



**AGENDA
CITY COMMISSION
SEPTEMBER 17, 2024
ED “BOSH” FROEHLICH MEETING ROOM
MANDAN CITY HALL
5:30 PM
WWW.CITYOFMANDAN.COM**

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A. ROLL CALL

1. Roll call of all City Commissioners

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

D. APPROVAL OF AGENDA

E. MINUTES

1. Consider approval of the minutes of the September 3, 2024 Board of City Commissioners regular meeting

F. PUBLIC HEARING

1. Consider the Resolution Determining the Sufficiency of Protest for Street Improvement District No. 238
2. Public budget hearing scheduled at 6 p.m. for Ordinance No. 1452 adopting the 2025 Budget
3. Consider a final plat and PUD Amendment for Shores at Lakewood 2nd Addition

G. BIDS

H. CONSENT AGENDA

1. Consider approval of monthly bills
2. Consider approval for the Mandan Police Department to close the 200 block of 1st Ave NW on Thursday, October 31, 2024, from 3:30-6:30 p.m.
3. Consider approval of the special event permit for the National Good Neighbor Day celebration
4. Consider the following Abatements:
 - a. Pulkrabek Abatement
 - b. Burke Abatement
 - c. Hoff Abatement
5. Consider request to close 24th Ave SE to make utility connections
6. Consider cost share amendment for the Collins Reservoir Project
7. Consider approval for the fire department to award a bid for source capture exhaust systems to MagneGrip
8. Permission to dispose of obsolete vehicles
9. Consider Minor Plat for Zueger Addition
10. Consider gaming site authorization for the North Dakota Friends of the NRA State Fund Committee LLC
11. Consider a lane closure request for Collins Avenue at Division Street
12. Consider a Flex PACE letter of support for financing of a remodel and build-out for Midwest Rentals, Inc
13. Consider the addition of paddle wheel to the Gaming Site Authorization for The Scapegoat Bar from Oct. 1, 2024 to June 30, 2025
14. Consider a budget amendment for the Engineering Department to purchase a new vehicle
15. *Consider Minor Plat for Replat of Lot 1 and Lot 2, Block 2, Rockwood First Addition.*

I. OLD BUSINESS

J. NEW BUSINESS

1. Consider a Renaissance Zone residential rehabilitation application for 206 Sixth Ave NW
2. Consider issuance of Special Use Permit and approval of a Minor Plat for Missouri Point Shop Condos
3. Considering entering into an Engineering Service Agreement with Moore & Barr Engineering for the Cemetery Geotechnical Evaluation Project

K. RESOLUTIONS AND ORDINANCES

1. Second and final consideration of Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.
2. Consider Resolution establishing Rates and Charges for Services from the Water & Sewer Utility Fund
3. Consider Resolution establishing Rates and Charges for Services from the Solid Waste Utility Fund
4. *First Consideration of Ordinance 1454, a PUD (Planned Unit Development) Amendment for the Shores at Lakewood*

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

- October 1, 2024 at 5:30 p.m.
- October 15, 2024 at 5:30 p.m.
- November 5, 2024 at 5:30 p.m.

N. ADJOURN

The Mandan City Commission met in regular session at 5:00 PM on September 3, 2024 in the Ed “Bosh” Froehlich Meeting Room at City Hall, Mandan, North Dakota. Mayor Froelich called the meeting to order.

A. ROLL CALL

1. *Roll call of all City Commissioners.* Those present were Dennis Rohr, Mike Braun, James Froelich, Craig Sjoberg, and Ryan Heinsohn. Department heads present were City Administrator Neubauer, Finance Director Welch, Assessor Markley, Human Resource Director Berger, Engineering Director Wigness, Police Chief Ziegler, Building Official Singer, Fire Chief/Public Works Director Bitz, Business Development & Communications Director Cermak, and Attorney Oster.

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. *Recognize the property at 400 Fields Ct SE in the Beautification Recognition Program.* Communications Specialist Kari Schmidt presented the property for recognition and gave the owner a certificate.

D. APPROVAL OF AGENDA Commissioner Braun moved and Commissioner Rohr seconded to approve the agenda as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.

E. MINUTES

1. *Consider approval of the following minutes: .*

a. *August 20, 2024 Board of City Commissioners regular meeting.* Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.

b. *Aug. 22, 2024 Board of City Commissioners Training Session.* Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve. Roll Call vote: Aye 5, Nay 0. The motion passed.

F. PUBLIC HEARING

G. BIDS

H. CONSENT AGENDA

1. *Consider approval of the following special event permits: .*

a. *Mandan Progress Organization's Annual Dinner.*

b. *North Dakota Rough Rider Cup.*

2. *Consider Flex PACE letter of support for financing of a new building for Kids in Motion Inc .*

3. *Consider scheduling a public hearing to vacate 5th Ave SE adjacent to Lots 7, 8, 10, 11, & 12 in Helblings 2nd Addition.*

4. *Consider Class A Liquor License transfer (Vicky's Sports Bar) to new owner Pauline Rader effective October 1, 2024.*

5. *Consider authorizing city staff to begin negotiations with Moore Engineering for the Cemetery Geotechnical Evaluation Project.* Commissioner Braun asked to remove item 5 for discussion.

Commissioner Rohr moved and Commissioner Braun seconded to approve consent agenda items 1-4 including all sub items as presented. Roll Call vote: Aye 5, Nay 0. The motion passed. Engineer Wigness presented item number 5 related to the geotechnical evaluation project. Commissioner Braun moved and Commissioner Sjoberg seconded to approve consent agenda item 5 as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Consider the 2025 health insurance plan design change recommendation.* HR Director Berger presented the 2025 health insurance plan design change recommendation from the health insurance committee made up of 10 employees from different City departments. Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve that the recommended plan changes be made to the health insurance plan for the 2025 plan year. Roll Call vote: Aye 5, Nay 0. The motion passed.

2. *Consider a Mandan Growth Fund recommendation for a Storefront Improvement application for 1121 E Main St.* Business Development & Communications Director Cermak presented the storefront improvement application. Commissioner Braun moved and Commissioner Sjoberg seconded to approve the Storefront Improvement application for 1121 E Main St by Midwest Rentals Inc for up to \$90,000 in matching funds to be structured as a forgivable loan. Roll Call vote: Aye 5, Nay 0. The motion passed.

3. *Consider a Renaissance Zone rehabilitation application for 1121 E Main St.* Business Development & Communications Director Cermak presented the item. Commissioner Sjoberg moved and Commissioner Braun seconded to approve the application for the rehabilitation of 1121 E Main St. as a Renaissance Zone project to include the five-year 100% property tax exemption on the value of the buildings as improved and the 100% five-year state income tax exemption. Roll Call vote: Aye 5, Nay 0. The motion passed.

4. *Consider a Renaissance Zone lease application for 1121 E Main St.* Business Development & Communications Director Cermak presented the Renaissance Zone lease application for 1121 E Main St. Commissioner Braun moved and Commissioner Sjoberg seconded to approve the lease of 1121 E Main St. by Dakota Kustomz as a Renaissance Zone project to include a 100% five-year state income tax exemption. Roll Call vote: Aye 5, Nay 0. The motion passed.

K. RESOLUTIONS AND ORDINANCES

1. *Second consideration of Ordinance 1453, an ordinance to amend and re-enact Article 2 of the Mandan Code of Ordinances, relating to city sales, use and gross receipts tax under the Home Rule Charter of the City of Mandan.* City Administrator Neubauer presented the second consideration of Ordinance 1453, an ordinance relating to city sales, use and gross receipts tax under the Home Rule Charter of the City of Mandan. Some changes were made since the first consideration. Commissioner Braun moved and Commissioner Heinsohn seconded to approve Ordinance 1453 as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.

L. OTHER BUSINESS Fire Chief/Public Works Director Bitz announced Free Fall Landfill Week is Sept 16-21 for city of Mandan residents.

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

September 17, 2024 at 5:30 p.m..

October 1, 2024 at 5:30 p.m..

October 15, 2024 at 5:30 p.m..

- N. ADJOURN There being no other business to come before the Board, Commissioner Rohr moved and Commissioner Braun seconded to adjourn at 5:47 p.m.

James Neubauer
City Administrator

James Froelich
President, Board of City Commissioners



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 10, 2024
SUBMITTING DEPARTMENT: Engineering Department
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider the Resolution Determining Sufficiency of Protest for Street Improvement District (SID) No. 238

STATEMENT/PURPOSE:

To review protests and consider the resolution determining the sufficiency of protest for SID 238

BACKGROUND/ALTERNATIVES:

On May 7th, 2024, the City of Mandan directed Moore Engineering to complete an engineering study/report for the 2025 Mandan Street Rehabilitation Project. The study allowed us to identify a scope of work for each block and estimate a preliminary cost necessary to create a district.

On August 6th, 2024, the City of Mandan selected an area and approved the resolutions necessary to create and advertise the district. A public meeting was held on August 22nd to share information regarding the district and gather any questions or comments citizens may have. The protest period for the District ended on September 9th at 4:30 PM.

Protest rate information for the district is shown in the following tables. Protest rates are typically determined by percent of the total district area, but we have included a few other metrics for consideration as well. Maps of the protesting properties are also included in the packet.

Non-Public Parcels	494
Protesting Parcels	310
Protest Rate by # of Parcels	62.75%

Non-Public Acreage in District	104.2
Total Protest Acreage	57.6
Protest Rate by Acreage	55.3%

The majority of protest letters listed the following reasons for their protest.

1. Financial Burden
2. Lack of transparency - Residents feel there has been insufficient communication
3. Alternative Solutions - Residents feel there are more cost-effective and less disruptive alternatives
4. Elderly on fixed Incomes
5. Recent Chip Seal Work
6. Prioritization of Needs - Residents feel there are other areas that are in a more urgent need of repair
7. Unnecessary Planned Improvements
8. Disruption to Residents
9. Environmental Impact

ATTACHMENTS:

1. Protest Map
2. Protest Map w reason
3. Pie Chart
4. Resolution Determining Sufficiency of Protests

FISCAL IMPACT:

The total project cost for the 2025 project is estimated to be \$16,945,000. We have sought partial funding for the project through the North Dakota Department of Water Resources (DWR) for all eligible water items. The estimated DWR funding is \$3,400,000. The remaining water and sewer items that the city would cover is approximately \$1,095,000. If the city elects to use Prairie Dog Funds to buy down the roadway reconstruction portions of the project at a rate of 20%, it would cover approximately \$2,273,000. The remaining amount to be special assessed to residents within the special assessment district is approximately \$10,179,000.

STAFF IMPACT:

Significant time and effort working alongside Moore Engineering to continue working on a 2025 Street Reconstruction project will be required.

LEGAL REVIEW:

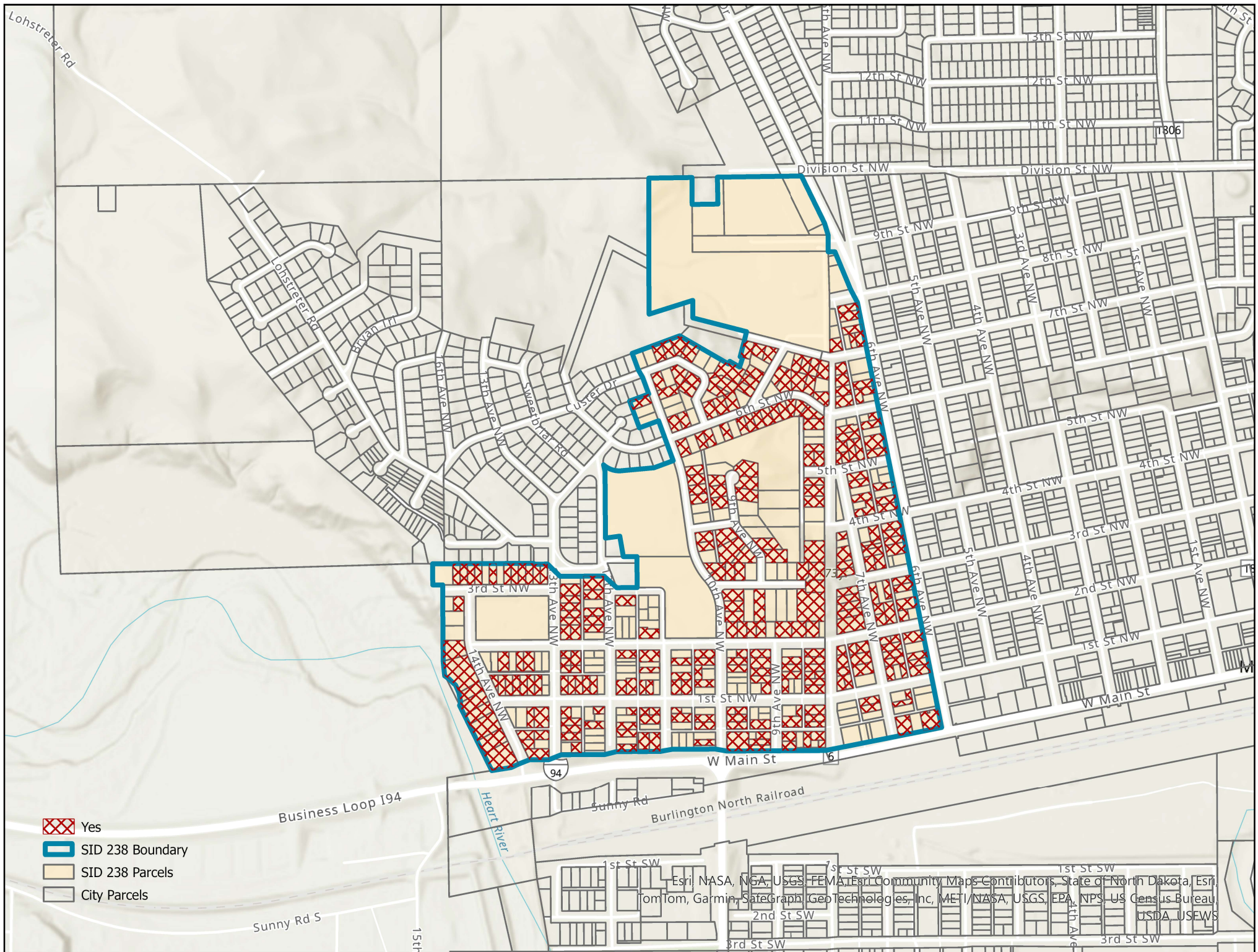
All commission documents have been made available to the City Attorney for review.

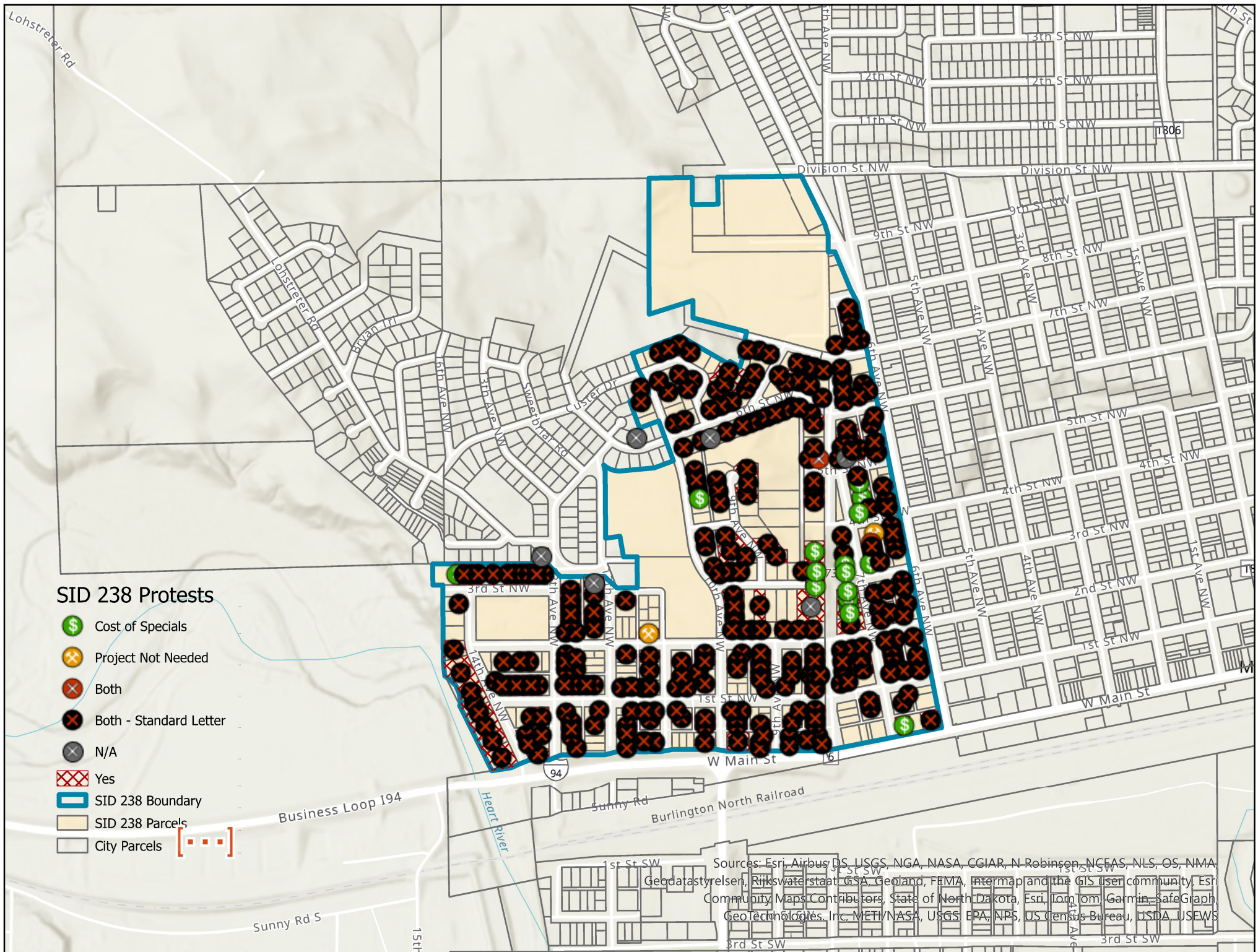
RECOMMENDATION:

Approve the Resolution Determining the Sufficiency of Protest for District No. 238.

SUGGESTED MOTION:

I move to approve the resolution determining that protest of Street Improvement District 238 is sufficient.



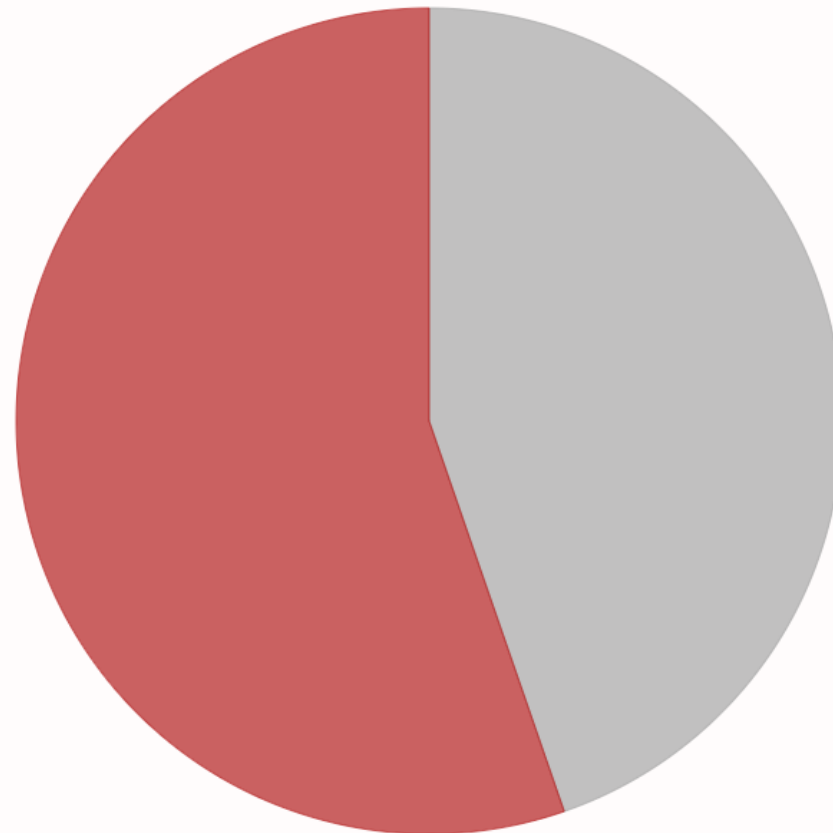


SID 238 Protests

- \$ Cost of Specials
- X Project Not Needed
- X Both
- X Both - Standard Letter
- X N/A
- X Yes
- SID 238 Boundary
- SID 238 Parcels
- City Parcels

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USEWS

Protested Parcel Ratio by Sq. Ft.



Protested

No	44.7%	(2,028,265.5)
Yes	55.3%	(2,509,443.3)

**RESOLUTION DETERMINING SUFFICIENCY OF PROTESTS FOR STREET
IMPROVEMENT DISTRICT NO. 238**

Whereas, the governing body of the City of Mandan, North Dakota (the "City") adopted a Resolution of Necessity Declaring the Necessity of a Special Assessment District for Street Improvement District No. 238, on August 6th, 2024 (the "Resolution"); and

Whereas, the Resolution was published in the City's official newspaper on August 9th, 2024 and August 16th, 2024; and

Whereas, more than thirty days have passed since the August 9th, 2024 publication; and

BE IT HEREWITH RESOLVED AND DETERMINED by the governing body of the City as follows:

1. That written protests filed with the City Administrator, within 30 days after August 9th, 2024 publications, did represent a majority of the area of the property included within Street Improvement District No. 238.
2. That proceedings under the Resolution are hereby barred.

Dated and adopted this 17th day of September, 2024

City of Mandan, North Dakota

James Froelich, President
Board of City Commissioners

Attest:

James Neubauer, City Administrator



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 5, 2024
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Public hearing for 2025 Budget

STATEMENT/PURPOSE:

To conduct a public budget hearing at 6:00 p.m. for Ordinance No. 1452 adopting the 2025 Budget.

BACKGROUND/ALTERNATIVES:

The Budget & Finance Committee consists of the following members:

- > Jim Froelich, Mayor (Finance Portfolio)
- > Jim Neubauer, City Administrator
- > Greg Welch, Finance Director
- > Justin Schulz, Assistant Finance Director

July 9, 2024 – Board of City Commissioners conducted a Budget Working Session with department managers.

July 12, 2024 – Budget & Finance Committee reviewed, discussed, and approved recommendations for the preliminary 2025 Budget.

August 6, 2024 – Budget & Finance Committee presented the preliminary 2025 Budget to the Board of City Commissioners. Board of City Commissioners approved the introduction and first consideration, and call for a public budget hearing of Ordinance No. 1452 adopting the 2025 Budget.

August 7, 2024 – City provided a copy of the preliminary 2025 budget statement and notice of the public budget hearing date to the Morton County Auditor.

August 20, 2024 – Board of City Commissioners approved the update to the City's Long-Term Financial Planning Policy.

By August 31, 2024 – Morton County Treasurer provided a written notice to the owner of each parcel of taxable property with the total estimated property tax, based on the preliminary 2025 budget statement, and the date, time and location of the public budget hearing.

September 17, 2024 – City to conduct a public budget hearing at 6:00 p.m. and approve the second and final consideration of Ordinance No. 1452 adopting the 2025 Budget, and approve the Resolutions establishing the rates and charges for services.

September 18, 2024 – City to submit a certified copy of the levy as adopted and a certified copy of the final 2025 Budget to the Morton County Auditor.

The final 2025 Budget will be posted on the City's website at cityofmandan.com.

ATTACHMENTS:

1. Ordinance No. 1452

FISCAL IMPACT:

- > Expenses = \$38.3M
- > Transfers = \$13.7M
- > City property taxes levied = \$8.8M

The increase in property taxes for a residential property valued at \$300,000 plus a 5% (average) valuation increase and based on current City mill rate = \$43 or \$14 per \$100,000 in valuation.

The increase in utility bill base charges for a residential account = \$5.41 per month.

STAFF IMPACT:

The City's budget process is coordinated by the finance department under the direction of the Budget & Finance Committee with the assistance from commissioners, department managers, supervisors, and staff.

LEGAL REVIEW:

The City is required to prepare the annual budget in accordance with the North Dakota Century Code.

RECOMMENDATION:

To close the public budget hearing and consider the final approval of Ordinance No. 1452 adopting the 2025 Budget (see agenda item # K.1.).

SUGGESTED MOTION:

City Commission

Agenda Documentation

September 17, 2024

Subject: Public budget hearing scheduled at 6 p.m. for Ordinance No. 1452 adopting the 2025 Budget

Page 3 of 3

I move to close the public budget hearing and consider the final approval of Ordinance No. 1452 adopting the 2025 Budget (see agenda item # K.1.).

ORDINANCE NO. 1452

AN ORDINANCE MAKING THE ANNUAL APPROPRIATIONS FOR EXPENDITURES OR EXPENSES OF THE CITY OF MANDAN, NORTH DAKOTA, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2025, AND ENDING DECEMBER 31, 2025, AND MAKING THE ANNUAL TAX LEVY FOR THE YEAR 2024.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA:

Section 1. There are hereby appropriated the following sums of money for so much thereof that may be necessary for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025.

	EXPENDITURES/EXPENSES					TRANSFERS
	SALARIES & BENEFITS	OPERATIONS & MAINTENANCE	DEBT SERVICE	CAPITAL OUTLAY	TOTAL	
GENERAL FUND	\$ 13,549,130	\$ 4,285,788	\$ -	\$ 711,174	\$ 18,546,092	\$ 54,831
<u>SPECIAL REVENUE FUNDS</u>						
HIGHWAY DISTRIBUTION FUND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,525,186
CITY SHARE OF SPECIAL ASSESSMENTS FUND	\$ -	\$ 194,762	\$ -	\$ -	\$ 194,762	\$ -
MUNICIPAL INFRASTRUCTURE FUND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,116,430
CEMETERY FUND	\$ 103,279	\$ 57,900	\$ -	\$ 15,000	\$ 176,179	\$ -
CITY VISITORS' PROMOTION FUND	\$ -	\$ 74,684	\$ -	\$ -	\$ 74,684	\$ -
ALARM-EQUIPMENT RESERVE FUND	\$ -	\$ 4,850	\$ -	\$ -	\$ 4,850	\$ -
1% CITY SALES TAX FUND	\$ -	\$ 241,300	\$ -	\$ 221,700	\$ 463,000	\$ 3,275,025
PUBLIC TRANSPORTATION SYSTEM FUND	\$ -	\$ 262,929	\$ -	\$ -	\$ 262,929	\$ -
0.75% CITY SALES TAX FUND	\$ -	\$ -	\$ 955,501	\$ -	\$ 955,501	\$ -
0.5% CITY SALES TAX FUND	\$ -	\$ 730,726	\$ -	\$ 163,800	\$ 894,526	\$ -
FIRE EQUIPMENT RESERVE FUND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 140,852
MANDAN GROWTH FUND	\$ 243,322	\$ 77,722	\$ -	\$ 28,600	\$ 349,644	\$ -
ABUSED ADULT RESOURCE CENTER GRANT FUND	\$ 80,322	\$ -	\$ -	\$ -	\$ 80,322	\$ -
MANDAN SEP TRUST FUND	\$ -	\$ 850	\$ -	\$ -	\$ 850	\$ -
HEALTH & SAFETY FUND	\$ -	\$ 58,050	\$ -	\$ -	\$ 58,050	\$ -
<u>DEBT SERVICE FUNDS</u>						
LIBERTY MEMORIAL BRIDGE GENERAL OBLIGATION BONDS FUND	\$ -	\$ -	\$ 70,485	\$ -	\$ 70,485	\$ -
REFUNDING IMPROVEMENT BONDS FUND	\$ -	\$ -	\$ 4,191,910	\$ -	\$ 4,191,910	\$ -
<u>BUDGETS NOT REQUIRED UNDER NDCC 40-40-05</u>						
CITY VISITORS' PROMOTION CAPITAL CONSTRUCTION FUND	\$ -	\$ 131,450	\$ -	\$ -	\$ 131,450	\$ -
WATER & SEWER UTILITY FUND	\$ 2,211,908	\$ 1,935,600	\$ 2,793,008	\$ 815,000	\$ 7,755,516	\$ 5,389,968
SOLID WASTE UTILITY FUND	\$ 427,390	\$ 2,285,550	\$ 193,400	\$ 598,000	\$ 3,504,340	\$ 151,650
STREET LIGHT UTILITY FUND	\$ -	\$ 321,950	\$ -	\$ -	\$ 321,950	\$ 23,791
CITY SHOP FUND	\$ -	\$ 259,400	\$ -	\$ -	\$ 259,400	\$ -
TOTAL	<u>\$ 16,615,351</u>	<u>\$ 10,923,511</u>	<u>\$ 8,204,304</u>	<u>\$ 2,553,274</u>	<u>\$ 38,296,440</u>	<u>\$ 13,677,733</u>
MORTON MANDAN PUBLIC LIBRARY	\$ 842,016	\$ 254,246	\$ -	\$ 8,000	\$ 1,104,262	\$ 20,000
MANDAN AIRPORT AUTHORITY	\$ 107,127	\$ 197,489	\$ 85,000	\$ 2,012,000	\$ 2,401,616	\$ -

Section 2. There are hereby levied the following sums of money on all taxable property in the City of Mandan, North Dakota, for the year 2024 for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota.

GENERAL FUND	\$ 6,993,717
<u>SPECIAL REVENUE FUNDS</u>	
CITY SHARE OF SPECIAL ASSESSMENTS FUND	\$ 119,967
PUBLIC TRANSPORTATION SYSTEM FUND	\$ 274,263
<u>DEBT SERVICE FUND</u>	
GENERAL OBLIGATION BONDS FUND:	
LIBERTY MEMORIAL BRIDGE	\$ 76,219
MORTON MANDAN PUBLIC LIBRARY	\$ 754,224
MANDAN AIRPORT AUTHORITY	<u>\$ 548,527</u>
TOTAL	<u>\$ 8,766,917</u>

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration: August 6, 2024

Second Consideration: September 17, 2024

Final Passage and Adoption: September 17, 2024



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 10, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider a final plat and PUD (Planned Unit Development) Amendment for Shores at Lakewood 2nd Addition

STATEMENT/PURPOSE:

TRX Developers, LLC, is requesting approval of a final plat and a PUD Amendment for Shores at Lakewood 2nd Addition. The PUD Amendment would be applied to Phase 2, and future phases 3 and 4 of the development.

BACKGROUND/ALTERNATIVES:

Overview of Request

TRX Developers seeks approval for the final plat of Shores at Lakewood 2nd Addition, a 47.06-acre residential development comprising 103 lots in southeast Mandan. The development will include new City streets, 99 residential lots, two private park properties, a new City lift station, and a stormwater / amenity pond.

This request also includes an amendment to the Shores at Lakewood PUD to integrate additional details from the developer's PUD narrative and master plan. Key updates since the original submission include:

- The proposed addition of three-unit "Mansionettes."
- Additional details on various components of the masterplanned development.

As a reminder, this development will have two means of egress. Principal vehicular access will come from McKenzie Drive SE. Secondary access is to be provided from the extended Oxbow Trail SE (which turns into 39th Avenue SE) and has connection options to 40th Avenue SE. Future access to the development from the west is planned via a McKenzie Drive bridge across the Heart River. Timing of that bridge to be constructed is unknown.

Property History

The Shores at Lakewood Phase 2 plat initially included 126 lots but was reduced to 103 in 2024. The development concept was first introduced in 2018, with Phase 1 under development since 2022. Significant reviews were conducted with USACE and the Lower Heart Water Resource District. The Preliminary Plat received approval in June 2024, and outstanding issues such as utility servicing, lot access, and the proposed irrigation system have been addressed. In the early part of 2024, a portion of excess right-of-way south of McKenzie Drive SE was requested and approved to be vacated. That is where lots 56-62 are located.

Final Plat

The final plat encompasses 47.06 acres and includes 103 lots divided into three blocks. Key features are:

- Lot 37, Block 2, designated for stormwater/amenity pond/wetland.
- Lots 34-62 will be accessed via a shared private street, for which the City of Mandan will not be responsible for maintenance, including snow removal, street sweeping, or reconstruction.
 - A thirty-foot easement from Clear Creek Loop will provide access to all lots.
 - The private street will require a name, particularly for units with access/frontage on it.
 - Lots 56-62 may potentially be addressed to McKenzie Drive SE.
- The plat includes numerous easements for public utilities, stormwater conveyance, and lot access.
- An easement for a subdivision monument sign is designated on Lot 51, Block 1.
- The City's lift station will be situated on Lot 63, Block 1.
- A private dog park is planned for Lot 56, Block 1, and a private park for Lot 35, Block 2.
 - The City of Mandan and Mandan Park District are not likely to dedicate resources towards enforcing park usage. The HOA may take measures it desires to regulate who uses the parks.

Planned Unit Development (PUD) Amendment

Lots in this addition will be zoned PUD with a basis in R7, R3.2, and RM.

- Lots 2-11 and 56-63, Block 1, Lots 1-12 and 20-35, and Lot 37, Block 2, and Lots 1-3, Block 3 - PUD / R7 Residential.
- Lots 12-55, Block 1 and Lots 13-19, Block 2 - PUD / R3.2 Residential
- Lot 1, Block 1 and Lot 36, Block 2 - PUD / RM Residential.

The Shores at Lakewood PUD is proposed for amendment to include:

- Three-unit "Mansionette" homes on Lot 1, Block 1, and Lot 36, Block 2.
- The homes would be based in the City's RM - Residential district standards.

These lots are adjacent to the planned City lift station and neighborhood/HOA park. The design will ensure that the homes are oriented to enhance the public realm. City Staff recommends that homes along McKenzie Drive, while not having driveways directly onto the street, should feature front doors/porches and sidewalks leading to McKenzie Drive. This design approach aligns with urban design best practices and creates a nice appearance along major streets.

The amendment will integrate additional elements from the PUD Narrative into the PUD ordinance, applying to Phase 2 and future phases of the development. Ordinances for Phases 3 and 4 will be drafted when those phases are introduced, as an ordinance cannot be recorded against legal descriptions that are not yet established until a future plat. This also prevents potential PUD issues if a future phase needs to be treated in a unique manner.

The following lots need to be assigned a zoning designation, even though they will not be used for housing development: Lot 56, Block 1; Lot 63, Block 1; and Lots 35 and 37, Block 2. These lots will be designated for HOA park property, a City lift station, and a storm water/amenity pond. Staff recommends zoning them according to the adjacent zoning classifications.

Staff Comments

- Planning Staff understands that the utility servicing plan concerns for this subdivision have been resolved, and will include the construction of a new lift station, with the developer also responsible for upgrading an existing downstream lift station. This approach is seen as a positive step toward addressing the utility servicing needs, given the opportunity to enhance both capacity and condition at the downstream station.
- Before the plat can be recorded, a new development agreement for all of Shores at Lakewood is to be drafted and established, to include various topics, and staff will require written confirmation and agreements for relocating the existing public, City-ran grass dump sites from the vacated right-of-way on McKenzie Drive SE. The new, long-term location for Southeast Mandan's leaf and grass collection will be in the northwest corner of Mandan's Waste Water Treatment Plant.
- There will be no private irrigation lines crossing the City of Mandan Right-of-Way,

following denial of that request by the City Commission on 8/6/24.

- The City has been recommended to explore ways to integrate different forms of housing, such as three-unit structures, into different areas, as part of recommendations to ensure a variety of housing types in different parts of the community for residents with different needs. Staff feels that the proposed home character adheres well to the homes originally approved for this PUD.

Adjacent Properties Zoning, Land Use and Future Land Use

Phase I to the north of this property is zoned PUD (Planned Unit development). The Heart River is to the west. The property to the east and south is zoned agriculture and is the City's Waste Water Treatment Plan.

The Future Land Use Plan designates the property as Low Density Residential, and was amended to that designation based on the Shores at Lakewood masterplan/PUD narrative. McKenzie Drive is slated to continue to the west via a future Heart River crossing that would lead to a connection with ND Highway 1806 and south Mandan's Plainview Area.

Additional Information and Public Outreach

- Application and fee of \$1450 was received on July 25 and August 7, 2024.
- Letters were sent to 81 adjacent property owners on September 4, 2024.

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, as developed according to the City's Floodplain Ordinance, is not located in a 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.

Zone Change/PUD Amendment

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 zone change, provided that infrastructure upgrades, agreed to by the Developer, are made.
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed zoning change is consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
4. The proposed zoning change would not adversely affect public health, safety and general welfare.

ATTACHMENTS:

1. application
2. PUD Amendment Narrative
3. Shores at Lakewood 2nd Add Final P revised 7-31-24
4. DRAFT Ordinance Shores at Lakewood 2nd PUD
5. Mansionette Presentation
6. Resolution of Vacation - Portion of McKenzie Drive
7. Map of Vacated ROW
8. Survey Exhibit of Vacation
9. Location Map - Shores at Lakewood 2nd

FISCAL IMPACT:

N/A

STAFF IMPACT:

Significant staff time has gone into the review of the Shores at Lakewood and this addition. A development agreement will be required to be in place prior to recording of the plat, and preparation is underway.

