

Morton County Park Board Meeting Agenda

August 27, 2024

Commission Room, Morton County Courthouse

210 2nd Ave NW, Mandan ND

4:00 PM

Call to order

Roll Call

Approval of Agenda

Approval of minutes of previous meetings (June 25, 2024)

Approve monthly bills & payroll--Himmelspach

1. Fairview Cemetery Ownership Document
2. Park Vendor Policy
3. Use of Picnic Shelter Policy
4. Park Updates
 - a. USACE Inspections
 - b. Graner Park Crushed Asphalt Project
 - c. Lewis and Clark Trail (south)

***ISSUES MAY BE ADDED OR DELETED BY MEETING DAY**

MORTON COUNTY REGULAR PARK BOARD MEETING

June 25, 2024

The Morton County Park Board Meeting was called to order on June 25, 2024 at 4:00 PM by Chairman Wetsch. Also present were Members Boehm, Geiger, Graner, Kist, Himmelspach and Morrell and Auditor Rhone.

Boehm moved and Himmelspach seconded to approve the agenda. All voting aye, motion carried.

Graner moved and Himmelspach seconded to approve the minutes of the May 28, 2024 meeting. All voting aye, motion carried.

Geiger moved and Graner seconded to approve bills. All voting aye, motion carried.

Morrell moved and Boehm seconded to approve the 2025 Park budget as presented. All voting aye, motion carried.

Himmelspach moved and Morrell seconded to adjourn at 4:38 PM. All voting aye, motion carried.



MORTON COUNTY

STATE OF NORTH DAKOTA

MORTON COUNTY PARKS

Tim Nilsen, Director



701.667.3363 • tim.nilsen@mortonnd.org

PB Notes 8.27.24

1. Fairview Cemetery Ownership Document: Mr. Morrell will be bring the Fairview Cemetery Ownership Document for the Board’s approval. Ray will discuss this issue at the Meeting.
2. Park Vendor Policy: I have included in your Packet a copy of the Park Vendor Policy for your review. I recommend making this a Policy.
3. Use of Picnic Shelter Policy: I have included in your Packet a copy of the Use of Picnic Shelter Policy for your review. I recommend making this a Policy.
4. Park Updates
 - a. USACE Inspections: I have included in your Packet copies of the USACE Inspection Reports of Graner Park and Fort Rice Recreation Area.
 - b. Graner Park Crushed Asphalt Project: This project will not be completed this season, the reason being there is no crushed asphalt in the area. I have spoken with Dawn about the time frame to get this project completed and we have until 2026 to finish the project.
 - c. Lewis and Clark Trail: I have received a complaint concerning the roughness of the south trail. In 21 we tried a product that d didn’t work because of the excess oil in the existing cracks. We have tried using a different product call omga mix. We used this product in three different types of cracks. In the spring we will look and evaluate the success of the product.
 - d. Park Revenue: I will have the July – August Revenue updated for the Meeting

	Fort Rice Rec	Fort Rice Camp	Graner Park	Harmon Lake
July-August 24	\$150	\$855	\$10,176	\$4,455
2024 season	\$280	\$3,970	\$67,963	\$30,715
2023 season	\$336	\$5,640	\$66,075	\$24,093
2022 season	\$248	\$6,353	\$72,479	\$26,780
2021 season	\$370	\$7,235	\$81,765	\$26,879
2020 season	\$0	\$5,395	91,290	\$36,598
2019 season	\$0	\$970	\$59,500	\$24,431
2018 season	\$0	\$1,400	\$66,470	\$37,591



1000-002 – Park Vendor Policy

Adopted -

Revised -

DRAFT

Legal Reference -

Purpose

The objective of permitting concession privileges in parks is to provide the public with access to products and services while providing regulations and procedures for vendor trucks / carts / trailers in Morton County managed parks. These guidelines will be used to determine the specific parks where concessions will be permitted and the types of concessions allowed.

General Policy

It is the policy of Morton County that all requests for placement of vendor trucks / carts / delivery services in Morton County managed parks and property shall be made in writing to the Morton County Parks Director who will determine the products or services offered will provide an enhancement to the park and the community and shall be authorized to approve or reject any and all requests based on the procedures outlined below.

This policy shall not repeal or amend any relevant provisions of any ordinance that may be in conflict with this policy.

APPLICATION SUBMISSION PROCESS

Concessionaire agrees that operations conducted pursuant to the permit will not be commenced until after all applicable requirements have been met, including but not limited to:

1. Complete an application form available online at <https://www.mortonnd.org/parks>, or at the Parks Office - Morton County Courthouse: 210 2nd Ave NW, Mandan ND 58554 701-667-3363.
2. All applications will be reviewed by the Parks Director within five business days.
3. No vending is permitted until the application is fully executed. Once an application is approved and all requirements are met, a permit will be executed, which may take up to 10 business days to complete.
4. Vendors requesting electricity must submit their request five business days prior to requested date of vending. A \$20 per day fee must be collected at the same time of application.

GENERAL CONCESSION REQUIREMENTS

Liability Insurance

The Concessionaire is required to maintain liability insurance as specified by the County Parks in the following paragraphs:

- The Concessionaire shall maintain public liability, products liability, and property damage insurance that protects the Concessionaire and the County Parks from any of the Concessionaire's operations under this Agreement.
- The insurance shall provide coverage in an amount not less than \$1,000,000 for personal injury to each person; \$1,000,000 for each occurrence involving property damages; or a single limit policy of not less than \$1,000,000 covering all claims per occurrence.
- Failure to maintain liability insurance shall be cause for immediate termination of this Agreement by the County Parks.

