



**PRELIMINARY AGENDA
CITY COMMISSION
JULY 1, 2025
ED “BOSH” FROEHLICH MEETING ROOM
MANDAN CITY HALL
5:30 PM
WWW.CITYOFMANDAN.COM**

The public may access the LIVE meeting at:

Watch & Listen

Government Access (Midcontinent) cable channels
2 & 602 HD Streaming LIVE at:
tinyURL.com/FreeTV-602 and on Roku or Apple TV

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<https://us02web.zoom.us/j/84671000776>

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

A. ROLL CALL

1. Roll call of all City Commissioners

B. PRESENTATION OF THE COLORS

1. Scout BSA Troop 425 & Cub Scout Pack 153

C. THE PLEDGE OF ALLEGIANCE

D. NATIONAL ANTHEM

E. ANNOUNCEMENTS

F. APPROVAL OF AGENDA

G. MINUTES

1. Consider approval of the following Board of City Commission meeting minutes:
 - a. June 17, 2025 Regular Meeting
 - b. June 24, 2025 Special Meeting
 - c. June 25, 2025 Fire Department Pinning Ceremony Quorum

H. PUBLIC HEARING

I. BIDS

J. CONSENT AGENDA

1. Consider the following Abatements:
 - a. 2023-2025 Abatement applications for Geralyn Roehrich
 - b. 2023-2025 Abatement applications for Paul Rowe
2. Consider approval of the following appointments:
 - a. Marie Mott to the Parking Authority Board for a term through Dec. 31, 2029
 - b. Allen Wilson to the Community Beautification Committee through Dec. 31, 2026
 - c. Nick Renner to the Planning & Zoning Commission through Dec. 31, 2027
3. Consider accepting award of Transportation Alternative Grant for 3rd Street SE Sidewalk Installation
4. Consider accepting the alternative award of Transportation Alternative Grant for 1806 Pedestrian Trail Improvements
5. Consider approval of the following special event permits:
 - a. Independence Day Parade, Art in the Park and 5K Race
 - b. Lyons Heart Gravel Classic
6. Consider approval of Returning Seasonal Employment policy and the associated budget amendment
7. Consider approval of the Class A liquor license renewal for The Hide Away from July 1, 2025 to June 30, 2026

K. OLD BUSINESS

1. Consider a Development Agreement for the Shores At Lakewood 2nd Addition

L. NEW BUSINESS

1. Consider the adoption of public comment policy

M. RESOLUTIONS AND ORDINANCES

1. Second Consideration of Ordinance 1468 related to a Fireworks clarification

N. OTHER BUSINESS

O. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

- - July 15, 2025 at 5:30 p.m.
 - August 5, 2025 at 5:30 p.m.
 - August 19, 2025 at 5:30 p.m.

P. ADJOURN

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

The Mandan City Commission met in regular session at 5:30 PM on June 17, 2025 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, Ryan Heinsohn. Department heads present were City Administrator Neubauer, Finance Director Welch, Assistant Finance Director Schulz, Assessor Markley, Human Resource Director Berger, City Engineer Wigness, Assistant City Engineer McAdoo-Roesler, Police Chief Ziegler, Building Official Singer, Fire Chief Bitz, Public Works Director O'Keefe, Business Development & Communications Director Cermak, Communications Specialist Schmidt, CIS Manager Mischel, and Attorney Oster.

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. *Quarterly work anniversary recognition.* HR Director Berger recognized the Quarterly work anniversary of City of Mandan employees.

2. *New Employee Introductions.* New Employee Introductions took place.

a. *Administrative Assistant Ashlee Newman.*

b. *Firefighter Hunter Beckert.*

c. *Firefighter Matt Pazanin.*

d. *Public Works.*

Street Dept- Tate Schwagler.

Street Dept- Tony Gietzen.

Administrative Assistant-Stacey Moos.

e. *Police Department.*

Police Officer-Alexander Price.

Police Officer-Eric Horner.

Police Officer-Etienne Herholdt.

f. *Morton Mandan Public Library- Building & Grounds Jeff Christensen.*

3. *Buggies-n-Blues Recap .* Mandan Progress Organization Executive Director Matt Schanandore gave a Buggies N Blues recap.

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

E. MINUTES

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

a. *June 3, 2025 Regular Meeting.* Commissioner Heinsohn moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 5, Nay 0. The motion passed.

b. *June 10, 2025 Quorum SID 236 Meeting.* Commissioner Sjoberg moved and Commissioner

Braun seconded to approve. Roll Call vote: Aye 5, Nay 0. The motion passed.

F. PUBLIC HEARING

G. BIDS

H. CONSENT AGENDA Commissioner Sjoberg moved and Commissioner Rohr seconded to approve consent agenda items 1-8 including all sub items as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.

1. *Consider approval of monthly bills.*
2. *Consider approval of the following raffle permits:.*
 - a. *Bismarck Global Neighbors.*
 - b. *Missouri Valley Shooting Sports Association.*
3. *Consider approval of a gaming site authorization for Mandan Touchdown Club at Big Stick Cigars from July 1, 2025 to June 30, 2026.*
4. *Consider contract award to Strata for the 19th Street Trail Phase 1 Curb and Gutter.*
5. *Consider a minor plat for Bill Stein Addition.*
6. *Consider approval of a contract with the Heart River Correctional facility.*
7. *Consider approval of the Class A, B, C, D1, E, and Special B renewals effective July 1, 2025.*
8. *Consider the issuance of the Class A, E and D liquor licenses effective July 1, 2025.*

I. OLD BUSINESS

J. NEW BUSINESS

1. *Update on activities of the Bismarck Mandan Chamber EDC.* Bismarck Mandan Chamber EDC President Nagel presented the item.
2. *Consider a Mandan Growth Fund recommendation to provide a \$15,000 prize, in the form of a forgivable loan, for the 2025 Business Pitch Challenge.* Business Development & Communications Director Cermak presented the item. Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve providing a total of \$15,000 to be split as follows: the first-place winner would receive \$10,000, the second-place winner would receive \$3,000, and the third-place winner would receive \$2,000, all in the form of a forgivable loan, for the 2025 Business Pitch Challenge. Roll Call vote: Aye 5, Nay 0. The motion passed.
3. *Consider a request for \$35,000 in matching funds for the Mandan Art Alley Project.* City Administrator Neubauer presented the item. Aaron Barth from the Fort Abraham Lincoln Foundation also presented. Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve the Mandan Visitors Committee recommendation for the authorization up to \$35,000 for the Mandan Art Alley project. Roll Call vote: Aye 5, Nay 0. The motion passed.
4. *Consider applying for the Department of Homeland Security (DHS) Staffing for Adequate Fire and Emergency Response (SAFER) grant.* Fire Chief Bitz presented the item. Commissioner Sjoberg moved and Commissioner Rohr seconded to allow staff to apply for the DHS SAFER grant to hire 6 additional firefighters. Roll Call vote: Aye 5, Nay 0. The motion passed.
5. *Consider a Development Agreement for the Shores At Lakewood 2nd Addition.* City

Administrator Neubauer presented the item. Art Goldhammer from TRX Developers also presented. Commissioner Sjoberg moved and Commissioner Braun seconded to continue working with the developer on finalization of the development agreement after input from the City Commission.. Roll Call vote: Aye 5, Nay 0. The motion passed.

6. *Consider increasing administrative approval for the Memorial Highway Reconstruction and approval of Change Order 9.* City Engineer Wigness presented the item. Commissioner Braun moved and Commissioner Heinsohn seconded to approve Change Order 9, as presented and to increase the City Engineer's signing authority to \$100,000 for change orders within sub-project 1 of the Memorial Highway Project. Roll Call vote: Aye 5, Nay 0. The motion passed.

7. *Consider Extension of Street Closure for WBI Energy.* City Engineer Wigness presented the item . Commissioner Braun moved and Commissioner Rohr seconded to approve the extension of the street closure for WBI Energy. Roll Call vote: Aye 5, Nay 0. The motion passed.

8. *Update on various construction projects throughout the city.* City Engineer Wigness presented the item .

K. RESOLUTIONS AND ORDINANCES

1. *Second Consideration of Ordinance Nos. 1466 and 1467 related to the management of trees and shrubs.* Public Works Director O'Keefe presented the item. Commissioner Braun moved and Commissioner Sjoberg seconded to approve Ordinance numbers 1466 and 1467 as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

- *July 1, 2025 at 5:30 p.m.*
- *July 15, 2025 at 5:30 p.m.*
- *August 5, 2025 at 5:30 p.m.*

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N. ADJOURN There being no further business, the meeting adjourned at 7:18 p.m.

James Neubauer
City Administrator

James Froelich
Board of City Commissioners

The Mandan City Commission met in special session at 4:00 PM on June 24, 2025. The meeting was held virtually via Microsoft Teams. 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, Ryan Heinsohn. Also present were City Administrator Neubauer, Fire Chief Bitz, Communications Specialist Schmidt, Admin Assistant Newman, and Assistant Attorney Sand.

B. THE PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA Commissioner Braun moved and Commissioner Sjoberg seconded to approve. Roll Call vote: Aye 5, Nay 0. The motion passed.

D. NEW BUSINESS

1. *Consider approval of the Special B license applications for Bareknuckle Events on June 28 and July 2-4, 2025.* City Administrator Neubauer presented the item. Commissioner Heinsohn moved and Commissioner Sjoberg seconded to approve the Special B liquor license applications for Bareknuckle Events on June 28 and July 2-4, 2025. Roll Call vote: Aye 5, Nay 0. The motion passed.

E. RESOLUTIONS AND ORDINANCES

1. *Introduction and First Consideration of Ordinance 1468 related to a Fireworks clarification.* Fire Chief Bitz presented. Commissioner Braun moved and Commissioner Sjoberg seconded to approve Ordinance No. 1468. Roll Call vote: Aye 5, Nay 0. The motion passed.

F. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

- *Tuesday, July 1, 2025 at 5:30 p.m.*
- *Tuesday, July 15, 2025 at 5:30 p.m.*
- *Tuesday, Aug. 5, 2025 at 5:30 p.m.*

G. ADJOURN There being no other business to come before the Board, the meeting adjourned at 04:07 PM.

James Neubauer
City Administrator

James Froelich
Board of City Commissioners

A quorum of city commissioners was present for the Fire Department Pinning Ceremony on June 25, 2025. Commissioners present were Froelich, Sjoberg and Rohr. Also in attendance were other members of the Mandan Fire Department, Mandan Police Department, City of Mandan staff, and members of the public. The event only consisted of the pinning ceremony, recognition of Fire Fighters years of service, and a couple life-saving awards. The event concluded at 2:30 p.m.

James Neubauer
City Administrator

James Froelich, President
Board of City Commissioners



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 17, 2025
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatements

STATEMENT/PURPOSE:

To consider the following Abatements

BACKGROUND/ALTERNATIVES:

N/A

ATTACHMENTS:

None

FISCAL IMPACT:

STAFF IMPACT:

N/A

LEGAL REVIEW:

Submitted to City Attorney Amy Oster

RECOMMENDATION:

SUGGESTED MOTION:



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 17, 2025
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatements for Geralyn Roehrich

STATEMENT/PURPOSE:

To consider corrections to 2023-2025 full & true values for property located at 1307 6th Ave NW

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-4611000 with a legal description of E 70' Lot 4 & E 70' of N 10' Lot 3 Block 5 Sharon Heights 1st. Changes to dwelling value, due to incorrect square footage discovered during zone review.

ATTACHMENTS:

1. ROERICH 2023-2025 ABATEMENT APPLICATIONS

FISCAL IMPACT:

2023 All taxing entities = \$369.26, City share = \$84.00

2024 All taxing entities = \$387.47, City share = \$88.54

2025 All taxing entities = \$452.33, City share = \$97.19

STAFF IMPACT:

N/A

LEGAL REVIEW:

Submitted to City Attorney Amy Oster

RECOMMENDATION:

I recommend a motion to recommend approval to the Morton County Commission of the 2023-2025 Abatement applications for Geralyn Roehrich at 1307 6th Ave NW as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2023-2025 Abatement applications for Geralyn Roehrich at 1307 6th 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
County of MORTON
Name ROEHRICH/GERALYN A
Address 1307 6TH AVE NW, MANDAN, ND 58554-0000

Assessment District CITY OF MANDAN
Property I.D. No. 65-4611000
Telephone No.

Legal description of the property involved in this application:

E 70' LOT 4 & E 70' OF N 10' LOT 3 BLOCK 5 SHARON HEIGHTS 1ST

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

Land \$ 31,500
Improvements \$ 205,900
Total \$ 237,400
(1)

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

Land \$ 31,500
Improvements \$ 176,700
Total \$ 208,200
(2)

The difference of \$ 29,200.00 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) DWELLING MEASURED WRONG DECREASE OF 400 SQ FT.

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 _____

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 Leah Rocher

Date 6-16-2025

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. 65-4611000

Name ROEHRICH/GERALYN A

Telephone No. _____

Address 1307 6TH AVE NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

E 70' LOT 4 & E 70' OF N 10' LOT 3 BLOCK 5 SHARON HEIGHTS 1ST

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

Land \$ 36,000
Improvements \$ 217,000
Total \$ 253,000
(1)

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

Land \$ 36,000
Improvements \$ 186,300
Total \$ 222,300
(2)

The difference of \$ 30,700.00 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) DWELLING MEASURED WRONG DECREASE OF 400 SQ FT.

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 _____

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 Geraldyn Rodwell

Date 6-16-2025

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. 65-4611000

Name ROEHRICH/GERALYN A

Telephone No.

Address 1307 6TH AVE NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

E 70' LOT 4 & E 70' OF N 10' LOT 3 BLOCK 5 SHARON HEIGHTS 1ST

Total true and full value of the property described above for the year 2025 is:

Land \$ 36,000
Improvements \$ 229,100
Total \$ 265,100
(1)

Total true and full value of the property described above for the year 2025 should be:

Land \$ 36,000
Improvements \$ 195,400
Total \$ 231,400
(2)

The difference of \$ 33,700.00 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) DWELLING MEASURED WRONG DECREASE OF 400 SQ FT.

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

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 *Geraldyn Roehl*

Date 6-16-2025



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 23, 2025
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Consider Abatements for Paul Rowe

STATEMENT/PURPOSE:

To consider corrections to 2023-2025 full & true values for property located at 404 14th St NW

BACKGROUND/ALTERNATIVES:

This parcel is also known as parcel #65-2010000 with a legal description of Lot 3 Block 1 Mandan Height 1st. Changes to dwelling value due to incorrect square footage and basement finish were discovered during zone review.

ATTACHMENTS:

1. ROWE 2023-2025 ABATEMENT APPLICATIONS

FISCAL IMPACT:

2023 All taxing entities = \$220.04, City share = \$50.06

2024 All taxing entities = \$267.57, City share = \$61.14

2025 All taxing entities = \$215.82, City share = \$49.32

STAFF IMPACT:

N/A

LEGAL REVIEW:

Submitted to City Attorney Amy Oster

RECOMMENDATION:

I recommend a motion to recommend approval to the Morton County Commission of the 2023-2025 Abatement applications for Paul Rowe at 404 14th St NW as presented.

SUGGESTED MOTION:

I move to recommend approval to the Morton County Commission of the 2023-2025 Abatement applications for Paul Rowe at 404 14th St NW as presented.

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District CITY OF MANDAN

County of MORTON

Property I.D. No. 65-2010000

Name ROWE/PAUL K

Address 404 14TH ST NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 3 BLOCK 1 MANDAN HEIGHTS 1ST

Total true and full value of the property described above for the year 2025 is:

Land \$ 40,000
Improvements \$ 246,300
Total \$ 286,300
(1)

Total true and full value of the property described above for the year 2025 should be:

Land \$ 40,000
Improvements \$ 229,200
Total \$ 269,200
(2)

The difference of \$ 17,100.00 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 correction of square footage and basement finish.

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

Paul K. Rowe
Signature of Applicant

Date

6-23-2025

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. 65-2010000

Name ROWE/PAUL K

Telephone No. _____

Address 404 14TH ST NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 3 BLOCK 1 MANDAN HEIGHTS 1ST

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

Land \$ 40,000
Improvements \$ 233,200
Total \$ 273,200
(1)

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

Land \$ 40,000
Improvements \$ 212,000
Total \$ 252,000
(2)

The difference of \$ 21,200.00 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 correction of square footage and basement finish.

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 Paul K. Rowe

Date 6-23-2025

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. 65-2010000

Name ROWE/PAUL K

Address 404 14TH ST NW, MANDAN, ND 58554-0000

Legal description of the property involved in this application:

LOT 3 BLOCK 1 MANDAN HEIGHTS 1ST

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

Land \$ 35,000
Improvements \$ 224,300
Total \$ 259,300
(1)

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

Land \$ 35,000
Improvements \$ 206,900
Total \$ 241,900
(2)

The difference of \$ 17,400.00 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 correction of square footage and basement finish.

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 _____

Paul K. Rowe
Signature of Applicant

6-23-2025
Date



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 23, 2025
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Consider Marie Mott's appointment to the Parking Authority Board

STATEMENT/PURPOSE:

Consider Marie Mott's appointment to the Parking Authority Board

BACKGROUND/ALTERNATIVES:

The Parking Authority Board voted to appoint Marie Mott to the Parking Authority Board at the June 20 meeting. Marie Mott would fill the open board position, provided she meets all the requirements of a business owner, with a storefront in the affected area. She is part-owner of Lords and Ladies. Her term would run from 2025 through 2029.

ATTACHMENTS:

None

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

I recommend approving Marie Mott's appointment to the Parking Authority Board, provided the applicant meets the definition of a property owner.

SUGGESTED MOTION:

City Commission

Agenda Documentation

July 1, 2025

Subject: Marie Mott to the Parking Authority Board for a term through Dec. 31, 2029

Page 2 of 2

I move to approve Marie Mott's appointment to the Parking Authority Board, provided the applicant meets the definition of a property owner.



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 16, 2025
SUBMITTING DEPARTMENT: Community Beautification Committee Appointment
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Kari Schmidt, Communications Specialist
SUBJECT: Appointment of Kevin Wilson to the Community Beautification Committee

STATEMENT/PURPOSE:

To consider appointing Allen Wilson to the Community Beautification Committee for an unexpired term through Dec. 31, 2026.

BACKGROUND/ALTERNATIVES:

Community Beautification Committee (CBC) member Luci Snowden announced in April that she is being relocated with her job and needs to resign from the CBC. This resignation leaves the committee with an unexpired term through Dec. 31, 2026.

The Community Beautification Committee helps formulate and coordinate programs, projects and policies that enhance the aesthetic appearance of the community. Meetings are on the second Thursday of every other month at 7:30 a.m.

Staff sought applications from those interested in serving on the CBC through a May 28, 2025 announcement. The announcement was posted on the City's website, sent via bulk e-mail, and shared on social media. Applicants from past years who showed interest in the committee were also emailed about the opening and encouraged to re-apply. Applications were accepted through June 8.

Applications were received from two residents:

- Allen Wilson
- Claire Friedrichsen

However, Claire Friedrichsen withdrew her application on June 12, 2025 at 6:48 a.m. via e-mail.

The CBC met on June 12, 2025 at 7:30 a.m. Consideration of the applications received was on the agenda. Discussion was held, and the committee is recommending appointing Allen Wilson to the vacant term through Dec. 31, 2026.

ATTACHMENTS:

1. Allen Wilson 05 29 25_Redacted
2. Claire Friedrichsen 06 07 2025_Redacted
3. Claire F Withdrawal e-mail 06 12 2025

FISCAL IMPACT:

n/a

STAFF IMPACT:

Minimal, staff overview of the committee.

LEGAL REVIEW:

n/a

RECOMMENDATION:

The CBC voted unanimously (with two members absent) to appoint Allen Wilson to the unexpired term.

SUGGESTED MOTION:

I move to appoint Allen Wilson to the Community Beautification Committee for an unexpired term through Dec. 31, 2026.

From: donotreply@form.govoffice.com
To: [Kari N. Schmidt](#)
Subject: Committee/Board Application (form) has been filled out on your site.
Date: Thursday, May 29, 2025 2:54:14 PM

Your Site has received new information through a form.

Form: Committee/Board Application

Site URL: www.cityofmandan.com

Please indicate which board/committee(s) you are interested in::

Community Beautification Committee

Name (First & Last):: Allen Wilson

Address::

[REDACTED]

Are you currently a resident of the City of Mandan?:

Yes

Business or Organization Name (if applicable): Knife River

Functional Title or Role: General Manager

Please explain your reasons for wanting to serve on this board, commission, or committee:: I would like to see Mandan be a beautiful, trash free, safe community to live in. If there is a way i can help, then i am certainly willing to try.

Please give a brief explanation of the skills or qualification you could bring to this board, commission or committee:: I have leadership experience as well as being a visionary leader.

Do Not Click Reply - This e-mail has been generated from a SmartForm.

From: donotreply@form.govoffice.com
To: [Kari N. Schmidt](#)
Subject: Committee/Board Application (form) has been filled out on your site.
Date: Saturday, June 7, 2025 11:43:22 AM

Your Site has received new information through a form.

Form: Committee/Board Application

Site URL: www.cityofmandan.com

Please indicate which board/committee(s) you are interested in::

Community Beautification Committee

Name (First & Last):: Claire Friedrichsen

Address::

Phone Number::

Email Address::

Are you currently a resident of the City of Mandan?:

Yes

Business or Organization Name (if applicable):

Functional Title or Role:

Please explain your reasons for wanting to serve on this board, commission, or committee:: I would like to contribute to the vibrancy, livability, and strengths of our community to improve the lives of all citizens.

Please give a brief explanation of the skills or qualification you could bring to this board, commission or committee:: I have a PhD in soil and water sciences. As a social scientist I am an expert in individual and community well-being and their link to sense of place.

Do Not Click Reply - This e-mail has been generated from a SmartForm.



Claire Friedrichsen [redacted]



To: Kari N. Schmidt

Thu 6/12/2025 6:48 AM

You don't often get email from [redacted] [Learn why this is important](#)

Kari:

Good morning, I am withdrawing my application at this time.

Thank you for your consideration,

Claire Friedrichsen





City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 24, 2025
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Appointment to fill vacant Planning & Zoning seat.

STATEMENT/PURPOSE:

Ben Buchmiller resigned from the commission on April 28. The At-Large vacant seat has a term that expires on December 31, 2027.

BACKGROUND/ALTERNATIVES:

Nancy reached out to the last three people who submitted letters of interest, two of which did not respond back. One did express interest in serving. Nick Renner, who served on the board from 2017-2021 is interested in filling the vacant seat.

ATTACHMENTS:

1. Nick Renner Letter of Interest

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

The Planning & Zoning Commission recommended to appoint Nick Renner to the board to fill the vacant seat with a term ending December 31, 2027.

SUGGESTED MOTION:

I move to appoint Nick Renner to the Planning & Zoning Commission to fill the vacant seat with a term ending December 31, 2027.

City Commission

Agenda Documentation

July 1, 2025

Subject: Nick Renner to the Planning & Zoning Commission through Dec. 31, 2027

Page 2 of 2

From: donotreply@form.govoffice.com
To: [Kari N. Schmidt](#)
Subject: Committee/Board Application (form) has been filled out on your site.
Date: Monday, October 23, 2023 5:53:29 PM

Your Site has received new information through a form.

Form: Committee/Board Application

Site URL: www.cityofmandan.com

Please indicate which board/committee(s) you are interested in::

Planning & Zoning Commission

Name (First & Last):: Nick P. Renner

Address:: [REDACTED] Mandan ND 58554 USA

Phone Number:: [REDACTED]

Email Address:: [REDACTED]

Are you currently a resident of the City of Mandan?:

Yes

Business or Organization Name (if applicable):

Functional Title or Role: Commissioner

Please explain your reasons for wanting to serve on this board, commission, or committee:: I served on the P&Z committee in the past and found it very interesting. I decided not to seek a second term because I had some stuff coming up that would require some of my time that I didn't think I could commit enough time to do the position properly. I feel I have the time now and would be honored to be on the committee again. Thank you for considering me.

Please give a brief explanation of the skills or qualification you could bring to this board, commission or committee:: I believe I have a good understanding of the different zones and their uses. I feel very comfortable reading maps and plots. I'm not afraid to ask questions if I don't understand something to make an informed decision.

Do Not Click Reply - This e-mail has been generated from a SmartForm.



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 23, 2025
SUBMITTING DEPARTMENT: Engineering Department
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Riley McAdoo-Roesler, Assistant City Engineer
SUBJECT: Accept Award of a TA Grant for 3rd St. SE sidewalk

STATEMENT/PURPOSE:

To accept the awarded Transportation Alternative Grant from the NDDOT for sidewalk on 3rd Street SE.

BACKGROUND/ALTERNATIVES:

This project would construct approximately 830' of 6' sidewalk along 3rd Street SE in Mandan. The construction of this sidewalk would accommodate the path that people already travel daily. This trail shows up on historic imagery as far back as 2008. Construction of this sidewalk has been a community need for many years, as the existing trail/footpath provides access to a grocery store, a public health clinic, Mary Stark Elementary, a laundromat and other essential services. Making this connection will help in creating a safe route to school for many children that live in the surrounding communities. This connection would not only be used by children attending school but people of all ages to reach the essential services along the 6th Ave corridor. On October 1st, the city commission approved the engineering department to apply for this grant opportunity.

ATTACHMENTS:

1. Mandan 3rd Street SE Award Letter

FISCAL IMPACT:

The project is estimated to cost \$254,689.44 with an estimated grant funding of \$206,120. The city would be responsible for the remaining \$48,569.44. The commission approved the use of the 1% city sales tax fund for this cost.

STAFF IMPACT:

Staff will spend a significant amount of time developing plans and communicating with

the NDDOT to complete this project.

LEGAL REVIEW:

All documents have been made available to the city attorney for review.

RECOMMENDATION:

To accept the award of the Transportation Alternative Grant for 3rd Street SE Sidewalk.

SUGGESTED MOTION:

I move to accept the award of the Transportation Alternative Grant for 3rd Street SE Sidewalk.

June 10, 2025

The Honorable James Froehlich
Mayor of Mandan
205 Second Avenue NW
Mandan, ND 58554

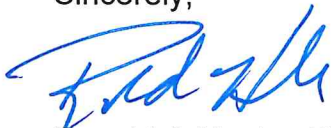
Dear Mayor Froehlich:

SUBJECT: 2027 TRANSPORTATION ALTERNATIVES (TA) PROGRAM PROJECTS

It is my pleasure to inform you that the Mandan 3rd Street SE Sidewalk Installation project was selected for TA funding. This project was awarded funding of \$206,120 for construction in 2027, pending TA funding in the next federal highway funding bill. Please contact Alayna Jirava in the Local Government Division with any questions you may have regarding the TA program, at 701-328-3555 or ajirava@nd.gov.

It is encouraging to see the commitment that the city of Mandan has made on the continued development of safe and accessible pedestrian and bicycle facilities. This project is beneficial and indicative of the ongoing efforts to make our communities and North Dakota a better place.

Sincerely,



Ronald J. Henke, PE
Director

38/alj



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 23, 2025
SUBMITTING DEPARTMENT: Engineering Department
DEPARTMENT DIRECTOR: Jarek Wigness
PRESENTER: Riley McAdoo-Roesler, Assistant City Engineer
SUBJECT: To accept the award of being an alternative project for the transportation alternative Grant for the 1806 pedestrian trail project.

STATEMENT/PURPOSE:

Accept award for a TA grant from the NDDOT.

BACKGROUND/ALTERNATIVES:

In previous years, Mandan Parks District has submitted an application requesting funding from the NDDOT Transportation Alternatives program. The TA program provides up to an 80% grant for pedestrian trail projects. The City and Mandan Parks combined applications for adjacent improvements in the interest of making the application more competitive and to take advantage of economies of scale.

The proposed 2027 project includes a mill and overlay of the existing trail surface along Collins and Highway 1806 from 14th St. NE to 38th St. Included in the proposed project are pedestrian safety improvements under the Interstate 94 bridge to separate the path and the roadway along with drainage improvements along Highway 1806. The project aligns with the Arrive 2045 MPO Transportation Plan and is located in an anticipated high growth area according to the 2015 Mandan Land Use & Transportation Plan.

On October 15th, the commission approved the engineering staff to submit an application for this grant program. The city has not been awarded funds for this project but has been selected as an alternative project. If other grant awardees decline, funding may become available for this project.

ATTACHMENTS:

1. Mandan Hwy 1806 Ped Trail Improvements Award Letter

FISCAL IMPACT:

The total estimate of the project is about \$925,410. The TA grant would cover up to 80% of the construction costs. The local share of the project would be \$301,298.07. The City's "half" of the project is estimated to represent about 20% of the construction costs, while the Park's "half" is estimated to be 80% of the construction costs. The commission approved the use of sales tax dollars to cover some local costs, in an amount that is proportionate to the City's share of construction costs. We are estimating that to be about \$60,000, about 6.5% of total project cost. The remaining costs would be assessed to the Mandan Parks District. Mandan Parks has concurred with this proposed cost-split method.

STAFF IMPACT:

Staff would spend time coordinating with the selected consultant.

LEGAL REVIEW:

All documents have been made available to the city attorney for review.

RECOMMENDATION:

To accept the alternative award of a Transportation Alternative Grant for 1806
Pedestrian Trail Improvements.

SUGGESTED MOTION:

I move to accept the alternative award of a Transportation Alternative Grant for 1806
Pedestrian Trail Improvements.

June 9, 2025

The Honorable James Froehlich
Mayor of Mandan
205 Second Avenue NW
Mandan, ND 58554

Dear Mayor Froehlich:

SUBJECT: 2027 TRANSPORTATION ALTERNATIVES (TA) PROGRAM PROJECTS

It is my pleasure to inform you that the Mandan Highway 1806 Pedestrian Trail Improvements project was selected for TA funding. This project was awarded funding of \$353,664 for construction in 2027, pending TA funding in the next federal highway funding bill. Please contact Alayna Jirava in the Local Government Division with any questions you may have regarding the TA program, at 701-328-3555 or ajirava@nd.gov.

It is encouraging to see the commitment that the city of Mandan has made on the continued development of safe and accessible pedestrian and bicycle facilities. This project is beneficial and indicative of the ongoing efforts to make our communities and North Dakota a better place.