LEGAL REVIEW:

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

RECOMMENDATION:

Planning staff recommends approval of the final plat and PUD Amendment for Shores at Lakewood 2nd Addition contingent upon a development agreement.

A motion to approve the final plat can be made as part of the public hearing. A second,

separate motion regarding the PUD Amendment must be made under Resolutions and Ordinances item no. 4.

SUGGESTED MOTION:

I move to approve the final plat for Shores at Lakewood 2nd Addition contingent upon a development agreement.

City Commissioners: a motion to approve the PUD amendment must be made under Resolutions and Ordinances no. 4, following a motion/roll call for the plat under Public Hearings.

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)		
This application is for the Final Plat of Shores at Lakewood 2nd Addition.		

Engineer/Surveyor			Property Owner or Applicant		
Name Nick Nustad, PE - Mountain Plains, LLC			Name Arthur Goldammer - TRX Developers, LLC		
Address 1300 Tacoma Ave, Suite A			Address 3100 N 14th St		
City Bismarck	State ND	Zip 58504	City Bismarck	State ND	Zip 58503
email nnustad@mtplains.com			email arthur@verityhomes.com		
Phone 701-955-3122	Fax na		Phone 701-663-4117	Fax na	
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
x	City	ETA	New	Addition	Agriculture	PUD	Shores at Lakewood 2nd Addition
Property Address					Legal Description		
No current address - west end of McKenzie Drive					A replat of Lot 1, Block 2 of Lakewood 7th Addition and the unplatted portion of Lot 1 of Lot B and Outlot A		
Current Use							
Vacant					of Section 1, Township 138 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota		
Proposed Use							
Residential					Section	Township	Range
Parcel Size 46.82	Building Footprint na	Stories na	Building SF na	Required Parking na	Provided Parking na		

Print Name Arthur Goldammer	Signature 	Date 7/25/24
--------------------------------	---	-----------------

Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$750	Date: 7-25-2024
Notice in paper	Mailed to neighbors	P&Z meeting	8-7-2024
☐ Approved	☐ Approved with conditions:		
☐ Denied			

Planned Unit Development Amendment Narrative

Request for Shores at Lakewood Master Plan

TRX Developers, LLC is proposing to plat and develop approximately 132 acres located southwest of 21st Street SE, intersected by McKenzie Dr SE, and West of 39th Ave SE/Oxbow Trail SE/34th Ave SE, Mandan, ND. The area is currently blend of approved Master Plan, FLUP Amended, and Zoning to PUD on entire project, with Shores Addition platted/developed (including Minor Plats resulting from lot combinations), and unplatted otherwise agriculture land in the City of Mandan ETZ zoning district.

TRX Developers, LLC is considering further developing the property into a mixed-use site with a combination of single family detached (stand-alone single family), single family attached (twin home) residential, 2 lots RM for 3-plex condo, and limited non-residential commercial/storage, which will all address many of the housing and land use needs for the City of Mandan and it's residents.

TRX Developers, LLC proposes amending the current Master Plan & PUD Zoning regulations, in order to accommodate the intended project which will result in a logical and orderly development pattern that will be consistent with surrounding land uses and will conform to the City of Mandan Municipal Code and Future Land Use Plan. The proposed plat for Shores 2nd Addition has been adjusted significantly from the previous submission, using feedback and in consideration of some area resident concerns, reducing overall lot count by adjusting lot sizes to be larger overall, and also including 2 lots identified to be used in a general RM zoning allowable perspective, for two 3-plex condo buildings.

Development within the district is characterized by four main types as mentioned above, single family detached housing, single family attached housing, RM Condo, and commercial/storage. Considering the majority of land zoned RM to the east, a smaller area of land zoned R7 also to the east, the Golf Course to the north, the City Wastewater Treatment Facility to the SE, and the agriculture to the south, the proposed zoning change would not adversely affect property in the vicinity.

The proposed PUD will reduce urban sprawl, put less demand on city services per capita compared to traditional developments, encourage walk/live/play, and provide interconnectivity to trails, while contributing much needed architecturally appealing and diverse homes to the landscape.

Platting: Shores at Lakewood is platted as a master plat, using a Planned Use Development, to ensure future conformity with the PUD and to give the City assurance that any changes in the future must follow the PUD amendment process and be very clearly outlined and defined.

Phasing: Shores at Lakewood will be developed in 4 phases, as defined in the master plat and phasing map. Shores 3rd Addition will initially be identified as a super block, requiring the developer to submit a site plan and architectural standards/design to the City of Mandan, prior to commercial development in this phase, as per standard ordinance set forth by the City of Mandan. Each Phase will be a separate addition to the City of Mandan, with a plat for each to define clearly the legal descriptions outlined.

Issuance of Building Permits: Building permits shall not be issued in each phase until said phase is deemed substantially complete by City standards.

Zoning & Taxation: After plat and PUD approval, Shores at Lakewood will be zoned as a PUD. Additions (Phases) 2 through 4 will remain taxed as entitled but undeveloped lands, until development of each phase, independently, is significantly complete and the lots are building permit ready. Once complete, the properties included in the completed phase shall be taxed as determined by the Mandan City Auditor for the appropriate use and zoning.

Location: Combined parcel located in the City of Mandan, Morton County, North Dakota, City Parcel Number(s) 65-5511350, 65-5511360, 65-5511352, 65-5511525, 65-5513800, & 30-0114100. The project consists of approximately 132 acres.

Details: The subdivision master plan provides for 209 residential lots. The subdivision master plan provides for 155 single family detached residential lots (R7), 52 (26 twin buildings) R3.2 type lots, , 2 RM Condo type lots, one private dog park, two amenity based private parks, one walk/bike/buffer zone/stormwater lot, one limited non-residential commercial super lot/block, & two pond/borrow lots. The pond/borrow lots will serve to provide fill for the site to bring it out of the 100 year flood plain, as well as, to fulfil the storm water retention needs. The project will be zoned and defined as a PUD as the overlay zoning with the R7, R4, R3.2, RM, and CB as the underlying zoning. Housing types are limited to RM 3-plex Condo, single family attached (twin/town/row homes), and single-family detached homes. The private parks will also serve as an amenity to Heart River Villas residents.

Infrastructure Installation: The Developer of the Project will install all sanitary sewer, & water. Mountain Plains, LLC will provide the engineering and design for the Project. Infrastructure layout and design parameters are found on the submitted PUD Site Plan. The Developer will design and submit for approval the storm water plans. Installation of storm sewer, street lighting, curb/gutter/paving, and road base prep will be handled by the City of Mandan via a special assessment district.

The required sanitary sewer lift station and screening fencing shall be included on the special assessment district requested to be created.

The sanitary sewer and water 3-way agreement and SID storm sewer projects to be advertised for bid and awarded together, to ensure least ground disturbance and also to hold awarded contractor firmly to installation standards and criteria. The Developer shall approve the final bid award, based on blended criteria of price and performance of the contractor.

Infrastructure Funding: The Developer of the Project will fund the cost of engineering design, sanitary sewer, grading, and water installation. The storm sewer (separate SID), street lighting, curb/gutter/paving, screening fencing, and road base prep shall be handled via Bids awarded by the City of Mandan and assessed in two Special Assessment Districts per the City of Mandan Ordinance. The sanitary sewer and water 3-way agreement and SID storm sewer projects to be bid and awarded together, to ensure least ground disturbance and also to hold awarded contractor firmly to installation standards and criteria.

Infrastructure Maintenance and Repair: The City of Mandan shall be responsible for future repairs and maintenance of public right of way and roads.

Lot Combination Alternative: Lots may be combined to accommodate larger homes. If single family R4 or R7 based lots are combined, the regulations of R7 zoning district shall apply. If twin home R3.2 lots are combined, the regulations of the R3.2 zoning district shall apply. In no circumstances shall the below setback requirements be adjusted.

Residential Lot Setbacks: In order to simplify the residential lot setbacks, all residential lots shall be governed by the following setbacks:

- Front Yard – 25' from public street
- Front Yard – 15' from public street for alley (rear) private drive access homes
- Side Yard – 5'
- Street Side Yard – 15'
- Rear Yard – 20'

Underlying Zoning Regulations: Except for regulations provided within the PUD District, the underlying zoning regulations shall apply to residential lots as follows and aligned with attached zoning exhibit; R7, R4, R3.2, RM (Shores Addition, Shores 2nd Addition, & Shores 4th Addition), with CB (all service & utility groups allowed, with exception of occupied residential) for Shores 3rd Addition.

Community Parks: Two private parks and one private dog park will be constructed for the use and enjoyment of the residents of Shores at Lakewood and Heart River Villas on Lots 56 Block 1 & 35 Block 2, Shores 2nd Addition, and Lot 21 Block 2 of Shores Addition. These properties to be owned and managed by the Home Owners Association.

HOA: An HOA has been formed for the purpose of maintaining the private parks and to also provide services to residents. It will facilitate the grounds maintenance, snow removal, and care of the properties in Shores at Lakewood. The HOA Board of Directors shall be solely responsible for the hiring and direction of professional companies to perform mowing, residential snow removal, pond maintenance, and other HOA responsible items.

Golf Course Access: Access easements and paths will be provided to ensure resident access to the Mandan City Golf Course.

Parking and Traffic Rules and Regulation: Parking and enforcement will be handled by the City of Mandan. Garage orientation to be pre-determined to ensure maximum parking available on street.

Snow Removal: Snow removal on public streets will be by the City of Mandan. Individual residence driveway and apron snow removal shall be provided by the HOA. Lead walks/patio/deck snow removal shall be provided by the property owner.

Garbage Collection: Garbage collection shall be performed by the City of Mandan to the single family and twin home residential parcels. The CB parcels shall arrange for their own garbage collection services.

Fencing: 6 ft or 5 ft wrought iron fencing along the north boundary, and monument markers on the westerly boundary, will be provided and installed by developer to ensure LHWRD/USACE levee system and golf course are not encroached upon. Concrete precast architectural 5 ft or 6 ft fences are also be allowed at the discretion of the Developer and/or ARC.

Internal Nocturnal Illumination: Internal downward nocturnal illumination shall be provided and installed to provide safety and security. Funding to install and procure the lights shall be provided by a Special Assessment District per City of Mandan Ordinance.

Special Assessments: Existing and future special assessments will assessed per the City of Mandan Ordinance. Pond/Borrow/Parks lots are to remain clear and free of any special assessments. The storm sewer, street lighting, curb/gutter/paving, road base prep, sanitary sewer lift station, screening fencing along local/collector ROW, and any Park Improvements (per the Mandan Parks District) shall be vetted, facilitated, and installed via Bids awarded by the City of Mandan and assessed via Special Assessment Districts per the City of Mandan Ordinance.

Easements: Any and all easements shall be shown on the plat.

Grantor/Grantee of Easements: The Developer shall be the Grantor of the easements. The City of Mandan, & the State of North Dakota, and any others named on the plat shall be the Grantees of all easements.

Street Design: Street design for public streets and private drives shall follow the City of Mandan Municipal Code. Future adjustments to align with proposed City Development Standards may be proposed.

USACE Review: A pre-submittal development review request was provided to the USACE, following Executive Order 11988. On September 9th, 2021, the USACE provided a letter confirming final review with final comments that have been incorporated into the design and development plans, in addition to the requirements identified by the local sponsor that have been included in the ratified Developer's Agreement with the Lower Heart Water Resource District.

Developer Agreement Lower Heart Water Recourse District: Developer's agreement is in place outlining the criteria for development and future use/maintenance in regard to the overall community and also the Levee system. The agreement is to remain in effect and all conditions and criteria to follow the chain of title/deeds. Covenants and HOA documents to reflect the criteria outlined in the Development Agreement.

Overall Density: Overall density upon buildout for residential units/area shall be no greater than 4 units per gross acre.

Shores 3rd Addition: Shall be platted as a single block limited to CB or lower. Occupied residential use shall not be allowed until such a time a tertiary access and right of way is granted from the south end of the property to Lakewood Drive SE. Any development of this area shall be subject the City of Mandan review and site plan approval process.

Finished Floor Elevations: Building foundation height shall be set at a minimum of 2' higher than the curb and shall conform to the City of Mandan Code.

Capital Improvement & Maintenance Fund: A capital improvement fund shall be created to provide future reserves for any and all capital improvements needed by the HOA for repairs and maintenance to the Private Community Parks, the Pond, and also for other community enhancements, maintenance, and/or repairs that should arise. The fund will be created by an initial transfer fee of \$500 per home sold/closed to 3rd parties (home buyers), with subsequent transfer fees of 0.5% of the sale price per home re-sold and closed.

CBU for Postal Service: Cluster boxes will be used to facilitate mail delivery. The developer shall install cluster mailboxes to serve the development by the United State Postal Services (USPS) and other private carriers. The location of the cluster mailbox(s) shall meet the requirements of the City and USPS and be approved at each phase of development.

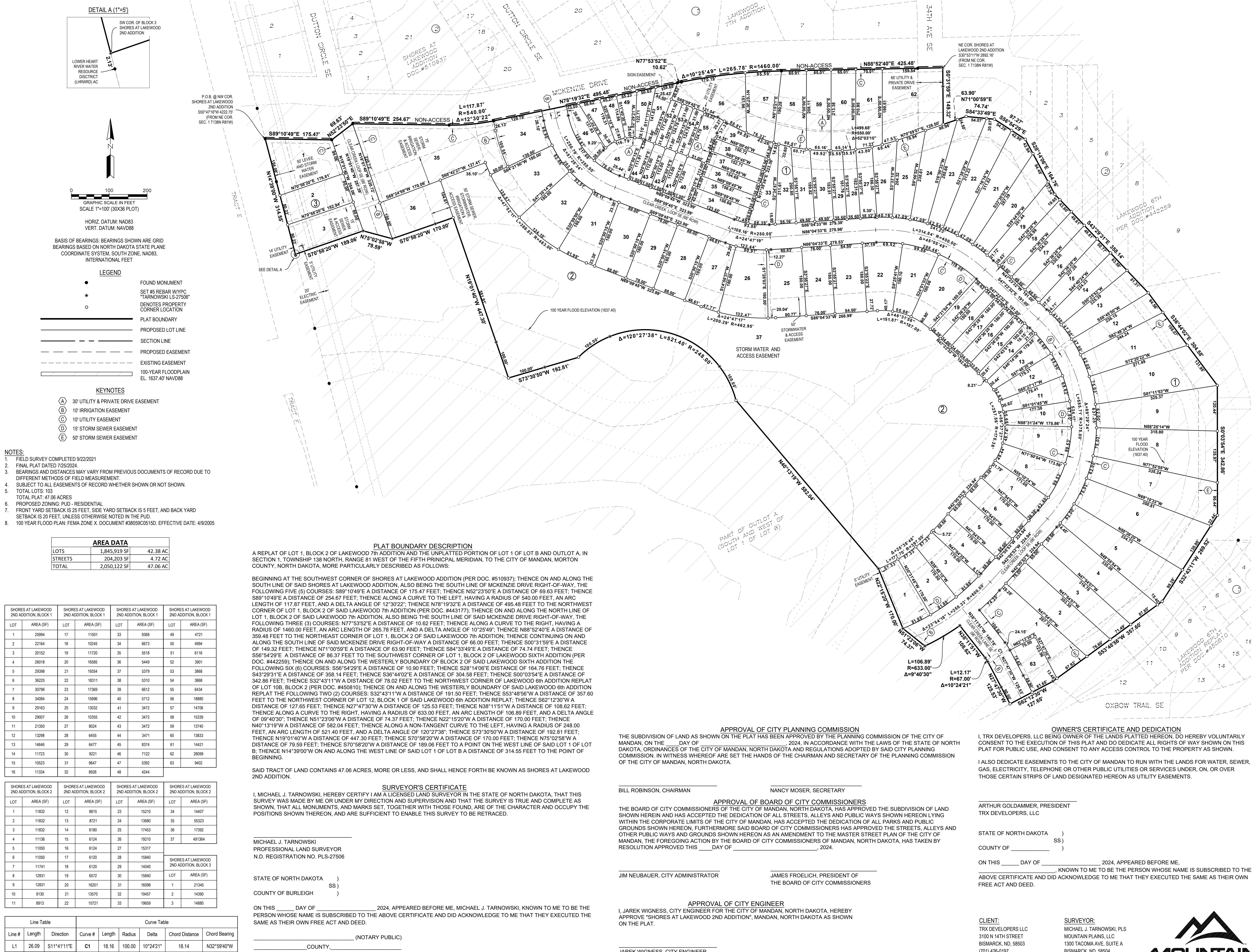
Pond Water Quality: Two to three aeration fountains to be installed by developer and maintained by the HOA to ensure water quality throughout the summer season and to mitigate algae growth and mosquito breeding habitat.

Community Irrigation Master System: One to two irrigation pumps and main line supply lines to be installed by developer and maintained by the HOA to provide landscaping irrigation for the Community and Residents for lots in Shores 2nd, 3rd, and 4th Additions. City water supply will provide irrigation needs for the residents of Shores Addition, north of McKenzie Drive, through dedicated meter pits.

SHORES AT LAKEWOOD 2ND ADDITION

TO THE CITY OF MANDAN

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



***DRAFT* ORDINANCE NO. 14XX**

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

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

WHEREAS, Adjacent properties to the north and south are zoned A – Agriculture, to the east zoned R7 – Residential and RM – Residential, to the south zoned A – Agriculture and the west A – Agriculture. The Planned Unit Development District would be appropriate; and

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

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

Subsection 1: Establishment of Planned Unit Development (PUD)

The area known as Shores at Lakewood 2nd Addition, located within Section 1, Township 139N, Range 81W in City of Mandan, Morton County, North Dakota, shall be excluded from the A (Agricultural District) and included in a PUD (Planned Unit Development) District with the following conditions and restrictions:

Section 2: Zoning Districts and Applicable Areas

a. **PUD based in R7 Residential** shall be applied to:

- Lots 2-11 and 56-63, Block 1
- Lots 1-12 and 20-35, and Lot 37, Block 2
- Lots 1-3, Block 3

b. **PUD based in R3.2 Residential** shall be applied to:

- Lots 12-55, Block 1
- Lots 13-19, Block 2

AS 8/20/2024

c. **PUD based in RM Residential** shall be applied to:

- Lot 1, Block 1
- Lot 36, Block 2

Section 3: Housing Types

- a. In the **R7 Residential** areas, housing types are limited to single-family detached homes and designs/styles approved in the original PUD submittal.
- b. In the **R3.2 Residential** areas, housing types are limited to single-family attached homes, up to twin homes and designs/styles approved in the original PUD submittal.
- c. In the **RM Residential** areas, housing types are limited to 3-plex condominiums and designs/styles approved in the amended PUD submittal.

Section 4: Lot Combinations

- a. Lots within the PUD may be combined subject to City of Mandan platting requirements and utility policies.
- b. If lots identified as R3.2 or RM are combined subject to the above rules, the regulations of the R7 zoning district shall apply.

Section 5: Residential Lot Setbacks

- a. Front Yard – 25' from Public Street
- b. Street Side Yard (for alley-loaded homes) – 15' from Public Streets
- c. Side Yard – 5'
- d. Street Side Yard (on corner lots) – 15'
- e. Rear Yard – 20'

Section 6: Designated Uses and Amenities

- a. **Lot 56, Block 1** shall be designated as a dog park but be zoned R7 / PUD.
- b. **Lots 35 and 37, Block 2** shall be designated as a stormwater amenity pond but be zoned R7 / PUD.
- c. **Lot 1, Block 1** shall be designated as a City lift station and be zoned R7 / PUD.

Section 7: Monument Markers

- a. Monument markers will be installed along the LHRWRD levee per USACE and LHRWRD standards and agreements.

Section 8: Density Regulations

- a. The overall density for residential units/area shall not exceed 4 units per gross acre.

Section 9: Finished Floor Elevations

- a. All finished floor elevations must be at least 2 feet above the curb elevation.
- b. All home elevations must adhere to the original Shores at Lakewood PUD narrative and elevations or conform to the amended Mansionettes design standards.

Section 10: Amendments

- a. Any changes to this PUD must follow the PUD amendment process and be clearly outlined and defined.

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

Joe Camisa, Vice President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

August 26, 2024
September 17, 2024
October 1, 2024

VERITY HOMES

PROPOSED MOUNTAIN MODERN 3-PLEX ELEVATIONS

8-5-2024

PHASE 1

VERSION I

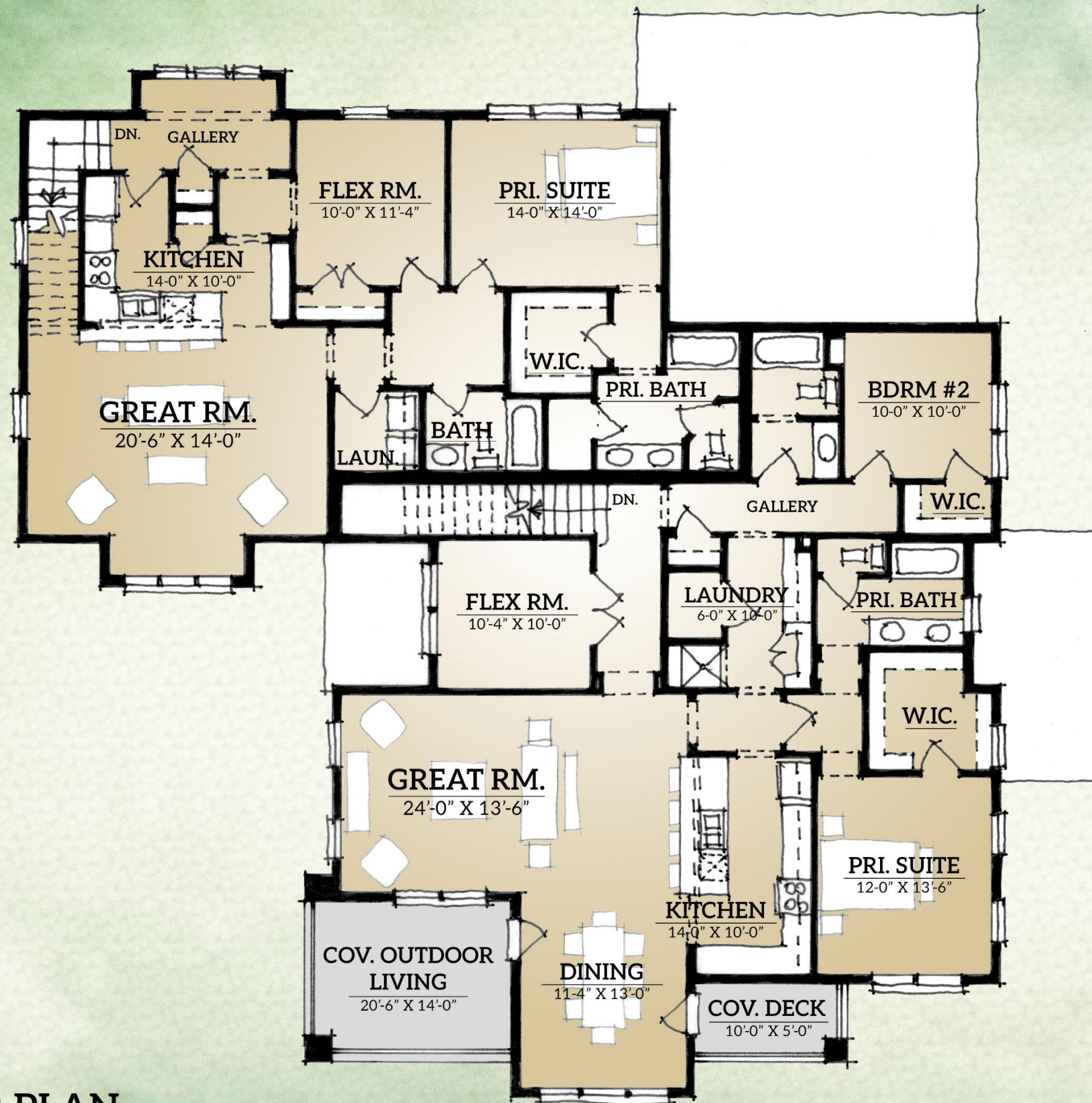
PHASE 2 APPROXIMATE 60 DAYS ONCE APPROVED





FIRST FLOOR PLAN

UNIT 1 - 1 BED + 1 FLEX - 1418 S.F.
UNIT 2 - 2 BED + 1 FLEX - 1670 S.F.
UNIT 3 - 2 BED + 1 FLEX - 1533 S.F.



SECOND FLOOR PLAN



PROPOSED FRONT ELEVATION

ROOF LINES MAY VARY ONCE IN CONSTRUCTION DRAWINGS



PROPOSED LEFT ELEVATION

ROOF LINES MAY VARY ONCE IN CONSTRUCTION DRAWINGS



PROPOSED RIGHT ELEVATION

ROOF LINES MAY VARY ONCE IN CONSTRUCTION DRAWINGS



PROPOSED REAR ELEVATION

ROOF LINES MAY VARY ONCE IN CONSTRUCTION DRAWINGS

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

WHEREAS, the owners of the properties located in Lakewood Sixth Addition in Section 1, Township 138N, Range 81 W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota have requested that a portion of McKenzie Drive SE right-of-way, as further described in the attached exhibit, be vacated; and

WHEREAS, the subject property was not fully constructed; and

WHEREAS, the City of Mandan has no plans to construct public infrastructure at this location and deems this portion of the right-of-way unnecessary; and

WHEREAS, the required public notices were published for four consecutive weeks on May 10, 17, 24 and 31, 2024.

WHEREAS, the required public hearing was conducted by the Board of City Commissioners on June 4, 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 June 4, 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: May 10, 17, 24, and 31, 2024
Public Hearing: June 4, 2024
Final Passage: June 4, 2024



Zoning and Future Land Use Reference Map

Shores at Lakewood 2nd ROW Vacation

Zoning Map Key

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

Zoning



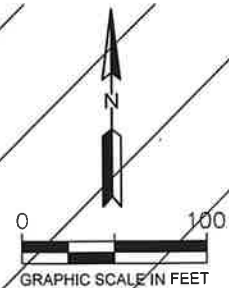
Future Land Use Plan Key

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

Future Land Use Plan

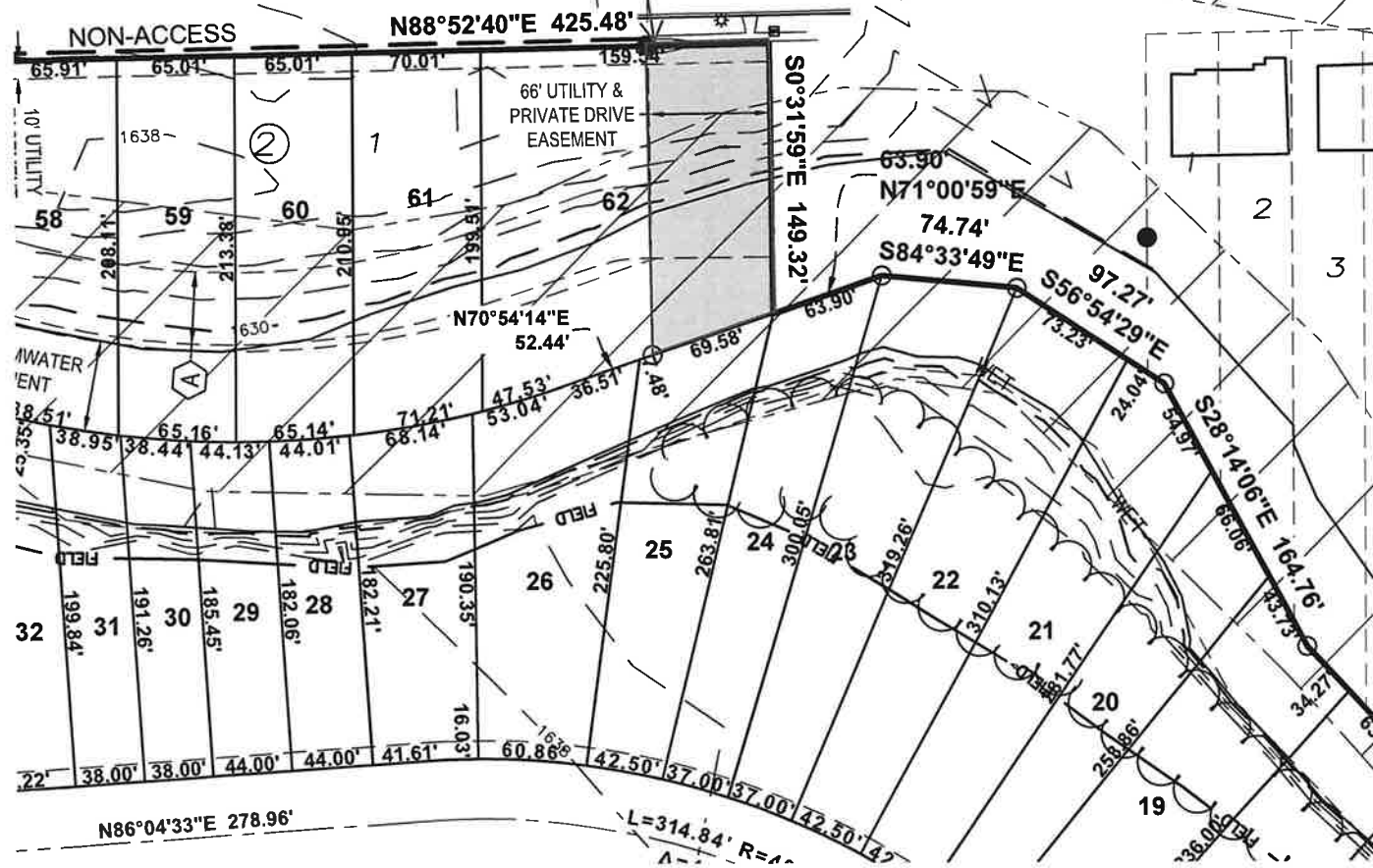


1000
ADDITION



VACATE 66' OF CITY OF MANDAN
RIGHT-OF-WAY TO BE USED BY
DEVELOPER FOR PRIVATE DRIVE
CONNECTION.

THIS EXHIBIT IS FOR VISUAL
REPRESENTATION ONLY TO SHOW
THE PROPOSED AREA TO BE VACATED
ON MCKENZIE DR SE FOR SHORES AT
LAKEWOOD 2ND ADDITION.



SHORES AT LAKEWOOD VACATE RIGHT OF WAY EXHIBIT



NO.	DATE	DESCRIPTION	DATE:	SHEET NO:
			April 24, 2024	1
			PROJECT NO:	SHEET TITLE:
			20.003672	EXHIBIT A
			DRWN BY:	
			NWN	
			APPD BY:	



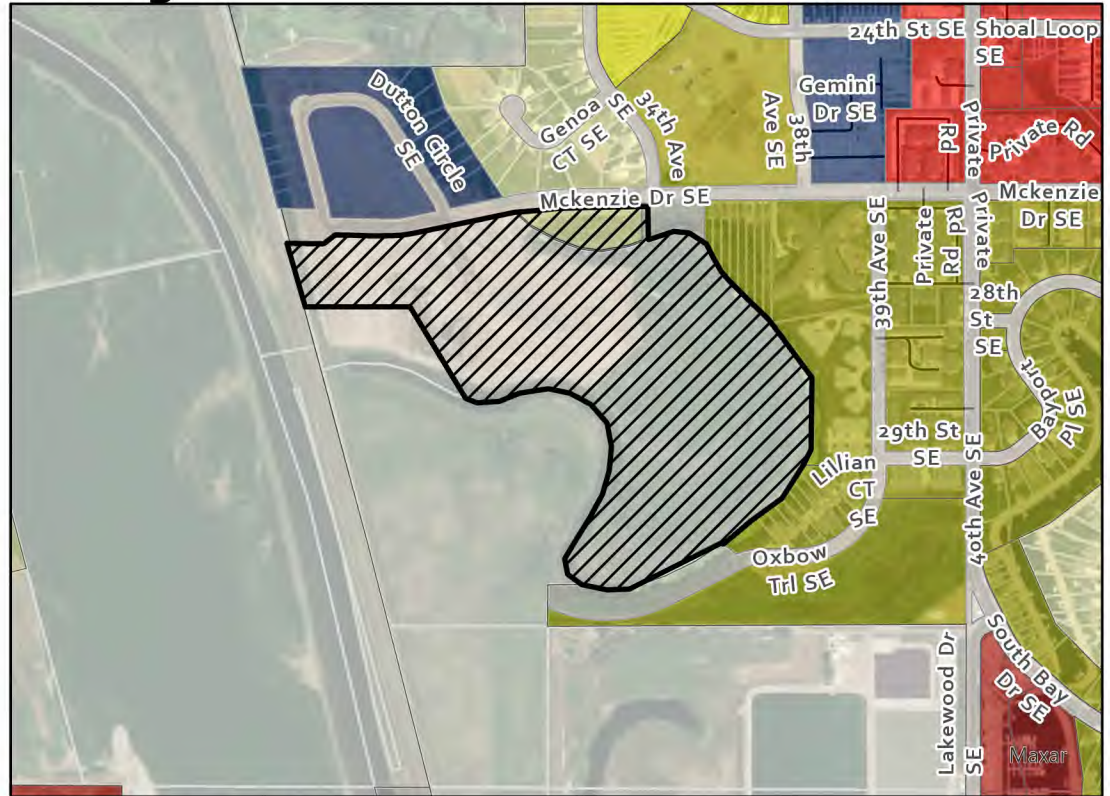
Zoning and Future Land Use Reference Map

Shores at Lakewood 2nd Addition

Zoning

Zoning Map Key

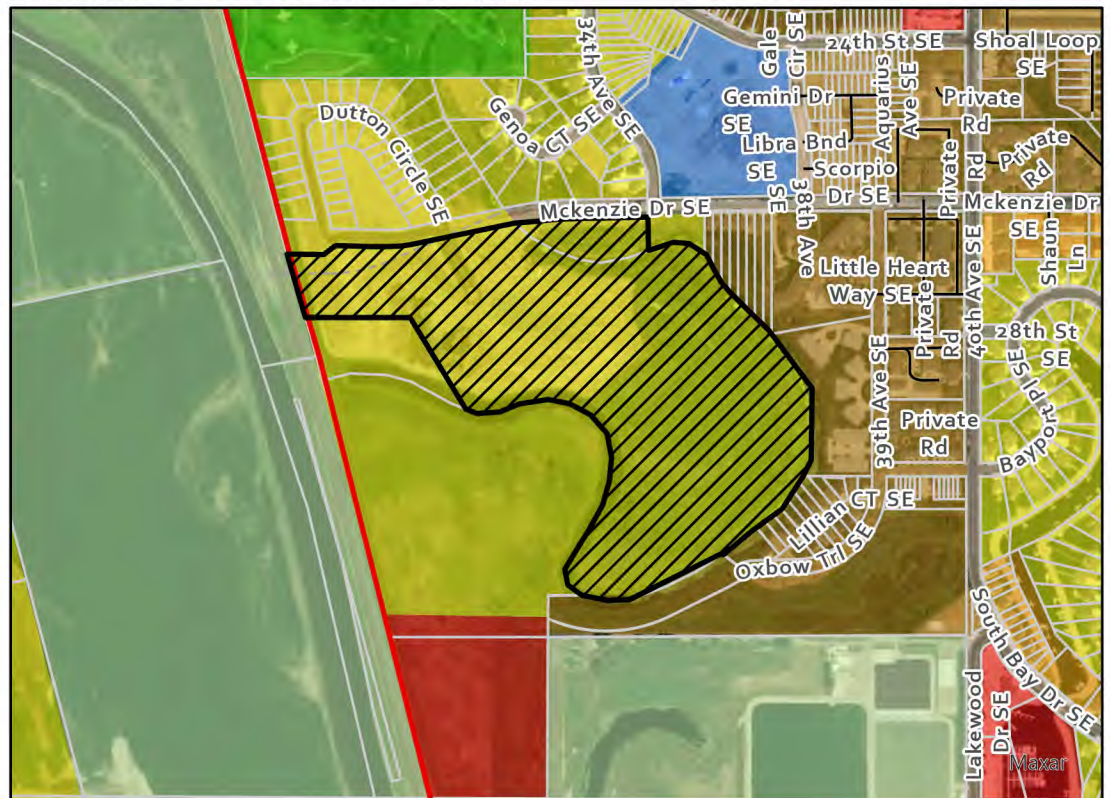
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light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



Future Land Use Plan Key

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

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: August 30, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Consider approval for the Mandan Police Department to close the 200 block of 1st Ave NW on Thursday, October 31, 2024, from 3:30PM through 6:30PM.

STATEMENT/PURPOSE:

Consider approval for the Mandan Police Department to close the 200 block of 1st Ave NW on Thursday, October 31, 2024, from 3:30PM through 6:30PM.

BACKGROUND/ALTERNATIVES:

Mandan Police Department hosts a trunk or treat annually on Halloween. The event is held on October 31, 2024, from 4:00pm to 6:30pm. Local first responders, agencies and businesses attend and hand out candy and treats to the public. The event is held in front of the Law Enforcement Center and requires the street to be closed off to traffic.

ATTACHMENTS:

1. Trunk or Treat 2024

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

I recommend approving the Mandan Police Department closing the 200 block of 1st Ave NW on Thursday, October 31, 2024, from 3:30pm through 6:30.

