



AGENDA
MANDAN CITY COMMISSION
JUNE 18, 2019
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

- A. ROLL CALL:
1. Roll call of all City Commissioners.
- B. APPROVAL OF AGENDA:
- C. MINUTES:
1. Consider approval of the minutes from the June 4, 2019 Board of City Commission regular meeting.
- D. PUBLIC HEARING:
- E. BIDS:
- F. CONSENT AGENDA:
1. Consider approval of monthly bills.
 2. Consider approval of the following abatement requests:
 - i. Reduction in value to the property at 1701 27th St. NW owned by Berreth Properties LLC
 - ii. Correction to the 2017 & 2018 assessed value for property at 1904 Ridge Dr. SE owned by Matthew & Leslie Wenger.
 3. Consider approval of annual liquor licenses for July 1, 2019 to June 30, 2020.
 4. Consider approval of the following Special Event Permit Applications:
 - i. Stage Stop Saloon Beer Garden on June 28 & 29, 2019.
 - ii. Mandan Moose Club Tractor Trek Show street closure on June 29th, 2019.
 5. Consider approval of annual site authorization for Cystic Fibrosis Association from July 1, 2019 to June 30, 2020.
 - i. Stage Stop
 - ii. Colonial Lounge
 6. Consider approval of Minor Plat of Replat of Lots 16 & 17, Block 1, Lakewood Harbor Second Addition.
 7. Consider entering into an agreement with the North Dakota Office of State Tax Commissioner for the administration of Mandan's local sales, use and gross receipts taxes for the 2019-2021 biennium.
 8. Consider approval of a charity raffle permit for Messiah Lutheran Church from July 1, 2019 to August 20, 2019.

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9. Consider approval of JAG grant application for Dakota children's advocacy center to partially fund a forensic interviewer.
10. Consider approval to proceed with plans to have building repairs done to the West end of the library building.

G. OLD BUSINESS:

H. NEW BUSINESS:

1. Introduction of summer intern, Tatenda Dzvokora.
2. Consider approval of an appointment to the Community Beautification Committee.
3. Consider approval of K & K Ressler LLC Exemption Application 3801 Memorial Hwy.
4. Consider approving the issuance of a Request for Qualifications for architectural services for the Morton Mandan Public Library and downtown parks project.
5. Consider advertisement of Request For Proposal for Mid-Town East Street Improvement District #215.
6. Consider ad for bids for pipe replacement project using pipe bursting technique.
7. Consider acceptance of Transportation Alternatives grant award for Phase II of 19th Street Trail.
8. Consider Encroachment Agreement with Thomas and Moriarty's for Outdoor Seating within the Right-of-Way on 1st Ave. NW.

I. RESOLUTIONS AND ORDINANCES:

J. OTHER BUSINESS:

K. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. July 2, 2019
2. July 16, 2019
3. August 6, 2019

L. ADJOURN

The Mandan City Commission met in regular session at 5:30 p.m. on June 4, 2019 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL:

1. *Roll Call of All City Commissioners.* Present were Mayor Helbling and Commissioners Braun, Davis, Larson and Rohr. Department Heads present were, Finance Director Welch, City Administrator Neubauer, Fire Chief Nardello, Building Official Ouradnik, Business Development and Communications Director Huber, Assessor Markley, Director of Public Works Bitz, Police Chief Ziegler, Planning & Engineering Director Froseth, Principal Planner Van Dyke and Attorney Oster. Absent: Human Resource Director Cullen.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the May 21, 2019 Board of City Commission regular meeting.* Commissioner Rohr moved to approve the minutes as presented. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes. Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

E. BIDS:

F. CONSENT AGENDA

1. *Consider the approval of a grant application to fund the current Domestic Violence Investigator with Mandan Police Department and a Victim Services Provider for the Adult Abused Resource Center (AARC) for 3 years.*
2. *Consider the approval of a grant application to fund the 2020 JAG and Lottery Grant Application.*
3. *Consider approval of annual site authorizations for the Mandan Hockey Club for July 1, 2019 to June 30, 2020 at: (i) Blackstone Tavern (ii) Old Ten Bar and Grill (iii) Old Town Tavern (iv) Vicky’s Sports Bar.*
4. *Consider approval of a variance for the parking requirements for Old Ten Bar and Grill.*
5. *Consider approval of the Special Event Permit for the Mandan Moose Club Car Show.*
6. *Request permission from Public Works to accept 2019 Homeland Security Grant.*

Commissioner Braun moved to approve the Consent Agenda items 1 through 6 as presented. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

H. NEW BUSINESS

I. Consider Mandan Growth Fund Committee recommendation on a prize for the 2nd Annual Business Pitch Challenge. Business Development & Communications Huber presented a request from the Mandan Growth Fund (MGF) Committee for a forgivable loan to be awarded as a prize in the 2nd Annual Mandan Business Pitch Challenge. Director Huber stated that the MGF met May 21, 2019 and discussed the consideration of a forgivable loan as part of a prize package to be offered to the winner of Mandan's 2nd Annual Business Pitch Challenge. This request comes from the City of Mandan Business Development Department on behalf of the Mandan Tomorrow – Economic Opportunity and Prosperity Committee, the Bismarck Mandan Chamber EDC and the Center for Business and Technology's IDEA Center. She reviewed last year's (2018) first ever competition that was held in Mandan and explained that this program is helpful in identifying motivated individuals who are thinking about starting a business. Among 11 entrants, six have since either opened or announced the opening of a business. The contest winner Nordic Steel Building Systems, recently saw the first home constructed from its exterior wall system by a residential developer in Reno. The runner-up Kimberly Bloms will open Kids in Motion Pediatric Therapy & Wellness on July 1st in conjunction with Every Eye at 306 West Main Street and the Old Ten Bar and Grill and Balancing Goat Coffee Co. should each be open later this year. Copper Dog Café, also slated to open this summer, evolved from another entry and Woodblock Media now operates in Bismarck.

She presented information about the 2019 Business Pitch Challenge competition overview. The contingencies to receive the forgivable loan are:

- That the contest winner open or grow a business in Mandan or the surrounding 10-mile radius in Morton County by December 31, 2020, that is substantively in harmony with the plan presented to competition judges.
- That the business must register with the ND Secretary of State's Office with a Mandan address and have a commercial location in Mandan.
- Home-based businesses are welcome to apply but should indicate a plan to grow beyond the home. Location in a commercial property will be required for consideration of the Growth Fund Committee prize money.

Ms. Huber stated that the uncommitted balance in the Mandan Growth Fund was \$166,468 as of April 30, 2019. Approval of the proposed forgivable loan would reduce unencumbered funds to \$156,468.

If formally approved the contest winner will be required to enter into a recipient agreement specifying loan forgiveness in equal increments over the course of five years as long as the business does not relocate to another community. A business incentive agreement will also be required. The MGF voted unanimously (8-0 with 1 member absent) to recommend approval of a \$10,000 forgivable loan to be awarded as a first place prize in the 2nd Annual Mandan Business Pitch Competition with the contingencies as outlined in the competition overview.

Commissioner Larson inquired of the timeline for the competition. Ms. Huber stated that the application deadline is October 1, 2019. Mayor Helbling stated that the Growth Fund Committee discussed this matter in length and they were interested in seeing this program competition continue.

Commissioner Davis moved to approve the request from the Mandan Growth Fund Committee to approve awarding a \$10,000 forgivable loan to the winner of the 2019 Mandan Business Pitch Challenge subject to the contingencies outlined. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

2. *Presentation of Main Street reallocation effort and consider approval of design options presented within the Decision Document.* Planning and Engineering Director Froseth presented an update of the Main Street design and the public involvement progress. There are two variations of the design improvements in the curbing areas. He said that the project design team led by KLJ has been working on the design which includes design alternatives created over the past few months. The effort has included stakeholder meetings, a Public Involvement Meeting held on April 25, 2019 at the Brazilian Harvest Grill and other public outreach efforts. The results of the design team's effort to date will be presented at this meeting. After the presentation the goal will be to approve the Decision Document in order to move forward with one of the alternative plans.

Troy Ripplinger, KLJ Engineering came forward and presented a power point of the plan for the the Mandan Main Street Improvements. He reviewed the Downtown Mandan Subarea Study issues, goals and recommendations. Prior history for the planning of this project included a plan to replace traffic signals along Mandan from 6th Avenue East to the West. He said that the NDDOT traffic operations studies have determined that the signal on 1st Avenue West and the signal on 10th Avenue West are not warranted and must be removed without replacement. The other four signals in that segment at 6th Avenue East, Collins Avenue, 3rd Avenue West and 6th Avenue West will be replaced. He provided a summary of this project thus far. In 2017 the NDDOT released a new grant - the Urban Grant Program (UGP). This program focused on improving core downtown corridors and is part of the Governor's Main Street Initiative. Mandan's UGP project calls for the reallocation of Main Street from a four to three lane corridor in the core downtown area (west of Collins) to include parking on the south side and items such as curbs and new street lighting to make the corridor more pedestrian accessible. This application came from the highest ranked alternative through the Downtown Subarea Study completed in early 2018. Also in the NDDOT's Transportation Improvement Program (TIP) is the Concrete Pavement Repair (CPR) project. Originally that was set for 2022, but the intent now is to move it up and include it in this project in order to construct all at once and minimize disruption to the community.

The Alternative Plans were presented:

- Alternative A: No build
- Alternative B: Build
 - Concrete pavement repair
 - Roadway configuration
 - Curb bulb-out locations

Brett Gurholt, KLJ Engineering landscape architect came forward and stated he has worked with the Steering Committee and city staff on this project over the last several months. He presented the following pedestrian components of the project:

-
- Streetscape Enhancement Options
 - Option B.1 Typical proposed bulb-out
 - Option B.2 Includes all of B.2 plus bench seating
 - Pedestrian Crossings at 1st and 4th Avenue Northwest
 - Project Budget = \$2.65 million
 - Project Schedule – Scheduled for 2020
 - Public Involvement for previous and current projects

The alternate discussion centered around Option B.1 vs. Option B.2. The Steering Committee and the public comment received showed more interest towards Option B.1 (less costly option). In comparison Option B.1 will be easier to maintain than Option B.2 primarily because of the seat walls included with Option B.2. However, Option B.1 would still offer the option of street-scape furniture such as benches if desired.

Director Froseth commented that the signals and roadway reallocation improvements were budgeted for 2019 through the City Sales Tax fund. The local 10% share of the project was estimated at \$265,000. After the preliminary design efforts and the most recent estimated local cost for Option B.1 (without optional items) is \$323,748 and \$390,588 for B.2.

Mayor Helbling commented on the project and in particular, suggested that the ND DOT be contacted to take another look at the stop signals at 10th and Main due to the confusion it may cause in the future. Mr. Gurholt commented that there is correspondence addressing that and that currently a 90 day test evaluation is in place to determine if the signal should be removed. Mayor Helbling encouraged residents to comment on this intersection if anyone has encountered problems in the past. Commissioner Larson inquired if there is anything happening with the schools over the summer break, commented that it seems it would have been better to test this intersection when school was in session.

Director Froseth stated that the flash mode was in process last week when schools were in session. The rule is a minimum of 90 days and if on August 20th based on the 90 day trial period, they should be removed at that time and that it will stay in flash mode in order to get the data. Counts were done over a year ago and the recommendation was to remove the signals and the recommendation in late April 2019 was still for removal. Commissioner Larson recommended doing counts during the school year to get an accurate count.

Director Froseth stated that the recommendation is to move forward with Option B.1 which is the stamped colored concrete design excluding the seat walls. He concurs with Option B.1 and public comments found that Option B.1 will be easier to maintain. The estimates are now higher than the estimates were in the application amount. If adding in all the project components the local cost is up to \$324,000.

Commissioner Rohr asked if the request before the Commission is to approve the Decision Document and adopt the plan? Director Froseth confirmed that is correct. Commissioner Braun inquired if the City Commission is the body that decides where the street lights go? Director Froseth replied that being a state highway designation the City does not have operational control. Commissioner Braun inquired as to what population requirements would be in place in order to

have more stop lights installed on the street, like every street corner? Director Froseth replied that it's not a matter of population it's a matter of vehicle counts, in essence, there are 9 different warrants in a traffic signal analysis. The first 3 or 4 steps have to do with traffic volumes for an 8 hour period, a 4 hour period, a 1 hour period and for peak rush time and then another one or two warrants have to do with crash history and proximity to schools, railroad proximity, etc. If any one of those nine warrants are exceeded then a traffic signal is warranted. In this case, zero of those nine warrants met the requirements. Commissioner Braun stated that he does not foresee that within the next 10-15 years Mandan will grow to increase traffic counts. Director Froseth said that projections were figured out 20-25 years into the future. The 6th Avenue West signal did not meet requirements for today, but in the future it did. But 10th Avenue did not meet requirements.

Mayor Helbling commented that it may be appropriate to have a separate motion to send a message to the NDDOT stating that the City of Mandan concurs with the removal of the stop light on 4th Street but the City Commission strongly recommend they reconsider the one at 10th and Main. Director Froseth agreed with the suggestion.

Commissioner Rohr moved to approve the Decision Document with the alternatives and options as presented by the Planning and Engineering. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Commissioner Rohr moved to contact the NDDOT to reconsider the 10th Street and Main intersection to make sure that any removal of the signal light is detrimental to the safety and needs of the City of Mandan. Commissioner Davis seconded the motion.

Mayor Helbling commented that if the NDDOT is going to remove that signal light and that is the ultimate decision – they should fund the placing of a pedestrian crossing in its place.

Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

I. RESOLUTIONS AND ORDINANCES

1. Second and final consideration of the following ordinances:

(i) Ordinance 1311 relating to vegetation on the boulevards; (ii) Ordinance 1312 relating to Dutch Elm and other invasive diseases. Public Works Director Bitz presented the second and final consideration of Ordinance 1311 and Ordinance 1312. He reported that there have been no revisions to the Ordinances since the last City Commission meeting and no comments or opposition has been received since the presentation of the first consideration of these Ordinances.

Commissioner Braun moved to approve Ordinance 1311 & 1312 for the second and final consideration as presented. Commissioner Davis seconded the motion. Commissioner Larson commented that this notice was published in the newspaper rather than a localized notice for violations. She said she had a resident contact her regarding this and commented that it is unusual if residents are required to read all newspaper notices to see if there is a violation on their property.

Director Bitz commented that is correct and the City did not anticipate that residents would have comments, and that it was considered and discussed if mass notifications for a large area or a large number of violations in a particular area. The intent is not to get away from individualized notices where appropriate rather reduces staff time in sending out mass notifications to individuals.

Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

1. Mayor Helbling reminded everyone that the Buggies-and-Blues event is scheduled for the upcoming weekend, June 8 and June 9th. Everyone is welcome to attend this fun-filled event.
2. The Pancakes and Planes event will be held at the Mandan Airport on Sunday 9th.

K. ADJOURNMENT:

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 6:35 p.m. Commissioner Larson seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer
City Administrator

Tim Helbling
President, Board of City Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 10, 2019
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Abatement request Berreth Properties LLC

STATEMENT/PURPOSE: To consider a reduction in value to the property at 1701 27th Street NW owned by Berreth Properties LLC.

BACKGROUND/ALTERNATIVES: The property is also known as parcel #65-4550025 with a legal description of Aud Lot A of Lot 5 Block 1 Seven Seas Addition & Lot 3 Block 1 Big Sky Est 3rd Replat.

Reason for abatement: To correct the 2018 Full & True value. Owner requested a review of the property. The storage units on the property were reviewed by assessment staff. Corrections were made to the 2019 assessment. We changed the doors from overhead doors to rollup doors. The quality of the exterior lighting and partitions between the units were also lowered.

ATTACHMENTS: Application for Abatement and 2018 Morton County Real Estate Tax Statement

ESTIMATED FISCAL IMPACT: All taxing entities = \$137.39, City share = \$33.42

STAFF IMPACT: NA

LEGAL REVIEW: Reviewed by City Attorney Malcolm Brown.

RECOMMENDATION: I recommend a motion to approve the abatement for Berreth Properties LLC at 1701 27th Street NW.

SUGGESTED MOTION: A motion to approve the abatement as presented for 1701 27th Street NW.

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District City of Mandan
County of Morton Property I.D. No. 65-4550025
Name BERRETH PROPERTIES LLC Telephone No.
Address 3819 BAY SHORE BND SE MANDAN 58554

Legal description of the property involved in this application:

AUD LOT A OF LOT 5 BLOCK 1 SEVEN SEAS ADDITION & LOT 3 BLK 1 BIG SKY EST 3RD REPLAT

Total true and full value of the property described above for the year 2018 is:

Land \$ 128,700
Improvements \$ 199,900
Total \$ 328,600
(1)

Total true and full value of the property described above for the year 2018 should be:

Land \$ 128,700
Improvements \$ 189,500
Total \$ 318,200
(2)

The difference of \$ 10,400.00 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. Complaint 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) refund of taxes after adjusted value 2019

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 we can receive the refund from the adjusted value from 2019

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

Walter L. ...
Signature of Applicant
5-22-19
Date

2018 Morton County Real Estate Tax Statement

Statement No: 19825

Parcel Number
65-4550025

Jurisdiction
City of Mandan

Owner
BERRETH PROPERTIES LLC

Physical Location
1701 27TH ST NW
MANDAN, ND58554

Legal Description
SUBDIV:SEVEN SEAS 1ST BLK:1
AUD LOT A OF LOT 5 & {LOT 3 BLK 1 BIG
SKY EST 3RD REPLAT (65-6109100 10962)}
ASSESSED WITH THIS PCL (8389A)

Legislative tax relief (3-year comparison)	2016	2017	2018
Legislative tax relief	2,098.05	1,921.95	2,352.79
Tax distribution (3-year comparison):	2016	2017	2018
True and Full Value	267,200	278,300	328,600
Taxable Value	13,360	13,915	16,430
Less: Homestead credit	0	0	0
Disabled Veteran credit	0	0	0
Net Taxable Value	13,360	13,915	16,430
Total mill levy	266.990	263.170	262.530
Taxes By District (in dollars):			
City	786.10	894.32	1,028.19
County	1,019.68	917.13	1,013.56
Other	23.90	20.74	21.68
Park	370.46	382.94	460.04
School (after State Reduction)	1,353.48	1,432.96	1,773.46
State	13.36	13.92	16.44
Consolidated Tax	3,566.98	3,662.01	4,313.37
Less: 12% state-paid tax credit	428.04	0.00	0.00
Net consolidated tax	3,138.94	3,662.01	4,313.37
Net effective tax rate	1.17%	1.32%	1.31%

2018 TAX BREAKDOWN

Net consolidated tax	4,313.37
Plus: Special Assessments	2,951.67
Total tax due	7,265.04
Less: 5% discount, if paid by February 15, 2019	-215.67
Amount due by February 15, 2019	7,049.37

Or pay in two installments (with no discount):

Payment 1: Pay by March 1, 2019	5,108.36
Payment 2: Pay by October 15, 2019	2,156.68

Special assessments:

Principal	1,612.84
Interest	1,338.83
Installment payment due	2,951.67
Remaining balance due	29,024.07

Penalty on 1st Installment & Specials:	
March 2, 2019	3%
May 1, 2019	6%
July 1, 2019	9%
October 15, 2019	12%
Penalty on 2nd Installment:	
October 16, 2019	6%

FOR ASSISTANCE, CONTACT:

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

Phone: 701.667.3310

Website: www.co.morton.nd.us

2018 Morton County Real Estate Tax Statement

KARI HATZENBUHLER
MORTON COUNTY TREASURER
210 2ND AVE NW
MANDAN ND 58554

BERRETH PROPERTIES LLC
3819 BAY SHORE BND SE
MANDAN ND 58554

Parcel Number: 65-4550025
Statement Number: 19825
Owner ID: 73280

Total tax due	7,265.04
Less: 5% discount	-215.67
Amount due by February 15, 2019	7,049.37

Or pay in two installments (with no discount):

Payment 1: Pay by March 1, 2019	5,108.36
Payment 2: Pay by October 15, 2019	2,156.68

MAKE CHECK PAYABLE TO:

Morton County Treasurer
*Your canceled check is your receipt for your payment.
No receipt will be issued.*



65-4550025



Board of City Commissioners

Agenda Documentation

MEETING DATE: February 19, 2019
PREPARATION DATE: February 12, 2019
SUBMITTING DEPARTMENT: Assessing
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
PREPARER: Lila R. Teigen, City Appraiser III
SUBJECT: Abatement requesting correction to 2017 & 2018 Full & True Value

STATEMENT/PURPOSE: To consider correction to the 2017 & 2018 assessed value for the property located at 1904 Ridge Dr. SE owned by Matthew & Leslie Wenger

BACKGROUND/ALTERNATIVES: This parcel is also known as parcel #65-6107585 Lot 2 Block 1 Heart Ridge

Reason for abatement: To correct the 2017 & 2018 full & true value. This property consists of a 2012 Split Foyer Frame house. An internal inspection was performed finding no finish to the basement.

