Engineer: Apex Engineering Group, Inc.
- d. Specific Project (title): Terra Vallee Gravity Sewer and Regional Stormwater Improvements
- e. Specific Project (description): The project includes engineering services to plan, design, and bid a gravity sewer that will intercept the wastewater flow upstream of the existing Terra Vallee Lift Station and convey it east to the gravity sanitary sewer line in the west ditch of highway 1806 (directly east of the existing lift station). The work also includes Stormwater improvements in the area of the existing Terra Vallee Lift Station, the improvements are generally outlined in the Stormwater Master Plan Appendix C.2.3 – Problem Site M (Landeis) dated Feb 18, 2019. The specific improvements are outlined in section 2.4.3 of the report 'Peak Flow Reduction Improvements Alternate 1' and are shown on figure 10 of that same report. The project will also include Permanent and Temporary Easement Acquisition for the sanitary sewer gravity route and the stormwater improvements. This project will also include wetland mitigation and permitting efforts.

2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are:

the services (and related terms and conditions) set forth in the following sections of Exhibit A, as attached to the Agreement referred to above, such sections being hereby incorporated by reference:

- Preliminary Design Phase (Exhibit A, Paragraph A1.02.A.3)
 - Field Surveys
- Final Design Phase (Exhibit A, Paragraph A1.03)

Task Order Form

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- Bidding or Negotiating Services (Exhibit A, Paragraph A1.04) (1-Bid Package)

B. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

3. Additional Services

A. Additional Services that are authorized under this Task Order are:

- Additional Services (Exhibit A, Paragraph A2.01.A.1)
 - Grant and/or funding applications and research
 - Wetland mitigation and permitting.
- Additional Services (Exhibit A, Paragraph A2.01.H.7.c)
 - Preparation of Appraisals and permanent and/or temporary easement acquisition, legal descriptions and/or platting of such.
- Additional Services (Exhibit A, Paragraph A2.01.A.2)
 - Soil Borings
- Additional Services (Exhibit A, Paragraph A2.01.A.10.a)
 - Additional Bid Packages

4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following:

1. Payment to the landowners of amounts negotiated for the acquisition of permanent and temporary easements and or right of way.
2. Payment of fees for wetland mitigation bank (offsite).

5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule: See Attachment 1.

6. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

1. Preliminary Design (topographic survey) and Final Design through Bidding: **Standard Hourly, Not-To-Exceed 12% of Construction Cost.**
2. Construction Cost will be based on one or more of the following determinations with precedence in the order listed for Work designed or specified by Engineer:
 - a) For Work designed or specified and incorporated in the completed Project, the actual final price of the Construction Contract(s), as duly adjusted by Change Orders. A minimum basis of Construction Cost will be set by the Engineer's most recent opinion of probable Construction Cost.
 - b) For Work designed or specified but not constructed, the lowest bona fide Bid received from a qualified bidder for such Work; or, if the Work is not bid, the lowest bona fide negotiated proposal for such Work.

Task Order Form

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and American Society of Civil Engineers. All rights reserved.

- c) For Work designed or specified but not constructed upon which no such Bid or proposal is received, Engineer's most recent opinion of probable Construction Cost.
- d) Labor furnished by Owner for the Project will be included in the Construction Cost at current market rates including a reasonable allowance for overhead and profit. Materials and equipment furnished by Owner will be included at current market prices.
- e) For purposes of determining Construction Cost under this provision, no deduction is to be made from Construction Contract pricing on account of any penalty, liquidated damages, or other amounts withheld from payments to Contractor(s).

3. Additional Services: Standard Hourly Rates Method

- B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

7. Consultants retained as of the Effective Date of the Task Order:

- a. To be Retained
 - Land Acquisition
 - Geotechnical Engineer

8. Other Modifications to Agreement and Exhibits: None

9. Attachments: Attachment 1 – Scope of Services

10. Other Documents Incorporated by Reference: None

11. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is March 1, 2024.

OWNER:

By: _____

Print Name: _____

Title: _____

ENGINEER:

By: Mike Berg

Print Name: Mike Berg

Title: Principal

Engineer License or Firm's COCP#975
Certificate No. (if required): _____
State of: North Dakota

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: _____

Title: _____

Address: _____

E-Mail
Address: _____

Phone: _____

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Barry Glienke, PE

Title: Sr. Civil Engineer

Address: 600 S 2nd St – Suite 145
Bismarck, ND 58504

E-Mail
Address: Barry.Glienke@ApexEngGroup.com

Phone: 701-936-4051

Task Order Form

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Water | Transportation | Municipal | Facilities

Attachment 1 to Task Order No. 3

Terra Vallee Gravity Sewer

City of Mandan, North Dakota

March 1, 2024

Task No.	Description
1	Design
2	Bidding Services

Project Background

Improvements and increased capacity in the gravity sanitary sewer system in the area of the Terra Vallee lift station has created an opportunity for the City of Mandan to decommission the Terra Vallee lift station. This lift station has surpassed its useful life and is in need of replacement, in this instance the City of Mandan is able to replace this outdated mechanical pumping system with gravity alternative.

Additional improvements to be made with the project include stormwater improvements to address the peak flow runoff rates in the area. These improvements are outlined in the Appendix C.2.3 of the Stormwater Master Plan, dated February 18, 2019. The specific improvements are outlined in section 2.4.3 and Figure 10 of the report. These improvements may require wetland mitigation and permitting.

Task 1, Preliminary and Final Design

This task includes the development of the detailed design, and the preparation of bidding documents including plans and specifications. The subtasks for this section include the following:

- 1.1 Topographic Survey
- 1.2 Property Boundaries
- 1.3 Easement Determinations and Acquisitions
- 1.4 Construction Document Preparation
- 1.5 60% Review Meeting
- 1.6 90% Review Meeting
- 1.7 Permits, environmental review, wetland mitigation & NDDH review
- 1.8 Final Plans and Specifications

Task 2, Bidding Services

This task includes advertising the project for public bids, responding to contractor questions and concerns, reviewing bids and making recommendations on award. This scope of services assumes the project will be bid as one project. The subtasks for this section include the following:

- 2.1 Advertisement, Plans
- 2.2 Bid Questions and Administration
- 2.3 Bid Review, Award & Contracts

Future Tasks

Construction Administration, construction staking, resident project representative, wetland mitigation monitoring and post construction phase services may be added as an amendment to this Task Order at the City’s discretion.

Project Schedule

<u>Task/Activity</u>	<u>Month Of</u>
Contract Approval by City	July 2024
30% Design Review	August 2024
60% Design Review	September 2024
Easement Acquisition	September 2024
90% Review	November 2024
Advertisement for Bids	December 2024
Open Bids	January 2025

2024 Rate Schedule

Classification	Hourly Rate
Principal Engineer	\$226
Senior Engineer	\$208
Lead Engineer	\$195
Design Engineer II	\$181
Design Engineer	\$168
Project Engineer	\$150
Graduate Engineer	\$137
Senior Environmental Engineer	\$221
Lead Environmental Engineer	\$200
Environmental Engineer	\$184
Graduate Environmental Engineer	\$147
Survey Manager	\$185
Sr. Survey Crew Chief	\$173
Survey Crew Chief	\$162
Surveyor II	\$139
Surveyor I	\$116
Survey Technician	\$109
Operations Specialist	\$185
Lead Environmental Planner	\$177
Environmental Planner	\$141
Right-of-Way Specialist	\$170
Senior Engineering Technician	\$149
Lead Engineering Technician	\$134
Engineering Technician III	\$118
Engineering Technician II	\$112
Engineering Technician I	\$102
GIS Coordinator	\$155
GIS Technician	\$118
Support Staff III	\$121
Support Staff II	\$111
Support Staff I	\$105

Reimbursable Expenses:

Car/Standard Vehicle	\$ IRS Rate/Mile
Survey Vehicle	\$1.00/Mile
4WD Pickup	\$0.75/Mile
Field Vehicle	\$110/Day
All-Terrain Vehicle	\$70/Day
Meals (Per Diem)	\$45/Day
Lodging	At Cost
Field Supplies	At Cost
Printing: 8 ½ x 11 – color or b/w	\$.10/Each
11 x 17 – color or b/w	\$.15/Each
Wide Format – color or b/w	\$0.35/ft ²



HoustonEngineering Inc.

Bismarck, ND | HEI No.
6409_0011



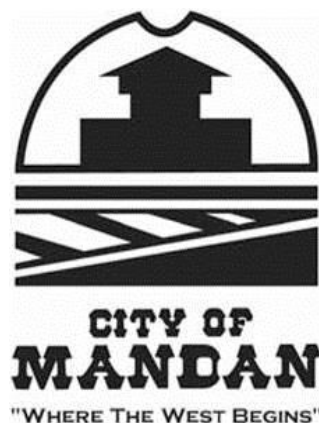
CITY OF MANDAN STORMWATER MASTER PLAN

Appendix C.2.3 – Problem Site M (Landeis)

CITY OF MANDAN STORMWATER MASTER PLAN

Appendix C.2.3 - Problem Site M (Landeis)

February 2019



Houston Engineering, Inc.

3712 Lockport St.
Bismarck, ND 58503
Phone # 701.323.0200

This document was originally issued and sealed by Michael H Gunsch, PE, North Dakota Registration Number PE-3052, on February 18, 2019 and the original documents are stored at Houston Engineering, Inc., 3712 Lockport St, Bismarck, North Dakota 58503

Michael H. Gunsch
North Dakota PE-3052

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Figure 11 - Future Condition Alternative

1. INTRODUCTION

During the scoping process, the City of Mandan (City) designated select problem sites for the review and evaluation of stormwater related issues. Problem Site M is designated as the property owned by Tom & Loretta Landeis of Mandan, ND. The Landeis' have reported runoff issues and concerns to the City and the Morton County Water Resource District. It is the Landeis' belief that upstream development has diverted runoff towards their property, increased runoff and groundwater problems through their property, killed off their garden and trees, saturated their drain field, and has created issues with mowing their property due to the excess runoff and groundwater.