Sincerely,



Ronald J. Henke, P.E.
Director

38/alj



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 24, 2025
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Consider approval of the special event permit for the Independence Day Parade, Art in the Park and 5K Race

STATEMENT/PURPOSE:

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

BACKGROUND/ALTERNATIVES:

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

ATTACHMENTS:

1. 2025 Independence Day Parade Art in the Park Road Race Event Application - signed
2. Plan H 6th Ave NW to 1st Ave - Detour at Collins
3. Plan H 6th Ave NW to 1st Ave - Detour at Collins
4. TSS I94 Mandan Parade Closure

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

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

SUGGESTED MOTION:

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

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

Special Events Permit Application

City of Mandan, ND

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

Date of Application: 6/15/2025

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

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

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

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

Comprehensive site plans must accompany this application.

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

Section 1 – Applicant Information

Name of Event Manager: Matt Schanandore

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

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

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

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

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

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

Name of Event Manager: _____

Driver's License Number: _____ State: _____

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

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

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

If yes please list charge and year of conviction:

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

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

Business Address: 411 W Main St. City: Mandan State: ND Zip: 58554
Corporation/Organization: Mandan Progress Organization State of Incorporation: ND
Tax ID #: 45-0439012 501(c)3 #: _____ City Sales Tax ID #: _____
Have you ever coordinated/promoted another event/s? ☒ YES ☐ NO

If yes, please provide the following:

Last event/s Location: 4th of July Parade 2025 Date: 07/04/2025
Contact Name: Matt Schanandore Phone: 701-934-4540
E-mail Contact: matt@mandanprogress.org

Section 2 – Event Information

Event Name: Independence Day Parade/Art-in-the-park/5K Race Anticipated Daily Attendance: 45000
Event Date(s): July 3rd & 4th Set-up Date: July 2nd Hours: 7am - 9pm
Hours of event each day: (Art-in-the-park July 3rd 9am to 7pm July 4th 9am to 5pm / 5k Race July 4th 8am / Parade July 4th 7am - 1pm
(begin and end times)
Take Down Date(s): Art-in-the-Park July 4th after 5pm Hours: 5pm - 8pm
E-Mail address for public information: info@mandanprogress.org
WEB address for public information: www.VisitMandan.com
Location of Event/physical address: Dacotah Centennial Park / West Memorial Highway / Main Street / Dykshoorn Park
Sponsors of the Event: Various
Brief Description of Event:
Mandan Independence Day Parade is an annual event featuring 100 floats that process down West Memorial Hwy and all of the Mandan Main St.
Mandan Art-in-the-Park Festival features craft makers and food vendors from around the region in Dykshoorn Park.
Mandan 4th of July Road Race features a 5k run with 500 runners on the morning of July 4th, on Main St. after the closure

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

If yes, please provide the following:

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

Section 3 – Event Features

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

Will there be entertainment? ☒ Yes ☐ No

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

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

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

If yes, please attach a complete list of vendors.

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

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

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

(Attach all promotional material.)

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

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

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

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

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

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

Name of Promoter and Promotion Company: _____

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

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

Tents or Canopies: ☒ Yes ☐ No

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

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

Fireworks or Pyrotechnics: ☐ Yes ☒ No

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

Fireworks or Pyrotechnics Production Company's name: _____

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

Require permits from the City of Mandan

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

Temporary Fencing: ☐ Yes ☒ No

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

Company Contact Name: _____

Contact phone: _____

Restroom Accommodations: Spiffy Biffs

Number of required portable toilets: 28 to 35 spread out at DCP, Main St. and Parks

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

Placement of sanitary toilet facilities must be on site plan.

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

(For office use only)

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

Company Contact name: Spiffy Biffs

Contact phone: 701-224-0856

Electrical Services/Generators ☐ Yes ☒ No

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

Company Contact name: _____

Contact phone: _____

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

Carnival/Amusement Rides: ☐ Yes ☒ No

A separate permit from the Fire Department may be required.

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

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

Signs / Banners ☐ Yes ☒ No

Company Contact name: _____

Contact phone: _____

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

Inflatables ☐ Yes ☒ No

Company Contact name: _____

Contact phone: _____

Bonded and Insured Amount: _____

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

Raffles

Will this event have a raffle? ☐ Yes ☒ No

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

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

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

Section 4 – Transportation

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

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

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

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

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

Public Parking Lots ☒ Yes ☐ No (Number of locations 3 attached list of locations)

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

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

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

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

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

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

Section 5 – Use of City Utilities

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

Electric Location including amperage Dykshoorn and Heritage Parks

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

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

Water Location(s) Dykshoorn and Heritage Parks

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

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

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

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

Permit Application #: _____ Date Complete: _____

(For office use only)

Section 6 – Alcohol

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

Will alcohol be given away? ☐ Yes ☒ No

Will the alcohol be sold? ☐ Yes ☒ No

Will the alcohol be donated? ☐ Yes ☒ No

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

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

Approved By: _____ Date Approved: _____ Initials: _____

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

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

If yes, please explain:

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

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

If yes, who provided the training: _____

Date and time of most recent training: _____

Request Mandan Police Server Training: ☐ Yes ☐ No

If yes provide a contact person and contact information::

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

Section 7 – Event Security

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

Number of personnel requested: _____

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

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

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

Are you requesting private security? ☒ Yes ☐ No

Number of security personnel onsite: 8-15

Include security points and duties on event plans

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

Security Company and Contact Info: Spartan Security - Jared Gregar

Attach a copy of Company's License

Section 8 – Emergency Medical Services

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

Number of personnel requested: _____

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

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

Section 9 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

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

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

(Attach a detailed Cleanup Plan)

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

Contact Name: Grant Heidrich (MPO)

Phone: 701-751-2983

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

Section 10 – ADA Accessibility Requirements

Parking plan requirements

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

Section 11– Insurance and Bond Requirements

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

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

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

The certificate must show:

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

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

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

City Services

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

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

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

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

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

Miscellaneous fees

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

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

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

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

Fee Cost Worksheet

Police Services:

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

Fire/EMT Services

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

Finance application processing Fee \$ _____

Trash Container Fee..... \$ _____

Custodial Fee..... \$ _____

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

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

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

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

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

TOTAL: \$ _____

Fees assessed by the Park District are not included.

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

Permit Application #: _____ Date Complete: _____

(For office use only)

Signature Page from City Officials and Department Heads

| | | | | | | | |
|---|--------------|-------------------------------------|----------|--------------------------|--------|-------------------------------------|---------------------------|
| <u>Mitch L. Bitz</u> <small>Mitch L. Bitz (Jun 17, 2025 07:38 CDT)</small> | / 06/17/2025 | <input checked="" type="checkbox"/> | Approved | <input type="checkbox"/> | Denied | <input type="checkbox"/> | Conditional—See Narrative |
| Fire Department | Date | | | | | | |
| <u>Patrick Haug</u> <small>Patrick Haug (Jun 16, 2025 12:33 CDT)</small> | / 06/16/2025 | <input checked="" type="checkbox"/> | Approved | <input type="checkbox"/> | Denied | <input type="checkbox"/> | Conditional—See Narrative |
| Police Department | Date | | | | | | |
| <u>Shane O'Keefe</u> <small>Shane O'Keefe (Jun 23, 2025 14:36 CDT)</small> | / 06/26/2025 | <input type="checkbox"/> | Approved | <input type="checkbox"/> | Denied | <input checked="" type="checkbox"/> | Conditional—See Narrative |
| Engineering Department | Date | | | | | | |
| <u>Shane O'Keefe</u> <small>Shane O'Keefe (Jun 23, 2025 14:36 CDT)</small> | / 06/23/2025 | <input checked="" type="checkbox"/> | Approved | <input type="checkbox"/> | Denied | <input type="checkbox"/> | Conditional—See Narrative |
| Public Works | Date | | | | | | |

Fire Department Narrative:

N/A

Police Department Narrative:

Engineering Narrative:

Pending NDDOT traffic control plan approval

Public Works Narrative:

Special Event Guide

Sec. 12-9-1. - Definitions.

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

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

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

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

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

ARTICLE 4. – AMUSEMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12-9-2. - Penalty.

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

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

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

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

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

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

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

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

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

(For office use only)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(For office use only)

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

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

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

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

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

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

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

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

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

Each parade permit shall state the following information:

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

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

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

(For office use only)

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

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

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

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

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

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

CRAFT VENDORS

Time Vault Treasures

Reflections of Minnesota

Summer Lakes Beverage

Up Here Gear

Stanley's Sugarbush, LLC

1377 Threads

Yellow Chair Press

James Hill

Larry's Quality Woodworking

EASY TIMES

Bare Naked Soap Company

Leashes by Liz

Dakota Crafts

Created By JT

Wreath Designs by Brenda

Mark Levsen Woodcarving

Southwind Treasures

DK Handmade

Bears Bliss Pit

Hornet Timber

Angry Tomato Salsa

5280 Gourmet LLC

Colorado Crazy Cocktails

Nectar of the Vine

The Little Apiary

G.O.C. Rocks

Personal Touch Designs

Daron Krueger Photography

Bubble Island Bath Treats

Gourd Art by Lu

Legends Of Africa

Bonnie's Crafting Den

FireFly Tattoo's

Candy's Dollhouse

SP Handmade

KD CREATIONS

Wixs n Wax

Paula's Pages

Darrel Bowman Pottery

Reds 3d Printing

The world of macarons

Nodakian Studios

Phil's Prints

Sage Winds

Sign Design

Ssjenns cups

Allstarr Plaques

Wheatheadz

Nodakian Studios

Norenwood

Photo Letter Project

Scott Seiler Photography

Ola Balms

Kate's Poperella

Crafty Mama

Cake Dreams

Brave Crow Comics

The Colored Petal

LeafFilter Gutter Protection

Yeti scrubs

Noelle Grace Designs

Big Dog Distillery

j & j welding & plasma designs

316 Legacy LLC

Barrel Train

Maddies Midnight Makings

Bedangled

LONE TREE DESIGNS

Billie's Soap & Spa Products. Inc

Gridiron Fan LLC

FOMO 10/40 Creamery

Shea's Foods

The Nut Hutte

Bronson's Concessions LLC

Joslynn Fae Sales

L & J Concessions

L&an Concessions

Rock N Roll Tacos Llc

Pacific Rim Noodles

Sweet Dreams Mini Donuts

The Lemon Pit

Little Blue Elephant Thai &Sushi

Gideon's Brewing Company

Copper Kettle Korn

Smooch Smooch Lemonade

Chinese & American food express

Fireflour Pizza / Anima Cucina

Corner cafe

FOOD VENDORS


Reidt Sales

Chuggs Coffee

Squeaky Cheese Tacos

Street Eats

Ken-Rich Enterprises Inc.



Morton Mandan
Public Library

An aerial photograph of a city area. A large red rectangular overlay covers the Morton Mandan Public Library building on the left. Another red overlay covers a building to the right of the library. A third red overlay covers a building further to the right. A fourth red overlay covers a building at the bottom center. A fifth red overlay covers a building at the bottom right. A sixth red overlay covers a building at the bottom right. A seventh red overlay covers a building at the bottom right. A eighth red overlay covers a building at the bottom right. A ninth red overlay covers a building at the bottom right. A tenth red overlay covers a building at the bottom right. A green pin icon is located near the library. The text 'Morton Mandan Public Library' is written in red above the library building. The text 'Dykshoorn Park' is written in green above the park area. The text 'Page 59 of 182' is written in black at the bottom right of the page.

Dykshoorn
Park











2025 Independence Day Parade Art in the Park Road Race Event Application

Final Audit Report

2025-06-26

| | |
|-----------------|--|
| Created: | 2025-06-16 |
| By: | Tasha Scott (tasha.scott@mandanpd.com) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAIQbZJrmhaD8Cxr3b3nH6mdPSfbZbYEvA |

"2025 Independence Day Parade Art in the Park Road Race Event Application" History


-  Document created by Tasha Scott (tasha.scott@mandanpd.com)
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2025-06-24 - 2:06:47 PM GMT

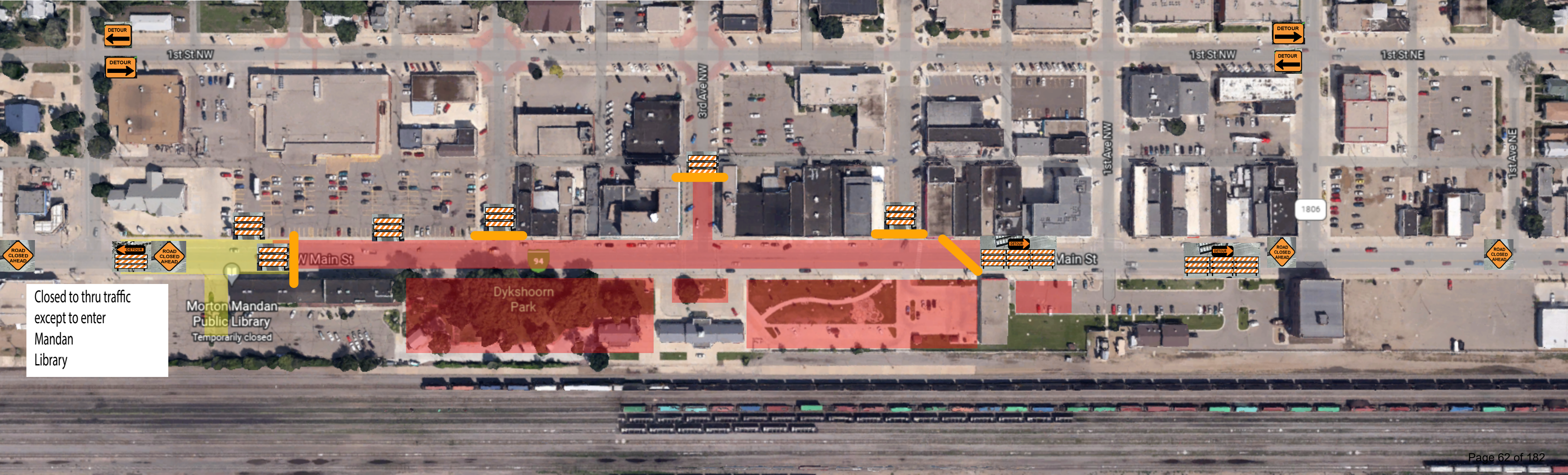
 Document e-signed by Jarek Wigness (jarek.wigness@cityofmandan.com)

Signature Date: 2025-06-26 - 1:33:16 PM GMT - Time Source: server

 Agreement completed.

2025-06-26 - 1:33:16 PM GMT

Main Street Closure Plan H - 6th Ave NW to 1st NW with Detour @ Collins.







ROAD
CLOSED

719 ft

RAMP
CLOSED
AHEAD

RAMP
CLOSED
AHEAD

500 ft

720 FT

SPEED
LIMIT
40

720 ft

720 ft

1100 FT

ROAD
WORK
AHEAD

LEFT LANE
CLOSED
AHEAD

SPEED
LIMIT
40

720 ft

720 ft

LEFT LANE
CLOSED
AHEAD

1100 FT

ROAD
WORK
AHEAD



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 24, 2025
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Jason Ziegler
PRESENTER: Jason Ziegler, Police Chief
SUBJECT: Consider approval of the special event permit for Lyons Heart Gravel Classic

STATEMENT/PURPOSE:

Consider approval of the special event permit for Lyons Heart Gravel Classic

BACKGROUND/ALTERNATIVES:

Lyons Heart is a 35, 65 and 100-mile bike race starting at Dykshoorn Park and taking place on gravel roads in Southern Morton County, races will finish at Dykshoorn Park. See attached special event permit application. All City of Mandan departments have reviewed and signed off on this event, pending NDDOT approval of the traffic control plan.

ATTACHMENTS:

1. 2025 Lyons Heart Gravel Classic - signed

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

N/A

RECOMMENDATION:

I recommend approving the special event permit for Lyons Heart Gravel Classic.

SUGGESTED MOTION:

I move to approve the special event permit for Lyons Heart Gravel Classic.

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

Special Events Permit Application

City of Mandan, ND

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

Date of Application: 6/2/2025

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: David Kramer

Driver's License Number: KRA-90-6449 State: ND

Date of Birth: 03/20/1990 Phone Number: 701-221-9833 Email: dj@701cycleandsport.com

Address: 411 Fraine Barracks Rd City: Bismarck State: ND Zip: 58504

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

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

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

Name of Event Manager: Matt Schanandore

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

Date of Birth: 7/10/1983 Phone Number: 7019344540 Email: Matt@Mandanprogress

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

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

If yes please list charge and year of conviction:

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

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

(For office use only)

Business Address: 411 West Main St City: Mandan State: ND Zip: 58554
Corporation/Organization: Mandan Progress Organization State of Incorporation: ND
Tax ID #: 40-0439012 501(c)3 #: _____ City Sales Tax ID #: _____
Have you ever coordinated/promoted another event/s? ☒ YES ☐ NO

If yes, please provide the following:

Last event/s Location: Summer events in Mandan Date: _____
Contact Name: Matt Schanandore Phone: 7019344540
E-mail Contact: matt@mandanprogress.org

Section 2 – Event Information

Event Name: Lyons Heart Gravel Classic Anticipated Daily Attendance: 800
Event Date(s): July 11th and 12th Set-up Date: July 11th Hours: 9 am to 5 pm
Hours of event each day: SEE ATTACHED DAILY SCHEDULE
(begin and end times)
Take Down Date(s): July 12th Hours: 9 am to 5 pm
E-Mail address for public information: info@mandanprogress.org
WEB address for public information: www.visitmandan.com
Location of Event/physical address: Dykshoorn Park Mandan
Sponsors of the Event: See Attached Sponsor List
Brief Description of Event:
Lyon Heart - is 35, 65 and 100 mile bike race starting at Dykshoorn Park in Mandan and taking place on Gravel Roads in Southern Morton County
races will finish at Dykshoorn Park

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

If yes, please provide the following:

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

Section 3 – Event Features

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

Will there be entertainment? ☒ Yes ☐ No

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

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

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

If yes, please attach a complete list of vendors.

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

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

(For office use only)

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

(Attach all promotional material.)

Radio: ☐ Yes ☒ No What Stations? _____

TV: ☐ Yes ☒ No What Stations? _____

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

Press Releases: ☒ Yes ☐ No How many? 2

Newspaper Ads: ☐ Yes ☒ No What publication? _____

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

Name of Promoter and Promotion Company: _____

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

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

Tents or Canopies: ☒ Yes ☐ No

Number of Tents: 6 to 12 vendors

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

Fireworks or Pyrotechnics: ☐ Yes ☒ No

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

Fireworks or Pyrotechnics Production Company's name: _____

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

Require permits from the City of Mandan

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

Temporary Fencing: ☐ Yes ☒ No

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

Company Contact Name: _____

Contact phone: _____

Restroom Accommodations: _____

Number of required portable toilets: _____

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

Placement of sanitary toilet facilities must be on site plan.

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

(For office use only)

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

Company Contact name: _____

Contact phone: _____

Electrical Services/Generators ☐ Yes ☒ No

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

Company Contact name: _____

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: 3rd Ave to 6th ave 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 Dykshoorn 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 Main 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 Food Vendors Dykshoorn Park

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

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

Water Location(s) Dykshoorn Park

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

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

If so, how will it be disposed? Deuces Wild

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

Permit Application #: _____ Date Complete: _____

(For office use only)

Section 6 – Alcohol

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

Will alcohol be given away? ☒ Yes ☐ No

Will the alcohol be sold? ☒ Yes ☐ No

Will the alcohol be donated? ☐ Yes ☒ No

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

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

Approved By: _____ Date Approved: _____ Initials: _____

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

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

If yes, please explain:

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

Wristbands

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

If yes, who provided the training: Gideon's Brewing Company

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: 2

Include security points and duties on event plans

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

Security Company and Contact Info: Spartan Security

Attach a copy of Company's License

Section 8 – Emergency Medical Services

Are you requesting off-duty Mandan EMT's? ☐ Yes ☒ No
Number of personnel requested: _____

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

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

Section 9 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

Volunteer Cleanup through 701 Cycle and MPO

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: ECO-Sanitation

Contact Name: _____ Phone: _____

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

Section 10 – ADA Accessibility Requirements

Parking plan requirements

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

Section 11– Insurance and Bond Requirements

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

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

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

The certificate must show:

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

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

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

City Services

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

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

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

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

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

Miscellaneous fees

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

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

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

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

Fee Cost Worksheet

Police Services:

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

Fire/EMT Services

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

Finance application processing Fee \$ _____

Trash Container Fee..... \$ _____

Custodial Fee..... \$ _____

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

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

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

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

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

TOTAL: \$ 25.00

Fees assessed by the Park District are not included.

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

Permit Application #: _____ Date Complete: _____

(For office use only)

Signature Page from City Officials and Department Heads

| | | | | | | | |
|---|--------------|-------------------------------------|----------|--------------------------|--------|-------------------------------------|---------------------------|
| <u>Mitch L. Bitz</u> <small>Mitch L. Bitz (Jun 17, 2025 07:39 CDT)</small> | / 06/17/2025 | <input checked="" type="checkbox"/> | Approved | <input type="checkbox"/> | Denied | <input type="checkbox"/> | Conditional—See Narrative |
| Fire Department | Date | | | | | | |
| <u>Patrick Haug</u> <small>Patrick Haug (Jun 16, 2025 12:23 CDT)</small> | / 06/16/2025 | <input checked="" type="checkbox"/> | Approved | <input type="checkbox"/> | Denied | <input type="checkbox"/> | Conditional—See Narrative |
| Police Department | Date | | | | | | |
| <u>[Signature]</u> <small>[Signature]</small> | / 06/26/2025 | <input type="checkbox"/> | Approved | <input type="checkbox"/> | Denied | <input checked="" type="checkbox"/> | Conditional—See Narrative |
| Engineering Department | Date | | | | | | |
| <u>[Signature]</u> <small>Shane O'Keefe (Jun 23, 2025 14:35 CDT)</small> | / 06/23/2025 | <input type="checkbox"/> | Approved | <input type="checkbox"/> | Denied | <input type="checkbox"/> | Conditional—See Narrative |
| Public Works | Date | | | | | | |

Fire Department Narrative:

N/A

Police Department Narrative:

Engineering Narrative:

Pending NDDOT approval of traffic control plan

Public Works Narrative:

Special Event Guide

Sec. 12-9-1. - Definitions.

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

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

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

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

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

ARTICLE 4. – AMUSEMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12-9-2. - Penalty.

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

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

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

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

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

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

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

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

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

(For office use only)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(For office use only)

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

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

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

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

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

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

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

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

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

Each parade permit shall state the following information:

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

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

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

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

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

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

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

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

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

Lyons-Heart Gravel Classic Tentative Schedule of Events:

Friday, July 11, 2025:

- 8:00am The Mighty Mo Roll – Shakeout Ride @ Dykshoorn Park
- 10:00am-6:00pm Industry Vendor Expo, Craft Vendors, & Food Trucks Dykshoorn Park
- 10:00am-7:00pm All Racer Packet Pickup – Community Room @ Morton Mandan Public Library
- 5:00pm Racer Meeting Community Room (Open to all racers. Mandatory for 100mi racers)
- 5:30pm Pro Panel Q & A – Community Room @ Morton Mandan Public Library

Saturday, July 12, 2025:

- 7:00am 100-mile Race Start – Main Street in Mandan
- 7:30-8:15am 65-mi/35-mile ONLY Packet Pickup - Community Room @ Morton Mandan Public Library
- 9:00am 65-/35-Mile Race Start – Main Street in Mandan
- 10:00am-6:00pm Art Vendors/Food Vendors @ Dykshoorn Park
- 11:00am-6:00pm Beer Vendor @ Dykshoorn Park
- 2:00pm-5:00pm Live Music from 2 Blind Mice
- 3:00pm 65-Mile Awards – Dykshoorn Park Bandshell
- 4:00pm 100-Mile Awards – Dykshoorn Park Bandshell
- 4:30-5:00pm Finish Line Party @ Dykshoorn Park (Food Trucks, Beer Garden, Live Music)



Closed to thru traffic
except to enter
Runnings of Mandan
Library

Main Street Closure Plan G - 10th Ave NW to 3rd Ave NW - 4th Ave closed to Traffic at Alleys

- Full Closure -
- Temporary Closure (Morning Start of Races) -
- Parking Lane Closure (Finishing Lane) -

Coned Avenues












2025 Lyons Heart Gravel Classic

Final Audit Report

2025-06-26


| | |
|-----------------|--|
| Created: | 2025-06-16 |
| By: | Tasha Scott (tasha.scott@mandanpd.com) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAXpQOLrkROsts3VQWvp0Cqkl57UVqt9K- |

"2025 Lyons Heart Gravel Classic" History

-  Document created by Tasha Scott (tasha.scott@mandanpd.com)
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-  Document emailed to Patrick Haug (phaug@mandanpd.com) for signature
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-  Signer mbitz@cityofmandan.com entered name at signing as Mitch L. Bitz
2025-06-17 - 12:39:49 PM GMT
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2025-06-23 - 7:35:35 PM GMT

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2025-06-24 - 2:05:25 PM GMT

 Document e-signed by Jarek Wigness (jarek.wigness@cityofmandan.com)

Signature Date: 2025-06-26 - 1:32:39 PM GMT - Time Source: server

 Agreement completed.

2025-06-26 - 1:32:39 PM GMT



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 24, 2025
SUBMITTING DEPARTMENT: HR
DEPARTMENT DIRECTOR: Amy Berger
PRESENTER: Amy Berger, HR Director
SUBJECT: Consider approval of the Returning Seasonal Employment policy and the related budget amendment

STATEMENT/PURPOSE:

To approve the Returning Seasonal Employment policy and the related budget amendment

BACKGROUND/ALTERNATIVES:

Currently, seasonal employees who are rehired for consecutive seasons receive the same starting wage, regardless of their prior service with the City.

The proposed Returning Seasonal Employment policy is a way to acknowledge and reward returning seasonal employees by offering increased compensation based on their previous service. It also establishes a standardized process to ensure consistency and clarity for staff.

The goal of the policy is to provide fair and equitable recognition to returning seasonal workers while preserving internal pay equity with comparable full-time positions. Under the proposed policy, returning employees would receive a \$1.00 per hour wage increase for each consecutive season worked, up to the first quartile of the applicable pay grade. This wage cap helps maintain alignment with full-time employee compensation.

If approved, the policy would take effect in 2025 and would increase the wage of seven employees this year who would qualify under this policy.

A related budget amendment is proposed below to fund the associated pay adjustments:

The total fiscal impact in 2025 of the adjustments is estimated to be \$5,144.91. This will

be allocated between the Engineering Department, Assessing Department, and the Public Works Department. While this change won't be budget-neutral within each specific department, it will be for the City overall. Finance Director Greg has confirmed that this amount can be reallocated from the Planning Department's current 2025 savings within their vacancies.

ATTACHMENTS:

1. Returning Seasonal Employment_Draft_2025-06-24

FISCAL IMPACT:

2025 Fiscal Impact total is \$5,144.91

The Engineering Department fiscal impact is estimated at \$682.86

The Assessing Department fiscal impact is estimated at \$844.84

The Public Works Department's fiscal impact is estimated at \$3,617.21

While this change won't be budget-neutral within each specific department, it will be for the City overall. Finance Director Greg has confirmed that this amount can be reallocated from the Planning Department's current 2025 savings within their vacancies.

STAFF IMPACT:

The proposed Returning Seasonal Employment policy will impact 7 returning seasonal employees in 2025 by adjusting their compensation to recognize prior service, in alignment with the policy as presented.

LEGAL REVIEW:

Reviewed by attorney Ben Sand

RECOMMENDATION:

To approve the presented policy and the associated budget amendment for 2025.

SUGGESTED MOTION:

I move to approve the Returning Seasonal Employment Policy as presented.

I move to approve the associated budget amendment to support the returning seasonal employment policy.



City of Mandan, Human Resources Returning Seasonal Employment

Approved XX/XX/2025

The City of Mandan, as the employer, is committed to establishing fair, consistent, and transparent pay practices for seasonal employees.

Purpose: To recognize returning service, apply cost-of-living adjustments responsibly, and maintain internal equity within the organization's pay structure.

Seasonal Employment Pay: Seasonal employees are typically hired at the minimum of their assigned pay grade and do not receive annual merit increases. However, seasonal pay scales are updated annually with a cost-of-living adjustment (COLA), calculated at 75% of the full-time COLA increase.

Eligibility for Pay Increases:

Returning seasonal employees receive a \$1.00 increase each year, applied *after* the annual COLA adjustment to the pay scale.

- If an employee's pay is at the minimum, they will receive the \$1.00 increase to the newly adjusted minimum of the grade, this could result in a raise greater than \$1.00 that year.
- Employees' pay is already above the COLA-adjusted minimum or mid-range, they may receive only the \$1.00 increase or adjustment to the cap, whichever comes first.
- Pay increases are capped at the first quartile of the assigned pay grade; no further \$1.00 increase will apply once that cap is reached unless the pay scale's quartile limit is raised.

Current Employees with Established Rates Above the First Quartile:

- These employees are not eligible for the \$1.00 returning employee increase, as their rate already exceeds the quartile cap.
- These employees do not receive the \$1.00 returning employee increase but will continue to receive 75% of the annual COLA adjustment, applied annually to their current rate regardless of the quartile cap.

Salary Minimum Adjustment:

Returning seasonal employees will not be paid less than the minimum of their pay grade upon rehire. The \$1.00 increase applies for each qualifying season based on the COLA-adjusted minimum pay for the grade, without exceeding the first quartile.

Break in Service:

- If an employee does not return for one or more consecutive seasons but is later rehired into the same position, they will return at their previous pay rate adjusted to the current scale. If this adjusted rate falls below the minimum for the grade, it will be adjusted up to that minimum.
- The employee will not receive the \$1.00 increase upon rehire but may be eligible for it in future consecutive seasons, up to the first quartile.

Transition to Full-Time Employment

Employees moving from seasonal to full-time roles will receive a new pay rate based on the full-time pay grade and internal equity guidelines. This transition is not considered lateral; therefore, seasonal pay may not correspond directly to full-time compensation.



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 26, 2025
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Class A Liquor License Renewal for The Hide Away

STATEMENT/PURPOSE:

Consider approval of the Class A liquor license renewal for The Hide Away

BACKGROUND/ALTERNATIVES:

A completed Class A liquor license renewal for The Hide Away was recently received.