ATTACHMENTS: Application for Abatement, tax bill and property card

ESTIMATED FISCAL IMPACT: The Fiscal Impact for 2017 – All taxing entities = \$505.32/year, City share = \$122.92/year. The Fiscal Impact for 2018 – All taxing entities = \$513.18/year, City share = \$121.09.

STAFF IMPACT: NA

LEGAL REVIEW: Reviewed and approved by Malcom Brown

RECOMMENDATION: I recommend a motion to approve the Application for Abatement to correct the 2017 & 2018 Full & True Value. I recommend reductions for the 2017 value of \$42,500 and the 2018 value of \$43,000.

SUGGESTED MOTION: A motion to approve 2017 & 2018 Full & True Value changes for Matthew & Leslie Wenger, 1904 Ridge Dr. SE as presented.

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District City of Mandan
County of Morton Property I.D. No. 65 -6075 85
Name WENGER/MATTHEW & LESLIE Telephone No. _____
Address 1 904RIDGE DR SE MANDAN 5 8 1

Legal description of the property involved in this application:

LOT 2 BLOCK 1 HEART RIDGE



Total true and full value of the property described above for the year 2017 is:

Land \$ 5,400
Improvements \$ 266,100
Total \$ 311,100
(1)

Total true and full value of the property described above for the year 2017 should be:

Land \$ 45,000
Improvements \$ 26003
Total \$ 268,600
(2)

The difference of \$ 4,300.00 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 rebate for 2017 Basement is not finished.

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 M. Wenger Date 6-4-19

Application For Abatement Or Refund Of Taxes

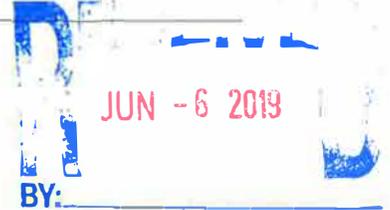
North Dakota Century Code § 57-23-04

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. 6 56107 § 5
Name WENGER, MATTHEW & LESLIE Telephone No. _____
Address 1904 RIDGE DR SE, MANDAN, ND 58554

Legal description of the property involved in this application:

LOT 2 BLOCK 1 HEART RIDGE



Total true and full value of the property described above for the year 2018 is:

Land \$ 45,000
Improvements \$ 266,600
Total \$ 311,600
(1)

Total true and full value of the property described above for the year 2018 should be:

Land \$ 45,000
Improvements \$ 223,600
Total \$ 268,600
(2)

The difference of \$ 43,000.00 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit according to N.D.C.C. § 57-02-08.1. Attach a copy of Homestead Credit 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 an abatement for 2018 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 Matthew Wenger

Date 6-4-19

2018 Morton County Real Estate Tax Statement

Statement No: 21745

Parcel Number
65-6107585

Jurisdiction
City of Mandan

Owner
WENGER/MATTHEW & LESLIE

Physical Location
1904 RIDGE DR SE
MANDAN, ND58554

Legal Description
SUBDIV:HEART RIDGE ADDITION LOT:2 BLK:1
10966

2018 TAX BREAKDOWN

Net consolidated tax	3,718.77
Plus: Special Assessments	<u>1,511.36</u>
Total tax due	5,230.13
Less: 5% discount, if paid by February 15, 2019	<u>-185.94</u>
Amount due by February 15, 2019	<u>5,044.19</u>

Or pay in two installments (with no discount):

Payment 1: Pay by March 1, 2019	3,370.75
Payment 2: Pay by October 15, 2019	1,859.38

Legislative tax relief (3-year comparison)

	2016	2017	2018
Legislative tax relief	<u>2,164.64</u>	<u>1,933.69</u>	<u>2,007.97</u>
Tax distribution (3-year comparison):	2016	2017	2018
True and Full Value	306,100	311,100	311,600
Taxable Value	13,775	14,000	14,022
Less: Homestead credit	0	0	0
Disabled Veteran credit	0	0	0
Net Taxable Value	<u>13,775</u>	<u>14,000</u>	<u>14,022</u>
Total mill levy	<u>267.850</u>	<u>264.220</u>	<u>265.210</u>

Special assessments:

Principal	1,123.82
Interest	387.54
Installment payment due	1,511.36
Remaining balance due	10,055.58

Escrow Company Name:

WELLS FARGO REAL ESTATE TAX SERVICE

Penalty on 1st Installment & Specials:

March 2, 2019	3%
May 1, 2019	6%
July 1, 2019	9%
October 15, 2019	12%

Penalty on 2nd Installment:

October 16, 2019	6%
------------------	----

Taxes By District (in dollars):

	2016	2017	2018
City	810.51	899.78	877.48
County	1,051.32	922.74	865.02
Other	36.50	35.56	56.09
Park	381.98	385.28	392.62
School (after State Reduction)	1,395.54	1,441.72	1,513.54
State	<u>13.78</u>	<u>14.00</u>	<u>14.02</u>

Consolidated Tax	3,689.63	3,699.08	3,718.77
Less: 12% state-paid tax credit	<u>442.76</u>	<u>0.00</u>	<u>0.00</u>

Net consolidated tax **3,246.87** **3,699.08** **3,718.77**

Net effective tax rate **1.06%** **1.19%** **1.19%**

FOR ASSISTANCE, CONTACT:

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

Phone: 701.667.3310

Website: www.co.morton.nd.us

This bill is for informational purposes only. Our records show an escrow company will be remitting payment on your behalf.

2018 Morton County Real Estate Tax Statement

KARI HATZENBUHLER
MORTON COUNTY TREASURER
210 2ND AVE NW
MANDAN ND 58554

WENGER/MATTHEW & LESLIE
1904 RIDGE DR SE
MANDAN ND 58554

Parcel Number: 65-6107585
Statement Number: 21745
Owner ID: 70012

Total tax due	5,230.13
Less: 5% discount	<u>-185.94</u>
Amount due by February 15, 2019	<u>5,044.19</u>

Or pay in two installments (with no discount):

Payment 1: Pay by March 1, 2019	3,370.75
Payment 2: Pay by October 15, 2019	1,859.38

MAKE CHECK PAYABLE TO:

Morton County Treasurer
*Your canceled check is your receipt for your payment.
No receipt will be issued.*



65-6107585

1904 RIDGE DR SE, MANDAN

Deed: WENGER/MATTHEW & LESLIE

Map Area: Zone 9 - Res

Checks/Tags:

Contract:

Route: 000-000-000

Lister/Date: GR, 05/15/2019

CID#: 10966

Tax Dist: M1

Review/Date: GR, 03/14/2018

DBA:

Plat Page:

Entry Status:

MLS:

Subdiv: HEART RIDGE

Urban / Residential

Legal: LOT 2 BLOCK 1 HEART RIDGE

Land										
Land Basis	Front	Rear	Side 1	Side 2	R. Lot	SF	Acres			
Lump Sum						13,698.00	0.315			
Grand Total						13,698.00	0.315			

Street	Utilities	Zoning	Land Use
Lump Sum	Paved	City	R32
			Residential

Sales			Building Permits				Values			
Date	\$ Amount	NUTC	Recording	Date	Number	Tag	\$ Amount	Reason	Type	Pr Yr: 2019
04/11/2013	\$266,075	D013	449153	4/13/2015	15--0254	N	\$3,000	Deck/Patio	Land	\$45,000
				10/29/2012	20812	N	\$0,840		Dwlg	\$266,600
				7/30/2012	20112	N	\$0,860		Impr	
				7/27/2012	10912	N	\$0,820		Total	\$311,600

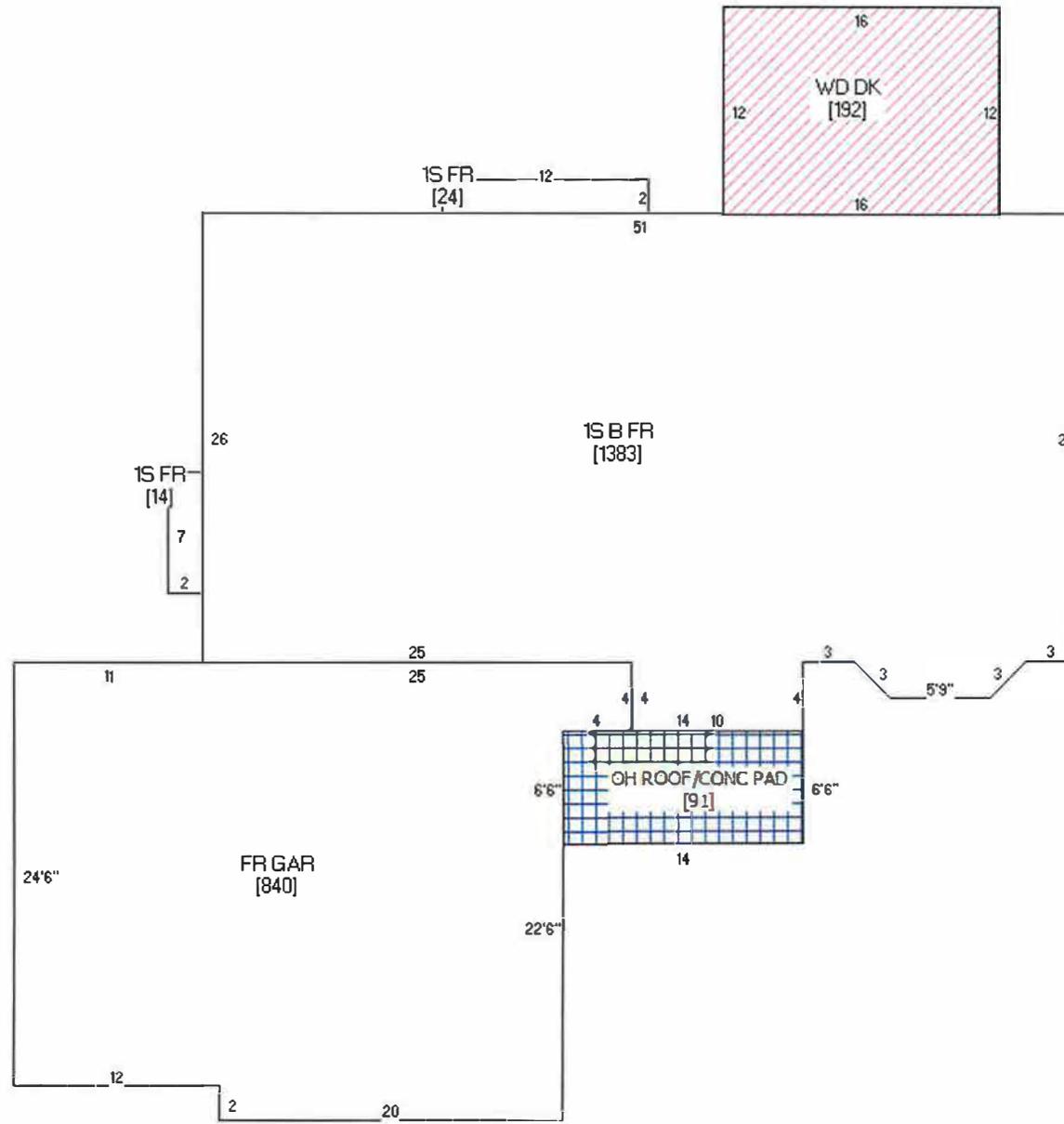
Res. Structure		Finish		Plumbing		Addition		Garage	
Occ. Code	101	Ttl Rooms Above #	5	Bedrooms Above #	3	Full Bath	1	Addition	1 of 2
Occ. Descr.	Single-Family / Owner Occupied	Ttl Rooms Below #	0	Bedrooms Below #	0	Shower Stall Bath	1	Year Built	2012
Year Built	2012	Standard Finish	0			Toilet Room		EFA	6
EFA / EfyR	6 / 2012					Lavatory		EFA Year	2012
Arch. Dsgn	Conventional	Foundation	Conc			Water Closet		Style	1 Sty Fr.
Style	Split Foyer Frame	Exterior Walls	Vinyl			Sink		Area (SF)	14
AreaSF/TLA	1,383 / 1,421	Roof	Gable/Asph Comp			Shower Stall/Tub		Condition	Normal
GLA 1st/2nd	1,421 / 0	Interior Finish	Drwl			Mtl St Sh Bath		Bsmt (SF)	
		Flooring	LAMINATE/CARPET			Mtl Stall Shower		NoBsmt Fir(SF)	
		Non-base Heating		Fireplace		No Bathroom		Heat	FHA - Gas
		Floor/Wall #	0			Wet Bar		AC	Yes
		Pipeless #	0			Whirlpool Bathroom		Attic (SF)	
		Hand Fired (Y/N)	No			Whirlpool Tub		See other pages for more additions.	
Condition	NML	Space Heat #	0			No Hot Water Tank		Door Opnrs	2
		Appliances				No Plumbing		Stalls- Bsmt / Std	-- / 3.00
Basement	Full	Range Unit	[EMPTY]			Sewer & Water Only			
No Bsmt Fir.	0	Oven - Single	[EMPTY]			Water Only w/Sink			
Heat	FHA - Gas	Oven - Double	[EMPTY]			Hot Tub			
AC	Yes	Dishwasher	1 [EMPTY]			Bidet			
Attic	None	Microwave	1 [EMPTY]			Fbgls Service Sink			
		[EMPTY]				Urinal			
		Jennair				Sauna			
		Security System	1			W'Pool Bath w/Shower			



Bldg / Addn	Description	Units	Year
	101 -- Single-Family / Owner Occupied		
	Split Foyer Frame	1,383	
#1	Bsmt Fin - Standard Finish (Avg)	0 Tbl	
	Base Heat: FHA - Gas		
	Add Central Air	1,383	
	Deck #1: Wood Deck-Med	192 SF	
	Deck #2: Concrete Patio-Med	91 SF	
	Deck #3: Asph/Wd Roof OH-Med	91 SF	
	Veneer #1 1/2 Story Stone	14.0 LF	
	Plumbing	2	
	B.I. Appliances	3	
	Garage: Att Frame	840 SF	2012
1 of 2	Adtn 1 Story Frame	14 SF	2012
2 of 2	Adtn 1 Story Frame	24 SF	2012

Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
2019		Appr	Urban	Res	\$45,000	\$266,600	\$0	\$0	\$311,600
2018		Appr	Urban	Res	\$45,000	\$266,600	\$0	\$0	\$311,600
2017		Appr	Urban	Res	\$45,000	\$266,100	\$0	\$0	\$311,100







Board of City Commissioners

Agenda Documentation

MEETING DATE: June 14, 2019
PREPARATION DATE: June 18, 2019
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Annual Liquor License Renewals

STATEMENT/PURPOSE: All liquor licenses must be approved by the Board of City Commissioners on an annual basis.

BACKGROUND/ALTERNATIVES: All applications and fees have been received by all liquor license applicants.

ATTACHMENTS: List of all liquor license applicants and classes are attached.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval contingent upon the establishment meeting all Fire Code, Health & Safety Code, Building Inspections and all property taxes paid.

SUGGESTED MOTION: I move to approve all Liquor Licenses for the year of July 1, 2019 – June 30, 2020. Contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes are paid.

CLASS "A" ON & OFF SALE BEER & LIQUOR

1. Old Town Tavern
2. J & C Investment Inc. (Powerhouse Bar & Grill)
3. Broken Oar
4. Vicky's Sports Bar
5. Silver Dollar Bar
6. Midway Lanes
7. Stage Stop Liquor Inc.
8. The Hide-a-way
9. Lonesome Dove Lounge
10. Last Call Bar Inc.
11. Lakewood Bar & Grill LLC (The Drink)
12. Captain Freddy's
13. Stryker Enterprises, LLC dba Main Street Drive Thru Liquor
14. Strawberry LLC
15. The Scapegoat Bar, Inc
16. Round Up LLC/Station West

CLASS "B" ON & OFF SALE BEER & LIQUOR

1. Eagles
2. Moose

CLASS "C" ON & OFF SALE BEER & LIQUOR

1. BW-SS, Inc./Baymont Inn & Suites
2. Colonial Motel
3. Blackstone Ridge LLC

CLASS "D" OFF SALE BEER & LIQUOR

1. Coborn's Incorporated dba Captain Jacks
2. Wal-mart
3. Bayside LLC

CLASS "D1" OFF SALE BEER & WINE ONLY

1. M & H
2. Petro Serve USA #79-- Main Street
3. MVP (South Side Amoco)
4. Superpumper #41
5. Red Carpet Car Wash Inc.
6. Petro Serve USA #78 -- 6th Ave SE
7. MVP (Sunset Drive)
8. Tri Energy Cooperative (Cenex)

CLASS "E" ON SALE BEER & LIQUOR

1. Old Ten Bar & Grill
2. Rock Point/Captain Freddy's Restaurant
3. Thomas & Moriarty's
4. Mandan Bennigan's

CLASS "F" ON SALE BEER & WINE ONLY

1. A & B Pizza
2. Ten Spot Lanes
3. Taylor Made BBQ LLC
4. Pit Master LLC dba Dickeys
5. Taqueriz El Guero
6. Rice Bowl

SPECIAL "B" ON SALE BEER ONLY

1. Prairie West Golf Club
2. Bis-Man Stock Car Association
3. Mandan Golf Course
4. Legendary Beverage LLC

CLASS "WB" WINE OR BREWERY (ON OR OFF SALE)

1. Buffalo Commons Brewing Co. LLC
2. Dialectic Brewing Company, LLC

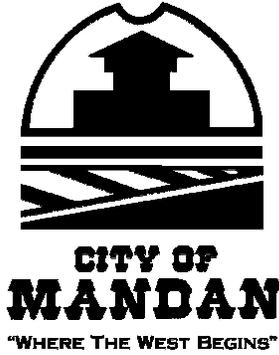
CLASS "MP" MEMBER PRODUCER (OFF SALE ONLY)

1. Taylor Made BBQ LLC

CLASS "DY" DISTILLED SPIRITS (OFF SALE ONLY)

CLASS "BWO" BEER & WINE ONLY (ON SALE)

1. GD Hooker/Black Lion



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 11, 2019
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief of Police Jason Ziegler
PRESENTER: Chief of Police Jason Ziegler
SUBJECT: Special Event Permit Application for Stage Stop Saloon Beer Gardens

STATEMENT/PURPOSE: Consider approval of the Special Event Permit Application for the Stage Stop Saloon Beer Gardens on June 28th and June 29th, 2019.