As part of the overall City's Stormwater Master Plan process, the City requested a determination as to if upstream development has created any adverse impacts to the Landeis property. This evaluation focuses on a review of existing conditions, and potential corrective alternatives to resolve current issues related to documented runoff and groundwater issues in the study area.

2. ANALYSIS

Hydrologic and hydraulic computations for this analysis were primarily completed using XPSWMM models created for the overall Stormwater Master Plan. Documentation on the development of hydrologic and hydraulic modeling parameters are provided in **Appendix C.1**.

Topographic data used in the analysis was obtained from the 2016 LiDAR collection completed for the Bismarck-Mandan Metropolitan Planning Organization (MPO) [1] as well as field survey collection completed by HEI in 2017. All elevations are in 1988 vertical datum.

2.1 PRE-DEVELOPMENT CONDITION

The watershed contributing to Problem Site M (Landeis) is currently in a state of ongoing development and urbanization. To determine changes in runoff rates and volumes as the upstream watershed develops, pre-development conditions were first analyzed. This established a baseline for comparison to existing and future runoff conditions.

The extents of the predevelopment watershed contributing to Landeis Site was delineated using topographic information from the 1:24,000 scale 1951 United States Geological Service (USGS) Quadrangle Map^[2]. The pre-development drainage area is provided on **Figure 1**. The pre-development drainage area was determined to be approximately 274.2 acres. After passing through the Landeis Site, runoff is conveyed through ND Highway 1806 (ND 1806) via three existing 36" culverts. Runoff eventually discharges into the Missouri River north of the Mandan Water Treatment Plant after meandering through a natural watercourse through the Andeavor (Marathon) Refinery properties.

2.1.1 HYDROLOGY

2.1.1.1 CURVE NUMBER

Runoff calculations were conducted using the methodology presented in the Natural Resources Conservation Service's (NRCS) Technical Release 55 – Urban Hydrology for Small Watersheds (TR-55) ^[3]. To establish a curve number for the pre-development drainage area it was assumed that the land use of the entire drainage area was “Pasture, grassland, or range – continuous forage for grazing” in “good” Hydrologic condition. The curve number for this land use varies with the Hydrologic Soil Group (HGS) of the underlying soils. A weighted average curve number was calculated by weighting the soil HSG's within the drainage area. Soil data, including HSG was provided by the USGS Web Soil Survey ^[4]. A map of the soil HSG's in the drainage area is provided as **Figure 2**. The pre-development weighted average curve number was determined to be 76.

2.1.1.2 TIME OF CONCENTRATION

The time of concentration (Tc) for the sub-catchment was calculated by applying the “Velocity Method”, as defined in the NRCS's National Engineering Handbook Part 630 (NEH 630) Chapter 15 ^[5] to the hydraulically longest flow path in the drainage area. Multiple flow paths were analyzed, with the longest resulting in a 73.7-minute Tc. The final longest flow path is shown on **Figure 1**.

2.1.2 RESULTS

Table 1 summarizes the results of the pre-development condition analysis. The peak runoff and total volume values were measured at the crossing of ND 1806, immediately downstream of the Landeis site.

TABLE 1 - PRE-DEVELOPMENT CONDITION RESULTS

Event	Total Rainfall (in)	Runoff Volume (Ac-ft)	Peak Discharge Rate (CFS)
2-Year, 24 Hour	2.06	9	35
10-Year, 24 Hour	3.10	23	104
100-Year, 24 Hour	5.24	60	293

It should be noted that a limited amount of development had occurred within the watershed prior to the first reports of issues on the landowner property. This development includes areas of low-density single-family residential property, including the Landeis property, 27th Street NW and additional residential streets. Due to the introduction of impervious surfaces from these developments, it is likely that the peak discharge rates considered to be acceptable by the landowner were somewhat higher than the resultant peak rates determined through the pre-development analysis.

2.2 EXISTING CONDITION

The “existing” condition model represents the state of the watershed at the time of the 2016 MPO aerial photography and LiDAR collection as this represented the best available data at the commencement of the study. **Figure 3** includes the existing watershed boundary, and land use information. The updated drainage area is 259.8 acres with an average curve number of 84. This is a net decrease of around 14.4 from the predevelopment conditions.

At the time the MPO lidar topography was collected the stormwater detention area at the Eagle Ridge Apartment complex had not yet been constructed, therefore it is not included in the model. Additionally, some commercial onsite detention sites were not modeled due to a lack of detailed information about the operation of the storage facilities and their outlets. On other sites, it is unknown if detention exists. Inclusion of this on-site detention would likely reduce peak discharge rates under the existing condition analysis, although the cumulative change is likely not significant. The onsite detention locations that were omitted and the sites where the existence of detention is unknown are highlighted in **Figure 3**. The existing topography as shown on **Figure 4**.

2.2.1 RESULTS

The results of the existing condition analysis at the Landeis site are summarized in **Table 2**. Runoff discharge rates and volumes are notably higher due to urban conveyance improvements and increased impervious surface.

TABLE 2 - EXISTING CONDITION RESULTS

Event	Total Rainfall (in)	Runoff Volume (Ac-ft)	Peak Discharge Rate Downstream of 6 th Avenue N
2-Year, 24 Hour	2.06	17	99
10-Year, 24 Hour	3.10	35	289
100-Year, 24 Hour	5.24	76	686

2.3 EXISTING CONDITION WITH EAGLE RIDGE DETENTION AREA

In 2017, a large detention area was designed and constructed as part of the Eagle Ridge Apartment development. This detention area was constructed larger than required for the individual development, as the developer required additional fill materials to raise other portions of the site. The City recognized this may provide a future opportunity for a regional storage facility, however it was never designate as such. The surface area of the detention area is approximately 2.5 acres. The invert of the detention area is 1768.5. The detention area has an approximate storage volume available for detention of 7 Ac-Ft between the invert and 1775.0, which is the overtopping elevation for the newly constructed 8th Avenue NW.

An analysis was conducted to determine the impacts and benefits to controlling downstream peak flows associated with the new Eagle Ridge Detention site. This detention area was programmed into the existing conditions model per the construction plans submitted by the developer as part of the Eagle Ridge SWMP submittal. The location of the Eagle Ridge Detention area is shown on **Figure 5**.

2.3.1 RESULTS

The results of the existing condition with Eagle Ridge Detention area analysis at the problem site are summarized in **Table 3**. The peak runoff rate is attenuated by the pond, with notable reduction especially on the 2 and 10-year events when compared to existing conditions with no detention. The model results indicate that the Eagle Ridge Detention area overtops during the 10-Year event and greater, resulting in limited controls above that event.

As this detention area was first completed in late 2017 the benefits realized by the downstream property owners are not likely to have been realized but will be noticeable in the future.

TABLE 3 - EXISTING CONDITION RESULTS WITH EAGLE RIDGE DETENTION AREA

Event	Total Rainfall (in)	Runoff Volume (Ac-ft)	Peak Discharge Rate (CFS)
2-Year, 24 Hour	2.06	17	63
10-Year, 24 Hour	3.10	35	136
100-Year, 24 Hour	5.24	76	621

2.4 FUTURE CONDITION

As intended, the Eagle Ridge Detention area provides peak rate reduction when compared to flow rates prior to its construction. The watershed contributing to the Landeis Site, however, is not yet fully developed. Additional detention is required to mitigate the increased peak discharge rates from a fully developed watershed and attempts to lower flows to pre-development levels.

A future condition analysis was completed to approximate runoff rates and volumes assuming full build-out upstream from the Landeis Property. This was done to determine the future effectiveness of the existing storm water detention infrastructure and to develop master plan alternatives that would reduce full build-out peak discharge rates below pre-development conditions. Under existing conditions, the majority of the drainage area was platted for future development, however many parcels had not yet seen construction. These parcels were classified as “open space” in the existing condition model and were assumed to be 5% impervious. To simulate future conditions, these parcels were reclassified to their platted or intended land use. In unplatted areas, the land use was updated to be consistent with the future land use defined in the Mandan Land Use and Transportation Plan ^[6]. The future land use within the study area is shown on **Figure 6**. The future weighted average CN for the watershed is 87.

Due to increases in the amount of impervious surface, additional runoff volume is unavoidable under future development conditions.

Two improvement alternatives to achieve peak flow reduction or control under future conditions were evaluated and are defined in the following sections. Based on communication with the property owner, it is believed their primary issue centers on the continual inundation of low lying areas due to low magnitude but nearly constant discharge through the problem site. The goal of the proposed improvement alternatives was not only to reduce future peak discharge rates to pre-development rates, but to provide a permanent solution for bypassing low magnitude flows through the problem site. Low magnitude flow was considered to be a discharge produced by events with a return period of 2-years and less.

Three conveyance options were identified that would reduce impact to the Landeis property. These conveyance options can be applied to either of the 2-peak flow reduction improvement alternatives. Descriptions of the three conveyance options are as follows:

2.4.1 CONVEYANCE OPTIONS

2.4.1.1 CONVEYANCE OPTION 1 – BYPASS PIPE TO WEST ND 1806 ROW

Under Option 1, runoff from the 2-year and lower frequency events would be routed around the Landeis' property through a 27" storm sewer. This storm sewer would convey runoff eastward to the existing west ditch in the ND 1806 Right of Way (ROW). This runoff would ultimately then travel north in the west ROW ditch along ND 1806 and cross through the roadway via the existing culverts downstream, thereby creating a bypass. Runoff exceeding a 2-year event would be conveyed in the existing natural watercourse through the Landeis property. Conveyance Option 1 is shown on **Figure 7**.

The alignment of the low flow bypass storm sewer was selected because it provides adequate cover based on the required pipe size. Due to the required pipe diameter, installation within the natural watercourse corridor would not be feasible without filling a large portion of the channel or mounding fill along the alignment to cover the pipe.