Issuance for The Hide Away under a different manager was on the June 17 City Commission agenda for approval, however the approval was contingent upon meeting fire, health, safety and building codes and all property taxes being paid. The application under the other manager name was missing an answer to a question regarding the lease of the building, and a lease agreement has not been received for that manager.

All necessary items have been received for the application under the management of Bobby Jo Berube.

ATTACHMENTS:

None

FISCAL IMPACT:

n/a

STAFF IMPACT:

Minimal. Processing of the application and license.

LEGAL REVIEW:

n/a

Subject: Consider approval of the Class A liquor license renewal for The Hide Away from July 1, 2025 to June 30, 2026

Page 2 of 2

RECOMMENDATION:

Approve.

SUGGESTED MOTION:

I move to approve the renewal application for a Class A liquor license for The Hide Away from July 1, 2025 to June 30, 2026 contingent on the establishment meeting all fire, health, safety and building inspection codes and all property taxes being paid.



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 27, 2025
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Development Agreement for Shores At Lakewood 2nd Addition.

STATEMENT/PURPOSE:

To consider Development Agreement for Shores At Lakewood 2nd Addition

BACKGROUND/ALTERNATIVES:

Shores At Lakewood 2nd Addition final plat and PUD (Planned Unit Development) Amendment were approved unanimously at the September 17, 2024, City Commission meeting contingent on approval of a Development Agreement.

City staff and representatives from the developer have engaged in numerous discussions and have reached points whereby city commission direction is requested.

City staff are working through changes to the development agreement.

Recommendations to the proposed agreement will be made as this review gets finalized.

Latest revisions and documents as of June 27, 2025 are attached.

ATTACHMENTS:

1. 20250625_DA Comparison_City-Developer
2. 20250625_Draft_DA_Mandan_Shores Master_Amended_v6_Redline
3. 20250609_Shores at Lakewood_Updated Master Plan
4. 20250608_Shores at Lakewood_Grass Collection

FISCAL IMPACT:

Unknown at this time.

STAFF IMPACT:

Substantial time and effort continues to be dedicated to this project.

LEGAL REVIEW:

City Staff are currently reviewing

RECOMMENDATION:

Recommendations coming next week.

SUGGESTED MOTION:

Suggested motions will be forthcoming.

Developer Amended Response to City Draft Development Agreement

Shores at Lakewood Master Planned Community

Shores at Lakewood Addition | Shores at Lakewood 2nd, 3rd, and 4th Additions

Prepared By:

TRX Developers, LLC

3100 N 14th Street

Bismarck, ND 58503

Date: June 18th, 2025

Submitted To:

City of Mandan

205 2nd Avenue NW

Mandan, ND 58554

(This document presents the Developer's proposed revisions, alternative language, and reasoning in response to the City of Mandan's Draft Development Agreement for the Shores at Lakewood Master Plan.

Updated following 6/17/2025 City Commission Meeting)

Development Agreement
Shores at Lakewood Masterplan

Table of contents:

- I. Parties, Property, and Development Scope**
- II. Agreement Terms**
 - 1. Infrastructure Plan Approval and Compliance
 - 2. Temporary Fire Turnaround Requirements
 - 3. Stormwater Management and Maintenance Obligations
 - 4. Homeowners Association Documentation Requirement
 - 5. Public Infrastructure Maintenance and Financing Options
 - 6. Sanitary Sewer Lift Station Capacity Improvements
 - 7. Sanitary Sewer Lift Station on Lot 65, Block 1, Shores at Lakewood 2nd Addition
 - 8. Building Permit Issuance Requirements
 - 9. Lot Modification Compliance
 - 10. USPS Clusterboxes
 - 11. Private Street Signage and Maintenance
 - 12. Private Park Ownership, Construction, and Maintenance
 - 13. Third-Party Approval Disclaimer
 - 14. Floodplain Development Compliance
 - 15. Boulevard Landscaping Requirements
 - 16. Monument Signage Installation and Maintenance
 - 17. Security & Safety Fencing Installation and Maintenance
 - 18. Access to Private Parks
 - 19. Trail Construction to Prairie West Golf Course
 - 20. Right-of-Way Vacation and Leaf & Grass Collection Site Relocation
 - 21. Community-Wide Irrigation System Requirements
 - 22. Maintenance Responsibility of Heart River Oxbows
 - 23. Lower Heart River Water Resource District Conditions Compliance
 - 24. Enforcement and Amendments
 - 25. Not Binding
- III. Signatures**

I. Parties, Property, and Development Scope

Original City Draft Language:

This Agreement is made and entered into on the [day] of [month], 2025, (hereinafter the “effective date”) by and between the City of Mandan (hereinafter referred to as the “City”), TRX Developers, LLC (hereinafter referred to as the “Developer”), and Lakewood Shores HOA, specifically Mandan Lakewood Shores HOA, c/o GoldStar Property Management (hereinafter referred to as the “HOA”). The address for the City of Mandan is 205 2nd Avenue NW, Mandan, North Dakota, 58554. The address of the Developer is 3100 N 14th Street, Bismarck, ND 58503, and the address of the HOA is 3100 N 14th Street, Bismarck, ND 58503. This Agreement is a covenant running with the Property and binding upon any and all future owners of the Property.

WHEREAS, the Developer is the owner of property whose legal description is an unplatted portion of Outlot A in the East ½ of Section 1 and the East ½ of Section 12, Township 138N, Range 81W, Mandan, Morton County, North Dakota (hereinafter referred to as the “Property”); and

WHEREAS, the Developer wishes to develop the approximate one-hundred and thirty-two (132) acre Property excluding right-of-way dedication into a master planned development named Shores at Lakewood (Phase 1 of said master plan is Document No. _____) and Phase 2 is _____ (hereinafter collectively referred to as the “Development”); and

WHEREAS, said master planned Development is currently planned to include approximately two-hundred and nine (209) residential lots, one (1) commercial lot to be further subdivided, and two (2) additional lots to be used as a storm water detention and three (3) parks/open spaces to be owned by the Homeowner’s Association; and

WHEREAS, future phases of the master planned Development have not received final platting approval and are subject to review by the Planning and Zoning and City Commissions; and

WHEREAS, future phases of the master planned Development are subject to future amendments to this Development Agreement; and

WHEREAS, said Development has been zoned to the amended PUD – Planned Unit Development under Ordinance 1454 (Document No. _____); and

WHEREAS, the Developer intends to phase the Development over generally the next few years, with construction having begun in the spring of 2022, under a separate development agreement that this new document replaces (Document No. _____); and

Developer's Proposed Revised Language:

This Agreement is made and entered into on the [day] of [month], 2025, (hereinafter the "effective date") by and between the City of Mandan (hereinafter referred to as the "City"), TRX Developers, LLC (hereinafter referred to as the "Developer"), and Lakewood Shores HOA, specifically Mandan Lakewood Shores HOA, c/o GoldStar Property Management (hereinafter referred to as the "HOA"). The address for the City of Mandan is 205 2nd Avenue NW, Mandan, North Dakota, 58554. The address of the Developer is 3100 N 14th Street, Bismarck, ND 58503, and the address of the HOA is 3100 N 14th Street, Bismarck, ND 58503. This Agreement is a covenant running with the Property and binding upon any and all future owners of the Property.

WHEREAS, the Developer is the owner of property (Parcel numbers 65-6110785, 65-5511360, 65-5511352, 65-5511525, 65-5513800, & 30-0114100) whose legal description is [Correct Legal to Be Inserted], Township 138N, Range 81W, Mandan, Morton County, North Dakota (hereinafter referred to as the "Property"); and

WHEREAS, the Developer wishes to develop the approximate one-hundred and thirty-two (132) acre Property, excluding right-of-way dedication, into a master planned development named Shores at Lakewood (Phase 1 “Shores at Lakewood Addition” of said master plan is Document No. _____) and Phase 2 “Shores at Lakewood 2nd Addition (Document No. _____), and future Shores at Lakewood 3rd and 4th Additions (hereinafter collectively referred to as the "Development"); and

WHEREAS, said master planned Development is currently planned to include approximately two-hundred and nine (209) residential lots, one (1) commercial lot to be further subdivided, and two (2) additional lots to be used as storm water detention and three (3) parks/open spaces to be owned by the Homeowner's Association; and

WHEREAS, the Master Plan and PUD Zoning have been approved previously; however, future phases of the master planned Development have not received final platting approval and are therefore subject to review by the Planning and Zoning Commission and City Commission; and

WHEREAS, future phases of the master planned Development are subject to future amendments to this Development Agreement; and

WHEREAS, said Development has been zoned to the amended PUD – Planned Unit Development under Ordinance No. 1397 (Document No. _____) specific to the Master Plan and Shores Addition, and Ordinance No.

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|---|---|
| <p>WHEREAS, prior to the submission of this development proposal, which includes an amendment to the land use plan, the City had not been advised, recommended, or otherwise directed in its adopted plans and studies to consider or prepare for urban development within this area; and</p> <p>WHEREAS, this Agreement serves to outline the responsibilities and obligations of both the City and the Developer regarding the master planned Development and phases therewithin, and recognizes that formal, specific approval from the City Commission is required to initiate the development and construction process; and further, that this Agreement establishes the foundational guidelines that will govern the Development as it moves forward, ensuring clarity and alignment with the City’s planning objectives and regulatory framework; and</p> <p>WHEREAS, the Developer intends to construct water systems, sanitary sewer systems, storm water conveyance systems and street improvements to provide service to the Development and connect to same City facilities; and</p> <p>WHEREAS, the Developer intends to construct certain infrastructure improvements at a scale required to provide service to areas beyond the Development; and</p> <p>WHEREAS, upon completion and acceptance by the City, the Developer intends to dedicate certain Developer constructed or installed facilities to the City for ownership, operation and maintenance; and</p> <p>WHEREAS, the City will not take ownership of the storm water attenuation pond or private park lots following construction by the Developer. Said lots are to be in the ownership of the Homeowner’s Association; and</p> <p>WHEREAS, the Development, without this agreement, could create disorder in future development, raising costs of public infrastructure and private development for the surrounding lands; and</p> <p>WHEREAS, the agreement provides the Developer a means to achieve the desired outcome of the Development into single family home, twin-home, townhome, and commercial lots; and</p> <p>WHEREAS, nothing in this agreement prohibits the City from adopting alternative land uses through a new land use plan or amendment to the Plan affecting the Property as prescribed by State law and the Mandan Code of Ordinances and requiring any future development to align with said plan.</p> | <p>1454 (Document No. _____) specific to Shores 2nd Addition; and</p> <p>WHEREAS, the Developer intends to phase the Development over generally the next few years, with construction having begun in the spring of 2022, under a separate development agreement that this new document replaces (Document No. _____); and</p> <p>WHEREAS, this Agreement serves to outline the responsibilities and obligations of both the City and the Developer regarding the master planned Development and phases therewithin, and recognizes that formal, specific approval from the City Commission is required to initiate the development and construction process; and further, that this Agreement establishes the foundational guidelines that will govern the Development as it moves forward, ensuring clarity and alignment with the City’s planning objectives and regulatory framework; and</p> <p>WHEREAS, the Developer intends to construct water systems, sanitary sewer systems, storm water conveyance systems, and street improvements to provide service to the Development and connect to existing City facilities; and</p> <p>WHEREAS, the Developer intends to construct certain infrastructure improvements at a scale required to provide service to areas beyond the Development; and</p> <p>WHEREAS, upon completion and acceptance by the City, the Developer intends to dedicate certain Developer-constructed or installed facilities to the City for ownership, operation, and maintenance; and</p> <p>WHEREAS, the City will not take ownership of the storm water attenuation pond or private park lots following construction by the Developer. Said lots are to remain under the ownership and maintenance of the Homeowner's Association; and</p> <p>WHEREAS, the Development, without this Agreement, could create disorder in future development, raising costs of public infrastructure and private development for surrounding lands; and</p> <p>WHEREAS, this Agreement provides the Developer a means to achieve the desired outcome of developing the Property into single-family homes, twin-homes, townhomes, and commercial lots; and</p> <p>WHEREAS, nothing in this Agreement prohibits the City from adopting alternative land uses through a new land use plan or amendment to the Plan affecting the Property, as prescribed by State law and the Mandan Code of Ordinances, and requiring any future development to align with said plan.</p> |
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City Staff Comments following review:

- *City Attorney can decide which version is best.*

Developer Comments following City Staff review comments:

- *In Agreement*

Reasoning / Support for Change:

- Updates the parcel reference and clarifies location details for increased precision.
- Recognizes both prior approvals and future procedural review obligations.
- Ensures clarity regarding zoning ordinances and document references.
- Smooths language flow while preserving full legal meaning and accuracy.
- Positions the Developer's commitment to phased and orderly development while protecting City rights and public interests.

II. Agreement Terms

1. Infrastructure Plan Approval and Compliance

| Original City Draft Language: | Developer's Proposed Revised Language: |
|---|---|
| <p>1. Infrastructure Plan Approval and Compliance</p> <p>All infrastructure plans are to be submitted to the City Engineering Department for review and approval prior to construction. The infrastructure is to be built according to approved plans.</p> | <p>1. Infrastructure Plan Approval and Compliance</p> <p>All infrastructure plans shall be submitted by the Developer to the City Engineering Department for review and approval prior to construction.</p> <p>All infrastructure must be constructed by the Developer in full accordance with the plans approved by the City Engineering Department, as well as any applicable City of Mandan standards and specifications in effect at the time of approval.</p> <p>Any material deviations from the approved plans shall require prior written approval from the City Engineer.</p> |

City Staff Comments following review:

- *City Staff accepts this change as drafted.*

Developer Comments following City Staff review comments:

- *In Agreement*

Reasoning / Support for Change:

- Clarifies the Developer's duty to submit plans and build in accordance with approvals.

- Formalizes the City's authority to require written approval for any material changes, protecting public infrastructure quality.
- Reinforces compliance with all applicable City standards without creating additional burden beyond ordinary expectations.
- Ensures predictability and reduces ambiguity for both Developer and City Staff during construction and inspection phases.

2. Temporary Fire Turnaround Requirements

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>2. Temporary Fire Turnaround Requirements</p> <p>The Developer will be required to install temporary fire turnarounds where necessary during phases of development. The temporary turnarounds are required to be class 5 or crushed concrete, and be subject to City Fire review, approval, and final inspection/acceptance. The City reserves the right to periodically inspect the condition of temporary fire turnarounds and request maintenance or restoration of any that fail inspection in order to provide fire protection.</p> | <p>2. Temporary Fire Turnaround and Construction Access Requirements</p> <p>The Developer shall install temporary fire turnarounds where necessary during phases of development. Temporary fire turnarounds shall be constructed of class 5 aggregate base or crushed concrete, and shall be subject to review, approval, and final inspection and acceptance by the City Fire Department.</p> <p>The City reserves the right to periodically inspect the condition of temporary fire turnarounds and require maintenance, restoration, or reconstruction as necessary to maintain acceptable emergency access standards.</p> <p>In addition, the Developer shall be permitted to construct and utilize temporary construction access roads, constructed of class 5 aggregate base or crushed concrete, capable of bearing 75,000 lbs, to facilitate construction operations during phased buildout, and through winter months. Temporary construction access shall be subject to review and approval by the Fire Chief & City Engineer to ensure compliance with public safety and operational standards.</p> <p>Upon completion of public infrastructure improvements for each respective phase, the Developer shall remove and reclaim any temporary fire turnarounds and temporary construction access roads in accordance with City standards and to the satisfaction of the City Engineer.</p> |

City Staff Comments following review:

- *It is possible that some City Staff may not support this.*

Developer Comments following City Staff review comments:

- *The City has consistently allowed vertical construction to proceed ahead of final infrastructure completion, subject to strict fire and safety protocols.*
- *The ability to build through winter is essential for home delivery schedules and customer expectations. The proposed language provides clear, enforceable guidelines to ensure safe and sufficient access for emergency services during these periods.*

- *Nothing in the proposed language compromises safety. It enhances clarity and sets measurable standards for weight capacity and access routes.*

Reasoning / Support for Change:

- Incorporates the Developer's operational need for **temporary construction access roads**, reducing wear on public infrastructure during active buildout.
- Provides a **clear and enforceable standard** (e.g., 75,000 lb load capacity) to address emergency access concerns in winter and during incomplete phases.
- Reflects long-standing **City practice** of allowing winter vertical construction under controlled safety provisions.
- Maintains full authority for **Fire Chief and City Engineer** to approve, inspect, and enforce standards.
- Defines Developer responsibility to remove and reclaim temporary infrastructure once no longer needed, ensuring final presentation and safety of completed phases.
- **Supports timely construction**, meets homeowner move-in expectations, and upholds public safety without shifting burden to City departments.

3. Stormwater Management and Maintenance Obligations

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>3. Stormwater Management and Maintenance Obligations</p> <p>The Developer shall be required to submit a comprehensive stormwater management plan to the City Engineer for review and approval, and shall construct the associated infrastructure in accordance with the plans that have received such approval.</p> <p>It is expressly noted that the responsibility for the maintenance of the stormwater attenuation pond shall rest with the Developer, the Development, or the Homeowners Association, as applicable.</p> <p>The maintenance plan for the stormwater pond shall be included as an integral component of the stormwater management plan submitted for the City's review and approval. Furthermore, the lot designated for the location of the stormwater pond shall be owned by the Homeowners Association.</p> | <p>3. Stormwater Management and Maintenance Obligations</p> <p>The Developer shall submit a comprehensive stormwater management plan to the City Engineer for review and approval prior to commencement of any grading or infrastructure construction activities.</p> <p>All stormwater infrastructure shall be constructed by the Developer in full accordance with the approved stormwater management plan and applicable City of Mandan standards in effect at the time of plan approval.</p> <p>The responsibility for ongoing maintenance, repair, and replacement of the stormwater attenuation pond shall rest solely with the Homeowners Association or its successors and assigns. The Developer shall maintain the stormwater facilities until formal transfer of maintenance responsibilities to the HOA.</p> <p>The Developer may initiate early transfer of stormwater pond maintenance responsibilities to the Homeowners Association prior to full buildout, provided the following conditions are met:</p> <ol style="list-style-type: none"> a) the pond has been fully constructed, stabilized, and accepted by the City Engineer; b) all improvements are functioning as designed per the approved stormwater management plan; c) the transfer is documented via written notice and accepted by the HOA Board; and d) all covenants and easements governing ongoing maintenance are recorded. |

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| | <p>In no case shall such transfer occur later than the issuance of the final Certificate of Occupancy for the final lot served by the stormwater pond.</p> <p>In the event that the Developer becomes insolvent or otherwise incapacitated from fulfilling its responsibilities, all stormwater-related obligations shall automatically transfer to the Homeowners Association.</p> <p>The maintenance plan for the stormwater pond shall be included as a formal, binding component of the approved stormwater management plan.</p> <p>The lots designated for the stormwater pond shall be platted as separate lots owned by the Homeowners Association and shall be subject to recorded covenants ensuring perpetual maintenance responsibility.</p> |
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City Staff Comments following review:

- *Want to see a provision that enables or otherwise transfers ponds to HOA earlier on than the last home getting a CO in phase 4.*

Developer Comments following City Staff review comments:

- *The revised language includes a clear and enforceable pathway for early turnover of stormwater pond maintenance responsibilities to the HOA — balancing City oversight, public interest, and operational flexibility for all parties.*

Reasoning / Support for Change:

- Clarifies that the Developer retains initial responsibility and accountability until formal handoff occurs.
- Responds to City Staff's concern by creating a **structured early transfer option**, protecting City interests while supporting responsible HOA stewardship.
- Reinforces Developer and HOA obligations in the event of insolvency or transfer of ownership.
- Ensures stormwater ponds are platted and governed by recorded covenants, avoiding gaps in long-term maintenance and liability.
- Protects City resources while enabling scalable development and homeowner association operations as phases are completed.

4. Homeowners Association Documentation Requirement

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>4. Homeowners Association Documentation Requirement</p> <p>The Developer will be required to provide a copy of the recorded Homeowners Association to the City and Morton County for recording and reference.</p> | <p>4. Homeowners Association Documentation Requirement</p> <p>The Developer has established a Homeowners Association ("HOA") responsible for the ownership and maintenance of common areas, private park lots, stormwater facilities, and any other amenities designated as private within the Shores at Lakewood Development.</p> |

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| | <p>The Developer has caused the Amended Declaration of Covenants, Conditions, and Restrictions ("CC&Rs") establishing the HOA, along with the Articles of Incorporation and Bylaws of the HOA, to be recorded with the Morton County Recorder's Office.</p> <p>The Developer shall provide the City of Mandan with recorded copies of all HOA organizational documents for reference. Amendments to the recorded documents that materially affect the maintenance or ownership obligations of the HOA shall be submitted to the City for informational purposes.</p> |
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City Staff Comments following review:

- *City Planning is fine with this.*

Developer Comments following City Staff review comments:

- *In agreement, suggest our more deeper version is used.*

Reasoning / Support for Change:

- Expands on the City's draft to ensure clear establishment of the HOA's legal framework and responsibilities.
- Formalizes timing of recording (before lot sales) to protect future residents and City expectations.
- Clarifies the City's role in receiving documents for reference, not approval, preserving municipal transparency without assuming administrative burden.
- Ensures long-term maintenance of subdivision features remains private, as intended.

5. Public Infrastructure Maintenance and Financing Options

| Original City Draft Language: | Developer's Proposed Revised Language: |
|--|--|
| <p>5. Public Infrastructure Maintenance and Financing Options</p> <p>All public roads and utilities shall be the maintenance responsibility of the City after final acceptance of the project(s).</p> <p>The water distribution and sanitary sewer components of the public infrastructure need to be installed under a three-way agreement and require following all City standards per the Engineering Department.</p> <p>The above-ground public infrastructure, including streets, storm sewer, and other improvements such as street signs and street lights, may be installed under a street improvement district or a three-way agreement at the Developer's discretion, subject to City financing capacity and City Commission acceptance, and must comply with all City standards per the Engineering Department. This agreement does not provide any assurance that a specific development financing source is available or advisable to be used. The City Commission is the ultimate decision body</p> | <p>5. Public Infrastructure Maintenance and Financing Options</p> <p>All public roads and utilities shall become the maintenance responsibility of the City of Mandan following final acceptance by the City.</p> <p>Water distribution and sanitary sewer infrastructure shall be constructed by the Developer and funded privately through a Three-Way Agreement with the City (referenced as Project WPSP-XXX), in full compliance with City of Mandan standards and specifications.</p> <p>All other public infrastructure improvements required to serve Shores at Lakewood 2nd, 3rd, and 4th Additions shall be divided into two distinct special assessment districts, organized by expected useful life and financing structure:</p> <p>1. Special Assessment Sewer Improvement District – SE-XXX (20-Year Amortization)</p> |

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| <p>regarding the use of municipal financing for subdivision improvements.</p> | <p>The SE-XXX district shall include improvements with a projected service life of 20 years or more, including but not limited to:</p> <ul style="list-style-type: none"> • Storm sewer improvements (constructed concurrently with WPSP-XXX) • Concrete curb and gutter • Street lighting • Street signage • Security and safety fencing • Sidewalks along Oxbow Trail • Roadway base and subgrade preparation <p>All costs associated with the design, construction, and construction observation of these SE-XXX improvements shall be assessed to the benefiting lots within Shores 2nd, 3rd, and 4th Additions. Bonds issued under SE-XXX shall be structured with a fixed 20-year amortization schedule.</p> <p>2. Special Assessment Street Improvement District – SID-XXX (15-Year Amortization)</p> <p>The SID-XXX district shall be limited to improvements with a shorter service life, specifically including:</p> <ul style="list-style-type: none"> • Asphalt paving of all public streets and alleys <p>All costs associated with the design, construction, and construction observation of SID-XXX improvements shall be assessed to the benefiting lots within Shores 2nd, 3rd, and 4th Additions. Bonds issued under SID-XXX shall be structured with a fixed 15-year amortization schedule.</p> <p>The Developer acknowledges that no future repair or maintenance reserves shall be included in the financing structure of either SE-XXX or SID-XXX. Future surface maintenance, chip seals, overlays, or similar activities shall be addressed by the City of Mandan through its standard capital improvement and budgeting processes.</p> <p>Nothing in this Agreement guarantees the issuance of bonds or obligates the City to use a particular funding method. All financing decisions, including bond authorization, structuring, and implementation, shall remain at the sole discretion of the City Commission and subject to available financial capacity.</p> |
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City Staff Comments following review:

- *Does not believe the City supports this financing period at this time.*
- *Staff have expressed concern that a 25-year bond term may outlast the functional lifespan of certain public improvements, potentially resulting in deferred maintenance obligations that outpace the funding structure.*

Developer Comments following City Staff review comments:

- *In direct response to the City’s concerns, this revised draft incorporates a structured maintenance reserve — embedded within the SID — to cover mid-cycle infrastructure needs without triggering reassessment or operational gaps.*
- *Additionally, the Developer proposes running WPSP-XXX (Three-Way Agreement) and SE-XXX (Storm Sewer District) concurrently for coordinated design, construction efficiency, and optimized project phasing.*

Reasoning / Support for Change:

- Responds directly and respectfully to the City’s concern about long-term maintenance by providing a **practical, code-compliant funding solution** using a reserve-based model.
- Running the Three-Way and SE projects concurrently provides **administrative clarity, minimizes ground disturbance**, and accelerates delivery of core underground infrastructure.
- Extending the term to 25 years aligns repayment with asset life, reducing pressure on homeowners and promoting **fiscally responsible growth**.
- Follows statutory authority under **NDCC § 40-22** and mirrors successful strategies used in West Fargo, Grand Forks, Fargo and other peer communities.
- Offers a clear, enforceable framework that protects City, Developer, and homeowner interests in both short- and long-term development outcomes.

6. Sanitary Sewer Lift Station Capacity Improvements

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>6. Sanitary Sewer Lift Station Capacity Improvements</p> <p>The Developer hereby agrees to finance capacity enhancements to the existing City-owned public sanitary sewer lift station located at 2860 40th Avenue SE to accommodate the anticipated increase in sewer flows resulting from the proposed development.</p> <p>As a condition of the City’s approval of the Developer’s civil engineering plans and commencement of construction, the Developer shall provide a binding financial commitment sufficient to cover the current estimated costs of the required improvements.</p> <p>The City shall perform the necessary upgrades to the lift station on behalf of the Developer, utilizing the funds provided, at such time as deemed appropriate to optimize the operational lifespan of the existing lift station pumps, and when such upsizing becomes necessary to meet demand.</p> | <p>6. Sanitary Sewer Lift Station Capacity Improvements</p> <p>The Developer acknowledges that future capacity upgrades to the City-owned sanitary sewer lift station located at 2860 40th Avenue SE will likely be required to support increased flows from the full buildout of the Shores at Lakewood Master Planned Community.</p> <p>In lieu of full upfront payment, the City and Developer agree to a cost-sharing structure whereby the Developer shall contribute a total of \$75,000 toward lift station upgrades, payable in three equal installments of \$25,000 each, to align with the phased development timeline:</p> <ul style="list-style-type: none"> • The first installment of \$25,000 shall be due prior to the issuance of any grading, building, or utility permits for Shores at Lakewood 2nd Addition. • The second installment of \$25,000 shall be due prior to the issuance of any grading, building, or utility permits for Shores at Lakewood 3rd Addition. • The third installment of \$25,000 shall be due prior to the issuance of any grading, building, or utility permits for Shores at Lakewood 4th Addition. <p>The City shall be responsible for the design, timing, and execution of the lift station capacity improvements. The upgrades shall be undertaken at the City’s discretion, based</p> |

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| | on actual system demand and infrastructure lifecycle optimization. |
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City Staff Comments (following 6/17/2025 Commission Meeting):

- *At Commission hearing on June 17, 2025, City supports a revised, incremental, shared-cost structure for the lift station upgrades.*
- *Suggested to tie first \$25,000 payment to plat recording, then following \$25,000 payments for each subsequent phase.*

Developer Comments following City Commission (6/17/2025):

- *Developer appreciates the City’s flexibility and supports the phased contribution model tied to specific development benchmarks.*
- *Requests that the first installment of \$25,000 be payable at time of grading, building, or utility permit issuance rather than at plat recording to ensure adequate time for development financing.*
- *Requests the following subsequent 2 installments are tied to the same, for 3^d and 4th Additions.*

Reasoning / Support for Change:

- *Establishes a collaborative funding model that reduces initial financial burden while ensuring the City is resourced to upgrade infrastructure as needed.*
- *Matches lift station investment to project absorption and infrastructure demand over time.*
- *Provides predictability and enforceable benchmarks for both parties.*
- *Ensures sewer system integrity is protected and upsized in accordance with phased development rather than prematurely.*
- *Enables the Developer to responsibly finance participation in public infrastructure upgrades without delaying early-phase construction.*

7. Sanitary Sewer Lift Station on Lot 65, Block 1, Shores at Lakewood 2nd Addition

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>7. Sanitary Sewer Lift Station on Lot 65, Block 1, Shores at Lakewood 2nd Addition</p> <p>The Developer’s civil engineering plans necessitate the construction of a lift station to serve the proposed development.</p> <p>Given that the City’s land use plan was amended specifically to accommodate this development, and that all lands within the master plan area are owned and intended for development by a single Developer, as was the case at the project’s inception, the Developer shall be solely responsible for all costs associated with the construction of</p> | <p>7. Sanitary Sewer Lift Station on Lot 65, Block 1, Shores at Lakewood 2nd Addition</p> <p>The Developer agrees that the sanitary sewer lift station located on Lot 65, Block 1, Shores at Lakewood 2nd Addition shall be funded and constructed as part of the Three-Way Agreement project referenced in Section 3 of this Agreement and identified as Project WPSP-XXX (Water and Sanitary Sewer Project).</p> <p>The Developer shall retain full rights to design the lift station structure, building exterior, and landscaping of the surrounding grounds, provided such design is consistent</p> |

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| <p>the new lift station. Municipal financing for this improvement is not available.</p> <p>Said lift station shall, at a minimum, include a fully enclosed structure with a lockable door, as well as electrical service and adequate lighting.</p> <p>In consideration of the Developer's obligation to construct the lift station, the City shall assume responsibility for the long-term maintenance of the facility, as well as for any future upgrades and improvements thereto.</p> | <p>with all applicable City of Mandan standards, North Dakota state code requirements, and applicable regulations.</p> <p>The Developer's civil engineer of record shall submit final lift station design specifications, including architectural, mechanical, electrical, and landscaping components, to the City Engineer for review and acceptance prior to construction.</p> <p>Upon satisfactory completion and formal acceptance by the City, ownership, operation, and long-term maintenance responsibility for the lift station shall transfer to the City of Mandan.</p> |
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City Staff Comments (following Commission meeting 6/17/2025):

- *City not able to offer municipal financing for the development-specific lift station and requests Developer to include in 3-way agreement, WPSP-XXX.*

Developer Comments following City Commission meeting 6/17/2025:

- *Developer acknowledges Commission guidance and accepts full construction and funding responsibility via Three-Way Agreement.*
- *Developer seeks to ensure design and landscaping flexibility while conforming to City and state codes.*

Reasoning / Support for Change:

- Aligns with Commission guidance and facilitates timely construction of necessary utility infrastructure.
- Ensures Developer-led design control while maintaining public safety, aesthetic integrity, and long-term operability.
- Clarifies project integration into existing Three-Way Agreement structure and timeline.
- Streamlines review and approval through City Engineer while preserving Developer's vision and accountability.