BACKGROUND/ALTERNATIVES: The Stage Stop Saloon would like to have a beer garden and entertainment on the evenings of June 28th and June 29th, 2019. The event is to promote the opening of their new business. The application has been approved by each department head and all necessary permits have been obtained by the Stage Stop Saloon.

ATTACHMENTS: Special Events Permit application w/attachments.

FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the Stage Stop Saloon Beer Gardens Special Events Application.

SUGGESTED MOTION: Move to approve the Stage Stop Saloon Beer Gardens Special Events Application.

Permit Application #: 19-06 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: 05-20-19

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: Debbie Frohlich
Driver's License Number: _____ State _____
Date of Birth: _____ Phone Number: 701-663-9425 Email: _____
Address: 111 114th Ave NE 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: 111 11th Ave NE City: Mandan State: ND Zip: 58534
Corporation/Organization: Mandan Moose Lodge State of Incorporation: ND
Tax ID #: 45-0233616 501(c)3 #: _____ City Sales Tax ID #: 1793700
Have you ever coordinated/promoted another event/s? YES NO

If yes, please provide the following:

Last event/s Location: _____ Date: _____
Contact Name: _____ Phone: _____
E-mail Contact: _____

Section 2 – Event Information

Event Name: Tractor Trek + Show Anticipated Daily Attendance: 100 ppl.
Event Date(s): June 29 Set-up Date: June 29 Hours: 12pm-1AM
Hours of event each day: 12-PM - 1AM
(begin and end times)

Take Down Date(s): June 29 Hours: 1AM

E-Mail address for public information: mandanmooselodge@midconetwork.com

WEB address for public information: N/A

Location of Event/physical address: 111 11th Ave NE Mandan

Sponsors of the Event: Mandan Moose Lodge / Perry Schlosser

Brief Description of Event:

Perry Schlosser will provide tractors to travel from his home to main street in Mandan and arrive at the Mandan Moose at 4:30pm to display tractors (20)

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? 10

Press Releases: Yes No How many? _____

Newspaper Ads: Yes No What publication? _____

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

Name of Promoter and Promotion Company: _____

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

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

Tents or Canopies: Yes No

Number of Tents: _____

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

Fireworks or Pyrotechnics: Yes No

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

Fireworks or Pyrotechnics Production Company's name: _____

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

Require permits from the City of Mandan

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

Temporary Fencing: Yes No

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

Company Contact Name: Mandan Moose will close street with flags

Contact phone: 663-9425

Restroom Accommodations: NO

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.

117th Ave NE - Alley N to 1st St NE
MOOSE TO ALLEY

- City Streets Yes No (Number of locations: Front of attach list of locations.)
- City Sidewalks Yes No (Number of locations 1 attached list of locations)
- City Bus Stops Yes No (Number of locations _____ attached list of locations)
- Public Parking Lots Yes No (Number of locations _____ attached list of locations)
- Public Bicycle Parking Yes No (Number of locations _____ attached list of locations)
- Multiuse Paths Yes No (Number of locations _____ attached list of locations)
- City Alleys Yes No (Number of locations _____ attached list of locations)
- City Right-of-Ways Yes No (Number of locations _____ attached list of locations)

Approved By: Justin Fossen Date Approved: 6-5-19 Initials: JF
(Section 4 must be approved by Mandan City Engineer, and be approved by the City Commission before the event)

Section 5 – Use of City Utilities

Will any City electric hookups be used? Yes No
Electric Location including amperage _____
Approved By: _____ Date Approved: _____ Initials: _____

Will any City water hookups be used? Yes No
Water Location(s) _____
Approved By: _____ Date Approved: _____ Initials: _____

Will waste water/gray water be generated? Yes No
If so, how will it be disposed? _____
Approved By: _____ Date Approved: _____ Initials: _____

D.C. FLATEN STATED THAT APPLICANT DISCUSSED WITH ADJACENT PROPERTIES WHOS ACCESS WOULD BE AFFECTED & THEY ARE FINE WITH THIS PLAN.
JF 6-5-19

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?

Any Age Welcome No liquor on site

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

If yes, who provided the training: _____

Date and time of most recent training: _____

Request Mandan Police Server Training: Yes No

If yes provide a contact person and contact information::

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

Section 7 – Event Security

Are you requesting off-duty Mandan Police officers? Yes No
Number of personnel requested: _____

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

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

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

Are you requesting private security? Yes No
Number of security personnel onsite: _____

Include security points and duties on event plans

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

Security Company and Contact Info: _____
Attach a copy of Company's License

Section 8 – Emergency Medical Services

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

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

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

Section 9 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

will have garbage can outside -

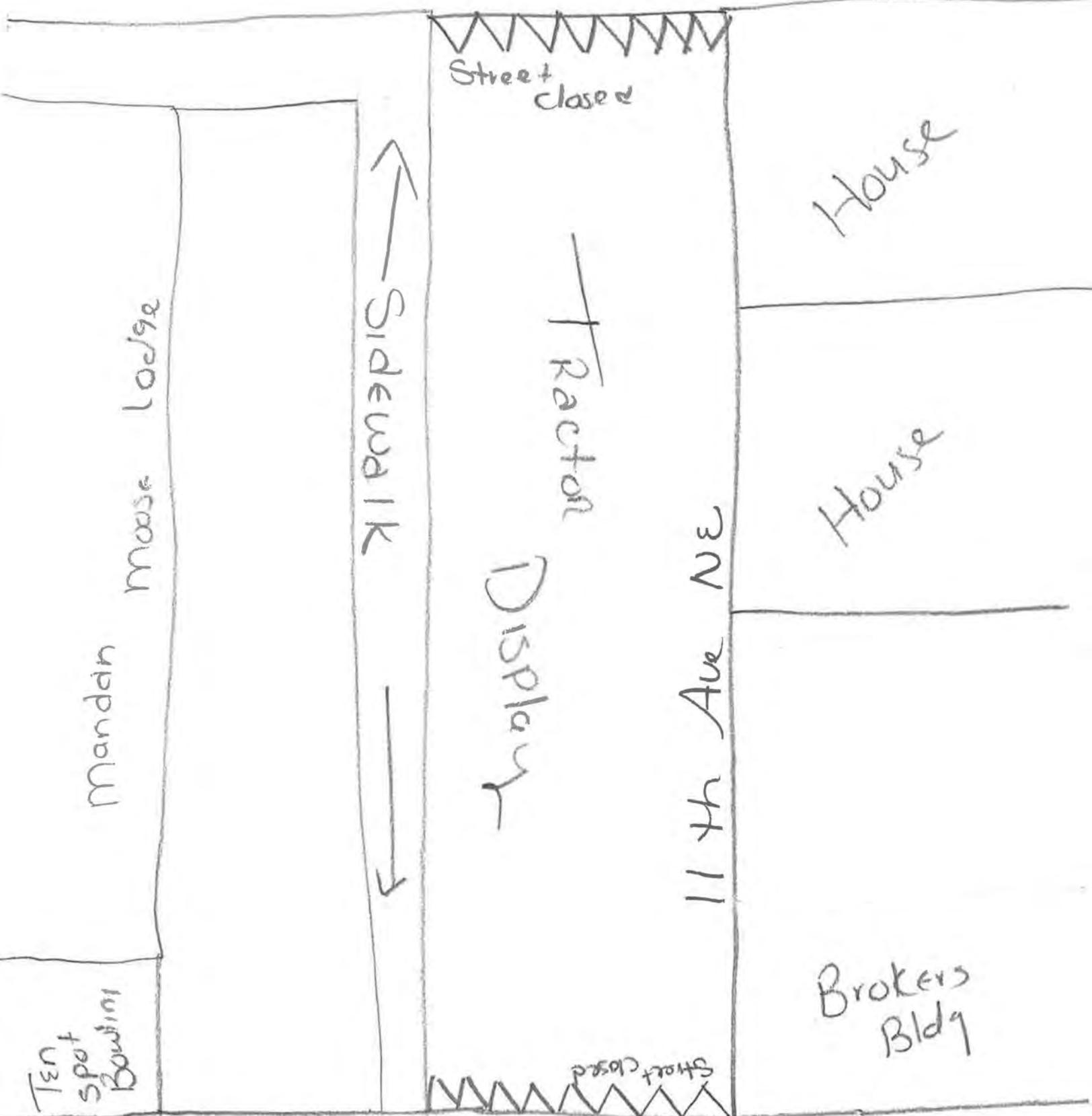
(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: _____
Contact Name: _____ Phone: _____

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

1st Street

1st Street



Street closed

House

Ractor

House

Sidewalk

Display

11th Ave NE

Brokers Bldg

Street closed

Ten spot Bowling

Alley

Alley

Mandarin

Moose Lodge

Permit Application #: 19.06 Date Complete: 6-4-19
(For office use only)

Signature Page from City Officials and Department Heads

[Signature] 6-4-19

Fire Department Date

[Signature] 6-11-19

Police Department Date

_____ / _____

Finance Department Date

_____ / _____

Engineering Department Date

_____ / _____

Public Works Date

_____ / _____

City Administrator Date

_____ / _____

Park District Designee Date

Date Approved by City Commission: _____

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

Signature Page from City Officials and Department Heads

_____/_____
Fire Department Date

_____/_____
Police Department Date

_____/_____
Finance Department Date

_____/_____
Engineering Department Date

Moox Travis-Allen *[Signature]* 16-4-14

_____/_____
Public Works Date

_____/_____
City Administrator Date

_____/_____
Park District Designee Date

Date Approved by City Commission: _____

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

Signature Page from City Officials and Department Heads

_____/_____
Fire Department Date

_____/_____
Police Department Date

_____/_____
Finance Department Date
Justin Fraz *1-5-19*

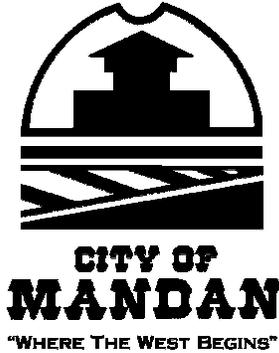
_____/_____
Engineering Department Date

_____/_____
Public Works Date

_____/_____
City Administrator Date

_____/_____
Park District Designee Date

Date Approved by City Commission: _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 11, 2019
SUBMITTING DEPARTMENT: Police Department
DEPARTMENT DIRECTOR: Chief of Police Jason Ziegler
PRESENTER: Chief of Police Jason Ziegler
SUBJECT: Special Event Permit Application for the Mandan Moose Club Tractor Trek Show street closure

STATEMENT/PURPOSE: Consider approval of the Special Event Permit Application for the Mandan Moose Club Tractor Trek Show street closure on June 29th, 2019.

BACKGROUND/ALTERNATIVES: The Mandan Moose Club would like to hold a tractor display in front of their building in conjunction with a Tractor Trek being conducted by Perry Schlosser from north of Mandan on Hwy 1806 N to the Moose Club. The event will be held on June 29th, 2019 from noon to 1:00 am. The street in front of the Moose Club (11th Ave NE) would be closed from the alley, north to 1st St NE for the event. Home and business owners affected by the closure have been contacted and have no objections. The application has been approved by each department head.

ATTACHMENTS: Special Events Permit application w/attachments.

FISCAL IMPACT: None

STAFF IMPACT: None

LEGAL REVIEW: N/A

RECOMMENDATION: To approve the Special Event Permit Application for the Mandan Moose Club Tractor Trek Show street closure.

SUGGESTED MOTION: Move to approve the Special Event Permit Application for the Mandan Moose Club Tractor Trek Show street closure.

Permit Application #: 19-06 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: 05-20-19

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: Debbie Frohlich

Driver's License Number: _____ State _____

Date of Birth: _____ Phone Number: 701-663-9425 Email: _____

Address: 111 114th Ave NE 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: 111 114th Ave NE City: Mandan State: ND Zip: 58554
Corporation/Organization: Mandan Moose Lodge State of Incorporation: ND
Tax ID #: 45-0233616 501(c)3 #: _____ City Sales Tax ID #: 1793700
Have you ever coordinated/promoted another event/s? YES NO

If yes, please provide the following:

Last event/s Location: _____ Date: _____
Contact Name: _____ Phone: _____
E-mail Contact: _____

Section 2 – Event Information

Event Name: Tractor Trek + Show Anticipated Daily Attendance: 100 ppl.
Event Date(s): June 29 Set-up Date: June 29 Hours: 12pm - 1AM
Hours of event each day: 12-PM - 1AM
(begin and end times)

Take Down Date(s): June 29 Hours: 1AM

E-Mail address for public information: mandanmooselodge@midco.net

WEB address for public information: N/A

Location of Event/physical address: 111 114th Ave NE Mandan

Sponsors of the Event: Mandan Moose Lodge / Perry Schlosser

Brief Description of Event:

Perry Schlosser will provide tractors to travel from his home to main street in Mandan and arrive at the Mandan Moose Lodge at 4:30pm to display tractors (20)

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 vendor 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? 10

Press Releases: Yes No How many? _____

Newspaper Ads: Yes No What publication? _____

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

Name of Promoter and Promotion Company: _____

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

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

Tents or Canopies: Yes No

Number of Tents: _____

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

Fireworks or Pyrotechnics: Yes No

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

Fireworks or Pyrotechnics Production Company's name: _____

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

Require permits from the City of Mandan

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

Temporary Fencing: Yes No

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

Company Contact Name: Mandan Moose will close street with flags

Contact phone: 6063-9425

Restroom Accommodations: NO

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: Front of attach list of locations.) 1st St NE

117th Ave NE ← Alley N to
MCSS Se to Alley

City Sidewalks Yes No (Number of locations 1 attached list of locations)

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

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

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

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

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

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

Approved By: Justin Frazee Date Approved: 6-5-19 Initials: JF
(Section 4 must be approved by Mandan City Engineer, and be approved by the City Commission before the event)

Section 5 – Use of City Utilities

Will any City electric hookups be used? Yes No

Electric Location including amperage _____

Approved By: _____ Date Approved: _____ Initials: _____

Will any City water hookups be used? Yes No

Water Location(s) _____

Approved By: _____ Date Approved: _____ Initials: _____

Will waste water/gray water be generated? Yes No

If so, how will it be disposed? _____

Approved By: _____ Date Approved: _____ Initials: _____

D.C. FLATEN STATED THAT APPLICANT DISCUSSED WITH
ADJACENT PROPERTIES WHO'S ACCESS WOULD BE AFFECTED &
THEY ARE FINE WITH THIS PLAN.

JF 6-5-19

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?

Any Age Welcome No liquor on site

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

If yes, who provided the training: _____

Date and time of most recent training: _____

Request Mandan Police Server Training: Yes No

If yes provide a contact person and contact information: _____

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

Section 7 – Event Security

Are you requesting off-duty Mandan Police officers? Yes No
Number of personnel requested: _____

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

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

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

Are you requesting private security? Yes No
Number of security personnel onsite: _____

Include security points and duties on event plans

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

Security Company and Contact Info: _____
Attach a copy of Company's License

Section 8 – Emergency Medical Services

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

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

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

Section 9 – Event Maintenance and Cleanup Plan Required

What is your trash removal and cleanup plan?

will have garbage can outside -

(Attach a detailed Cleanup Plan)

Outside refuse company Company's Name: _____
Contact Name: _____ Phone: _____

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

1st Street

1st Street

Street closed

House

House

11th Ave NE

Brokers Bldg

Ractor Display

Sidewalk

Moose Lodge

Mandarin

Ten spot Bowling

Alley

Alley

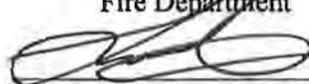
Street closed

Permit Application #: 19.06 Date Complete: 6-4-19
(For office use only)

Signature Page from City Officials and Department Heads

 6-4-19

Fire Department Date

 6-11-19

Police Department Date

_____/____

Finance Department Date

_____/____

Engineering Department Date

_____/____

Public Works Date

_____/____

City Administrator Date

_____/____

Park District Designee Date

Date Approved by City Commission: _____

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

Signature Page from City Officials and Department Heads

_____/_____
Fire Department Date

_____/_____
Police Department Date

_____/_____
Finance Department Date

_____/_____
Engineering Department Date

1700% Trade - pull *[Signature]* 2/6/14
Public Works Date

_____/_____
City Administrator Date

_____/_____
Park District Designee Date

Date Approved by City Commission: _____

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

Signature Page from City Officials and Department Heads

_____/_____
Fire Department Date

_____/_____
Police Department Date

_____/_____
Finance Department Date
Justin Fraz 15-5-19

_____/_____
Engineering Department Date

_____/_____
Public Works Date

_____/_____
City Administrator Date

_____/_____
Park District Designee Date

Date Approved by City Commission: _____



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (02/2018)

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

Full, Legal Name of Gaming Organization Cystic Fibrosis Association of North Dakota

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

Name of Location Stage Stop			
Street 601 6th Avenue SE	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/1/19	Ending Date(s) Authorized 6/30/20	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted and played at the site (required) Entire Bar area, excluding Restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

<input checked="" type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input checked="" type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input checked="" type="checkbox"/> Pull Tab Jar	<input checked="" type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input checked="" type="checkbox"/> ELECTRONIC Pull Tab Device		

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 05-2018)

License Number (Office Use Only)

Site Owner (Lessor) Stage Stop Liquors, Inc		Site Name Stage Stop		Site Phone Number 701-663-7768
Site Address 601 6th Avenue SE	City Mandan	State ND	Zip Code 58554	County Morton
Organization (Lessee) Cystic Fibrosis Association of North Dakota		Rental Period 7/1/2019 to 6/30/2020		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 300
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device <input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>6</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 325
No additional rent is allowed for electronic pull tabs. Rent must be based on dispensing device requirements per NDCC 53-06.1-11 (5)(a)(b)				
Total Monthly Rent				\$ 625

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

TERMS OF RENTAL AGREEMENT:

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

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

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

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

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

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

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

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

Signature of Lessor 	Title President	Date 6/7/2019
Signature of Lessee 	Title President	Date 6-7-19

(over)



GAMING SITE AUTHORIZATION
 OFFICE OF ATTORNEY GENERAL
 SFN 17996 (02/2018)

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

Full, Legal Name of Gaming Organization **Cystic Fibrosis Association of North Dakota**

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

Name of Location Colonial Lounge			
Street 4631 Memorial Hwy	City Mandan	ZIP Code 58554	County Morton
Beginning Date(s) Authorized 7/1/19	Ending Date(s) Authorized 6/30/20	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Entire Bar area, excluding Restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input checked="" type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
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<input checked="" type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input checked="" type="checkbox"/> ELECTRONIC Pull Tab Device		

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

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

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



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 05-2018)

License Number (Office Use Only)

Site Owner (Lessor) Colonial Lounge Inc		Site Name Colonial Lounge		Site Phone Number 701-663-0355
Site Address 4631 Memorial Hwy	City Mandan	State ND	Zip Code 58554	County Morton
Organization (Lessee) Cystic Fibrosis Association of North Dakota		Rental Period 7/1/2019 to 6/30/2020		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 300
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device <input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>3</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 325
No additional rent is allowed for electronic pull tabs. Rent must be based on dispensing device requirements per NDCC 53-06.1-11 (5)(a)(b)				
Total Monthly Rent				\$ 625

5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

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

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

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

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

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

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

Signature of Lessor 	Title Mgmt	Date 5-6-19
Signature of Lessee 	Title President	Date 5-23-19



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 12, 2019
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, Engineering and Planning Director
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Consider Approval of Minor Plat of Replat of Lots 16 & 17, Block 1, Lakewood Harbor Second Addition.