2.4.1.2 CONVEYANCE OPTION 2 – BYPASS PIPE TO EAST ND 1806 ROW

It is possible that the bypass pipe presented in Option 1 could be routed under ND 1806, discharging on the east side of the roadway. This option would be more intrusive as it would require an excavated or bored pipe crossing of the highway, and significant grading of the existing ditch within the ROW from the discharge point to the downstream end of the existing culvert crossings downstream. There is also the potential for impacts to the existing pedestrian trail east of the highway. This option is contingent upon approval from the North Dakota Department of Transportation (NDDOT), and therefore was not selected as the preferred option.

The Option 2 bypass pipe, similar to Option 1, would have a 27" diameter and provide a bypass for 2-year and lower frequency events. Events exceeding a 2-year frequency would be routed through the existing natural watercourse through the Landeis Site. Conveyance Option 2 is shown on **Figure 8**.

2.4.1.3 CONVEYANCE OPTION 3 – PURCHASE AND MAINTAIN EXISTING WATERCOURSE

Under Option 3, the existing natural watercourse would be purchased by the City and maintained for its current stormwater conveyance use. All flows would continue to be conveyed through this natural watercourse. At a minimum, the boundary of the purchase property would be delineated in a manner to ensure it includes that portion of the property required to convey the 100-year flow rate plus additional area for freeboard and maintenance access. It was assumed that this purchase property would extend to the existing east and south boundary lines of the Landeis' parcel, rather than splitting the parcel by purchasing only the required flow area. All future maintenance of the natural watercourse would be performed by the City.

At this time, it is assumed that despite the purchase of the property, the future condition flow rates through the natural watercourse would still be reduced to match pre-development flow rates. It is possible a variance could be granted to allow peak flows through the City-owned watercourse that would exceed pre-development flow rates.

Allowance of greater peak flows through the natural watercourse could reduce the number or size of upstream detention facilities identified in the following Alternatives. It is recommended that this determination not be made without full vetting from all downstream stakeholders. It is also recommended that the future flow rate be decided prior to property purchase to ensure the property is adequate to provide the required conveyance area plus free board and maintenance access. If allowable future flow rates that are above pre-development conditions are allowed, maintaining water quality standards acceptable to downstream stakeholders would instead be prioritized.

The boundary of the proposed purchase property for Conveyance Option 3 is shown on **Figure 9**.

2.4.2 ASSUMPTIONS

The following assumptions were made that may impact future project feasibility, and should be considered prior to preliminary and final design of an improvement project:

1. The North Dakota Department of Transportation (NDDOT) will need to approve discharges from the low flow bypass storm sewer from the proposed 6th Avenue N detention area into their right-of-way along ND 1806.

2. The national wetlands inventory indicates the potential existence of wetlands located within the Landeis site. Environmental impacts to wetlands were avoided as much as possible at this conceptual phase of review, however a full evaluation is necessary during the design phase to ensure compliance with federal regulations.
3. A cost comparison was not conducted at this conceptual stage.
4. The alternatives conservatively assume that no site-specific onsite detention will be installed with future development upstream of Sunset Drive NW. This is in addition to existing detention that was not included in the analysis. Onsite detention constructed as part of future developments is likely to decrease the required size or improve the effectiveness of the stormwater facilities presented in the alternatives. It is recommended the City to continue mandating onsite detention for developing properties to control the runoff they generate.

2.4.3 PEAK FLOW REDUCTION IMPROVEMENT ALTERNATIVE 1

Alternative 1 assumes that a regional detention area would be constructed on the existing natural watercourse upstream of 6th Avenue N. The detention area would be adequately sized to reduce future peak flows to below pre-development conditions without any additional upstream improvements. The future roadway would be utilized as the embankment of the detention pond. An outlet structure would control discharge from the detention area through 6th Avenue N. The outlet structure would limit the 2-year, 10-year, and 100-year discharge rates to approximately pre-development rates. Discharge from the future detention area would be routed around the Landeis property via one of the three Conveyance Options. A map illustrating the location of the proposed Alternative 1 improvements is provided as **Figure 10**.

2.4.3.1 IMPROVEMENT ALTERNATIVE 1 RESULTS

The results of the future condition improvement Alternative 1 analysis at the Landeis Site are summarized in **Table 4**. Per the design criteria, future condition peak discharges would be below those under pre-development. To achieve this goal the future 6th Avenue N detention area requires an available storage volume of approximately 21 Ac-Ft. The detention area would have an invert elevation of 1750.0. The top of the 6th Avenue N embankment would need to be constructed at an approximate elevation of 1759.9 to provide the required storage volume, which is approximately 4.6 feet above the lowest point on the existing gravel roadway (1755.3).

TABLE 4 – FUTURE CONDITION ALTERNATIVE 1 RESULTS

Event	Total Rainfall (in)	Runoff Volume (Ac-ft)	Peak Discharge Rate (CFS)
2-Year, 24 Hour	2.06	21	31
10-Year, 24 Hour	3.10	40	98
100-Year, 24 Hour	5.24	82	393

2.4.4 PEAK FLOW REDUCTION IMPROVEMENT ALTERNATIVE 2

The objective of Alternative 2 is to reduce the peak flows into and out of the Eagle Ridge pond. Reducing these discharges reduces the required volume of the 6th Avenue N detention pond. The reduction in peak flows could be achieved by making improvements to the Eagle Ridge pond, expanding the Big Sky detention area near the Sunset Bluffs Apartments, and better utilizing storage in the Mandan Middle School pond. A map showing the location of the proposed Alternative 2 improvements is provided as **Figure 11**.

Similar to Alternative 1, discharges from the future detention area would be routed around the Landeis property via one of the 3 Conveyance Options.

2.4.4.1 BIG SKY DETENTION AREA

The existing detention area is inadequate to contain the 100-year event under full development. By expanding the detention area to include an additional 3.8 Ac-Ft of storage at the 100-year peak water surface, the site would have sufficient storage and provide benefits downstream by not overtopping and regulating discharges up to that occurring on the 100-year event.

2.4.4.2 MANDAN MIDDLE SCHOOL DETENTION AREA

Results from the existing condition analysis indicate that the detention area in the SE corner of the Middle School property is not fully utilized. Subsequently, by diverting a portion of the runoff from the 60" storm sewer trunk line under 27th St NW into the Middle School detention area an additional 1.1 Ac-Ft of storage can be utilized during the 100-year event and better control these flows.

This would be achieved by placing a weir and orifice structure in a storm manhole in the street and installing an overflow pipe into the pond. This will allow water to stage up within the manhole structure without impacting surface flows.

2.4.4.3 EAGLE RIDGE DETENTION AREA

Re-grading the Detention area bottom from a 0.5% to a 0.1% slope from the outlet structure invert to the upstream end of the pond, an additional 3.4 ac-ft of storage volume would be created without increasing the detention area foot print or modifying the existing outlet structure. This would only occur if the developer were to desire to complete or the City were to elect to convert this to a regional detention facility

Currently the Eagle Ridge Development is in violation of the City's floodplain ordinance. The developer is in the process of completing a Letter of Map Revision to bring the property back into compliance. The City has been conferring with FEMA Region VIII and the State of North Dakota relative to the compliance requirements. The City's consideration of this site as regional facility is outside the scope of this evaluation; however, its mention here is to document the findings and process that are ongoing at the time of this report.

2.4.4.4 IMPROVEMENT ALTERNATIVE 2 RESULTS

The results of the future condition improvement Alternative 2 analysis at the Landeis Site are summarized in **Table 5**. Similar to Alternative 1, the future condition peak flows are reduced below those that occurred prior to development.

TABLE 5 – FUTURE CONDITION IMPROVEMENT ALTERNATIVE 2 RESULTS

Event	Total Rainfall (in)	Runoff Volume (Ac-ft)	Peak Discharge Rate (CFS)
2-Year, 24 Hour	2.06	21	33
10-Year, 24 Hour	3.10	40	101
100-Year, 24 Hour	5.24	82	296

A comparison of the flow rates into the proposed 6th Avenue N detention area is provided as **Table 6**. The addition of storage in the upper portions of the watershed significantly decrease the anticipated inflow rate into the 6th Avenue N detention area outlet. As a result, the required storage volume of the detention area can be reduced to approximately 12.7 Ac-Ft, which is 2/3 of the volume that was required under Alternative 1. This volume could be attained by constructing the 6th Avenue N embankment to an elevation of 1758.8, or approximately 3.5 feet above the low point of the existing gravel roadway.

TABLE 6 - 6TH AVENUE DETENTION AREA INFLOW COMPARISON

Event	Alternative 1 Inflow Rate (CFS)	Alternative 2 Inflow Rate (CFS)
2-Year, 24 Hour	93	71
10-Year, 24 Hour	235	147
100-Year, 24 Hour	773	672

2.4.5 ADDITIONAL DRAINAGE AND CONSERVATION CORRIDOR

Additional landowners owning property along the natural watercourse between the Eagle Ridge Detention area discharge pipe and the Landeis property have expressed issues, concerns, and general dissatisfaction with the current state of the natural watercourse. It is recommended that the City

purchase easement, or subdivided parcels of all property required to adequately convey and regulate drainage through this corridor. The approximate boundaries of these additional corridors are shown on **Figures 10 and 11**.

3. CONCLUSION

Analysis indicates that the existing peak flows are higher than those under pre-development conditions. As previously stated, peak discharges that we believe were acceptable to the landowner are likely somewhat higher than the true pre-development rates provided in Table 1, as some development had occurred prior to the issues being reported. Similarly, the existing peak flow rates provided in Table 2 are likely somewhat higher than actual rates as some detention upstream of Sunset Drive was not accounted for in the analysis. It is also noted that the historic rainfalls and their distribution have changed over the past 50 years, as is noted in the use of the Atlas 14 data today versus the older TP-40.

Additionally, it is likely that higher than average groundwater conditions can be partially attributed to higher than average precipitation in the region for several years, which has contributed to or exacerbated the issues reported by the property owner. This is not confirmed by the analysis presented in this report as it is focused solely on surface stormwater management features.