8. Building Permit Issuance Requirements

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| <p>Original City Draft Language:</p> <p>8. Building Permit Issuance Requirements</p> <p>Building permits will not be issued until the required improvements have been completed and accepted by the City of Mandan. This includes the submission of survey-grade as-built drawings from the Developer's consulting engineer in a format compatible with the City's data requirements. The City will facilitate the prompt integration of these as-built drawings into its GIS. This is required to be able to provide prompt utility locates to the development during its buildout.</p> | <p>Developer's Proposed Revised Language:</p> <p>8. Certificate of Occupancy Issuance Requirements</p> <p>No Certificate of Occupancy shall be issued for any structure within the Development until all of the following conditions have been satisfied:</p> <ol style="list-style-type: none"> All required public infrastructure improvements serving the applicable lots have been completed to the satisfaction of the City Engineer; The City of Mandan has granted formal preliminary or final acceptance (as applicable) of the infrastructure improvements; |
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| | <p>c. Survey-grade as-built drawings, prepared by the Developer’s consulting engineer, have been submitted in a format compatible with the City’s GIS and data management system;</p> <p>d. All required easement and right-of-way documents have been recorded with Morton County; and</p> <p>e. Any outstanding financial obligations associated with public improvements have been adequately secured or satisfied.</p> <p>The Developer acknowledges the City’s historical preference to restrict building permit issuance until roads are complete. However, it is respectfully noted that in prior cases, building permits have been issued ahead of road completion provided emergency access was secured and all required interim measures were reviewed and approved by the City Fire Department and City Engineer.</p> <p>This revised language reflects a shift in the regulatory trigger from building permit to Certificate of Occupancy to align construction activity with life-safety readiness and final infrastructure verification, while preserving flexibility for safe vertical construction during seasonal buildout.</p> |
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City Staff Comments following review:

- *Further review and approval necessary for this. The City historically does not permit building permits until roads are complete.*

Developer Comments following City Staff review comments:

- *The Developer respectfully clarifies that while this may be the default policy, there is precedent for issuing building permits ahead of road completion when life-safety measures are fully in place.*
- *The shift in this section to regulating Certificate of Occupancy — rather than permit issuance — ensures that no unit is occupied until all public infrastructure is verified, accepted, and documented.*

Reasoning / Support for Change:

- Aligns issuance of occupancy with **readiness for habitation**, not just vertical construction activity.
- Clarifies and codifies safety and documentation requirements for both the City and Developer.
- Allows seasonal construction continuity while preserving the City’s standards for **infrastructure acceptance, safety, and public accessibility**.
- Reflects best practices in other jurisdictions where occupancy — not permit — is used as the final life-safety trigger.
- Avoids unnecessarily delaying home closings or occupancy when infrastructure is complete and certified but minor off-site work (e.g., paving) remains.

9. Lot Modification Compliance

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| Original City Draft Language: | Developer's Proposed Revised Language: |
| 9. Lot Modification Compliance | 9. Lot Modification Compliance |

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| <p>Lot modifications are to be completed in adherence to the City's subdivision regulations and review processes.</p> | <p>Any modifications to platted lots within the Shores at Lakewood Development, including lot line adjustments, replats, or consolidations, shall comply with the applicable procedures outlined in the City of Mandan's subdivision regulations.</p> <p>All such modifications shall be subject to review and approval by the City of Mandan Planning and Zoning Commission and/or City Commission, as required by ordinance.</p> <p>The Developer shall provide the City with updated plat exhibits and legal descriptions for any proposed changes, and shall record all approved modifications with the Morton County Recorder's Office prior to issuance of any building permits or sale of affected lots.</p> |
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City Staff Comments following review:

- *Think we can keep as-is and accomplish the same goal*

Developer Comments following City Staff review comments:

- *In Agreement*

Reasoning / Support for Change:

- Expands upon the City's general language to clarify procedural expectations and Developer obligations.
- Ensures proper legal recordation and administrative review of any lot configuration changes.
- Protects City interests by requiring consistent and orderly plat amendments prior to development actions.
- Prevents downstream complications with building permits, ownership boundaries, and assessments.

10. USPS Clusterboxes

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>10. USPS Clusterboxes</p> <p>The Developer shall coordinate directly with the United States Postal Service (USPS) regarding the placement and installation of cluster mailboxes within the development. In light of the potential for future lot modifications as outlined in the submitted development narrative, the Developer is encouraged, as a proactive measure, to consider the installation of additional cluster boxes beyond those required for the currently platted lots to mitigate any potential future challenges associated with cluster box placement.</p> | <p>10. USPS Clusterboxes</p> <p>The Developer shall coordinate directly with the United States Postal Service (USPS) to determine the number, design, and location of centralized cluster mailbox units (CBUs) within the Shores at Lakewood Development. USPS requirements shall govern installation standards. The Developer shall provide all necessary easements or outlots as required by USPS and the City for mailbox placement, with final locations subject to City review and approval.</p> |

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| | <p>In anticipation of phased development and potential lot adjustments, the Developer shall evaluate and, if warranted, install additional CBUs beyond the minimum required to reasonably accommodate future expansion within the master plan.</p> <p>Maintenance and repair of installed CBUs shall be the responsibility of the Homeowners Association, and this obligation shall be incorporated into the recorded covenants.</p> |
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City Staff Comments following review:

- *We can accept*

Developer Comments following City Staff review comments:

- *In agreement*

Reasoning / Support for Change:

- Clarifies the Developer's role in coordinating with USPS and delivering mailbox infrastructure.
- Protects operational flexibility in planning future phases.
- Secures appropriate mailbox easements while maintaining City review authority.
- Establishes HOA responsibility for mailbox upkeep, shielding the City from maintenance liability.

11. Private Street Signage and Maintenance

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>11. Private Street Signage and Maintenance</p> <p>The City of Mandan shall not provide maintenance or construction assistance for the private streets located within Block 1 of Shores at Lakewood 2nd Addition.</p> <p>Such exclusion includes, but is not limited to, construction, repair, snow removal, or street sweeping services. The sole responsibility for all maintenance, including that of the street surfaces, subsurface utilities, and street lighting, shall rest exclusively with the Developer and/or associated property owners.</p> <p>Furthermore, all streets within this block must be clearly designated as private through the installation of signage approved by the City's Public Works Department.</p> | <p>11. Private Street Signage and Maintenance</p> <p>The streets located within Block 1 of Shores at Lakewood 2nd Addition, serving Lots 34 - 55, & 57 - 62 shall be private streets and shall not be maintained, repaired, reconstructed, or serviced by the City of Mandan. This includes, but is not limited to, construction, repair, resurfacing, snow removal, de-icing, and street sweeping.</p> <p>Developer shall fund and install all street surfaces, subsurface utilities, drainage infrastructure, signage, and street lighting within the private street areas.</p> <p>Responsibility for all maintenance, including maintenance of street surfaces, subsurface utilities, drainage infrastructure, signage, and street lighting within the private street areas, shall rest solely with the Homeowners Association or its successors and assigns.</p> <p>The Developer shall install signage, as approved by the City's Public Works Department, identifying such streets as "Private" at all entrances to the private street network.</p> |

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| Maintenance obligations for private streets shall be incorporated into the recorded covenants governing the Shores at Lakewood 2nd Addition. |
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City Staff Comments following review:

- *We can accept*

Developer Comments following City Staff review comments:

- *In agreement*

Reasoning / Support for Change:

- Expands and clarifies private street maintenance obligations to include critical services and components beyond surface maintenance.
- Defines Developer is solely responsible for funding and construction of all private street and related improvements.
- Protects the City from any future claims or implied responsibilities regarding private street maintenance.
- Requires clear and visible signage to ensure residents and visitors understand private street status.
- Codifies HOA responsibility in recorded covenants, securing long-term enforcement mechanisms.

12. Private Park Ownership, Construction, and Maintenance

| Original City Draft Language: | Developer's Proposed Revised Language: |
|---|---|
| <p>12. Private Park Ownership, Construction, and Maintenance</p> <p>The private parks situated on Lot 21 of Block 2 in Shores at Lakewood Addition, as well as on Lots 56 of Block 1 and 35 of Block 2 in Shores at Lakewood 2nd Addition, shall be owned and maintained exclusively by the Homeowners Association ("HOA").</p> <p>The City of Mandan and Mandan Park District shall not provide oversight, management, or assistance concerning access to these private park facilities, except in cases requiring emergency response.</p> <p>Furthermore, neither the City of Mandan nor the Mandan Park District shall provide any municipal funding, financing support, or assistance for improvements to these park facilities.</p> | <p>12. Private Park Ownership, Construction, and Maintenance</p> <p>The private park areas located on Lot 21, Block 2, Shores at Lakewood Addition, Lot 56, Block 1, Shores at Lakewood 2nd Addition, and Lot 35, Block 2, Shores at Lakewood 2nd Addition, shall be owned, developed, improved, and maintained exclusively by the Homeowners Association ("HOA") or its successors and assigns.</p> <p>Developer shall fund and complete the initial grading, improvements, and installation of amenities associated with the private park lots as part of phased development.</p> <p>The City of Mandan and Mandan Park District shall have no ownership interest, operational responsibility, financial obligation, or maintenance duty associated with the private parks.</p> <p>Emergency access rights shall be preserved for public safety purposes only.</p> |

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| Maintenance responsibilities for the private parks shall be specifically documented within the HOA's recorded covenants and governing documents to ensure clear and enforceable obligations. |
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City Staff Comments following review:

- *We can change or keep as is*

Developer Comments following City Staff review comments:

- *In agreement, suggest with Developer adjustments noted as provides more clarification.*

Reasoning / Support for Change:

- Clarifies full Developer and HOA responsibility for park development and maintenance, shielding the City from future claims or maintenance burdens.
- Defines initial construction funding obligations to ensure high-quality resident amenities.
- Reinforces the private nature of these parks while preserving emergency access.
- Ensures binding legal covenants document ongoing maintenance obligations, protecting the community and public interests.

13. Third-Party Approval Disclaimer

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>13. Third-Party Approval Disclaimer</p> <p>The City does not guarantee that its approval satisfies the approval of other agencies such as state and federal governments or private utilities that may have lines under easement through this property. It is the Developer’s responsibility to ensure compliance with all applicable agencies.</p> | <p>13. Third-Party Approval Disclaimer</p> <p>The Developer acknowledges that City of Mandan approvals do not relieve the Developer of its obligation to obtain separate approvals, permits, or clearances required by state agencies, federal agencies, private utilities, or other regulatory entities having jurisdiction over the Shores at Lakewood Development or any portion thereof.</p> <p>It shall be the sole responsibility of the Developer to ensure compliance with all such third-party requirements, including but not limited to, those related to utilities, wetlands, floodplain management, and environmental protection.</p> <p>The City assumes no responsibility for facilitating or ensuring such third-party approvals</p> |

City Staff Comments following review:

- *Probably fine to accept.*

Developer Comments following City Staff review comments:

- *In agreement*

Reasoning / Support for Change:

- Expands on the City's disclaimer to more comprehensively define the Developer's independent responsibilities.
- Protects the City from liability related to third-party permitting or regulatory compliance issues.
- Encourages thorough and proactive Developer management of external agency coordination.

14. Floodplain Development Compliance

| Original City Draft Language: | Developer's Proposed Revised Language: |
|---|---|
| <p>14. Floodplain Development Compliance</p> <p>Development of the subdivision is subject to Section 105-4-4 Floodplain District of the City Code of Ordinances related to floodplain development.</p> | <p>14. Floodplain Development Compliance</p> <p>The Developer acknowledges that portions of the Shores at Lakewood Development may be subject to floodplain regulations governed by Section 105-4-4 of the City of Mandan Code of Ordinances.</p> <p>The Developer shall be responsible for ensuring that all grading, construction, improvements, and related activities within areas designated as floodplain comply with applicable floodplain management regulations, including but not limited to, securing necessary floodplain development permits, maintaining minimum building elevations, etc.</p> <p>All required compliance documentation, including finished floor elevations, shall be submitted to and approved by the City Building Official prior to issuance of building permits or commencement of construction activities within regulated floodplain areas.</p> |

City Staff Comments following review:

- *Probably fine to accept.*

Developer Comments following City Staff review comments:

- *In agreement*

Reasoning / Support for Change:

- Clarifies the Developer's responsibility to proactively comply with floodplain regulations, not merely acknowledge their existence.
- Protects the City by ensuring permit and documentation procedures are followed before development occurs in floodplain areas.

- Ensures resident and public safety through codified elevation and floodproofing standards.

15. Boulevard Landscaping Requirements

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>15. Boulevard Landscaping Requirements</p> <p>Boulevard landscaping consisting of a tree of at least one and a quarter (1 1/4) inch caliper shall be planted within the boulevard for each fifty (50) linear feet of right-of-way along McKenzie Drive SE. This is to be evaluated by the City Arborist.</p> <p>Trees in the boulevard of a residential lot (Lots 1 and 21, Block 1, and Lot 1 and 20, Block 2, Shores at Lakewood Addition, and Lot 1, Block 3, Lot 34, Block 2, and Lots 46-51, Block 1, and Lots 57-62, Block 1, Shores at Lakewood 2nd Addition) are to be planted within 6 months of the issuance of a Certificate of Occupancy or as soon as reasonable for the trees' survivability post-issuance of the Certificate of Occupancy. The party responsible for the installation and maintenance of the trees adjacent to the residential lots is subject to Section 115 Article 4 of the municipal code.</p> <p>Trees in the boulevard of the private park lot (Lot 21, Block 2, Shores at Lakewood Addition, and Lot 35, Block 2, and Lot 56, Block 1, Shores at Lakewood 2nd Addition) shall be installed within 6 months of substantial park completion or as soon as reasonable for the trees' survivability post-substantial completion of the park property.</p> | <p>15. Boulevard Landscaping Requirements</p> <p>Boulevard landscaping shall consist of one (1) deciduous tree with a minimum caliper size of one and one-quarter inch (1 1/4") planted for every fifty (50) linear feet of public right-of-way frontage along McKenzie Drive SE.</p> <p>The placement and species selection for boulevard trees shall be subject to review and approval by the City Arborist or designated City representative prior to planting.</p> <p>For individual residential lots (including but not limited to Lots 1 and 21, Block 1, and Lot 1 and 20, Block 2, Shores at Lakewood Addition, and Lot 1, Block 3, Lot 34, Block 2, and Lots 46-51, Block 1, and Lots 57-62, Block 1, Shores at Lakewood 2nd Addition), boulevard trees shall be installed by the Developer or Builder within six (6) months following issuance of the Certificate of Occupancy, or as soon thereafter as weather conditions reasonably allow to ensure healthy establishment.</p> <p>While the Developer or Builder may install initial boulevard trees on lots under construction, the recorded covenants for Shores at Lakewood assign long-term tree planting and replacement responsibility to the individual residential lot owner.</p> <p>For private park lots (Lot 21, Block 2, Shores at Lakewood Addition, and Lot 35, Block 2, and Lot 56, Block 1, Shores at Lakewood 2nd Addition), boulevard trees shall be installed within six (6) months following substantial completion of the park improvements, subject to similar seasonal survivability considerations.</p> <p>Maintenance and replacement of boulevard trees adjacent to private lots shall be the responsibility of the adjacent lot owner, subject to Section 115 Article 4 of the City of Mandan Code of Ordinances. Maintenance of boulevard trees adjacent to private park lots shall be the responsibility of the Homeowners Association.</p> |

City Staff Comments following review:

- *Staff noted the proposed language assigns the tree planting responsibility to the Developer for individual lots.*

Developer Comments following City Staff review comments:

- *While the Developer or Builder may install trees during initial home construction, the recorded **covenants assign permanent responsibility to the lot owner or resident** for planting, replacement, and maintenance of boulevard trees.*
- *This approach aligns with long-term sustainability and resident ownership expectations.*

Reasoning / Support for Change:

- Clarifies **seasonal timing allowances** to ensure proper survivability of new plantings.
- Maintains City standards while recognizing **Builder vs. Resident** responsibility as development phases progress.
- Differentiates ongoing responsibilities for individual lot owners versus HOA, promoting accountability and long-term care.
- Ensures proper **urban forestry stewardship** without overburdening the City or requiring duplicate planting efforts.

16. Monument Signage Installation and Maintenance

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>16. Monument Signage Installation and Maintenance</p> <p>The development is hereby authorized to install monument signage within the sign easements for both Phase 1 and Phase 2. The sign easement for Phase 1 is identified as Document Number 519730, recorded in the Morton County Recorder's Office, and the sign easement for Phase 2 is depicted on the 2nd Addition Plat. Installation and maintenance of the signage shall be subject to the provisions of the City's sign code. The cost of installation, as well as the ongoing maintenance and upkeep of such signage, shall be borne solely by the Homeowners Association.</p> | <p>16. Monument Signage Installation and Maintenance</p> <p>The Shores at Lakewood Development shall be permitted to install monument signage within the designated sign easements located within Phase 1 (Document Number 519730) and Phase 2 (depicted on the Shores at Lakewood 2nd Addition plat).</p> <p>Installation, design, and maintenance of monument signage shall be in accordance with the City of Mandan sign code and subject to review and approval by the City Planning Department prior to construction.</p> <p>The Homeowners Association shall be solely responsible for all costs associated with the design, construction, installation, repair, and ongoing maintenance of the monument signage, including landscaping and lighting, if applicable.</p> <p>The Developer shall ensure that all easements necessary for sign access and maintenance are properly recorded and transferred to the Homeowners Association.</p> |

City Staff Comments following review:

- *Fine to accept*

Developer Comments following City Staff review comments:

- *In agreement*

Reasoning / Support for Change:

- Clarifies the HOA's exclusive obligation for full life-cycle monument sign costs, including enhancements like landscaping and lighting.
- Establishes clear City oversight of design compliance through existing sign code mechanisms.
- Protects City and public interests by requiring recordation of access and maintenance rights with the signs.

17. Security & Safety Fencing Installation and Maintenance

| Original City Draft Language: | Developer's Proposed Revised Language: |
|---|---|
| <p>17. Security & Safety Fencing Installation and Maintenance</p> <p>[No original City language was provided regarding security and safety fencing.]</p> | <p>17. Security & Safety Fencing Installation and Maintenance</p> <p>Security and safety fencing shall be installed along the perimeter of designated areas where required for public safety, park security, adjacent resident screening, as depicted and/or as otherwise approved in the civil engineering plans.</p> <p>The security and safety fencing shall be 6 ft tall, solid white vinyl or decorative precast concrete panels, subject to review and approval by the City Engineer and the City Planning Department as part of final infrastructure plan approval.</p> <p>All security and safety fencing improvements intended for public and resident benefit, including perimeter fencing along parks and stormwater facilities or adjacent to major arterial roadways, shall be included within the scope of the SID-XXX public improvement district identified in Section 5 of this Agreement. Costs of installation, design, and construction observation for fencing shall be assessed to benefiting properties in Shores 2nd, 3rd, and 4th Additions, through the SID-XXX district.</p> <p>Following construction, long-term maintenance responsibilities shall remain the responsibility of the Homeowners Association.</p> |

City Staff Comments following review:

- *Fine to accept if we get a map of where these will go.*

Developer Comments following City Staff review comments:

- *The fencing will be shown on civil construction plan sets to define location and placement.*

Reasoning / Support for Change:

- Formally introduces the requirement, design standards, and funding mechanism for necessary public-facing fencing.
- Protects City and public by ensuring fencing is properly designed, constructed, and maintained according to clear jurisdiction.

- Separates public infrastructure from HOA obligations to avoid confusion or future disputes.
- Aligns fencing construction with logical cost-sharing through special assessment districts already outlined.
- Provides safety and peace of mind for residents and their families.
- Creates a buffer/screening for residents of adjacent development, Lillian Court, to Oxbow Drive.

18. Access to Private Parks

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>18. Access to Private Parks</p> <p>The Developer shall construct a sidewalk between Lots 10 and 11 of Block 2 in Shores at Lakewood Addition to facilitate access to the private park lot concurrent with the development of said park.</p> <p>Responsibility for the maintenance of the sidewalk shall rest with the Homeowners Association or the adjacent landowner.</p> <p>On-street parking shall not be permitted on McKenzie Drive, as it has been designated as a planned major arterial corridor for the City of Mandan, and the corridor, in its entirety, shall be signed accordingly to restrict on-street parking.</p> <p>This restriction is for the entirety of McKenzie Drive in the development. Access to the parks is either to be on foot or from the adjacent local roads where on-street parking is permissible.</p> | <p>18. Access to Private Parks</p> <p>The Developer shall construct pedestrian sidewalks or pedestrian pathways between Lots 10 and 11 of Block 2 in Shores at Lakewood Addition, and at other designated locations as shown on the approved civil engineering plans, to facilitate pedestrian access to the private parks.</p> <p>Sidewalks or pedestrian pathways shall be constructed concurrent with the development and substantial completion of each associated private park lot.</p> <p>The Homeowners Association shall be responsible for the long-term maintenance, repair, and replacement of sidewalks and pathways providing access to private parks, except where maintenance responsibility is otherwise assigned to an adjacent private lot owner through plat or recorded covenants.</p> <p>No on-street parking shall be permitted on McKenzie Drive SE, consistent with its designation as a planned major arterial corridor, and appropriate signage shall be installed to enforce the parking prohibition.</p> <p>Access to private park lots shall occur by foot from local streets where on-street parking is allowed, or by pedestrian connectivity through sidewalks and trails within the Development.</p> |

City Staff Comments following review:

- *Probably fine to accept subject to Mandan Park District approval.*

Developer Comments following City Staff review comments:

- *In agreement*

Reasoning / Support for Change:

- Expands flexibility by allowing multiple pedestrian access points tied to actual development plans.
- Aligns park access infrastructure timing with park construction for practical coordination.

- Protects arterial roadway functionality by clearly prohibiting on-street parking on McKenzie Drive.
- Ensures HOA maintains access infrastructure to prevent future City burden or liability.
- Promotes safe and walkable neighborhood design principles.

19. Trail Construction to Prairie West Golf Course

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>19. Trail Construction to Prairie West Golf Course</p> <p>A ten-foot, concrete trail shall be constructed by the Development from Dutton Circle SE to Prairie West Golf Course on the east side of Replat of Lots 7-8, Block 1, Shores at Lakewood at the time the Development desires such a connection, at the expense of the Development.</p> <p>Plans for this infrastructure are to be evaluated by the Mandan Parks District and City of Mandan Engineering Departments.</p> | <p>19. Trail Construction to Prairie West Golf Course</p> <p>The Developer shall be responsible for the design, permitting, and construction of a ten-foot (10') wide concrete pedestrian and bicycle trail extending from Dutton Circle SE to the Prairie West Golf Course, generally located along the east side of the Replat of Lots 7 and 8, Block 1, Shores at Lakewood, as shown on the approved development plans.</p> <p>Trail construction shall occur at the time the Developer determines the connection is practical and desirable based on development phasing and pedestrian circulation needs, and shall be subject to prior approval of design plans by both the Mandan Parks District and the City of Mandan Engineering Department.</p> <p>The Developer shall fund 100% of the costs associated with the design, permitting, and construction of the trail improvements.</p> <p>Upon final completion and acceptance by the City and/or Parks District, ownership and long-term maintenance of the trail shall be as determined through mutual agreement between the City, Parks District, and Developer, or as specified in applicable subdivision approvals.</p> |

City Staff Comments following review:

- *Probably fine to accept subject to Mandan Park District approval.*

Developer Comments following City Staff review comments:

- *In agreement*

Reasoning / Support for Change:

- Clarifies Developer's responsibility for full cost of trail construction while allowing flexibility on timing tied to practical needs.
- Protects City and Parks District interests by requiring approval of design standards before construction.
- Establishes that the Developer covers all upfront costs without imposing obligations on public entities.

- Provides flexibility to negotiate or specify long-term maintenance arrangements once improvements are complete.

20. Right-of-Way Vacation and Leaf & Grass Collection Site Relocation

| Original City Draft Language: | Developer's Proposed Revised Language: |
|---|--|
| <p>20. Right-of-Way Vacation and Leaf & Grass Collection Site Relocation</p> <p>The Developer has formally requested the vacation of a portion of the right-of-way located south of McKenzie Drive at the intersection of 34th Avenue SE (Doc. No. _____). As a condition precedent to the approval of this vacation, the Developer shall be responsible for relocating the leaf and grass collection site serving southeast Mandan to the northwest corner of Mandan's Waste Water Treatment Plant, at the Developer's expense.</p> <p>The City will accept access to this relocated site from Oxbow Trail SE, which may be established either as an improved roadbed, with preparations made for a future full-width urban street section, or as a complete urban street section.</p> <p>It is further stipulated that the southeast Mandan leaf and grass collection site must remain operational at all times. The City reserves the right to continue utilizing the remaining right-of-way south of McKenzie Drive SE until such time as an alternative site that meets City standards is fully established. The new grass collection site shall include a hard-surfaced area. This condition was duly approved as part of the right-of-way vacation at the City Commission meeting held on June 4, 2024.</p> | <p>20. Right-of-Way Vacation and Leaf & Grass Collection Site Relocation</p> <p>The Developer has requested the vacation of a portion of the existing public right-of-way located south of McKenzie Drive SE at the intersection of 34th Avenue SE, as recorded under Document No. _____.</p> <p>As a condition of approval of the requested vacation, the Developer shall relocate the existing southeast Mandan leaf and grass collection site to the northwest corner of the Mandan Wastewater Treatment Plant property, at the Developer's sole cost and expense.</p> <p>The relocated collection site shall include, at a minimum, a hard-surfaced area suitable for year-round public use, and shall be accessed from Oxbow Trail SE via an improved all-weather roadbed or a full-width urban street section, as approved by the City Engineer.</p> <p>Upon the platting and development of Shores at Lakewood 3rd Addition, the leaf and grass collection site will be relocated to its final permanent location at the southwest corner of the Mandan Wastewater Treatment Plant, again at the Developer's sole cost and expense. The final site shall also include a hard-surfaced area and be served by an improved access route approved by the City Engineer.</p> <p>Recognizing that the final location remains subject to regulatory approval, including the outcome of the USACE wetlands relocation permit, the Developer will provide updated site plans for the collection site as part of each Civil Construction Plan Set submitted for each phase of development. These phase-based site plans will clearly depict the operational location and access route for the collection site at each stage of buildout.</p> <p>The Developer shall coordinate construction and relocation activities to ensure uninterrupted public availability of the grass and leaf collection service throughout all phases of transition.</p> <p>The City reserves the right to continue use of the vacated right-of-way until the new site is fully constructed and accepted by the City of Mandan.</p> |

City Staff Comments following review:

- *Staff emphasizes the need for certainty regarding grass dump site placement across phases.*

- *There is reluctance to accept the southwest corner of the WWTP as a final site.*

Developer Comments following City Staff review comments:

- *The Developer agrees in principle with the need for phase-based clarity, and will include a site-specific plan within each civil construction submittal to show the grass collection site's location and access route.*
- *The final location is contingent upon USACE decisions related to the Developer's pending wetlands relocation permit. Final location and access may be adjusted accordingly and coordinated with City staff.*

Reasoning / Support for Change:

- Establishes clear Developer responsibility and timeline for site relocations tied to right-of-way vacation benefits.
- Maintains **uninterrupted service** for residents and ensures **public confidence** in utility continuity.
- Commits to **phased transparency** through plan submittals, while recognizing **site-specific constraints** and permitting realities.
- Offers a balanced and responsive solution that upholds both **City operations and regulatory compliance**.