STATEMENT/PURPOSE:

Consider approval of the minor plat of Replat of Lots 16 & 17, Block 1, Lakewood Harbor Second Addition.

BACKGROUND/ALTERNATIVES:

The properties are located at the end of a cul-de-sac east of Bay Shore Bend SE and north of 43rd St. SE.

The property owners are requesting approval of the replat in order to adjust the shared property lines between the two lots. A home on Lot 16 was inadvertently constructed that encroached onto Lot 17. The two property owners are exchanging the same amount of square footage to adjust the property line, resulting in the respective lot sizes remaining unchanged.

This correction will help facilitate construction of a home on Lot 17, Block 1 of the subject plat.

ATTACHMENTS:

1. Aerial
2. Proposed Minor Plat of Replat of Lots 16 & 17, Block 1, Lakewood Harbor Second Addition

FISCAL/STAFF IMPACT: minimal

LEGAL REVIEW: The information has been sent to the City Attorney for review as part of the agenda packet.

RECOMMENDATION: Recommend approval of the minor plat of Replat of Lots 16 & 17, Block 1, Lakewood Harbor Second Addition.

Board of City Commissioners Agenda Documentation

Meeting Date: June 18, 2019

Subject: Consider Approval of Minor plat of Replat of Lots 16 & 17, Block 1, Lakewood Harbor Second Addition.

Page 2 of 2

SUGGESTED ACTION: I move to approve the minor plat of Replat of Lots 16 & 17, Block 1, Lakewood Harbor Second Addition.

EXHIBIT 1 - AERIAL



Lot 16 and 17, Block 1, Lakewood Harbor Second Addition (denoted by star)

REPLAT OF LOTS 16 & 17 BLOCK 1 LAKEWOOD HARBOR SECOND ADDITION

PART OF THE NW 1/4 OF SECTION 7, TOWNSHIP 138 NORTH, RANGE 80 WEST
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

DESCRIPTION

REPLAT OF LOTS 16 & 17 BLOCK 1 LAKEWOOD HARBOR SECOND ADDITION, PART OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 138 NORTH, RANGE 80 WEST, TO THE CITY OF MANDAN, MORTON COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY MOST CORNER OF LOT 16 BLOCK 1 LAKEWOOD HARBOR SECOND ADDITION; THENCE SOUTH 68 DEGREES 52 MINUTES 17 SECONDS WEST, ALONG THE BOUNDARY OF SAID LOT 16, A DISTANCE OF 188.18 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY, ON A 60.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 69 DEGREES 18 MINUTES 46 SECONDS WEST, AN ARC LENGTH OF 65.13 FEET TO THE WEST LINE OF SAID LOT 16; THENCE SOUTHWESTERLY AND TO THE LEFT, ALONG THE BOUNDARY OF LOT 17 BLOCK 1 LAKEWOOD HARBOR SECOND ADDITION, ON A 60.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 69 DEGREES 51 MINUTES 28 SECONDS WEST, AN ARC LENGTH OF 71.02 FEET TO THE WEST LINE OF SAID LOT 17; THENCE NORTH 61 DEGREES 50 MINUTES 20 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 210.25 FEET TO THE NORTHERLY LINE OF SAID LOT 17; THENCE NORTH 40 DEGREES 03 MINUTES 17 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 167.16 FEET; THENCE NORTH 78 DEGREES 52 MINUTES 22 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 163.77 FEET TO THE EAST LINE OF SAID LOT 17; THENCE SOUTH 63 DEGREES 56 MINUTES 09 SECONDS EAST, ALONG THE BOUNDARY OF LOT 16 BLOCK 1 LAKEWOOD HARBOR SECOND ADDITION, A DISTANCE OF 176.21 FEET TO THE EASTERLY LINE OF SAID LOT 16; THENCE SOUTH 19 DEGREES 18 MINUTES 10 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 127.92 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 80,235 SQUARE FEET, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2019, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF MANDAN, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT. THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2019.

JIM NEUBAUER—CITY ADMINISTRATOR

TIM HELBLING—MAYOR

APPROVAL OF CITY ENGINEER

I, JUSTIN FROSETH, CITY ENGINEER OF THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVE "REPLAT OF LOTS 16 & 17 BLOCK 1 LAKEWOOD HARBOR SECOND ADDITION", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROSETH
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT ART MARINER, DOROTHY MARINER, JARET WIRTZ, AND MEGAN WIRTZ, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "REPLAT OF LOTS 16 AND 17 BLOCK 1 LAKEWOOD HARBOR SECOND ADDITION", MANDAN, MORTON COUNTY, NORTH DAKOTA.

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

ART MARINER
4512 SHOREVIEW PLACE SE
MANDAN, ND 58554

DOROTHY MARINER
4512 SHOREVIEW PLACE SE
MANDAN, ND 58554

ON THIS _____ DAY OF _____, 2019, BEFORE ME PERSONALLY APPEARED ART MARINER AND DOROTHY MARINER, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

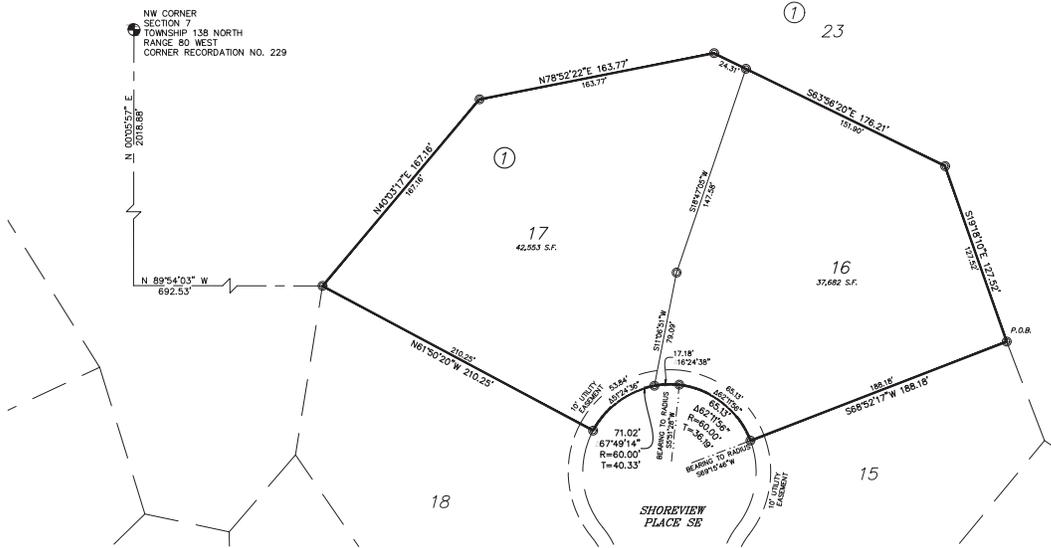
JARET WIRTZ
2504 11TH AVE SE
WATFORD CITY, ND 58854

MEGAN WIRTZ
2504 11TH AVE SE
WATFORD CITY, ND 58854

ON THIS _____ DAY OF _____, 2019, BEFORE ME PERSONALLY APPEARED JARET WIRTZ & MEGAN WIRTZ, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

EXHIBIT 2



NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.
PLAT IS SUBJECT TO EASEMENTS,
COVENANTS, AND RESTRICTIONS OF RECORD.

SCALE: 1"=40'
MAY 6, 2019

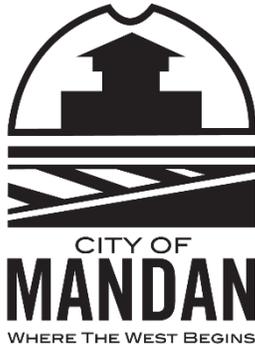
MONUMENT IN PLACE



SWENSON, HAGEN & COMPANY P.C.

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

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 3, 2019
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: City Sales Tax Collection Agreement

STATEMENT/PURPOSE: Consider entering into an agreement with the North Dakota Office of State Tax Commissioner for the administration of Mandan's local sales, use and gross receipts taxes for the 2019-2021 biennium.

BACKGROUND/ALTERNATIVES: The attached contract is consistent with contracts in the past and allows the State Tax Commissioner and representatives to collect the local sales and use tax, audit such information and perform other ancillary duties required to carry out this function. The contract is for the period of July 1, 2019 through June 30, 2021.

The cover letter enclosed with this contract asks for us to notify the Tax Department of annexations in a timely manner and we will continue to do so.

ATTACHMENTS: Contract for the period of July 1, 2019 through June 30, 2021.

FISCAL IMPACT: The lesser of 3% of the tax collected or \$35/permit/per year. Approximately \$1,916/month.

STAFF IMPACT: n/a

LEGAL REVIEW: Information has been reviewed and City Attorney Brown has no issues.

RECOMMENDATION: I recommend the agreement with the North Dakota Office of State Tax Commissioner for the administration of Mandan's local sales, use and gross receipts taxes for the 2019-2021 biennium be approved.

SUGGESTED MOTION: I move to approve the agreement with the North Dakota Office of State Tax Commissioner for the administration of Mandan's local sales, use and gross receipts taxes for the 2019-2021 biennium.



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
RYAN RAUSCHENBERGER, COMMISSIONER

June 1, 2019

Ref: L0060327680

MR. JIM NEUBAUER
MANDAN CITY ADMINISTRATOR
205 2ND AVE NW
MANDAN ND 58554-3125

Dear Mr. Neubauer:

Enclosed are two copies of a contract authorizing the Office of State Tax Commissioner to administer the City of Mandan's local sales, use and gross receipts taxes for the 2019 - 2021 biennium.

The administration fee for this contract will be the lesser of \$35 per permit per year, or 3 percent of the tax collected. Based on the current number of retail businesses with sales, use and gross receipts tax permits for the City of Mandan and the past two years history of sales and purchases, the administration fee for the City of Mandan is listed in the enclosed contract. The administration fee will be withheld from the monthly tax collections received in this office.

The financial needs facing North Dakota cities continue to change each year and so do the challenges of finding revenue sources to fund these areas. It is important for your city to ensure that all possible city tax collections are received. One way is to provide this office with timely notice of all property annexations. Once notification is received, we notify the businesses affected by the annexation of their local tax collection responsibility. The attached contract requires at least a ninety day notice when property has been annexed into the incorporated boundary of a city.

Please sign the enclosed contracts and return one signed copy to the Office of State Tax Commissioner by July 1, 2019. If you have any questions about the contract or administration of your city's sales, use and gross receipts tax, please contact Erica Lien in our Sales and Special Taxes Division at (701) 328-3464.

I appreciate the strong working relationship we have developed with North Dakota's cities and counties. If our office can be of assistance to you in any way, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Ryan Rauschenberger".

Ryan Rauschenberger
Tax Commissioner

Enc.



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
RYAN RAUSCHENBERGER, COMMISSIONER

Ref: L0060327680
ID: 45-6002118

(063) 

Contract For Collection of City Sales, Use and Gross Receipts Taxes

This contract is entered into by the Tax Commissioner of the State of North Dakota and the governing body of the City of Mandan, North Dakota through the Mandan City Auditor, under the provisions of North Dakota Century Code § 57-01-02.1.

This contract provides for services to be furnished, as follows:

1. The Office of State Tax Commissioner (Tax Commissioner) hereby assumes the responsibility of administering Ordinances 775 and 1210 of the Mandan Municipal Code of Ordinances (Ordinance). The administration by the Tax Commissioner must be carried out in accordance with the relevant provisions of North Dakota Century Code Chapter 57-39.2, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.
2. The Tax Commissioner will notify the appropriate permit holders of their collection and remission responsibilities imposed by the Ordinance.
3. The Tax Commissioner shall design tax reporting forms which will be made available to the appropriate permit holders prior to the filing due dates.
4. The Tax Commissioner shall make available the proper rate chart(s) to the appropriate permit holders for use in computation of the state and city taxes.
5. The Tax Commissioner shall collect the tax imposed by the Ordinance on a monthly, quarterly or other periodic basis deemed necessary by the Tax Commissioner.
6. The Tax Commissioner assumes the responsibility for collection of any civil penalties due or criminal prosecution required under the Ordinance to the extent not in conflict with state law.
7. The Tax Commissioner shall certify on a monthly basis to the North Dakota State Treasurer the amount of tax payable to the City of Mandan.
8. Per N.D.C.C §57-01-02.1(5), the retailer has the option to apply the total local tax at the time of purchase or apply only the discounted maximum tax. The Tax Commissioner shall refund to purchasers the difference between the amount of sales, use, or gross receipts tax paid and the amount that would have been due by application of the maximum tax or threshold provided by the city's ordinance or home rule charter.
9. At the Tax Commissioner's discretion, the Tax Commissioner shall audit the appropriate permit holders.

Board of City Commissioners
Agenda Documentation
Meeting Date: June 18, 2019
Subject: City Sales Tax Collection Agreement
Page 4 of 4

June 1, 2019
CITY OF MANDAN

Ref: L0060327680
Page: 4

The City of Mandan has the following responsibilities under this contract:

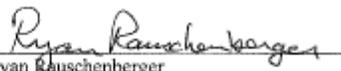
1. The city's Ordinance shall conform in all respects with regard to the taxable or exempt status of sales under chapters 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2.
2. The city's Ordinance shall provide for only one local tax rate; therefore, all sales, use, and gross receipts taxes will be imposed at the same rate.
3. Tax rate changes shall be effective on the first day of a calendar quarter and after ninety days notice which must be provided to the Tax Commissioner after final approval of the tax ordinance.
4. The City of Mandan shall provide the Tax Commissioner information about all boundary changes, which shall include all business addresses and zip codes within the changed area. For purposes of local sales, use and gross receipts taxes, boundary changes shall be effective on the first day of a calendar quarter and after ninety days notice which must be provided to the Tax Commissioner after final approval of the boundary change.
5. The City of Mandan shall provide notice to the Tax Commissioner on the continuation or termination of the local tax at least ninety days prior to the date the tax imposed by the ordinance is continued or terminated.

In consideration for the above-enumerated services for the period July 1, 2019 through June 30, 2021, the Tax Commissioner shall retain \$1,916.00 per month of the tax collected under the Ordinance.

This agreement, which supersedes any prior written or oral agreements between the parties, is effective upon the signature by the Mandan City Auditor, acting on behalf of the City of Mandan, and the Tax Commissioner for the State of North Dakota, and shall be effective July 1, 2019 through June 30, 2021.

This agreement shall be subject to renegotiation for the purpose of renewal July 01, 2021.

Dated the 1st day of June 2019, at Bismarck, North Dakota.


Ryan Rauschenberger
Tax Commissioner

Dated the _____ day of _____ 2019 at _____, North Dakota.

Jim Neubauer
Mandan City Auditor
Email: _____



LOCAL PERMIT OR CHARITY LOCAL PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 17926 (10/2012)

Type: Local Permit * Charity Local Permit

Permit Number
2019-33

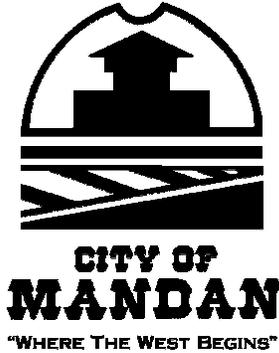
Name of Organization Messiah Lutheran Church		Date(s) Authorized (Read instruction 2)	
Contact Person Linda Scheitel	Business Phone Number (701) 663-8545	7/1/2019 Beginning	to 8/20/2019 Ending
Mailing Address 1020 Boundary Rd	City Mandan	State ND	Zip Code 58554-0000
Site Name Messiah Lutheran Church	Site Address 1020 Boundary Rd		
City Mandan	State ND	ZIP Code 58554-0000	County Morton County
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*			
Restriction:			
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.			
Date 6/13/2019	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Lori Flaten	Auditor Telephone Number (701) 667-3455

Please see the instructions on the backside of this form on how to complete the Permit.
 For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

 cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 12, 2019
SUBMITTING DEPARTMENT: Mandan Police Department
DEPARTMENT DIRECTOR: Chief Jason Ziegler
PRESENTER: Chief Jason Ziegler/Lt. Patrick Haug
SUBJECT: Grant application to fund Dakota Child Advocacy Center to partially fund a Forensic Interviewer Staff Position. City of Mandan will be a pass through for funding.

STATEMENT/PURPOSE:

To allow the City of Mandan to apply for a grant through the ND Attorney General's Office, and receive funds for the Dakota Child Advocacy Center (NDAC), which will be used to partially fund a forensic interviewer staff position. The grant recipient must be a political subdivision, which is why we are making this request. This JAG Grant will partially fund a Forensic Interviewer Staff position for the Dakota Child Advocacy Center and not the City of Mandan. The City of Mandan will be a pass through for the funding, as required by the JAG Grant.

BACKGROUND/ALTERNATIVES:

The City of Bismarck previously applied for this grant and received money to fund the Dakota Child Advocacy Center and have done this for several years and are now wanting another local jurisdiction to handle the grant funds for the program. The Dakota Child Advocacy Center benefits the Bismarck-Mandan area, not just one jurisdiction. It is a vital program for local children who are victims of sexual assault and abuse. It is a program frequently used by our police department when investigating sexual assault and abuse crimes. The project narrative in the attachments to this document gives a more in depth explanation of the program.

ATTACHMENTS:

- 1) Grant Application
- 2) Project Narrative
- 3) Agreement between the City of Mandan and the Dakota Child Advocacy Center

FISCAL IMPACT:

The amount of funds requested on the grant application is \$18,000.00

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2019

Subject: Grant Application for Dakota Child Advocacy Center Staff position.

Page 2 of 2

STAFF IMPACT:

The Police Department will collect the needed paperwork from the Dakota Child Advocacy Center and will submit the paperwork quarterly as required by the grant. The finance department would issue payments to the Dakota Child Advocacy Center.

LEGAL REVIEW:

These documents were sent to the City Attorney Brown for his review and had no issues.

RECOMMENDATION:

I recommend approval of the attached grant application and acceptance of funds for the Dakota Child Advocacy Center program along with the agreement between the City of Mandan and the Dakota Child Advocacy Center.

SUGGESTED MOTION:

I move for approval of the attached grant application and the acceptance of funds for the Dakota Child Advocacy Center.

**AGREEMENT BETWEEN THE
CITY OF MANDAN AND DAKOTA
CHILDREN'S ADVOCACY CENTER**

1. The City of Mandan (**City**) shall apply for a Justice Assistance Grant (the **Grant**) for the year 2019 and provide any proceeds received under the Grant to the Dakota Children's Advocacy Center (**DCAC**), located at 1303 East Central Avenue, Bismarck, ND, conditioned upon **DCAC's** compliance with all the terms and conditions of the **Grant** and in accordance with any subsequent provisions, requirements and assurance promulgated by the State of North Dakota that apply to the **Grant**. Any subsequent requirements shall be specifically incorporated herein.
2. The **City** shall provide the **Grant** funds to **DCAC** only on the condition that said funds shall be available from the State of North Dakota. Failure of the **City** to receive grant funds from the State of North Dakota shall cause this agreement to be terminated. If the **City** receives funds less than the full amount anticipated in the contract, **DCAC** will receive the lesser amount.
3. **DCAC** agrees to, and shall follow and adhere to, all the provisions, requirements, and assurances of the Financial Assistance Award as set forth in Federal Register Vol. 78, No. 248, December 26, 2013, OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Further, **DCAC** agrees to and shall follow any subsequent provisions, requirements and assurances promulgated by the State of North Dakota and applicable to the **Grant**. Failure to adhere to the above mentioned requirements, provisions, and assurances shall cause this Agreement to be terminated at the discretion of the **City** or State.
4. The Parties agree to hold each other harmless from any and all liability, claims, damages and litigations arising from, or under the terms of this Agreement. **DCAC**, its officers, agents and employees and assigns agree to hold the State of North Dakota harmless from any and all liability, claims, damages and litigations arising from, or under the terms of this Agreement.
5. **DCAC** and the **City** understand that the ownership of any equipment purchased under the terms and conditions of this agreement and costing \$5000 or more remains with the City and ownership of any equipment costing less than \$5000 shall remain with **DCAC** upon completion of the project.
6. This Agreement shall be binding upon **DCAC** and its successors and assigns, except that **DCAC** may not assign or transfer its rights without prior written consent of the **City** and the State. This Agreement shall inure to the benefit of the **City** and its successors and assigns.
7. All federal and state laws insofar as are applicable shall be specifically made a part of this Agreement.