The construction of the Eagle Ridge detention area is beneficial in reducing the peak discharge rates, especially for storm events of low to moderate magnitude. It is doubtful that these benefits have yet been observed due to the recent completion of the detention area but are likely to be recognizable in the future.

Both Improvement Alternative 1 and 2 have been demonstrated to be viable and effective for achieving rate reduction goals for the full-build out conditions in this watershed, as well as providing a bypass for low magnitude discharge around the Landeis Site. If Conveyance Option 3 (purchase of natural watercourse) is selected, additional analysis should be completed to determine if the improvements defined in Alternatives 1 and 2 could be reduced by allowing higher than pre-development flow rates through the City owned natural watercourse.

A summary of the results from the various scenarios analyzed is provided in **Table 7**.

TABLE 7 - RESULTS COMPARISON

Event	Pre-Development Condition	Existing Condition	Existing Condition With Eagle Ridge Pond	Future Condition Alternative 1	Future Condition Alternative 2
2-Year, 24 Hour	35	99	63	31	33
10-Year, 24 Hour	104	289	136	98	101
100-Year, 24 Hour	293	686	621	293	296

It is recommended that the City base final future infrastructure improvement decisions on a more detailed analysis that includes a review of the costs and benefits for these alternatives as well as coordination with the affected landowners to define an acceptable solution that is financially viable to the City. Assumptions made, such as the assumed use of the NDDOT ROW should be verified during preliminary design. The possibility of recorded wetlands existing on the problem site should also be evaluated. Lastly, it is recommended that groundwater issues be further researched to determine and verify that the proposed bypass pipe would achieve the desired result, or if additional subsurface dewatering methods such as drain tile would be required.

4. REFERENCES

- [1] A. &. Associates, "LiDAR Collect," Bismarck-Mandan Metropolitan Planning Organization, 2016.
- [2] United States Geological Survey, *Mandan Quadrangle 7.5 Minute Series (Topographic)*, United States Department of the Interior Geological Survey, 1951.
- [3] Natural Resources Conservation Service, "TR-55, Urban Hydrology for Small Watersheds," United States Department of Agriculture, 1986.
- [4] Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture, "Web Soil Survey," [Online]. Available: <http://websoilsurvey.nrcs.usda.gov>. [Accessed 18 February 2015].
- [5] United States Department of Agriculture, Natural Resources Conservation Service, "Chapter 15, Part 630, National Engineering Handbook," 2010.
- [6] Stantec, Planning Consultants, "Mandan Land Use & Transportation Plan," St. Paul, MN, 2015.



100-Year Peak Runoff Rate = 293 CFS

Pre-Development Drainage Area
274.2 Acres
Average CN= 76

Legend

Pre-Development Longest Flow Path

Problem Site M Parcel Boundary

Pre-Development Drainage Area

Figure 1: Pre-Development Condition

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AS SHOWN	MJF	GLB	6409-011	4/16/2018	1 of 1

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Legend

Problem Site M Parcel Boundary

Pre-Development Drainage Area

Hydrologic Soil Group

B

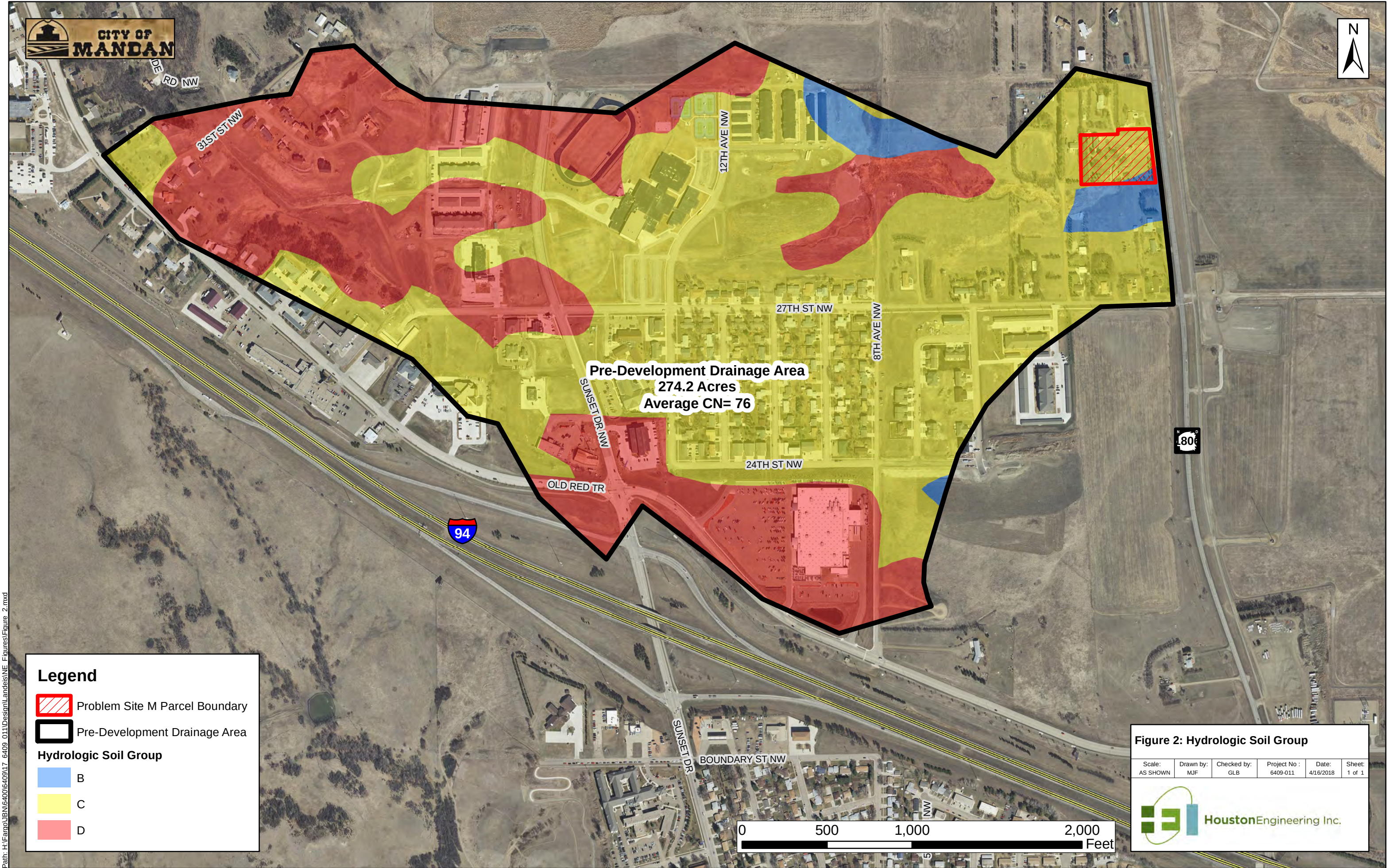
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Figure 2: Hydrologic Soil Group

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AS SHOWN	MJF	GLB	6409-011	4/16/2018	1 of 1

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Existing Condition Drainage Area
259.8 Acres
Average CN= 84

Legend

Existing Land Use

NLCD Land Use

Right of Way

Low Density Residential

Medium Density Residential

High Density Residential

Commercial

Parks and Open Space

Institutions (Schools, Churches, Government)

Problem Site M Parcel Boundary

Extent of Onsite Retention Unknown

Omitted Onsite Stormwater Retention

Existing Condition Drainage Boundary

Figure 3: Existing Condition Land Use

Scale: AS SHOWN

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Project No : 6409-011

Date: 4/16/2018

Sheet: 1 of 1

HoustonEngineering Inc.



Existing Condition Drainage Area
259.8 Acres
Average CN= 84



Legend

Problem Site M Parcel Boundary

Existing Condition Drainage Boundary

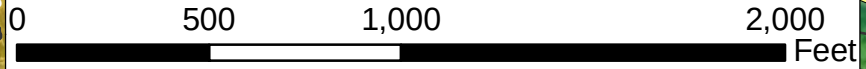
10-Ft Contour

Elevation

High : 2007.74
Low : 1726.98

Figure 4: Existing Condition Topography

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AS SHOWN	MJF	GLB	6409-011	4/16/2018	1 of 1



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Existing Condition Drainage Area
259.8 Acres
Average CN= 84

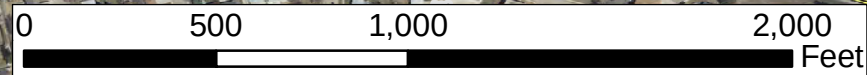


Legend

- Eagle Ridge Stormwater Pond
- Problem Site M Parcel Boundary
- Existing Condition Drainage Boundary
- Existing Storm Sewer

Figure 5: Eagle Ridge Stormwater Pond

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AS SHOWN	MJF	GLB	6409-011	4/16/2018	1 of 1





Future Condition Drainage Area
259.8 Acres
Average CN= 87

Legend

- Problem Site M Parcel Boundary
- Future Condition Drainage Boundary

Future Land Use

- NLCD Land Use
- Right of Way
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Parks and Open Space
- Institutions (Schools, Churches, Government)

Figure 6: Future Condition Land Use

Scale:	Drawn by:	Checked by:	Project No :	Date:	Sheet:
AS SHOWN	MJF	GLB	6409-011	4/26/2018	1 of 1





Legend

Low Flow Pipe

Problem Site M Parcel Boundary

Future Condition Drainage Boundary

Low Flow Pipe
Discharging into West 1806 Ditch

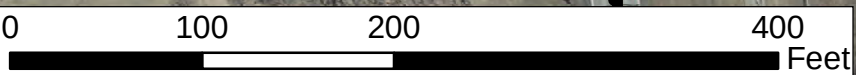


Figure 7: Conveyance Option 1

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HoustonEngineering Inc.