21. Community-Wide Irrigation System Requirements

| Original City Draft Language: | Developer's Proposed Revised Language: |
|---|---|
| <p>21. Community-Wide Irrigation System Requirements</p> <p>The Developer of the Shores at Lakewood has proposed a community-wide irrigation system for all residential and park lots within the development.</p> <p>This system will utilize an interconnected setup combining recycled stormwater from the common stormwater/amenity pond and City water through metered connections, with costs covered by the Homeowners Association. Irrigation lines are not permitted to cross the public right-of-way.</p> <p>Currently, the City of Mandan will not oversee or assist with repairs or maintenance of this system. If the irrigation system is abandoned or altered, the City reserves the right to require formal abandonment of any connections to municipal water mains that are no longer necessary.</p> <p>The location of all community-wide irrigation meter pits must be provided to and be approved by City Public Works and Engineering Staff prior to installation.</p> <p>The stormwater pond within the Shores at Lakewood development must maintain a minimum water surface elevation of 1,619 ft to maintain levee stability for the adjacent Lower Heart River Levee System.</p> | <p>21. Community-Wide Irrigation System Requirements</p> <p>Developer's Proposed Revised Language (Updated Post-Review with LHRWRD, HDR, and City Staff):</p> <p>The Developer shall design and construct a community-wide irrigation system to serve the landscaped areas of all residential lots, private park lots, and common areas within the Shores at Lakewood Development.</p> <p>The irrigation system shall utilize a dual-source supply combining recycled stormwater—drawn from the development's stormwater detention/amenity pond—and potable City water through metered connections, as necessary to ensure system reliability and capacity.</p> <p>The Homeowners Association shall assume sole responsibility for the operation, maintenance, repair, and replacement of the community-wide irrigation system. The City of Mandan shall have no ownership interest, operational responsibility, or maintenance obligation with respect to the irrigation system.</p> <p>Irrigation pipelines shall not cross public right-of-way unless specifically approved by the City Engineer and supported by properly recorded easements.</p> |

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| | <p>If any portion of the irrigation system utilizing municipal water is abandoned or decommissioned, the Developer or Homeowners Association shall, at their sole cost and expense, properly cap or remove the municipal water connections, subject to inspection and approval by the City Public Works Department.</p> <p>All irrigation meter pits shall be depicted in the civil engineering plans and must receive formal approval by the City Engineering Department prior to installation.</p> <p>Following construction of the stormwater pond that supplies the irrigation system, the pond shall be maintained to a minimum water surface elevation of 1,619 feet at all times to ensure the structural integrity of the adjacent Lower Heart River Levee System, consistent with applicable standards established by the Lower Heart River Water Resource District (LHRWRD). All construction activities related to the pond, including excavation and grading, shall adhere to approved civil and geotechnical engineering plans.</p> <p>In the event of a verified severe drought condition—defined as simultaneous, sustained drops in both the Missouri River and Heart River surface elevations below 1,619 feet—the Developer may request temporary approval from LHRWRD to operate the stormwater pond below this elevation. As a prerequisite to such approval, the Developer shall submit a supporting geotechnical engineering analysis for review and receive a no-objection determination or written approval from the United States Army Corps of Engineers (USACE), ensuring that any temporary deviation does not compromise the levee’s structural integrity.</p> |
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City Staff Comments following review:

- *City cannot authorize an exception to the LHRWRD-mandated minimum pond elevation.*

Developer Comments following City Staff review comments (and follow-up meeting with LHRWRD consultant and board member):

The Developer concurs that the City of Mandan does not have the authority to authorize deviations from the 1,619-foot minimum stormwater pond elevation mandated by the Lower Heart River Water Resource District (LHRWRD). To that end, the Developer has engaged HDR Engineering, consultant to the LHRWRD, to evaluate the viability of the proposed contingency language under extreme drought scenarios.

The language proposed is not intended to create a standing exception, but rather to establish a clearly regulated and review-based contingency protocol for rare and extraordinary conditions. Following subsequent meetings with both HDR and a representative of the LHRWRD Board, it was determined that:

- Any temporary variation from the 1,619-foot elevation standard during a verified drought must be based on formal geotechnical engineering analysis; and
- Such analysis must be reviewed by both LHRWRD and the United States Army Corps of Engineers (USACE), with the USACE either issuing a no-objection or written approval confirming the variation poses no risk to the structural integrity of the levee system.

This ensures that no action will be taken outside the proper authority or without full oversight from the responsible regulatory bodies.

Reasoning / Support for Change:

- **Clarifies Ownership and Liability:** Clearly defines that the irrigation system is a private improvement fully owned and maintained by the HOA, insulating the City from future burden or legal exposure.
- **Operationally Practical:** Separates the irrigation system's construction obligations from its operational performance requirements, allowing for flexibility and seasonal resilience in implementation.
- **Sustainable Water Use:** Supports long-term sustainability by defining a dual-source system that uses both recycled stormwater and potable City water to ensure consistent irrigation service.
- **Public Right-of-Way Protections:** Reaffirms restrictions on infrastructure placement within City-controlled ROWs, preserving public access, safety, and utility planning.
- **Regulatory Alignment:** Strongly reaffirms the 1,619-foot elevation requirement as a non-negotiable operational baseline and clarifies that any temporary variation may occur only:
 - During extreme, documented drought conditions;
 - With supporting engineering analysis; and
 - Upon review and approval by both LHRWRD and USACE.
- **Resilient Infrastructure Planning:** Provides a structured, limited pathway for operational flexibility under severe climate pressures, without undermining regulatory integrity or public safety protections.

22. Maintenance Responsibility of Heart River Oxbows

| Original City Draft Language: | Developer's Proposed Revised Language: |
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| <p>22. Maintenance Responsibility of Heart River Oxbows</p> <p>Shores at Lakewood and Shores at Lakewood 2nd Addition plat approvals required that the natural areas located within the Heart River oxbows in these subdivisions be maintained by the Homeowners Association.</p> <p>This maintenance requirement shall remain in full force and effect for all phases and lots within the Shores at Lakewood master plan.</p> <p>Such maintenance responsibility includes, but is not limited to, removal of debris, deadfall, hazard trees, invasive species, and noxious weeds, along with periodic mowing, trimming, and other necessary actions to preserve the health, safety, and general aesthetics of the oxbow areas.</p> | <p>22. Maintenance Responsibility of Heart River Oxbows</p> <p>The Homeowners Association for Shores at Lakewood shall be responsible for the ongoing maintenance, care, and stewardship of the natural open space areas located within the Heart River oxbows contained within Shores at Lakewood and Shores at Lakewood 2nd Addition.</p> <p>This maintenance responsibility shall remain binding on the HOA and shall extend to all future phases and lots within the Shores at Lakewood Master Planned Community.</p> <p>Maintenance activities shall include, but are not limited to, the removal of debris, deadfall, hazardous trees, invasive species, and noxious weeds, along with periodic mowing, trimming, and other measures as necessary to preserve the</p> |

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| | <p>ecological health, safety, and general aesthetics of the oxbow areas.</p> <p>Any areas within the Heart River oxbows that are formally designated as jurisdictional wetlands by the United States Army Corps of Engineers (USACE) shall be exempt from general HOA maintenance obligations. These areas shall instead be managed in accordance with applicable federal regulations, approved USACE permits, and any adopted mitigation plans or long-term monitoring protocols.</p> <p>Once the USACE completes its delineation and related permitting processes, a final wetlands determination map and narrative will be submitted to the City of Mandan to clearly identify which oxbow areas are subject to standard HOA maintenance and which are governed by USACE oversight.</p> <p>The City of Mandan shall have no obligation or liability related to maintenance, restoration, or improvements within either category of natural open space areas.</p> |
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City Staff Comments following review:

- *Staff requests clarity, when determined by USACE, on which portions of the oxbows are regulated wetlands and which are not for enforcement purposes.*

Developer Comments following City Staff review comments:

- *Developer agrees with this request and commits to providing a final wetlands determination once the USACE concludes its review. This map and supporting documentation will define the ongoing enforcement boundary between HOA-maintained and federally governed areas.*

Reasoning / Support for Change:

- Clearly defines HOA responsibility for oxbow stewardship while exempting federally regulated areas that require specialized compliance.
- Commits to delivering a final wetland delineation and maintenance boundary for future clarity and enforcement.
- Prevents confusion or improper maintenance activity in protected areas while preserving aesthetic, environmental, and safety standards elsewhere.
- Relieves the City of any maintenance burden while affirming the Developer's and HOA's role in long-term care and compliance.

23. Lower Heart River Water Resource District Conditions Compliance

| Original City Draft Language: | Developer's Proposed Revised Language: |
|--|--|
| <p>23. Lower Heart River Water Resource District Conditions Compliance</p> <p>The Developer must comply with all conditions and</p> | <p>23. Lower Heart River Water Resource District Conditions Compliance</p> <p>The Developer and the Homeowners Association for Shores</p> |

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| <p>requirements set forth by the Lower Heart River Water Resource District (LHRWRD) in relation to the Shores at Lakewood and Shores at Lakewood 2nd Addition developments.</p> <p>These conditions include, but are not limited to, the maintenance of stormwater detention ponds, maintenance of levee integrity, and any additional stormwater or flood protection measures required by the LHRWRD.</p> <p>Any modifications to existing drainage patterns or improvements within LHRWRD jurisdiction shall require the prior written consent of the LHRWRD.</p> | <p>at Lakewood shall comply with all conditions, requirements, and approvals imposed by the Lower Heart River Water Resource District (LHRWRD) in connection with Shores at Lakewood Addition, Shores at Lakewood 2nd, 3rd, and 4th Additions.</p> <p>Compliance obligations include, but are not limited to:</p> <ul style="list-style-type: none"> • Maintenance of all stormwater detention ponds, including preservation of design storage volumes and outlet structures. • Maintenance of levee integrity, including prevention of any activity that could compromise the function or stability of the levee system adjacent to the development. • Implementation of any additional stormwater management, drainage, or flood protection measures reasonably required by the LHRWRD. <p>No grading, drainage modifications, or construction activities that affect regulated drainageways, floodways, levees, or stormwater infrastructure under LHRWRD jurisdiction shall proceed without prior written approval from the LHRWRD.</p> <p>All applicable LHRWRD conditions and approvals shall be incorporated into the Development's civil engineering plan sets prior to commencement of related construction activities.</p> |
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City Staff Comments following review:

- *The City requests that all proposed language and conditions be explicitly reviewed and approved by LHRWRD.*

Developer Comments following City Staff review comments:

- *The Developer agrees in principle and will coordinate all proposed conditions with LHRWRD and its consulting engineer (HDR).*
- *Developer reserves the right to engage in direct discussion with LHRWRD to resolve any clarification issues or misunderstandings that may arise in the interpretation or application of those conditions.*

Reasoning / Support for Change:

- Expands the scope of compliance beyond initial development to include long-term HOA responsibility, protecting the City from future liability.
- Emphasizes the structural integrity of the levee system and ensures no work occurs within LHRWRD jurisdiction without full approval.
- Establishes a **clear coordination channel** between the Developer, City, and LHRWRD for plan integration and compliance documentation.
- Balances the City's interest in regulatory enforcement with the Developer's need to manage evolving technical requirements across project phases.

24. Enforcement and Amendments

| Original City Draft Language: | Developer's Proposed Revised Language: |
|---|---|
| <p>24. Enforcement and Amendments</p> <p>This Agreement shall be binding upon the Developer, its successors and assigns, and the Homeowners Association.</p> <p>Enforcement of the provisions contained herein shall be through the City of Mandan's standard enforcement procedures, which may include, but are not limited to, withholding building permits, occupancy permits, and/or the recording of noncompliance notices.</p> <p>No amendment or waiver of any provision of this Agreement shall be effective unless it is in writing and signed by all parties to the Agreement or their successors in interest.</p> | <p>24. Enforcement and Amendments</p> <p>This Development Agreement shall be binding upon the Developer, its successors and assigns, and the Homeowners Association ("HOA") for Shores at Lakewood.</p> <p>Enforcement of the provisions of this Agreement may be pursued by the City of Mandan using any lawful method available, including but not limited to, the withholding of building permits, Certificates of Occupancy, plat approvals, or other development-related approvals or services, and/or the recording of noncompliance notices affecting the applicable properties.</p> <p>No amendment, modification, or waiver of any provision of this Agreement shall be valid or enforceable unless made in writing and executed by the City of Mandan, the Developer, and, if applicable, the Homeowners Association, or their lawful successors and assigns</p> |

City Staff Comments following review:

- *City Attorney can decide which version is best.*

Developer Comments following City Staff review comments:

- *In Agreement*

Reasoning / Support for Change:

- Clarifies that both the Developer and HOA are legally bound by the Agreement.
- Expands enforcement tools available to the City to ensure compliance while maintaining flexibility.
- Formalizes that amendments require joint written consent from all principal parties to protect the interests of the City, Developer, and homeowners.
- Reinforces procedural clarity and legal enforceability for any future modifications.

25. Not Binding

| Original City Draft Language: | Developer's Proposed Revised Language: |
|--|--|
| <p>25. Not Binding</p> <p>This Agreement shall not be binding upon the City of Mandan until it is duly executed by the City's authorized representatives and recorded with the Morton County Recorder's Office.</p> | <p>25. Not Binding</p> <p>This Agreement shall not be binding upon the City of Mandan until it is duly executed by the City's authorized representatives and recorded with the Morton County Recorder's Office.</p> |

City Staff Comments following review:

- *City Attorney can decide which version is best.*

Developer Comments following City Staff review comments:

- *In Agreement*

Reasoning / Support for Change:

- No changes proposed; the original City draft language is sufficient and appropriate.
- Correctly outlines the legal prerequisite for the Agreement to become effective against the City.

III. Signatures

IN WITNESS WHEREOF, the parties hereto have executed this Development Agreement as of the dates set forth below.

Mayor James Froelich
City of Mandan

Arthur Goldammer
TRX Developers, LLC

Attest:

Attest:

Jim Neubauer
City Administrator

Cole Higlin
Director, Mandan Park District

Bill Robinson
Chairman, Lower Heart Water Resource District

Development Agreement
Shores at Lakewood Masterplan

Table of contents:

| | |
|-------------|--|
| I. | Parties, Property, and Development Scope |
| II. | Agreement Terms |
| | 1. Infrastructure Plan Approval and Compliance |
| | 2. Temporary Fire Turnaround Requirements |
| | 3. Stormwater Management and Maintenance Obligations |
| | 4. Homeowners Association Documentation Requirement |
| | 5. Public Infrastructure Maintenance and Financing Options |
| | 6. Sanitary Sewer Lift Station Capacity Improvements |
| | 7. Sanitary Sewer Lift Station on Lot 65, Block 1, Shores at Lakewood 2nd Addition |
| | 8. Building Permit Issuance Requirements |
| | 9. Lot Modification Compliance |
| | 10. USPS Clusterboxes |
| | 11. Private Street Signage and Maintenance |
| | 12. Private Park Ownership, Construction, and Maintenance |
| | 13. Third-Party Approval Disclaimer |
| | 14. Floodplain Development Compliance |
| | 15. Boulevard Landscaping Requirements |
| | 16. Monument Signage Installation and Maintenance |
| | 17. Security & Safety Fencing Installation and Maintenance |
| | 18. Access to Private Parks |
| | 19. Trail Construction to Prairie West Golf Course |
| | 20. Right-of-Way Vacation and Leaf & Grass Collection Site Relocation |
| | 21. Community-Wide Irrigation System Requirements |
| | 22. Maintenance Responsibility of Heart River Oxbows |
| | 23. Lower Heart River Water Resource District Conditions Compliance |
| | 24. Enforcement and Amendments |
| | 25. Not Binding |
| III. | Signatures |

This Agreement is made and entered into on the [day] of [month], 2025, (hereinafter the “effective date”) by and between the City of Mandan (hereinafter referred to as the “City”), TRX Developers, LLC (hereinafter referred to as the “Developer”), and Lakewood Shores HOA, specifically Mandan Lakewood Shores HOA, c/o GoldStar Property Management (hereinafter referred to as the “HOA”). The address for the City of Mandan is 205 2nd Avenue NW, Mandan, North Dakota, 58554. The address of the Developer is 3100 N 14th Street, Bismarck, ND 58503, and the address of the HOA is 3100 N 14th Street, Bismarck, ND 58503. This Agreement is a covenant running with the Property and binding upon any and all future owners of the Property.

~~WHEREAS, the Developer is the owner of property (Parcel numbers 65-6110785, 65-5511360, 65-5511352, 65-5511525, 65-5513800, & 30-0114100) whose legal description is [Correct Legal to Be Inserted], Township 138N, Range 81W, Mandan, Morton County, North Dakota (hereinafter referred to as the "Property"); and~~

~~WHEREAS, the Developer is the owner of property whose legal description is An unplatted portion of Outlot A in the East ½ of Section 1 and the East ½ of Section 12, Township 138N, Range 81W, Mandan, Morton County, North Dakota (hereinafter referred to as the "Property"); and~~

~~WHEREAS, the Developer wishes to develop the approximate one-hundred and thirty-two (132) acre Property, excluding right-of-way dedication, into a master planned development named Shores at Lakewood (Phase 1 "Shores at Lakewood Addition" of said master plan is Document No. _____) and Phase 2 "Shores at Lakewood 2nd Addition (Document No. _____), and future Shores at Lakewood 3rd and 4th Additions (hereinafter collectively referred to as the "Development"); and~~

~~WHEREAS, the Developer wishes to develop the approximate one-hundred and thirty-two (132) acre Property excluding right-of-way dedication into a master planned development named Shores at Lakewood (Phase 1 of said master plan is Document No. _____) and Phase 2 is _____ (hereinafter collectively referred to as the "Development"); and~~

WHEREAS, said master planned Development is currently planned to include approximately two-hundred and nine (209) residential lots, one (1) commercial lot to be further subdivided, and two (2) additional lots to be used as a storm water detention and three (3) parks/open spaces to be owned by the Home Owner's Association; and

~~WHEREAS, the Master Plan and PUD Zoning have been approved previously; however, future phases of the master planned Development have not received final platting approval and are therefore subject to review by the Planning and Zoning Commission and City Commission; and~~

~~WHEREAS, future phases of the master planned Development have not received final platting approval and are subject to review by the Planning and Zoning and City Commissions; and~~

WHEREAS, future phases of the master planned Development are subject to future amendments to this Development Agreement; and

~~WHEREAS, said Development has been zoned to the amended PUD – Planned Unit Development under Ordinance No. 1397 (Document No. _____) specific to the Master Plan and Shores Addition, and Ordinance No. 1454 (Document No. _____) specific to Shores 2nd Addition; and~~

~~WHEREAS, said Development has been zoned to the amended PUD—Planned Unit Development under Ordinance 1454 (Document No. _____); and~~

WHEREAS, the Developer intends to phase the Development over generally the next few years, with construction having begun in the spring of 2022, under a separate development agreement that this new document replaces (Document No. _____); and

~~WHEREAS, prior to the submission of this development proposal, which includes an amendment to the land use plan, the City had not been advised, recommended, or otherwise directed in its adopted plans and studies to consider or prepare for urban development within this area; and~~

WHEREAS, this Agreement serves to outline the responsibilities and obligations of both the City and the Developer regarding the master planned Development and phases therewithin, and recognizes that formal, specific approval from the City Commission is required to initiate the development and construction process; and further, that this Agreement establishes the foundational guidelines that will govern the Development as it moves forward, ensuring clarity and alignment with the City's planning objectives and regulatory framework; and

WHEREAS, the Developer intends to construct water systems, sanitary sewer systems, storm water conveyance systems and street improvements to provide service to the Development and connect to same City facilities; and

WHEREAS, the Developer intends to construct certain infrastructure improvements at a scale required to provide service to areas beyond the Development; and

WHEREAS, upon completion and acceptance by the City, the Developer intends to dedicate certain Developer constructed or installed facilities to the City for ownership, operation and maintenance; and

~~WHEREAS, the City will not take ownership of the storm water attenuation pond or private park lots following construction by the Developer. Said lots are to remain under the ownership and maintenance of the Homeowner's Association; and~~

~~WHEREAS, the City will not take ownership of the storm water attenuation pond or private park lots following construction by the Developer. Said lots are to be in the ownership of the Home Owners Association; and~~

WHEREAS, the Development, without this agreement, could create disorder in future development, raising costs of public infrastructure and private development for the surrounding lands; and

~~WHEREAS, this Agreement provides the Developer a means to achieve the desired outcome of developing the Property into single-family homes, twin-homes, townhomes, and commercial lots; and~~

~~WHEREAS, the agreement provides the Developer a means to achieve the desired outcome of the Development into single family home, twin home, town home, and commercial lots; and~~

WHEREAS, nothing in this agreement prohibits the City from adopting alternative land uses through a new land use plan or amendment to the Plan affecting the Property as prescribed by State law and the Mandan Code of Ordinances and requiring any future development to align with said plan.

NOW THEREFORE, it is agreed between the parties as follows:

1. Infrastructure Plan Approval and Compliance

~~All infrastructure plans shall be submitted by the Developer to the City Engineering Department for review and approval prior to construction.~~

All infrastructure must be constructed by the Developer in full accordance with the plans approved by the City Engineering Department, as well as any applicable City of Mandan standards and specifications in effect at the time of approval.

Any material deviations from the approved plans shall require prior written approval from the City Engineer. All infrastructure plans are to be submitted to the City Engineering Department for review and approval prior to construction. The infrastructure is to be built according to approved plans.

2. Temporary Fire Turnaround Requirements

The Developer shall install temporary fire turnarounds where necessary during phases of development. Temporary fire turnarounds shall be constructed of class 5 aggregate base or crushed concrete, and shall be subject to review, approval, and final inspection and acceptance by the City Fire Department.

The City reserves the right to periodically inspect the condition of temporary fire turnarounds and require maintenance, restoration, or reconstruction as necessary to maintain acceptable emergency access standards.

In addition, the Developer shall be permitted to construct and utilize temporary construction access roads, constructed of class 5 aggregate base or crushed concrete, capable of bearing 75,000 lbs, to facilitate construction operations during phased buildout, and through winter months. Temporary construction access shall be subject to review and approval by the Fire Chief & City Engineer to ensure compliance with public safety and operational standards.

Upon completion of public infrastructure improvements for each respective phase, the Developer shall remove and reclaim any temporary fire turnarounds and temporary construction access roads in accordance with City standards and to the satisfaction of the City Engineer. The Developer will be required to install temporary fire turnarounds where necessary during phases of development. The temporary turnarounds are required to be class 5 or crushed concrete, and be subject to City Fire review, approval, and final inspection/acceptance. The City reserves the right to periodically inspect the condition of temporary fire turnarounds and request maintenance or restoration of any that fail inspection in order to provide fire protection.

3. Stormwater Management and Maintenance Obligations

The Developer shall submit a comprehensive stormwater management plan to the City Engineer for review and approval prior to commencement of any grading or infrastructure construction activities.

All stormwater infrastructure shall be constructed by the Developer in full accordance with the approved stormwater management plan and applicable City of Mandan standards in effect at the time of plan approval.

The responsibility for ongoing maintenance, repair, and replacement of the stormwater attenuation pond shall rest solely with the Homeowners Association or its successors and assigns. The Developer shall maintain the stormwater facilities until formal transfer of maintenance responsibilities to the HOA.

The Developer may initiate early transfer of stormwater pond maintenance responsibilities to the Homeowners Association prior to full buildout, provided the following conditions are met:

- a) the pond has been fully constructed, stabilized, and accepted by the City Engineer;
- b) all improvements are functioning as designed per the approved stormwater management plan;
- c) the transfer is documented via written notice and accepted by the HOA Board; and
- d) all covenants and easements governing ongoing maintenance are recorded.

In no case shall such transfer occur later than the issuance of the final Certificate of Occupancy for the final lot served by the stormwater pond.

In the event that the Developer becomes insolvent or otherwise incapacitated from fulfilling its responsibilities, all stormwater-related obligations shall automatically transfer to the Homeowners Association.

The maintenance plan for the stormwater pond shall be included as a formal, binding component of the approved stormwater management plan.

The lots designated for the stormwater pond shall be platted as separate lots owned by the Homeowners Association and shall be subject to recorded covenants ensuring perpetual maintenance responsibility.

~~The Developer shall be required to submit a comprehensive stormwater management plan to the City Engineer for review and approval, and shall construct the associated infrastructure in accordance with the plans that have received such approval. It is expressly noted that the responsibility for the maintenance of the stormwater attenuation pond shall rest with the Developer, the Development, or the Homeowners Association, as applicable.~~

~~The maintenance plan for the stormwater pond shall be included as an integral component of the stormwater management plan submitted for the City's review and approval. Furthermore, the lot designated for the location of the stormwater pond shall be owned by the Homeowners Association.~~

4. Homeowners Association Documentation Requirement

The Developer has established a Homeowners Association ("HOA") responsible for the ownership and maintenance of common areas, private park lots, stormwater facilities, and any other amenities designated as private within the Shores at Lakewood Development.

The Developer has caused the Amended Declaration of Covenants, Conditions, and Restrictions ("CC&Rs") establishing the HOA, along with the Articles of Incorporation and Bylaws of the HOA, to be recorded with the Morton County Recorder's Office.

The Developer shall provide the City of Mandan with recorded copies of all HOA organizational documents for reference. Amendments to the recorded documents that materially affect the maintenance or ownership obligations of the HOA shall be submitted to the City for informational purposes.~~The Developer will be required to provide a copy of the recorded Homeowners Association to the City and Morton County for recording and reference.~~

5. Public Infrastructure Maintenance and Financing Options

All public roads and utilities shall become the maintenance responsibility of the City of Mandan following final acceptance by the City.

Water distribution and sanitary sewer infrastructure shall be constructed by the Developer and funded privately through a Three-Way Agreement with the City (referenced as Project WPSP-XXX), in full compliance with City of Mandan standards and specifications.

All other public infrastructure improvements required to serve Shores at Lakewood 2nd, 3rd, and 4th Additions shall be divided into two distinct special assessment districts, organized by expected useful life and financing structure:

1. Special Assessment Sewer Improvement District – SE-XXX (20-Year Amortization)

The SE-XXX district shall include improvements with a projected service life of 20 years or more, including but not limited to:

- Storm sewer improvements (constructed concurrently with WPSP-XXX)
- Concrete curb and gutter
- Street lighting
- Street signage
- Security and safety fencing
- Sidewalks along Oxbow Trail
- Roadway base and subgrade preparation

All costs associated with the design, construction, and construction observation of these SE-XXX improvements shall be assessed to the benefiting lots within Shores 2nd, 3rd, and 4th Additions. Bonds issued under SE-XXX shall be structured with a fixed **20-year amortization** schedule.

2. Special Assessment Street Improvement District – SID-XXX (15-Year Amortization)

The SID-XXX district shall be limited to improvements with a shorter service life, specifically including:

- Asphalt paving of all public streets and alleys

All costs associated with the design, construction, and construction observation of SID-XXX improvements shall be assessed to the benefiting lots within Shores 2nd, 3rd, and 4th Additions. Bonds issued under SID-XXX shall be structured with a fixed **15-year amortization** schedule.

The Developer acknowledges that **no future repair or maintenance reserves** shall be included in the financing structure of either SE-XXX or SID-XXX. Future surface maintenance, chip seals, overlays, or similar activities shall be addressed by the City of Mandan through its standard capital improvement and budgeting processes.

Nothing in this Agreement guarantees the issuance of bonds or obligates the City to use a particular funding method. All financing decisions, including bond authorization, structuring, and implementation, shall remain at the sole discretion of the City Commission and subject to available financial capacity.

All public roads and utilities shall become the maintenance responsibility of the City after final acceptance by the City of Mandan.

Water distribution and sanitary sewer infrastructure shall be constructed by the Developer and funded privately through a Three-Way Agreement with the City (referenced as Project WPSP-XXX), in full compliance with City of Mandan standards and specifications.

Storm sewer improvements shall be completed concurrently with WPSP-XXX, and financed through the creation of a Special Assessment Sewer Improvement District (SE-XXX). All costs associated with the design, construction, and construction observation of SE-XXX shall be assessed to the benefiting lots within Shores 2nd, 3rd, and 4th Additions.

Above-ground public infrastructure—including streets, security and safety fencing, street signage, street lighting, and sidewalk along Oxbow Trail—shall be financed through a separate Special Assessment Street Improvement District (SID-XXX). All SID-XXX costs shall be assessed to benefiting properties within Shores 2nd, 3rd, and 4th Additions.

The Developer respectfully requests that the City consider utilizing a 25-year bond term for both SE-XXX and SID-XXX, as authorized under NDCC § 40-22, in order to align repayment schedules with the expected useful life of the infrastructure. This approach materially reduces annual assessment payments for homeowners and supports long-term housing affordability.

It is understood that City Staff have expressed concern over the potential mismatch between bond term and the expected useful life of certain improvements—particularly in regard to surface-level improvements such as chip seals or overlays. In direct response, the Developer proposes the integration of a dedicated maintenance reserve within the SID-XXX bond structure. This reserve—funded through 10–15% of the SID bond proceeds—would be earmarked specifically for mid-life cycle repairs (chip seal/crack fill, mill/overlay etc.).

This solution ensures that funding for critical maintenance is pre-built into the original financial model and eliminates the need for future re-assessment during the bond term, preserving predictability for both residents and the City.

Nothing in this Agreement guarantees the City's issuance of bonds or obligates it to use a specific funding method. All financing decisions shall remain subject to the discretion of the City Commission and dependent on overall financial capacity. Should bonds be approved, the Developer requests that the Commission adopt a fixed 25-year term for clarity and consistency.

~~All public roads and utilities shall be the maintenance responsibility of the City after final acceptance of the project(s). The water distribution and sanitary sewer components of the public infrastructure need to be installed under a three-way agreement and require following all City standards per the Engineering Department. The above-ground public infrastructure, including streets, storm sewer, and other improvements such as street signs and street lights, may be installed under a street improvement district or a three-way agreement at the Developer's discretion, subject to City financing capacity and City Commission acceptance, and must comply with all City standards per the Engineering Department. This agreement does not provide any assurance that a specific development financing source is available or advisable to be used. The City Commission is the ultimate decision body regarding the use of municipal financing for subdivision improvements.~~

Separate Street Improvement Districts to be used for Storm Sewer and a Street Improvement District for other public above-ground infrastructure, including streets, security & safety fencing, street signs, street lights, and sidewalk along Oxbow Trail.

6. Sanitary Sewer Lift Station Capacity Improvements

The Developer acknowledges that future capacity upgrades to the City-owned sanitary sewer lift station located at 2860 40th Avenue SE will likely be required to support increased flows from the full buildout of the Shores at Lakewood Master Planned Community.

In lieu of full upfront payment, the City and Developer agree to a cost-sharing structure whereby the Developer shall contribute a total of \$75,000 toward lift station upgrades, payable in three equal installments of \$25,000 each, to align with the phased development timeline:

- The first installment of \$25,000 shall be due prior to the issuance of any grading, building, or utility permits for Shores at Lakewood 2nd Addition.
- The second installment of \$25,000 shall be due prior to the issuance of any grading, building, or utility permits for Shores at Lakewood 3rd Addition.
- The third installment of \$25,000 shall be due prior to the issuance of any grading, building, or utility permits for Shores at Lakewood 4th Addition.

The City shall be responsible for the design, timing, and execution of the lift station capacity improvements. The upgrades shall be undertaken at the City's discretion, based on actual system demand and infrastructure lifecycle optimization.

~~The Developer hereby agrees to finance capacity enhancements to the existing City-owned public sanitary sewer lift station located at 2860 40th Avenue SE to accommodate the anticipated increase in sewer flows resulting from the proposed development.~~

~~As a condition of the City's approval of the Developer's civil engineering plans and commencement of construction, the Developer shall provide a binding financial commitment sufficient to cover the current estimated costs of the required improvements.~~

~~The City shall perform the necessary upgrades to the lift station on behalf of the Developer, utilizing the funds provided, at such time as deemed appropriate to optimize the operational lifespan of the existing lift station pumps, and when such upsizing becomes necessary to meet demand.~~

7. Sanitary Sewer Lift Station on Lot 65, Block 1, Shores at Lakewood 2nd Addition

The Developer agrees that the sanitary sewer lift station located on Lot 65, Block 1, Shores at Lakewood 2nd Addition shall be funded and constructed as part of the Three-Way Agreement project referenced in Section 3 of this Agreement and identified as Project WPSP-XXX (Water and Sanitary Sewer Project).