8. This agreement shall be governed by the laws of the State of North Dakota. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remaining provisions
9. The terms and conditions of this Agreement may only be amended or supplemented by written agreement of both parties and with the concurrence of the State of North Dakota to make amendment or supplement. The **City** and **DCAC** agree that no oral change or modification of this Agreement shall be allowed and no claim based upon any purported oral change or modification shall be made.
10. It is agreed between the parties that this Agreement is the full and complete agreement between the parties and that there are no oral agreements or understandings between the parties other than what has been reduced to writing herein.
11. All information contained in the application as stated by **DCAC** is correct and accurate, any material misstatement verified by the State of North Dakota may be considered a breach of the grant award document, and may result in the termination of the grant award at the discretion of the state.
12. The Grant Award and Acceptance and the Certified Conditions Justice Assistance Grant (JAG) Program are incorporated and made a part of this Agreement. All of the requirements of the grant regarding activities to be performed, time schedules, project policies, flow-through requirements, dollar limitations of the agreement, cost principals used in determining allowable costs and all other grant conditions, polices and procedures must be followed by **DCAC**.
13. This Agreement shall be effective upon the later date below.

By: Paula Condol
Dakota Children's Advocacy Center

 Tim Helbling Mayor,
 City of Mandan

 Date

 Date

Attest: _____

Mandan City Administrator

JAG AND LOTTERY GRANT APPLICATION
OFFICE OF THE ATTORNEY GENERAL
 CY2020
 Project Period 1/1/20-12/31/20

Subrecipients are state agencies, units of local government (such as a city or county), or other general-purpose political subdivisions of a state, or Indian Tribe.

Subrecipient Level of Government (Check one)
 State County City/Town Indian Tribe

Name of Subrecipient (City, County, State Agency)	DUNS #	Subrecipient Phone	Subrecipient Fax
Subrecipient Street Address	City	State	Zip Code
Subrecipient Contact Name	Title	E-Mail Address	

The authorized official must have the legal authority to commit the subrecipient to a contract or other agreement. Overall responsibility for the administration of the project rests with this individual. Examples are the mayor, city or county auditor, director of the state agency, or Tribal Chairperson.

Name of Authorized Official	Title
Phone	Email Address
Street Address	City State Zip Code

The implementing agency has direct responsibility for carrying out the activities of the grant.

Type of Implementing Agency (Check all that apply)
 Law Enforcement Prosecution Corrections Domestic Violence
 Treatment Courts Victim/Witness Other

Implementing Agency

The project director has direct responsibility for implementation of the project activities. This person will prepare and submit all progress reports as required by the Office of Attorney General. Examples are task force commander or executive director.

Name of Project Director	Title
Email Address	Phone Fax
Street Address	City State Zip Code
Mailing Address if Different	City State Zip Code

The fiscal officer prepares and submits all financial reports as required by the Office of Attorney General and has responsibility for the financial administration of the project. Examples are city or county auditor, fiscal designee, or it can also be the project director.

Name of Fiscal Officer	Title	E-Mail Address	
Agency	Phone	Fax	
Street Address	City	State	Zip Code
Mailing Address if Different	City	State	Zip Code

Authorized Program Area (select all that apply)

- Law Enforcement Prevention/Education Drug Treatment Crime Victim and Witness Programs
(other than victim/witness compensation)
- Prosecution/Courts Corrections/Community Corrections Planning/Evaluation/Technology Improvement

Multi-agency Project (two or more)?

Yes No

Multijurisdictional Project (two or more)?

Yes No

BUDGET SUMMARY
(Specific to Funds Requested in this Application)

PERSONNEL	<i>Note: Salary cap (wages & fringe benefits) \$52,000 prosecutors and \$42,000 all other personnel</i>	
Positions Funded:		
Title:	\$ _____	
	TOTAL PERSONNEL	\$ _____
FRINGE	<i>- Provide detail regarding the fringe & provide calculation(s)</i>	
Title:	\$ _____	
	TOTAL FRINGE	\$ _____
OPERATING	<i>-Provide additional detail on pages 3-5 for all requested funds</i>	
Supplies	\$ _____	
Rent	\$ _____	
Communications	\$ _____	
Fuel/Oil	\$ _____	
Contractual Services	\$ _____	
Equipment Rent/Lease	\$ _____	
Travel/Training	\$ _____	
Other	\$ _____	
	TOTAL OPERATING	\$ _____
EQUIPMENT	<i>-Provide additional detail on pages 5-6 for each piece of equipment</i>	
	<i>Note: Individual item with a cost of \$1500 or more and having a useful life of one or more years</i>	
	TOTAL EQUIPMENT	\$ _____
TOTAL BUDGET	** (Should equal Total Budget Funding Source Below)	
		\$ _____

FUNDING SOURCE BREAKDOWN

Grant Funds	\$	Enter 65% of Total Budget
Match	\$	Enter 35% of Total Budget
Total Budget This Application ** (Should equal Total Budget Amount Above)	\$	100%

Source of Matching Funds:

BUDGET NARRATIVE AND CALCULATIONS

PERSONNEL

Please provide a detailed description for all personnel expenses.

FRINGE

Please provide a detailed description for all fringe expenses.

OPERATING EXPENSES

Please provide a detailed description for all operating expenses.

A. Supplies: (items under \$1,500)

B. Rent: (Ex. \$150 per month for 12 months = \$1,800)

C. Communications (i.e. telephone, cell phone, fax): (Ex. telephone bill \$20 per month for 12 months = \$240)

D. Fuel/Oil/Vehicle Maintenance:

E. Contractual Services:

Specify purpose of contract with individual consultants, contracting, or service organizations. **The maximum rate for consultants is \$650.00 for an 8-hour day.** Contractual services include payments for services to people not on the payroll of a participating agency. **Round all numbers to the nearest dollar. Explain in detail** what duties, functions, or responsibilities the consultant(s) will perform.

F. Equipment Rental/Lease: (not a purchase)

G. Travel/Training: Expenses for attending trainings, meetings, conferences, and other work related travel. *Reimbursement for meals and lodging is limited to state rates for in-state travel. For out-of-state travel, GSA rates will prevail.*

Current ND state rates are as follows:

Meals

Breakfast (leave on or before 7 a.m.)	\$ 7.00
Lunch (11:00 a.m. – 1:00 p.m.)	\$10.50
Dinner (5:00 p.m. – 7:00 p.m.)	<u>\$17.50</u>
Total Per Day	\$35.00

**Note: In order to claim expenses for the second and third quarters, the employee must have been in travel status one hour before the start of the quarter being claimed and travel status must extend at least one hour into the quarter being claimed. You must travel a minimum of four (4) hours, which covers the following time frames:*

Lodging: Will be reimbursed at the local or current state rate – whichever is lower.

Mileage: In the event a personal vehicle is used, mileage reimbursement will be made at the rate provided by the state of North Dakota.

Training	Registration/ Fees/Tuition	Travel Costs
Course: Purpose: Location: Participants:	\$	\$

Training	Registration/ Fees/Tuition	Travel Costs
Course: Purpose: Location: Participants:	\$	\$

Travel: <i>Transportation, lodging, and meals of project personnel for project-related travel. Refer to the rates listed above when determining your travel budget. Briefly discuss purpose for these travel funds and how they will be used (i.e. mileage for conducting investigations, attending working committee on drugs meetings, etc.):</i>		Travel Costs
		\$

Total Training/Travel Costs	Registration/ Fees/Tuition	Travel Costs
	\$	\$

Note: Round all numbers to the nearest dollar.

H. Other (i.e. insurance, printing):

I. Equipment (NOT leased or rented): <i>Individual item with a cost of \$1500 or more <u>and</u> having a useful life of one or more years</i>	
Description	Requested Amount (Grant Fund and Match Amount)
	\$
	\$
	\$
	\$
	\$
	\$
Total Equipment	\$

Note: Round all numbers to the nearest dollar.

Which agency will maintain ownership of the equipment at the end of the grant period?

NON-GOVERNMENT AGENCY BUDGET SUMMARY
(DOMESTIC VIOLENCE & VICTIM WITNESS PROGRAMS ONLY)

Please list your **entire AGENCY'S** budget for the **current operating cycle**, including all funding sources. The total amount of the budget line items should equal the total amount of funding sources.

Line Item	Current Operating Budget Amounts
Personnel	\$
Operating Expenses	\$
Equipment	\$
Total Budget	\$

Note: Round all numbers to the nearest dollar.

Funding Sources	Amount	Percentage of Total Agency Budget
Justice Assistance Grant-JAG (Federal Portion Only)	\$	
State General Fund	\$	
Local Government General Fund	\$	
Community Development Block Grant	\$	
Victims of Crime Act (VOCA)	\$	
STOP Violence Against Women Act	\$	
Federal Family Violence	\$	
Domestic Violence Prevention Fund	\$	
Crime Victims Assistance (CVA)	\$	
United Way	\$	
Foundations	\$	
Donations	\$	
Court Fees	\$	
Other (specify):	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
TOTAL FUNDING	\$	100 percent

AGENCY FUNDING SOURCES

Please list any **JAG grant awards** your agency received **directly** from the Bureau of Justice Assistance program and list the projects supported by these grant funds.

Justice Assistance Grant (JAG) Program	Amount
Projects Supported:	
	\$
	\$
	\$
TOTAL FY 2018 AWARD AMOUNT	\$

Note: Round all numbers to the nearest dollar.

Please list any other sources of grant funding that support this project's activities.

Funding Sources	Amount
Other (specify):	\$
	\$
	\$
TOTAL FUNDING	\$

Note: Round all numbers to the nearest dollar.

PROGRAM INCOME

If the operations of this project are expected to generate income, please discuss possible sources and how it will be used (i.e. asset forfeiture, training fees collected as a result of grant-funded training):

PROJECT NARRATIVE

To complete the project narrative the applicant may use this form, or simply type the narrative in the following format. The project narrative must not exceed five double-spaced pages in 12-point type and must include information requested in I through IV below.

I. Project Description: Briefly describe the project that is proposed. How will this project address specific problems. Include specifics about the services to be provided, how the services will be provided (how often and by whom), and the project accomplishments.

II. Current Efforts: *Clearly define what efforts are currently underway in responding to the problem described in the Project Description.*

III. Collaboration with Other Agencies: *Describe coordination and cooperation between agencies during the past year.*

IV. Describe in detail what plans or steps are being taken to assure continuation of your agency's project after grant funding ends.

PROJECT GOALS, OBJECTIVES, AND PERFORMANCE MEASURES

Stated goals, objectives, and performance measures will be used by the Office of Attorney General to monitor and assess the project's progress in achieving the intended results. Project goals, objectives, and performance measures should be listed in the format below and not referred to in a narrative format.

Overall Project Goals: State the project's goals, in general or broad terms. Goals should address the specific problem/need identified in the application. Goals should be stated in terms of the outcomes that the project wants to achieve. (Example: Reduce the amount of crime committed by persons under the influence of illicit drugs.)

- 1.
- 2.
- 3.
- 4.

Objectives (Activities directed at achieving goals): State the project's objectives, in terms of specific steps or benchmarks that will eventually lead to accomplishing the goals. Objectives must be clearly expressed and in **measurable** terms. (Example: Increase the number of drug-related arrests by 10 percent.)

- 1.
- 2.
- 3.
- 4.

Performance Measures (How you measure your project's success): (Example: Number of drug-related arrests 2007)

- 1.
- 2.
- 3.
- 4.

ADDITIONAL REQUIRED INFORMATION

(Please Attach)

The Drug and Violent Crime Policy Board has adopted a policy stating that applicants failing to submit the following documents with the application will not be considered for funding.

Non-government Agency Applicants (Domestic Violence and Victim Services):

A third party contract between the agency and the authorized official of the unit local government stating that the unit of local government will be the legal recipient of the federal funds granted to this agency.

Multi-jurisdictional Drug Task Forces:

Memorandum of Understanding (MOU) between the participating agencies. A copy of the previous year's MOU may be submitted if the participating agencies have remained the same. If any agencies have been removed or added to the task force, a new MOU must be submitted.

Continuation projects (Excludes non-governmental agencies and multijurisdictional drug task forces):

Letters of continued commitment and collaboration efforts (no more than three) outlining joint collaboration efforts between agencies, OR provide copies of formal agreements between agencies and jurisdictions.

UCR Reporting Requirements:

If the implementing agency is a local law enforcement agency, it:

1. must report crime statistics to the State's Uniform Crime Reporting system
2. must be current in its reporting
3. or must have a plan to become current by January 1, 2020.

In order to keep a JAG award, the implementing agency must maintain current UCR stats through the award period (January 1, 2020, through December 31, 2020). Failure to maintain current UCR statistics will result in award sanctions and/or de-obligation.

Please indicate **most recent crime statistics** submitted: _____
month year

AUTHORIZED SIGNATURES

I certify that the project proposed in this application meets applicable requirements of the Justice Assistance Grant (JAG) Program and Lottery Program, if applicable, that all information presented is correct, and that the applicant will comply with the provisions of the subgrant program and all other applicable federal laws. By appropriate language incorporated in each grant, sub-grant, or other document under which funds are to be disbursed, the undersigned shall assure that the applicable conditions shown above apply to all recipients of these grant funds.

Signature of Authorized Official	Date
<i>Paula Condol</i>	6/12/19
Signature of Project Director	Date
<i>Paula Condol</i>	6/12/19
Signature of Fiscal Officer	Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: 06/18/2019
PREPARATION DATE: 06/13/2019
SUBMITTING DEPARTMENT: Library
DEPARTMENT DIRECTOR: Jackie Hawes, Library Director
PRESENTER: Jackie Hawes, Library Director
SUBJECT: Building Repairs

STATEMENT/PURPOSE: Request approval from the City Commission to proceed with plans to have building repairs done to the West end of the library building.

BACKGROUND/ALTERNATIVES: At the May 20th Library Board of Trustees meeting, a motion was made to accept a quote from Triple A Decking LLC. for repairs to the deck on the West end of the building.

ATTACHMENTS:

- Quote from Triple A Decking LLC. for repairs to deck on the West end of library building
- Quote from Scott D. Berger Construction for repairs to deck on the West end of library building
- Quote from Dakota West Contracting, Inc. for repairs to deck on the West end of library building.

FISCAL IMPACT: The cost for repairs to the West end of the library building is \$6,673.83. The library will use building improvement funds held by the city on the library's behalf to cover the cost of the project.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: *I recommend approving the quote from Triple A Decking LLC for the amount of \$6,673.83 for repairs to the West end of the library building.*

SUGGESTED MOTION: *I would move to approve the quote from Triple A Decking LLC for the amount of \$6,673.83 for repairs to the West end of the building.*



LLC.

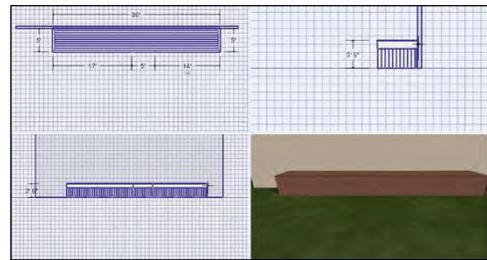
Estimate

2301 12th Ave. SE.
 Mandan, ND. 58554
 Phone: 701-202-1131
 Email: tripleadecking@yahoo.com
<https://tripleadecking.com>

DATE: MAY 15, 2019

Prepared By: Gary
 gary@tripleadecking.com

TO
 Morton County Library
 609 West Main Street
 Mandan, North Dakota 58554
 701-667-5365



PROJECT	JOB ADDRESS	START DATE	ESTIMATED DURATION
Skirting			30 Days

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
Approx. 151 Sq. Ft.	Remove skirting and haul away on west side of building.		
151 Sq. Ft.	Reuse existing wood frame to install New Skirting using TimberTech Decking in Tropical collection color: Caribbean Redwood Remove existing railing and reinstall existing railing.		\$6,673.83
*** If rot or etc. after removal of existing wood skirting. Will be addressed and subject to change order. ***		SUBTOTAL	\$6,673.83
		SALES TAX	
		TOTAL	\$6,673.83

THANK YOU FOR YOUR BUSINESS!

Disclaimer

Estimate

SCOTT D. BERGER CONSTRUCTION

% Scott D. Berger
P.O. Box 9
Mandan ND 58554
(701) 220-4027

Mandan Library
609 West Main
Mandan ND 58554

5/3/2019

Work on West Loading Dock Area:

Work to Include: Loosen Handrail & elevate, remove top 2 * 12 cap material, stabilize existing tongue & groove face material, cover with board & batten style vertical steel siding, Install Trex brand cover to replace 2 * 12, adhering to existing concrete and re-attaching handrail.

Material & Labor:

\$6,585.00

Option:

Azek tongue & groove Porch Material
would add an additional \$ 2,852.00

This does not include any re-landscaping of paver blocks.



Scott D. Berger

DAKOTA WEST CONTRACTING, INC.

GENERAL CONSTRUCTION
 PHONE (701) 255-0004 FAX (701) 255-7626
 P.O. BOX 2377
 BISMARCK, ND 58502

PROPOSAL

TO Morton - Mandan Public Library

PHONE	DATE 5/16/2019
JOB NAME/LOCATION Morton - Mandan Public Library West Side Deck Skirting	
JOB NUMBER	JOB PHONE

We hereby submit specifications and estimates for:
 Materials and labor to skirt existing concrete deck on the Morton-Mandan Public library building to include the following work scope: Demo existing rotted wood deck skirting, reframe as needed for new skirting installation; Install new Trex Transcend decking as skirting below existing deck; Install Trex Transcend board onto top of existing concrete deck to allow for railing reinstallation; Reinstall existing rail as needed; **\$10,750.00**

Option # 1: Use menards Ultradeck fusion composite decking in lieu of Trex Transcend composite decking **Deduct \$2,100.00**

Exclusions: Any demolition or refinishing of existing concrete deck surface; any work to any other decks on building other than deck on west side; any painting or refinishing of existing railing; any relandscaping or reworking of existing landscaping; any other work not specifically stated above.

We Propose hereby to furnish material and labor – complete in accordance with the above specifications, for the sum of: **See Above** dollars (\$ _____).

Payment will be made as follows:
Work Progress Payments Due 30 Days After Billing.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Property owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Authorized Signature: 

Note: This proposal may be withdrawn by us if not accepted within **60** days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 13, 2019
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Introduce Engineering Intern, Tatenda Dzvokora

STATEMENT/PURPOSE: To introduce our 2019 summer Engineering Intern, Tatenda Dzvokora.

BACKGROUND/ALTERNATIVES: Tatenda is a student at NDSU. He is in his senior year majoring in Civil Engineering. Tatenda is from Bismarck and a part of the NDSU Track and Field team. Tatenda is a self-motivated, goal-oriented and hard working person who is looking forward to learn and make an impact to this community during his time here.

ATTACHMENTS: N/A

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: No recommendation, for information only.