City Commission

Agenda Documentation

September 17, 2024

Subject: Consider approval for the Mandan Police Department to close the 200 block of 1st Ave NW on Thursday, October 31, 2024, from 3:30-6:30 p.m.

Page 2 of 2

SUGGESTED MOTION:

I move to approve the Mandan Police Department closing the 200 block of 1st Ave NW on Thursday, October 31, 2024, from 3:30 through 6:30 p.m.

**MANDAN POLICE
MORTON COUNTY SHERIFF**

6TH ANNUAL TRUNK OR TREAT

TUESDAY OCTOBER 31, 2024

4:00PM-6:30PM

**205 1ST AVE NW
MANDAN**

**FIRST RESPONDER VEHICLES
LOCAL AGENCIES
AND AREA BUSINESSES
WILL HAVE THEIR TRUNKS FULL OF
TREATS**

Happy Halloween





City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 6, 2024
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Consider approval of the special event permit for the National Good Neighbor Day celebration

STATEMENT/PURPOSE:

Consider approval of the special event permit for the National Good Neighbor Day celebration

BACKGROUND/ALTERNATIVES:

National Good Neighbor day celebration is an event at Dykshoorn Park put on by the Morton Mandan Public Library. It will include vendors, live music, lawn games and more. All City Departments have reviewed and signed off on this event. See attached special event permit.

ATTACHMENTS:

1. Special Event Permit-National Good Neighbor Day-signed

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

I recommend approving the special event permit for the National Good Neighbor Day

City Commission

Agenda Documentation

September 17, 2024

Subject: Consider approval of the special event permit for the National Good Neighbor Day celebration

Page 2 of 2

celebration.

SUGGESTED MOTION:

I move to approve the special event permit for the National Good Neighbor Day celebration.

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: 9/3/2024

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: Shawna Marion
Driver's License Number: MAR-71-5795 State: _____
Date of Birth: 05/13/1971 Phone Number: 701-450-1810 Email: smarion@mortonmandanlibrary.org
Address: 511 W. Main Street City: Mandan State: _____ 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: 609 W. Main St. City: Mandan State: ND Zip: _____
Corporation/Organization: Morton Mandan Public Library State of Incorporation: _____
Tax ID #: 45-6002118 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: National Good Neighbor Day Date: 9/28/2023
Contact Name: Shawna Marion Phone: 701-450-1810
E-mail Contact: smarion@mortonmandanlibrary.org

Section 2 – Event Information

Event Name: National Good Neighbor Day Anticipated Daily Attendance: 200-300
Event Date(s): 9/28/2024 Set-up Date: 9/28/2024 Hours: 3.5
Hours of event each day: 4-7:30 PM
(begin and end times)
Take Down Date(s): 9/28/2024 Hours: 1
E-Mail address for public information: _____
WEB address for public information: https://mortonmandan.librarycalendar.com/event/national-good-neighbor-celebration-2024-6416
Location of Event/physical address: 511 W. Main St. (Dykshoorn Park)
Sponsors of the Event: MMPL
Brief Description of Event:

Help us celebrate National Good Neighbor Day in Dykshoorn Park with the Morton Mandan Public Library. Just as the mantra states on <https://nationalgoodneighborday.com/> "Good neighbors make great neighbors." Take the time to meet your community, visit local

This includes:

Lawn Games, Artisan vendors, Food/Drink vendors, Community Organizations, Live Music and more...

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? KNDR radio

TV: ☐ Yes ☐ No What Stations? KXNet calendar maybe

Fliers/Posters: ☒ Yes ☐ No How many? 10-15

Press Releases: ☐ Yes ☐ No How many? _____

Newspaper Ads: ☐ Yes ☒ No What publication? _____

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

Name of Promoter and Promotion Company: _____

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

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

Tents or Canopies: ☐ Yes ☒ No

Number of Tents: _____

(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: Hannay or Dylan from Dialectic

Contact phone: (701) 318-1328

Restroom Accommodations: Mens and Womens bathrooms in MMPL (6 stalls and 2 urinals)

Number of required portable toilets: 0

Approved By: _____ Date Approved: _____ Initials: _____

Placement of sanitary toilet facilities must be on site plan.

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

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

Company Contact name: Lana Schmidt Ischmidt@westernplainsph.org
Contact phone: 701.667.3370

Electrical Services/Generators ☐ Yes ☒ No
Generators must be separated from tents by a minimum of 20' and shall be isolated from contact by fencing or other approved means.

Company Contact name: _____
Contact phone: _____
Approved By: _____ **Date Approved:** _____ **Initials:** _____

Carnival/Amusement Rides ☐ Yes ☒ No
A separate permit from the Fire Department may be required.

Company Contact name: _____
Contact phone: _____
Bonded and Insured Amount: _____
Approved By: _____ **Date Approved:** _____ **Initials:** _____

Signs / Banners ☐ Yes ☒ No

Company Contact name: _____
Contact phone: _____
Approved By: _____ **Date Approved:** _____ **Initials:** _____

Inflatables ☐ Yes ☒ No

Company Contact name: _____
Contact phone: _____
Bonded and Insured Amount: _____
Approved By: _____ **Date Approved:** _____ **Initials:** _____

Raffles

Will this event have a raffle? ☐ Yes ☒ No

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

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

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

Section 4 – Transportation

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

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

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

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

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

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

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

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

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

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

Approved By: _____ **Date Approved:** _____ **Initials:** _____
(Section 4 must be approved by Mandan City Engineer, and be approved by the City Commission before the event)

Section 5 – Use of City Utilities

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

Electric Location including amperage _____

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

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

Water Location(s) _____

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

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

If so, how will it be disposed? _____

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

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

Section 6 – Alcohol

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

Will alcohol be given away? ☐ Yes ☒ No

Will the alcohol be sold? ☒ Yes ☐ No

Will the alcohol be donated? ☐ Yes ☒ No

Who is the alcohol being donated by or purchased through: Dialectic Brewing and Ciderhouse

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?

Dialectic will be carding individuals who are purchasing. Wristbands will be given to identify those that are 21+

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

If yes, who provided the training: _____

Date and time of most recent training: _____

Request Mandan Police Server Training: ☐ Yes ☐ No

If yes provide a contact person and contact information::

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

Section 7 – Event Security

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

Number of personnel requested: _____

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

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

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

Are you requesting private security? ☒ Yes ☐ No

Number of security personnel onsite: _____

Include security points and duties on event plans

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

Security Company and Contact Info: BisMan Security brandon.bms@midconetwork.com, (701) 223-2328

Attach a copy of Company's License

Section 8 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

between MMPL staff and our maintenance man trash cans within the park will be disposed of

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: _____

Contact Name: _____ Phone: _____

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

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

Section 9 – 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 10– 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 (Sep 6, 2024 09:01 CDT)	<u>09/06/2024</u> Date	☒ Approved	☐ Denied	☐ Conditional—See Narrative
Fire Department				
<u>Patrick Haug</u> Patrick Haug (Sep 6, 2024 09:10 CDT)	<u>09/06/2024</u> Date	☒ Approved	☐ Denied	☐ Conditional—See Narrative
Police Department				
<u>Jack Wynn</u> Jack Wynn (Sep 6, 2024 09:10 CDT)	<u>09/06/2024</u> Date	☒ Approved	☐ Denied	☐ Conditional—See Narrative
Engineering Department				
<u>Brian Dirk</u> Brian Dirk (Sep 6, 2024 10:31 CDT)	<u>09/06/2024</u> Date	☒ Approved	☐ Denied	☐ Conditional—See Narrative
Public Works				

Fire Department Narrative:

N/A

Police Department Narrative:

N/A

Engineering Narrative:

No additional comments

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

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.

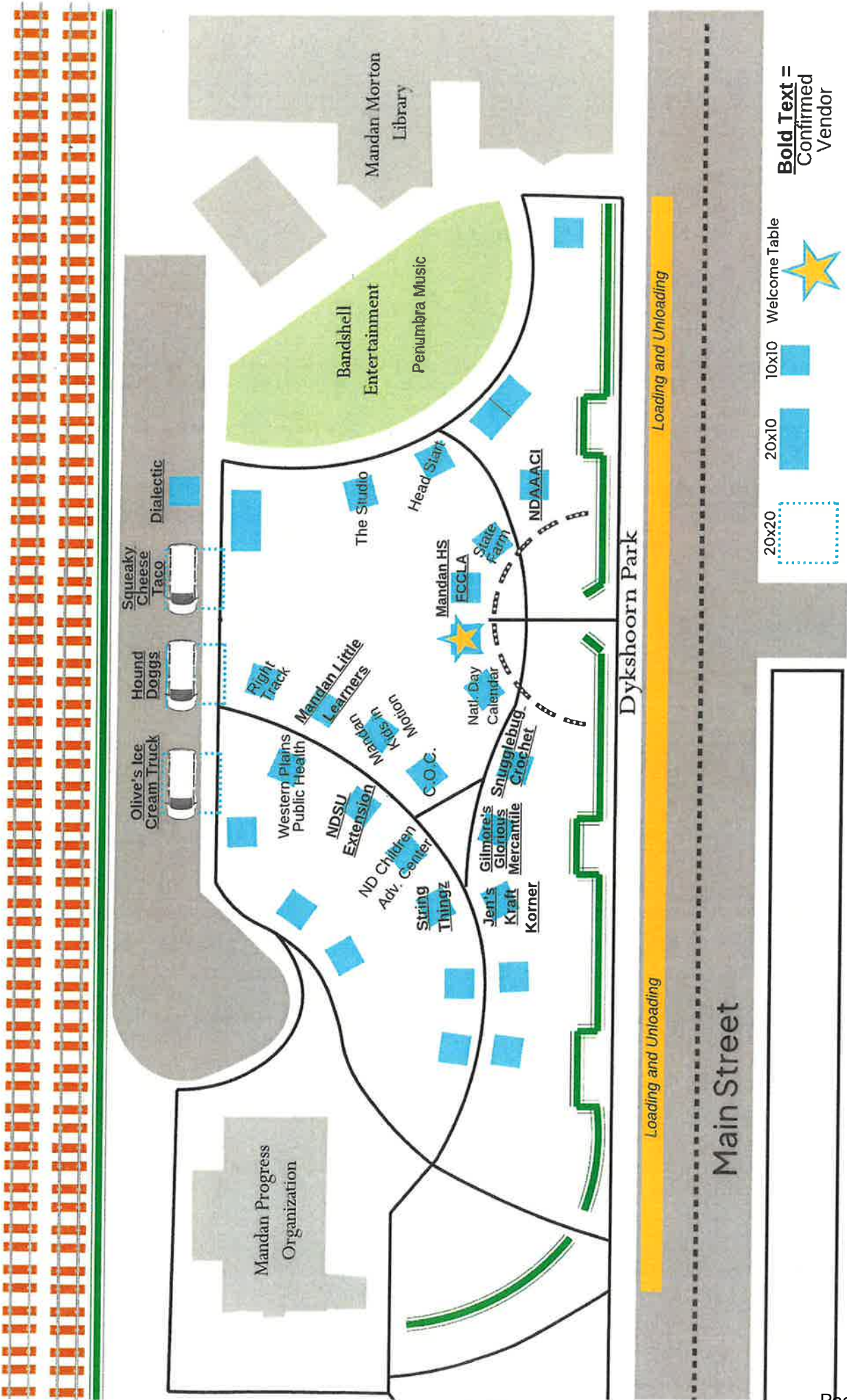
The parade chairperson or other person heading or leading such activity shall carry the parade permit upon their person during the conduct of the parade.

(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)



Re: National Good Neighbor Day event details needed for Special Permit App.

Dialectic Brewing Company <dialecticbeer@gmail.com>

Wed 9/4/2024 4:04 PM

To:Shawna Marion <smarion@mortonmandanlibrary.org>

Yes, servers have been previously trained on alcoholic beverage serving. Jake's last server training was 2012 by the City of West Fargo. Hannah and Dylan have previous server training as well, but Hannah is renewing hers this month as well.

As far as permits/licenses, which permit are you looking for?

Mandan License is BWO #9

State License is 07028 and 20018

I'm not sure about our special event permit for this specific event because I have not heard back from the city yet.

Thanks!

Jake Schafer

Sent from my iPad

On Sep 3, 2024, at 10:19 AM, Shawna Marion <smarion@mortonmandanlibrary.org> wrote:

Hello- we are now less than a month away and our city application must be in by Thursday 9/5. Some of the questions required to respond to are below.

<image.png>

Would you mind letting me know the information by Wednesday? Also, I will need to include your permit again like last year.

Thank you, Hannah and Dylan, for participating again with us this year! We are so excited to generate more enthusiasm and excitement for this annual celebration of community!

Respectfully,

Shawna Marion

Community Engagement Coordinator

Morton Mandan Public Library

609 West Main Street

Mandan, ND 58554

Direct 701-450-1810 | Main 701-667-5365

"Reading is the magic key, to take you where you want to be." -Alice in Bibleland

Special Event Permit-National Good Neighbor Day

Final Audit Report

2024-09-06

Created:	2024-09-06
By:	Tasha Scott (tasha.scott@mandanpd.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAa2oWwww_h6bbg-eCo2RJf1bxZ1odhVQmu

"Special Event Permit-National Good Neighbor Day" History

-  Document created by Tasha Scott (tasha.scott@mandanpd.com)
2024-09-06 - 1:56:51 PM GMT
-  Document emailed to Pat Haug (phaug@mandanpd.com) for signature
2024-09-06 - 1:56:58 PM GMT
-  Document emailed to Brian Dirk (brian.dirk@cityofmandan.com) for signature
2024-09-06 - 1:56:58 PM GMT
-  Document emailed to Mitch Bitz (mbitz@cityofmandan.com) for signature
2024-09-06 - 1:56:58 PM GMT
-  Document emailed to Jarek Wigness (jarek.wigness@cityofmandan.com) for signature
2024-09-06 - 1:56:58 PM GMT
-  Email viewed by Mitch Bitz (mbitz@cityofmandan.com)
2024-09-06 - 2:00:16 PM GMT
-  Email viewed by Jarek Wigness (jarek.wigness@cityofmandan.com)
2024-09-06 - 2:01:26 PM GMT
-  Signer Mitch Bitz (mbitz@cityofmandan.com) entered name at signing as Mitch L. Bitz
2024-09-06 - 2:01:44 PM GMT
-  Document e-signed by Mitch L. Bitz (mbitz@cityofmandan.com)
Signature Date: 2024-09-06 - 2:01:46 PM GMT - Time Source: server
-  Document e-signed by Jarek Wigness (jarek.wigness@cityofmandan.com)
Signature Date: 2024-09-06 - 2:03:27 PM GMT - Time Source: server

 Email viewed by Pat Haug (phaug@mandanpd.com)

2024-09-06 - 2:09:29 PM GMT

 Signer Pat Haug (phaug@mandanpd.com) entered name at signing as Patrick Haug

2024-09-06 - 2:10:20 PM GMT

 Document e-signed by Patrick Haug (phaug@mandanpd.com)

Signature Date: 2024-09-06 - 2:10:22 PM GMT - Time Source: server

 Email viewed by Brian Dirk (brian.dirk@cityofmandan.com)

2024-09-06 - 3:29:04 PM GMT

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

Signature Date: 2024-09-06 - 3:31:34 PM GMT - Time Source: server

 Agreement completed.

2024-09-06 - 3:31:34 PM GMT





City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: August 29, 2024
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatements for Benjamin Pulkrabek, 1102 2nd Ave NW

STATEMENT/PURPOSE:

To consider corrections to the 2022, 2023 and 2024 full & true values for property located at 1102 2nd Ave NW. The corrections correct the square footage of home and garage.

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-5460000 with a legal description of Lot 10 & 10' vac Alley Block 3 Zachmeier's.

ATTACHMENTS:

1. 2022 PULKRABEK ABATEMENT - SIGNED_Redacted
2. 2023 PULKRABEK ABATEMENT - SIGNED_Redacted
3. 2024 PULKRABEK ABATEMENT - SIGNED_Redacted

FISCAL IMPACT:

2022 All taxing entities = \$408.67, City Share = \$92.22
2023 All taxing entities = \$508.37, City Share = \$128.54
2024 All taxing entities = \$518.48, City Share = \$131.10

STAFF IMPACT:

NA

LEGAL REVIEW:

Submitted for review to City Attorney Oster

RECOMMENDATION:

I recommend a motion to recommend approval to the Morton County Commission of the 2022, 2023 and 2024 Abatement Applications for Benjamin Pulkrabek at 1102 2nd Ave NW as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2022, 2023 and 2024 Abatement Applications for Benjamin Pulkrabek at 1102 2nd Ave NW as presented.

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of MORTON

Property I.D. No. 65-5460000

Name PULKRABEK/BENJAMIN C

Telephone No. [REDACTED]

Address 1102 2ND AVE NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 10 & 10' VAC ALLEY BLOCK 3 ZACHMEIER'S

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

Land \$ 35,000

Improvements \$ 190,700

Total \$ 225,700

(1)

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

Land \$ 35,000

Improvements \$ 159,100

Total \$ 194,100

(2)

The difference of \$ 31,600.00 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- ☐ 2. Residential or commercial property's true and full value exceeds the market value
- ☒ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☐ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☐ 10. Other (explain) _____

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ _____ Date of purchase: _____
Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
Was there personal property involved in the purchase price? _____ yes/no Estimated value: \$ _____
2. Has the property been offered for sale on the open market? _____ yes/no If yes, how long? _____
Asking price: \$ _____ Terms of sale: _____
3. The property was independently appraised: _____ yes/no Purpose of appraisal: _____
Market value estimate: \$ _____
Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is \$ _____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that SQ FOOT OF HOUSE AND GARAGE WERE WRONG

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant Benjamin C Pulkrabek

Date 8/29/2024

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

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

Dated this _____ day of _____

City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____

County Auditor

Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

Application For Abatement Or Refund Of Taxes

Name of Applicant

County Auditor's File No.

Date Application Was Filed
With The County Auditor

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of MORTON

Property I.D. No. 65-5460000

Name PULKRABEK/BENJAMIN C

Telephone No. [REDACTED]

Address 1102 2ND AVE NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 10 & 10' VAC ALLEY BLOCK 3 ZACHMEIER'S

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

Land \$ 35,000
Improvements \$ 212,000
Total \$ 247,000
(1)

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

Land \$ 35,000
Improvements \$ 171,800
Total \$ 206,800
(2)

The difference of \$ 40,200.00 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- ☐ 2. Residential or commercial property's true and full value exceeds the market value
- ☒ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☐ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☐ 10. Other (explain) _____

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ _____ Date of purchase: _____
Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
yes/no
2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
yes/no
Asking price: \$ _____ Terms of sale: _____
3. The property was independently appraised: _____ Purpose of appraisal: _____
yes/no
Market value estimate: \$ _____
Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is \$ _____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that sq footage of home and garage incorrect

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant)

Date

Benjamin C. Pulkrabek
Signature of Applicant

9/29/2024
Date

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of MORTON

Property I.D. No. 65-5460000

Name PULKRABEK/BENJAMIN C

Telephone No. [REDACTED]

Address 1102 2ND AVE NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 10 & 10' VAC ALLEY BLOCK 3 ZACHMEIER'S

Total true and full value of the property described above for the year 2024 is:

Land \$ 40,000
Improvements \$ 222,800
Total \$ 262,800
(1)

Total true and full value of the property described above for the year 2024 should be:

Land \$ 40,000
Improvements \$ 181,800
Total \$ 221,800
(2)

The difference of \$ 41,000.00 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- ☐ 2. Residential or commercial property's true and full value exceeds the market value
- ☒ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☐ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☐ 10. Other (explain)

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ _____ Date of purchase: _____
Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
Was there personal property involved in the purchase price? _____ yes/no _____ Estimated value: \$ _____
2. Has the property been offered for sale on the open market? _____ yes/no _____ If yes, how long? _____
Asking price: \$ _____ Terms of sale: _____
3. The property was independently appraised: _____ yes/no _____ Purpose of appraisal: _____
Market value estimate: \$ _____
Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is \$ _____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that SQ FT OF HOUSE AND GARAGE WRONG

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 6, 2024
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: 2023 and 2024 Abatements for Randolph Burke at 2910 Marina Rd Se

STATEMENT/PURPOSE:

To consider corrections to the 2023 and 2024 true and full values for property located at 2910 Marina Rd SE. The corrections correct the square footage of home.

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-4783000 with a legal description of Lot 1 Block 1 Shoreline.

ATTACHMENTS:

1. abatement forms

FISCAL IMPACT:

2023 All taxing entities = \$280.74, City Share = \$63.87
2024 All taxing entities = \$228.33, City Share = \$65.59

STAFF IMPACT:

NA

LEGAL REVIEW:

To be reviewed by Attorney Oster.

RECOMMENDATION:

I recommend a motion to recommend approval to the Morton County Commission of the 2023 and 2024 Abatement Applications for Randolph Burke at 2910 Marina Rd SE as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2023 and 2024 Abatement Applications for Randolph Burke at 2910 Marina Rd SE as presented.

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of MORTON

Property I.D. No. 65-4783000

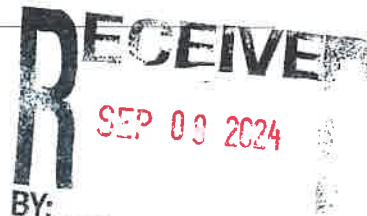
Name BURKE/RANDOLPH B

Telephone No. [REDACTED]

Address 2910 MARINA RD SE, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 1 BLOCK 1 SHORELINE



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

Land \$ 166,500
Improvements \$ 369,600
Total \$ 536,100
(1)

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

Land \$ 166,500
Improvements \$ 347,400
Total \$ 513,900
(2)

The difference of \$ 22,200.00 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- ☐ 2. Residential or commercial property's true and full value exceeds the market value
- ☒ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☐ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☐ 10. Other (explain) _____

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ _____ Date of purchase: _____
Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
yes/no
2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
yes/no
Asking price: \$ _____ Terms of sale: _____
3. The property was independently appraised: _____ Purpose of appraisal: _____
yes/no
Market value estimate: \$ _____
Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is \$ _____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that APPROVE VALUE CHANGE

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant)

9/6/2024 Randolph B Burke 9/6/2024
Date Signature of Applicant Date

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of MORTON

Property I.D. No. 65-4783000

Name BURKE/RANDOLPH B

Telephone No. [REDACTED]

Address 2910 MARINA RD SE, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 1 BLOCK 1 SHORELINE

Total true and full value of the property described above for the year 2024 is:

Land \$ 180,000
Improvements \$ 378,300
Total \$ 558,300
(1)

Total true and full value of the property described above for the year 2024 should be:

Land \$ 180,000
Improvements \$ 355,500
Total \$ 535,500
(2)

The difference of \$ 22,800.00 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- ☐ 2. Residential or commercial property's true and full value exceeds the market value
- ☒ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☐ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☐ 10. Other (explain) _____

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ _____ Date of purchase: _____
Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
yes/no
2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
yes/no
Asking price: \$ _____ Terms of sale: _____
3. The property was independently appraised: _____ Purpose of appraisal: _____
yes/no
Market value estimate: \$ _____
Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is \$ _____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that APPROVE VALUE CHANGE

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 10, 2024
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatement for Kirk and Annette Hoff, 2407 Bayview Ct SE

STATEMENT/PURPOSE:

To consider corrections to the 2024 full & true values for property located at 2407 Bayview Ct SE. The corrections allows for the tax exemption for newly built homes of \$75,000.

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-0182305, with a legal description of Lot 47 Block 1 Bridgeview Bay 1st. Based on the following information, we are recommending the abatement be approved.

- A Certificate of Occupancy was issued on 12/9/2022.
- The Application for Tax Exemption for a Newly Built Home was received on 9/13/2023.
- The deadline for the application was 2/1/2023.
- City staff did not notify the applicant that the application was denied.
- Applicant states that city staff advised him that the exemption would be applied to the 2024 valuation. A member of city staff saw that the application was filed and was unaware that the application should have been denied.

ATTACHMENTS:

1. HOFF ABATEMENT - signed

FISCAL IMPACT:

2024 All taxing entities = \$941.74, City Share = \$214.21

STAFF IMPACT:

NA

LEGAL REVIEW:

Submitted for review to City Attorney Oster

RECOMMENDATION:

I recommend a motion to recommend approval to the Morton County Commission of the 2024 Abatement Applications for Kirk and Annette Hoff at 2407 Bayview Ct SE as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2024 Abatement Applications for Kirk and Annette Hoff at 2407 Bayview Ct SE as presented.



Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of MORTON

Name HOFF/KIRK J & ANNETTE

Address 2407 BAYVIEW CT SE, MANDAN, ND 58554-6353

Assessment District CITY OF MANDAN

Property I.D. No. 65-0182305

Telephone No. _____

Legal description of the property involved in this application:

LOT 47 BLOCK 1 BRIDGEVIEW BAY 1ST

Total true and full value of the property described above for the year <u>2024</u> is:		Total true and full value of the property described above for the year <u>2024</u> should be:	
Land	\$ <u>200,000</u>	Land	\$ <u>200,000</u>
Improvements	\$ <u>391,100</u>	Improvements	\$ <u>316,100</u>
Total	\$ <u>591,100</u>	Total	\$ <u>516,100</u>
	(1)		(2)

The difference of \$ 75,000.00 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- ☐ 2. Residential or commercial property’s true and full value exceeds the market value
- ☐ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☐ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☒ 10. Other (explain) Apply new property tax exemption of \$75,000, form in office

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.

1. Purchase price of property: \$ _____ Date of purchase: _____

Terms: Cash Contract Trade Other (explain) _____

Was there personal property involved in the purchase price? _____ Estimated value: \$ _____

yes/no

2. Has the property been offered for sale on the open market? _____ If yes, how long? _____

yes/no

Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ Purpose of appraisal: _____

yes/no

_____ Market value estimate: \$ _____

Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that Apply new property tax exemption of \$75,000, form in office.

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a governmental matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant)

Date

Kirk J Hoff
Signature of Applicant

9/10/24
Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

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

Dated this _____ day of _____, _____. _____

City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.

Approved/Rejected

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

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

Dated _____, _____

County Auditor

Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

Application For Abatement
Or Refund Of Taxes

Name of Applicant

County Auditor's File No.

Date Application Was Filed
With The County Auditor

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 9, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider request to close 24th Ave SE to make utility connections

STATEMENT/PURPOSE:

To consider approving a full road closure for utility connection work.

BACKGROUND/ALTERNATIVES:

The new Daily Perks Coffee shop (located just west of McDonald's) needs to make water and sanitary sewer connections. In order to complete these connections, a full closure of 24th Avenue SE is required. The closure is anticipated to last 2 days.

There is rodeo activity taking place this weekend, so the recommendation would be to allow this closure after the rodeo events conclude.

City Staff would work with the contractor to approve a traffic control plan and keep the public informed.

ATTACHMENTS:

None

FISCAL IMPACT:

There is no fiscal impact.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

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

RECOMMENDATION:

To allow a full closure of 24th Ave SE for 2-3 days, with the closure beginning after September 22nd.

SUGGESTED MOTION:

I move to approve the full closure of 24th Ave SE for 2 to 3 days, starting after September 22nd.



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 10, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider cost share amendment for the Collins Reservoir Project.

STATEMENT/PURPOSE:

To consider an amendment to our Cost-Share Reimbursement Agreement with the North Dakota State Water Commission (SWC), related to the Collins Avenue Reservoir Project.

BACKGROUND/ALTERNATIVES:

The SWC approved our request for 27% construction funding at their August 8th meeting. This request increases SWC contributions for the Collins Avenue Reservoir Project to \$2.02M.

ATTACHMENTS:

1. Amendment I Mandan Collins Reservoir

FISCAL IMPACT:

Approving the amended Cost-Share Reimbursement Agreement would lower the City's anticipated local cost for the project by \$2.02M, to an estimated \$5.46M. These costs would be paid for through the Utility Fund, and has been accounted for in the 2025 utility base rate adjustment.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

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

RECOMMENDATION:

To approve the Cost Share Agreement amendment.

SUGGESTED MOTION:

I move to approve the Cost-Share Reimbursement Agreement amendment, as presented.

**AMENDMENT I to the
Agreement for Cost-Share Reimbursement
City of Mandan
Collins Reservoir Replacement**

1. Background. In November 2023, the State of North Dakota (State), by and through the State Water Commission (Commission), and the City of Mandan (Sponsor) entered into the Agreement for Cost-Share Reimbursement City of Mandan Collins Reservoir Replacement (Agreement).

2. Intent. The intent of the parties here is to amend the Agreement to provide additional cost-share of up to \$1,926,688 to reimburse 27 percent of the actual eligible costs.

3. Agreement. Commission and Sponsor agree to amend the Agreement as follows:

- a. Replace all of the language in paragraph 2 (“**COMMISSION’S RESPONSIBILITY AND INTENT**”) with the following language:

Commission will provide Sponsor with cost-share, not to exceed \$2,020,108, as approved by Commission on October 12, 2023 (\$93,420) and August 8, 2024 (\$1,926,688), to reimburse 27 percent of actual eligible costs incurred in Sponsor's Collins Reservoir Replacement (Project), contingent on availability of funds and conditions of this agreement. Commission's intent in providing this funding to Sponsor is merely to help Sponsor financially afford Project. Sponsor retains sole and absolute discretion in the manner and means of carrying out Project, except to the extent specified in this agreement.

- b. Replace language in paragraph 3 (“**SPONSOR’S RESPONSIBILITIES**”) subsection e. with the following language:

Comply with all North Dakota laws applicable to Project.

**NORTH DAKOTA STATE WATER
COMMISSION**

By:



ANDREA TRAVNICEK, PH.D.
Secretary

Date: 09/03/2024

CITY OF MANDAN

By:



JAMES FROELICH
Mayor

Date: _____



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 10, 2024
SUBMITTING DEPARTMENT: Mandan Fire Department
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Public Works Director
SUBJECT: Source Capture Exhaust Systems Bid Award

STATEMENT/PURPOSE:

To award a bid for Source Capture Exhaust Systems for Fire Stations 1 and 2 to MagneGrip for the amount of \$86,861.00.

BACKGROUND/ALTERNATIVES:

Recently, the fire department applied for and was awarded a FEMA Assistance to Firefighters Grant (AFG) for the purchase and installation of Source Capture Exhaust Systems for Fire Stations 1 and 2. On 08/06/2024, the city commission voted to accept the award from AFG in the amount of \$88k and allow the fire department to advertise for bids. The city commission also voted to amend the 2024 budget by 20k to cover the 8k local match as well as any unexpected project contingencies.

Bids were advertised as per city procurement policy on 08/16/2024 and again on 08/23/2024 with a bid opening to be held on 09/09/2024 at Fire Station 1. One bid for the project was received by MagneGrip at a base price of \$80,884.00. An option price of \$86,861.00 was also submitted. This option would allow for future expansion of the exhaust system at Fire Station 1. This bid price is below the AFG allotted funding and all bid specifications submitted by MagneGrip are believed to be satisfactory. No alternatives have been identified.

ATTACHMENTS:

1. Bid Bond
2. Certificate of Liability Insurance
3. ISO 9001 Certification
4. Maintenance Capability
5. Pricing
6. State of ND Contractor License
7. Bid Opening

FISCAL IMPACT:

AFG Grant: \$80K (accepted by commission on 08/06/2024)
Local Match and Contingency Funding: \$20k (approved on 08/06/2024)

STAFF IMPACT:

N/A

LEGAL REVIEW:

These documents have been reviewed by Attorney Oster's office.

RECOMMENDATION:

To award the bid for Source Capture Exhaust Systems to MagneGrip for the amount of \$86,861.00.

SUGGESTED MOTION:

I move to award the bid for Source Capture Exhaust Systems to MagneGrip in the amount of \$86,861.00.



ATLANTIC SPECIALTY INSURANCE COMPANY

605 Highway 169 North, Suite 800
Plymouth, Minnesota 55441

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Rossman Enterprises, Inc. dba MagneGrip
11449 Deerfield Road
Cincinnati, OH 45242

OWNER:

(Name, legal status and address)

City of Mandan, The Mandan Fire Department
110 Collins Avenue
Mandan, ND 58554

BOND AMOUNT: 10% Ten Percent of Amount Bid

PROJECT:

(Name, location or address and Project number, if any)

Source Capture Exhaust System

SURETY:

(Name, legal status and principal place of business)

Atlantic Specialty Insurance Company
605 Highway 169 North, Suite 800
Plymouth, Minnesota 55441

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 9th day of September, 2024.

Pamela A. Miller
(Witness)

[Signature]
(Witness)

Rossman Enterprises, Inc. dba MagneGrip
Principal (Seal)
By: [Signature]
(Title)

Atlantic Specialty Insurance Company
By: [Signature]
Nicole A. Laber, Attorney-in-Fact (Title), (Seal)

The language in this document conforms exactly to the language used in AIA Document A310 – Bid Bond 2010 edition.

NICOLE LABER
917 GARFIELD AVE
TROY OH 45373-3168

State of North Dakota				
License No: 3952886	Insurance License		NPN: 3952886	
NICOLE LABER				
Is licensed/authorized to engage in the business of insurance in the State of North Dakota in the capacity stated below:				
LICENSE TYPE	FIRST ACTIVE DATE	LICENSE EXPIRATION DATE	LINES OF AUTHORITY	LOA EFFECTIVE DATE
Insurance Producer	07/22/2024	10/31/2026	Property Casualty	07/22/2024 07/22/2024

This insurance license/authorization shall remain in effect until the expiration date unless suspended, revoked or forfeited. Individual insurance producers and consultants must complete continuing education, renew the license and pay fees as required by North Dakota statutes prior to the expiration date.

For questions regarding a license, contact:
North Dakota Insurance Department
Agent Licensing Division 701-328-2440
or E-mail: ndlicensing@nd.gov

State of North Dakota

License No: 3952886

Insurance License

NPN: 3952886

NICOLE LABER

Is licensed/authorized to engage in the business of insurance in the State of North Dakota in the capacity stated below:

NON-RESIDENT				
LICENSE TYPE	FIRST ACTIVE DATE	LICENSE EXPIRATION DATE	LINES OF AUTHORITY	LOA EFFECTIVE DATE
Insurance Producer	07/22/2024	10/31/2026	Property	07/22/2024
			Casualty	07/22/2024

This insurance license/authorization shall remain in effect until the expiration date unless suspended, revoked or forfeited. Individual insurance producers and consultants must complete continuing education, renew the license and pay fees as required by North Dakota statutes prior to the expiration date.

For questions regarding a license, contact:
North Dakota Insurance Department
Agent Licensing Division 701-328-2440
or E-mail: ndlicensing@nd.gov


Jon Godfread,
Insurance Commissioner



Atlantic Specialty Insurance Company

Period Ended 12/31/2023

Dollars displayed in thousands

Admitted Assets		Liabilities and Surplus	
Investments:		Liabilities	
Bonds	\$ 2,666,141	Loss Reserves	\$ 1,191,377
Preferred Stocks	-	Loss Adjustment Expense Reserves	401,505
Common Stocks	765,847	Total Loss & LAE Reserves	<u>1,592,881</u>
Mortgage Loans	-		
Real Estate	-	Unearned Premium Reserve	806,718
Contract Loans	-	Total Reinsurance Liabilities	45,997
Derivatives	-	Commissions, Other Expenses, and Taxes due	78,425
Cash, Cash Equivalents & Short Term Investments	194,124	Derivatives	-
Other Investments	9,571	Payable to Parent, Subs or Affiliates	810,774
Total Cash & Investments	<u>3,635,684</u>	All Other Liabilities	<u>3,334,795</u>
		Total Liabilities	<u>3,334,795</u>
Premiums and Considerations Due	338,312		
Reinsurance Recoverable	127,403	Capital and Surplus	9,001
Receivable from Parent, Subsidiary or Affiliates	17,691	Common Capital Stock	-
All Other Admitted Assets	93,457	Preferred Capital Stock	-
Total Admitted Assets	<u>4,212,546</u>	Surplus Notes	251,805
		Unassigned Surplus	616,946
		Other Including Gross Contributed	877,751
		Capital & Surplus	<u>4,212,546</u>
		Total Liabilities and C&S	<u>4,212,546</u>

State of Minnesota
County of Hennepin

I, Kara Barrow, Secretary of Atlantic Specialty Insurance Company do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company, on the 31st day of December, 2023, according to the best of my information, knowledge and belief.

Kara Barrow
Secretary

Subscribed and sworn to, before me, a Notary Public of the State of Minnesota on this 19th day of March, 2024.

Kerri Riechers
Notary Public





Power of Attorney

Surety Bond No: Bid Bond

Principal: Rossman Enterprises, Inc. dba MagneGrip
Obligee: City of Mandan, The Mandan Fire Department

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: Nicole A. Laber, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: sixty million dollars (\$60,000,000) and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this fifth day of March, 2020.

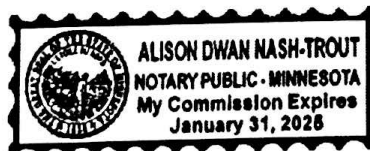


STATE OF MINNESOTA
HENNEPIN COUNTY

By

Paul J. Brehm
Paul J. Brehm, Senior Vice President

On this fifth day of March, 2020, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



Alison Nash-Trout

Notary Public

I, the undersigned, Assistant Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 9th day of September, 2024.