The Developer shall retain full rights to design the lift station structure, building exterior, and landscaping of the surrounding grounds, provided such design is consistent with all applicable City of Mandan standards, North Dakota state code requirements, and applicable regulations.

The Developer's civil engineer of record shall submit final lift station design specifications, including architectural, mechanical, electrical, and landscaping components, to the City Engineer for review and acceptance prior to construction.

Upon satisfactory completion and formal acceptance by the City, ownership, operation, and long-term maintenance responsibility for the lift station shall transfer to the City of Mandan.

~~The Developer's civil engineering plans necessitate the construction of a lift station to serve the proposed development. Given that the City's land use plan was amended specifically to accommodate this development, and that all lands within the master plan area are owned and intended for development by a single Developer, as was the case at the project's inception, the Developer shall be solely responsible for all costs associated with the construction of the new lift station. Municipal financing for this improvement is not available.~~

~~Said lift station shall, at a minimum, include a fully enclosed structure with a lockable door, as well as electrical service and adequate lighting.~~

~~In consideration of the Developer's obligation to construct the lift station, the City shall assume responsibility for the long-term maintenance of the facility, as well as for any future upgrades and improvements thereto.~~

8. Certificate of Occupancy Issuance Requirements

No Certificate of Occupancy shall be issued for any structure within the Development until all of the following conditions have been satisfied:

- a. All required public infrastructure improvements serving the applicable lots have been completed to the satisfaction of the City Engineer;
- b. The City of Mandan has granted formal preliminary or final acceptance (as applicable) of the infrastructure improvements;
- c. Survey-grade as-built drawings, prepared by the Developer's consulting engineer, have been submitted in a format compatible with the City's GIS and data management system;
- d. All required easement and right-of-way documents have been recorded with Morton County; and
- e. Any outstanding financial obligations associated with public improvements have been adequately secured or satisfied.

The Developer acknowledges the City's historical preference to restrict building permit issuance until roads are complete. However, it is respectfully noted that in prior cases, building permits have been issued ahead of road completion provided emergency access was secured and all required interim measures were reviewed and approved by the City Fire Department and City Engineer.

This revised language reflects a shift in the regulatory trigger from building permit to Certificate of Occupancy to align construction activity with life-safety readiness and final infrastructure verification, while preserving flexibility for safe vertical construction during seasonal buildout.

Building Permit Issuance Requirements
~~Building permits will not be issued until the required improvements have been completed and accepted by the City of Mandan. This includes the submission of survey-grade as-built drawings from the Developer's consulting engineer in a format compatible with the City's data requirements. The City will facilitate the prompt integration of these as-built drawings into its~~

~~GIS. This is required to be able to provide prompt utility locates to the development during its buildout.~~

9. Lot Modification Compliance

Any modifications to platted lots within the Shores at Lakewood Development, including lot line adjustments, replats, or consolidations, shall comply with the applicable procedures outlined in the City of Mandan's subdivision regulations.

All such modifications shall be subject to review and approval by the City of Mandan Planning and Zoning Commission and/or City Commission, as required by ordinance.

The Developer shall provide the City with updated plat exhibits and legal descriptions for any proposed changes, and shall record all approved modifications with the Morton County Recorder's Office prior to issuance of any building permits or sale of affected lots.~~Lot modifications are to be completed in adherence to the City's subdivision regulations and review processes.~~

10. USPS Clusterboxes

The Developer shall coordinate directly with the United States Postal Service (USPS) to determine the number, design, and location of centralized cluster mailbox units (CBUs) within the Shores at Lakewood Development. USPS requirements shall govern installation standards.

The Developer shall provide all necessary easements or outlots as required by USPS and the City for mailbox placement, with final locations subject to City review and approval.

In anticipation of phased development and potential lot adjustments, the Developer shall evaluate and, if warranted, install additional CBUs beyond the minimum required to reasonably accommodate future expansion within the master plan.

Maintenance and repair of installed CBUs shall be the responsibility of the Homeowners Association, and this obligation shall be incorporated into the recorded covenants.~~The Developer shall coordinate directly with the United States Postal Service (USPS) regarding the placement and installation of cluster mailboxes within the development. In light of the potential for future lot modifications as outlined in the submitted development narrative, the Developer is encouraged, as a proactive measure, to consider the installation of additional cluster boxes beyond those required for the currently platted lots to mitigate any potential future challenges associated with cluster box placement.~~

11. Private Street Signage and Maintenance

The streets located within Block 1 of Shores at Lakewood 2nd Addition, serving Lots 34 - 55, & 57 - 62 shall be private streets and shall not be maintained, repaired, reconstructed, or serviced by the City of Mandan. This includes, but is not limited to, construction, repair, resurfacing, snow removal, de-icing, and street sweeping.

Developer shall fund and install all street surfaces, subsurface utilities, drainage infrastructure, signage, and street lighting within the private street areas.

Responsibility for all maintenance, including maintenance of street surfaces, subsurface utilities, drainage infrastructure, signage, and street lighting within the private street areas, shall rest solely with the Homeowners Association or its successors and assigns.

The Developer shall install signage, as approved by the City's Public Works Department, identifying such streets as "Private" at all entrances to the private street network.

Maintenance obligations for private streets shall be incorporated into the recorded covenants governing the Shores at Lakewood 2nd Addition. The City of Mandan shall not provide maintenance or construction assistance for the private streets located within Block 1 of Shores at Lakewood 2nd Addition. Such exclusion includes, but is not limited to, construction, repair, snow removal, or street sweeping services. The sole responsibility for all maintenance, including that of the street surfaces, subsurface utilities, and street lighting, shall rest exclusively with the Developer and/or associated property owners. Furthermore, all streets within this block must be clearly designated as private through the installation of signage approved by the City's Public Works Department.

12. Private Park Ownership, Usage, Construction, and Maintenance

The private park areas located on Lot 21, Block 2, Shores at Lakewood Addition, Lot 56, Block 1, Shores at Lakewood 2nd Addition, and Lot 35, Block 2, Shores at Lakewood 2nd Addition, shall be owned, developed, improved, and maintained exclusively by the Homeowners Association ("HOA") or its successors and assigns.

Developer shall fund and complete the initial grading, improvements, and installation of amenities associated with the private park lots as part of phased development.

The City of Mandan and Mandan Park District shall have no ownership interest, operational responsibility, financial obligation, or maintenance duty associated with the private parks.

Emergency access rights shall be preserved for public safety purposes only.

Maintenance responsibilities for the private parks shall be specifically documented within the HOA's recorded covenants and governing documents to ensure clear and enforceable obligations. The private parks situated on Lot 21 of Block 2 in Shores at Lakewood Addition, as well as on Lots 56 of Block 1 and 35 of Block 2 in Shores at Lakewood 2nd Addition, shall be owned and maintained exclusively by the Homeowners Association ("HOA").

The City of Mandan and Mandan Park District shall not provide oversight, management, or assistance concerning access to these private park facilities, except in cases requiring emergency response.

Furthermore, neither the City of Mandan nor the Mandan Park District shall provide any municipal funding, financing support, or assistance for improvements to these park facilities.

13. Third-Party Approval Disclaimer

The Developer acknowledges that City of Mandan approvals do not relieve the Developer of its obligation to obtain separate approvals, permits, or clearances required by state agencies, federal agencies, private utilities, or other regulatory entities having jurisdiction over the Shores at Lakewood Development or any portion thereof.

It shall be the sole responsibility of the Developer to ensure compliance with all such third-party requirements, including but not limited to, those related to utilities, wetlands, floodplain management, and environmental protection.

The City assumes no responsibility for facilitating or ensuring such third-party approvals. ~~The City does not guarantee that its approval satisfies the approval of other agencies such as state and federal governments or private utilities that may have lines under easement through this property. It is the Developer's responsibility to ensure compliance with all applicable agencies.~~

14. Floodplain Development Compliance

The Developer acknowledges that portions of the Shores at Lakewood Development may be subject to floodplain regulations governed by Section 105-4-4 of the City of Mandan Code of Ordinances.

The Developer shall be responsible for ensuring that all grading, construction, improvements, and related activities within areas designated as floodplain comply with applicable floodplain management regulations, including but not limited to, securing necessary floodplain development permits, maintaining minimum building elevations, etc.

All required compliance documentation, including finished floor elevations, shall be submitted to and approved by the City Building Official prior to issuance of building permits or commencement of construction activities within regulated floodplain areas. ~~Development of the subdivision is subject to Section 105-4-4 Floodplain District of the City Code of Ordinances related to floodplain development.~~

15. Boulevard Landscaping Requirements

Boulevard landscaping shall consist of one (1) deciduous tree with a minimum caliper size of one and one-quarter inch (1 1/4") planted for every fifty (50) linear feet of public right-of-way frontage along McKenzie Drive SE.

The placement and species selection for boulevard trees shall be subject to review and approval by the City Arborist or designated City representative prior to planting.

For individual residential lots (including but not limited to Lots 1 and 21, Block 1, and Lot 1 and 20, Block 2, Shores at Lakewood Addition, and Lot 1, Block 3, Lot 34, Block 2, and Lots 46-51, Block 1, and Lots 57-62, Block 1, Shores at Lakewood 2nd Addition), boulevard trees shall be installed by the Developer or Builder within six (6) months following issuance of the Certificate of Occupancy, or as soon thereafter as weather conditions reasonably allow to ensure healthy establishment.

While the Developer or Builder may install initial boulevard trees on lots under construction, the recorded covenants for Shores at Lakewood assign long-term tree planting and replacement responsibility to the individual residential lot owner.

For private park lots (Lot 21, Block 2, Shores at Lakewood Addition, and Lot 35, Block 2, and Lot 56, Block 1, Shores at Lakewood 2nd Addition), boulevard trees shall be installed within six (6) months following substantial completion of the park improvements, subject to similar seasonal survivability considerations.

Maintenance and replacement of boulevard trees adjacent to private lots shall be the responsibility of the adjacent lot owner, subject to Section 115 Article 4 of the City of Mandan Code of Ordinances. Maintenance of boulevard trees adjacent to private park lots shall be the responsibility of the Homeowners Association. Boulevard landscaping consisting of a tree of at least one and a quarter (1 1/4) inch caliper shall be planted within the boulevard for each fifty (50) linear feet of right-of-way along McKenzie Drive SE. This is to be evaluated by the City Arborist. Trees in the boulevard of a residential lot (Lots 1 and 21, Block 1, and Lot 1 and 20, Block 2, Shores at Lakewood Addition, and Lot 1, Block 3, Lot 34, Block 2, and Lots 46-51, Block 1, and Lots 57-62, Block 1, Shores at Lakewood 2nd Addition) are to be planted within 6 months of the issuance of a Certificate of Occupancy or as soon as reasonable for the trees' survivability post-issuance of the Certificate of Occupancy. The party responsible for the installation and maintenance of the trees adjacent to the residential lots is subject to Section 115 Article 4 of the municipal code. Trees in the boulevard of the private park lot (Lot 21, Block 2, Shores at Lakewood Addition, and Lot 35, Block 2, and Lot 56, Block 1, Shores at Lakewood 2nd Addition) shall be installed within 6 months of substantial park completion or as soon as reasonable for the trees' survivability post-substantial completion of the park property.

16. Monument Signage Installation and Maintenance

The Shores at Lakewood Development shall be permitted to install monument signage within the designated sign easements located within Phase 1 (Document Number 519730) and Phase 2 (depicted on the Shores at Lakewood 2nd Addition plat).

Installation, design, and maintenance of monument signage shall be in accordance with the City of Mandan sign code and subject to review and approval by the City Planning Department prior to construction.

The Homeowners Association shall be solely responsible for all costs associated with the design, construction, installation, repair, and ongoing maintenance of the monument signage, including landscaping and lighting, if applicable.

The Developer shall ensure that all easements necessary for sign access and maintenance are properly recorded and transferred to the Homeowners Association. The development is hereby authorized to install monument signage within the sign easements for both Phase 1 and Phase 2. The sign easement for Phase 1 is identified as Document Number 519730, recorded in the Morton County Recorder's Office, and the sign easement for Phase 2 is depicted on the 2nd Addition Plat. Installation and maintenance of the signage shall be subject to the provisions of the City's sign code. The cost of installation, as well as the ongoing maintenance and upkeep of such signage, shall be borne solely by the Homeowners Association.

17. Security & Safety Fencing Installation and Maintenance

Security and safety fencing shall be installed along the perimeter of designated areas where required for public safety, park security, adjacent resident screening, as depicted and/or as otherwise approved in the civil engineering plans.

The security and safety fencing shall be 6 ft tall, solid white vinyl or decorative precast concrete panels, subject to review and approval by the City Engineer and the City Planning Department as part of final infrastructure plan approval.

All security and safety fencing improvements intended for public and resident benefit, including perimeter fencing along parks and stormwater facilities or adjacent to major arterial roadways, shall be included within the scope of the SID-XXX public improvement district identified in Section 5 of this Agreement. Costs of installation, design, and construction observation for fencing shall be assessed to benefiting properties in Shores 2nd, 3rd, and 4th Additions, through the SID-XXX district.

Following construction, long-term maintenance responsibilities shall remain the responsibility of the Homeowners Association.~~Security & Safety Fencing Installation and Maintenance~~

18. Access to Private Parks

The Developer shall construct pedestrian sidewalks or pedestrian pathways between Lots 10 and 11 of Block 2 in Shores at Lakewood Addition, and at other designated locations as shown on the approved civil engineering plans, to facilitate pedestrian access to the private parks.

Sidewalks or pedestrian pathways shall be constructed concurrent with the development and substantial completion of each associated private park lot.

The Homeowners Association shall be responsible for the long-term maintenance, repair, and replacement of sidewalks and pathways providing access to private parks, except where maintenance responsibility is otherwise assigned to an adjacent private lot owner through plat or recorded covenants.

No on-street parking shall be permitted on McKenzie Drive SE, consistent with its designation as a planned major arterial corridor, and appropriate signage shall be installed to enforce the parking prohibition.

Access to private park lots shall occur by foot from local streets where on-street parking is allowed, or by pedestrian connectivity through sidewalks and trails within the Development.~~The Developer shall construct a sidewalk between Lots 10 and 11 of Block 2 in Shores at Lakewood Addition to facilitate access to the private park lot concurrent with the development of said park. Responsibility for the maintenance of the sidewalk shall rest with the Homeowners Association or the adjacent landowner.~~

~~On-street parking shall not be permitted on McKenzie Drive, as it has been designated as a planned major arterial corridor for the City of Mandan, and the corridor, in its entirety, shall be signed accordingly to restrict on-street parking.~~

~~This restriction is for the entirety of McKenzie Drive in the development. Access to the parks is either to be on foot or from the adjacent local roads where on-street parking is permissible.~~

19. Trail Construction to Prairie West Golf Course

The Developer shall be responsible for the design, permitting, and construction of a ten-foot (10') wide concrete pedestrian and bicycle trail extending from Dutton Circle SE to the Prairie West Golf Course, generally located along the east side of the Replat of Lots 7 and 8, Block 1, Shores at Lakewood, as shown on the approved development plans.

Trail construction shall occur at the time the Developer determines the connection is practical and desirable based on development phasing and pedestrian circulation needs, and shall be subject to prior approval of design plans by both the Mandan Parks District and the City of Mandan Engineering Department.

The Developer shall fund 100% of the costs associated with the design, permitting, and construction of the trail improvements.

Upon final completion and acceptance by the City and/or Parks District, ownership and long-term maintenance of the trail shall be as determined through mutual agreement between the City, Parks District, and Developer, or as specified in applicable subdivision approvals.~~A ten-foot, concrete trail shall be constructed by the Development from Dutton Circle SE to Prairie West Golf Course on the east side of Replat of Lots 7-8, Block 1, Shores at Lakewood at the time the Development desires such a connection, at the expense of the Development. Plans for this infrastructure are to be evaluated by the Mandan Parks District and City of Mandan Engineering Departments.~~

20. Right-of-Way Vacation and Leaf & Grass Collection Site Relocation

The Developer has requested the vacation of a portion of the existing public right-of-way located south of McKenzie Drive SE at the intersection of 34th Avenue SE, as recorded under Document No. _____.

As a condition of approval of the requested vacation, the Developer shall relocate the existing southeast Mandan leaf and grass collection site to the northwest corner of the Mandan Wastewater Treatment Plant property, at the Developer's sole cost and expense.

The relocated collection site shall include, at a minimum, a hard-surfaced area suitable for year-round public use, and shall be accessed from Oxbow Trail SE via an improved all-weather roadbed or a full-width urban street section, as approved by the City Engineer.

Upon the platting and development of Shores at Lakewood 3rd Addition, the leaf and grass collection site will be relocated to its final permanent location at the southwest corner of the Mandan Wastewater Treatment Plant, again at the Developer's sole cost and expense. The final site shall also include a hard-surfaced area and be served by an improved access route approved by the City Engineer.

Recognizing that the final location remains subject to regulatory approval, including the outcome of the USACE wetlands relocation permit, the Developer will provide updated site plans for the collection site as part of each Civil Construction Plan Set submitted for each phase of development. These phase-based site plans will clearly depict the operational location and access route for the collection site at each stage of buildout.

The Developer shall coordinate construction and relocation activities to ensure uninterrupted public availability of the grass and leaf collection service throughout all phases of transition.

The City reserves the right to continue use of the vacated right-of-way until the new site is fully constructed and accepted by the City of Mandan.~~The Developer has formally requested the vacation of a portion of the right-of-way located south of McKenzie Drive at the intersection of 34th Avenue SE (Doc. No. _____). As a condition precedent to the approval of this~~

~~vacation, the Developer shall be responsible for relocating the leaf and grass collection site serving southeast Mandan to the northwest corner of Mandan's Waste Water Treatment Plant, at the Developer's expense.~~

~~The City will accept access to this relocated site from Oxbow Trail SE, which may be established either as an improved roadbed, with preparations made for a future full-width urban street section, or as a complete urban street section.~~

~~It is further stipulated that the southeast Mandan leaf and grass collection site must remain operational at all times. The City reserves the right to continue utilizing the remaining right-of-way south of McKenzie Drive SE until such time as an alternative site that meets City standards is fully established. The new grass collection site shall include a hard surfaced area. This condition was duly approved as part of the right-of-way vacation at the City Commission meeting held on June 4, 2024.~~

21. Community-Wide Irrigation System Requirements

~~The Developer shall design and construct a community-wide irrigation system to serve the landscaped areas of all residential lots, private park lots, and common areas within the Shores at Lakewood Development.~~

~~The irrigation system shall utilize a dual-source supply combining recycled stormwater—drawn from the development's stormwater detention/amenity pond—and potable City water through metered connections, as necessary to ensure system reliability and capacity.~~

~~The Homeowners Association shall assume sole responsibility for the operation, maintenance, repair, and replacement of the community-wide irrigation system. The City of Mandan shall have no ownership interest, operational responsibility, or maintenance obligation with respect to the irrigation system.~~

~~Irrigation pipelines shall not cross public right-of-way unless specifically approved by the City Engineer and supported by properly recorded easements.~~

~~If any portion of the irrigation system utilizing municipal water is abandoned or decommissioned, the Developer or Homeowners Association shall, at their sole cost and expense, properly cap or remove the municipal water connections, subject to inspection and approval by the City Public Works Department.~~

~~All irrigation meter pits shall be depicted in the civil engineering plans and must receive formal approval by the City Engineering Department prior to installation.~~

~~Following construction of the stormwater pond that supplies the irrigation system, the pond shall be maintained to a minimum water surface elevation of 1,619 feet at all times to ensure the structural integrity of the adjacent Lower Heart River Levee System, consistent with applicable standards established by the Lower Heart River Water Resource District (LHRWRD). All construction activities related to the pond, including excavation and grading, shall adhere to approved civil and geotechnical engineering plans.~~

~~In the event of a verified severe drought condition—defined as simultaneous, sustained drops in both the Missouri River and Heart River surface elevations below 1,619 feet—the Developer may request temporary approval from LHRWRD to operate the stormwater pond below this elevation. As a prerequisite to such approval, the Developer~~

~~shall submit a supporting geotechnical engineering analysis for review and receive a no-objection determination or written approval from the United States Army Corps of Engineers (USACE), ensuring that any temporary deviation does not compromise the levee's structural integrity. The Developer of the Shores at Lakewood has proposed a community-wide irrigation system for all residential and park lots within the development. This system will utilize an interconnected setup combining recycled stormwater from the common stormwater/amenity pond and City water through metered connections, with costs covered by the Homeowners Association. Irrigation lines are not permitted to cross the public right-of-way.~~

~~Currently, the City of Mandan will not oversee or assist with repairs or maintenance of this system. If the irrigation system is abandoned or altered, the City reserves the right to require formal abandonment of any connections to municipal water mains that are no longer necessary.~~

~~The location of all community-wide irrigation meter pits must be provided to and be approved by City Public Works and Engineering Staff prior to installation.~~

~~The stormwater pond within the Shores at Lakewood development must maintain a minimum water surface elevation of 1,619 ft to maintain levee stability for the adjacent Lower Heart River Levee System.~~

22. Maintenance Responsibility of Heart River Oxbows

~~The Homeowners Association for Shores at Lakewood shall be responsible for the ongoing maintenance, care, and stewardship of the natural open space areas located within the Heart River oxbows contained within Shores at Lakewood and Shores at Lakewood 2nd Addition.~~

~~This maintenance responsibility shall remain binding on the HOA and shall extend to all future phases and lots within the Shores at Lakewood Master Planned Community.~~

~~Maintenance activities shall include, but are not limited to, the removal of debris, deadfall, hazardous trees, invasive species, and noxious weeds, along with periodic mowing, trimming, and other measures as necessary to preserve the ecological health, safety, and general aesthetics of the oxbow areas.~~

~~Any areas within the Heart River oxbows that are formally designated as jurisdictional wetlands by the United States Army Corps of Engineers (USACE) shall be exempt from general HOA maintenance obligations. These areas shall instead be managed in accordance with applicable federal regulations, approved USACE permits, and any adopted mitigation plans or long-term monitoring protocols.~~

~~Once the USACE completes its delineation and related permitting processes, a final wetlands determination map and narrative will be submitted to the City of Mandan to clearly identify which oxbow areas are subject to standard HOA maintenance and which are governed by USACE oversight.~~

~~The City of Mandan shall have no obligation or liability related to maintenance, restoration, or improvements within either category of natural open space areas.~~

~~**The development is responsible for the general maintenance of the west slope of the oxbow. This includes management of tall grasses, overgrown weeds, and other nuisances.**~~

23. Lower Heart River Water Resource District Conditions Compliance

The Developer and the Homeowners Association for Shores at Lakewood shall comply with all conditions, requirements, and approvals imposed by the Lower Heart River Water Resource District (LHRWRD) in connection with Shores at Lakewood Addition, Shores at Lakewood 2nd, 3rd, and 4th Additions.

Compliance obligations include, but are not limited to:

- Maintenance of all stormwater detention ponds, including preservation of design storage volumes and outlet structures.
- Maintenance of levee integrity, including prevention of any activity that could compromise the function or stability of the levee system adjacent to the development.
- Implementation of any additional stormwater management, drainage, or flood protection measures reasonably required by the LHRWRD.

No grading, drainage modifications, or construction activities that affect regulated drainageways, floodways, levees, or stormwater infrastructure under LHRWRD jurisdiction shall proceed without prior written approval from the LHRWRD.

All applicable LHRWRD conditions and approvals shall be incorporated into the Development's civil engineering plan sets prior to commencement of related construction activities.

All conditions of the Development Agreement executed January 13, 2022, between Lower Heart River Water Resource District must be met (Doc.).

24. Enforcement and Amendments

This Development Agreement shall be binding upon the Developer, its successors and assigns, and the Homeowners Association ("HOA") for Shores at Lakewood.

Enforcement of the provisions of this Agreement may be pursued by the City of Mandan using any lawful method available, including but not limited to, the withholding of building permits, Certificates of Occupancy, plat approvals, or other development-related approvals or services, and/or the recording of noncompliance notices affecting the applicable properties.

No amendment, modification, or waiver of any provision of this Agreement shall be valid or enforceable unless made in writing and executed by the City of Mandan, the Developer, and, if applicable, the Homeowners Association, or their lawful successors and assigns. This Agreement may only be amended by mutual agreement of both parties, documented in writing and signed. This Agreement shall be enforced in accordance with the laws of the State of North Dakota.

25. Not Binding

This Agreement serves as a framework to guide the City and the Developer's obligations should the Development progress as intended. It is understood and agreed by both parties that this document does not grant any approval or rights to the Developer to initiate development activities on the Property until specific approvals are obtained from the City Commission and any required permits are issued.

III. Signatures

IN WITNESS WHEREOF, the parties hereto have executed this Development Agreement as of the dates set forth below.

Mayor James Froelich
City of Mandan

Arthur Goldammer
TRX Developers, LLC

Attest:

Attest:

Jim Neubauer
City Administrator

Cole Higlin
Director, Mandan Park District

Bill Robinson
Chairman, Lower Heart Water Resource District

Alternate Section 5: Public Infrastructure Maintenance and Financing Options (Alternative Structure)

All public roads and utilities shall become the maintenance responsibility of the City of Mandan following final acceptance by the City.

Water distribution and sanitary sewer infrastructure shall be constructed by the Developer and funded privately through a Three-Way Agreement with the City (referenced as Project WPSP-XXX), in full compliance with City of Mandan standards and specifications.

All other public infrastructure improvements required to serve Shores at Lakewood 2nd, 3rd, and 4th Additions shall be divided into two distinct special assessment districts, organized by expected useful life and financing structure:

1. Special Assessment Sewer Improvement District – SE-XXX (20-Year Amortization)

The SE-XXX district shall include improvements with a projected service life of 20 years or more, including but not limited to:

- Storm sewer improvements (constructed concurrently with WPSP-XXX)
- Concrete curb and gutter
- Street lighting
- Street signage
- Security and safety fencing
- Sidewalks along Oxbow Trail
- Roadway base and subgrade preparation

All costs associated with the design, construction, and construction observation of these SE-XXX improvements shall be assessed to the benefiting lots within Shores 2nd, 3rd, and 4th Additions. Bonds issued under SE-XXX shall be structured with a fixed **20-year amortization** schedule.

2. Special Assessment Street Improvement District – SID-XXX (15-Year Amortization)

The SID-XXX district shall be limited to improvements with a shorter service life, specifically including:

- Asphalt paving of all public streets and alleys

All costs associated with the design, construction, and construction observation of SID-XXX improvements shall be assessed to the benefiting lots within Shores 2nd, 3rd, and 4th Additions. Bonds issued under SID-XXX shall be structured with a fixed **15-year amortization** schedule.

The Developer acknowledges that **no future repair or maintenance reserves** shall be included in the financing structure of either SE-XXX or SID-XXX. Future surface maintenance, chip seals, overlays, or similar activities shall be addressed by the City of Mandan through its standard capital improvement and budgeting processes.

Nothing in this Agreement guarantees the issuance of bonds or obligates the City to use a particular funding method. All financing decisions, including bond authorization, structuring, and implementation, shall remain at the sole discretion of the City Commission and subject to available financial capacity.