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Legend

-  Ditch Grading
-  Low Flow Pipe
-  Problem Site M Parcel Boundary
-  Future Condition Drainage Boundary

Approximate Ditch Grading Extents

Low Flow Pipe
Discharging into East 1806 Ditch

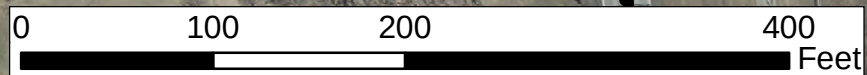


Figure 8: Conveyance Option 2

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Legend

 Approximate Purchase Property

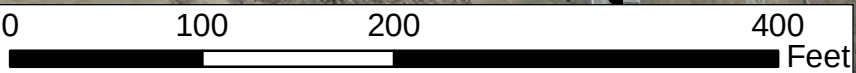
 Problem Site M Parcel Boundary

 Future Condition Drainage Boundary

Figure 9: Conveyance Option 3

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Purchase Drainage/Conservation Corridor

See Figures 7,8,9 for conveyance options through Landeis property.

Eagle Ridge Pond
Invert = 1768.5
100-Year Peak WSEL = 1776.3
100-Year Volume= 10.2 AC-FT

6th Ave N Pond
Invert = 1750
100-Year Peak WSEL = 1759.9
100-Year Volume= 20.5 AC-FT
100-Year Discharge = 293 CFS

Legend

Alternative 1 Pond

Drainage Corridor

Eagle Ridge Stormwater Pond

Problem Site M Parcel Boundary

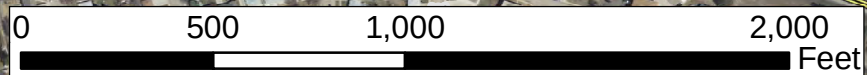
Future Condition Drainage Boundary

Existing Storm Sewer

Figure 10: Future Condition Alternative 1

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HoustonEngineering Inc.



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Proposed Big Sky Pond
Invert = 1860
100-Year Peak WSEL = 1868.7
100-Year Volume = 3.8 AC-FT

Middle School Pond Diversion
Invert = 1809.8
Current 100-Year Peak WSEL = 1813
Alt II 100-Year Peak WSEL = 1815.3
Pond Overflow Elevation = 1816.6

Improved Eagle Ridge Pond
Invert = 1768.5
100-Year Peak WSEL = 1776.1
100-Year Volume = 13 AC-FT

6th Ave N Pond
Invert = 1750
100-Year Peak WSEL = 1758.8
100-Year Volume = 12.7 AC-FT
100-Year Peak Discharge = 296 CFS

Purchase Drainage/Conservation Corridor

See Figures 7,8,9 for conveyance options through Landeis property.

Legend

Alternative 2 Pond

Eagle Ridge Stormwater Pond

Drainage Corridor

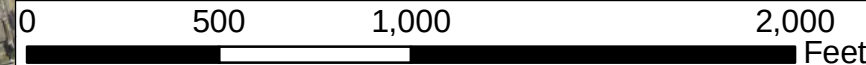
Existing Storm Sewer

Problem Site M Parcel Boundary

Future Conditions Drainage Boundary

Figure 11: Future Condition Alternative 2

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City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 18, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: First consideration of Ordinance 1448, an ordinance to amend and re-enact Section 24-1-2(c) of the Mandan code of ordinances, relating to penalties for parking violations.

STATEMENT/PURPOSE:

First consideration of Ordinance 1448, an ordinance to amend and re-enact Section 24-1-2(c) of the Mandan code of ordinances, relating to penalties for parking violations.

BACKGROUND/ALTERNATIVES:

The Parking Authority met on April 23, 2024, and recommended the following changes be made. Increase the parking fine from \$10.00 to \$15.00 and the fine for any loading zone violation to from \$10.00 to \$50.00 effective January 1, 2025. On June 18, 2024, the item was before the Board of City Commissioners, and it was moved that the appropriate ordinances be drafted to effectuate such changes. See attachment.

ATTACHMENTS:

1. Ordinance 1448 - Parking(9508713.1)

FISCAL IMPACT:

\$6,000-\$7,000 Increase in parking fine revenue.

STAFF IMPACT:

N/A

LEGAL REVIEW:

This item has been reviewed.

RECOMMENDATION:

The Parking Authority recommends the approval of the first consideration of Ordinance 1448.

SUGGESTED MOTION:

I move to approve the first consideration of Ordinance 1448.

ORDINANCE NO. 1448

An Ordinance to Amend and Re-enact
Section 24-1-2(c) of the Mandan Code of Ordinances, Relating to Penalties for Parking
Violations

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

Sec. 24-1-2. – Penalties.

- (c) The fine for violating article 7 of this chapter is ~~\$15.00~~~~\$10.00~~ unless another amount for a specific infraction is established by resolution of the board of city commissioners. The fine for any loading zone violation is \$50.00.

By: _____
James Froelich, President, Board of
City Commissioners

Attest:

James Neubauer, City Administrator

First Consideration: July 2, 2024

Second Consideration and Final Passage: _____

Publication: _____

Effective Date: January 1, 2025



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 26, 2024
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Public Works Director
SUBJECT: WaterSMART Grant Project Resolution

STATEMENT/PURPOSE:

To consider a resolution regarding participating in funding for a Bureau of Reclamation WaterSMART Grant Project.

BACKGROUND/ALTERNATIVES:

The City of Mandan's metering system is no different from any other piece of our city infrastructure as it is also aging. Consequently, some of our meters are reaching the end of their useful life. As a result, meter failure rates are anticipated to increase over the next 5 to 10 years, which could be detrimental to our utility billing process. Additionally, some of our current meters are only capable of recording readings on a "per minute basis". In 2014, Mandan undertook a partial system meter upgrade project. This project was mainly focused on adding the "smart points" to all meters throughout the city. The "smart point" is the portion of the meter that communicates with our reading towers. The meters that were replaced in this project are capable of providing on-demand data to both the water utility and potentially the customer. This allows for much more accurate accounting, billing, and conservation efforts as well as decreases the amount of non-revenue water being seen by the utility department. Additionally, it reduces customer service calls related to billing disputes between the city and residents. After the 2014 project, 3,820 actual meters remain to be replaced or updated. This project will take the first step towards replacing these meters. We have planned to replace 600 meters and smart points with this project in 2025 for a total project cost of \$290K (\$190K local share, \$100K grant funding if awarded). If awarded, we would plan to purchase the meters and utilize a subcontractor to install them in 2025. Also, if awarded, the 2025 Utility budget would need to be amended to reflect the additional grant revenue as well as the additional matching funds expenditure.

We recommend approving the attached resolution in order to allow staff and AE2S consultants to proceed with applying for the WasterSMART grant. This grant is

administered by the United States Department of the Interior and the Bureau of Reclamation. These grants are designed to help municipalities ensure they are using the most accurate and efficient systems to monitor water usage within their systems. The grants are structured as to allow municipalities to apply for the grant up to three times. Each grant period, we may be awarded up to \$100K or potentially \$300K total if we are successfully awarded the grant all three years.

ATTACHMENTS:

1. WaterSMART - Official Resolution

FISCAL IMPACT:

Total project cost - \$290K (\$100K Grant funding, \$190K local funds)

If successfully awarded, the 2025 Utility fund would need to be amended as follows:

Revenue - \$100K

Expenditures - \$190K

STAFF IMPACT:

Continue coordinating with AE2S staff, actual impact is expected to be minimal

LEGAL REVIEW:

Attorney Oster has reviewed this information.

RECOMMENDATION:

To approve the resolution to apply for the WaterSMART grant for 2025

SUGGESTED MOTION:

I move to approve the resolution to apply for the WaterSMART grant for 2025 as presented

CITY OF MANDAN RESOLUTION

OFFICAL RESOLUTION REGARDING PARTICIPATION IN FUNDING FOR A BUREAU OF RECLAMATION WATERSMART GRANT PROJECT.

WHEREAS, the United States Department of the Interior, Bureau of Reclamation, under its WaterSMART Grant Program, is accepting applications for Small-Scale Water Efficiency Projects (Funding Opportunity No. R24AS00059); and

WHEREAS, the City of Mandan, has identified a project that exemplifies the objectives of the WaterSMART grant program;

THEREFORE, be it resolved as follows:

1. The Mandan City Commission verifies that (Mitch Bitz, Public Works Director) has legal authority to enter into an agreement with Reclamation.
2. The Mandan City Commission has reviewed and supports the application submitted.
3. The Mandan City Commission ensures that the City of Mandan is capable of providing the amount of funding and/or in-kind contributions specified in the funding plan.
4. That if selected for a WaterSMART Grant under the Fiscal Year 2025, the City of Mandan will negotiate and execute a Cooperative Agreement with Reclamation on/or prior to the established deadline, to fund at least 50% of the project costs and provide documentation showing the sources of non-Reclamation funding that totals 50% of project costs for the Project.

ADOPTED AND APPROVED this 2nd day of July 2024.

Mayor, James Froelich

ATTEST:

City Administrator



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 27, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First Consideration of Ordinance No. 1449, related to the Annexation of the Heart River Correctional Center Property

STATEMENT/PURPOSE:

First Consideration of Ordinance No. 1449, related to the Annexation of the Heart River Correctional Center Property

BACKGROUND/ALTERNATIVES:

Detailed background on this request can be found under Public Hearing No. 1.

Findings of Fact Annexation

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this annexation;
2. The proposed annexation is a contiguous extension of the current limits of the City of Mandan;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
5. The proposed annexation would not adversely affect public health, safety and general welfare.

ATTACHMENTS:

1. DRAFT ANNEXATION ORDINANCE
2. Certificate of Survey

FISCAL IMPACT:

N/a

STAFF IMPACT:

N/a

LEGAL REVIEW:

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

RECOMMENDATION:

Staff recommends approval of the first consideration of Ordinance no 1449. related to the annexation of the Heart River Correctional Center Property.

SUGGESTED MOTION:

I move to approve the first consideration of Ordinance no. 1449.

ORDINANCE NO. 1449

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota, but not embraced within the limits thereof, and has met all requirements as directed by Section 40-51.2-03 of the North Dakota Century Code.