Christopher V. Jerry

Christopher V. Jerry, Secretary



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/27/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Marsh & McLennan Agency LLC Company
6279 Tri-Ridge Blvd Suite 400
Loveland OH 45140

CONTACT NAME: Debra Brummett
PHONE (A/C, No, Ext): 513-707-5011
FAX (A/C, No): 212-948-6453
E-MAIL ADDRESS: Debra.Brummett@marshmma.com

INSURED
CLEAA1C
Rossman Enterprises, Inc.
DBA MagneGrip
11449 Deerfield Road
Cincinnati OH 45242

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Hartford Casualty Insurance Company	29424
INSURER B: Cincinnati Insurance Company	10677
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

COVERAGES**CERTIFICATE NUMBER:** 1050017165**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ PD Ded't: \$250 GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC OTHER:	Y	Y	EPP0636441	12/4/2023	12/4/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☒ HCPD Comp500 ☒ HCPD Coll500 ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS	Y	Y	EPP0636441	12/4/2023	12/4/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ HCPD \$ 60,000
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 0	Y	Y	EPP0636441	12/4/2023	12/4/2024	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
A	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	33WECTA4263	12/4/2023	12/4/2024	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	☒ Leased/Rented Equipment ☒ Employee Dishonesty ☒ Installation Floater			EPP0636441	12/4/2023	12/4/2024	Limit: \$100,000 Limit: \$100,000 Per Loc/Aggregate Ded't \$500 Ded't \$1,000 \$80K/\$80K

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Named Insured Continued: Rossman Enterprises, Inc. MagneGrip Goup DBA: Clean Air Concepts; Rossman Enterprises, LLC DBA: Cleaning Specialists; Rossman Baker Ventures, Inc.

Workers Compensation States Covered: AK, AZ, CO, FL, GA, IN, KY, LA, MI, MO, MS, NE, TN, TX, SC / Ohio Employers Liability Included 1M/1M/1M

Umbrella, Policy EPP0636441, The Cincinnati Insurance Company, Follow Form, Limits: \$5Mil/\$5Mil.
Underlying Policies: GL \$1M/\$2M, Auto \$1M CSL.

*****For Informational Purposes*****

CERTIFICATE HOLDER

Rossman Enterprises, Inc.
DBA MagneGrip
11449 Deerfield Road
Cincinnati OH 45242

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2014 ACORD CORPORATION. All rights reserved.

Certificate of Registration

Rossman Enterprises Inc. dba MagneGrip

11449 Deerfield Rd, Cincinnati, OH 45242, USA

have been assessed and approved to:

ISO 9001:2015

Quality Management System

The approved management system applies to the following scope:

The design, manufacture, assembly, supply, installation and servicing of air cleaning systems.

Original Approval:	27 th November 2007
Current Certificate:	14 th September 2023
Certificate Expiry:	14 th September 2024
Certificate Number:	US2788

Signed: Certification Officer



This certificate remains valid while the holder maintains their administration systems in accordance with the standards and guidelines stated above, which will be audited annually by QAS International. The holder is entitled to display the above registration mark for the duration of this certificate, which should be returned to QAS International upon reasonable request



MAINTENANCE CAPABILITIES - AGREEMENTS

MagneGrip
MagneGrip Manufacturer

MagneGrip is a 41-year-old company that specializes in commercial and industrial air cleaning. In 1991, MagneGrip entered the emergency vehicle exhaust system marketplace (concentrating in Fire and EMS Departments) as a distributor for a competitive manufacturer. In 1995, MagneGrip started manufacturing its MagneGrip source capture exhaust removal system that literally revolutionized the industry. Not only is the MagneGrip a simple less maintenance-oriented system, it was and still is the only totally sealed magnetic system that does not allow backwash of exhaust fume from the nozzle connection. It provides the ultimate protection for the personnel in the station bay area that no one can match.

MagneGrip employs its own service technicians, utilizes some outside contractors, and can utilize in-house Fire Department personnel for all the MagneGrip exhaust system service requirements.

Physical Addresses of Stocking Service Location:

MagneGrip
11449 Deerfield Rd.
Cincinnati, OH 46242

Local Electrician:

For any assistance that may be required for electrical – controls - fan needs.

Warranty/Service Response Time:

MagneGrip has a five (5) year parts and labor warranty. Please see our warranty certificate with the specific breakout located in *Service & Maintenance Section*

Standard office hours are 8am to 5pm. MagneGrip Sales Representatives and Service Representatives are available 24/7 via email, text and cell phone. Response to these contacts avenues is immediate to 24 hours with most service solutions within 48 hours. Online product and training videos are available 24/7.

Service Agreement:

MagneGrip does offer a routine service program available semiannually – annually. The typical service agreement is usually done on an annual basis. Please contact Samuel Broze ,your primary contact, for more information.

Annual System Inspection:

Annual system inspection by MagneGrip Representative is included with the systems for as long as the warranty period is in effect.



DATE: September 3, 2024

PROPOSAL FOR: Mandan Fire Department
110 Collins Avenue
Mandan, ND 58554

ATTENTION: Battalion Chief Shane Weltikol

REF: Source Capture Exhaust Systems

PROJECT SCOPE: Provide and Install a fully automatic MagneGrip® Diesel Exhaust Extraction System for removal of apparatus exhaust emissions from start up to door threshold.

Station 1 Base: Installation of three 30' Sliding Flex Hose Tracks. This option would allow for connection upon parked position if driving through and connection at front door threshold if backing in. **Station 1 Option:** Installation of three 30' Straight Suction Rails. This option would allow for the same connections as Option 1; however, it would allow for future expansion to full drive through rails to connect at back door when driving through. **Station 2 Base:** Installation of 30' Flex Track to capture start up and back in return of apparatus. A 3hp fan has been provided to include future expansion of system.

EQUIPMENT, MATERIAL AND LABOR PRICE:

Station #1 Base:

Three Drop MagneGrip® Source Capture System

Package Includes:

- (3) SFTMPRO-301 **Bays #1-3:** 30' Sliding Flex-Hose Track MagneGrip® PRO with one Hose Drop
- (1) CF363-3 MagneGrip® Exhaust Fan 3HP-3PH rated at 2100 CFM at 6" SP
- (1) 500177-08 Wireless Auto-Start Control Panel 3HP/208-230V/3PH
- (1) 500157-10 10" Up-blast Back Draft Damper Type Rain Cap
- (3) 540558-02 Transmitter, Acutek Auto Start mc

STATION 1 BASE PRICE.....\$49,564.00

Station #1 Option:

Three Drop MagneGrip® Source Capture System

Package Includes:

- (3) SSRMPRO-301 **Bays #1-3:** 30' Straight Suction Rail MagneGrip® PRO with one Hose Drop
- (1) CF363-3 MagneGrip® Exhaust Fan 3HP-3PH rated at 2100 CFM at 6" SP
- (1) 500177-08 Wireless Auto-Start Control Panel 3HP/208-230V/3PH
- (1) 500157-10 10" Up-blast Back Draft Damper Type Rain Cap
- (3) 540558-02 Transmitter, Acutek Auto Start mc

STATION 1 OPTION PRICE.....\$55,541.00



Station #2 Base:

One Drop MagneGrip® Source Capture System

Package Includes:

- (1) SFTMPRO-301 Bay #2: 30' Sliding Flex Hose Track MagneGrip® PRO
- (1) CF363-3 MagneGrip® Exhaust Fan 3HP-3PH rated at 2100 CFM at 6" SP
- (1) 500177-08 Wireless Auto-Start Control Panel 3HP/208-230V/3PH
- (1) 500157-10 10" Up-blast Back Draft Damper Type Rain Cap
- (1) 540558-02 Transmitter, Acutek Auto Start mc

STATION 2 BASE PRICE.....\$31,320.00

- Each Hose Assembly includes a 5" diameter high-temp upper hose section, a 1050 degree extreme high-temp 2' lower hose section with handle, a nozzle that attaches to the tailpipe adapter to contain 100% of exhaust emissions while providing ambient air to reduce exhaust temperatures, a tailpipe adapter assembly that provides easy connection and cool air induction.
- UL/CUL Wireless Auto-Start Control Panel with NEMA 4X enclosure to provide auto start/stop operation with adjustable timer, manual override switch, and wireless capability.
- Electrical wiring from available supply to control panel and exhaust fan, a safety disconnect for fan motor. Subpanels are excluded, if required, and any modifications required to bring service to code are excluded.
- Tailpipe Modifications as required but limited to vehicle tailpipes from the muffler out. Rusted or Damaged Tailpipes are the responsibility of the Fire Department.
- Class 2 Spiral Duct, Fittings, and Hangers
- Adjustable Telescopic Support Legs to hang rail or track systems
- If Required, Wall Penetration for Fan Discharge (see Terms)
- Shipping to Job Site
- Labor & Material to Install Systems
- Start up and Training
- Equipment is 100% American Made by an ISO9001-2015 Company
- Women's Business Enterprise (WBE) Certified
- Women's Owned Small Business (WOSB) Certified

TERMS:

- Upon approval, please submit a signed copy of this proposal and a tax exemption certificate. Projects are invoiced per station upon shipment of equipment. Payment is due upon completion of the project.
- One MagneGrip® Tailpipe Adapter and installation is included with each hose drop assembly. All vehicles that require Tailpipe Adapters must be made available to MagneGrip technicians at the time of system installation. Additional adapters upon request. Call for pricing.
- MagneGrip provides wall penetration only for exhaust duct, if required. Roof penetrations, flashing, curbing and sealing will be at the customer's expense.
- Pricing includes standard permits and business licensing fees, if required. Price does not include any state, sales, or special taxes, engineered stamped drawings or services, seismic engineering, or electrical/structural load calculations.
- Electrical subpanels and modifications required to bring service to code are excluded if required unless otherwise indicated in the proposal.



11449 Deerfield Rd. Cincinnati, OH 45242 | phone: 800-875-5440 | fax: 513-247-2502 | email: info@magnetgrip.com

magnetgrip.com | WBE/WOSB Certified | Made in USA



Please initial option chosen:

__STATION 1 BASE and STATION 2 BASE TOTAL PRICE.....\$80,884.00

__STATION 1 OPTION and STATION 2 BASE TOTAL PRICE.....\$86,861.00

SUBMITTED BY:



Maggie Rossman-Roach

President

Signature: _____

M Rossman

Date: _____

09/03/2024

(Mandan FD ND Bid Proposal 9-3-24)

ACCEPTED BY:

Company: _____

Authorized Signature: _____

Print: _____

Title: _____

PO#, If Required: _____

Date: _____



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State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 000051288

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **Rossman Enterprises, Inc.** whose address is in BLUE ASH, OH, has filed in this office proper documents for a Contractor License valid until March 1, 2025, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

Rossman Enterprises, Inc. is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: August 22, 2024

A handwritten signature in cursive script that reads "Michael Howe".

Michael Howe
Secretary of State

MFD Source Capture Exhaust System Bid Opening 9/9/2024 10:00am

Vendor:
Clearly Marked package:
Envelope w Contractor lic & bid security:
Meet all bid specs:
Base Price:

Moynel was
yes
yes
yes
~~\$80,884.00~~ - option \$86,861.00

Vendor:
Clearly Marked package:
Envelope w Contractor lic & bid security:
Meet all bid specs:
Base Price:

Vendor:
Clearly Marked package:
Envelope w Contractor lic & bid security:
Meet all bid specs:
Base Price:

Fire Chief Signature

9/9/24

Witness Signature

09/09/2024



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 10, 2024
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Public Works Director
SUBJECT: Permission to dispose of obsolete vehicles

STATEMENT/PURPOSE:

Permission to dispose of three obsolete Public Works vehicles.

BACKGROUND/ALTERNATIVES:

The Public Works Department repurposed two vehicles from the Mandan Police Department in the summer of 2024 (2015 Explorer, 2007 Expedition). These Police units are newer than said models Public Works has in their fleet. Public Works would like to auction the two old Public Works vehicles in accordance with City policy. (2004 Chevrolet Tahoe, 1994 Chevrolet S10 Pickup)

Additionally, Public Works is requesting permission to dispose of a vehicle which was involved in a motor vehicle crash in August 2024. Said vehicle (2001 Super Duty w/dump hoist) has been determined to be a total loss by the City's insurance provider. (NDIRF)

If approved, staff will auction the two obsolete vehicles and accept payment from NDIRF on the third vehicle that was determined to be a loss. Public Works would recommend allocating the proceeds from these transactions to offset the replacement of the 2001 Super Duty dump truck. This truck will need to be replaced, and a potential budget amendment will likely be forthcoming.

ATTACHMENTS:

None

FISCAL IMPACT:

Public Works estimates approximately \$15k of revenue from these transactions.

STAFF IMPACT:

Staff will take two vehicles to auction as well as accept NDIRF's payment.

LEGAL REVIEW:

Attorney Oster's office has reviewed this document.

RECOMMENDATION:

To allow Public Works to dispose of three vehicles as presented.

SUGGESTED MOTION:

I move to allow Public Works to dispose of three vehicles as presented.



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 11, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Minor Plat for Zueger Addition

STATEMENT/PURPOSE:

Consider Minor Plat for Zueger Addition

BACKGROUND/ALTERNATIVES:

Ruthe Keller requests consideration of a minor plat for Zueger Addition, a replat of lots 2-5 and part of the vacated alley and street rights of way adjacent to Block 76 of Mandan Proper addition.

The purpose of this request is to remove underlying platted lot lines from parcel which come from the original plat of Mandan in order to clean up the properties title. No changes to lot access or utility service are proposed.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties are zoned DF - Downtown Fringe to the east and south, and R3.2 - Residential to the west and north. The future land use designation for this property is low-density residential.

Additional Information and Public Outreach:

- An application and fee of \$400 was received on August 21. *The application includes a statement in error regarding the proposed use of the property. It is proposed to remain a residential structure.*

Findings of Fact **Minor Plat**

1. All requirements for approval of a minor subdivision plat have been met;

2. The proposed subdivision is generally consistent with the intent and purpose of the zoning ordinance;
3. The proposed subdivision is consistent with the Future Land Use Plan, other adopted plans and policies, as well as accepted planning practice; and
4. The proposed subdivision would not adversely affect public health, safety and general welfare.

ATTACHMENTS:

1. Application
2. Zueger Addition Final Plat updated 9-10-24
3. Location Map - Zueger Addition

FISCAL IMPACT:

N/a

STAFF IMPACT:

N/a

LEGAL REVIEW:

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

RECOMMENDATION:

Planning staff recommends approval of Zueger Addition.

SUGGESTED MOTION:

I move to approve the minor plat for Zueger Addition.

CITY OF MANDAN																																					
Development Review Application																																					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align: center;">☒</td> <td>Minor Plat (\$300)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Preliminary Plat up to 20 acres (\$450)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Preliminary Plat more than 20 acres (\$500)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Final Plat up to 20 lots (\$450)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Final Plat 21 to 40 lots (\$600)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Final Plat more than 40 lots (\$750)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Annexation (\$450)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Masterplanned Subdivision (not accepted without preliminary plat) (\$250)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)</td> </tr> </table>	☒	Minor Plat (\$300)	☐	Preliminary Plat up to 20 acres (\$450)	☐	Preliminary Plat more than 20 acres (\$500)	☐	Final Plat up to 20 lots (\$450)	☐	Final Plat 21 to 40 lots (\$600)	☐	Final Plat more than 40 lots (\$750)	☐	Annexation (\$450)	☐	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	☐	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">☐</td> <td>Zone Change (\$600)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Planned Unit Development (\$700)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Land Use and Transportation Plan Amendment (\$1,000)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Vacation (\$500)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Variance (\$400)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Special Use Permit (\$450)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Stormwater submittal (\$300)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Stormwater 2nd & subsequent resubmittal (\$50)</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Document Recording (\$30)</td> </tr> </table>	☐	Zone Change (\$600)	☐	Planned Unit Development (\$700)	☐	Land Use and Transportation Plan Amendment (\$1,000)	☐	Vacation (\$500)	☐	Variance (\$400)	☐	Special Use Permit (\$450)	☐	Stormwater submittal (\$300)	☐	Stormwater 2 nd & subsequent resubmittal (\$50)	☐	Document Recording (\$30)
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☐	Annexation (\$450)																																				
☐	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)																																				
☐	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)																																				
☐	Zone Change (\$600)																																				
☐	Planned Unit Development (\$700)																																				
☐	Land Use and Transportation Plan Amendment (\$1,000)																																				
☐	Vacation (\$500)																																				
☐	Variance (\$400)																																				
☐	Special Use Permit (\$450)																																				
☐	Stormwater submittal (\$300)																																				
☐	Stormwater 2 nd & subsequent resubmittal (\$50)																																				
☐	Document Recording (\$30)																																				
Summary of Request (Add separate sheet(s) as necessary)																																					
Combine existing lots																																					

Engineer/Surveyor			Property Owner or Applicant		
Name Toman Engineering Co / Andra Marquardt			Name Ruthe Keller		
Address 501 1st St NW			Address PO Box 1045		
City	State	Zip	City	State	Zip
Mandan	ND	58554	Mandan	ND	58554
email			email		
andram@tomanengineering.com			rzkeller@bis.midco.net		
Phone	Fax		Phone	Fax	
701-663-6483	701-663-0923		701-391-6251		
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
				R3.2	No Change	Zueger Addition	
Property Address				Legal Description			
607 1st Ave NW				Lots 2-5 & part of vacated alley			
Current Use				& 1st Ave NW			
Residential				& 1st Ave NW			
Proposed Use				& 1st Ave NW			
Drive-thru coffee shop				Section 27	Township 139 N	Range 81 W	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	
37846 sf							

Print Name <i>Ruthe Keller</i>	Signature <i>Ruthe Keller PR</i>	Date <i>8/20/24</i>
-----------------------------------	-------------------------------------	------------------------

Office Use Only			
Date Received:	Initials: <i>ym</i>	Fees Paid: \$ <i>300</i>	Date <i>8-21-2024</i>
Notice in paper		Mailed to neighbors	
☐ Approved	Approved with conditions:		
☐ Denied			

ZUEGER ADDITION

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

ALL OF LOTS 2-5, A PORTION OF THE E1/2 OF A VACATED ALLEY AND VACATED 1ST AVE NW RIGHT-OF-WAY, BLOCK 76, FIRST NORTHERN PACIFIC ADDITION OF THE NW1/4 OF SECTION 27, T139N-R81W OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF LOTS 2-5, A PORTION OF THE E1/2 OF A VACATED ALLEY AND A VACATED PORTION OF 1ST AVE NW, BLOCK 76, FIRST NORTHERN PACIFIC ADDITION OF THE NW1/4 OF SECTION 27, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2, BLOCK 76, FIRST NORTHERN PACIFIC ADDITION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF 1ST AVE NW; THENCE SOUTH 11°06'56" EAST ALONG SAID WEST RIGHT-OF-WAY LINE FOR 91.94 FEET; THENCE NORTH 79°10'21" EAST FOR 80.11 FEET TO A POINT ON THE BOUNDARY LINE OF COLLINS COURT ADDITION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA; THENCE SOUTH 11°07'25" EAST ALONG SAID WEST BOUNDARY LINE FOR 106.03 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF LOT 5, BLOCK 76 OF SAID FIRST NORTHERN PACIFIC ADDITION EXTENDED EAST; THENCE SOUTH 79°11'44" WEST ALONG SAID SOUTH BOUNDARY LINE FOR 230.42 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE E1/2 OF A VACATED ALLEY; THENCE NORTH 11°00'33" WEST ALONG SAID WEST BOUNDARY LINE FOR 163.38 FEET; THENCE NORTH 79°03'42" EAST FOR 10.01 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID LOT 2; THENCE NORTH 11°00'18" WEST ALONG SAID WEST BOUNDARY LINE FOR 34.33 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 79°06'35" EAST ALONG THE NORTH BOUNDARY LINE OF SAID LOT 2 FOR 139.91 FEET TO THE POINT OF BEGINNING SAID TRACT OF LAND CONTAINING 37,846 SQFT (0.87 ACRES), MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDRA MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT, FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDRA MARQUARDT, RLS 4623

OWNER'S CERTIFICATE OF DEDICATION

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

RUTHE KELLER

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

_____, NOTARY PUBLIC
COUNTY, _____
MY COMMISSION EXPIRES: _____

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION THIS ____ DAY OF ____, 2024.

JIM NEUBAUER -
CITY ADMINISTRATOR

JAMES FROELICH - PRESIDENT OF
THE BOARD OF CITY COMMISSIONERS

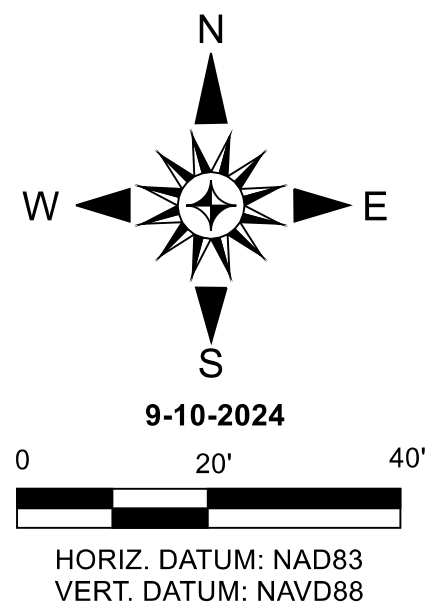
I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVES "ZUEGER ADDITION," OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE

OWNER:
RUTHE KELLER
PO BOX 1045
MANDAN, ND 58554

BASIS OF BEARING:
WEST BOUNDARY LINE LOT 5
NORTH 00° 02' 04" WEST

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. VACATION OF 1ST AVE NW: DOC. #234474
3. VACATION OF ALLEY: DOC #234473



LEGEND	
○	FOUND REBAR MONUMENT
●	SET REBAR MONUMENT

ZUEGER ADDITION



**TOMAN ENGINEERING
COMPANY**

501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923



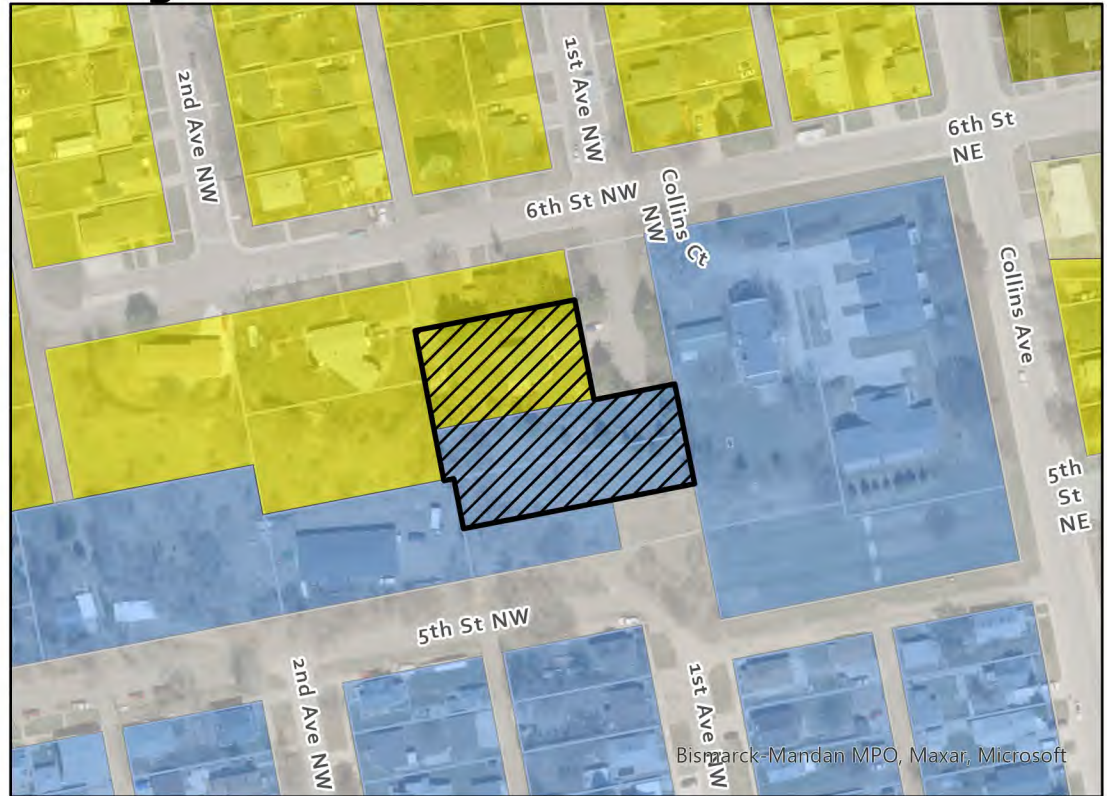
Zoning and Future Land Use Reference Map

Zueger Addition

Zoning

Zoning Map Key

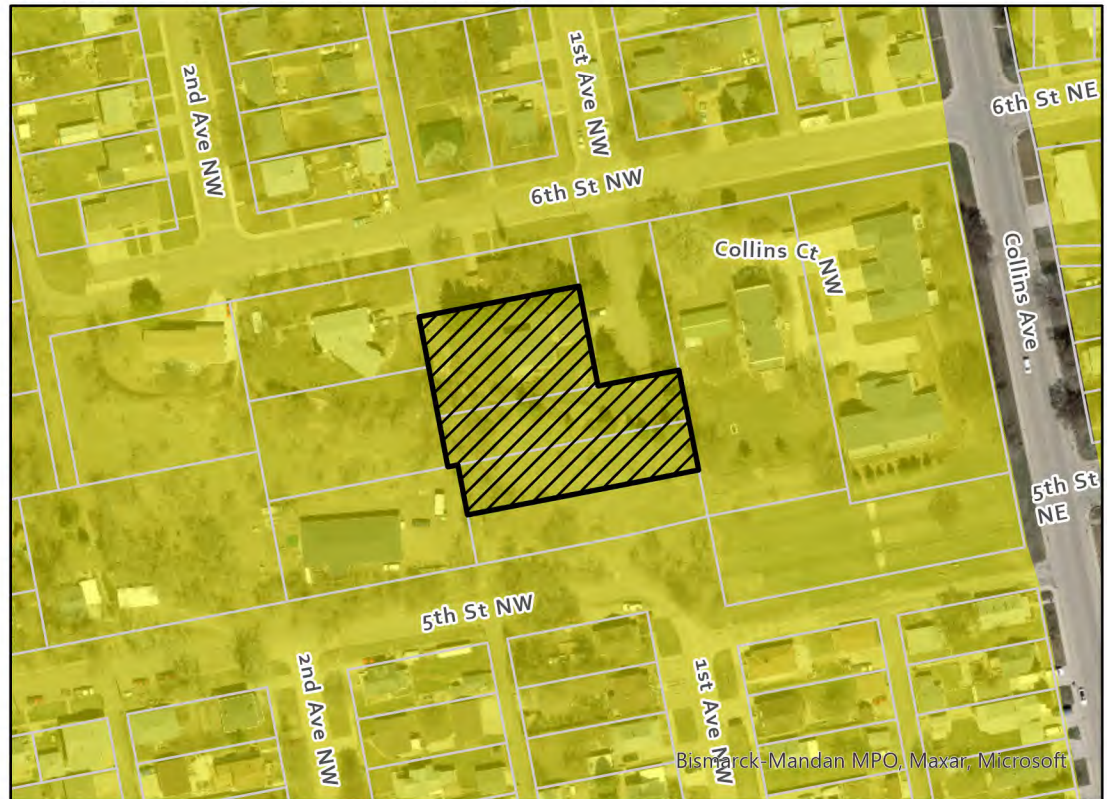
- | | |
|---|---|
| Agriculture - City of Mandan | MD - Heavy Commercial/Heavy Industrial Restricted |
| Agriculture - Morton County | MHS - Trailer Park |
| CA - Neighborhood Commercial | PUD - Planned Unit Development |
| CB - Business Commercial | R3.2 - Residential Single & Two Family |
| CC - Commercial/Light 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 | City Limits |
| | ETA Line |
| | September '24 Planning Activities |



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 |
| September '24 Planning Activities |

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 11, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider gaming site authorization for the North Dakota Friends of the NRA State Fund Committee LLC

STATEMENT/PURPOSE:

Consider a gaming site authorization for North Dakota Friends of the NRA State Fund Committee LLC

BACKGROUND/ALTERNATIVES:

n/a

ATTACHMENTS:

1. NRA Gaming Site Authorization

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

RECOMMENDATION:

I recommend approval of the gaming site authorization for the North Dakota Friends of the NRA State Fund Committee LLC, Sept. 1, 2024 to August 31, 2025.

SUGGESTED MOTION:

I move to approve the gaming site authorization for North Dakota Friends of the NRA State Fund Committee LLC, Sept. 1, 2024 to August 31, 2025.

City Commission

Agenda Documentation

September 17, 2024

Subject: Consider gaming site authorization for the North Dakota Friends of the NRA State Fund
Committee LLC

Page 2 of 2



GAMING SITE AUTHORIZATION

OFFICE OF ATTORNEY GENERAL

SFN 17996 (02/2018)

G - _____ (_____)_____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization North Dakota Friends of NRA State Fund Committee, LLC

The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location Baymont Inn & Suites			
Street 2611 Old Red Trail	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 9/1/24	Ending Date(s) Authorized 8/31/25		Number of twenty-one tables if zero, enter "0": 0
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Around the perimeter of the banquet room			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known 10/25/2024			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
---	---------------------------------

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

☐ Bingo	☐ Club Special	☐ Sports Pools
☐ ELECTRONIC Quick Shot Bingo	☐ Tip Board	☐ Twenty-One
☒ Raffles	☐ Seal Board	☐ Poker
☐ ELECTRONIC 50/50 Raffle	☐ Punchboard	☐ Calcuttas
☐ Pull Tab Jar	☐ Prize Board	☐ Paddlewheels with Tickets
☐ Pull Tab Dispensing Device	☐ Prize Board Dispensing Device	☐ Paddlewheel Table
☐ ELECTRONIC Pull Tab Device		

APPROVALS

Attorney General	Date
Signature of City/County Official <i>Jim Neubauer</i>	Date 9-3-24
PRINT Name and official position of person signing on behalf of city/county above <i>Jim Neubauer, City Administrator</i>	

INSTRUCTIONS:

1. City/County-Retain a **copy** of the Site Authorization for your files.
2. City/County-Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) Baymont By Wyndham		Site Name Baymont Inn and Suites		Site Phone Number 7010-663-7401
Site Address 2811 Old Red Trail	City Mandan	State ND	Zip Code 58554	County Morton
Organization ND Friends of NRA State Fund Committee LLC	Rental Period 10/1/2024 to 9/30/2025			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?				☒ No ☐ Yes
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☒ No ☐ Yes \$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				☒ No ☐ Yes \$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____				☒ No ☐ Yes \$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☐ Standard Dispensing Device				☒ No ☐ Yes \$
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices _____				☒ No ☐ Yes \$
Total Monthly Rent				\$
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☒				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device, and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessors on call or temporary or permanent employee(s) will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor

Title

Date

Signature of Lessee

Date



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 12, 2024
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Consider lane closure request for Collins Avenue at Division Street

STATEMENT/PURPOSE:

To review and consider a lane closure request at the intersection of Collins Avenue and Division Street.

BACKGROUND/ALTERNATIVES:

Montana-Dakota Utilities (MDU) is currently replacing some of their older gas transmission lines in Mandan. In order to complete this work, they have had to make about 500 openings to support their boring operations. One requirement that we have for the project is full-panel concrete replacement where they are removing concrete. At the intersection of Collins and Division, there isn't a way to remove and replace the full concrete panel without closing one lane of traffic. Traffic Safety Services provided a work-zone traffic control plan that would detour the northbound lane along Division, 3rd Avenue NE, and 14th Street NE. The plan is included in the packet.

ATTACHMENTS:

1. Division and Collins Detour

FISCAL IMPACT:

None.

STAFF IMPACT:

Minimal.

LEGAL REVIEW:

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

RECOMMENDATION:

To approve the lane closure, as presented.

SUGGESTED MOTION:

I move to approve the lane closure at Collins Avenue and Division Street, as presented.





City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 12, 2024
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Madison Cermak
PRESENTER: Madison Cermak, Business Development & Communications Director
SUBJECT: Consider Flex PACE letter of support for financing of a remodel and build-out at 1121 E Main St., for Midwest Rentals, Inc.

STATEMENT/PURPOSE:

Consider providing a letter of support to the Lewis and Clark Development Group for a loan for permanent financing of a remodel and build-out for a expansion of a business located in Mandan, ND.

BACKGROUND/ALTERNATIVES:

Loan committees for revolving funds managed by the Lewis and Clark Development Group consider applications for repayable loans for the required 35% local share of an interest buydown. The Bank of North Dakota (BND) makes interest buydowns available through its PACE and Flex PACE programs. Documentation of community support is needed for each particular business or project. A letter from a city commission confirms the project provides community benefit and has the support of the governing entity.

ATTACHMENTS:

1. Starion Bank- Conditional Letter of Approval20240909_16013900
2. Midwest Rentals letter to City20240909_15592134

FISCAL IMPACT:

Bob Kupper, owner of Midwest Rentals, Inc., is hoping to utilize the Bank of North Dakota's Flex PACE program to remodel and build-out the property at 1121 East Main St., in Mandan. The renovation will allow for Midwest Rentals, Inc. to lease to the proposed tenant, Dakota Kustomz LLC. Dakota Kustomz is currently located on Memorial Highway in Mandan. The new space will have 21,228 square footage (between three buildings) plus a 6,000 sf car port. The main front building will be built

with a showroom, offices, a service counter, and restrooms. The rear building will have lift stations, fabrication bays, parts storage, equipment, and break-rooms. The east building will have a paint booth, paint bays, an office, a restroom, and storage. The project will expand the square footage for the business, create many new jobs, and contribute to the vibrancy of Mandan's Main Street.

The applicant is seeking to reduce the interest rate on a \$2,000,000 loan. Based on a sample BND buydown schedule, the required 35% community match is estimated at \$71,871.05. The borrower plans to seek this amount as a repayable loan through either the N.D. Opportunity Fund or another revolving loan managed by the Lewis and Clark Development Group.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

N/A

RECOMMENDATION:

I recommend the City Commissioners provide a letter of support for an interest buydown for Midwest Rentals Inc. to assist with the permanent financing for a remodel and build-out of the property at 1121 East Main St.

SUGGESTED MOTION:

I move to approve providing a letter of support for an interest buydown for Midwest Rentals Inc. to assist with the permanent financing for a remodel and build-out of the property at 1121 East Main St.



September 9th, 2024

Robert Kupper
Midwest Rentals, Inc.
3032 Northshore Loop
Mandan, ND 58554

RE: Midwest Rentals - Conditional Letter of Approval

Dear Mr. Kupper,

I am very pleased to inform you that Starion Bank is offering you this Conditional Letter of Approval for the financing of your remodel and build out of the property located at 1121 East Main Ave in Mandan, ND 58554. The renovation of this property will be a great addition to the City of Mandan.

This approval of financing is based on the following terms.

Loan amount = \$2,000,000

Term = 5 Years (6 months of interest only and 4 ½ years of P&I payments)

Amortization = 20 Years

Rate = 7.00% Fixed

Participation = 50% with Bank of ND

Flex Pace program = Pending approval

- Loan will be interest only for 6 months and then automatically convert to permanent financing.

Final approval is subject to the following criteria:

Final Credit underwriting by Starion Bank and Bank of ND

Satisfactory appraisal

Title work

Again, thank you for your interest in financing this project with Starion Bank. I look forward to being a part of this new venture you have for the City of Mandan.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Feil", written over a blue horizontal line.

Landon Feil
VP/Business Banking

109 1st St NW
Mandan, ND 58554

P: 701.663.6434

F: 701.667.1636

Midwest Rentals, Inc.

September 9th, 2024

Mandan City Commission,

I am writing this letter requesting support for the provision of community match interest buydown from the ND Opportunity Fund for my project in Mandan.

Midwest Rentals is a real estate holding company, owned by Bob and Mary Kupper. This entity owns the property located at 1121 East Main St in Mandan, ND 58554. We are looking to do a \$2,063,670+ renovation of the property and lease the space to Dakota Kustomz. The property is largely vacant and is currently being used as storage for pontoons and boats. Improving the buildings and site will increase the property value, improve its attractiveness, and allow for re-use of the property for a growing small business, while also contributing to the vibrancy of Mandan's main street. We also plan to hold various outside community events on the east side of this property where the carport is.

The proposed new tenant, Dakota Kustomz, is owned by Travis Fiest (50%) and myself, Robert Kupper (50%). Dakota Kustomz is currently on the strip in Mandan and has 10 employees. With this expansion to this new facility, we plan to have 28-35 employees within 2 years. The current space is 12,800sf and is booked out two years. This new space will have 21,228 of building square footage (between three buildings) plus a 6,000sf car port. The main front building will be built out with a showroom, offices, service counter & restrooms. The rear building will have lift stations, fabrication bays, parts storage, equipment, and breakrooms. The east building will have paint booth, paint bays, office, restroom, and storage. The exterior of the building will be resided, except for the carport. Other work includes new roof panels, trim, gutters, and soffit.