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

PART OF OUTLOT A (WEST OF LAKEWOOD 7TH ADDITION TO THE CITY OF MANDAN) IN SECTION 1, LOT 1 OF LOT B IN SECTION 1, LOT 1, BLOCK 2 OF LAKEWOOD 7TH ADDITION TO THE CITY OF MANDAN IN SECTION 1, PART OF OUTLOT A (SOUTH AND WEST OF LOT 1 OF LOT B) IN SECTION 1, PART OF LOT 3 OF AUDITOR'S LOT A IN SECTION 1, PART OF AUDITOR'S LOT A OF GOVERNMENT LOT 2 (LESS LV-15A .54 ACRES) IN SECTION 12, AND PART OF LOT A OF GOVERNMENT LOT 7 IN SECTION 12, T138N, R81W, OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA

MASTER PHASING PLAN

SHORES AT LAKEWOOD ADDITION:

- MCKENZIE DRIVE AND DUTTON LOOP
- LOTS 1-21 BLOCK 1
- LOTS 1-21 BLOCK 2
- ALL GRADING/EXCAVATION FOR RESIDENTIAL
- NORTH PORTION POND

SHORES AT LAKEWOOD 2ND ADDITION:

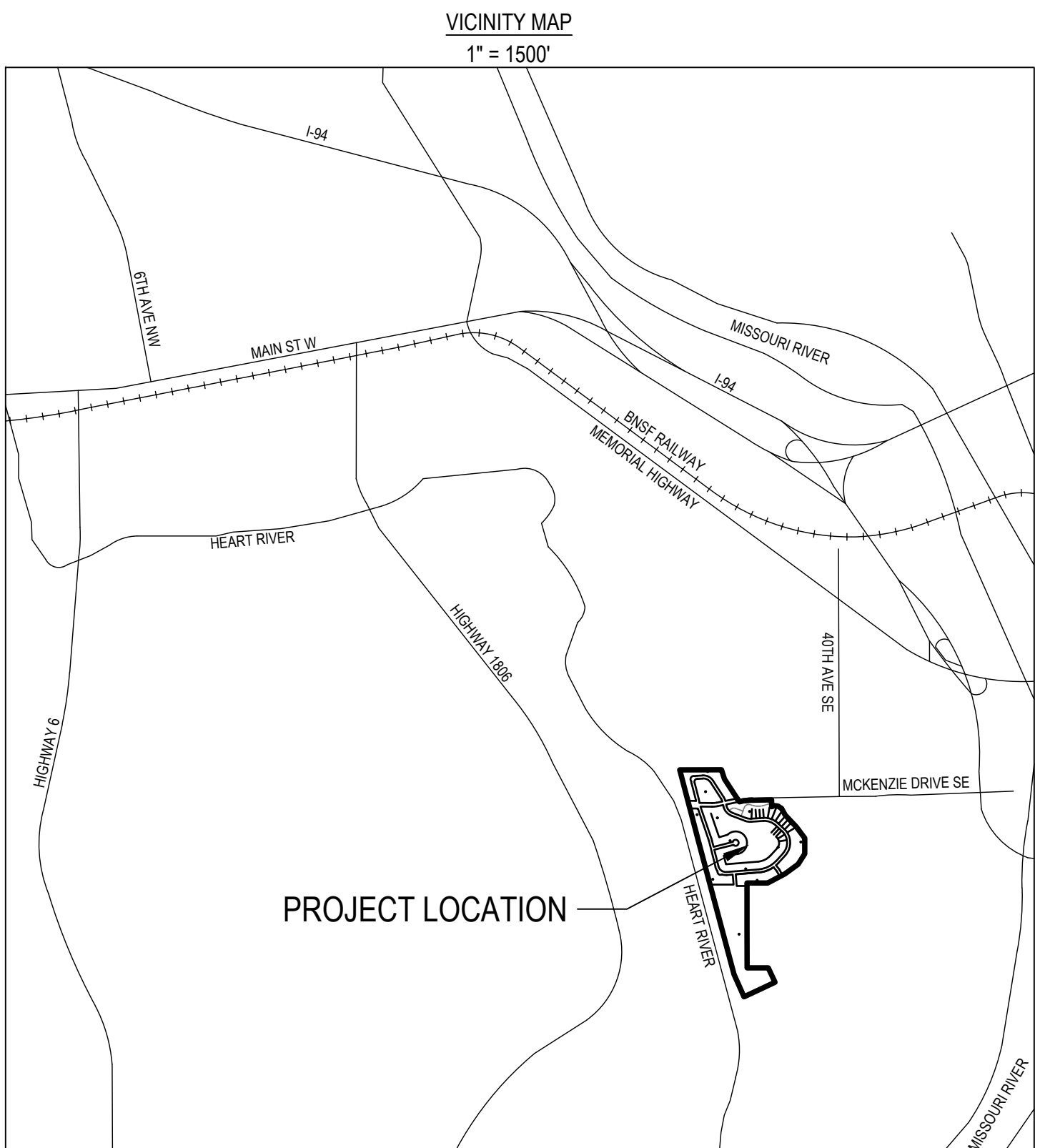
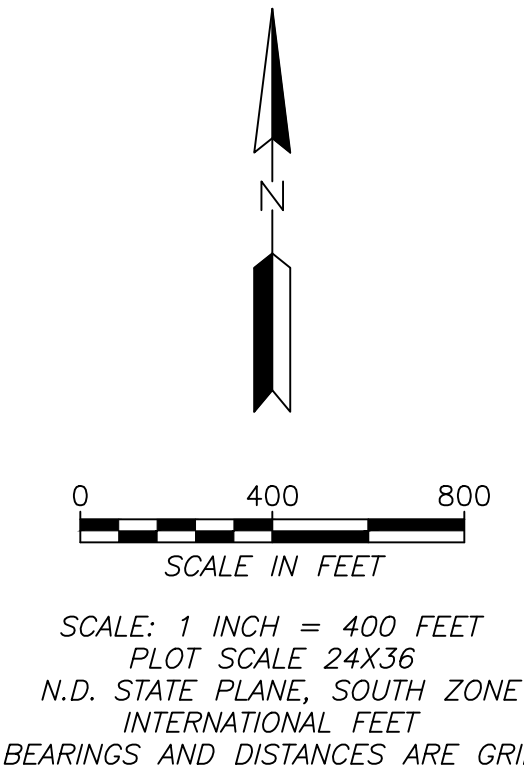
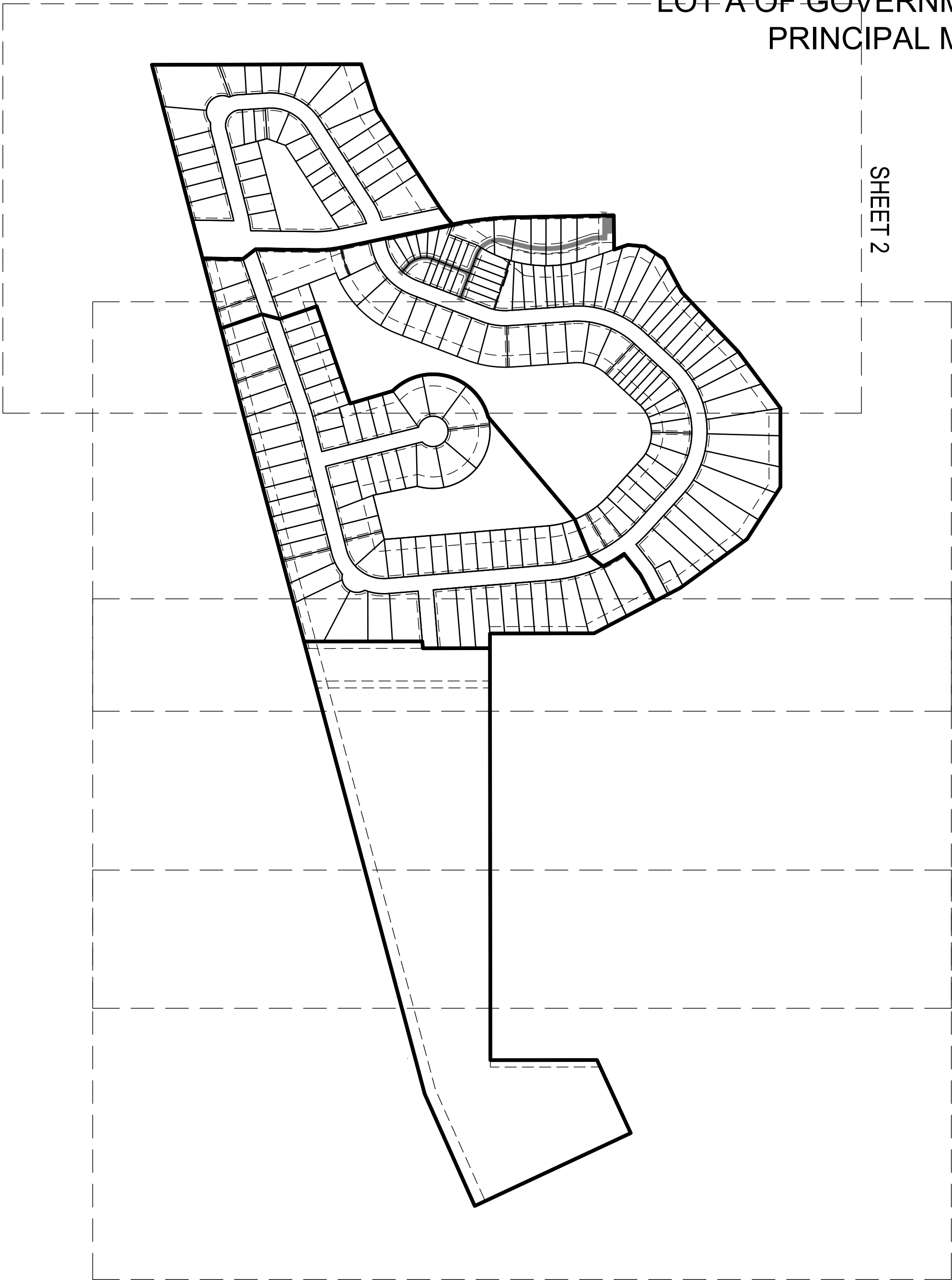
- CLEAR CREEK LOOP SE AND CLEAR CREEK LANE SE
- LOTS 1-63 BLOCK 1
- LOTS 1-37 BLOCK 2
- LOTS 1-3 BLOCK 3
- SOUTHERN PORTION POND

SHORES AT LAKEWOOD 3RD ADDITION:

- LOTS 1-9 BLOCK 1

SHORES AT LAKEWOOD 4TH ADDITION:

- LOTS 1-12 BLOCK 1
- LOTS 1-43 BLOCK 2
- LOTS 1-20 BLOCK 3
- OXBOW TRAIL SECOND ACCESS



PLAT BOUNDARY DESCRIPTION

BEGINNING AT AN AC AT THE SOUTHWEST CORNER OF LOT 3 OF THE MIDWAY FIRST ADDITION THENCE N89°52'46"E A DISTANCE OF 910.23 FEET; THENCE S18°15'11"E A DISTANCE OF 213.31 FEET; THENCE S33°07'29"E A DISTANCE OF 505.33 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 550.00 FEET AND AN INTERNAL ANGLE OF 91°17'05" A DISTANCE OF 89.13 FEET AND SAID ARC HAVING A CHORD BEARING OF S37°43'19"E AND A CHORD LENGTH OF 89.03 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 1459.12 FEET AND AN INTERNAL ANGLE OF 10°26'10" A DISTANCE OF 265.77 FEET AND SAID ARC HAVING A CHORD BEARING OF N83°39'50"E AND A CHORD LENGTH OF 265.40 FEET; THENCE S0°31'55"E A DISTANCE OF 170.64 FEET; THENCE N71°00'47"E A DISTANCE OF 133.48 FEET; THENCE S84°33'49"E A DISTANCE OF 74.74 FEET; THENCE S56°54'29"E A DISTANCE OF 97.27 FEET; THENCE S28°14'06"E A DISTANCE OF 164.76 FEET; THENCE 43°29'31"E A DISTANCE OF 358.14 FEET; THENCE S36°44'02"E A DISTANCE OF 304.58 FEET; THENCE S00°03'54"E A DISTANCE OF 342.86 FEET; THENCE S32°43'11"W A DISTANCE OF 269.52 FEET; THENCE S53°48'56"W A DISTANCE OF 357.60 FEET; THENCE S62°12'30"W A DISTANCE OF 425.50 FEET; THENCE S89°56'00"W A DISTANCE OF 451.90 FEET; THENCE S00°00'45"E A DISTANCE OF 177.91 FEET; S00°04'46"E A DISTANCE OF 884.25 FEET; THENCE N89°57'05"E A DISTANCE OF 463.17 FEET; THENCE S24°48'47"E A DISTANCE OF 349.49 FEET; THENCE S64°58'36"W A DISTANCE OF 748.29 FEET; THENCE N24°03'08"W A DISTANCE OF 533.90 FEET; THENCE N14°53'43"W A DISTANCE OF 162.67 FEET; THENCE N14°56'51"W A DISTANCE OF 2927.07 FEET; N14°40'07"W A DISTANCE OF 150.09 FEET; THENCE N14°39'00"W A DISTANCE OF 1387.09 FEET TO THE POINT OF BEGINNING.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned, as owner of the above described property, has caused the same to be surveyed and platted as "Shores at Lakewood Subdivision" to the city of Mandan, Morton County, North Dakota, and does hereby dedicate to the public, for public use, all streets, avenues, and drainage & utility easements as shown on this plat except those easements shown hereon as "Existing", and do hereby dedicate to the City of Mandan storm water retention pond access and maintenance easements across Lot 1 of Block 1, Lot 2 of Block 2, Lot 51 of Block 2, Lot 1 of Block 3, and Lot 1 of Block 6 as shown hereon.

(Company Name)

By (Name), (Title)

State of)
County of) SS

On this ____ day of _____, 2022, appeared before me, (Name), known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public, _____

(county & state)

My commission expires: _____

SURVEYOR'S CERTIFICATE

I, Kevin G. Nelson, registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the survey of said plat; that all distances shown on said plat are correct; and that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Kevin G. Nelson
Professional Land Surveyor
N.D. Registration No. 3638

State of North Dakota)
County of _____) SS

On this ____ day of _____, 2022, appeared before me, Kevin G. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public, Cass County, North Dakota

My commission expires: _____

MANDAN CITY APPROVAL

The City of Mandan, North Dakota, has approved the attached plat as shown heron, and lying within the jurisdiction of the City of Mandan, has approved the streets, alleys, and other public ways and grounds of the attached plat.

(Name), Mayor Date

(Name), City Auditor Date

State of North Dakota)
County of Morton) SS

On this ____ day of _____, 2022, before me, a notary public in and for said county and state, personally appeared (Name), Mayor, and (Name), City Auditor, 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 the City of (City Name).

Notary Public, Morton County, North Dakota

My commission expires: _____

SHEET 1 OF 5

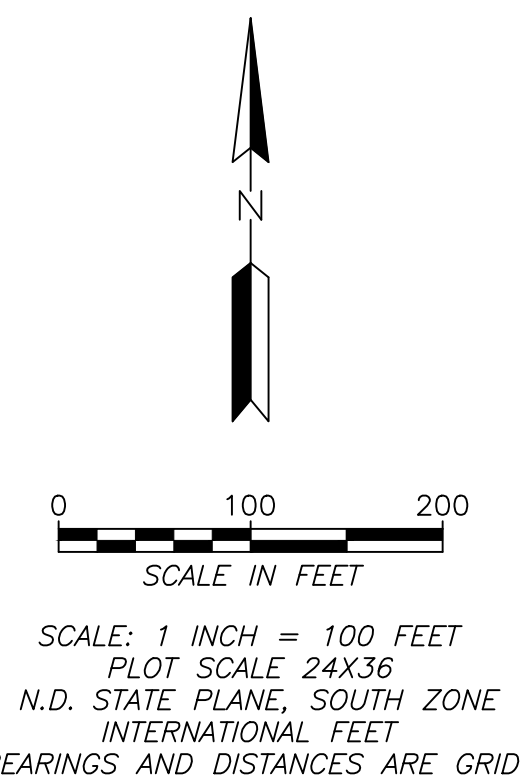


MASTERPLANNED SUBDIVISION/PHASING PLAN SHORES AT LAKEWOOD TO THE CITY OF MANDAN

AN UNPLATTED PORTION OF OUTLOT A AND PART OF LOT 3 OF AUDITOR'S LOT A OF SECTION 1,
AND PART OF LOT A OF GOVERNMENT LOT 2 AND PART OF LOT A OF GOVERNMENT LOT 7 OF
SECTION 12, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
MORTON COUNTY, NORTH DAKOTA

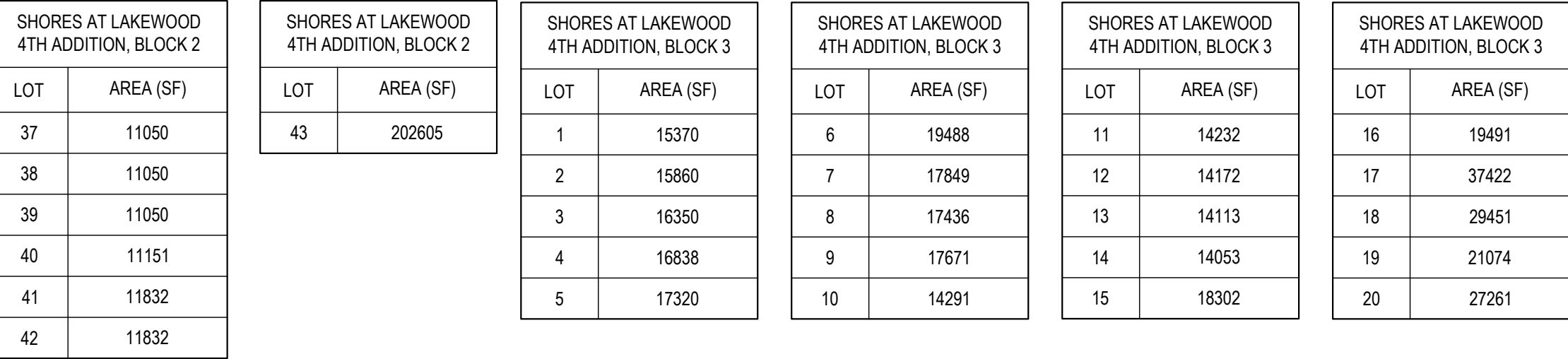


| SHORES AT LAKEWOOD ADDITION, BLOCK 1 | | SHORES AT LAKEWOOD ADDITION, BLOCK 1 | | SHORES AT LAKEWOOD ADDITION, BLOCK 2 | | SHORES AT LAKEWOOD ADDITION, BLOCK 2 | | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1 | | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1 | | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1 | | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1 | |
|--------------------------------------|-----------|--------------------------------------|-----------|--------------------------------------|-----------|--------------------------------------|-----------|--|-----------|--|-----------|--|-----------|--|-----------|
| LOT | AREA (SF) | LOT | AREA (SF) | LOT | AREA (SF) | LOT | AREA (SF) | LOT | AREA (SF) | LOT | AREA (SF) | LOT | AREA (SF) | LOT | AREA (SF) |
| 1 | 17486 | 12 | 12178 | 19 | 6000 | 10 | 6860 | 1 | 25994 | 11 | 21350 | 23 | 17369 | 34 | 6477 |
| 2 | 12206 | 13 | 18837 | 20 | 10666 | 11 | 10528 | 2 | 22164 | 12 | 13298 | 24 | 15996 | 35 | 5343 |
| 3 | 12227 | 14 | 26828 | 1 | 10177 | 12 | 11098 | 3 | 20152 | 13 | 14646 | 25 | 13032 | 36 | 5274 |
| 4 | 12247 | 15 | 24052 | 2 | 6015 | 13 | 6053 | 4 | 26018 | 14 | 11723 | 27 | 8024 | 37 | 5204 |
| 5 | 12270 | 16 | 17103 | 3 | 6015 | 14 | 6916 | 5 | 29398 | 15 | 10523 | 28 | 6455 | 38 | 5135 |
| 6 | 21682 | 17 | 16030 | 4 | 6494 | 15 | 6000 | 6 | 36225 | 17 | 11334 | 29 | 6477 | 39 | 6392 |
| 7 | 40933 | 18 | 16050 | 5 | 6000 | 16 | 6000 | 7 | 30796 | 18 | 11501 | 30 | 9221 | 40 | 5712 |
| 8 | 11053 | 19 | 16070 | 6 | 6000 | 17 | 6000 | 8 | 34084 | 20 | 16586 | 31 | 9647 | 41 | 3472 |
| 9 | 12171 | 20 | 16090 | 7 | 6000 | 18 | 6000 | 9 | 29163 | 21 | 19354 | 32 | 8926 | 42 | 3472 |
| 10 | 8903 | 21 | 31433 | 8 | 10383 | 21 | 72239 | 10 | 29007 | 22 | 18311 | 33 | 10486 | 43 | 3472 |
| 11 | 9855 | | | 9 | 7336 | | | | | | | | | | |



AN UNPLATTED PORTION OF OUTLOT A AND PART OF LOT 3 OF AUDITOR'S LOT A OF SECTION 1,
AND PART OF LOT A OF GOVERNMENT LOT 2 AND PART OF LOT A OF GOVERNMENT LOT 7 OF
SECTION 12, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
MORTON COUNTY, NORTH DAKOTA

A horizontal scale bar with a black and white checkered pattern. It has tick marks at 0, 100, and 200. Below the bar is the text "SCALE IN FEET".



| SHORES AT LAKEWOOD 4TH ADDITION, BLOCK 2 | |
|---|-----------|
| LOT | AREA (SF) |
| 31 | 11050 |
| 32 | 11050 |
| 33 | 11050 |
| 34 | 11050 |
| 35 | 11050 |
| 36 | 11050 |

AN UNPLATTED PORTION OF OUTLOT A AND PART OF LOT 3 OF AUDITOR'S LOT A OF SECTION 1,
AND PART OF LOT A OF GOVERNMENT LOT 2 AND PART OF LOT A OF GOVERNMENT LOT 7 OF
SECTION 12, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
MORTON COUNTY, NORTH DAKOTA

SCALE: 1 INCH = 100 FEET
PLOT SCALE 24X36
N.D. STATE PLANE, SOUTH ZONE
INTERNATIONAL FEET
BEARINGS AND DISTANCES ARE GRID

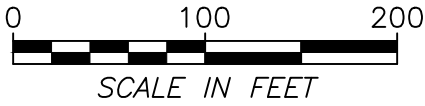
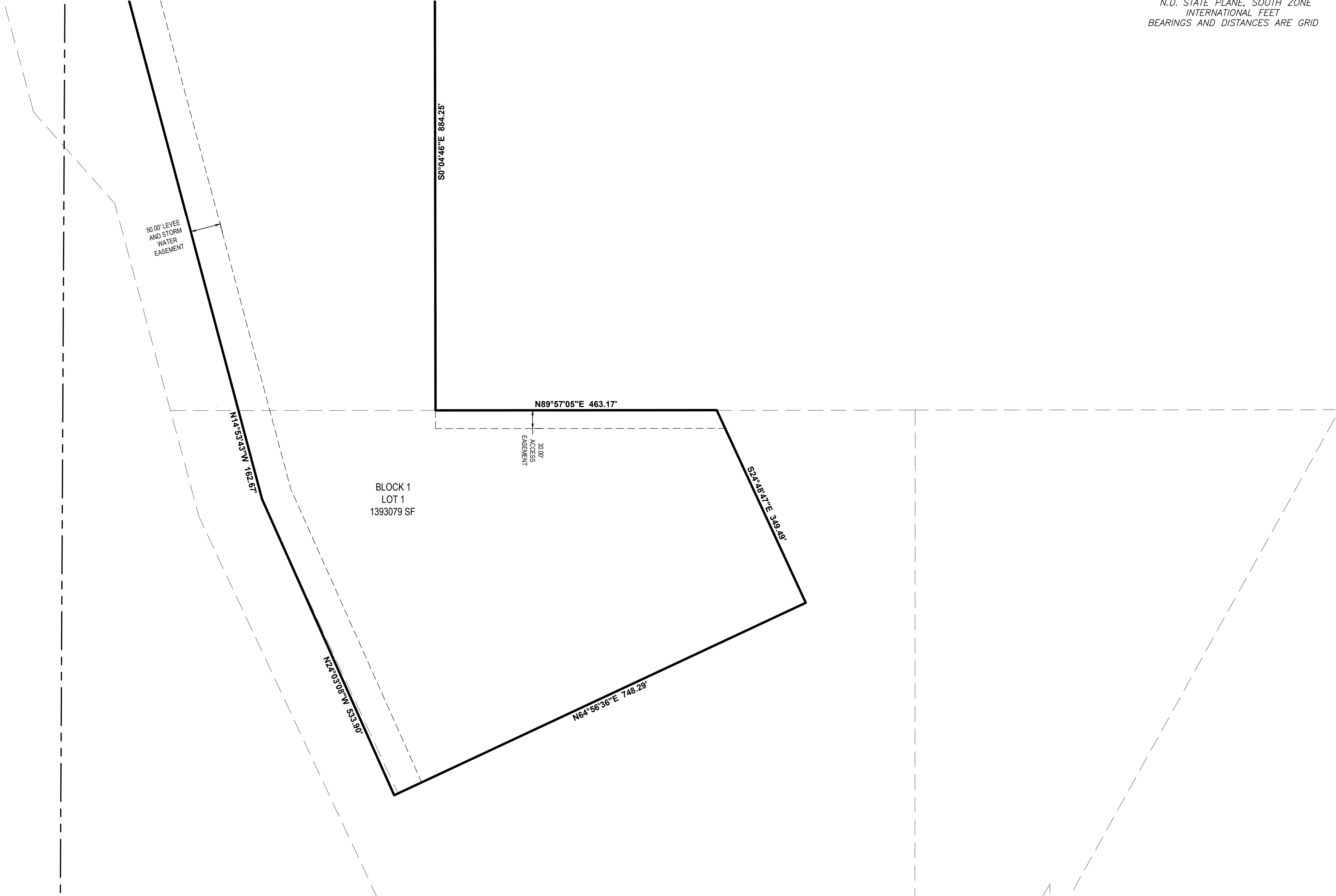


**MOUNTAIN
PLAINS LLC**
Engineering, Land Surveying & Utility Location

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

AN UNPLATTED PORTION OF OUTLOT A AND PART OF LOT 3 OF AUDITOR'S LOT A OF SECTION 1,
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SCALE: 1 INCH = 100 FEET
PLOT SCALE 24X36
N.D. STATE PLANE, SOUTH ZONE
INTERNATIONAL FEET
BEARINGS AND DISTANCES ARE GRID

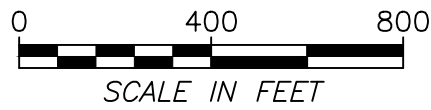
SHEET 5 OF 5



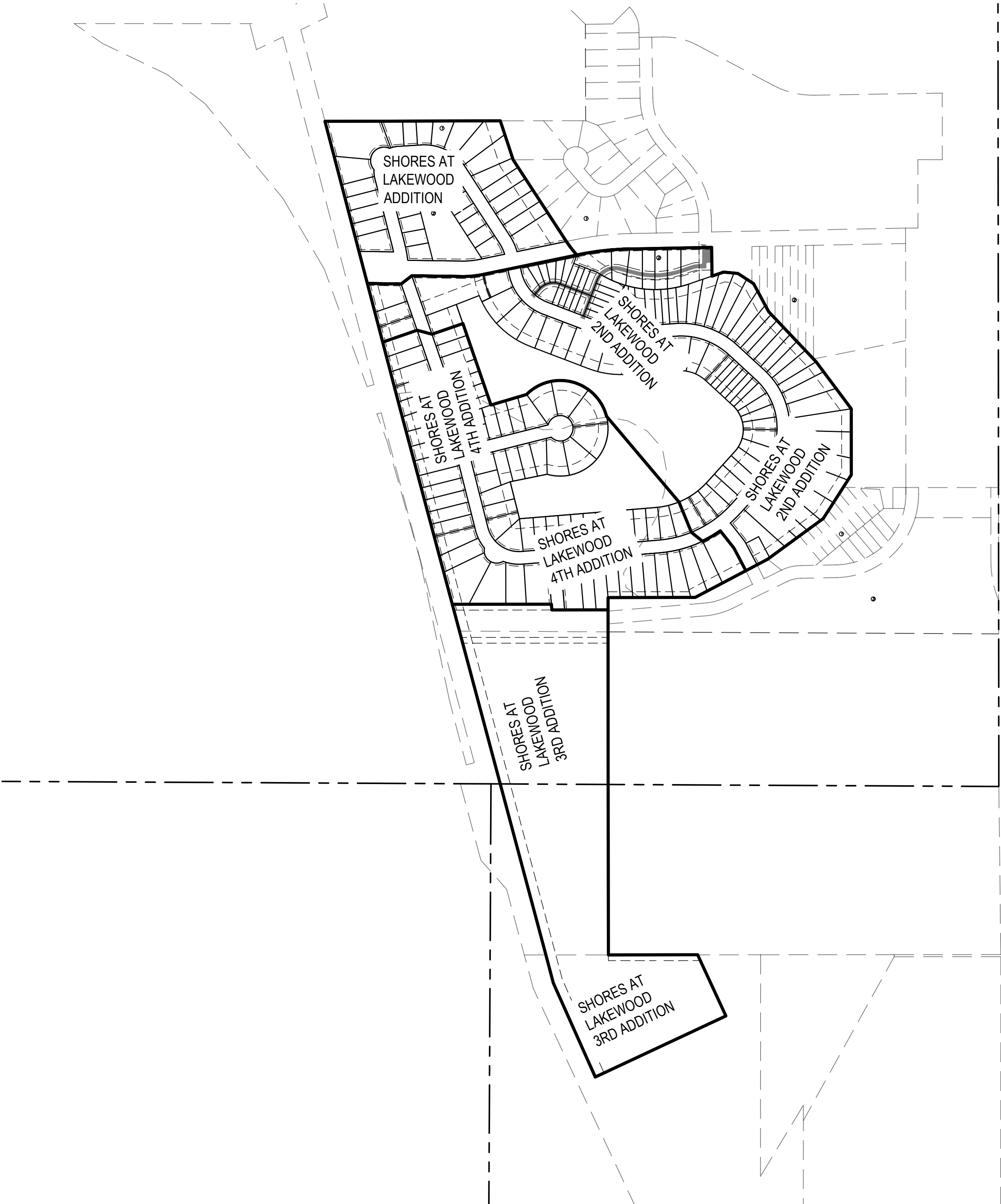
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MASTERPLANNED SUBDIVISION/PHASING PLAN
SHORES AT LAKEWOOD
TO THE CITY OF MANDAN



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



SHEET 1 OF 1

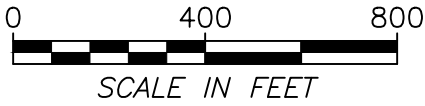


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PLANNING AND ZONING PLAN

SHORES AT LAKEWOOD

TO THE CITY OF MANDAN



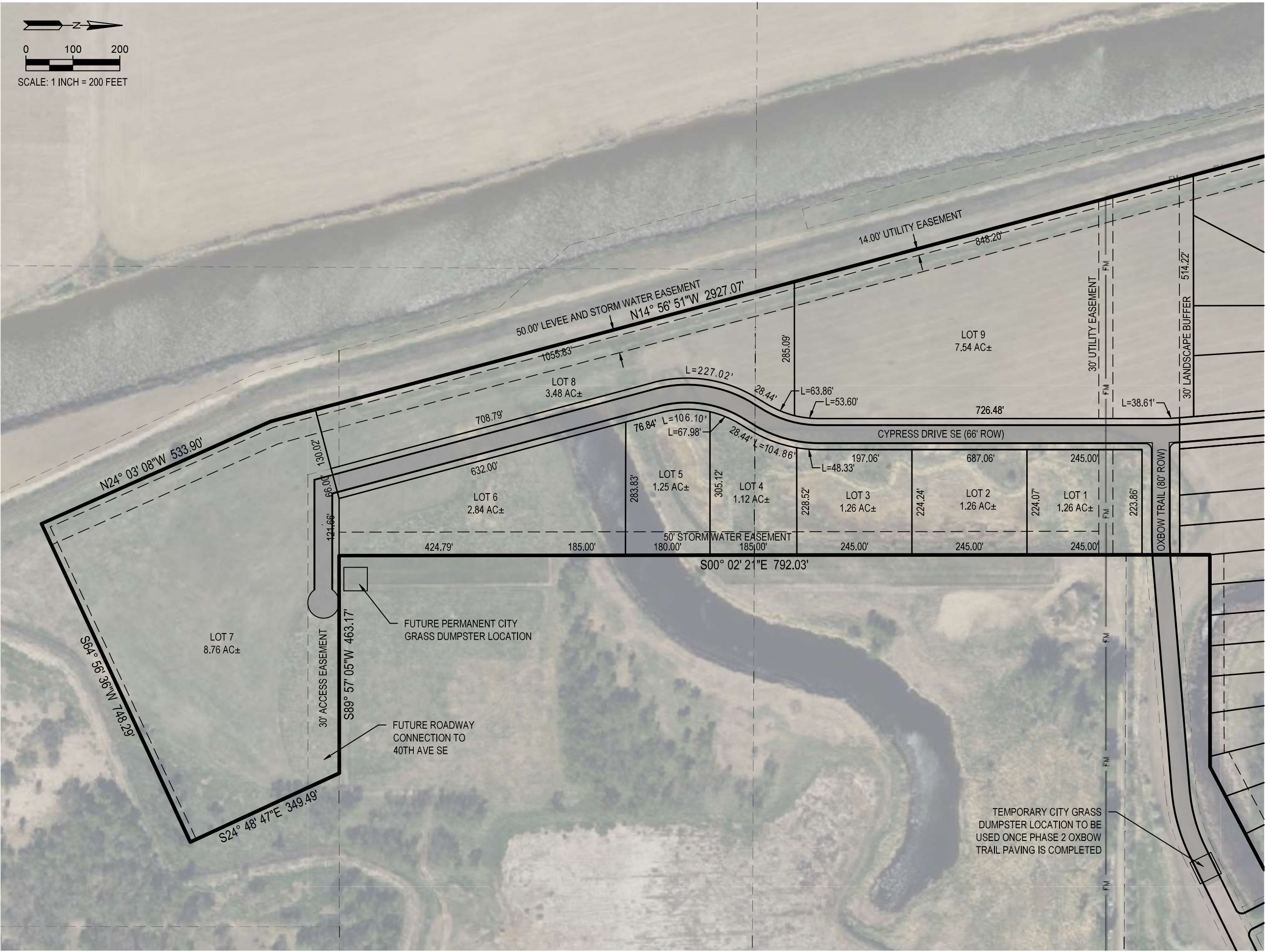
SCALE: 1 INCH = 400 FEET
PLOT SCALE 24X36
N.D. STATE PLANE, SOUTH ZONE
INTERNATIONAL FEET
BEARINGS AND DISTANCES ARE GRID

- R-7 - Residential
- R-3.2 - Residential
- CB - Commercial
- Parks/Greenspace
- City Lift Station
- Concrete Private Drive

| Zoning | 1st Addition | 2nd Addition | 3rd Addition | 4th Addition |
|-------------------|--------------|--------------|--------------|--------------|
| R-7 | 41 | 46 | 0 | 74 |
| R-3.2 | 0 | 54 | 0 | 0 |
| CB | 0 | 0 | 9 | 0 |
| Parks/Greenspace | 1 | 3 | 0 | 1 |
| City Lift Station | 0 | 1 | 0 | 0 |

SHEET 1 OF 1

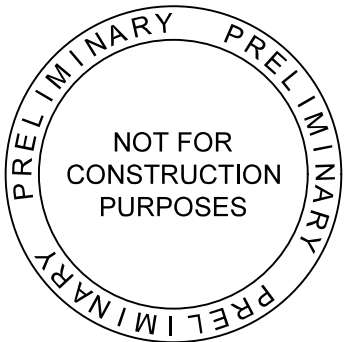




1300 TACOMA AVENUE, SUITE A | BISMARCK, ND 58504
(701) 557-3348 | WWW.MTNPLAINS.COM

SHORES AT LAKEWOOD COMMERCIAL ADDITION

VERITY HOMES
3100 N 14TH ST, BISMARCK, ND 58503



| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|-----|------|-------------|

DATE: June 9, 2025

| PROJECT NO: | DRWN BY: | APPD DY: |
|-------------|----------|----------|
| --- | JME | NWN |

SHEET NO: 1

SHEET TITLE: CONCEPT - OVERVIEW MAP



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 25, 2025
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Public Comment Policy

STATEMENT/PURPOSE:

To consider the adoption of a public comment policy.