SECTION 1. PROPERTY ANNEXED. The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

PARCEL "A" in the attached Certificate of Survey, and described as:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF (S½) OF SECTION TWENTY-EIGHT (28) AND THE NORTHWEST QUARTER (NW¼) OF SECTION THIRTY-THREE (33), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE EIGHTY-ONE WEST (R81W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION THIRTY-THREE (33) BEING A FOUND REBAR AND CAP; THENCE N 89°15'50" E ALONG THE NORTH LINE OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 475.00 FEET TO THE POINT OF BEGINNING BEING A SET REBAR AND CAP LS-5466 ON THE EAST LINE OF DOMBECK INDUSTRIAL PARK FIRST ADDITION, AS RECORDED AT THE MORTON COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 270271; THENCE N 00°16'02" W ALONG SAID EAST LINE AND LEAVING SAID NORTH LINE, A DISTANCE OF 113.52 FEET TO A SET REBAR AND CAP LS-5466 AT THE NORTHEAST CORNER OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF THE BURLINGTON NORTHERN RAILROAD AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 4019.72 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE, BEING SAID SOUTH RIGHT-OF-WAY OF SAID BURLINGTON NORTHERN RAILROAD, THOUGH A CENTRAL ANGLE OF 16°50'14" AND ARC LENGTH OF 1181.26 FEET TO A SET REBAR AND CAP LS-5466; THENCE CONTINUING N 78°48'44" E ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 1424.61 FEET TO THE WEST EDGE OF THE HEART RIVER; THENCE S 14°55'10" E ALONG SAID WEST EDGE OF SAID HEART RIVER LEAVING SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 214.67 FEET; THENCE CONTINUING S 10°54'24" E ALONG SAID WEST EDGE OF SAID HEART RIVER, A DISTANCE OF 210.25 FEET TO THE INTERSECTION OF SAID WEST EDGE OF SAID HEART RIVER AND SAID NORTH LINE OF SAID SECTION THIRTY-THREE (33); THENCE S 89°25'39" W ALONG SAID NORTH LINE LEAVING SAID WEST EDGE OF SAID HEART RIVER, A DISTANCE OF 479.85 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION THIRTY-THREE (33) BEING A FOUND BLM BRASS CAP; THENCE S 00°29'08" E LEAVING SAID NORTH LINE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW¼) OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 2039.66 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 80°39'22" W LEAVING SAID EAST LINE, A DISTANCE OF 1000.00 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 37°24'44" W, A DISTANCE OF 1576.94 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°15'50" W PARALLEL TO SAID NORTH LINE OF SAID SECTION THIRTY-THREE (33), A DISTANCE OF 250.00 FEET TO A SET REBAR AND CAP LS-5466 AT THE SOUTHEAST CORNER OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION; THENCE N 00°59'31" W ALONG THE EAST LINE OF SAID DOMBECK INDUSTRIAL PARK FIRST ADDITION, A DISTANCE OF 599.88 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 86.91 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

SECTION 2. CORPORATE BOUNDARY EXTENDED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

James Froelich, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

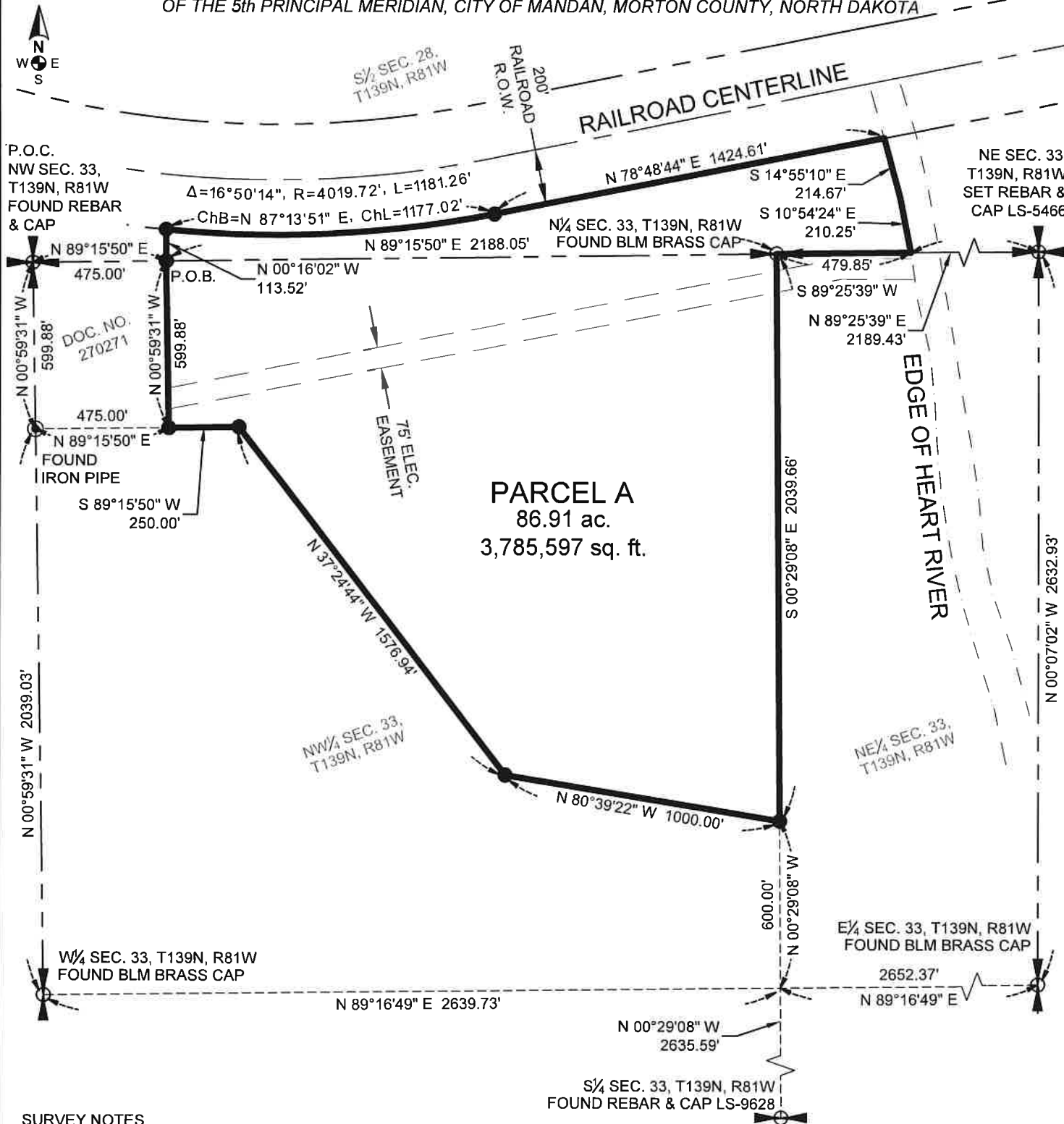
First Consideration:
Second Consideration and Final Passage:
Recording Date:

July 2, 2024

July 16, 2024

CERTIFICATE OF SURVEY

PARCEL A, PORTIONS OF THE S½ SECTION 28 & NW¼ SECTION 33, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



PARCEL A
86.91 ac.
3,785,597 sq. ft.

SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH LINE OF THE NORTHWEST QUARTER (NW¼) OF SECTION THIRTY-THREE (33) WITH THE BEARING BEING N 89°15'50" E, THAT WAS LOCATED BY A GPS OBSERVATION FROM LAT: N46°48'55.39287" / LONG: W100°54'36.90148", BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.

LEGEND

- PROPERTY BOUNDARY
- SECTION LINE
- QUARTER LINE
- EXISTING EASEMENT
- EDGE OF WATER
- SECTION CORNER
- QUARTER CORNER
- FOUND PROPERTY CORNER
- SET #5-18" REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING



I, KC Homiston, Registered Professional Land Surveyor, LS-5466, do hereby certify that the survey plat shown hereon was made by me, or under my direction, and is true and correct to the the best of my knowledge and belief.

HIGHLANDS
ENGINEERING
OFFICE: 701.483.2444
WWW.HIGHLANDSENG.COM

0 500'
SCALE: 1" = 500'

SURVEY REQUESTED BY: STATE OF NORTH DAKOTA	
PROJECT NUMBER: 231257	SCALE: 1"=500'
DRAWN BY: AJA	DATE: 05/02/24
SHEET NUMBER:	1 of 2

CERTIFICATE OF SURVEY

PARCEL A, PORTIONS OF THE S½ SECTION 28 & NW¼ SECTION 33, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

PARCEL "A" BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTH HALF (S½) OF SECTION TWENTY-EIGHT (28) AND THE NORTHWEST QUARTER (NW¼) OF SECTION THIRTY-THREE (33), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE EIGHTY-ONE WEST (R81W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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I, KC Homiston, Registered Professional Land Surveyor, LS-5466, do hereby certify that the survey plat shown hereon was made by me, or under my direction, and is true and correct to the the best of my knowledge and belief.

SURVEY REQUESTED BY: STATE OF NORTH DAKOTA		
PROJECT NUMBER:	231257	SCALE.: N/A
DRAWN BY:	AJA	DATE: 05/02/24
SHEET NUMBER:	2 of 2	



City Commission

Agenda Documentation

MEETING DATE: July 2, 2024
PREPARATION DATE: June 27, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First Consideration of Ordinance 1450, related to the corrected annexation of Rock Prairie Estates Addition and the NW Trunk Sewer route

STATEMENT/PURPOSE:

BACKGROUND/ALTERNATIVES:

Derek Zander and other developers have been working in Northwest Mandan to construct new subdivisions and infrastructure for residential and commercial purposes. Rock Prairie Estates, Derek Zander's subdivision, has received approval. However, the associated annexation ordinance was recorded based on a previously approved development plan that changed before final plat approval. To clarify the property to be annexed for the Rock Prairie Estates Development, this ordinance is being written to annex all of Rock Prairie Estates, making it more interpretable than describing the abstract slivers of land that need to be incorporated into the City.