Starion Bank is going to be the bank doing the financing. Because this property is on leased land with BNSF Railroad and is a bit of a challenge to take as collateral, the bank will be taking 16.96 acres of raw land, located at 626 & 800 16th St NE Mandan, ND 58554, as collateral. This raw land is the land to the south of the Mandan Tennis Center.

Sincerely,



Bob Kupper

701-220-9215



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 12, 2024
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Addition of paddle wheel to the Gaming Site
Authorization for The Scapegoat Bar

STATEMENT/PURPOSE:

Consider the addition of paddle wheel to the Gaming Site Authorization for The Scapegoat Bar from Oct. 1, 2024 to June 30, 2025

BACKGROUND/ALTERNATIVES:

The Scapegoat Bar recently submitted a gaming site authorization to add paddle wheel beginning Oct. 1. The original gaming site authorization was already approved for the year.

ATTACHMENTS:

1. Scapegoat Bar addition of Paddle Wheel on Gaming Site auth

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

n/a

RECOMMENDATION:

Approve.

SUGGESTED MOTION:

I move to approve the addition of paddle wheel to the Gaming Site Authorization for The

City Commission

Agenda Documentation

September 17, 2024

Subject: Consider the addition of paddle wheel to the Gaming Site Authorization for The Scapegoat Bar from Oct. 1, 2024 to June 30, 2025

Page 2 of 2

Scapegoat Bar from Oct. 1, 2024 to June 30, 2025.



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Matpac Wrestling Club, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

The Scapegoat Bar

Street

202 E. Main Street

City

Mandan

ZIP Code

58554

County

Morton

Beginning Date(s) Authorized

10/1/24

Ending Date(s) Authorized

6/30/25

Number of Twenty-One
tables, if zero, enter "0"

1

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

Games will be conducted in bar area, excluding the restrooms.

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

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization must provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

- | | | |
|---|--|---|
| ☐ Bingo | ☐ Club Special | ☐ Sports Pools |
| ☐ ELECTRONIC Quick Shot Bingo | ☐ Tip Board | ☒ Twenty-One |
| ☐ Raffles | ☐ Seal Board | ☒ Poker |
| ☐ ELECTRONIC 50/50 Raffle | ☐ Punchboard | ☐ Calcuttas |
| ☒ Pull Tab Jar | ☐ Prize Board | ☐ Paddlewheel with Tickets |
| ☒ Pull Tab Dispensing Device | ☐ Prize Board Dispensing Device | ☒ Paddlewheel Table |
| ☒ ELECTRONIC Pull Tab Device | | |

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

PRINT Name and official position of person signing on behalf of city/county above

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) Whiskey Gypsi, Inc.		Site Name The Scapegoat Bar		Site Phone Number (701) 751-2213
Site Address 202 E. Main Street	City Mandan	State ND	Zip Code 58554	County Morton
Organization Matpac Wrestling Club, Inc.	Rental Period 10/1/24 to 6/30/25			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☐ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 <u> </u> X Rent per Table \$ <u> </u>		☐ No ☒ Yes		\$
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>				\$ 300
3. Is Paddlewheels conducted at this site? Number of Tables <u>1</u> X Rent per Table \$ <u>200</u>		☐ No ☒ Yes		\$ 200
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☒ Standard Dispensing Device		☐ No ☒ Yes		\$ 325
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u>10</u>		☐ No ☒ Yes		\$ 1250
Total Monthly Rent				\$ 2.075
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device, and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessors on call or temporary or permanent employee(s) will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor X	Title X president/owner	Date X 9-9-24
Signature of Lessee 	Title President	Date 9-11-24



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 12, 2024
SUBMITTING DEPARTMENT: Engineering Department
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Budget Amendment

STATEMENT/PURPOSE:

Consider an amendment to the 2024 Budget to allow the Engineering Department to purchase a new vehicle.

BACKGROUND/ALTERNATIVES:

The Engineering Department currently has two vehicles, a 2004 Chevy Tahoe and a 2010 Ford Expedition. Recently, the 2010 Ford had to go down to public works for repair, while down at public works the assistant city engineer and engineer technician attempted to take the 2004 Chevy Tahoe to a meeting being held on an active construction site. On that day, the Tahoe would not start forcing engineering staff to take personal vehicles not equipped with adequate safety measures to the meeting. After this meeting, the assistant city engineer and engineer technician talked to public works staff about the proper measures for getting the Tahoe repaired. Minor repairs were then completed on the Tahoe. The following week, the city engineer and the assistant city engineer attempted to take the Tahoe to an on-site meeting with public works employees. The Tahoe then died unexpectedly on the roundabout at the intersection of Old Red Trail and Collins ave. Engineering staff then had to attempt to safely guide the vehicle out of the intersection without vehicle power. Once past the intersection, engineering staff then determine a route on which they could attempt to coast down hills in Mandan to return the vehicle to the city lot.

Engineering staff then had a discussion about the benefits of purchasing a vehicle and began collecting quotes from dealerships in town. After discussion, it was determined a mid-sized truck would best meet the needs the engineering staff have. Engineering staff then reached out to the police department and public works to see if there were any vehicles that would be available internally prior to contacting dealerships in Mandan. Both the Police and Public Works did not have any vehicles that would meet the needs of the engineering department. The NDDOT also has a state bid that the city can

purchase vehicles from. Engineer staff reached out to the current holder of the state bid contract and they did not have any mid-size trucks on the state bid. The Engineering staff then contacted Eide Ford, Chevy of Mandan, and Bismarck Motor Company to get quotes for a mid-sized truck. Eide Ford was unable to provide a quote due to the model year of the Ford Ranger changing in a month or so. To fulfill the requirements of three quotes engineering staff then reached out to Cedrick Theel Toyota.

After receiving quotes it is the engineering departments recommendation is to purchase a Chevy colorado from Chevy of Mandan.

ATTACHMENTS:

None

FISCAL IMPACT:

The Engineering department has allocated \$20,000 for the replacement of the vehicle and are asking for an additional \$17,197.50 to purchase the vehicle. Engineering Staff has spoken with the finance department and is recommending the general fund be used.

STAFF IMPACT:

Minimal

LEGAL REVIEW:

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

RECOMMENDATION:

To approve the budget amending for the engineering to purchase a new vehicle.

SUGGESTED MOTION:

I move to approve the budget amendment in the amount of \$17,197.50 so that the engineering department may purchase a new vehicle.



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 17, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider Minor Plat for Replat of Lot 1 and Lot 2, Block 2, Rockwood First Addition

STATEMENT/PURPOSE:

Consider Minor Plat for Replat of Lot 1 and Lot 2, Block 2, Rockwood First Addition

BACKGROUND/ALTERNATIVES:

Dr. Eric Belanger requests consideration of a minor plat for Replat of Lot 1 and Lot 2, Block 2, Rockwood First Addition. The purpose of this plat request is to adjust lot lines to permit building construction of a home that without the adjustments would not adhere to building setback requirements.

The properties are located on Beretta Street NW, northeast of Mandan Middle School, on the southeast corner of 12th Avenue NW and Beretta Street. The properties add up to 16,467 square feet in size (roughly 1/3 acre). Lot 1 increases in size with this plat and lot 2 decreases slightly. Existing easements are referenced on the plat.

A few slight adjustments need to be made prior to the City signing the plat, including updated City signatories and a statement regarding the undivided interest this lot has in the stormwater pond.

Findings of Fact **Minor Plat**

1. All requirements for approval of a minor subdivision plat have been met;
2. The proposed subdivision is generally consistent with the intent and purpose of the zoning ordinance;
3. The proposed subdivision is consistent with the Future Land Use Plan, other adopted plans and policies, as well as accepted planning practice; and
4. The proposed subdivision would not adversely affect public health, safety and

general welfare.

ATTACHMENTS:

1. 24508 REPLAT OF ROCKWOOD 1ST ADD_PLAT-P
2. Application

FISCAL IMPACT:

N/a

STAFF IMPACT:

N/a

LEGAL REVIEW:

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

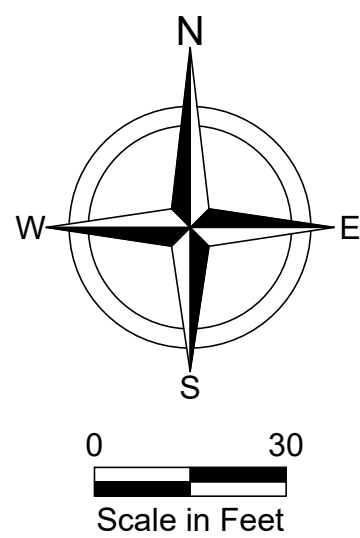
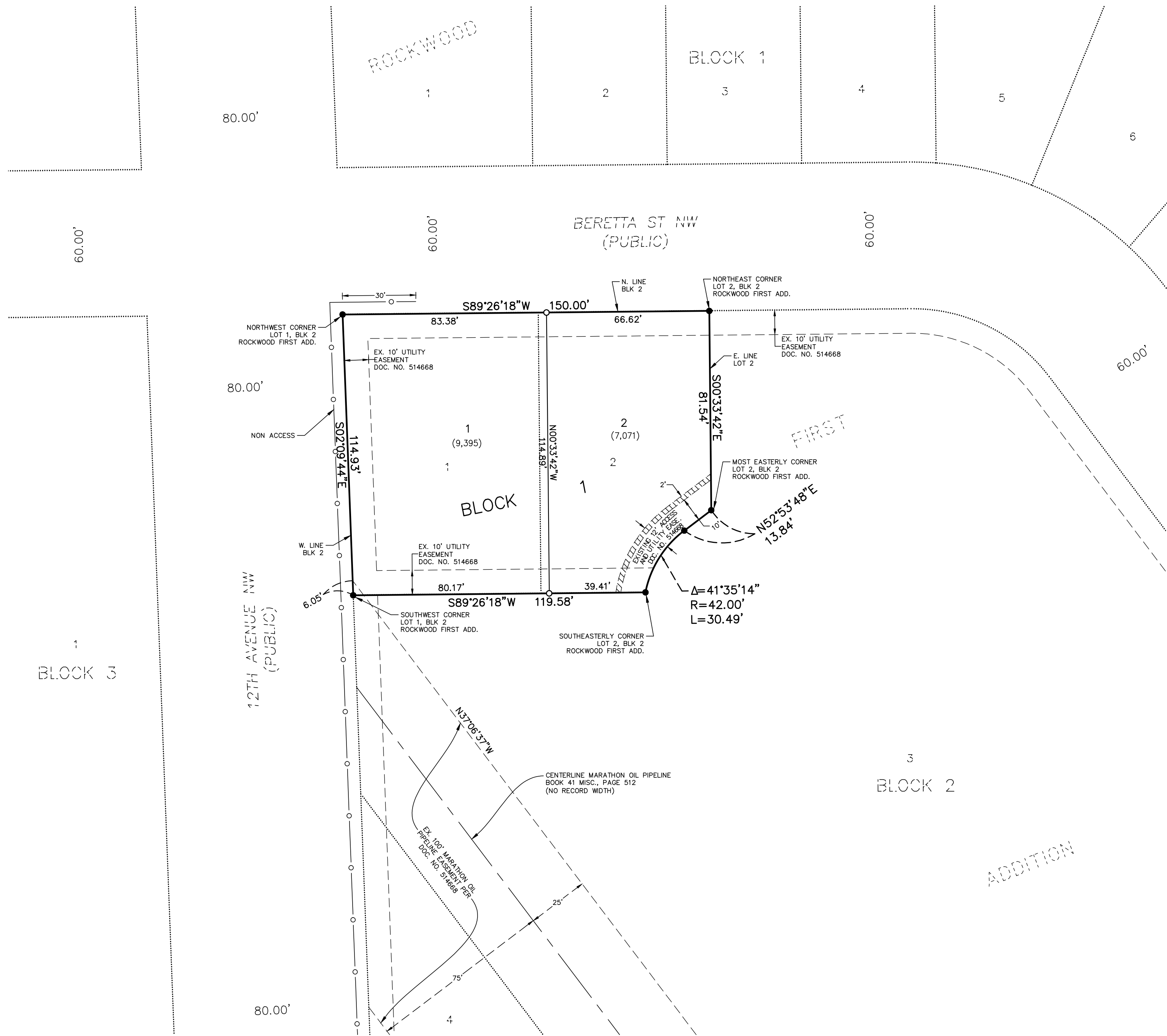
RECOMMENDATION:

Staff recommends approval of the minor plat contingent upon the requested changes being made.

SUGGESTED MOTION:

I move to approve the minor plat contingent upon the staff requested changes being made.

REPLAT OF LOT 1 AND LOT 2, BLOCK 2,
ROCKWOOD FIRST ADDITION
TO THE CITY OF MANDAN, A REPLAT OF LOT 1 AND LOT 2, BLOCK 2,
ROCKWOOD FIRST ADDITION TO THE CITY OF MANDAN,
MORTON COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:
ROCKWOOD FIRST ADDITION
TO THE CITY OF MANDAN
ACCORDING TO THE RECORDED
PLAT THEREOF

SEPTEMBER 10TH, 2024

- LEGEND**
- IRON MONUMENT SET AND MARKED WITH LAND SURVEYOR NO. 28251
 - IRON MONUMENT FOUND
 - (31,963) LOT AREAS IN SQ. FT.
 - L ARC LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE
 - PLAT BOUNDARY LINE
 - LOT LINE
 - - - - EASEMENT LINE
 - EXISTING LOT LINE
 - ////// AREA OF EXISTING 12' ACCESS AND UTILITY EASEMENT PER DOC. NO. 514668 TO BE VACATED WITH THIS DOCUMENT.

AREA TABLE		
LOT	BLOCK	SQUARE FEET
1	1	9,395
2	1	7,072
TOTAL		16,467

NOTES

- SEE DECLARATION OF RESTRICTIONS AND OBLIGATIONS FILED IN THE OFFICE OF THE MORTON COUNTY RECORDER AS DOC. NO. 514669.
- TOTAL PLATTED AREA: 16,467 SQ. FT.

CERTIFICATE

Jacob R. Duchsherer, being duly sworn, deposes and says that he is the registered land surveyor who prepared and made the attached plat of "REPLAT OF LOT 1 AND LOT 2, BLOCK 2, ROCKWOOD FIRST ADDITION" to the City of Mandan, a Replat of Lot 1 and Lot 2, Block 2, "ROCKWOOD FIRST ADDITION" to the City of Mandan, Morton County, North Dakota; that said plat is a true and correct representation of the survey thereof; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys and that said addition is described as follows, to wit:

All of Lot 1 and Lot 2, Block 2, ROCKWOOD FIRST ADDITION to the City of Mandan, according to the recorded plat thereof on file and of record in the Office of the Recorder, Morton County, North Dakota.

Said tract contains 16,467 square feet, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

PRELIMINARY

Jacob R. Duchsherer
Registered Land Surveyor
NO. LS-28251

State of North Dakota)
County of Cass)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Jacob R. Duchsherer, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public, Cass County, North Dakota

DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "REPLAT OF LOT 1 AND LOT 2, BLOCK 2, ROCKWOOD FIRST ADDITION" to the City of Mandan, a Replat of Lot 1 and Lot 2, Block 2, "ROCKWOOD FIRST ADDITION" to the City of Mandan, Morton County, North Dakota; that we have caused it to be platted into lots and blocks as shown by said plat and certificate of Jacob R. Duchsherer, Registered Land Surveyor, and that the description as shown in the Certificate of the Registered Land Surveyor is correct.

Owner: EB10, Inc.

Doctor Eric Belanger, Agent

State of North Dakota)
County of Burleigh)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Doctor Eric Belanger, Agent, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same in the name of EB10, Inc.

Notary Public, Cass County, North Dakota

MANDAN PLANNING COMMISSION APPROVAL

This plat in the City of Mandan is hereby recommended for approval this _____ day of _____, 20____.

Bill Robinson, Chairperson

MANDAN BOARD OF CITY COMMISSIONERS' APPROVAL

The Board of City Commissioners of the City of Mandan, North Dakota, has approved the subdivision of land shown herein and 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 this _____ day of _____, 20____.

Jim Neubauer
City Administrator

Timothy A. Helbling
President of the Board of City Commissioners

CITY ENGINEER'S APPROVAL

I, Justin Froseth, Engineer for the City of Mandan, North Dakota hereby approve the annexed plat.

Justin Froseth, City Engineer

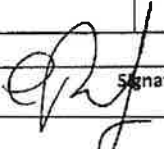
PROJ. NO. 24508



CITY OF MANDAN	
Development Review Application	
X Minor Plat (\$300)	Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)	Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	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)	
Minor plat to replat Lots 1-2, Block 2, Rockwood 1st Addition.	

Engineer/Surveyor			Property Owner or Applicant		
Name Jacob Duchsherer			Name Dr. Eric Belanger EB10, Inc.		
Address 925 10th Ave E, Suite			Address 1540 Clipper Place		
City West Fargo	State ND	Zip 58078	City Bismarck	State ND	Zip 58504
email jacob.duchserer@mooreengineeringinc.com			email ericbelcastle@gmail.com		
Phone		Fax	Phone		Fax
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name
City	ETA	New	X Addition	Residential		
Property Address				Legal Description		
				Lot 1-2 Block 2 Rockwood 1st Addition		
Current Use						
Residential						
Proposed Use						
Residential				Section	Township	Range
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking	

Print Name Dr. Eric Belanger	Signature 	Date 9/12/24
---------------------------------	--	-----------------

Office Use Only			
Date Received:	Initials: <i>hm</i>	Fees Paid: \$300	Date 9-13-2024
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 10, 2024
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Madison Cermak
PRESENTER: Madison Cermak, Business Development & Communications Director
SUBJECT: Consider a Renaissance Zone residential rehabilitation application for 206 Sixth Ave NW.

STATEMENT/PURPOSE:

To consider a Renaissance Zone Committee recommendation for approval of an application for rehabilitation of a primary residence of 206 Sixth Ave NW.

BACKGROUND/ALTERNATIVES:

The Mandan Renaissance Zone consists of 37 blocks along Main Street and the downtown area, including both commercial and residential properties, plus a non-contiguous area along Memorial Highway. People making substantial improvements to commercial properties or homes in the zone may qualify for property tax exemptions and state income tax exemptions for up to five years.

The Renaissance Zone Committee met on September 9, 2024, to consider an application for rehabilitation of a home owned by Heather Hoover. Improvement plans are to remodel the front porch, ground level grading, and reinstall new deck framing.

The home at 206 Sixth Ave NW was built in 1907. The remodel of the front porch will improve the home's aesthetic and original look. Cost estimates total \$117,798. To qualify as a Renaissance Zone residential project, the minimum investment must be at least 20% of the structural value of \$162,200, and at least \$15 per square foot of main floor area. The applicant will exceed the minimum investment requirements.

The applicant plans to begin construction upon approval and hopes to have the project completed by this time next year.

ATTACHMENTS:

1. Porch Photos

FISCAL IMPACT:

The city assessor's anticipates no change to the value of the improvement structure. The fiscal impact is the five-year property tax exemption at the city level.

STAFF IMPACT:

Minimal for application processing and finalization.

LEGAL REVIEW:

Attorney Oster will review the application.

RECOMMENDATION:

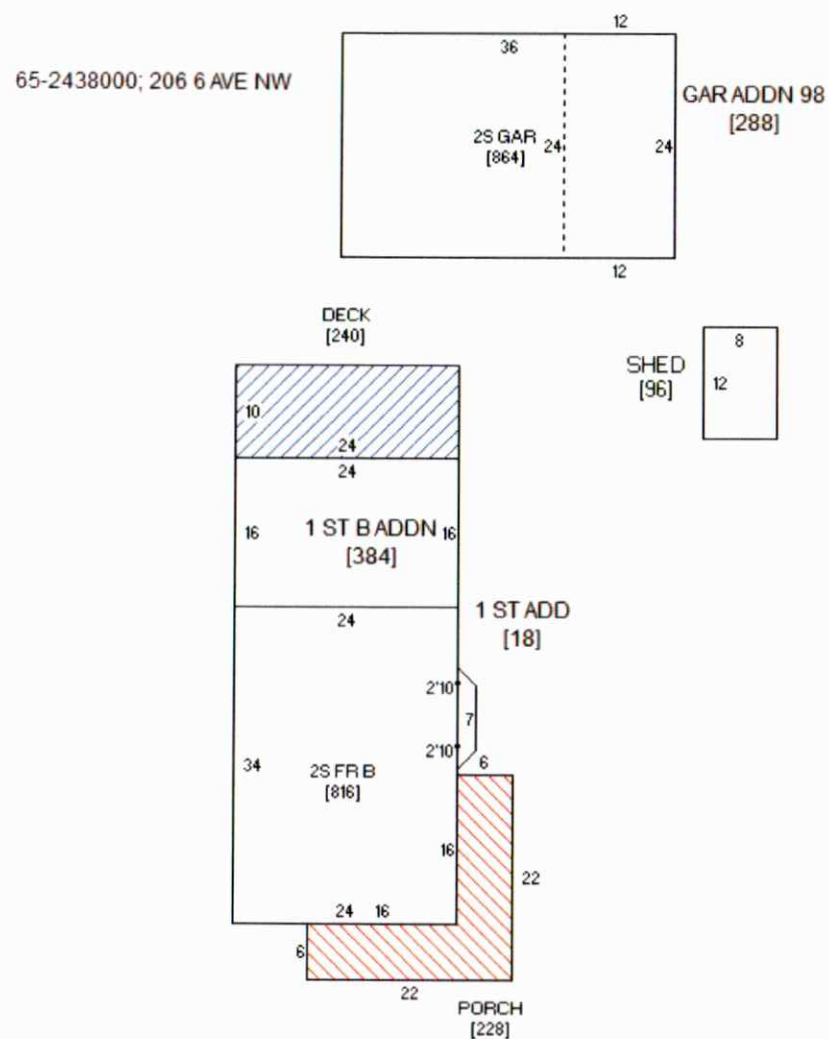
The Mandan Renaissance Zone committee voted 6-0 (with 1 person absent) to recommend approval of the residential rehabilitation application for 206 Sixth Ave NW by Heather Hoover as a Renaissance Zone project to include the five-year 100% property tax exemption on the entire value of the improved structure and the 100% five-year state income tax exemption.

SUGGESTED MOTION:

I move to approve the residential rehabilitation application for 206 Sixth Ave NW by Heather Hoover as a Renaissance Zone project to include the five-year 100% property tax exemption on the entire value of the improved structure and the 100% five-year state income tax exemption.

Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
2024		Appr	Urban	Res	\$35,000	\$162,500	\$0	\$0	\$197,500
2023		Appr	Urban	Res	\$35,000	\$151,900	\$0	\$0	\$186,900
2022		Appr	Urban	Res	\$30,000	\$125,200	\$0	\$0	\$155,200





Sketch 1 of 1













City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 11, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Consider issuance of Special Use Permit and approval of a Minor Plat for Missouri Point Shop Condos

STATEMENT/PURPOSE:

Consider issuance of Special Use Permit for Missouri Point Shop Condos

BACKGROUND/ALTERNATIVES:

Monte and Lynette Gawryluk request the issuance of a special use permit for the Missouri Point Shop Condos project, a planned commercial shop condo project located on Lot 1, Block 1, Bridgeview Bay Addition to the City of Mandan, Morton County, North Dakota (2600 Marina Road SE) (Location Map attached).

Project History

The City of Mandan's Planning and Zoning Commission has reviewed the proposed multi-use shop special use permit request, as well as a potential zoning variance the development team pursued. After postponing consideration of the zoning variance request, the site plan has been revised to ensure compliance with ordinance requirements.

The initial application, submitted in December 2023 was recommended for approval, contingent upon resolving site plan issues at the May 2024 Planning and Zoning Commission meeting. In August, the Commission delayed a decision on the zoning variance, which sought a reduced-width screening buffer between the property and a neighboring residential lot, as required by the City's Gateway/Buffer ordinance. Given the changes to the site plan, a variance is no longer needed. Mandan's development review ordinance allows special use permits to go to the City Commission following approval by the Planning and Zoning Commission as consent or new business items.

Project Overview

The proposed project would consist of the construction of eighteen multi-use shop

condos on the property in three separate buildings. The proposed site plan includes 60 parking spaces. Based on current parking requirements for retail uses and office uses, which have been declared as proposed uses for the property, 56 parking spaces would be required per City code of ordinance based on building square footage. The site plan includes plans for buffering and screening consisting of a fence, four rows of conifers, and thirty-feet of open space. The site plan also shows how the refuse area would be screened. The building design was reviewed and approved by Mandan Architectural Review.

Property History

As far as staff is aware, the property has not been developed in the past, despite the surrounding properties being developed as early as the late 70s to the 1980s. The most recent re-platting occurred in 2004, and it has been in the CB – Commercial district zoning since 2000 (Ord. 909). A previous attempt to develop this property with a mixed-use condominium building stalled in the mid 2010s.

Special Use Permit

Multi-use shops are not a zoning entitlement on any property in Mandan. Since 2019, each development has required special use permits for multi-use shop developments. These permits are designed to assess potential impacts from proposed developments by considering factors such as traffic, usage patterns, architectural design, adherence to existing plans and studies, and other relevant considerations. The applicant has provided an overview of the intended development and responses to standard questions related to special use permits in **Exhibit 2**. A detailed breakdown of the review process for this development can be found in **the attachment titled City criteria for special uses**.

The proposed development includes a central drive lane flanked by two east-to-west oriented buildings, with an additional building situated at the eastern end of the lot, oriented along the Missouri River bank. The condominium units, each measuring approximately 50 by 25 feet, will have a height of approximately 28 to 30 feet.]

Minor Plat

The minor plat for Missouri Point Addition would combine an auditors lot "Lot A" with the balance of the property to result in a 2.17 acre property for the proposed multi-use shops to be situated on.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties to the north are zoned RM – Residential and CB – Commercial and consist of a marina and restaurant. To the west the property is a CB – Commercial zoned marine sales dealership and to the southwest an RM – Residential zoned multifamily residential development. To the south, there are single-family homes zoned

R7 – Residential. The property is immediately on the west bank of the Missouri River. The future land use plan supports commercial uses on the property.

Staff Comments

Staff suggests the permit be approved conditionally. A stormwater management plan, condo declaration, and final determination on fire code adherence require review by City Staff prior to the final issuance of the permit and building permitting.

Findings of Fact Minor Plat

1. All requirements for approval of a minor subdivision plat have been met;
2. The proposed subdivision is generally consistent with the intent and purpose of the zoning ordinance;
3. The proposed subdivision is consistent with the Future Land Use Plan, other adopted plans and policies, as well as accepted planning practice; and
4. The proposed subdivision would not adversely affect public health, safety and general welfare.

ATTACHMENTS:

1. Application
2. Minor Plat Application
3. Ex 2 Additional Submittal
4. City criteria for special uses
5. DRAFT Special Use Permit
6. MISSOURI LANDING ADDITION
7. 70277 Missouri Landing Site Plan
8. Location Map

FISCAL IMPACT:

N/a

STAFF IMPACT:

Significant staff time has gone into the review of this request.

LEGAL REVIEW:

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

RECOMMENDATION:

Planning Staff recommends approval of the special use permit and minor plat for Missouri Point Shop Condos contingent upon a stormwater management plan and City review of the condo declaration.

SUGGESTED MOTION:

I move to approve the minor plat and special use permit with the contingencies outlined by staff.

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)		

Engineer/Surveyor			Property Owner or Applicant		
Name			Name		
			Monte & Lynette Gawryluk		
Address			Address		
			4016 Bayport Pl SE		
City	State	Zip	City	State	Zip
			Mandan	ND	58554
email			email		
			lynettend@live.com		
Phone	Fax		Phone	Fax	
			701-400-7065		
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request. <i>Monte & Lynette Gawryluk</i>					

Location		Type		Existing Zone	Proposed Zone	Project Name
☒ City	☐ ETA	☐ New	☐ Addition	CB Commer	CB Commer	Missouri Point
Property Address				Legal Description		
2600 Marina Rd SE				Bridgeview Bay Addition Lot 1 Block 1		
Current Use						
Vacant						
Proposed Use						
				Section 6	Township 138 Range 80	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking	
2.1 acres	Y	2				

Print Name	Signature	Date
<i>Monte & Lynette Gawryluk</i>	<i>Monte & Lynette Gawryluk</i>	<i>12-28-23</i>

Office Use Only			
Date Received:	Initials: NM	Fees Paid: \$ 450	Date 12-27-2023
Notice in paper		Mailed to neighbors	P&Z meeting
☐ Approved	Approved with conditions:		
☐ Denied			

CITY OF MANDAN																												
Development Review Application																												
<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">X</td><td>Minor Plat (\$300)</td></tr> <tr><td></td><td>Preliminary Plat up to 20 acres (\$450)</td></tr> <tr><td></td><td>Preliminary Plat more than 20 acres (\$500)</td></tr> <tr><td></td><td>Final Plat up to 20 lots (\$450)</td></tr> <tr><td></td><td>Final Plat 21 to 40 lots (\$600)</td></tr> <tr><td></td><td>Final Plat more than 40 lots (\$750)</td></tr> <tr><td></td><td>Annexation (\$450)</td></tr> <tr><td></td><td>Masterplanned Subdivision (not accepted without preliminary plat) (\$250)</td></tr> <tr><td></td><td>Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)</td></tr> </table>	X	Minor Plat (\$300)		Preliminary Plat up to 20 acres (\$450)		Preliminary Plat more than 20 acres (\$500)		Final Plat up to 20 lots (\$450)		Final Plat 21 to 40 lots (\$600)		Final Plat more than 40 lots (\$750)		Annexation (\$450)		Masterplanned Subdivision (not accepted without preliminary plat) (\$250)		Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>Zone Change (\$600)</td></tr> <tr><td>Planned Unit Development (\$700)</td></tr> <tr><td>Land Use and Transportation Plan Amendment (\$1,000)</td></tr> <tr><td>Vacation (\$500)</td></tr> <tr><td>Variance (\$400)</td></tr> <tr><td>Special Use Permit (\$450)</td></tr> <tr><td>Stormwater submittal (\$300)</td></tr> <tr><td>Stormwater 2nd & subsequent resubmittal (\$50)</td></tr> <tr><td>Document Recording (\$30)</td></tr> </table>	Zone Change (\$600)	Planned Unit Development (\$700)	Land Use and Transportation Plan Amendment (\$1,000)	Vacation (\$500)	Variance (\$400)	Special Use Permit (\$450)	Stormwater submittal (\$300)	Stormwater 2 nd & subsequent resubmittal (\$50)	Document Recording (\$30)
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Document Recording (\$30)																												
Summary of Request (Add separate sheet(s) as necessary)																												
Combine two lots into one																												

Engineer/Surveyor			Property Owner or Applicant		
Name Toman Engineering Co.			Name Monte & Lynette Gawryluk		
Address 501 1st St NW			Address 4016 Bayport PI SE		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email andram@tomanengineering.com			email		
Phone 701-663-6483		Fax	Phone 701-590-2079		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
x	City	ETA	New	x	Addition	CB
Property Address				Legal Description		
2600 Marina Road SE				Lot 1 & Aud. Lot "A" of Lot 2		
Current Use						
None				Block 1, Bridgeview Bay Addition		
Proposed Use						
Commercial Flex Space				Section 6	Township 138	Range 80
Parcel Size 2.17 ac	Building Footprint	Stories	Building SF	Required Parking		Provided Parking

Print Name <i>Monte Gawryluk</i>	Signature <i>Monte Gawryluk</i>	Date <i>8-8-24</i>
-------------------------------------	------------------------------------	-----------------------

Office Use Only							
Date Received:	Initials: <i>YM</i>	Fees Paid: \$ <i>300</i>	Date <i>9-9-2024</i>				
Notice in paper		Mailed to neighbors					
P&Z meeting							
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%; text-align: center;">Approved</td> <td>Approved with conditions:</td> </tr> <tr> <td style="text-align: center;">Denied</td> <td></td> </tr> </table>				Approved	Approved with conditions:	Denied	
Approved	Approved with conditions:						
Denied							

Additional Submittals

Conditional-Special Use Permit

A special or conditional use permit application shall include the following additional submittals:

1. An answer with explanation for each of the following questions (please answer the below questions as completely as possible. Incomplete applications will not be accepted and may cause a delay in the application process):

- a. Will the proposed use be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the neighborhood?

Yes we feel the design and construction of these buildings will be a nice addition to the area. Our plan is to add lots of character and different textures and colors to enhance the look of the buildings and make them appealing.

- b. Will the proposed use involve activities, processes, materials, equipment, or conditions of operation that will be incompatible with the neighborhood due to the production of traffic, noise, smoke, fumes, glare, or odors?

No the use of the units will be primarily for personal use and light commercial traffic. We don't expect anything incompatible with what is already in the area.

- c. Will the hours of operation of the proposed use be different than the adjacent uses?

No again these will be primarily personal use with some light commercial traffic.

- d. Will the proposed use require exterior lighting of a type and intensity greater than the adjacent uses?

No we will use lighting that is compatible with neighboring properties.

- e. Will the site of the proposed use have sufficient area to provide the parking required for the use?

Yes we feel the parking will be sufficient for the intended use.

- f. Will the proposed use require adjustments to the normal lot size, height, and setback requirements of the district?

No we plan to adhere to existing requirements.

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

Criteria for Special Uses

City criteria for special uses, below, comes from Sec. 105-1-13 (d) of the Code of Ordinances related to Zoning application procedures.

- The proposed use is in harmony with the purpose and intent of this chapter;
- The proposed use is not in conflict with the adopted comprehensive plan of the city;
 - **The Mandan Planning and Zoning Commission has determined that the proposed land use is acceptable on the property. The land use designation is commercial.**
- The proposed use will not adversely affect the health, safety, and general welfare of the public and the workers and residents in the area;
 - **The site plan shows adequate buffer, landscape screening, and parking are in place which will help preserve the general welfare, health, and safety of the workers and residents in the area.**
- The proposed use will not be detrimental to the use or development of adjacent properties or of the surrounding neighborhood;
 - **It is not believed that the proposed land use will cause detrimental impacts to adjacent properties or the surrounding neighborhood given the proposed screening and site layout.**
- The proposed use meets all appropriate regulations for the district in which it will be located;
 - **This is met.**
- The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of importance to the community;
 - **It is not likely that the proposed development would result in destruction, loss or damage of a natural, scenic, or historic feature of importance to the community;**
- The proposed use includes adequate provisions for those individuals who are mobility impaired.
 - **The site plan includes provisions for accessible vehicle parking.**

Additional use standards for multi-use shops come from Sec. 105-1-5 (k) Multi-use shops development may be permitted as a special use, subject to the following minimum standards:

- Each individual unit within the structure shall have an open space/yard or public way on no more than three sides.
 - **This is met.**
- Each individual unit within the structure shall have its own separate means of egress.
 - **This is met.**
- Such units shall only contain group business, factory, mercantile, or storage occupancy classifications as set forth by Section 3 of the North Dakota State Building Code.
 - **This is met.**
- Uses, whether commercial or accessory to residential, shall be declared at the time of the conditional use permit issuance. No change in use may be conducted unless reevaluated through the special use permitting process, and the structure meets all building code requirements for the desired change of use.
 - **The intended uses have declared to be uses allowed in CB – Commercial zoning.**
- Traditional mixed-use (residential and commercial combined) multi-use shops shall not be permitted. The declaration of either commercial or accessory to residential shall apply to all units within the structure, and the structure will be constructed according to the minimum standards of the building code for the declared use.

Criteria for Special Uses

- **The buildings have been declared for commercial uses that are permitted in CB – Commercial zoning.**
- Minimum off-street parking requirements shall be planned and provided for based on the declared uses. Any inadequate provision of parking within the development for a combination of uses may result in the revocation of the special use permit.
 - **The site plan includes sufficient parking for the gross square footage of units.**
- Each structure shall be limited to one curb stop accessible by city staff.
 - **This appears able to be met.**
- The declaration of commercial or accessory to residential shall in no way affect the way valuation, special assessments, utility rates, and other city fees are determined. These shall remain determined by separate city policy.
- Covenants, conditions, and restrictions (CC&Rs) or another form of recorded agreement approved by the city attorney shall set out, at a minimum, provisions for access and responsibility for costs of inspections related to the fire suppression system, if any.
- For the city's utility billing purposes, a recorded development association or another form of recorded agreement approved by the city attorney is required if any of the individual units within the development are not owned by the same owner of the development. The recorded development association or recorded agreement shall set out, at a minimum, the allocation of costs and a statement of understanding of the collective responsibility of owners for payment of city utilities. If a recorded development association or another form of recorded agreement approved by the city attorney is in place, the city will issue one utility bill per month to one owner or representative of the structure for the entire structure's base charges and consumption or usage. The monthly utility bill will not be sent to each individual owner within the structure. If ownership is divided after a special use permit has been obtained, the property owner shall furnish a copy of said recorded agreement to the city showing it meets this provision.



SPECIAL USE PERMIT

For Multi-use Shops

The property owner(s) of Lot 1, Block 1, Missouri Landing Addition are granted a special use permit for multi-use shops.