SUGGESTED MOTION: N/A



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 13, 2019
SUBMITTING DEPARTMENT: City Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider approval of an appointments to the Community Beautification Committee

STATEMENT/PURPOSE: Consider approval of an appointment to the Community Beautification Committee for an unexpired term ending Dec. 31, 2020.

BACKGROUND/ALTERNATIVES: The Community Beautification Committee helps formulate and coordinate programs, projects and policies that enhance the aesthetic appearance of the community. It may also identify the need for amending the Mandan Code of Ordinances.

There is one unexpired term up for consideration. Candidates should be property owners or representatives of property owners in the City of Mandan. Representation is sought from both residents and businesses. Terms are three years, with this vacant position's term ending Dec. 31, 2020. Letters of interest were sought through an April news release with a requested deadline for responses of May 31 or until position is filled.

Vacant term:

- Was held by Kelsey (Kolars) Huber (term ends Dec. 31, 2020)

The Community Beautification Committee met June 13. Agenda items included consideration of recommendations for appointment. There was only one letter of interest submitted by Maria Walen. Walen was in attendance at the Community Beautification Committee meeting, and the committee unanimously approved recommending her to be appointed to fill the vacancy.

ATTACHMENTS: Letter of interest.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: The Community Beautification Committee recommends the appointment of Maria Walen to the unexpired term ending Dec. 31, 2020.

SUGGESTED MOTION: I move to approve appointing Maria Walen to the Community Beautification Committee for the unexpired term ending Dec. 31, 2020.

Walen Letter of Interest:

Friday, May 24, 2019

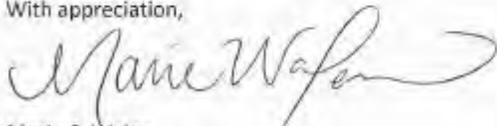
I, Maria Walen, am writing to be formally considered for the open position with the Mandan Community Beautification Committee. I moved to Mandan four years ago to accept the position of General Manager of the Comfort Inn & Suites and purchased my first home in Mandan. Since that time, I have had the opportunity to become more involved in the community in diverse ways. I am currently serving on two other committees for the City of Mandan: Visitor's Fund and Growth Fund. In addition to those, I am serving as a board member for the Dakota Children's Advocacy Center, Leadership Bismarck Mandan Alumni Association, and Growing BisMan.

I have also helped give back to the community with different event based projects including planning for Touch a Truck (2019), Brave the Shave-Go Bold, Go Bald, Go Gold (2019), and a current initiative, Mandan Flowers.

I believe I would be an asset to the Mandan Community Beautification Committee because of my dedication to the community in which I live, interest in the city's increased economic vitality for residents and visitors, and my integrity. I truly enjoy being part of the community by serving in these different areas as well as part of the Chamber EDC, Mandan Progress Organization, and CVB.

Please consider my interest for the position; I look forward to hearing from you.

With appreciation,



Maria C. Walen
General Manager
Comfort Inn & Suites



New Business No. 3

Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 6, 2019
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Kimberly Markley
PRESENTER: Kimberly Markley, City Assessor
SUBJECT: Application for Property Tax Exemption for Improvements to Commercial & Residential Buildings North Dakota Century Code 57-02.2

STATEMENT/PURPOSE: To consider a three year exemption for construction of an addition to a structure pursuant to North Dakota Century Code 57-02.2.

BACKGROUND/ALTERNATIVES: K & K Ressler LLC is applying for a three year exemption for the construction of a 1200 foot square addition to the structure located at 3801 Memorial Highway. The 30' X 40' addition will be constructed on the south side of the building. Addition will consist of four offices and enlarged conference room. This parcel is also known as Lot 3 Block 1 Midway 10th, parcel #65-3155965.

ATTACHMENTS: Application, 2015 City of Mandan Guidelines for Property Tax Exemption of Improvements to Commercial & Residential Buildings, plan and current picture of south side of building

ESTIMATED FISCAL IMPACT: The value of the addition is estimated to have a value of \$104,700. Based on that amount, with the 2018 mill levy of 265 mills, the estimated exemption is \$1,388 for all taxing entities and \$328 for the City of Mandan. The actual exemption will be subject to prevailing market values and actual mill rates during the three-year exemption period.

STAFF IMPACT: N/A

LEGAL REVIEW: City of Mandan Municipal Code 111-2-9 requires: "Every building open to public use that has received the benefit of public funds from the city shall provide for the installation of an automatic door for at least one main entrance to the building." Reviewed by City Attorney Malcolm Brown.

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)



Property Identification

1. Legal description of the property for which exemption is claimed Midway 10th LOT 3 Block 1

2. Address of Property 3801 MEMORIAL Hwy - MANDAN, ND 58554

3. Parcel Number 65-3155965

4. Name of Property Owner K&K RESSLER LLC Phone No. _____

5. Mailing Address of Property Owner 49 CAPTAIN MARSH DR MANDAN, ND 58554

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). 1200 sq. ft addition on rear of building; 4 offices & expanded conference space

7. Building permit No. _____ 8. Year built (residential property) _____

9. Date of commencement of making the improvements 7/10/19

10. Estimated market value of property before the improvements \$ 700,900

11. Cost of making the improvement (all labor, material and overhead) \$ 200,000

12. Estimated market value of property after the improvements \$ 850,000 - 875,000

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant [Signature] Date 6/1/19

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do do not meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization _____ Date _____

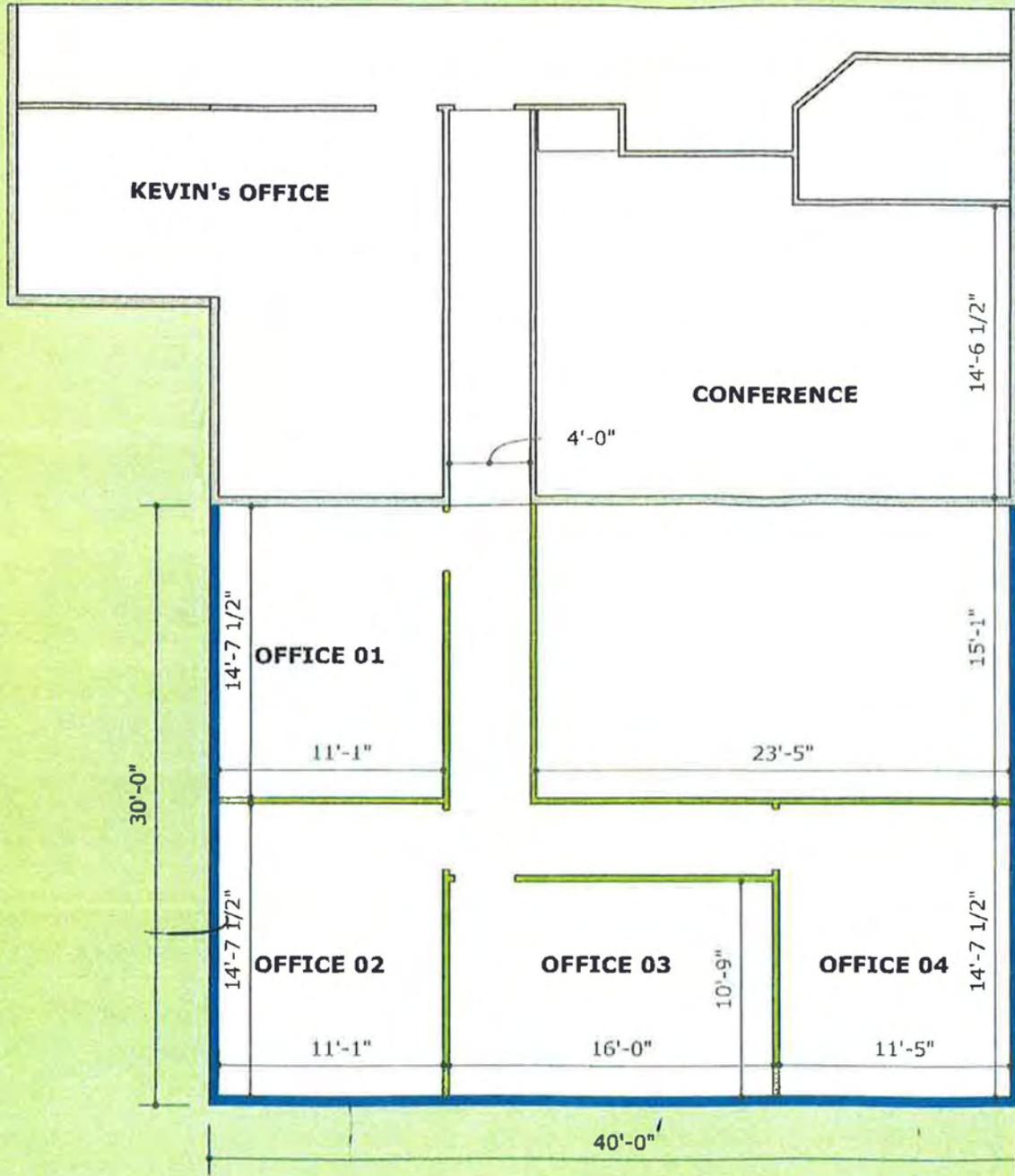
Action Of Governing Body

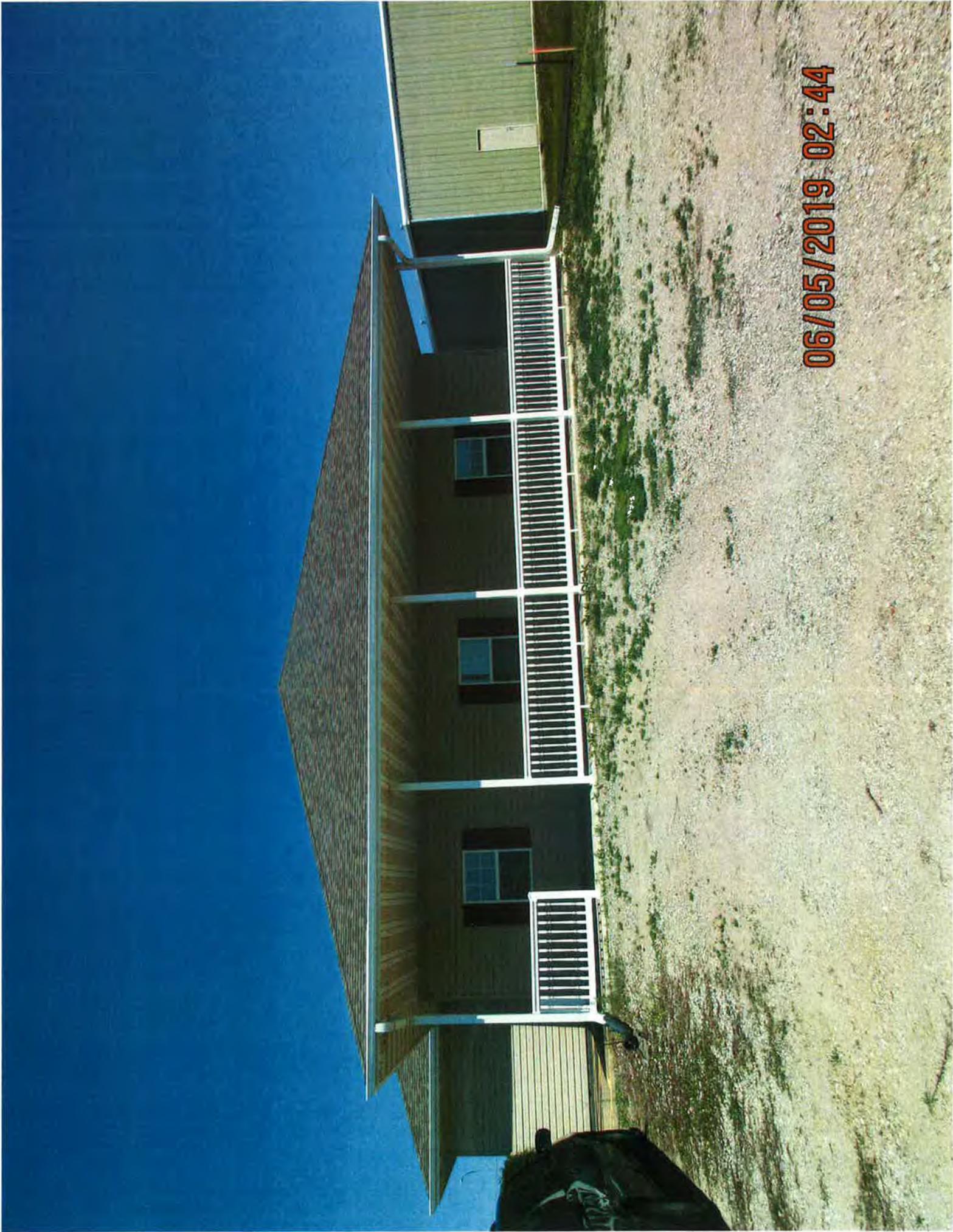
15. Action taken on this application by the governing board of the county or city: Approved Denied

Approval is subject to the following conditions: _____

Exemption is allowed for years 20 __, 20 __, 20 __, 20 __, 20 __.

Chairperson _____ Date _____





06/05/2019 02:44



City of Mandan
Assessing Department
205 2nd Ave. NW
Mandan, ND 58554
701-667-3232

**CITY OF
MANDAN**
"WHERE THE WEST BEGINS"

2015 CITY OF MANDAN GUIDELINES FOR PROPERTY TAX EXEMPTION OF IMPROVEMENTS TO COMMERCIAL & RESIDENTIAL BUILDINGS

State Guideline Requirements: N.D.C.C. 57-02.2

1. The governing body of the county, for property outside city limits, or the governing body of the city, for property within city limits, must pass a resolution to allow the exemption.
2. The governing body may limit or impose conditions upon exemptions, including limitations on the length of time during which an exemption is allowed, not exceeding five years. The requirements must be applied equitably to all applicants.
3. The exemption is valid for the prescribed period and does not terminate upon the sale or exchange of the property. It is transferable to subsequent owners.
4. The resolution may be rescinded or amended at any time by the governing body of the county or city.

Improvements that Qualify:

5. Improvements to commercial or residential buildings or structures by renovation, remodeling, alteration or an addition to residential may qualify for exemption:
 - a. Renovation- Restoring to a previous condition or to a good state of repair.
 - b. Remodeling- Changing the plan, form or style of a building, to correct functional deficiencies.
 - c. Alteration- Changing, modifying or varying; changing materially.
 - d. Addition- A structure attached to an existing building to increase its size.
6. A residential building must be 25 years old or older on the assessment date to qualify for the exemption. This provision does not apply to commercial buildings.
7. The renovation, remodeling or alteration of an apartment or residential building into a commercial building or structure is eligible for exemption, whether or not the apartment or residential building is 25 years old. However, if a commercial building is renovated, remodeled, or altered into an apartment or residential building, the commercial building must be 25 years old or older to qualify for the exemption.

Improvements that Do Not Qualify:

8. Improvements begun before the governing body passed the resolution do not qualify for exemption.
9. The complete replacement of one building with another building does not qualify for exemption.
10. A separate structure that is not attached to the existing building does not qualify for exemption.

Procedures:

11. The property owner files an application with the assessor of the assessment district where the property is located.
12. The assessor determines if the improvements qualify for exemption. The governing body of the county or city must approve the exemption before it becomes effective.
13. If the renovation, remodeling, or alteration or addition qualifies, the last assessment on the building prior to the start of making the improvement remains for the prescribed period unless equalization or reevaluation of building values is necessary.
14. The exemption is effective beginning with the first assessment date following the date of commencement of making the improvements.
15. Land values may be changed on any assessment date when justified.

City of Mandan Policy:

1. The exemption will be for a maximum of 3 years.
2. Additions to commercial properties could qualify for the exemption upon approval by the city commissioners if the project qualifies or meets the criteria requirements.
3. The property owner must apply for the exemption and be approved with the Assessor's office once a complete reassessment is done and final approval made by city commissioners prior to the commencement of the improvement. Commencement of the improvement means the start of any remodeling, pouring of footings or foundations. The moving of dirt is not considered the commencement of improvement.
4. A permit must be issued prior to commencement of the improvement.
5. The exemption will not be allowed for repairs due to flood, fire, or tornado damages, or other insurable events.
6. A property may be allowed one exemption per property per assessment year. The first remodeling exemption must be complete and expired prior to the approval of the 2nd application for the remodeling exemption. This would include Renaissance, store front improvement matching funds, or new business exemptions.

*Approved by the Mandan City Commission
January 20, 2015*



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 13, 2019
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Request for Qualifications – Architectural Services

STATEMENT/PURPOSE: To consider approval issuing a Request for Qualifications (RFQ) for architectural services.

BACKGROUND/ALTERNATIVES: The recent Energy Transfer donation of \$3M for improvements to the Morton Mandan Public Library, Dykshoorn Park & Heritage Plaza will require retaining architectural services. The attached RFQ outlines the project as constructing a new facility near the library that will house an area for the bookmobile and accommodate portable equipment used for community events, other project components may include a new library atrium, additional public restrooms, window replacements, masonry tuck-pointing, and other traffic pattern improvements within the existing building and possible park enhancements include a ticket booth and permanent decorative fence for the Main Street side of Dykshoorn Park and a pavilion in Heritage Plaza.

The following represents the sequence of events contemplated in the qualification and selection procedure:

- Advertise for Proposals June 21, 2019
- Proposals Due July 19, 2019
- Review Responses and Prepare Shortlist July 22-26, 2019
- Notification of Selections July 29, 2019
- Interview Selected Candidates Week of August 5, 2019
- City Commission Approve Selection August 20, 2019
- Selection Notification and Negotiation August 21, 2019
- City Commission Approve Contract September 3, 2019
- City Commission Approve Plans & Specs December 17, 2019
- Documents out for bid December 20, 2019
- Bid Opening January 29, 2020

ATTACHMENTS: Proposed RFQ

FISCAL IMPACT: to be determined

STAFF IMPACT: Staff time will include, review of proposals, negotiation, design and implementation of the plan.

LEGAL REVIEW: Attorneys Brown and Oster have reviewed the RFQ.

RECOMMENDATION: I recommend approving the issuance of the RFQ as presented.

SUGGESTED MOTION: I move to approve issuing the RFQ as presented.

Request for Qualifications

Architectural Services

For

Morton Mandan Public Library,
Dykshoorn Park & Heritage Plaza

Mandan, North Dakota

June 21, 2019

I. INTRODUCTION

The City of Mandan will receive Statements of Qualifications for Architectural Services for the Morton Mandan Public Library, Dykshoorn Park and Heritage Plaza Improvements.

II. PROJECT INFORMATION

The project consists of constructing a new facility near the library that will house an area for the bookmobile and accommodate portable equipment used for community events.

Other project components may include a new library atrium, additional public restrooms, window replacements, masonry tuck-pointing, and other traffic pattern improvements within the existing building.

Possible park enhancements include a ticket booth and permanent decorative fence for the Main Street side of Dykshoorn Park and a pavilion in Heritage Plaza.

The estimated total cost is between \$3,000,000 - \$5,000,000 and includes construction, design fees, reimbursable expenses and all associated costs to complete the project.

III. SCOPE OF SERVICES

The scope of services includes, but is not limited to:

A. Phase I

Phase I shall result in Schematic Design level documents as identified by the AIA agreements. The design team shall present the preliminary proposed solution(s) and estimated project costs to the City of Mandan for approval prior to proceeding to Phase II.

B. Phase II

Upon receiving design and budget approval, the design team shall complete Design Development, and Contract Documents. The design team shall present the documents and estimated project costs to City of Mandan prior to proceeding to Phase III.

C. Phase III

Upon receiving document and budget approval, the design team shall proceed with Bidding and Construction Contract Administration.