This item has been considered at multiple planning and zoning and city commission meetings, many of which were subject to public noticing requirements, and all meetings explicitly stipulated the character of the development and its inclusion in City limits. In many cases, this annexation is corrective in nature.

The second portion of the ordinance is to annex the portion of the trunk sewer route to be constructed between Rock Prairie Estates Addition's west boundary and the east boundary of the Liberty Hills property. The City does not want a trunk sewer route outside of its limits for jurisdictional purposes. The portion of the trunk sewer outside of City limits is located in an area with a master plan for development as Phase 2 of the Rock Prairie Estates project. It is anticipated that within a matter of a few years that the

second phase of the Rock Prairie Plat will be developed and more holistically contained within a future Mandan neighborhood. Approval of the annexation of that trunk sewer was an action item following the approval/execution of the NW Trunk Sewer Development Agreement, indicating that this has already been considered to some extent by the City Commission as a requirement for growth in this area.

The previously-approved and recorded annexation (Ord. 1400) is attached. It was stipulated in the most recent, final approval of Rock Prairie Estates, that the annexation be updated. This would be the action that completes that.

Adjacent Properties Zoning, Land Use, and Future Land Use

The properties north of the proposed annexation are undeveloped and designated as Agricultural (A). To the east, there is single and twin-family development within the R3.2 - Residential zoning. The south is bordered by Old Red Trail and the Interstate 94 right-of-way (ROW). To the west, the area is for commercial land use and zoned as CB - Commercial. The Future Land Use Plan aligns with the intended land uses included in this annexation.

Findings of Fact Annexation

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this annexation;
2. The proposed annexation is a contiguous extension of the current limits of the City of Mandan;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
5. The proposed annexation would not adversely affect public health, safety and general welfare.

ATTACHMENTS:

1. Application
2. DRAFT ORD 1450 - Rock Prairie Plat and NW Trunk Sewer Annexation
3. ANNEXATION
4. Rock Prairie preliminary plat & masterplan

5. Ord. No. 1400 r

FISCAL IMPACT:

N/a

STAFF IMPACT:

N/a

LEGAL REVIEW:

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

RECOMMENDATION:

Staff recommends approval of the first consideration of Ordinance No. 1450.

SUGGESTED MOTION:

I move to approve the first consideration of Ordinance No. 1450.

CITY OF MANDAN	
Development Review Application	
☐ Minor Plat (\$300)	☒ Zone Change (\$600)
☒ Preliminary Plat up to 20 acres (\$400)	☐ Planned Unit Development (\$700)
☐ Preliminary Plat more than 20 acres (\$450)	☒ Land Use and Transportation Plan Amendment (\$1,000)
☐ Final Plat up to 20 lots (\$400)	☐ Vacation (\$500)
☐ Final Plat 21 to 40 lots (\$550)	☐ Variance (\$400)
☐ Final Plat more than 40 lots (\$700)	☐ Special Use Permit (\$450)
☐ Annexation (\$450)	☐ Stormwater submittal (\$300)
☐ Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	☐ Stormwater 2 nd & subsequent resubmittal (\$50)
☐ Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	
Summary of Request (Add separate sheet(s) as necessary)	
Plat & zone multi-use subdivision	

Engineer/Surveyor			Property Owner or Applicant		
Name Swenson, Hagen & Co.			Name Red Trail Holdings, LLC		
Address 909 Basin Ave			Address 5012 37th Ave NW		
City Bismarck	State ND	Zip 58504	City Mandan	State ND	Zip 58554
email lniemiller@swensonhagen.com			email redtrailholdings@gmail.com		
Phone 701-223-2600	Fax 701-223-2601		Phone 701-426-0729	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	A	CC, CB, R7	Rock PRAIRIE ESTATES	
Property Address				Legal Description			
Old Red Trail & Corvette Street				Auditor's Lot H & Part of the SW 1/4			
Current Use							
AG							
Proposed Use							
Commercial/Residential				Section 7	Township 139	Range 81	
Parcel Size 40 Acres	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	

Print Name Derek Zander	Signature <i>Derek Zander</i>	Date 11-24-2021
----------------------------	----------------------------------	--------------------

Office Use Only			
Date Received:	Initials: <i>mm</i>	Fees Paid: \$ 2000	Date 11-24-2021
Notice in paper		Mailed to neighbors	P&Z meeting
☐ Approved	Approved with conditions:		
☐ Denied			

Additional Submittals

Future Land Use Map Amendment

A future land use map amendment application shall include the following additional submittals:

1. An explanation of how the application aligns with the goals, objectives, policies, and other information contained within the City of Mandan Land Use and Transportation Plan and other plans adopted by the city; and

The Planning Advisory Committee for the City of Mandan LUTP, noted that a key weakness for the city was a "lack of retail & restaurants, which is closely tied to the lack of overall commercia-industrial tax base". The proposed Land Use amendment helps to expand those uses, while at the same time providing a transition from the residential areas on the east (West Hills) to the proposed commercial zoning on the west. Old Red Trail, as an arterial road, is suited for commercial traffic; access onto the arterial will be limited to one point within the subdivision, providing a central point of access for the commercial uses, which would then have high visibility from the right-of-way.

2. How any amendment, if approved, would not further create potential for disharmonious adjacent land uses; and

The proposed location for commercial/industrial uses, adjacent to Old Red Trail, will have zoning that matches adjoining lands to the west. The addition of CB & CC zoning within this tract will transition into residential zoning to the north, and will be buffered on the east by residential zoning , as well as stormwater & drainage facilities.

3. An ESRI shapefile (.shp) of the future land use map amendment area and projected in spatial reference well-known ID (WKID) 102721.

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

Additional Submittals

Preliminary Plat

A preliminary plat application shall include the following additional submittals:

- ☒ Proposed name of subdivision in accordance with the city's subdivision naming policy.
- ☒ Legal description of property.
- ☒ Name, address and telephone number of the property owner and surveyor.
- ☒ Numerical and graphical scale of one inch equals 200 feet or less, north arrow and date located all in the same vicinity on the plat.
- ☒ Boundary line of proposed subdivision indicated by solid heavy line and block and lot lines indicated by less heavy lines.
- ☒ Boundary lines of adjacent tracts, their owners and existing buildings within 100 feet of the proposed subdivision shown by dashed lines.
- ☒ Lot and blocks numbered in numerical order.
- ☒ Exact location of existing utilities and utility easements for water mains, fire hydrants, storm sewers, bridges, culverts, sanitary sewers, gas lines, telephone lines, electrical lines, cable television, utility substations; indicating pipe or line dimensions, sizes, grades, when necessary, and type of material when available.
- ☒ Proposed zoning of the subdivision.
- ☒ Approximate location of all proposed utility lines and rights-of-way.
- ☒ Location, area and dimension of all existing and proposed land parcels to be dedicated for public use, other than streets.
- ☒ When appropriate, names, locations, rights-of-way width, grades and pavement widths of all existing transportation systems.
- ☐ Proposed preliminary street grades, as required by the city engineer, which should be submitted as a separate document after preliminary plat approval but before submission of the final plat.

☐ Identification and location of existing vegetative cover, historical and cultural features.

☒ Contours with a maximum interval of two feet; and in areas less than three percent grade, spot elevations shall be provided according to standard mapping practices.

☐ Proposed preliminary subdivision grade plan depicting cuts and fills as required by the city engineer to be submitted after preliminary plat approval but before final plat submittal.

☐ Location and dimension of existing building and encroachments.

☒ Proposed street names in accordance with the city's street naming policy.

☐ Location and elevation of lakes, rivers, creeks, indicating the approximate high and low water elevations and identification of area within the 100-year floodplain.

☒ Vicinity map depicting one-mile radius of the parcel.

If appropriate, the subdivider shall provide additional preliminary plat information within the extraterritorial jurisdiction as follows:

☐ Soil report indicating suitability for septic tanks and building development.

☐ Capability of solid waste disposal.

☐ Plan to convert large residential lots, over 20,000 square feet, to average city size lots upon annexation.

☐ Statement of available water supply acceptable under state health department regulations.

☐ Assurance that the subdivision utility systems, including water, sewer, storm sewer and streets can be integrated into the city's system upon annexation and meet all standards.

☐ Statement from the owner assuring maintenance of all constructed improvements.

☐ Statement from the appropriate police and fire departments concerning the availability of services.

ORDINANCE NO. 1450

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota, but not embraced within the limits thereof, and has met all requirements as directed by Section 40-51.2-03 of the North Dakota Century Code.

SECTION 1. PROPERTY ANNEXED. The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

ALL OF ROCK PRAIRIE ESTATES ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA IN SECTION 7, TOWNSHIP 139N, RANGE 81W.

AND

ALL THAT PART OF AUDITOR'S LOT H OF THE SW 1/4 OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST, MANDAN, MORTON COUNTY, NORTH DAKOTA—A STRIP OF LAND 30.00 FEET WIDE, 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE TERMINATION OF THE WESTERN CENTERLINE OF THE BLACKSTONE LANE NW RIGHT-OF-WAY OF ROCK PRAIRIE ESTATES ADDITION; THENCE NORTH 88 DEGREES 23 MINUTES 36 SECONDS WEST, A DISTANCE OF 876.79 FEET; THENCE SOUTH 66 DEGREES 42 MINUTES 24 SECONDS WEST, A DISTANCE OF 190.35 FEET; THENCE NORTH 23 DEGREES 17 MINUTES 36 SECONDS WEST, A DISTANCE OF 243.68 FEET, EXTENDING AND TRIMMING THE SIDELINES TO INTERSECT THE EAST LINE OF SAID ROCK PRAIRIE ESTATES.