1. This special use permit (SUP) will allow multi-use shops to be built on Lots 1, Block 2, Missouri Landing Addition.
2. This SUP is for three (3) structures.
 - a. One structure with seven (7) units
 - b. One structure with five (5) units
 - c. One structure with six (6) units
3. The structures are limited to uses permitted within the CB – Commercial district. Upon transfer of units, the uses allowed within CB – Commercial at the time of transfer will apply.
4. Residential uses of any type are not allowed under this SUP.
5. Access to these structures will be from within the property. No direct access to individual units will be allowed from public street.
6. Each individual unit within the structures shall have its own separate means of egress.
7. Such units shall only contain group business, factory, mercantile, or storage occupancy classifications as set forth by Section 3 of the North Dakota State Building Code.
8. The structures will be constructed according to the minimum standards of the building code for the declared use(s).
9. Minimum off-street parking requirements shall be planned and provided for based on the declared uses. Any inadequate provision of parking within the development for a combination of uses may result in the revocation of this special use permit.
10. There will be one curb stop installed per structure. An access agreement between the city and developer must be created which allows access for city employees to access curb stops.
11. The declaration of commercial or accessory to residential shall in no way affect the way valuation, special assessments, utility rates, and other city fees are determined. These shall remain determined by separate city policy.
12. Covenants, conditions, and restrictions (CC&Rs) or another form of recorded agreement approved by the city attorney shall set out, at a minimum, provisions for access and responsibility for costs of inspections related to the fire suppression system, if any.
13. If the property owner should choose to condo plat the structures for the purpose of selling individual units they are required to abide by the following requirement:
 - a. For the city's utility billing purposes, a recorded development association or another

form of recorded agreement approved by the city attorney is required if any of the individual units within the development are not owned by the same owner of the development. The recorded development association or recorded agreement shall set out, at a minimum, the allocation of costs and statement of understanding of the collective responsibility of owners for payment of city utilities. If a recorded development association or another form of recorded agreement approved by the city attorney is in place, the city will issue one utility bill per month to one owner or representative of the structure for the entire structure's base charges and consumption or usage. The monthly utility bill will not be sent to each individual owner within the structure. If ownership is divided after a special use permit has been obtained, the property owner shall furnish a copy of said recorded agreement to the city showing it meets this provision.

14. External, structural illumination shall be downward and inward facing. Onsite property lighting shall be downward facing. No external illumination shall leave the property.
15. Noise-producing business-related activities, other than those of an office or clerical nature, are limited to between 6:00am and 10:00pm. Nothing in this condition permits exceeding the requirements of the MCO pertaining to noise nuisances.
16. A landscaped buffer shall be planted along the south property line of the development that adheres to the City of Mandan Gateway Screening requirement of six buffer points between an "Other" commercial use and single-family residential structure.
17. Boulevard landscaping consisting of one tree of at least 1 ¼" caliper and approved by the City Forestry Department shall be installed and maintained as shown in the approved site plan along Marina Road SE.
18. Landscaping and screening shall be installed per the approved site plan.
19. Any modification to this Special Use Permit must be reviewed in accordance with City Ordinances in effect at the time of proposed changes.
20. The Fire Lane as shown on the site plan shall remain clear at all times.

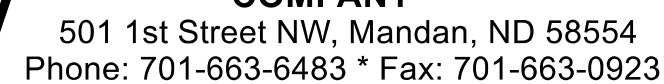
Dated this ____ day of _____, 2024

President, City Commission

ATTEST:

Planning and Zoning Secretary

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
ALL OF LOT 1 AND AUDITOR'S LOT "A" OF LOT 2, BLOCK 1, BRIDGEVIEW BAY ADDITION OF THE NE1/4 OF SECTION 6,
T138N-R80W OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



LEGEND	
○	FOUND REBAR MONUMENT
●	SET REBAR MONUMENT

MISSOURI LANDING SITE IMPROVEMENTS MANDAN, NORTH DAKOTA

INDEX OF DRAWINGS

SHT NO	TITLE
1	TITLE SHEET
2	EXISTING CONDITIONS
3	PROPOSED CONDITIONS
4	PROPOSED UTILITIES
5	PROPOSED STORM SEWER
6	PROPOSED LANDSCAPING
7	PROPOSED GRADING
8	DETAILS
9	CONSTRUCTION NOTES



DESIGN ENGINEER'S CERTIFICATE.

I, DAVID J. THOMPSON, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE PLANS FOR LOT 1, BLOCK 1, BRIDGEVIEW BAY ADDITION, MANDAN, NORTH DAKOTA WERE PREPARED UNDER MY SUPERVISION AND ARE COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



DAVID J. THOMPSON, P.E.
REGISTERED PROFESSIONAL ENGINEER
NORTH DAKOTA REGISTRATION NO. 2671



TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923

MISSOURI LANDING
2600 MARINA ROAD SE
MANDAN, NORTH DAKOTA

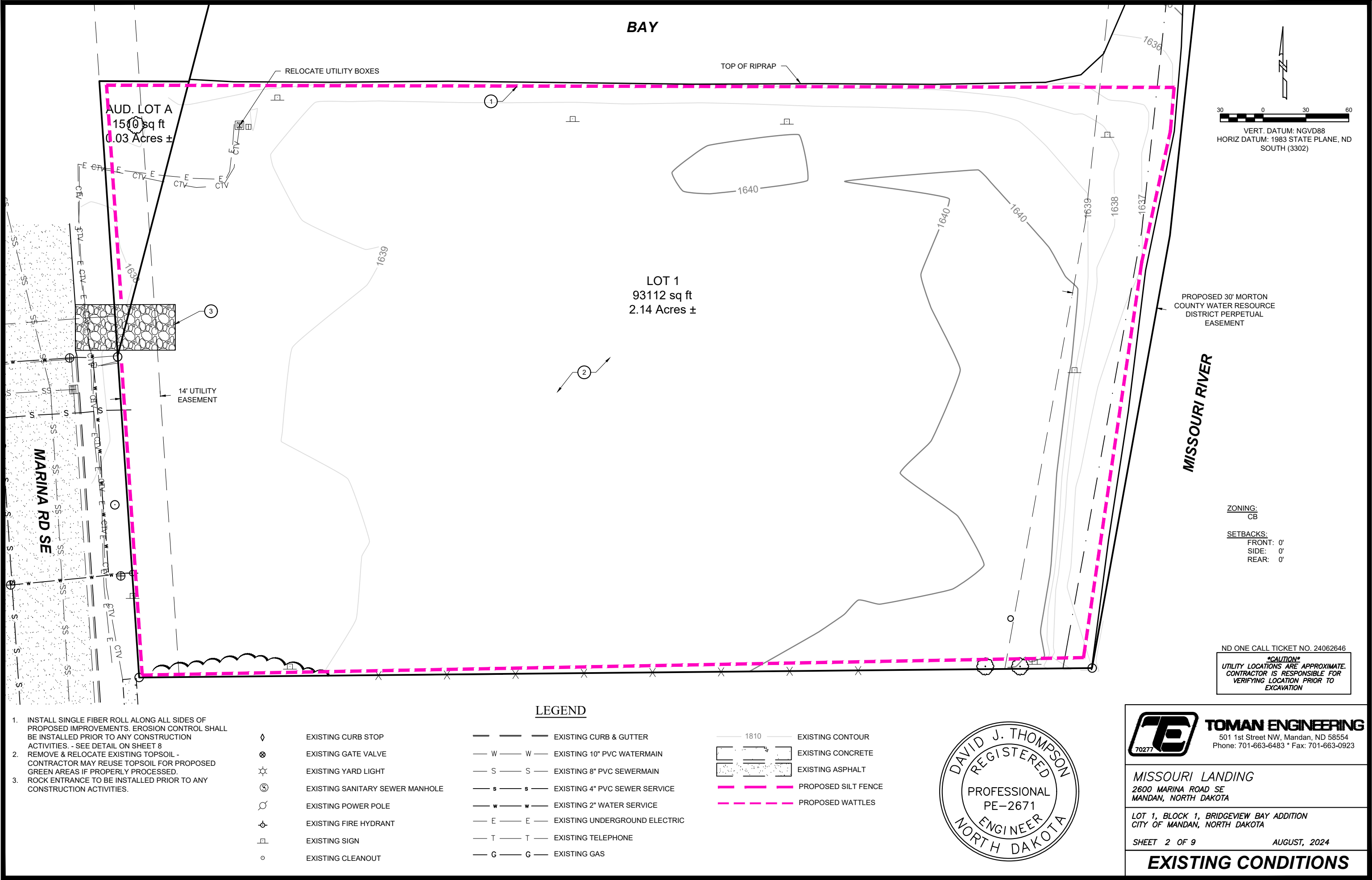
LOT 1, BLOCK 1, BRIDGEVIEW BAY ADDITION
CITY OF MANDAN, NORTH DAKOTA

SHEET 1 OF 9

AUGUST, 2024

TITLE SHEET

CAUTION
UTILITY LOCATIONS ARE APPROXIMATE.
CONTRACTOR IS RESPONSIBLE FOR
VERIFYING LOCATION PRIOR TO
EXCAVATION



AUD. LOT A
15110 sq ft
0.03 Acres ±

LOT 1
93112 sq ft
2.14 Acres ±

BAY

MISSOURI RIVER

MARINA RD SE

LEGEND

1. INSTALL SINGLE FIBER ROLL ALONG ALL SIDES OF PROPOSED IMPROVEMENTS. EROSION CONTROL SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITIES. - SEE DETAIL ON SHEET 8
2. REMOVE & RELOCATE EXISTING TOPSOIL - CONTRACTOR MAY REUSE TOPSOIL FOR PROPOSED GREEN AREAS IF PROPERLY PROCESSED.
3. ROCK ENTRANCE TO BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITIES.

- EXISTING CURB STOP
- EXISTING GATE VALVE
- EXISTING YARD LIGHT
- EXISTING SANITARY SEWER MANHOLE
- EXISTING POWER POLE
- EXISTING FIRE HYDRANT
- EXISTING SIGN
- EXISTING CLEANOUT

- EXISTING CURB & GUTTER
- EXISTING 10" PVC WATERMAIN
- EXISTING 8" PVC SEWERMAIN
- EXISTING 4" PVC SEWER SERVICE
- EXISTING 2" WATER SERVICE
- EXISTING UNDERGROUND ELECTRIC
- EXISTING TELEPHONE
- EXISTING GAS

- EXISTING CONTOUR
- EXISTING CONCRETE
- EXISTING ASPHALT
- PROPOSED SILT FENCE
- PROPOSED WATTLES



TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
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MISSOURI LANDING
2600 MARINA ROAD SE
MANDAN, NORTH DAKOTA

LOT 1, BLOCK 1, BRIDGEVIEW BAY ADDITION
CITY OF MANDAN, NORTH DAKOTA

SHEET 2 OF 9 AUGUST, 2024

EXISTING CONDITIONS

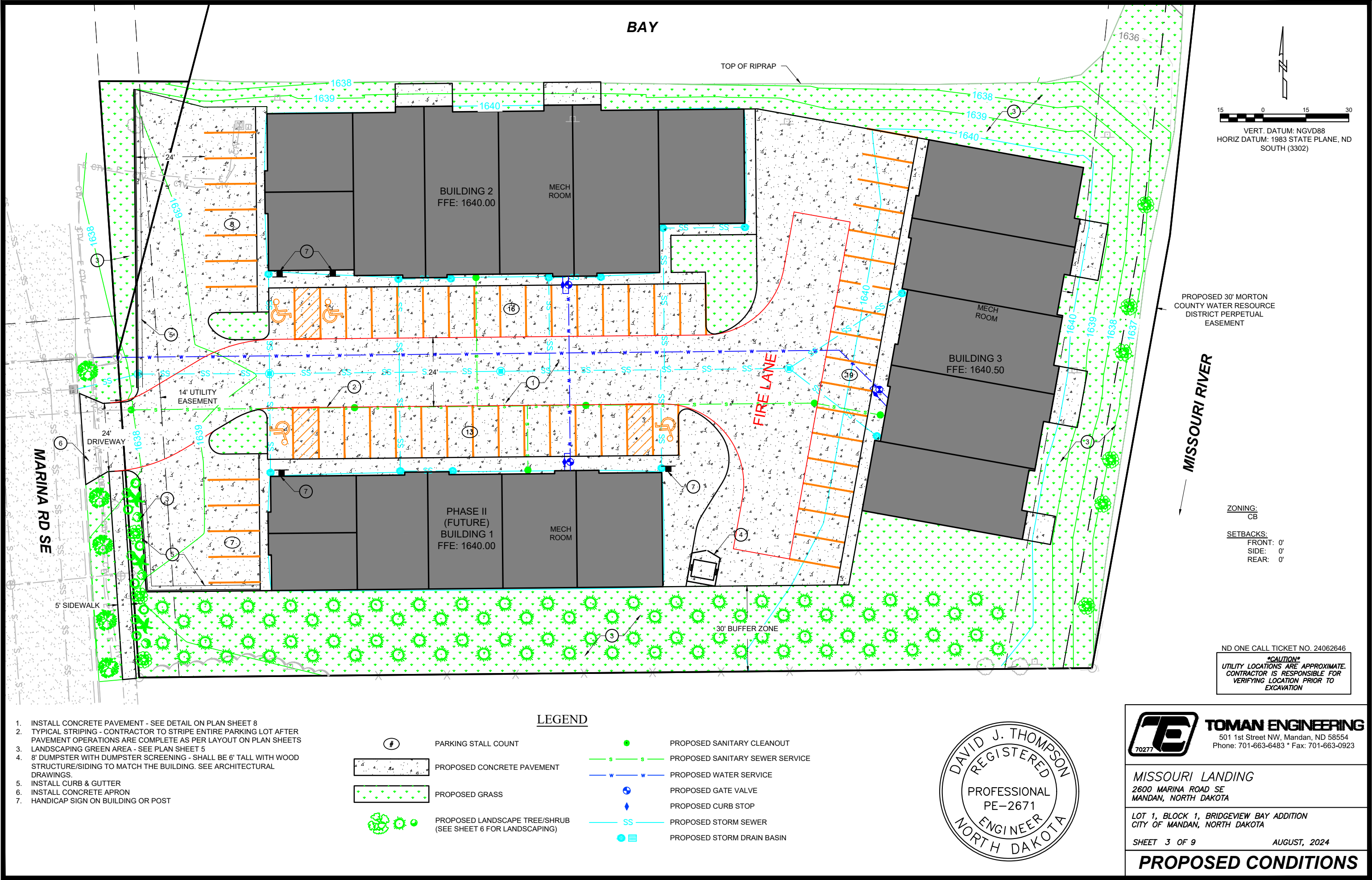
30 0 30 60
VERT. DATUM: NGVD88
HORIZ DATUM: 1983 STATE PLANE, ND
SOUTH (3302)

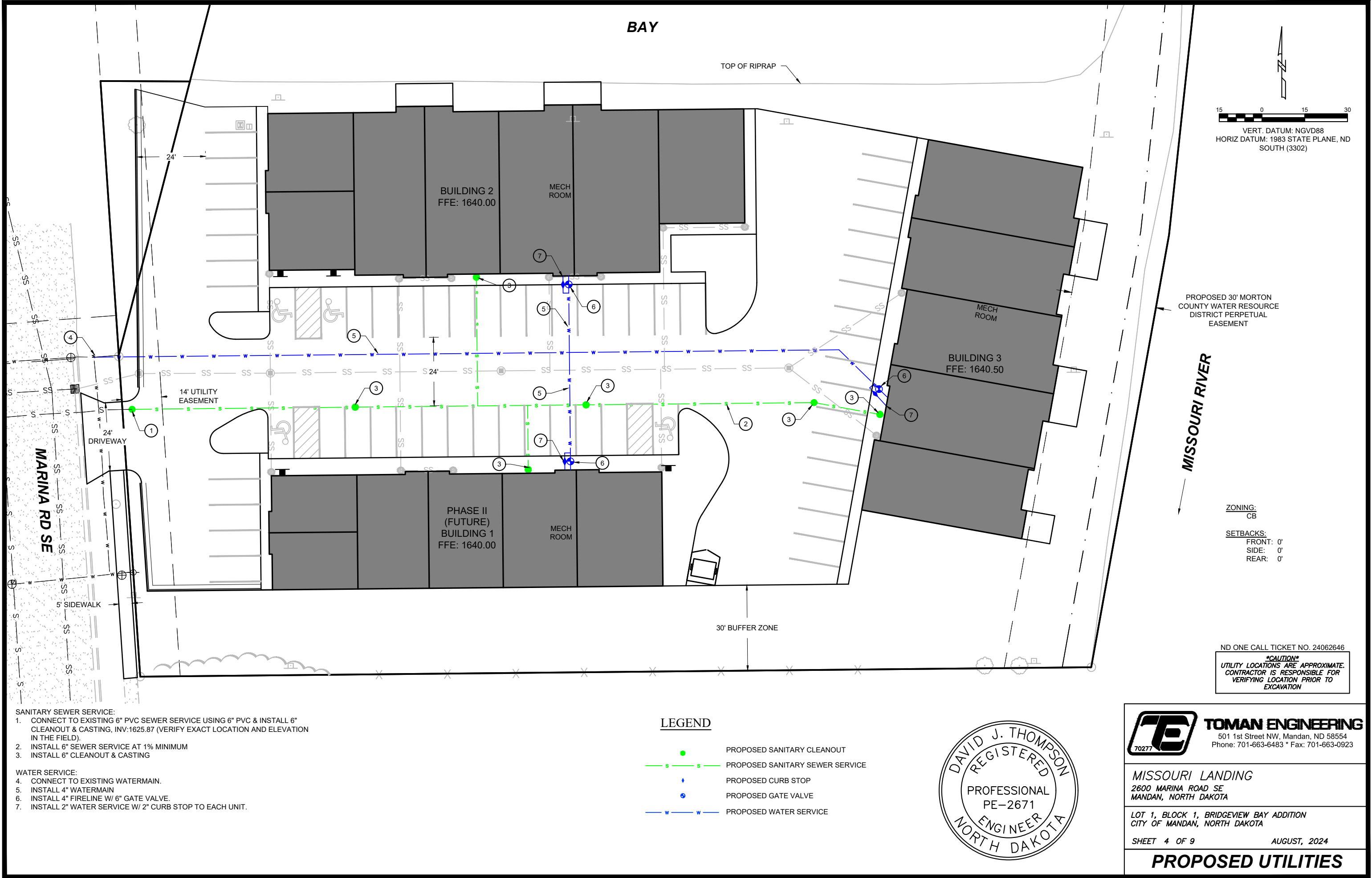
PROPOSED 30' MORTON
COUNTY WATER RESOURCE
DISTRICT PERPETUAL
EASEMENT

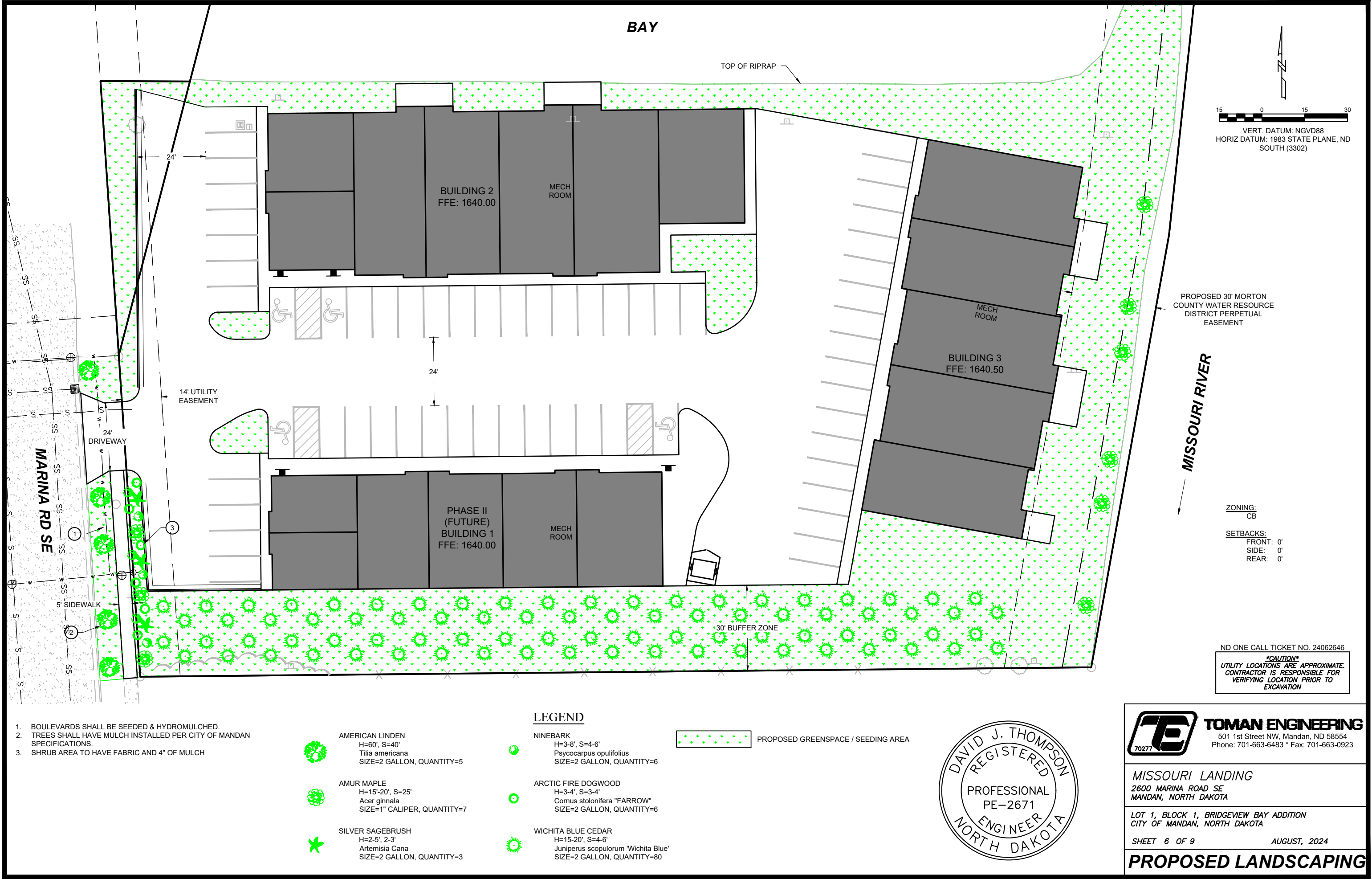
ZONING:
CB

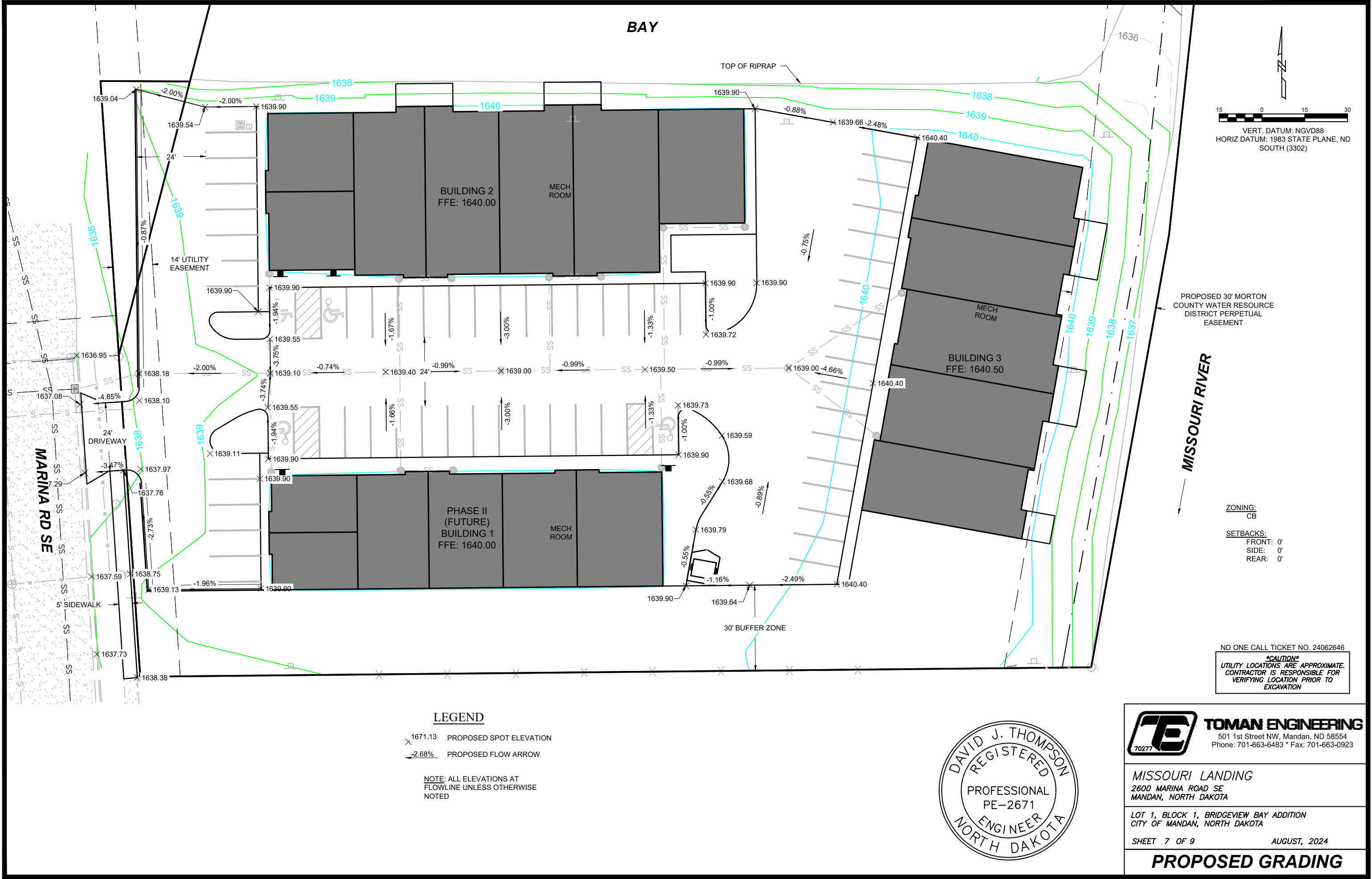
SETBACKS:
FRONT: 0'
SIDE: 0'
REAR: 0'

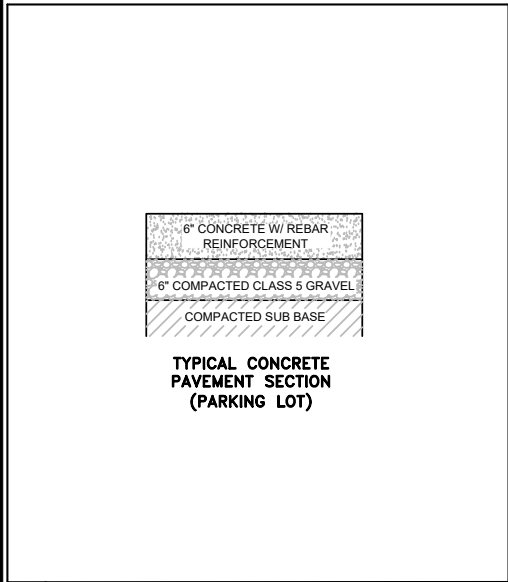
ND ONE CALL TICKET NO. 24062646
CAUTION
UTILITY LOCATIONS ARE APPROXIMATE.
CONTRACTOR IS RESPONSIBLE FOR
VERIFYING LOCATION PRIOR TO
EXCAVATION



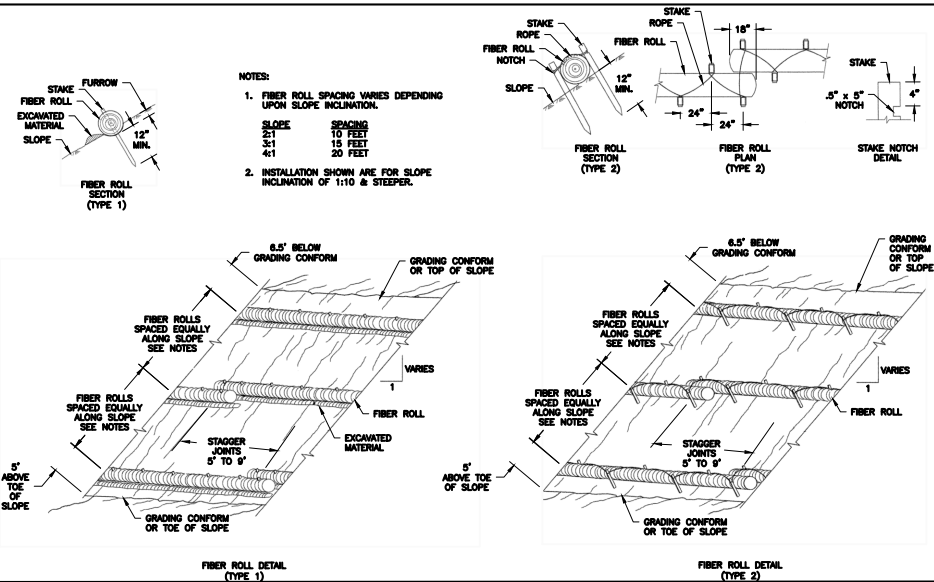




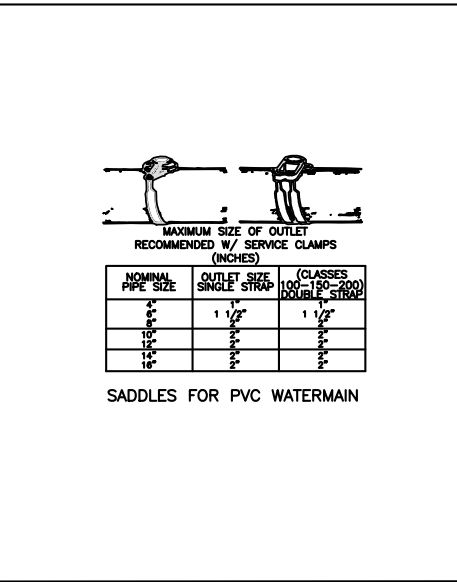




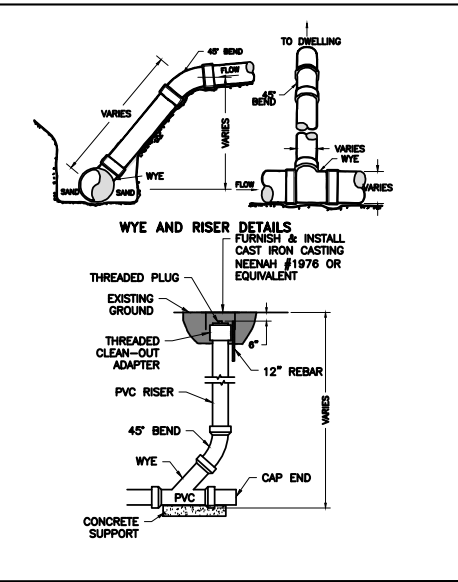
1 CONCRETE TYPICAL SECTIONS
SCALE - NTS



2 FIBER ROLL INSTALLATION
SCALE - NTS



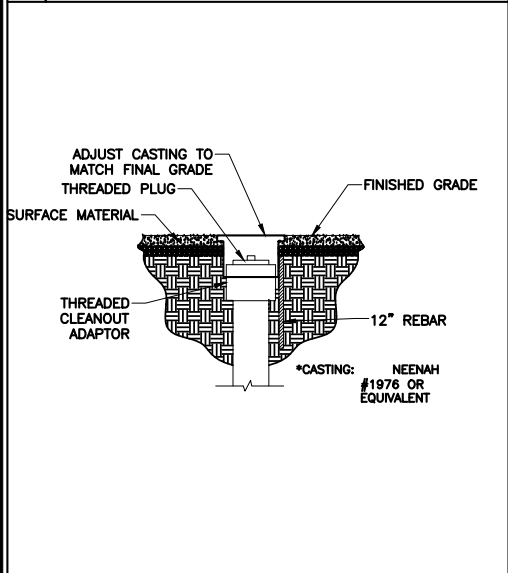
3 1 1/2\"/>



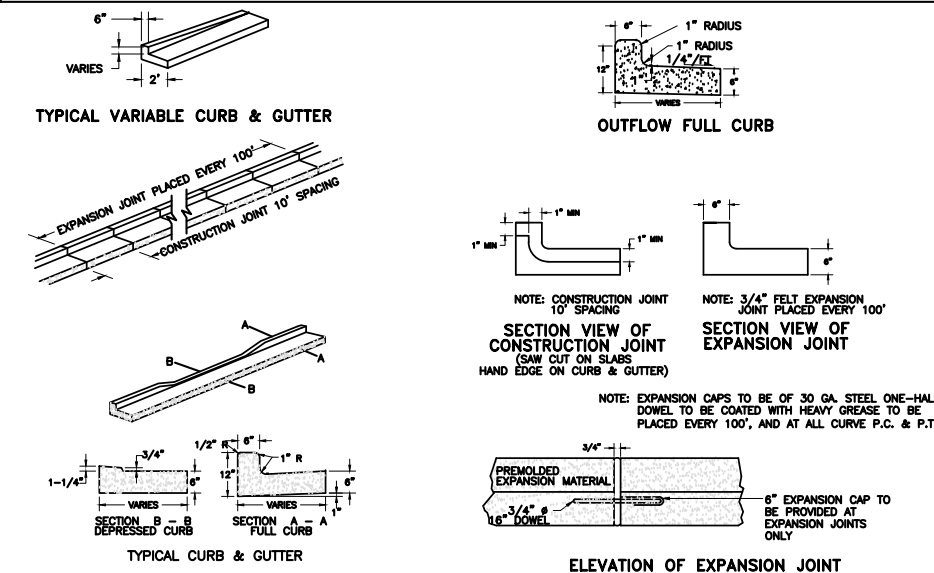
4 SANITARY SEWER WYE & CLEANOUT
SCALE - NTS



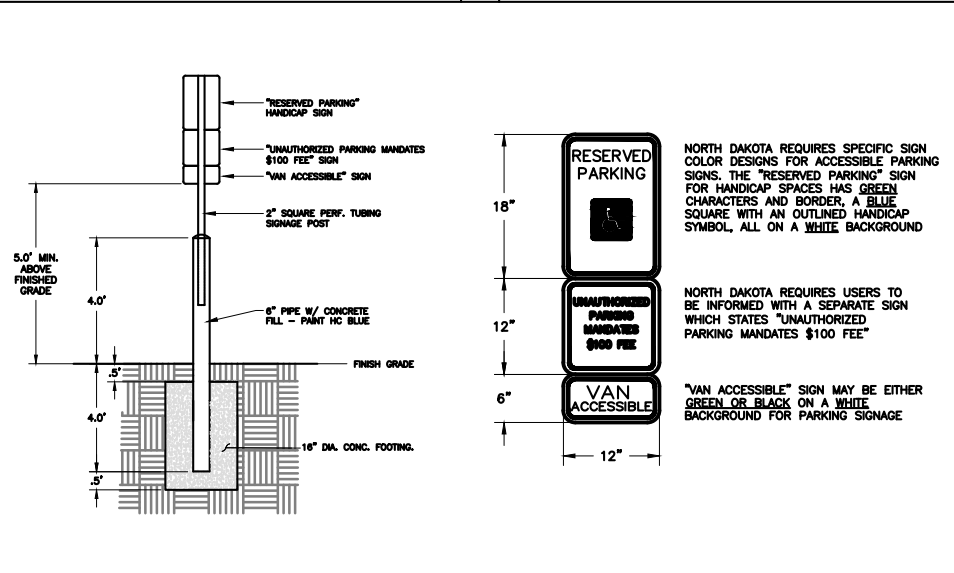
5 NO PARKING / FIRE LANE SIGN
SCALE - NTS



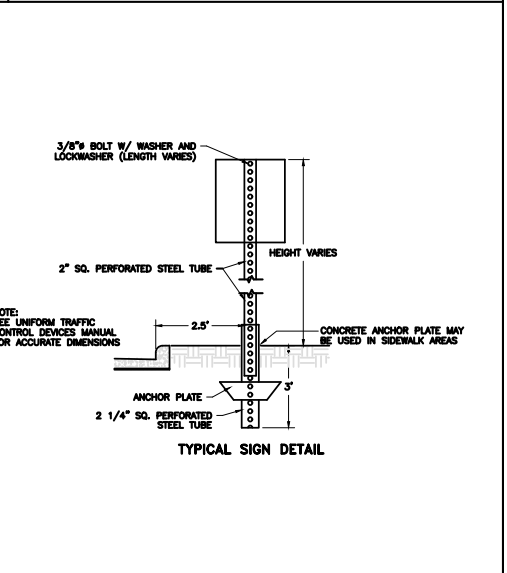
6 CLEANOUT ADJUSTMENT
SCALE - NTS



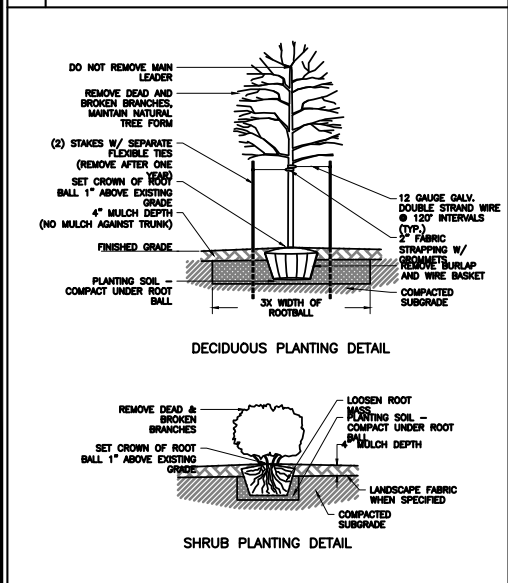
7 CURB AND GUTTER
SCALE - NTS



8 HANDICAP PARKING SIGNAGE (POST MOUNTED)
SCALE - NTS



9 TYPICAL SIGN
SCALE - NTS



10 TREE & SHRUB PLANTING DETAIL
SCALE - NTS



TOMAN ENGINEERING
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MISSOURI LANDING
2600 MARINA ROAD SE
MANDAN, NORTH DAKOTA
LOT 1, BLOCK 1, BRIDGEVIEW BAY ADDITION
CITY OF MANDAN, NORTH DAKOTA

SHEET 8 OF 9 AUGUST, 2024

DETAILS

EXISTING CONDITIONS GENERAL NOTES:

SPECIFICATIONS: All work shall conform to the Project Manual and Specifications as supplemented by or modified by the following plan notes. All work shall conform to the City of Mandan Construction Specifications and Details.