BACKGROUND/ALTERNATIVES:

Beginning August 1, 2025, governing boards of cities, park districts, counties, school districts, townships and water resource districts are required to have a public comment period on each of their regular meeting agendas.

Please note that it is up to the city commission to determine whether the comment period will occur at the beginning or the end of the meeting.

Attached is a model a policy drafted by the North Dakota League of Cities that a city or park district can use to create its own policy on public comment sections that incorporates the limits allowed in SB 2180.

The draft proposes a 30-minute public comment period. This does not mean the Commission must hold open 30 minutes if there are not comments. We would anticipate the public comment period be opened with a 1st, 2nd and 3rd call for comments and then close the comment period if there are none.

Some items the Board may wish to discuss include:

- Length of time per speaker
- Total time allowed for public comment
- Ability for the President of the Board or other members to extend the time limitations.

ATTACHMENTS:

1. City of Mandan Public Comment Policy - Draft V1
2. SB 2180

FISCAL IMPACT:

n/a

STAFF IMPACT:

minimal

LEGAL REVIEW:

Draft has been reviewed by City Attorney Oster

RECOMMENDATION:

I recommend adoption of the public comment policy as presented.

SUGGESTED MOTION:

I move to adopt the public comment policy as presented. (If there are adjustments to the draft, the motion should include those changes)

Public Comment Policy

Policy Approval Date: July 1, 2025

The Mandan City Commission ~~[city council/city commission/park commission]~~ welcomes and values public input during its meetings. This policy outlines the procedures for public comment to ensure that individuals have a fair opportunity to be heard while maintaining an orderly and efficient meeting environment.

1. A public comment agenda item will be the first non-procedural agenda item at all regular meetings of the Mandan City Commission ~~[city council/city commission/park commission]~~.
2. To provide public comments, each individual must submit a speaker card prior to the meeting being called to order that includes:
 - a. the individual's name,
 - b. the individual's address,
 - c. the agenda item from the current meeting agenda or the previous meeting agenda that the individual is addressing.
3. Missing information from the speaker card disqualifies the individual from speaking at the meeting.
4. Each individual will be allotted three minutes to make comments. The individual will be notified when the three minutes have expired.
5. The public comment agenda item will be limited to a total of thirty minutes, regardless of how many individuals have submitted speaker cards.
6. Individuals will be called on to present public comments in the order that speaker cards were submitted.
7. All comments must:
 - a. Address the agenda item identified on the speaker card.
 - b. Be pertinent to the Mandan City Commission ~~[city/park district]~~.
 - c. Be directed to the board as a whole.
8. Comments may not:
 - a. Be defamatory, abusive, harassing, or unlawful.
 - b. Include information that is exempt or confidential under North Dakota open records law.
 - c. Interfere with the orderly conduct of the meeting.
9. Individuals will not have access to the Mandan City Commission ~~[city/park district]~~'s audio/visual technology.
10. Individuals may not yield their allotted time to another individual.
11. Individuals unable or unwilling to speak in person may submit written comments to the City Administrator ~~[city auditor/park clerk]~~ prior to the meeting. If received twenty-four hours before the meeting, the comments will be distributed to the board members before the meeting. Comments submitted less than twenty-four hours before the meeting will be distributed after the meeting. Any written comments submitted must identify the agenda item from the current meeting agenda or the previous meeting agenda that is being addressed and include the individual's name and address.

11.12. The President (Mayor) may suspend the time limitations at their discretion.

Speaker Card

Name (First and Last): _____

Address: _____

Agenda Item: _____

Speaker Card

Name (First and Last): _____

Address: _____

Agenda Item: _____

Speaker Card

Name (First and Last): _____

Address: _____

Agenda Item: _____

Speaker Card

Name (First and Last): _____

Address: _____

Agenda Item: _____

Speaker Card

Name (First and Last): _____

Address: _____

Agenda Item: _____

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2180
(Senators Paulson, Luick, Weston)
(Representatives Louser, D. Ruby, D. Johnston)

AN ACT to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the opportunity to provide public comment at a meeting of a public entity.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Public comment - Regular meetings of a public entity.

1. Every regular meeting of a governing body of a city, county, township, school district, park district, or water resource district must include an opportunity for an individual to provide public comment.
2. An individual providing comment at a meeting shall provide to the governing body in writing the individual's name and address. The individual's address is an exempt record.
3. A governing body of a city, county, township, school district, park district, or water resource district:
 - a. May limit a public comment only as follows, except as provided in subdivision b:
 - (1) By time per speaker, total time for public comment, or both.
 - (2) By agenda topic, to the agendas of the current and at least one preceding meeting.
 - b. Shall develop a policy regarding public comment rules for regular meetings. The policy may provide a public comment:
 - (1) Must be pertinent to the public entity.
 - (2) May not interfere with the orderly conduct of the regular meeting.
 - (3) May not be defamatory, abusive, harassing, or unlawful.
 - (4) May be prohibited if an alternative procedure exists to bring that particular type of public comment before the public entity, the public comment includes confidential or exempt information, or the public comment is otherwise prohibited by law.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2180.

Senate Vote: Yeas 43 Nays 4 Absent 0

House Vote: Yeas 93 Nays 0 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State



City Commission

Agenda Documentation

MEETING DATE: July 1, 2025
PREPARATION DATE: June 24, 2025
SUBMITTING DEPARTMENT: Fire Department
DEPARTMENT DIRECTOR: Mitch Bitz
PRESENTER: Mitch Bitz, Fire Chief
SUBJECT: Ord 1468 Clarification on Fireworks

STATEMENT/PURPOSE:

Ordinance 1468 related to a clarification on fireworks

BACKGROUND/ALTERNATIVES:

Staff discovered a discrepancy in our code of ordinances related to when residents can set off fireworks. It appears that Ord 1421 (approved Jan/Feb 2023) reversed the changes made in 2020 with Ordinance 1348.

Ordinance 1421 reads:

- *“The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted between the hours of 12:00 p.m. and 12:00 a.m. on July 2 and 3, from the hours of 12:00 p.m. on July 4 to 2:00 a.m. on July 5 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1.”*

However, in 2020 with **Ordinance 1348** the Commission made changes to the time for which fireworks can be discharged to:

- *“The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted from the hours of 12:00 p.m. to 11:59 p.m. on July 3 and 4 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1 of each year.”*

Since Ordinance No. 1421 was approved in 2023, it supersedes Ordinance No. 1348. Attorney Oster has drafted Ordinance No. 1468 which updates the language to what

was approved in 2020.

ATTACHMENTS:

1. Ordinance No. 1468 - Fireworks(19917554.1)
2. Ord 1421 Fire Code
3. Ord. 1348 Fireworks

FISCAL IMPACT:

n/a

STAFF IMPACT:

n/a

LEGAL REVIEW:

Legal has reviewed the ordinance.

RECOMMENDATION:

Approve as presented.

SUGGESTED MOTION:

I move to approve the second consideration of Ordinance No. 1468.

ORDINANCE NO. 1468

An Ordinance to Amend and Re-enact
Chapter 56 of Section 10-2-10 of the Mandan Code of Ordinances
Relating to Fireworks

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

Sec. 10-2-10. – Amendments to International Fire Code.

Chapter 56 Explosives and Fireworks

Section 5601, is amended as follows:

Section 5601.1.3 Fireworks, is amended as follows:

Section 5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the city limits.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608 is an exception to the prohibition of use of fireworks in the city, provided the requirements of sections 5601.2.3 and 5601.2.4 are met. The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted from the hours of 12:00 p.m. to 11:59 p.m. on July 3 and 4 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1 of each year.

Penalty:

1. Any person who violates the provisions of this section shall, upon conviction, be guilty of an ordinance violation, punishable by a fine of one hundred fifty dollars (\$150.00).
2. Any person cited for a violation of this section shall be deemed to be charged with a noncriminal offense and may utilize the same procedures for appearance, payment of statutory fee, posting and forfeiture of bond, waiver of hearing, or hearing as is provided for noncriminal traffic offenses pursuant to the provisions of Chapter 24 of the Mandan Municipal Code. Any person failing to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond is guilty of a Class B misdemeanor. Failure to appear without just cause at the hearing must also be deemed an admission of commission of the violation charged.

Section 5601.2.4 Financial responsibility, deleted in its entirety and replaced with:

Section 5601.2.4 Financial responsibility. The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars (\$250,000.00) per individual or one million dollars (\$1,000,000.00) per occurrence, conditioned for the payment of all potential damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.

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

Attest:

James Neubauer, City Administrator

First Consideration: June 24, 2025

Second Consideration and Final Passage: July 1, 2025

ORDINANCE NO. 1421

An Ordinance to Amend and Re-enact Sections 10-2-1 and 10-2-10 of the Mandan Code of Ordinances Relating to Fire Code

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

Sections 10-2-1 and 10-2-10 of the Mandan Code of Ordinances are hereby amended and re-enacted to read as follows:

Section 10-2-1 Adoption of the International Fire Code.

That a certain document, at least one copy of which is on file in the office of the City Administrator of the City of Mandan, being marked and designated as the *International Fire Code*, including Appendix Chapters A, B, C, and D, as published by the International Code Council, be and is hereby adopted as the code of the City of Mandan for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such *International Fire Code*, 2021 edition, published by the International Code Council, on file in the offices of the City Administrator and Fire Chief are hereby referred to, adopted and made a part hereof as if fully set out in this chapter. The International Fire Code as adopted and amended by the Board of City Commissioners of the City and the provisions of Chapters 10-1 and 10-2 shall be known as the Fire Prevention Code.

(Code 1979, § 14-01-01; Code 1994, § 7-01-01; Ord. No. 669, § 1, 1983; Ord. No. 719, § 1, 1987; Ord. No. 757, § 1, 1989; Ord. No. 851, 1996; Ord. No. 953, § 1, 1-21-2003; Ord. No. 1092, 4-19-2011; Ord. No. 1172, 11-19-2013; Ord. No. 1255, § 1, 12-20-2016)

Cross reference — Amendments to International Fire Code, § 10-2-10.

Section 10-2-10 Amendments to International Fire Code.

The 2021 edition of the International Fire Code adopted by the provisions of this chapter and all subsequent editions adopted by resolution of the Board are amended, changed, and altered as follows:

1. Code official means the fire chief appointed by the board of city commissioners and charged with the duties of administration and enforcement of the code, fire inspector, or other duly authorized representative as designated by the fire chief.

2. Fire prevention code means those portions of the International Fire Code adopted or amended by the city as well as this article.
3. Jurisdiction means the City of Mandan, North Dakota.
4. Whenever the word "municipality" or the word "city" is used in any code adopted pursuant to this title, it means the City of Mandan, North Dakota.
5. Whenever the words "corporate counsel" or "city attorney" is used in any code adopted pursuant to this title, it means the city attorney of the City of Mandan, North Dakota.
6. Whenever the term "International Building Code" is used in the International Fire Code, it shall mean the "Mandan Building Code."
7. Whenever the term "International Plumbing Code" is used in the International Fire Code, it shall mean the "North Dakota State Plumbing Code."
8. Whenever the term "ICC Electrical Code" is used in the International Fire Code, it shall mean the "Wiring Standards of North Dakota."

Chapter 1 Scope and Administration

Section 101: Scope and General Requirements, is amended as follows:

101.1 Title. These regulations shall be known as the *Fire Code* of the City of Mandan, hereinafter referred to as "this code."

102.6 Historic Buildings. The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an *approved* fire protection plan.

Section 103: Code Compliance Agency, is amended as follows:

Section 103.1 Creation of Agency.

Mandan Fire Department is hereby created and the official in charge thereof shall be known as the fire code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

Section 104: Duties and Powers of the Fire Code Official, is amended as follows:

104.7 Liability. The fire code official, member of the board of appeals, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

Section 105: Permits are amended as follows:

The specified permits identified in each operational section are amended to "required upon the determination of the code official."

Section 105.7 Required Construction Permits, is amended as follows:

Section 105.7 Required Construction Permits. The fire code official is authorized to issue construction permits for work as set forth in Section 105. The fire code official may utilize existing permitting and approval processes already established in Building Inspections, Engineering, or other departments.

Section 110 Violations, is amended as follows:

110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a Class B misdemeanor.

Section 112 Stop Work Order, is amended as follows:

112.4 Failure to comply. Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed

to perform to remove a violation or unsafe condition, shall be charged with a Class B misdemeanor.

Chapter 2 Definitions

Section 202 General Definitions, is amended as follows:

Commercial Motor Vehicles is amended to read as follows:

A motor vehicle used to transport passengers or proper, or motorized equipment where the motor vehicle(s) or equipment:

1. Has a gross vehicle weight rating of 10,000 pounds or more or
2. Have combined weights greater than 26,000 lbs. or
3. Is designed to transport 16 or more passengers, including the driver

Fireworks, 1.4G is deleted in its entirety and replaced with the following:

Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion or deflagration that complies with the construction, chemical composition, and labeling regulations of the DOT for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR Parts 1500 and 1507, or otherwise listed and defined in NDCC 23-15-01.

Occupancy Classifications Educational Group E, daycare facilities, is amended to read as follows:

Occupancy classifications Educational Group E, daycare facilities.

Educational group E.

Occupancy classifications Educational Group E, daycare facilities, is amended to read as follows:

This group includes buildings and structures or portions thereof occupied by more than twelve children older than 2 ½ years of age who receive educational, supervision, or personal care services for less than 24 hours per day.

Five or fewer children is amended to read:

Twelve or fewer children. A facility having twelve or fewer children receiving such daycare shall be classified as part of the primary occupancy.

Educational Group E.

Occupancy classifications Educational Group E, Five or fewer children in a dwelling unit is amended to read as follows:

A facility such as the above within a dwelling unit and having twelve or fewer children receiving such care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

Institutional Group I-4, daycare facilities, is amended to read:

Institutional Group I-4 occupancy shall include buildings and structures occupied by more than twelve persons of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult daycare.
Child daycare.

Classification as Group E is amended to read:

A child day care facility that provides care for more than twelve but not more than 100 children 2 ½ years of age, where the rooms in which children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

Five or fewer persons receiving care is amended to read:

A facility having twelve or fewer persons receiving custodial care shall be classified as part of the primary occupancy.

Five or fewer persons receiving care in a dwelling is amended to read:

A facility such as above within a dwelling unit having twelve or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

Care Facilities within a dwelling is amended to read:

Care facilities for twelve or fewer persons receiving personal care that are within a single-family dwelling are permitted to comply with the International Residential Code.

Chapter 3 General Requirements

Section 308 Open Flames, is amended as follows:

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family *dwelling*s.
2. Where buildings, balconies, and decks are protected by an *automatic sprinkler system*.
3. LP-gas cooking devices having LP-gas containers with a water capacity not greater than 47.8 pounds [nominal 20 pounds (9 kg) LP-gas capacity].
4. 1. Open-flame devices are allowed to be used in the following situations, provided *approved* precautions are taken to prevent ignition of combustible material or injury to occupants:
 - 1.4 Open-flame devices for food warming.

308.3 Group A Occupancies. Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided that *approved* precautions are taken to prevent ignition of combustible material or injury to occupants:
 - 1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.
 - 1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.
 - 1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.
 - 1.4 Open-flame devices for food warming.
2. Heat-producing equipment complying with Chapter 6 and the *International Mechanical Code*.
3. Gas lights are allowed to be used provided that adequate precautions satisfactory to the *fire code official* are taken to prevent ignition of combustible materials.

Section 319.4 is hereby amended to read as follows:

319.4 Fire protection. Fire Protection shall be provided in accordance with Section 319.4.2.

Section 319.4.1 is hereby deleted in its entirety.

Chapter 5 Fire Service Features

Section 503 Fire Service Features, is amended as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in sections 503.2.1 and 503.2.2 shall be maintained at all times. Parking of motor vehicles or otherwise obstructing a designated fire apparatus access road shall be prohibited and enforcement of such prohibition may be accomplished in the same manner as provided in Section 24-7-1 of the Mandan Code of Ordinances. A violation of this section is a Class B misdemeanor.

Section 507.5.4 Obstruction is amended to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. An approved hydrant marker shall be installed immediately adjacent to the rear of the hydrant.

Chapter 8 Interior Finish, Decorative Materials, and Furnishings

Section 806.1.1 is amended by adding the following exception:

3. For purposes of this provision, churches shall not be deemed public buildings and may utilize natural or resin bearing cut trees in the altar area of the church. No electric lighting is allowed on the tree.

Chapter 9 Fire Protection and Life Safety Systems

Section 903 is amended as follows:

Section 903.3.1.1 is hereby amended by adding a second paragraph to read as follows: Sprinkler heads in unoccupied mall tenant spaces may be installed at ceiling height if allowed by the code official. Permission will be granted on an individual basis. Combustible storage shall not be allowed in these unoccupied tenant spaces if sprinkler heads are installed at ceiling height. Signage shall be provided outlining the storage restrictions.

Section 903.2.8 Group R is amended to read as follows: An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: Single-family dwelling or a residential building that contains no more than two dwelling units.

Section 903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 12,000 square feet
2. A Group S-1 fire area is located more than three stories above grade plane
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet.
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.

Section 903.3.1 Standards Sprinkler systems shall be designed with a 5 psi safety margin and installed in accordance with Sections 903.3.1.1, 903.3.1.2, or 903.3.1.3 and other chapters of this code, as applicable.

Section 903.3.1.1.1 Exempt locations is amended by adding the following exception:

7. Elevator machine room and machinery spaces. Where sprinklers are not installed in elevator machine rooms, shunt trip required in accordance with IBC 3005.5 shall not be installed.

Section 903.3.1.2.1 Balconies and Decks. Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of dwelling units and sleeping units where either of the following conditions exists:

1. The building is of Type V construction, provided there is a roof, overhang 6 inches or greater, or deck above.
2. Exterior balconies, decks, and ground floor patios of dwelling units and sleeping units are constructed in accordance with Section 705.2.3.1, Exception 3 of the *International Building Code*.

Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

Section 903.3.5 Water Supplies is amended to read as follows:

903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code. For connections to public waterworks systems, the water supply test used for the design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official. Underground water supply piping shall be constructed of a material allowed by Mandan Municipal Code and shall be allowed to extend into the building through the slab or wall, not more than 24 inches.

Section 905, Standpipe Systems, is amended as follows:

Section 905.1 General. Standpipe systems shall be provided in new buildings and structures in accordance with Sections 905.2 through 905.10. In buildings used for high-piled combustible storage, fire protection shall be in accordance with chapter 32. Class II and III standpipe systems are prohibited. Where required in this section, all standpipe systems shall meet the requirements of a Class I standpipe.

Exception: The installation of fire hose on standpipes may be omitted when approved by the fire code official. Approved standpipe hose valves and connection shall be provided where required.

Section 907 Fire Alarm and Detection Systems is amended as follows:

Section 907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Where approved by the fire code official, a building's emergency communication system interfaced with the fire alarm system in accordance with NFPA 72 is acceptable.

907.8.3 Smoke detector sensitivity. is hereby deleted in its entirety.

Chapter 10 Means of Egress

Section 1009.8.1 is hereby amended to read as follows:

1009.8.1 System requirements. Two-way communication systems shall provide communication between each required location and the fire command center or a central control point location *approved* by the fire department. Where the central control point is not constantly attended, a two-way communication system shall have a timed automatic telephone dial-out capability to a monitoring

location. The two-way communication system shall include both audible and visible signals.

Section 1011.1 Exceptions are hereby amended to read as follows:

1. Within rooms or spaces used for assembly purposes, stepped *aisles* shall comply with Section 1030.
2. A stairway complying with section 1011 except where in a B, F, M, S, or U that serves an area of 750 sf or less, and is not open to the public, that has a maximum riser height of 8 inches and a minimum tread depth of 9 inches, has a minimum width of 36 inches and has at least one handrail that terminates at the top and bottom riser and otherwise complies with section 1014.

Exception 3, 6 of Section 1011.5.2 is amended in part to read as follows:

3. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be 8 inches; the minimum tread depth shall be 9 inches;
6. Stairways used only to attend equipment or private stairways serving an occupant load of 10 or fewer persons and which are not accessible to the public are permitted to have a maximum 8-inch riser height and minimum 9 tread depth.

Chapter 53 Compressed Gases

Section 5307, Compressed Gases not otherwise regulated, is amended as follows:

Section 5307.3 Insulated liquid carbon dioxide systems used in beverage dispensing applications, is amended as follows:

Section 5307.3 Insulated liquid carbon dioxide systems used in beverage dispensing applications. Insulated liquid carbon dioxide systems with more than 500 pounds of carbon dioxide used in beverage dispensing applications shall comply with Section 5307.3.1.

Section 5307.4 Carbon dioxide enrichment systems, is amended as follows:

Section 5307.4 Carbon dioxide enrichment systems. The design, installation, and maintenance of carbon dioxide enrichment systems with more than 500 pounds of carbon dioxide, and carbon dioxide enrichment systems with any quantity of carbon dioxide having a remote fill connection, shall comply with Sections 5307.4.1 through 5307.4.7.

Chapter 56 Explosives and Fireworks

Section 5601, is amended as follows:

Section 5601.1.3 Fireworks, is amended as follows:

Section 5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited within the city limits.

1. Any person who violates the provisions of this section shall, upon conviction, be guilty of an ordinance violation, punishable by a fine of one hundred fifty (\$150.00).
2. Any person cited for a violation of this section shall be deemed to be charged with a noncriminal offense and may utilize the same procedures for appearance, payment of statutory fee, posting and forfeiture of bond, waiver of hearing, or hearing as is provided for noncriminal traffic offenses pursuant to the provisions of Chapter 24 of the Mandan Municipal Code. Any person failing to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond is guilty of a Class B misdemeanor. Failure to appear without just cause at the hearing must also be deemed an admission of commission of the violation charged.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608 is an exception to the prohibition of use of fireworks in the city, provided the requirements of sections 5601.2.3 and 5601.2.4 are met. The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted between the hours of 12:00 p.m. and 12:00 a.m. on July 2 and 3, from the hours of 12:00 p.m. on July 4 to 2:00 a.m. on July 5 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1.

Section 5601.2.4 Financial responsibility, deleted in its entirety and replaced with:

Section 5601.2.4 Financial responsibility. The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars (\$250,000.00) per individual or one million dollars (\$1,000,000.00) per occurrence, conditioned for the payment of all potential damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.

Chapter 57 Flammable and Combustible Liquids

Section 5704, Storage, is amended as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited.—Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts within the corporate boundaries of the City of Mandan, except where allowed in zoning districts MA, MB, MC, and MD.

Section 5704.2.13.1.4 is amended by adding the following Subsection 7:

7. Site assessment is required to determine if there are any spills, leaks, or discharge from the tank system. Records of site assessment shall be kept on the site of tank location.

Section 5706, Special Operations, is amended as follows:

5706.2.4.4 Permanent and temporary tanks. Storage of Class I and II liquids in permanent above-ground tanks outside of buildings is prohibited in all zoning districts within the corporate boundaries of the City of Mandan, except where allowed in zoning districts MA, MB, MC, and MD.

Chapter 58 Flammable Gases and Flammable Cryogenic Fluids

Section 5806, Flammable Cryogenic Fluids is amended as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited except for Industrial, Agricultural, and Public districts (MA, MB, MC, and MD).

Chapter 61 Liquefied Petroleum Gases

Section 6103 Installation of Equipment is amended as follows:

Section 6103.2.1.6 Use with self-contained torch assemblies, is amended to read as follows:

Section 6103.2.1.6 Use with self-contained torch assemblies. Portable LP gas are allowed to be used to supply *approved* self-contained torch assemblies or similar appliances. Such containers shall not exceed a water capacity of 12 pounds.

Section 6104 Location of LP-Gas Containers is amended as follows:

Section 6104.2 Maximum capacity within established limits, is deleted in its entirety and replaced with the following:

Section 6104.2 Maximum capacity within established limits. Within residentially zoned districts of the corporate boundaries of the City of Mandan, storage of liquefied petroleum gas used to supply a structure or for any other use shall not exceed a water capacity of 29 gallons. In all other districts, except for

Industrial, Agricultural, and Public districts (MA, MB, A, P), the maximum capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

(Code 1994, § 7-01-07; Ord. No. 1051, § 1, 5-5-2009; Ord. No. 1092, 4-19-2011; Ord. No. 1172, 11-19-2013; Ord. No. 1220, 10-20-2015; Ord. No. 1255, §§ 2, 3, 12-20-2016; Ord. No. 1272, 9-5-2017)

Cross reference— Adoption of the International Fire Code, [§ 10-2-1](#).

By:

President, Board of City Commissioners

Attest:

City Administrator

First Consideration: _____

Second Consideration and Final Passage: _____

ORDINANCE NO. 1348

An Ordinance to Amend and Re-enact Section 10-2-10 of the Mandan Code of Ordinances Relating to Fireworks

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

Sec. 10-2-10. – Amendments to International Fire Code.

Chapter 56 Explosives and Fireworks

Section 5601, is amended as follows:

Section 5601.1.3 Fireworks, is amended as follows:

Section 5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the city limits.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608 is an exception to the prohibition of use of fireworks in the city, provided the requirements of sections 5601.2.3 and 5601.2.4 are met. The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted from the hours of 12:00 p.m. to 11:59 p.m. on July 3 and 4 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1 of each year.


Penalty:

1. Any person who violates the provisions of this section shall, upon conviction, be guilty of an ordinance violation, punishable by a fine of one hundred fifty dollars (\$150.00).
2. Any person cited for a violation of this section shall be deemed to be charged with a noncriminal offense and may utilize the same procedures for appearance, payment of statutory fee, posting and forfeiture of bond, waiver of hearing, or hearing as is provided for noncriminal traffic offenses pursuant to the provisions of Chapter 24 of the Mandan Municipal Code. Any person failing to appear at the time designated, after signing a promise to appear, without paying the statutory fee or posting and forfeiting bond is guilty of a Class B misdemeanor. Failure to

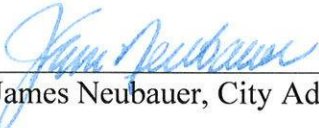
appear without just cause at the hearing must also be deemed an admission of commission of the violation charged.

Section 5601.2.4 Financial responsibility, deleted in its entirety and replaced with:

Section 5601.2.4 Financial responsibility. The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars (\$250,000.00) per individual or one million dollars (\$1,000,000.00) per occurrence, conditioned for the payment of all potential damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.

By: 
Tim Helbling, President, Board of
City Commissioners

Attest:


James Neubauer, City Administrator

First Consideration: August 4, 2020

Second Consideration and Final Passage: August 18, 2020

Publication: September 1, 2020