SECTION 2. CORPORATE BOUNDARY EXTENDED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

James Froelich, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

First Consideration:
Second Consideration and Final Passage:
Recording Date:

July 2, 2024
July 16, 2024

ANNEXATION---AUDITOR'S LOT H—METES & BOUNDS

ALL THAT PART OF AUDITOR'S LOT H OF THE SW 1/4 OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST, MANDAN, MORTON COUNTY, NORTH DAKOTA—A STRIP OF LAND 30.00 FEET WIDE, 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

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ROCK PRAIRIE ESTATES ADDITION
BEING AUDITOR'S LOT H AND PART OF THE SW 1/4 OF
SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST
MANDAN, MORTON COUNTY, NORTH DAKOTA
PRELIMINARY PLAT & MASTERPLAN

MASTERPLAN:

APPROXIMATELY 40.0ACRES

EXISTING ZONING: A

PROPOSED ZONING: R3.2, R7, RM, CB

PRELIMINARY PLAT:

18.3 ACRES

34 LOTS

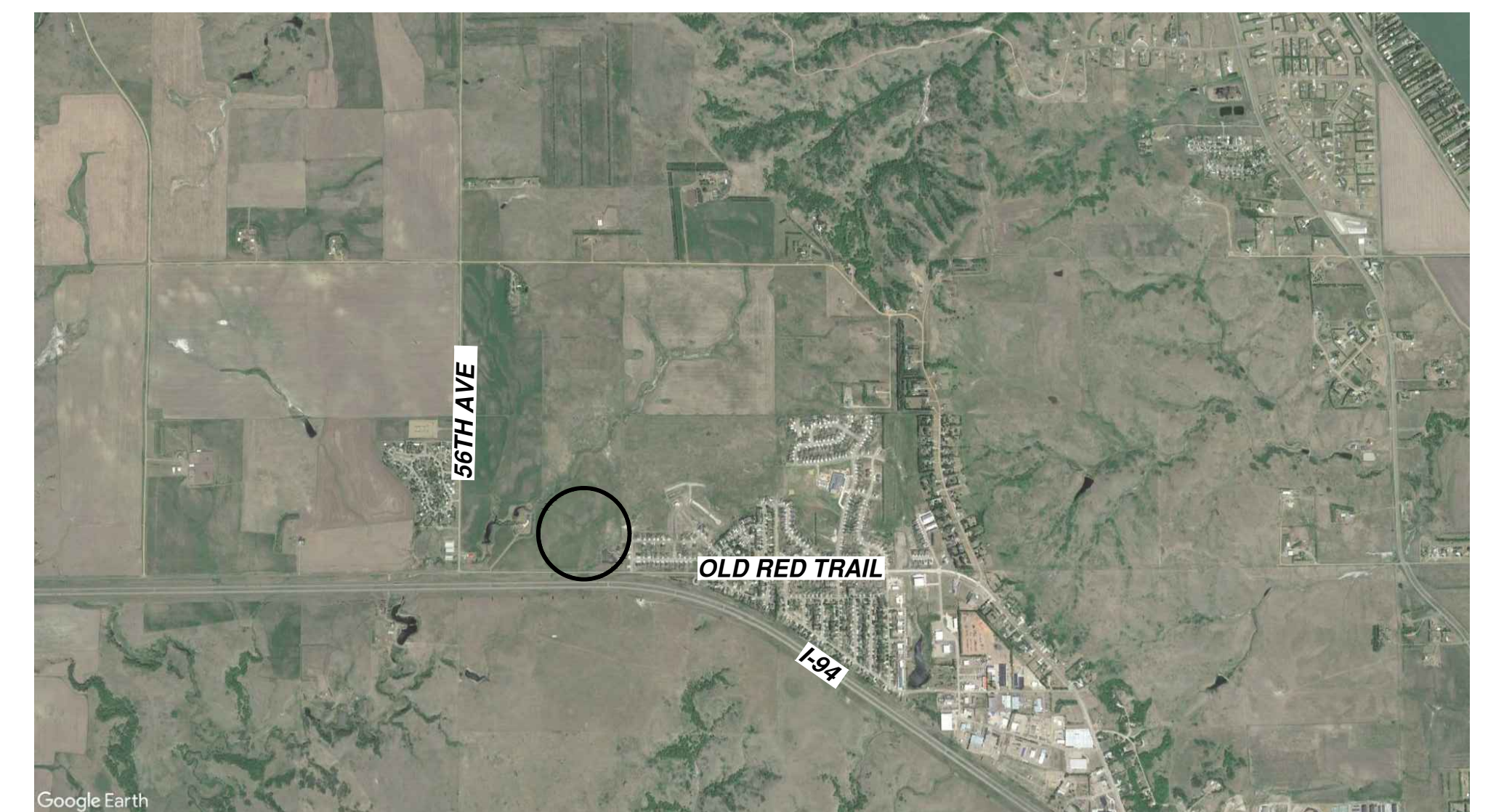
5 BLOCKS

OWNER:

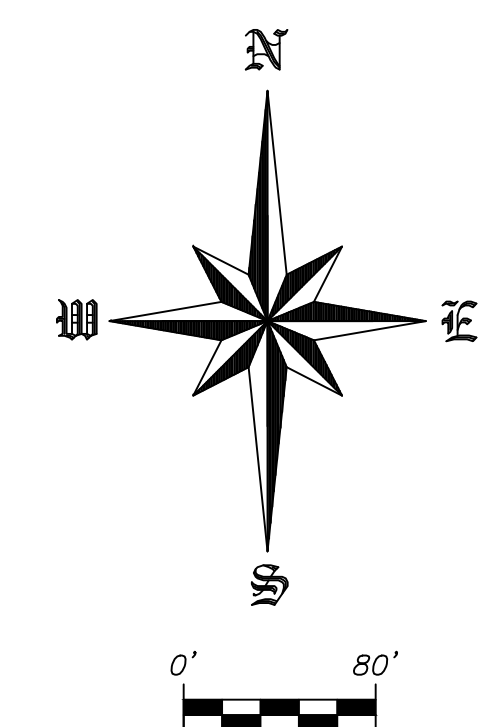
RED TRAIL HOLDINGS, LLC

5012 37TH AVE NW

MANDAN, ND 58554



LOCATION MAP



SCALE - 1" = 80'
NOVEMBER 23, 2022

I certify that this instrument was filed and recorded.

Nancy Seefeldt, County Recorder Fee \$20.00

By Nancy Seefeldt July 14, 2022 9:03:36 AMReturn to:
CITY OF MANDAN
205 2ND AVE NWCounty Recorder 511292
Morton County
Mandan ND 58554
Page 1 of 2

MANDAN ND 58554

**ORDINANCE NO. 1400****AN ORDINANCE TO EXERCISE THE POWERS OF THE CITY AS
OUTLINED IN THE CODE OF ORDINANCES OF THE CITY OF
MANDAN, NORTH DAKOTA PART 1, ARTICLE 3 (O) RELATED TO
ANNEXATION**

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

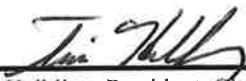
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of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan,
North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan,
namely;

BEING PART OF AUDITOR'S LOT H AND PART OF THE SW 1/4 OF SECTION 7,
TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO
THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS
FOLLOWS:

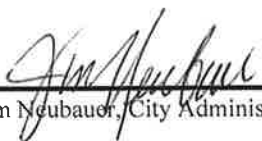
BEGINNING AT THE SE CORNER OF SAID SW 1/4; THENCE NORTH 89 DEGREES 42
MINUTES 24 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SW 1/4, A
DISTANCE OF 665.99 FEET; THENCE NORTH 00 DEGREES 17 MINUTES 36 SECONDS
EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 55 DEGREES 19 MINUTES 43
SECONDS EAST, A DISTANCE OF 308.41 FEET; THENCE NORTH 90 DEGREES 00
MINUTES 00 SECONDS WEST, A DISTANCE OF 138.94 FEET; THENCE NORTH 00
DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 206.31 FEET; THENCE
WESTERLY AND TO THE RIGHT, ON A 333.00 FOOT RADIUS CURVE, THE RADIUS
OF WHICH BEARS NORTH 01 DEGREE 07 MINUTES 43 SECONDS WEST, AN ARC
LENGTH OF 74.71 FEET; THENCE WESTERLY AND TO THE LEFT, ON A 967.00 FOOT
RADIUS CURVE, AN ARC LENGTH OF 50.92 FEET; THENCE NORTH 08 DEGREES 42
MINUTES 33 SECONDS EAST, A DISTANCE OF 66.00 FEET; THENCE NORTH 00
DEGREES 13 MINUTES 59 SECONDS EAST, A DISTANCE OF 129.13 FEET; THENCE
SOUTH 89 DEGREES 46 MINUTES 01 SECOND EAST, A DISTANCE OF 80.09 FEET;
THENCE NORTH 02 DEGREES 24 MINUTES 57 SECONDS WEST, A DISTANCE OF
141.50 FEET; THENCE SOUTH 87 DEGREES 35 MINUTES 03 SECONDS WEST, A

DISTANCE OF 40.00 FEET; THENCE NORTH 16 DEGREES 05 MINUTES 39 SECONDS WEST, A DISTANCE OF 61.75 FEET; THENCE NORTH 02 DEGREES 24 MINUTES 57 SECONDS WEST, A DISTANCE OF 121.25 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 01 SECOND EAST, A DISTANCE OF 266.84 FEET; THENCE SOUTH 78 DEGREES 34 MINUTES 09 SECONDS EAST, A DISTANCE OF 56.83 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 59 SECONDS EAST, A DISTANCE OF 165.16 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 01 SECOND EAST, A DISTANCE OF 322.79 FEET TO THE EAST LINE OF SAID SW 1 /4; THENCE SOUTH 00 DEGREES 02 MINUTES 00 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 1166.75 FEET TO THE POINT OF BEGINNING.

SECTION 2. CORPORATE BOUNDARY EXTENDED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.



Tim Helbling, President, City Commission



Jim Neubauer, City Administrator

Planning & Zoning public hearing
First Consideration
Second Consideration

February 28, 2022
June 21, 2022
July 5, 2022