PERMITS: The Contractor is required to obtain all permits that may be required prior to construction. The Contractor will also be required to complete and file a Notice of Intent (NOI) with the North Dakota Dept. of Health division of water quality.

CONTRACTOR PARKING STAGING AREA: The Contractor shall not use private property to park vehicles, store materials, or use as a staging area without written permission from the owner of that property. Any damages to private property shall be repaired to the satisfaction of the owner by and at the Contractor's expense.

BENCHMARK: Benchmarks and survey Control points for this project are shown on the plans. Care shall be taken as to not cover, remove, damage, obscure, move or destroy set benchmarks, lath, hubs, property pins, or other survey monuments. Any damaged or destroyed control points shall be replaced at the Contractor's expense.

SURVEYING: The Engineer shall be responsible for all layout surveying and staking needed for construction activities. Project construction staking shall be provided by the Owner. The Contractor is to provide a 48 hour notice prior to needing survey stakes. The Contractor shall note that stakes will be set one time. Any damaged or destroyed survey points will be replaced by the Engineer at the Contractors expense. Electronic files and control point information will be available through the Engineer for use of grading contractors utilizing GPS equipment.

PROTECTION OF EXISTING UTILITIES: The Contractor is advised that existing utilities are shown in their approximate location and have been taken from information supplied by North Dakota One Call and documents of record. The contractor shall exercise care in construction operations to ensure that existing utilities, pavement, trees, shrubs, grasses, seeded areas, fences, signs, conduits, private irrigation systems, and other site improvements located on or around the construction limits are not disturbed. The Contractor is responsible for locating and protecting all existing utilities. The Contractor shall be responsible for repairing any damage to existing utilities caused by the construction process. Any discrepancies shall immediately be brought to the attention of the Owner/Engineer.

TESTING: Testing shall be conducted according to project or manufacturers' specifications. The Contractor shall provide at its expense the necessary testing and inspection services required by the plans and specifications. The Contractor shall employ an accredited independent testing laboratories certified through the American Association of State Highway and Transportation Officials (AASHTO). All Site Grading and Compaction testing shall be 95% of standard proctor. The Contractor shall be responsible for scheduling tests and providing payments according to specifications and shall supply test results to the project Engineer/Architect, and to the Owner.

HAUL ROAD RESTRICTIONS: The Contractor shall contact the appropriate State, County, Township, or City officials to determine if there are any "No Haul Routes" prior to preparing a bid for this project.

WASTE: All materials which is not designated to be salvaged shall be removed and become the property of the Contractor. Cost to transport and dispose of this material shall be considered incidental to the project.

CLEANUP: All trash on site from construction activities shall be disposed of off site by the Contractor, this shall be considered incidental to the project.
-Prior to final inspection the contractor shall sweep and clean the construction site and adjacent street and driveway of all debris.

PROPOSED CONDITIONS GENERAL NOTES:

PROPOSED CONTOURS: The final contours and control point elevations shown on the drawings represent the finished surface to the topsoil, pavement, surfacing, storm sewers, etc. The Contractor is to make allowances as required to account for topsoil and pavement surfacing when completing the site grading.

TESTING: Testing shall be conducted according to project specifications an the plan notes. The Contractor shall provide at its expense the necessary testing and inspection services required by the plans and specifications. The Contractor shall employ an accredited independent testing laboratories certified through the American Association of State Highway and Transportation Officials (AASHTO). The Contractor shall be responsible for scheduling tests according to specifications and shall supply test results to the project Engineer/Architect, and to the Owner.

REMOVALS: All Asphalt and Concrete Pavement to be removed shall be saw-but full depth prior to pavement removal. All pavement removed shall be disposed of by the Contractor. Damaged pavement outside the limits shown shall be corrected at Contractors expense.
-It shall be the General Contractors option to remove or leave the existing concrete in place during construction of the building. It shall be up to the General Contractor to coordinate when the removal of the existing concrete curb is required.

PAVEMENT MARKING/STRIPING: Contractor to stripe entire parking lot after pavement operations are complete as per layout on plan sheets. All paint shall meet the NDDOT specifications.
-Parking stripes shall be 4" wide yellow paint.
-Blue Striping and symbols shall be installed at handicap stalls, along with access aisle diagonal painted with blue lines spaced at 2' on center.
-All paint shall be applied at 110 SF/GAL. Contractor shall stripe the lot once the first year, and again 8-12 months after the initial striping. The second striping shall be considered incidental to this item.

PROPOSED GENERAL NOTES CONT.

AGGREGATE BASE: Aggregate base shall be Class 5 Gravel per NDDOT specifications or approved equal. Gravel shall be installed to a thickness of 6" as shown on plan details (see sheet 8), and compacted to a minimum of 95% standard proctor at a moisture content of no more than 3% above or 1% below optimum moisture as determined by ASTM D698.

CONCRETE: All Concrete in the city Right of Way shall be in accordance with he City of Mandan Construction Specifications.
-All Concrete shall have 28 day strength of 4,000 psi, with a maximum allowable slump of 4 inches, and air entrainment content between 5% to 7%, 6-sack minimum. The Contractor shall provide a mix design to be approved by the Engineer.
-All Concrete placed next to the building and/or structures shall have ¾" expansion material installed and sealed.
-Sidewalk adjacent to the building and thickened edge sidewalk, shall have continuous reinforcement of #4 deformed bars tied together at 24" on center.
-Parking Lot concrete shall be 6" reinforced concrete. See detail Sheet 8.
-Concrete joints shall be a maximum of 10'x10', and a concrete jointing plan shall be required by the Contractor and approved prior to implementation.
-All Construction joints shall be formed with a keyway or tied together with 18" tie bars drilled ½ length into existing concrete every 24".
-Curing Compounds shall conform to ASTM C309- Type 2 white pigmented. Curing Compound coverage shall be per manufactures recommendations.
-Concrete joints shall be saw cut 1/3 the concrete depth, 3/8" wide, cleaned, and sealed with caulking and backer rod. Backer rod shall meet the requirements of ASTM D 5249 type 1. Joint Sealant shall be a cold applied joint sealant specifically manufactured for exterior pavements. Sealant shall be a one part silicone, or electromeric sealant complying with ASTM C920. Sealant shall be gray to match concrete color, with a low modulus and be capable of withstanding repeated joint movement without losing adhesion to the concrete without cohesion failure. Joints shall be clean and free of debris per manufactures instructions.
-Concrete tests shall be done per the following:
-One test per 75 Cubic Yards of concrete poured for parking lot pavement.

TRAFFIC CONTROL: Prior to any work within the City ROW, the Contractor must develop and submit a traffic control plan the the City Engineering office for approval. All work within the City of Mandan Right of Way shall conform to the City of Mandan Construction Specifications and Details.
-This work consists of furnishing, installing, and maintaining all required traffic control devices necessary according to an approved traffic control plan and details.

PROPOSED UTILITY NOTES:

WATER SERVICE:
-Materials, Construction Method, Pressure Testing, and Bacterial Testing shall comply with City of Mandan Construction Specifications, unless noted otherwise.
-Water lines shall be pressure tested and bacteria tested as per City of Mandan Construction Specifications.
-All plan footages are approximate, exact lengths to be determined by the Contractor in the field.
-Contractor to connect to the existing watermain. Stub and verify size & elevation in the field.

SANITARY SEWER SERVICE:
-Materials, Construction Method, and Testing shall comply with City of Mandan Construction Specifications, unless noted otherwise.
-Contractor shall connect to the existing Sewer Service stub. Verify location and elevation in the field.
-All plan footages are approximate, exact lengths to be determined by the Contractor in the field.

UTILITY ADJUSTMENTS:
-Contractor shall adjust all sanitary cleanout casting, valve and curb boxes to final grade prior to pavement or landscape placement. See Sheet 8 for details.

SUBGRADE PREPARATION & TRENCHING DENSITY REQUIREMENTS: Areas to receive Fill, Gravel Base, Pavement, and the bottom of cut areas shall be scarified to a minimum of 12" and compacted. Fill material shall be placed in lifts not exceeding 8" loose thickness. All Trenches, Fill, and Gravel base shall be compacted to a minimum of 95% standard proctor at a moisture content of no more than 3% above or 1% below optimum moisture as determined by ASTM D698. Testing frequency shall be on passing test for every 5000 SF of area for every lift of fill material placed and compacted. Trench backfill shall have a testing frequency of one test per every 100 lineal foot of compacted utility trench for every 3 vertical foot of backfill.

TESTING: Testing shall be conducted according to project specifications. The Contractor shall provide at its expense the necessary testing and inspection services required by the plans, specifications and report. The Contractor shall employ an accredited independent testing laboratories certified through the American Association of State Highway and Transportation Officials (AASHTO). The Contractor shall be responsible for scheduling tests according to specifications and shall supply test results to the project Engineer/Architect, and to the Owner.

PROPOSED GRADING GENERAL NOTES:

PROPOSED CONTOURS: The final contours and control point elevations shown on the drawings represent the finished surface to the topsoil, pavement, surfacing, storm sewers, etc. The Contractor is to make allowances as required to account for topsoil and pavement surfacing when completing the site grading.

EROSION CONTROL:
-Projects disturbing one or more acres shall have a NDPDES permit to discharge storm water runoff. If the project is an acre or more the Contractor will also be required to complete and file a Notice of Intent (NOI) with the North Dakota Dept. of Health division of water quality. No land disturbing activities shall occur until a NDPDES permit has been issued by the NDDOH. The Contractor shall check with the local officials to be sure all local storm water management considerations are addressed.
-Best management practices shall be utilized for all erosion control. All surface water shall not leave the site without passing through Best Management Practice erosion control measures.
-The BMP's shall be inspected daily by the permittee/contractor and maintained as necessary to ensure their continued functioning.
-The Contractor shall prevent the erosion of exposed soil surfaces and trapping sediments being transported, and erosion and sedimentation into existing storm sewer and adjacent properties will be minimized.
-De-watering of storm water on site and of trenches due to ground water shall be the Contractors responsibility. There shall be no standing water on site.
-Mud tracking onto adjacent streets shall be kept to a minimum. The Contractor shall be responsible for cleaning any mud or debris tracked from the construction site onto adjacent streets. The Contractor shall remove all soil and sediment tracked or deposited off-site on pavement areas. Soil removal shall be accomplished by shoveling or sweeping on a daily basis. Street washing will not be allowed.
-The BMP's shown on the plans are the minimum requirements for the anticipated site conditions. As construction progresses and unexpected or seasonal conditions dictate, the permittee/contractor shall anticipate that more BMP's may be necessary to ensure erosion and sediment control on site.
-All temporary erosion and sediment control measures shall be properly disposed of within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed.

SUBGRADE PREPARATION & TRENCHING DENSITY REQUIREMENTS: Areas to receive Fill, Gravel Base, Pavement, and the bottom of cut areas shall be scarified to a minimum of 12" and compacted. Fill material shall be placed in lifts not exceeding 8" loose thickness. All Trenches, Fill, and Gravel base shall be compacted to a minimum of 95% standard proctor at a moisture content of no more than 3% above or 3% below optimum moisture as determined by ASTM D698. Testing frequency shall be on passing test for every 5000 SF of area for every lift of fill material placed and compacted. Trench backfill shall have a testing frequency of one test per every 100 lineal foot of compacted utility trench for every 3 vertical foot of backfill.

TESTING: Testing and construction shall be conducted according to project specifications. The Contractor shall provide at its expense the necessary testing and inspection services required by the plans and specifications. The Contractor shall employ an accredited independent testing laboratories certified through the American Association of State Highway and Transportation Officials (AASHTO). The Contractor shall be responsible for scheduling tests according to specifications and shall supply test results to the project Engineer/Architect, and to the Ownr.

PROPOSED LANDSCAPE GENERAL NOTES:

LANDSCAPE AREAS:
-Contractor shall obtain all necessary permits for planting work within County Right of Way.
-All landscape plantings are to be watered by the landscape contractor the same day that planting occurs, and continue watering until final acceptance of the project.
-All plant materials shall be guaranteed one (1) full year upon total completion and acceptance of the project.

TOPSOIL & SEEDING:
-4 Inch thick topsoil shall be installed in all disturbed areas that do not receive concrete or gravel.
-Topsoil shall be clean, free of stones, weeds, and other undesirable debris.
-Topsoil in all areas shall be shaped for positive drainage, and have a smooth uniform appearance.
-Fertilizer shall be 10-10-10 and applied at a rate of 4 lbs per 1000 square feet. Fertilize soil during the seeding process using an appropriate application process.
-Seeding shall be performed only during the seasons when satisfactory results can be expected.
-Seed shall be drill seeded to a depth of ¼" to ½" depth, at a rate of 50 lbs per acre. Seed mix shall be 25% Ephraim Crested Wheat, 25% Kentucky Blue Grass, 25% Turf Perennial Rye, and 25% Fairway or approved equal. All seed shall be free of all prohibited noxious weeds. Seed which has become wet, moldy, or otherwise damaged shall not be acceptable.
-Hydro-mulch shall be utilized in all areas seeded. Hydro-mulch shall be a wood cellulose fiber mulch that has not been treated with any germination or growth inhibitive substances. The mulch shall be treated with a tack and fiber to enhance seed and mulch placement and adherence to the soil.
-The seeding Contractor shall water the newly seeded areas on the same day that seeding occurs and continue watering until final acceptance of project.

REGULATOR REQUIREMENTS:

WORK INCLUDED:
-The work shall be performed in accordance with the latest revision of the City of Mandan Construction Specifications.
-In performance with the work on this project the contractor shall be aware of and abide by all Federal, State and Local regulations, codes, guidelines and/or requirements for the performance of their work on the project.
-The contractor is responsible for safety at the work site. The Contractor shall be aware of and abide by all Federal, State and Local regulations which apply to safety.
-When performing excavation, the contractor shall meet all OSHA regulations pertaining to the performance of their work. The regulations require certain depth excavation be designed by a professional engineer. If this is required it will be done by the contractor at their own expense.
-The contractor will be responsible for obtaining any permits required by Federal, State or Local agencies whether public or private.
-The contractor shall follow all Federal, State and Local Environmental and Health Regulations, codes, guidelines and requirements which pertain to the type of work he is performing.
-The contractor shall file a Notice of Intent to obtain coverage under NDPDES General Permit for Storm Water Discharges associated with construction activity from the North Dakota Department of health Division of Water Quality.





TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923

MISSOURI LANDING
2600 MARINA ROAD SE
MANDAN, NORTH DAKOTA

LOT 1, BLOCK 1, BRIDGEVIEW BAY ADDITION
CITY OF MANDAN, NORTH DAKOTA

SHEET 9 OF 9AUGUST, 2024

CONSTRUCTION NOTES



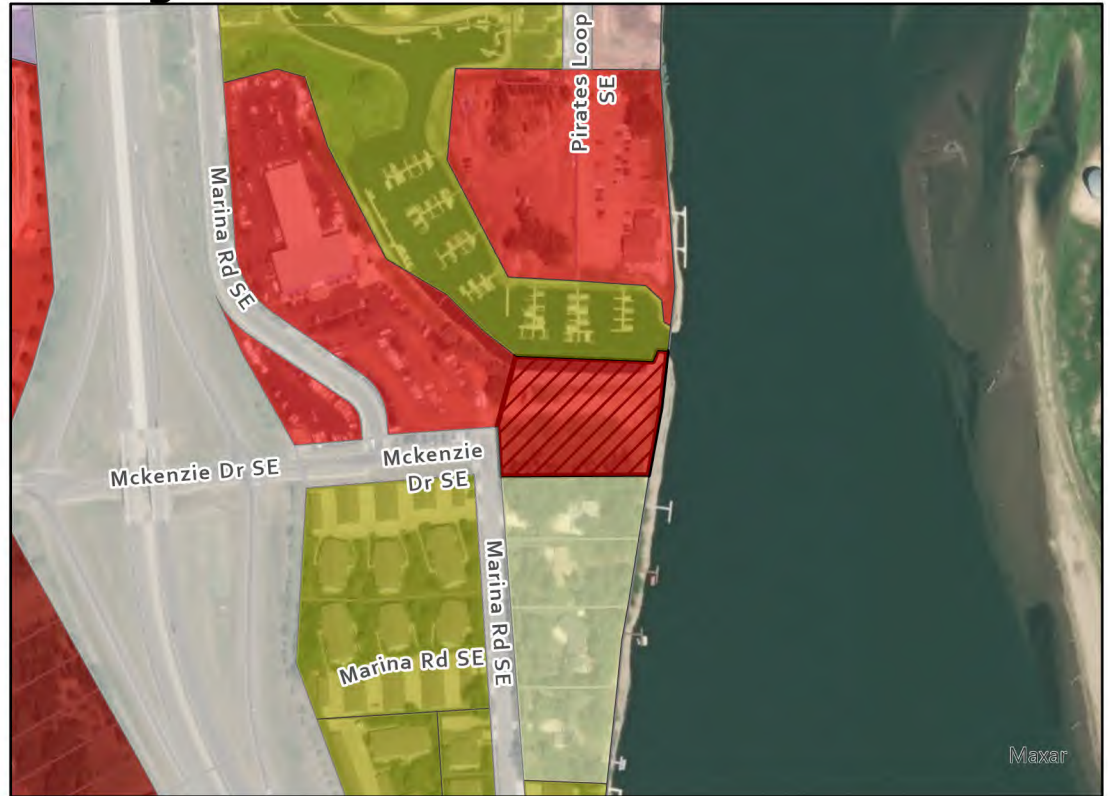
Zoning and Future Land Use Reference Map

Missouri Point Special Use Permit

Zoning

Zoning Map Key

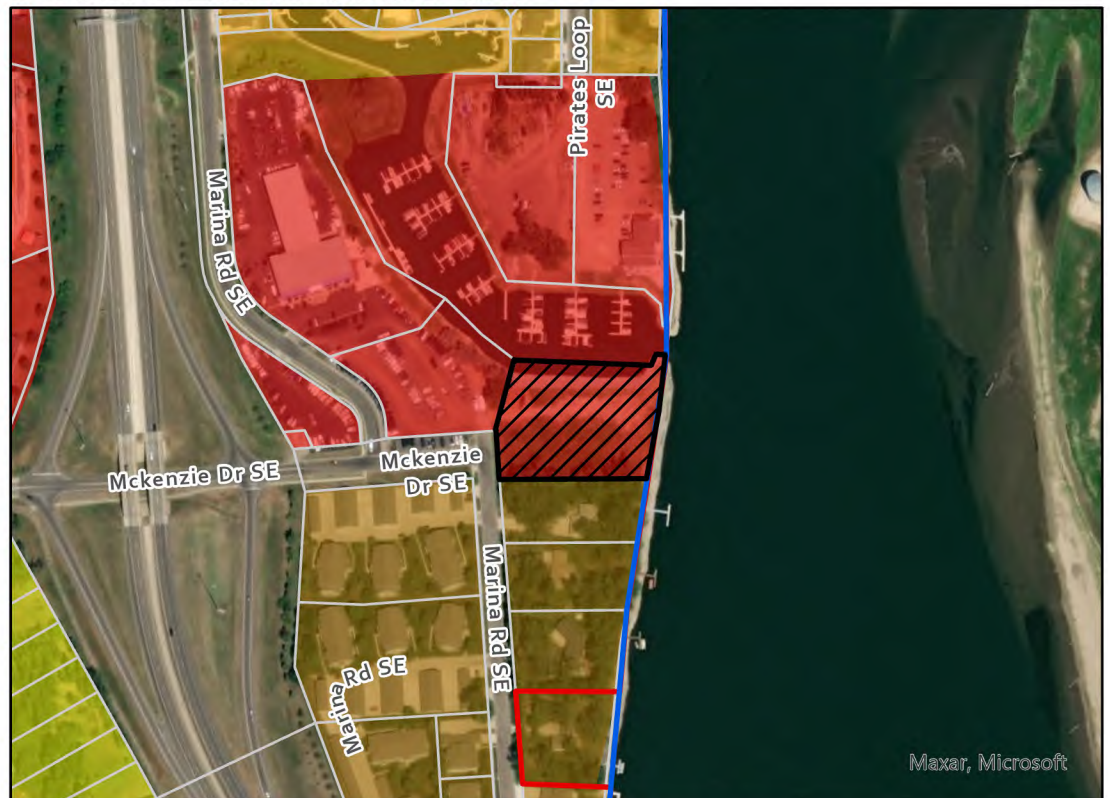
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light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

Future Land Use Plan





City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 12, 2024
SUBMITTING DEPARTMENT: Engineering Department
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Jarek Wigness, City Engineer
SUBJECT: Cemetery Geotechnical Evaluation Project

STATEMENT/PURPOSE:

To consider the contract with Moore Engineering and Barr Engineering to perform consulting engineering services related to the 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 led 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.

On July 19th, city staff advertised a request for proposals (RFP) for the Cemetery Geotechnical Evaluation Project. The scope of the RFP was to provide geotechnical and funding support to the City. Three proposals were received and ranked by a selection committee, which had representation from the Public Works, Finance, and Engineering departments. The selection committee proceeded to interview all three consultants who submitted proposals. The City selection committee ranked Moore Engineering, who teamed up with Barr Engineering, as the most qualified consultant to complete the work outlined in the RFP. The final step in the RFP process is to enter into an engineering service agree with Moore and Barr Engineering to complete the requested work.

ATTACHMENTS:

1. Moore Engineering_TaskOrder_6

FISCAL IMPACT:

Below is a table of anticipated costs to start the project and complete a slope evaluation report that can be used to apply for federal and state funding grants. If state or federal grants are acquired, these engineering fees may be eligible for reimbursement. The finance department is recommending use of the 1% city sales tax fund for these costs.

Description of Service	Amount
Initial Investigative Work in Fall 2024 (Sept. 15, 2024 – Dec. 31, 2024)	\$200,720
Monitoring, Modeling, Preliminary Design (January 1, 2025 – June 1, 2025)	\$162,360
Preliminary Engineer's Report in the Summer of 2025 (June 1, 2025 – August 1, 2025)	\$28,955
FEMA HMGP Application Preparation & Submission (Aug 1, 2025 – Sept. 30, 2025)	\$20,090
TOTAL COMPENSATION	\$412,125

STAFF IMPACT:

Staff will spend time working closely with Moore and Barr to ensure the project timeline will stay on track for the grant application schedule.

LEGAL REVIEW:

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

RECOMMENDATION:

To amend the 2024 fiscal year's budget in the amount of \$200,720, and to amend the 2025 fiscal year's budget in the amount of \$211,405 using the 1% city sales tax fund.

SUGGESTED MOTION:

I move to approve the Engineering Service Agreement with Moore and Barr Engineering to complete work on the Cemetery Geotechnical Evaluation Project. I also move to amend the 2024 budget by \$200,720 and the 2025 budget by \$211,405 using the city's 1% sales tax fund.

This is **Task Order 6**, consisting of 6 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services – Task Order** dated September 5, 2023.

Task Order No. 6

1. Background Data:

- a. Effective Date of Task Order: Sept. 17, 2024
- b. Owner: City of Mandan, ND
- c. Engineer: Moore Engineering Inc.
- d. Specific Project: Mandan Cemetery Geotechnical Evaluation Project: Surveying and engineering services related to the data collection, evaluations, soil borings, geotechnical investigation, monitoring, topographic survey, alternative development, opinion of cost, FEMA pre-planning assistance application, FEMA HMGP Application, railroad coordination, and public involvement.

GENERAL DESCRIPTION OF PROJECT: The City of Mandan publicly advertised and selected Moore Engineering to lead said project.

This Task Order includes a study of the project area with the deliverables being: A Preliminary Engineering Report, 10% Design Deliverables, and a FEMA HMGP Funding application.

The Project area consists of the eastern portion of the Mandan Cemetery and the BNSF Railroad right-of-way shown on Figure 1.

The objective is to determine the causes of the slope stability issues, identify alternatives to address the issues, select the most feasible method to properly address the issues, identify project costs and to assist the city in a FEMA HMGP application for project funding to address the issues. It is assumed that once project funding is secured, the city will execute an amendment to this contract to provide design and construction engineering phase services.



Services of Engineer

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

1. **Part A: Initial Investigative Work in Fall 2024:** After acceptance of the Agreement by Owner and upon written authorization from the Owner, Engineer shall:
 - a. Kick-off meeting with owner to define and clarify Owner's requirements for the Project and available data.
 - b. Evaluate previous studies, reports, deeds and data provided by Owner.
 - c. FEMA/DES Coordination: Apply for FEMA Advanced Assistance to pay for a portion of Preliminary Investigative Study.
 - d. Coordinate with BNSF to secure access permit.
 - e. Visually evaluate and photograph existing conditions.
 - f. Coordinate with Utility Companies for maps, ND One Call and Topographic Survey of site
 - g. Boundary Survey to identify right-of-way limits. A detailed Boundary survey to determine the property line of the Cemetery and railroad right-of-way is included.
 - h. Hold Bi-Weekly Project Coordination meetings (assume no more than 60 minutes) with project team between September 15th and December 15th (Assume 6).
 - i. Evaluate Slope Monitoring Plan
 - j. Stake Boring Site locations identified by Geotechnical Engineer
 - k. Monitoring Equipment:
 - 1) Installation of monitoring prisms per monitoring plan
 - 2) Survey monitoring prisms and export .CSV file
 - 3) Survey to collect monthly slope surface monitoring prism measurements. Export .CSV file
2. **Part B. Preliminary Design in the Spring of 2025:** Upon satisfactory completion of the initial Investigative work and Owner's approval to proceed, Engineer shall:
 - a. After January 1st, continue to collect monthly slope surface monitoring prism measurements
 - b. Monitoring Conditions: View on Desktop, View Geotechnical Lab Testing Data, Monthly Monitoring Summary Email
 - c. Hold Monthly Project Coordination Meetings between January and May 1 (Assume 4).
 - d. Begin draft Geotechnical Report
 - e. Begin draft Preliminary Engineer's Report

- f. Hold two (2) field reviews with Public Works/Cemetery Representative to determine proposed street improvements, infrastructure re-routing, drainage adjustments. Determine supplemental infrastructure changes requested by the owner in this area:
 - 1) Drainage needs to be routed away from the area. It is assumed that the proposed project will include either a drainage swale, grading, and storm sewer improvements needed to direct runoff to the south.
 - 2) If storm sewer is requested, provide preliminary storm water modeling to size the storm sewer pipes for the purpose of estimating cost. No storm water pond sizing or modeling is included.
 - 3) Determine water distribution system re-routing and/or water main replacement needed to route water main away from this area.
 - 4) Provide roadway reconstruction costs (typical section provided by Mandan Engineering Department, no pavement design.)
- g. Geotechnical Modeling: Complete three alternatives (10% Designs) based on the data collected. Analyze each alternative to perform preliminary geotechnical modeling to understand each method's effectiveness. (If one method is not feasible, and therefore a cost estimate is not possible, a fourth option will be analyzed and modeled.)
- h. Moore: - Complete preliminary civil design (10% level) to determine limits of removals, working area and identify easement needs.
 - 1) Prepare existing conditions drawings and other drawings or exhibits related to existing conditions, traffic routing, typical sections, proposed street and utility considerations.
 - 2) Complete quantity take-offs and preliminary opinion of construction costs.
 - 3) Conduct up to two (2) field reviews with Owner to review design alternatives.
- 3. **Part C: Preliminary Engineer's Report in the early Summer of 2025:** Upon satisfactory completion of the initial Investigative work and Owner's approval to proceed, Engineer shall:
 - a. Finalize Preliminary Engineer's Report:
 - 1) BARR - Geotechnical: Concept Drawings, Slope monitoring Memo, Alternatives, Preliminary Cost Estimates
 - 2) Moore - Civil: Identify full project scope, schedule and budget (Civil and Geotechnical) for purpose of FEMA HMGP funding application
- 4. **Part D: FEMA HMGP Funding Application in the later Summer of 2025:** Upon satisfactory completion of the initial Investigative work and Owner's approval to proceed, Engineer shall:
 - a. Project Narrative, full application, public support documents, B/C spreadsheets, maps, Opinion of Cost, Budget Narrative, future O&M projections, life-cycle cost analysis, coordination with NDDes (FEMA Region), Attachments, QA, review with owner, public meeting uploading and submitting

B. Other Services - None

C. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order. The following items form the basis of the proposed

1. The following items are specifically excluded:

- a. Utility Coordination meeting
- b. Pavement Life Cycle Cost Analysis
- c. Lighting Design
- d. Special Assessment District Services: No calculations or Improvement District Services are included in this phase to develop the PER.
- e. Environmental Review (cultural, biological, wetland, etc), Environmental Clearance, Environmental Mitigation Measures are NOT included in this phase. It is not yet possible to accurately know what kind of environmental review/steps will be required until the report is finished. At the conclusion of the Report, Moore will provide a sample Environmental SOV letter which describes the proposed project. The City can send the SOV letters to their (or FEMA's) list of required agencies. Once the SOV responses are received, Moore will provide an Amendment with recommended next steps to address environmental concerns/requirements of the funding agency/owner.
- f. Hydraulic modeling of water main or sanitary sewer
- g. Structural analysis of existing retaining walls
- h. This agreement is expected to take the project to a 10% design level. Final Design and Construction engineering services are not included. If these services are requested, an amendment to this Agreement for Engineering Services will be provided to the Owner

1. Additional Services

D. Additional Services that may be authorized or necessary under this Task Order are: those services (and related terms and conditions) set forth in Paragraph A2.01 of Exhibit A, as attached to the Agreement referred to above, such paragraph being hereby incorporated by reference.

2. Owner's Responsibilities

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

E. Attend meetings and provide direction as indicated in the above parts of this Task Order.

F. Provide any records, reports of water main breaks, sewer televising tapes, deeds, title opinions, property surveys, plats, as-built drawings of infrastructure, previous engineer's reports, or any other historic records from this area.

G. Provide access road to proposed soil boring locations. The intention is that the city of Mandan will either have to physically construct, or contract out the construction of an access trail for the soil boring contractor to get to the proposed boring sites. This will likely include clearing, tree/brush removal and cutting, grading, stabilization, aggregate surfacing, etc. The engineer can help with coordinating this work, but the labor or physical costs will be the responsibility of the owner.

H. Pay for Railroad Permitting fees and/or railroad flagging (if required.)

3. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule: services are to be finished in a timely matter as to provide adequate time to begin construction in April or May of 2026.

4. Payments to Engineer

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

Description of Service	Amount
Initial Investigative Work in Fall 2024 (Sept. 15, 2024 – Dec. 31, 2024)	\$200,720
Monitoring, Modeling, Preliminary Design (January 1, 2025 – June 1, 2025)	\$162,360
Preliminary Engineer's Report in the Summer of 2025 (June 1, 2025 – August 1, 2025)	\$28,955
FEMA HMGP Application Preparation & Submission (Aug 1, 2025 – Sept. 30, 2025)	\$20,090
TOTAL COMPENSATION	\$412,125

Hourly tasks will be billed on the category billing rate basis. Category billing rates are provided in the Master Service Agreement, are valid through the end of the current year, and may be adjusted annually to meet market conditions. Consultant Invoices that Moore Engineering retains will be multiplied by a multiplier of 1.10. Invoices will be submitted monthly based on the work completed. Moore may alter the distribution of compensation between individual phases listed above to be consistent with services actually rendered, but shall not exceed the total contract compensation amount unless approved in writing by the City.

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

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

a. Barr Engineering Co. (Geotechnical)

6. Other Modifications to Agreement and Exhibits: None

7. Attachments:

a. Project Area Map

b. Work Breakdown Structure (tasks and hours)

8. Other Documents Incorporated by Reference: Master Service Agreement between Moore Engineering and City of Mandan dated September 5, 2023

9. 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 September 17, 2024.