IV. CONSULTANTS

Persons or firms, to be considered as the project's Architect shall include all consultants deemed necessary.

V. SUBMITTAL REQUIREMENTS AND SELECTION CRITERIA

The City of Mandan requests the following material for use in the selection of an Architect: (While preparing the submittal, please be conscience of the scale of your projects in respect to the work described.)

1. Firm description and background (10 points) maximum four pages.
2. Statement of Interest: (10 points) maximum of one page.

Provide a description of your interest in this project. Please be specific.

3. The Ability of Professional Personnel (30 points) maximum 10 pages.

Qualifications of the Architect and project team members proposed for the project including a clear definition of their primary responsibility. The section shall include:

- a. An organizational chart for all members in project team. List any in-house or out-of-house special consultants. Identify their function within the design team.
 - b. Enclose brief resumes of personnel to be assigned to this project.
4. New Construction and Remodel Experience (10 points) maximum five pages.

Describe your experience with projects where the entire building remained occupied throughout construction.

5. Related Experience on Similar Projects (40 points) maximum 15 pages.

- a. Recent Relevant Work:
 - 1) Describe seven projects completed within the past 15 years, or under construction that most closely resemble this project. Include the project name, client, year of completion, value in place, and reference contact. Identify any persons who worked on the seven projects that will be working on these projects.

VI. PROCEDURES FOR SUBMISSIONS

- A. Firms or persons wishing to be considered shall submit seven hard copies, and one electronic file of their qualification materials to be received no later than 4:00 p.m. Central Standard Time, July 19, 2019 to:

Mr. Jim Neubauer, City Administrator
City of Mandan
205 2nd Ave NW
Mandan, ND 58554

B. Sequence of Events: The following represents the sequence of events contemplated in the qualification and selection procedure:

- Advertise for Proposals June 21, 2019
- Proposals Due July 19, 2019
- Review Responses and Prepare Shortlist July 22-26, 2019
- Notification of Selections July 29, 2019
- Interview Selected Candidates Week of August 5, 2019
- City Commission Approve Selection August 20, 2019
- Selection Notification and Negotiation August 21, 2019
- City Commission Approve Contract September 3, 2019
- City Commission Approve Plans & Specs December 17, 2019
- Documents out for bid December 20, 2019
- Bid Opening January 29, 2020

VII. ADDITIONAL INFORMATION

- A. All non-resident corporations, LLC's, and LLP's must be registered with the Secretary of State to do business in this state before they can enter into the contract.
- B. The City of Mandan will not include an arbitration clause in any contract with the successful firm.

END OF REQUEST FOR QUALIFICATIONS



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 13, 2019
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Request for Proposals for the Mid-Town East Street Improvement District, #215

STATEMENT/PURPOSE: To consider approving the advertisement of a Request for Proposals (RFP) for the Mid-Town East Street Improvement District, #215.

BACKGROUND/ALTERNATIVES: The Planning and Engineering Department recognizes a backlog in local street project needs. With the announcement Prairie Dog funds, we see an opportunity to be more aggressive in addressing those needs by allocating a percentage of those funds towards these local streets similar to the allocation that was approved for the Southside Street Improvement District. In order to get going on one of those districts that presents challenges in the way of extensive underground needs as well as the streets, our department is recommending we advertise this RFP to start a selection process for a consulting engineer to lead the design of this district.

This particular area was chosen because of the poor condition of many roadways within and the natural progression to the west from SID 199. It is approximately sized for a project that multiple local contractors could handle within one construction season and with a planning level estimate of around \$5M.

Staff across multiple departments are active in formalizing a plan with funding and schedule recommendations for many infrastructure improvement projects to bring to city commission in the future. While we are still discussing, we don't want to lose time on this and other projects that we think can be realized next year.

ATTACHMENTS:

1. Conceptual map of District (impacted area in yellow)
2. Project Schedule
3. Request for Proposal

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2019

Subject: Request for Proposals for the Mid-Town East Street Improvement District, #215

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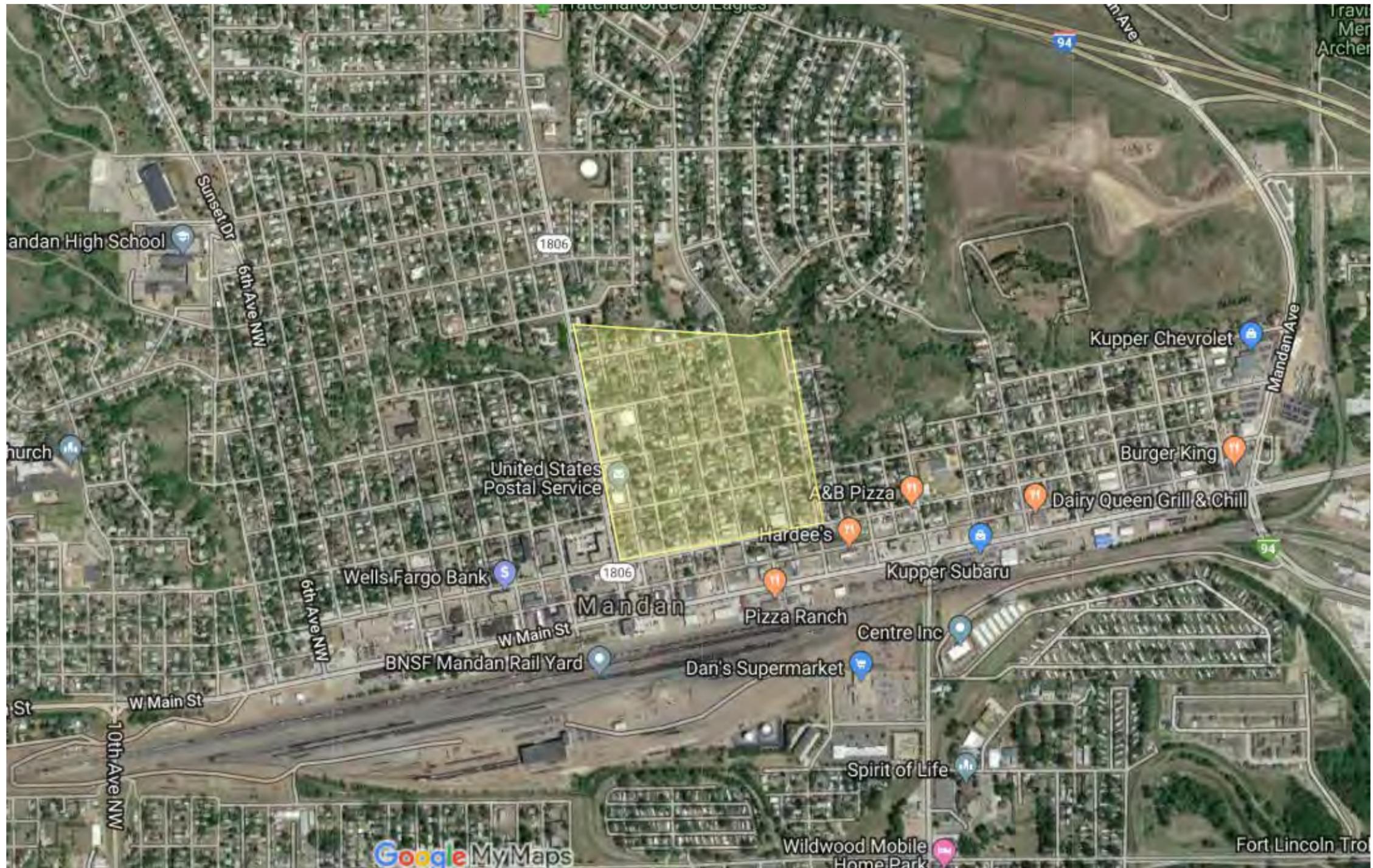
FISCAL IMPACT: Minimal fiscal impact at this time.

STAFF IMPACT: Significant time will need to be spent through the selection process.

LEGAL REVIEW: These documents have been forwarded to the City Attorney for his review.

RECOMMENDATION: Approve the Advertisement of the Request for Proposals.

SUGGESTED MOTION: Move approve the advertisement of the Request for Proposal (RFP) for the Mid-Town East Street Improvement District, #215.



Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2019

Subject: Request for Proposals for the Mid-Town East Street Improvement District, #215

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REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES

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

Provide design engineering and pre-bid services for the Mid-Town East Street Improvement District #215. Services shall include preparing a project concept report, designing of project, prepare bid and contract documents. The project is to reconstruct local roads primarily by the special assessment method and does not involve federal funds.

The general schedule of this project is to preliminarily design in 2019 and finalize design in early 2020 for 2020 construction. The city anticipates a spring of 2020 bid opening. The general scope and nature of the construction project to be designed is as follows;

Improvement of city streets in the area that can generally be described as west of 5th Avenue NE to Collins Ave and north of Main Street to 5th Street NE. It is anticipated that most of these streets will require a full reconstruct, however, less impactful methods of improvement will be considered where feasible. The project is also anticipated to include a significant amount of storm sewer and watermain replacement.

Written proposals shall address, as a minimum, the following items of consideration; the firms:

- 1) Past performance
- 2) Ability of professional personnel
- 3) Basic project understanding
- 4) Willingness to meet time and budget requirements
- 5) Location of firm's staff performing the work
- 6) Related experience on similar projects

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

Written proposals from qualified consultants will be accepted until 5:00 p.m., Wednesday, July 17, 2019. Proposal pages shall be numbered and limited to six (6) pages in length. Each proposal shall contain a cover letter signed by an authorized officer of the firm. The cover letter will not be counted as one of the six (6) pages. The proposal may include appendices for more robust or additional information such as resumes, references, past projects, etc. that support the firms capability. The appendices will not be considered as part of the six (6) page proposal and is not limited. The city anticipates interviews to be scheduled for the week of July 29th. It is anticipated

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2019

Subject: Request for Proposals for the Mid-Town East Street Improvement District, #215

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that a recommendation for selection will go before the Board of the City Commissioners for their consideration on August 6th.

During the RFP period, the city will accept questions in written form by emailing Justin Froseth at jfroseth@cityofmandan.com with the subject line including the text "SID 215". All questions will be posted anonymously and answered within the city's RFP section of the city website.

Additionally, interested firms may request a half hour meeting with city engineering staff to ask questions about the project. Those questions are subject to posting on the city website as well.

For consideration, submit six (6) hard copies, and one (1) electronic copy of said proposal to:

City of Mandan

Engineering Office

205 2nd Avenue NW

Mandan, ND 58554



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 13, 2019
SUBMITTING DEPARTMENT: Engineering & Planning & Public Works
DEPARTMENT DIRECTOR: Justin Froseth, PE & Mitch Bitz
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: Ad for Bids for Watermain Pipe Bursting Project

STATEMENT/PURPOSE: To consider approving the advertisement for bids for a watermain pipe bursting project in the Northwest part of the City.

BACKGROUND/ALTERNATIVES: The subject watermain is primarily located under and near Custer Drive in Northwest Mandan. This has long been a problem area where frequency of breaks out-pace the average in other areas of the city. The past winter was especially challenging due to the extreme cold. City staff has identified this area as rising in priority to replace the watermain. The traditional method of open cut and installing in the trench is still being considered, however, a preliminary look at estimates has staff believing that the trenchless method of pipe bursting may be our most cost effective way to replace this stretch, primarily since the roadway is not in need of a reconstruct.

We have plans drafted for this pipe bursting project, if approved today, we will receive sealed bids on July 12th. Once received, we will compare the low bid with the change order price that our Southside contractor is working on to open cut install.

ATTACHMENTS:

1. Cover Page with Area Map
2. Watermain Break Map
3. Ad for Bid

FISCAL IMPACT: Minimal fiscal impact at this time.

STAFF IMPACT: Minimal

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Subject: Ad for Bids for Watermain Pipe Bursting Project
Page 2 of 6

LEGAL REVIEW: These documents have been forwarded to the City Attorney for his review.

RECOMMENDATION: Approve the advertisement for bid.

SUGGESTED MOTION: Move approve the advertisement for bid for the Custer Drive Watermain Pipe Bursting project, #2019-06.

2019 CITY OF MANDAN WATER MAIN IMPROVEMENT PROJECT

PROJECT NO. 2019-06
 JUNE 18, 2019



UTILITY COMPANIES

GAS/ELECTRIC:
 MONTANA-DAKOTA UTILITIES CO.
 308 1ST STREET NW
 MANDAN, ND 58554
 PH: 701-663-8713

ELECTRIC:
 MOR-GRAN-SOU ELECTRIC COOP. INC
 2816 37TH STREET NW
 MANDAN, ND 58554
 PH: 701-663-0297

CABLE:
 MIDCONTINENT COMMUNICATIONS
 719 MEMORIAL HIGHWAY
 BISMARCK, ND 58501
 PH: 1-800-888-1300

PHONE:
 CENTURYLINK
 1101 16TH STREET NE
 MANDAN, ND 58554
 PH: 701-222-6820

**CITY OF MANDAN
 PUBLIC WORKS DEPARTMENT**
 411 6TH AVENUE SW
 MANDAN, ND 58554
 PH: 701-667-3240
 BRAD GLASS



VICINITY MAP
 NO SCALE

INDEX OF SHEETS

- 1 COVER SHEET
- 2 LEGEND AND ESTIMATED QUANTITIES
- 3 GENERAL NOTES
- 4-5 INSTALLATION PLANS



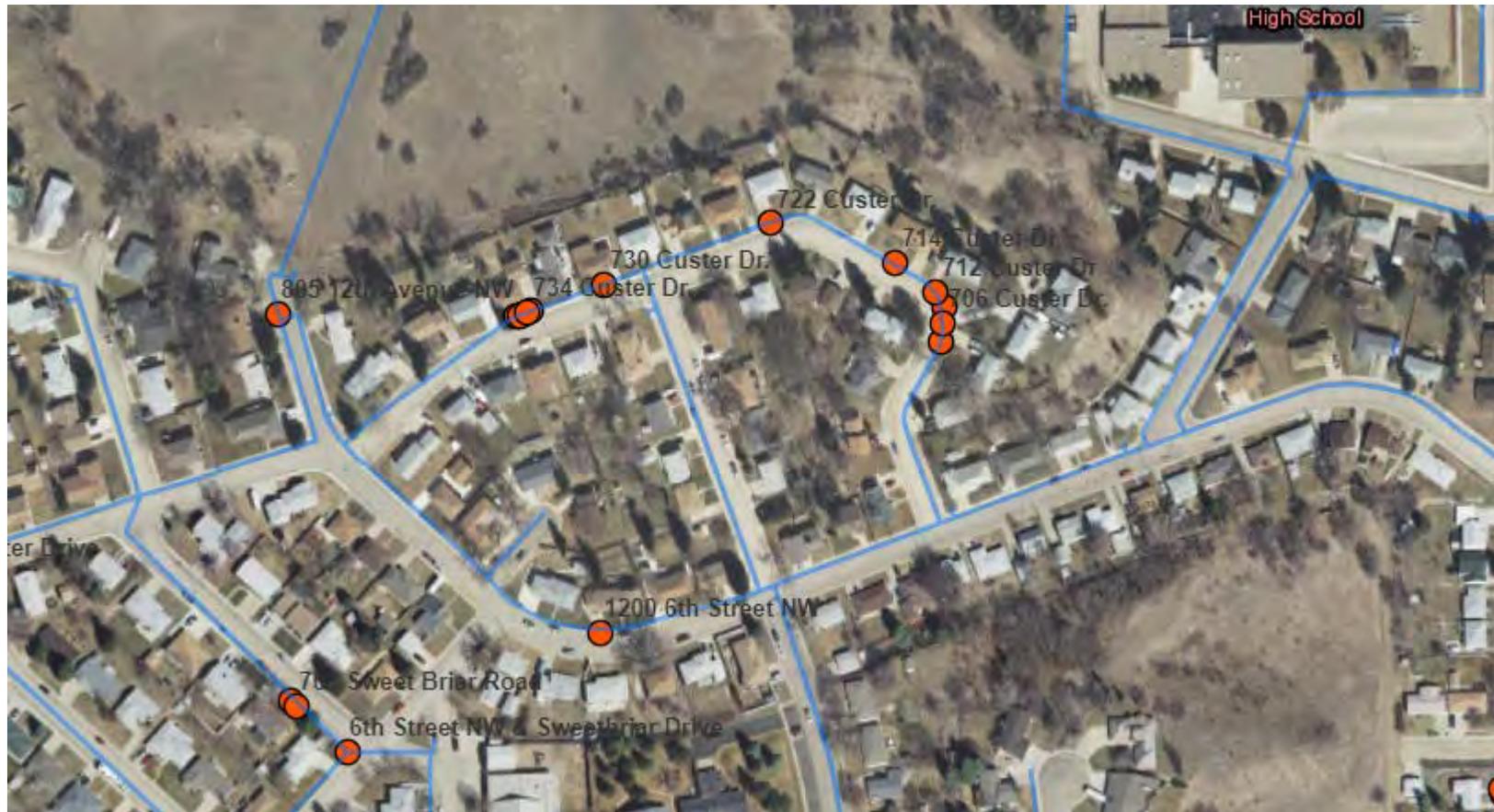
PRELIMINARY
 NOT FOR
 CONSTRUCTION

**CITY OF MANDAN
 2019 MANDAN WATER MAIN IMPROVEMENT**



Date	Sheet
06/2019	1
Drawn By	OF
AML	5

Recorded Watermain breaks since 2015 shown below.



**ADVERTISEMENT FOR BIDS FOR
2019 WATER MAIN IMPROVEMENT PROJECT #2019-06
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota, will receive sealed bids at the Office of the City Engineer, City Hall, until July 12th, 2019, at 10:00 a.m., local time, for the purpose of the construction and repair of sidewalks, curb and gutters, and all other work related to the 2019 Water Main Improvement Project 2019-06. The work consists of all labor, skill and materials required to properly construct the improvement.

Contractors and vendors desiring plans and specifications for personal use may secure digital copies from www.questcdn.com for a fee of \$25.00. These documents may be downloaded by selecting this project from the "Bid Documents" tab and by entering Quest Project Number #6162228 on the "Search Projects" page. For assistance and the free membership registration, contact QuestCDN at (952)233-1632 or info@questcdn.com. Paper copies of the bid documents may be obtained from the City of Mandan Engineering office, 205 2nd Avenue Northwest, Mandan, North Dakota 58554 upon non-refundable payment of \$50.00 for each set. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The Contractor shall include a copy of his license or certificate or renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended. Unless a bidder obtains a contractor's license for the full amount of its bid within twenty days after it is determined the bidder is the lowest and best bidder, the bid must be rejected and the contract awarded to the next lowest, best, and licensed bidder.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the amount of the bids as required by Section 48-01.1-05, North Dakota Century Code, as amended, and executed as provided by law. The bid bond shall be conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after notice of award shall execute a contract in accordance with the terms of the bid and a contractor's bond as required by law and the regulations and determinations of the city's governing body.

Bids shall be made on the basis of cash payment for the work to be done. All work under this advertisement shall be started on a date to be specified in a written order from the Board of City Commissioners, or no later than ten (10) days after written notice to proceed has been received from the city.

All work shall be completed no later than November 15, 2019. If the Contractor fails to complete all the work within this time, or such additional time as has been granted for excusable delays, there shall be deducted from any money due the Contractor the sum of One Hundred Dollars for each calendar day the completion of the work is delayed. Such deducted amounts shall be charged as liquidated damages and not as a penalty.