OWNER:

By: _____

Print Name: James Froelich

Title: Mayor

ENGINEER:

By:  _____

Print Name: Tyson Hajicek, PE

Title: COO

Engineer License or Firm's
Certificate No. (if required): 011C
State of: North Dakota

DESIGNATED REPRESENTATIVE FOR TASK
ORDER:

Name: Jarek Wigness, PE

Title: City Engineer

Address: 205 2nd Ave NW
Mandan, ND 58554

E-Mail
Address: jarek.wigness@cityofmandan.com

Phone: (701) 667-3225

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Jerod Klabunde, PE

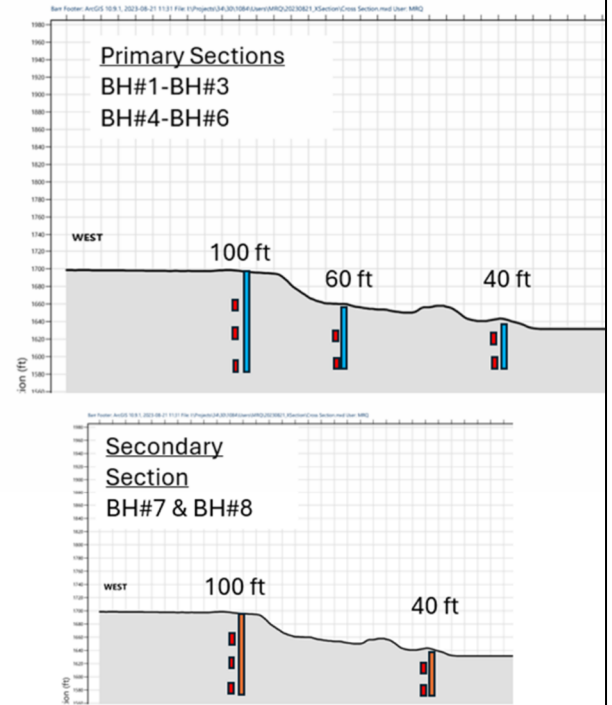
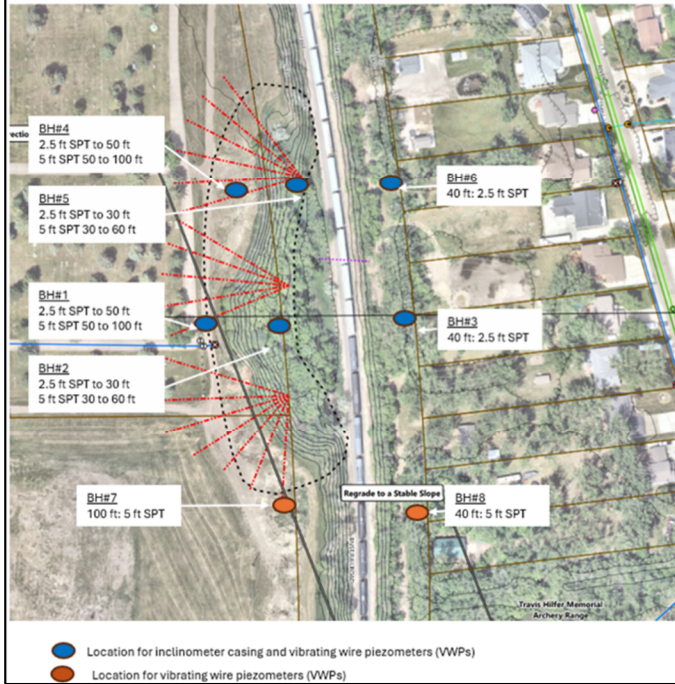
Title: Project Management Group Leader

Address: 4503 Coleman Street, Ste. 105
Bismarck, ND 58503

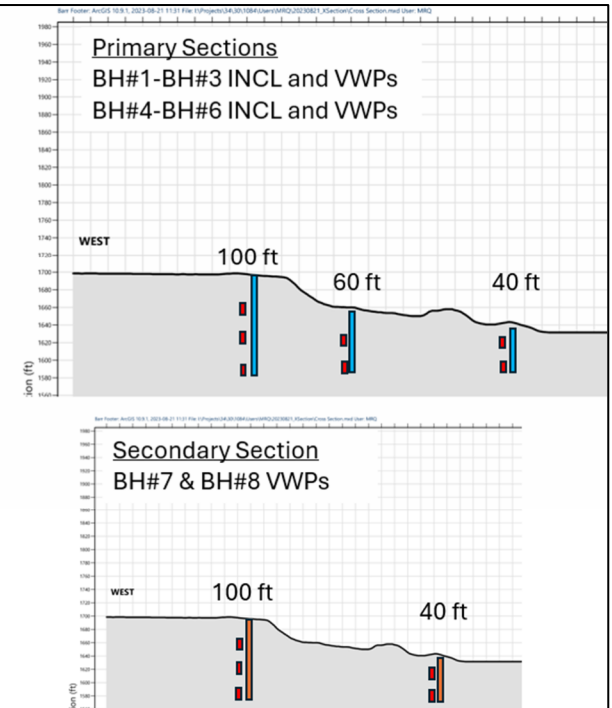
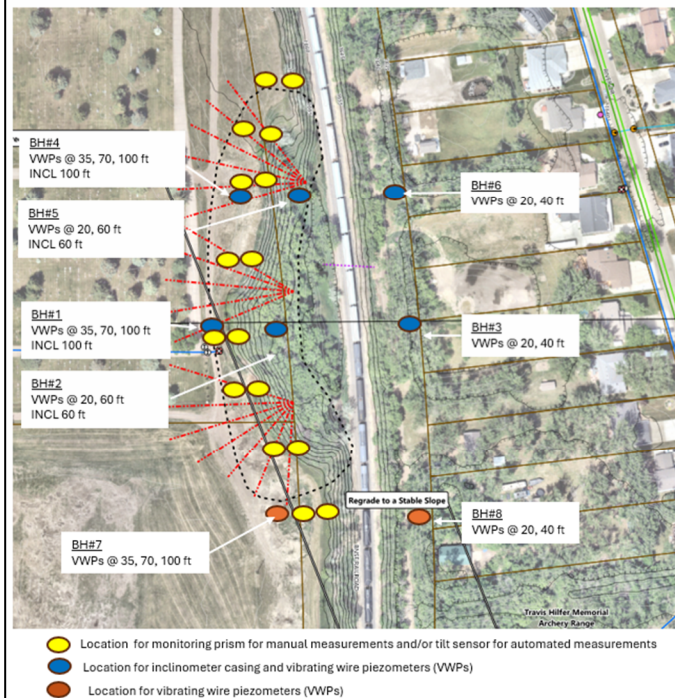
E-Mail
Address: Jerod.klabunde@mooreengineeringinc.com

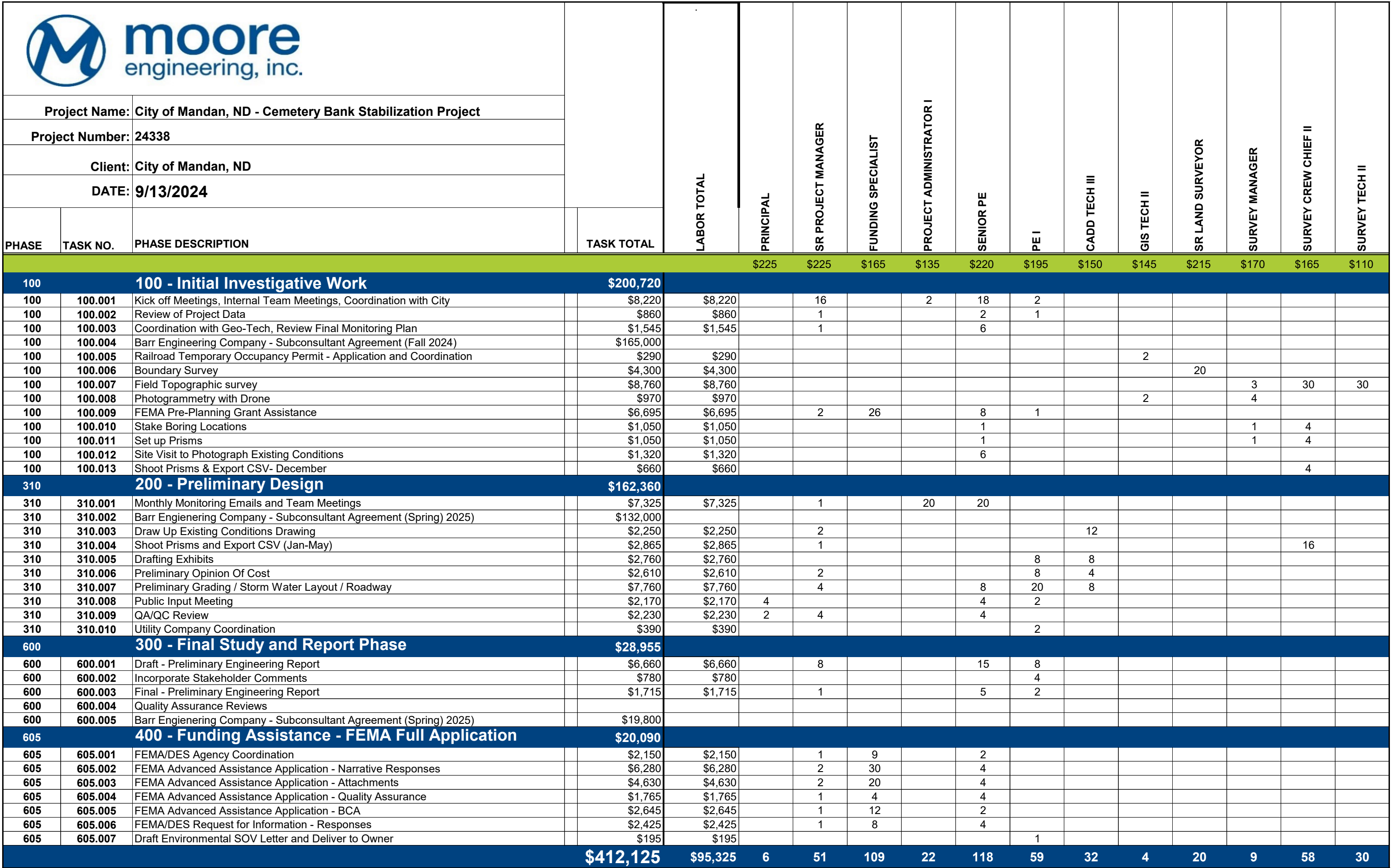
Phone: (701) 751-8380

Drilling and Sampling Plan



Instrumentation Plan







City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 5, 2024
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Final 2025 Budget

STATEMENT/PURPOSE:

To approve the second and final consideration of Ordinance No. 1452 adopting the 2025 Budget.

BACKGROUND/ALTERNATIVES:

The Budget & Finance Committee consists of the following members:

- > Jim Froelich, Mayor (Finance Portfolio)
- > Jim Neubauer, City Administrator
- > Greg Welch, Finance Director
- > Justin Schulz, Assistant Finance Director

July 9, 2024 – Board of City Commissioners conducted a Budget Working Session with department managers.

July 12, 2024 – Budget & Finance Committee reviewed, discussed, and approved recommendations for the preliminary 2025 Budget.

August 6, 2024 – Budget & Finance Committee presented the preliminary 2025 Budget to the Board of City Commissioners. Board of City Commissioners approved the introduction and first consideration, and call for a public budget hearing of Ordinance No. 1452 adopting the 2025 Budget.

August 7, 2024 – City provided a copy of the preliminary 2025 budget statement and notice of the public budget hearing date to the Morton County Auditor.

August 20, 2024 – Board of City Commissioners approved the update to the City's Long-Term Financial Planning Policy.

Subject: Second and final consideration of Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.

Page 2 of 3

By August 31, 2024 – Morton County Treasurer provided a written notice to the owner of each parcel of taxable property with the total estimated property tax, based on the preliminary 2025 budget statement, and the date, time and location of the public budget hearing.

September 17, 2024 – City to conduct a public budget hearing at 6:00 p.m. and approve the second and final consideration of Ordinance No. 1452 adopting the 2025 Budget, and approve the Resolutions establishing the rates and charges for services.

September 18, 2024 – City to submit a certified copy of the levy as adopted and a certified copy of the final 2025 Budget to the Morton County Auditor.

The final 2025 Budget will be posted on the City's website at cityofmandan.com.

ATTACHMENTS:

1. Ordinance No. 1452

FISCAL IMPACT:

- > Expenses = \$38.3M
- > Transfers = \$13.7M
- > City property taxes levied = \$8.8M

The increase in property taxes for a residential property valued at \$300,000 plus a 5% (average) valuation increase and based on current City mill rate = \$43 or \$14 per \$100,000 in valuation.

The increase in utility bill base charges for a residential account = \$5.41 per month.

STAFF IMPACT:

The City's budget process is coordinated by the finance department under the direction of the Budget & Finance Committee with the assistance from commissioners, department managers, supervisors, and staff.

LEGAL REVIEW:

The City is required to prepare the annual budget in accordance with the North Dakota Century Code.

RECOMMENDATION:

To approve the second and final consideration of Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North

Subject: Second and final consideration of Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.

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Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.

SUGGESTED MOTION:

I move to approve the second and final consideration of Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.

ORDINANCE NO. 1452

AN ORDINANCE MAKING THE ANNUAL APPROPRIATIONS FOR EXPENDITURES OR EXPENSES OF THE CITY OF MANDAN, NORTH DAKOTA, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2025, AND ENDING DECEMBER 31, 2025, AND MAKING THE ANNUAL TAX LEVY FOR THE YEAR 2024.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA:

Section 1. There are hereby appropriated the following sums of money for so much thereof that may be necessary for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025.

	EXPENDITURES/EXPENSES					TRANSFERS
	SALARIES & BENEFITS	OPERATIONS & MAINTENANCE	DEBT SERVICE	CAPITAL OUTLAY	TOTAL	
GENERAL FUND	\$ 13,549,130	\$ 4,285,788	\$ -	\$ 711,174	\$ 18,546,092	\$ 54,831
<u>SPECIAL REVENUE FUNDS</u>						
HIGHWAY DISTRIBUTION FUND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,525,186
CITY SHARE OF SPECIAL ASSESSMENTS FUND	\$ -	\$ 194,762	\$ -	\$ -	\$ 194,762	\$ -
MUNICIPAL INFRASTRUCTURE FUND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,116,430
CEMETERY FUND	\$ 103,279	\$ 57,900	\$ -	\$ 15,000	\$ 176,179	\$ -
CITY VISITORS' PROMOTION FUND	\$ -	\$ 74,684	\$ -	\$ -	\$ 74,684	\$ -
ALARM-EQUIPMENT RESERVE FUND	\$ -	\$ 4,850	\$ -	\$ -	\$ 4,850	\$ -
1% CITY SALES TAX FUND	\$ -	\$ 241,300	\$ -	\$ 221,700	\$ 463,000	\$ 3,275,025
PUBLIC TRANSPORTATION SYSTEM FUND	\$ -	\$ 262,929	\$ -	\$ -	\$ 262,929	\$ -
0.75% CITY SALES TAX FUND	\$ -	\$ -	\$ 955,501	\$ -	\$ 955,501	\$ -
0.5% CITY SALES TAX FUND	\$ -	\$ 730,726	\$ -	\$ 163,800	\$ 894,526	\$ -
FIRE EQUIPMENT RESERVE FUND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 140,852
MANDAN GROWTH FUND	\$ 243,322	\$ 77,722	\$ -	\$ 28,600	\$ 349,644	\$ -
ABUSED ADULT RESOURCE CENTER GRANT FUND	\$ 80,322	\$ -	\$ -	\$ -	\$ 80,322	\$ -
MANDAN SEP TRUST FUND	\$ -	\$ 850	\$ -	\$ -	\$ 850	\$ -
HEALTH & SAFETY FUND	\$ -	\$ 58,050	\$ -	\$ -	\$ 58,050	\$ -
<u>DEBT SERVICE FUNDS</u>						
LIBERTY MEMORIAL BRIDGE GENERAL OBLIGATION BONDS FUND	\$ -	\$ -	\$ 70,485	\$ -	\$ 70,485	\$ -
REFUNDING IMPROVEMENT BONDS FUND	\$ -	\$ -	\$ 4,191,910	\$ -	\$ 4,191,910	\$ -
<u>BUDGETS NOT REQUIRED UNDER NDCC 40-40-05</u>						
CITY VISITORS' PROMOTION CAPITAL CONSTRUCTION FUND	\$ -	\$ 131,450	\$ -	\$ -	\$ 131,450	\$ -
WATER & SEWER UTILITY FUND	\$ 2,211,908	\$ 1,935,600	\$ 2,793,008	\$ 815,000	\$ 7,755,516	\$ 5,389,968
SOLID WASTE UTILITY FUND	\$ 427,390	\$ 2,285,550	\$ 193,400	\$ 598,000	\$ 3,504,340	\$ 151,650
STREET LIGHT UTILITY FUND	\$ -	\$ 321,950	\$ -	\$ -	\$ 321,950	\$ 23,791
CITY SHOP FUND	\$ -	\$ 259,400	\$ -	\$ -	\$ 259,400	\$ -
TOTAL	\$ 16,615,351	\$ 10,923,511	\$ 8,204,304	\$ 2,553,274	\$ 38,296,440	\$ 13,677,733
MORTON MANDAN PUBLIC LIBRARY	\$ 842,016	\$ 254,246	\$ -	\$ 8,000	\$ 1,104,262	\$ 20,000
MANDAN AIRPORT AUTHORITY	\$ 107,127	\$ 197,489	\$ 85,000	\$ 2,012,000	\$ 2,401,616	\$ -

Section 2. There are hereby levied the following sums of money on all taxable property in the City of Mandan, North Dakota, for the year 2024 for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota.

GENERAL FUND	\$ 6,993,717
<u>SPECIAL REVENUE FUNDS</u>	
CITY SHARE OF SPECIAL ASSESSMENTS FUND	\$ 119,967
PUBLIC TRANSPORTATION SYSTEM FUND	\$ 274,263
<u>DEBT SERVICE FUND</u>	
GENERAL OBLIGATION BONDS FUND:	
LIBERTY MEMORIAL BRIDGE	\$ 76,219
MORTON MANDAN PUBLIC LIBRARY	\$ 754,224
MANDAN AIRPORT AUTHORITY	<u>\$ 548,527</u>
TOTAL	<u>\$ 8,766,917</u>

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration: August 6, 2024

Second Consideration: September 17, 2024

Final Passage and Adoption: September 17, 2024



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 5, 2024
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch, Finance Director
SUBJECT: Resolution establishing rates and charges for services from the Water & Sewer Utility Fund

STATEMENT/PURPOSE:

To consider the Resolution establishing rates and charges for services from the Water & Sewer Utility Fund.

BACKGROUND/ALTERNATIVES:

Water & Wastewater projects:

- > Collins Avenue Water Reservoir
- > Water Treatment Plant Optimization (Phase III)

Water & Wastewater monthly base charge increases per meter:

- > Residential account = \$4.75
- > Commercial account = \$9.50
- > Apartment/Commercial account = \$14.25

ATTACHMENTS:

1. Resolution establishing rates and charges for services from the Water & Sewer Utility Fund

FISCAL IMPACT:

The rate increases are included in the City's 2025 Budget.

STAFF IMPACT:

None

LEGAL REVIEW:

The rates and charges were prepared in accordance with the Mandan Code of

Ordinances.

RECOMMENDATION:

To approve the Resolution establishing rates and charges for services from the Water & Sewer Utility Fund.

SUGGESTED MOTION:

I move to approve the Resolution establishing rates and charges for services from the Water & Sewer Utility Fund.

RESOLUTION ESTABLISHING RATES AND CHARGES FOR SERVICES FROM THE WATER & SEWER UTILITY FUND

BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to the provisions of the Mandan Code of Ordinances, that the following monthly rates and charges are hereby established for services from the Water & Sewer Utility Fund:

a) Water and Wastewater Base Charge per Meter

- 1) ~~\$32.05~~ \$36.80 for each single family dwelling.
- 2) ~~\$32.05~~ \$36.80 for each mobile home.
- 3) ~~\$64.10~~ \$73.60 for each duplex unit.
- 4) ~~\$96.15~~ \$110.40 for all other multiple family units.
- 5) ~~\$64.10~~ \$73.60 for all commercial and industrial enterprises.
- 6) ~~\$96.15~~ \$110.40 for all apartment and commercial/apartment combination.
- 7) ~~\$681.58~~ \$782.59 fixed charge to Montana-Dakota Utilities Co. according to the Water Line Connection Agreement.

b) Water Usage Charge per Meter

- 1) Plus a water consumption charge shall be added at the rate of \$3.00 per one hundred cubic feet on each month's consumption as registered on each meter during the preceding monthly billing period.
- 2) The Missouri West Water System shall be charged at the rate of \$1.96 per one thousand gallons of water used as registered on each meter according to the Water Supply Contract.
- 3) The Montana-Dakota Utilities Co. shall be charged at the rate of \$2.81 per one hundred cubic feet of water used as registered on the meter according to the Water Line Connection Agreement.

c) Wastewater Usage Charge per Meter

- 1) For wastewater disposal service there shall be a charge of \$1.65 per one hundred cubic feet of water used except that for the billing statements prepared during the months of May through October the charge for residential wastewater disposal service shall not exceed the charge based upon the average water usage used during the months of December through March.
- 2) Industrial users will be levied a volume charge of \$1.65 per one hundred cubic feet of water used. Industrial users will also be levied a charge of \$.06 per pound of suspended solids and \$.10 per pound of five-day, twenty-degree Centigrade BOD.
- 3) Separate meter for lawn watering purposes only will not be charged for wastewater usage.

d) Stormwater Base Charge per Meter or Structure

- 1) \$2.00 for each meter or structure.

BE IT FURTHER RESOLVED that the rates and charges for services from the Water & Sewer Utility Fund shall be effective as of the first billing after January 1, 2025.

Dated this 17th day of September, 2024.

President, Board of City Commissioners

Attest:

City Administrator



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 5, 2024
SUBMITTING DEPARTMENT: Finance and Public Works
DEPARTMENT DIRECTOR: Greg Welch
Mitch Bitz
PRESENTER: Greg Welch, Finance Director
Mitch Bitz, Public Works Director
SUBJECT: Resolution establishing rates and charges for services from the Solid Waste Utility Fund

STATEMENT/PURPOSE:

To consider the Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

BACKGROUND/ALTERNATIVES:

Garbage collection & disposal monthly base charge increase per family living unit:

> Residential account = \$0.05

> Contract with Eco Sanitation expires on October 31, 2027

Recycling collection & disposal monthly base charge increase per family living unit:

> Residential account = \$0.61

> Contract with Waste Management expires on December 31, 2025

The public works department is also recommending an increase in certain charges at the Landfill.

ATTACHMENTS:

1. Resolution establishing rates and charges for services from the Solid Waste Utility Fund

FISCAL IMPACT:

The garbage and recycling rate increases are included in the City's 2025 Budget.

STAFF IMPACT:

None

LEGAL REVIEW:

The rates and charges were prepared in accordance with the Mandan Code of Ordinances.

RECOMMENDATION:

To approve the Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

SUGGESTED MOTION:

I move to approve the Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

RESOLUTION ESTABLISHING RATES AND CHARGES FOR SERVICES FROM THE SOLID WASTE UTILITY FUND

BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to the provisions of the Mandan Code of Ordinances, that the following rates and charges are hereby established for services from the Solid Waste Utility Fund:

- 1) Residential area. For garbage and rubbish collection and disposal services for residential areas, there shall be a charge of ~~\$41.80~~ **\$11.85** per month, per family living unit. Residents who deliver garbage and rubbish, excluding inert materials, to the Mandan Municipal Landfill Facility will be charged \$60.00 per ton and will be charged a minimum of \$12.00. For curbside recycling collection and disposal services for residential areas provided with 96 gallon totes, there shall be a charge of ~~\$8.76~~ **\$9.37** per month, per family living unit.
- 2) Non-residential area. For garbage and rubbish disposal services for non-residential establishments, there shall be a charge of \$62.00 per ton. Non-residents who deliver garbage and rubbish, excluding inert materials, to the Mandan Municipal Landfill Facility will be charged a minimum of \$15.00.

3) <u>Other disposal charges:</u>	Resident	Commercial/ Non-resident
a) Major appliances and furniture	\$7.00 \$10.00	\$10.00 \$20.00
b) Refrigerated appliances	\$20.00	\$25.00
c) Tires:		
Auto	\$4.00	\$6.00
Truck	\$9.00 \$15.00	\$11.00 \$20.00
Tractor	\$15.00 \$30.00	\$20.00 \$75.00
d) Minimum charge inert (includes scale usage)	\$7.00 \$8.00	\$10.00 \$12.00
e) Minimum monthly charge for services billed on account (includes scale usage)	\$5.00	\$5.00
f) Untarped and unsecured garbage	\$20.00 \$25.00	\$20.00 \$25.00
g) Electronics	\$7.00 \$10.00	\$8.00 \$15.00
h) Mobile homes	\$400.00 \$1,200.00	\$400.00 \$1,350.00

Grass clippings and leaves are exempt from all charges.

- 4) Inert materials. For disposal of inert materials there shall be a charge of ~~\$20.00~~ **\$25.00** per ton for Mandan Residents and ~~\$40.00~~ **\$45.00** per ton for Commercial and Non-Residents. Inert materials shall be materials so defined by the North Dakota State Department of Health including trees, lumber, demolition lumber, wooden furniture, metal, bricks, concrete, bottom ash from coal fired boilers and asphalt roofing. For separated, burnable wood materials there shall be a charge of ~~\$20.00~~ **\$25.00** per ton for Commercial and Non-Residents, this does not include painted, stained or sealed wood or railroad ties.
- 5) No motor vehicle bodies or dangerous, flammable or hazardous material may be deposited at the Mandan Municipal Landfill Facility.

BE IT FURTHER RESOLVED that the rates and charges for services from the Solid Waste Utility Fund shall be effective as of the first billing after January 1, 2025 for Utility services and as of January 1, 2025 for Landfill services.

Dated this 17th day of September, 2024.

President, Board of City Commissioners

Attest:

City Administrator



City Commission

Agenda Documentation

MEETING DATE: September 17, 2024
PREPARATION DATE: September 17, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: First Consideration of Ordinance 1454, a PUD (Planned Unit Development) Amendment for the Shores at Lakewood

STATEMENT/PURPOSE:

First Consideration of Ordinance 1454, a PUD (Planned Unit Development) Amendment for the Shores at Lakewood

BACKGROUND/ALTERNATIVES:

Detailed background on this item can be found under Public Hearings.

ATTACHMENTS:

1. PUD Amendment Narrative
2. DRAFT Shores at Lakewood 2nd PUD

FISCAL IMPACT:

N/a

STAFF IMPACT:

Considerable staff time has gone into reviewing this request.

LEGAL REVIEW:

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

RECOMMENDATION:

Staff recommends approval of the first consideration of Ordinance 1454, contingent upon a development agreement.

SUGGESTED MOTION:

City Commission

Agenda Documentation

September 17, 2024

Subject: *First Consideration of Ordinance 1454, a PUD (Planned Unit Development)
Amendment for the Shores at Lakewood*

Page 2 of 2

I move to approve the first consideration of Ordinance 1454, contingent upon a development agreement.

Planned Unit Development Amendment Narrative

Request for Shores at Lakewood Master Plan

TRX Developers, LLC is proposing to plat and develop approximately 132 acres located southwest of 21st Street SE, intersected by McKenzie Dr SE, and West of 39th Ave SE/Oxbow Trail SE/34th Ave SE, Mandan, ND. The area is currently blend of approved Master Plan, FLUP Amended, and Zoning to PUD on entire project, with Shores Addition platted/developed (including Minor Plats resulting from lot combinations), and unplatted otherwise agriculture land in the City of Mandan ETZ zoning district.

TRX Developers, LLC is considering further developing the property into a mixed-use site with a combination of single family detached (stand-alone single family), single family attached (twin home) residential, 2 lots RM for 3-plex condo, and limited non-residential commercial/storage, which will all address many of the housing and land use needs for the City of Mandan and it's residents.

TRX Developers, LLC proposes amending the current Master Plan & PUD Zoning regulations, in order to accommodate the intended project which will result in a logical and orderly development pattern that will be consistent with surrounding land uses and will conform to the City of Mandan Municipal Code and Future Land Use Plan. The proposed plat for Shores 2nd Addition has been adjusted significantly from the previous submission, using feedback and in consideration of some area resident concerns, reducing overall lot count by adjusting lot sizes to be larger overall, and also including 2 lots identified to be used in a general RM zoning allowable perspective, for two 3-plex condo buildings.

Development within the district is characterized by four main types as mentioned above, single family detached housing, single family attached housing, RM Condo, and commercial/storage. Considering the majority of land zoned RM to the east, a smaller area of land zoned R7 also to the east, the Golf Course to the north, the City Wastewater Treatment Facility to the SE, and the agriculture to the south, the proposed zoning change would not adversely affect property in the vicinity.

The proposed PUD will reduce urban sprawl, put less demand on city services per capita compared to traditional developments, encourage walk/live/play, and provide interconnectivity to trails, while contributing much needed architecturally appealing and diverse homes to the landscape.

Platting: Shores at Lakewood is platted as a master plat, using a Planned Use Development, to ensure future conformity with the PUD and to give the City assurance that any changes in the future must follow the PUD amendment process and be very clearly outlined and defined.

Phasing: Shores at Lakewood will be developed in 4 phases, as defined in the master plat and phasing map. Shores 3rd Addition will initially be identified as a super block, requiring the developer to submit a site plan and architectural standards/design to the City of Mandan, prior to commercial development in this phase, as per standard ordinance set forth by the City of Mandan. Each Phase will be a separate addition to the City of Mandan, with a plat for each to define clearly the legal descriptions outlined.

Issuance of Building Permits: Building permits shall not be issued in each phase until said phase is deemed substantially complete by City standards.

Zoning & Taxation: After plat and PUD approval, Shores at Lakewood will be zoned as a PUD. Additions (Phases) 2 through 4 will remain taxed as entitled but undeveloped lands, until development of each phase, independently, is significantly complete and the lots are building permit ready. Once complete, the properties included in the completed phase shall be taxed as determined by the Mandan City Auditor for the appropriate use and zoning.

Location: Combined parcel located in the City of Mandan, Morton County, North Dakota, City Parcel Number(s) 65-5511350, 65-5511360, 65-5511352, 65-5511525, 65-5513800, & 30-0114100. The project consists of approximately 132 acres.

Details: The subdivision master plan provides for 209 residential lots. The subdivision master plan provides for 155 single family detached residential lots (R7), 52 (26 twin buildings) R3.2 type lots, , 2 RM Condo type lots, one private dog park, two amenity based private parks, one walk/bike/buffer zone/stormwater lot, one limited non-residential commercial super lot/block, & two pond/borrow lots. The pond/borrow lots will serve to provide fill for the site to bring it out of the 100 year flood plain, as well as, to fulfil the storm water retention needs. The project will be zoned and defined as a PUD as the overlay zoning with the R7, R4, R3.2, RM, and CB as the underlying zoning. Housing types are limited to RM 3-plex Condo, single family attached (twin/town/row homes), and single-family detached homes. The private parks will also serve as an amenity to Heart River Villas residents.

Infrastructure Installation: The Developer of the Project will install all sanitary sewer, & water. Mountain Plains, LLC will provide the engineering and design for the Project. Infrastructure layout and design parameters are found on the submitted PUD Site Plan. The Developer will design and submit for approval the storm water plans. Installation of storm sewer, street lighting, curb/gutter/paving, and road base prep will be handled by the City of Mandan via a special assessment district.

The required sanitary sewer lift station and screening fencing shall be included on the special assessment district requested to be created.

The sanitary sewer and water 3-way agreement and SID storm sewer projects to be advertised for bid and awarded together, to ensure least ground disturbance and also to hold awarded contractor firmly to installation standards and criteria. The Developer shall approve the final bid award, based on blended criteria of price and performance of the contractor.

Infrastructure Funding: The Developer of the Project will fund the cost of engineering design, sanitary sewer, grading, and water installation. The storm sewer (separate SID), street lighting, curb/gutter/paving, screening fencing, and road base prep shall be handled via Bids awarded by the City of Mandan and assessed in two Special Assessment Districts per the City of Mandan Ordinance. The sanitary sewer and water 3-way agreement and SID storm sewer projects to be bid and awarded together, to ensure least ground disturbance and also to hold awarded contractor firmly to installation standards and criteria.

Infrastructure Maintenance and Repair: The City of Mandan shall be responsible for future repairs and maintenance of public right of way and roads.

Lot Combination Alternative: Lots may be combined to accommodate larger homes. If single family R4 or R7 based lots are combined, the regulations of R7 zoning district shall apply. If twin home R3.2 lots are combined, the regulations of the R3.2 zoning district shall apply. In no circumstances shall the below setback requirements be adjusted.

Residential Lot Setbacks: In order to simplify the residential lot setbacks, all residential lots shall be governed by the following setbacks:

- Front Yard – 25' from public street
- Front Yard – 15' from public street for alley (rear) private drive access homes
- Side Yard – 5'
- Street Side Yard – 15'
- Rear Yard – 20'

Underlying Zoning Regulations: Except for regulations provided within the PUD District, the underlying zoning regulations shall apply to residential lots as follows and aligned with attached zoning exhibit; R7, R4, R3.2, RM (Shores Addition, Shores 2nd Addition, & Shores 4th Addition), with CB (all service & utility groups allowed, with exception of occupied residential) for Shores 3rd Addition.

Community Parks: Two private parks and one private dog park will be constructed for the use and enjoyment of the residents of Shores at Lakewood and Heart River Villas on Lots 56 Block 1 & 35 Block 2, Shores 2nd Addition, and Lot 21 Block 2 of Shores Addition. These properties to be owned and managed by the Home Owners Association.

HOA: An HOA has been formed for the purpose of maintaining the private parks and to also provide services to residents. It will facilitate the grounds maintenance, snow removal, and care of the properties in Shores at Lakewood. The HOA Board of Directors shall be solely responsible for the hiring and direction of professional companies to perform mowing, residential snow removal, pond maintenance, and other HOA responsible items.

Golf Course Access: Access easements and paths will be provided to ensure resident access to the Mandan City Golf Course.

Parking and Traffic Rules and Regulation: Parking and enforcement will be handled by the City of Mandan. Garage orientation to be pre-determined to ensure maximum parking available on street.

Snow Removal: Snow removal on public streets will be by the City of Mandan. Individual residence driveway and apron snow removal shall be provided by the HOA. Lead walks/patio/deck snow removal shall be provided by the property owner.

Garbage Collection: Garbage collection shall be performed by the City of Mandan to the single family and twin home residential parcels. The CB parcels shall arrange for their own garbage collection services.

Fencing: 6 ft or 5 ft wrought iron fencing along the north boundary, and monument markers on the westerly boundary, will be provided and installed by developer to ensure LHWRD/USACE levee system and golf course are not encroached upon. Concrete precast architectural 5 ft or 6 ft fences are also be allowed at the discretion of the Developer and/or ARC.

Internal Nocturnal Illumination: Internal downward nocturnal illumination shall be provided and installed to provide safety and security. Funding to install and procure the lights shall be provided by a Special Assessment District per City of Mandan Ordinance.

Special Assessments: Existing and future special assessments will assessed per the City of Mandan Ordinance. Pond/Borrow/Parks lots are to remain clear and free of any special assessments. The storm sewer, street lighting, curb/gutter/paving, road base prep, sanitary sewer lift station, screening fencing along local/collector ROW, and any Park Improvements (per the Mandan Parks District) shall be vetted, facilitated, and installed via Bids awarded by the City of Mandan and assessed via Special Assessment Districts per the City of Mandan Ordinance.

Easements: Any and all easements shall be shown on the plat.

Grantor/Grantee of Easements: The Developer shall be the Grantor of the easements. The City of Mandan, & the State of North Dakota, and any others named on the plat shall be the Grantees of all easements.

Street Design: Street design for public streets and private drives shall follow the City of Mandan Municipal Code. Future adjustments to align with proposed City Development Standards may be proposed.

USACE Review: A pre-submittal development review request was provided to the USACE, following Executive Order 11988. On September 9th, 2021, the USACE provided a letter confirming final review with final comments that have been incorporated into the design and development plans, in addition to the requirements identified by the local sponsor that have been included in the ratified Developer's Agreement with the Lower Heart Water Resource District.

Developer Agreement Lower Heart Water Recourse District: Developer's agreement is in place outlining the criteria for development and future use/maintenance in regard to the overall community and also the Levee system. The agreement is to remain in effect and all conditions and criteria to follow the chain of title/deeds. Covenants and HOA documents to reflect the criteria outlined in the Development Agreement.

Overall Density: Overall density upon buildout for residential units/area shall be no greater than 4 units per gross acre.

Shores 3rd Addition: Shall be platted as a single block limited to CB or lower. Occupied residential use shall not be allowed until such a time a tertiary access and right of way is granted from the south end of the property to Lakewood Drive SE. Any development of this area shall be subject the City of Mandan review and site plan approval process.

Finished Floor Elevations: Building foundation height shall be set at a minimum of 2' higher than the curb and shall conform to the City of Mandan Code.

Capital Improvement & Maintenance Fund: A capital improvement fund shall be created to provide future reserves for any and all capital improvements needed by the HOA for repairs and maintenance to the Private Community Parks, the Pond, and also for other community enhancements, maintenance, and/or repairs that should arise. The fund will be created by an initial transfer fee of \$500 per home sold/closed to 3rd parties (home buyers), with subsequent transfer fees of 0.5% of the sale price per home re-sold and closed.

CBU for Postal Service: Cluster boxes will be used to facilitate mail delivery. The developer shall install cluster mailboxes to serve the development by the United State Postal Services (USPS) and other private carriers. The location of the cluster mailbox(s) shall meet the requirements of the City and USPS and be approved at each phase of development.

Pond Water Quality: Two to three aeration fountains to be installed by developer and maintained by the HOA to ensure water quality throughout the summer season and to mitigate algae growth and mosquito breeding habitat.

Community Irrigation Master System: One to two irrigation pumps and main line supply lines to be installed by developer and maintained by the HOA to provide landscaping irrigation for the Community and Residents for lots in Shores 2nd, 3rd, and 4th Additions. City water supply will provide irrigation needs for the residents of Shores Addition, north of McKenzie Drive, through dedicated meter pits.

***DRAFT* ORDINANCE NO. 14XX**

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

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

WHEREAS, Adjacent properties to the north and south are zoned A – Agriculture, to the east zoned R7 – Residential and RM – Residential, to the south zoned A – Agriculture and the west A – Agriculture. The Planned Unit Development District would be appropriate; and

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

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

Subsection 1: Establishment of Planned Unit Development (PUD)

The area known as Shores at Lakewood 2nd Addition, located within Section 1, Township 139N, Range 81W in City of Mandan, Morton County, North Dakota, shall be excluded from the A (Agricultural District) and included in a PUD (Planned Unit Development) District with the following conditions and restrictions:

Section 2: Zoning Districts and Applicable Areas

a. **PUD based in R7 Residential** shall be applied to:

- Lots 2-11 and 56-63, Block 1
- Lots 1-12 and 20-35, and Lot 37, Block 2
- Lots 1-3, Block 3

b. **PUD based in R3.2 Residential** shall be applied to:

- Lots 12-55, Block 1
- Lots 13-19, Block 2

AS 8/20/2024

c. **PUD based in RM Residential** shall be applied to:

- Lot 1, Block 1
- Lot 36, Block 2

Section 3: Housing Types

- a. In the **R7 Residential** areas, housing types are limited to single-family detached homes and designs/styles approved in the original PUD submittal.
- b. In the **R3.2 Residential** areas, housing types are limited to single-family attached homes, up to twin homes and designs/styles approved in the original PUD submittal.
- c. In the **RM Residential** areas, housing types are limited to 3-plex condominiums and designs/styles approved in the amended PUD submittal.

Section 4: Lot Combinations

- a. Lots within the PUD may be combined subject to City of Mandan platting requirements and utility policies.
- b. If lots identified as R3.2 or RM are combined subject to the above rules, the regulations of the R7 zoning district shall apply.

Section 5: Residential Lot Setbacks

- a. Front Yard – 25' from Public Street
- b. Street Side Yard (for alley-loaded homes) – 15' from Public Streets
- c. Side Yard – 5'
- d. Street Side Yard (on corner lots) – 15'
- e. Rear Yard – 20'

Section 6: Designated Uses and Amenities

- a. **Lot 56, Block 1** shall be designated as a dog park but be zoned R7 / PUD.
- b. **Lots 35 and 37, Block 2** shall be designated as a stormwater amenity pond but be zoned R7 / PUD.
- c. **Lot 1, Block 1** shall be designated as a City lift station and be zoned R7 / PUD.

Section 7: Monument Markers

- a. Monument markers will be installed along the LHRWRD levee per USACE and LHRWRD standards and agreements.

Section 8: Density Regulations

- a. The overall density for residential units/area shall not exceed 4 units per gross acre.

Section 9: Finished Floor Elevations

- a. All finished floor elevations must be at least 2 feet above the curb elevation.
- b. All home elevations must adhere to the original Shores at Lakewood PUD narrative and elevations or conform to the amended Mansionettes design standards.

Section 10: Amendments

- a. Any changes to this PUD must follow the PUD amendment process and be clearly outlined and defined.

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

Joe Camisa, Vice President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

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

August 26, 2024
September 17, 2024
October 1, 2024