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The bid proposals shall be sealed and endorsed "Proposal for the 2019 Water Main Improvement Project #2019-06". Bids shall be delivered or mailed to: City Engineer, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on July 12th, 2019. All bidders are invited to be present at the public opening of the bids. No bid may be read or considered if it does not fully comply with the requirements of NDCC '48-01.1-05 and any deficient bid submitted must be resealed and returned to the bidder immediately.

The Board of City Commissioners of the City of Mandan, North Dakota, will meet at the City Hall in said city on Tuesday, July 16th, 2019 at 5:30 p.m., local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding filed protests are insufficient to bar the work. The contract will be awarded on the basis of the low bid submitted by a responsible and responsive bidder deemed most favorable to the City's interest.

The Board of City Commissioners reserves the right to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to reject any or all bids and to waive irregularities whenever it is in the best interest of the City of Mandan.

Dated this 21st day of June, 2019.

City of Mandan, North Dakota
BY: James Neubauer
City Administrator

Publication Dates: June 28 & July 5, 2019



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 13, 2019
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, PE
PRESENTER: Justin Froseth, Planning & Engineering Director
SUBJECT: 19th Street Trail, Phase II TA Grant

STATEMENT/PURPOSE: To consider accepting the Transportation Alternatives (TA) Grant for the 19th Street SE Trail, Phase II project and commit to providing local funds.

BACKGROUND/ALTERNATIVES: All three entities; Parks, School and City have heard concerns from many nearby residents about the absence of a trail and safe crossing from neighborhoods along 19th Street to the west of Ft. Lincoln School. In response, we have worked together to submit a TA grant first for Phase I which will be constructed this summer to install the trail from the end of the Ft. Lincoln school to the west and Macedonia Drive. It also includes a push button actuated crossing at Ridge Drive SE for pedestrians to safely cross 19th Street.

Following the good news on Phase I, late last year our office submitted another TA grant for phase II which picks up where phase I leaves off and extends the trail to Highway 6 to the west where the project would end. Last month, we received word from the DOT that the phase II application was successful as well at the maximum amount they can award for any one project, \$290K.

The DOT's acceptance letter asked for notification by June 14th, however the city was granted an extension to this deadline to facilitate the June 18th City Commission meeting. Per the DOT's notification letter, this would be a 2021 construction project.

ATTACHMENTS:

1. Phase II Project Limits
2. Copy of bid letter and results
3. Cost Estimate Breakdown

FISCAL IMPACT: The Phase II project is much more extensive and therefore the local cost share is much more than for Phase I. Instead of being able to split the local share

three ways and avoid special assessments, for this phase, our department is recommending a special assessment district for the local share to be spread among benefitting properties.

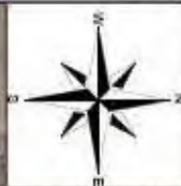
The Planning and Engineering Department held a meeting in May of 2018 to relay basic information as a potential project at that time while soliciting feedback from affected residents. At that time, the assumption was that we would not receive grant help for this project and the average per property special assessment amounts were estimated between \$327 and \$654 total. **With the grant help, the new average per property special assessment estimate is between \$163 and \$326 total.** More details would come later on a special assessment district set up for this project.

STAFF IMPACT: Minimal

LEGAL REVIEW: These documents have been forwarded to the City Attorney for his review.

RECOMMENDATION: Accept the Transportation Alternatives Grant for the 19th Street SE project with the commitment to pay for the local share amount by local special assessments.

SUGGESTED MOTION: Move accept the Transportation Alternatives Grant for the 19th Street SE project with the commitment to pay for the local share amount by local special assessments.



ND STATE HIGHWAY NO. 6

4TH AVENUE SW

CANYON RD SW

PROPOSED TRAIL

19TH STREET SW

MACEDONIA AVENUE SE

PLAINS BEND SE

FORT LINCOLN
ELEMENTARY



19th Street SE Trail (Phase 2) Project 2020



Date	11/2018	Sheet	1
Drawn By	AML	OF	3

19th Street Trail Cost Estimate Breakdown

Item	Phase 1
Construction Bid	\$ 155,280.25
Preliminary Engineering	\$ 1,794.00
Design Engineering	\$ 39,500.00
Construction Engineering	\$ 23,292.04
Total Project	\$ 219,866.29
TA Grant Awarded	\$ 102,198.61
(80.93% of Participating Items)	
Total Local Cost	\$ 117,667.68
1/3 of Total Local Cost (City share)	\$ 39,222.56

<--Not Special Assessed

Item	Phase 2
Construction	\$ 436,043.27
Engineering and Admin.	\$ 152,615.14
Total Project	\$ 588,658.41
Phase II TA Grant Awarded	\$ 290,000.00
Total Local Cost	\$ 298,658.41

<-- Special Assessed

Board of City Commissioners
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Meeting Date: June 18, 2019
Subject: 19th Street Trail, Phase II TA Grant
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May 6, 2019

Justin Froseth
Mandan Planning and Engineering Director
205 2nd Ave NW
Mandan, ND 58554

Subject: 2021 Transportation Alternatives (TA) Program Projects

It is my pleasure to inform you that the Mandan 19th Street SE Trail Project was selected for TA funding. Your project will be funded to a maximum of \$290,000 for construction in 2021. Pam Wenger in our Local Government Division will soon be contacting you about project details.

It is encouraging to see the commitment that the city of Mandan has made toward providing a trail and a safe crossing for the adjacent neighborhood schoolchildren. This project is important toward improving pedestrian and bicycle movements in the rapidly developing Fort Lincoln Elementary School area.

A list of the prioritized projects is enclosed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Henke".

Ron Henke
Interim Director

38/pjw
Enclosure



May 7, 2019

Justin Froseth
Mandan Planning and Engineering Director
205 2nd Ave NW
Mandan, ND 58554

Subject: 2021 Mandan 19th Street SE Trail Project

Congratulations on the recent award of Transportation Alternatives (TA) funds for your Mandan 19th Street SE Trail Project.

The federal aid project will be funded with 80.93% federal TA funds up to a maximum of \$290,000. These funds are for construction costs only.

Because of the high demand for TA funded projects, please notify us by June 14, 2019, that the local finances needed to plan and design this project are available.

It is presently planned that this project be developed, bids taken, and constructed by the end of the 2021 construction season. To meet this date, we encourage you to start project development and work towards a plan completion date between December 1, 2020, and March 15, 2021. The TA funds are for federal FY 2021 and these funds must be authorized by FHWA before the end of the fiscal year. The latest date that a completed set of plans can be submitted to the NDDOT is August 14, 2021. If you do not meet this date, your award of funds may be rescinded.

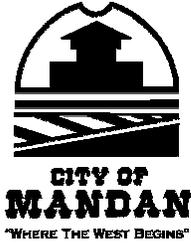
The process for the development of DOT projects shall be used and I will be able to assist you in the development of your project.

Once again, please notify us by June 14, 2019, what the wishes of the city of Mandan are in regards to this project. You can contact me at 701-328-4787 if you have any questions.

Pam Wenger
Local Government Division

38/sbh

Urban Projects – 2020 / 2021 Transportation Alternatives (TA)				
Ranking	City	Project	Federal Funds Requested	Federal Funds Awarded
1	Jamestown	SRTS Project	\$290,000	\$290,000
2	Lincoln / Burleigh County	SRTS Improvements	\$222,896	\$222,896
3	Mandan	19th St SE Trail	\$290,000	\$290,000
4	Wahpeton	SRTS Project	\$105,569	\$105,569
5	Grand Forks	South Columbia Road Shared Use Path	\$290,000	\$290,000
6	Grand Forks	University Ave Shared Use Path	\$290,000	\$290,000
7	West Fargo	Drain 45 Multi-Use Path Phase 1	\$290,000	\$232,000
8	Horace/Cass Co	CR 17 Shared Use Path	\$190,404	Alternate
9	West Fargo	Armour Park Sheyenne River Pedestrian Bridge	\$290,000	
10	Bismarck	Public Schools Safety Improvement	\$105,614	
11	Fargo	Deer Creek/Drain 27 Shared Use Path	\$290,000	
12	Wahpeton	2nd Street South Sidewalk Improvements	\$90,527	
13	Fargo	Safe & Secure Bicycle Infrastructure	\$50,316	
14	Bismarck	South Washington Trail	\$209,382	
15	Minot	16th St SW Shared Use Path	\$290,000	
16	Fargo	Bison Village Shared Use Path	\$163,860	
17	West Fargo	Drain 45 Multi-Use Path Phase 2	\$290,000	
18	Bismarck	Hay Creek Trail	\$160,612	
19	Williston	Sand Creek Trail	\$290,000	
20	Fargo	Coulee's Crossing/Drain 53 Shared Use Path	\$161,860	
21	Bismarck	Burleigh Avenue Trail	\$199,628	
22	West Fargo	Sheyenne River Pedestrian Bridge at 23rd Ave E	\$290,000	
Total			\$4,848,668	\$1,720,465
Rural Projects – 2020 / 2021 Transportation Alternatives (TA)				
Ranking	City	Project	Federal Funds Requested	Federal Funds Awarded
1	Bowman / Bowman Co	2021-2022 Safe Sidewalk	\$200,000	\$200,000
2	Minto / Walsh Co	School Route	\$200,000	\$200,000
3	Standing Rock Reservation	Porcupine Pathway Project	\$167,358	\$167,358
4	Bottineau Co	Lake Metigoshe Narrows Viewing Area	\$153,473	\$153,473
5	Richardton / Stark Co	Sidewalk Improvements Phase 1	\$113,599	\$113,599
6	Forman / Sargent Co	Sargent Central Project Bike Rack	\$6,965	\$6,965
7	Grenora / Williams Co	Public School Sidewalk Project	\$200,000	\$200,000
8	Hettinger / Adams Co	2020 SRTS Project	\$197,117	\$113,205
9	Killdeer / Dunn Co	Sidewalk Improvement Project	\$200,000	\$113,205
10	Burlington / Ward Co	US 2-52 Overhead Pedestrian Bridge	\$200,000	Alternate
11	Milnor/Sargent Co	Main Street Sidewalks, Curb & Gutter	\$200,000	
12	Harvey / Wells Co	Pedestrian Route for Harvey	\$200,000	
13	New Town / Mountrail Co	Highway 1804 Sidewalk and Lighting	\$200,000	
14	Langdon / Cavalier Co	Langdon Park Board Sidewalk	\$160,484	
15	Munich / Cavalier Co	7th Avenue Improvements Bike Lane	\$60,922	
16	Cass Co	Northern Cass Pass	\$95,093	
17	Gwinner / Sargent Co	Northwest Area Sidewalks	\$200,000	
18	Grafton / Walsh Co	Shared Use Trail Overlay	\$143,018	
19	Richardton / Stark Co	Sidewalk Improvements Phase 2	\$80,179	
Total			\$2,978,208	\$1,267,805



Board of City Commissioners

Agenda Documentation

MEETING DATE: June 18, 2019
PREPARATION DATE: June 12, 2019
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin Froseth, Engineering and Planning Director
PRESENTER: John Van Dyke, AICP, CFM
SUBJECT: Consider Encroachment Agreement with Thomas and Moriarty's for Outdoor Seating within the Right-of-Way on 1st Ave. NW

STATEMENT/PURPOSE:

Consider Encroachment Agreement with Thomas and Moriarty's for outdoor seating within the right-of-way on 1st Ave. NW.

BACKGROUND/ALTERNATIVES:

Thomas and Moriarty's is interested in providing outdoor seating to its patrons along 1st Ave NW.

Staff and MARC has reviewed and approved their proposal based on a site drawing and list of materials to be used. Both the site drawing and materials to be used are part of the proposed encroachment agreement. A site visit was also conducted to ensure ADA compliance was maintained and site triangles were not obscured.

The agreement would provide enough space for outdoor tables and chairs, as well as a fence to enclose the area. Occupancy within the right-of-way would be allowed from April 1 through October 31. Afterward, all materials would have to be removed until the following season.

City Attorney Oster is actively working on an ordinance to outline this process moving forward and will likely be presented to City Commission in coming weeks. The encroachment agreement contains the same or very similar provisions as the proposed ordinance will include.

Board of City Commissioners Agenda Documentation

Meeting Date: June 18, 2019

Subject: Consider Encroachment Agreement with Thomas and Moriarty's for Outdoor Seating within the Right-of-Way on 1st Ave. NW

Page 2 of 2

ATTACHMENTS:

1. Encroachment Agreement

FISCAL/STAFF IMPACT: minimal

LEGAL REVIEW: The encroachment agreement was constructed by the City Attorney.

RECOMMENDATION: Recommend approval of the encroachment agreement as presented in Exhibit 1.

SUGGESTED ACTION: I move to approve the encroachment agreement as presented in Exhibit 1.

EXHIBIT 1

ENCROACHMENT AGREEMENT AND WAIVER

The City of Mandan (“City”) hereby grants Thomas & Moriarty’s LLC, located at 200 West Main St, Mandan, ND (“Grantee”), the right to install and maintain a privately owned removable fence and seating area on the public right-of-way on First Avenue NW adjacent to Grantee, as shown on the attached Exhibit, subject to the following conditions:

(a) General Conditions.

- (1) The outdoor seating area shall not extend beyond the boundaries fronting Grantee’s business.
- (2) The operation of the outdoor seating area must be related to the sale of food or drink from Thomas & Moriarty’s.
- (3) The outdoor seating area shall allow a minimum 44-inch wide unobstructed pedestrian corridor at all times. Wider pedestrian corridors or increased clearances may be required where warranted by pedestrian traffic or other circumstances or to comply with applicable building codes, the Americans with Disabilities Act, or other laws.
- (4) A minimum clearance of five feet must be maintained between the outdoor seating area and edge of driveways, alleys, and handicapped ramps.
- (5) Outdoor seating area at corners must not extend to within sight triangles at street intersections or driveway entrances.
- (6) Clear unobstructed height of seven feet must be maintained between the sidewalk surface and overhead objects, including umbrellas.
- (7) The outdoor seating area must not block access to public amenities like street furniture, trash receptacles, and wayfinding or directional signs.
- (8) Furniture must be made of durable material. No plastic furniture is permitted.
- (9) Planters or pots may be used to define the outdoor dining space but are not required.
- (10) Tabletop signage is limited to menus.

- (11) All privately owned outdoor fixtures, such as fencing or barricades, must be freestanding. No portion of the fencing or barricade materials shall be anchored to the sidewalk or any other object within the public right-of-way.
- (12) Grantee shall not have on the premises any bell, siren, horn, loudspeaker, or any similar device to attract the attention of possible customers; nor shall Grantee use any such device to attract attention.
- (13) Grantee shall comply with the prohibitions on disturbing, annoying, and unnecessary noises set forth in Section 16-6 of the Mandan Code of Ordinances.

(b) Alcoholic Beverages.

- (1) Grantee shall comply with all state and local regulations for the sale, possession, and/or consumption of alcoholic beverages and shall provide the City with a diagram and/or plans showing the location of the outdoor seating area where alcoholic beverages will be served.
- (2) The area where alcoholic beverages are sold, possessed, and/or consumed must be effectively bordered by a partition, temporary fence, or other rigid device designed and intended to separate the outdoor seating area from passerby. The barrier must be no less than 32 inches in height.
- (3) Grantee shall ensure that Thomas & Moriarty's obeys all laws related to alcohol service and consumption. Grantee shall post visible signs at all exit points from the outdoor seating area to the public sidewalk reminding patrons that they cannot possess open containers of alcohol outside the outdoor seating area. To retain an outdoor seating area permit, Grantee shall ensure that no alcohol is served or consumed outside the permitted outdoor seating area.
- (4) If Thomas & Moriarty's does not have direct access to the outdoor seating area, employees of Thomas & Moriarty's must carry all alcoholic beverages in the non-fenced public right-of-way. No alcoholic beverages may be transported by patrons in the non-fenced public right-of-way.
- (5) Employees of Thomas & Moriarty's shall not consume alcoholic beverages while working in the outdoor seating area.

(c) Permit Requirements.

- (1) Thomas & Moriarty's shall comply with all City health and other applicable regulatory agency requirements, including but not limited to the requirements for food service. Thomas & Moriarty's shall display in a conspicuous location all such required permits and/or licenses. Thomas & Moriarty's shall continuously

maintain the required approvals, permits, and/or licenses, and provide evidence to the City upon request.

- (2) Cooking or food preparation shall not be allowed in outdoor seating areas.
- (3) Smoking, including vapor smoking and the use of electronic cigarettes, shall not be allowed in outdoor seating areas. Thomas & Moriarty's shall post visible signs reminding patrons that they cannot smoke in the outdoor seating area.
- (4) No outdoor seating area equipment or furniture may be placed in such a manner as to obstruct a building exit.

(d) Permit Renewals.

- (1) This Encroachment Agreement and Waiver is effective for one (1) year and will continue thereafter from year to year. The City may cancel this grant at any time after the initial one-year term upon two (2) months' written notice to Grantee.
- (2) Permits are effective from April 1 to October 31 each year. Tables, chairs, fences or dividers, and any other structure or item placed on the sidewalk must be removed by November 1 each year and may not be set out until April 1 each year.
- (3) Upon the end of the term or prior to abandonment by Grantee, Grantee shall, at its own expense, remove the removable fence and seating area and restore the public right-of-way to its original condition, if so required by the City.

(e) Waiver.

- (1) In exchange for the City's permission to operate and maintain a removable fence and seating area in the public right-of-way, Grantee agrees to release the City, its assigns, or other franchised utilities from and waive any and all claims relating to the removable fence and seating area, including but not limited to damages arising from damage to the removable fence and seating area, loss of business, or other personal injury or property damage resulting from damage to the removable fence and seating area by the City, its assigns, or other franchised utilities. Grantee agrees that it is using the public right-of-way at its own risk. Grantee shall not look to the City, its assigns, or other franchised utilities to pay for any expense or damage to the removable fence and seating area by the City, its assigns, or other franchised utilities.
- (2) Grantee agrees that it will hold harmless and indemnify the City, its assigns, or other franchised utilities from any and all claims in any way resulting from the placement of the removable fence and seating area on the public right-of-way. Grantee agrees that after installation of the removable fence and seating area, Grantee will restore the City right-of-way to its original condition. In the event the City is required to perform street maintenance or construction on the right-of-way at the location of the removable fence and seating area, Grantee

shall cooperate with the City in temporarily protecting the removable fence and seating area and accommodating the City's project, at Grantee's sole expense.

GRANTEE

THE CITY OF MANDAN

Stacy Sturm
Thomas & Moriarty's LLC

Timothy Helbling
President, Board of City Commissioners

Michael Kashey
Thomas & Moriarty's LLC

James Neubauer
City Administrator



4' x 8' Cedar Dog Ear Fence Panel

Model Number: 1731374 | Menards® SKU: 1731374

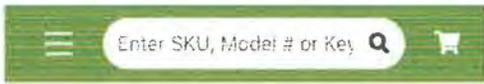


Cedar Split Rail 2-Hole Corner Post

Model Number: 1731022 | Menards® SKU: 1731022



Specs for Thomas & Moriarty's fence, 6 1/2 ft. width by 22 ft. length. It's made of cedar. Nothing will be screwed into the pavement. Planters of cement will be added to the larger poles for stability. Two posts will also be screwed into the building for stability.



Cedar Split Rail 3'6" 3-Rail Gate

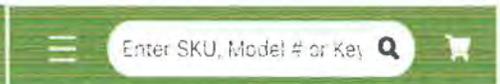
Model Number: 1731067 | Menards® SKU: 1731067



\$89.99 each



\$9.49 each



Home [Outdoors](#)
[Planters, Hanging Baskets & Accessories](#)

9" Ceramic Bowl Planter - Chocolate

Model Number: M910CFZ | Menards® SKU: 2780717