Independent Contractor Status

- The Concessionaire and its employees will not be employees of the County.
- The Concessionaire is engaged as an independent contractor and will be responsible for any federal, state, and local taxes and fees applicable to Concessionaire's activities.

Indemnification

The Concessionaire shall hold harmless, defend, and indemnify Morton County against all claims, demands, actions, liabilities and suits (including all attorney fees and costs) arising from the Concessionaire's.

Fire Bureau Inspection and Permit

All concession units using a propane appliance-fuel system are required to obtain the appropriate permit before use under the terms of the concession permit.

Licenses, Permits and Compliance with Laws and Regulations

The Concessionaire shall obtain all necessary licenses and permits to operate such concession and shall comply with all federal, state, and local laws and regulations applicable to such operation.

Concessionaire must have a current Business License, and other applicable licenses such as a health department permit.

APPROVED CONCESSION PRODUCTS AND SERVICES

All concessions are subject to Morton County Municipal Code and are subject to control and conditions of operation as set forth by Morton County Parks. Pre-approved concession products and services may include, but are not limited to:

- Food and non-alcoholic beverages only for immediate consumption.

When choosing which item or service to sell, keep in mind that consideration for approval will be based on the following criteria. All items to be sold shall:

1. Be vended from a regulation size vending cart /truck/trailer
2. Not cause congestion or blocking of pedestrian traffic or roadway.
3. Involve a short transaction period to complete the sale.

4. Not cause undue noise or offensive odors.
5. Be easily carried by pedestrians.
6. Not harm or encumber park structures, vegetation or permitted programs, activities or events. If the item or service does not conform, it shall be listed as prohibited for sale in parks.
7. Caterers are exempt unless they sell to the public.

CONCESSION VENDING APPARATUS AND FACILITIES

The following are the approved concession apparatus that are allowed.

Push Carts - A wheeled cart capable of being moved by one or two operators by hand. Push Carts must be approved by Parks Director at time of permitting.

- Limited in size to no more than 6 feet in length, 4 feet in width, and 5 feet in height exclusive of canopy or umbrella.
- Carts must be removed by end of event and not to exceed 10 days.
- The vendor is permitted to vend during park hours of operation.
- Carts approved under a mobile concession permit are subject to availability.
- Carts must be self-contained.
- Carts designated parking will be determined by the Parks Director.

Trailers – A non-motorized vehicle licensed for towing on streets and highways must be approved by Parks Director at time of permitting.

- Placement of trailers may be limited in some parks due to the lack of vehicle access.
- Trailers approved for these specific locations may be required to be placed without the use of a vehicle.
- Trailers must be removed by end of event and not to exceed 10 days.
- Trailers must be approved by the Parks Director. The vendor is permitted to vend during park hours of operation.
- Trailers must be self-contained.
- Trailers designated parking will be determined by the Parks Director.

Motorized Mobile Vending - A motorized vehicle such as a truck, van, or mobile home licensed for use on streets and highways that is equipped for preparing and vending foods, or for vending approved items or services.

- Trailers must be approved by the Parks Director.
- The vendor is permitted to vend during park hours of operation.
- Concessions must be removed by end of event and not to exceed 10 days.
- Concessions designated parking will be determined by the Parks Director.
- Concessions must be self-contained.

GENERAL CONDITIONS OF USE

- Each Park may have multiple concession sites within the park. Each concession site within each park may have specific limitations unique to its location.
- Vendor trucks / carts / trailers may only park in the location on a temporary basis. All vehicles and equipment related to the vending operation must be removed by end of event and not to exceed 10 days. The business of park vending shall be conducted between the hours of 7:00a.m. to 8:00 p.m.
- Any persons operating vending trucks who violate all or any of the provisions of this policy shall immediately be required to vacate the premises at the direction of the Morton County Parks Director. Any person who desires to appeal the decision made by the Morton County Parks Director shall do so in writing to the Morton County Parks Board. The individual shall be summoned to attend the next regular meeting and the individual shall be given the opportunity to plead their case with the Parks Board. The Parks Board shall make the final decision of the appeal. Failure to attend the meeting may result in automatic rejection of the request.
- Concessionaires shall dispense all beverages and liquids in cans or paper/plastic cups. No glass bottles or containers shall be served to customers in the park.
- Concessionaire accepts full and complete responsibility for any and all loss of or damage to any item of Concessionaire's property from any cause whatsoever and expressly releases Morton County Parks from any liability therefore.
- The Concession permit provided may not be assigned or transferred. Failure to comply with this provision will result in termination of the permit.
- Concessionaire shall collect all litter and garbage generated in the operation of the business at the end of each business day and remove from the park. In addition, vendors shall retrieve any containers, food or litter that may be carried away and left on the park grounds. Vendors may not put refuse from the operation of their business in or beside any public trash container.
- The Concessionaire is confined to the areas specified in its permit. Such areas may vary from time to time and may be extended or restricted. A park vending permit does not grant exclusive use of the area assigned.
- Morton County Parks shall be under no obligation to furnish shelter, utilities, equipment, furniture, or fixtures.
- Generators may be used in the vending operation with approval from the Parks Director.
- The Concessionaire shall not place any signage in the park (except which is directly affixed to the vending unit) without the Parks Director approval.
- Improvements to the park location for the Concessionaire's benefit shall not be made.
- Park vendors shall not block the passage of the public through a public area or interfere with access to ramps or other conveniences for individuals.
- Concessionaire shall not sell or distribute alcoholic beverages and tobacco products under the privileges provided herein.
- Concessionaires shall eliminate any unsafe condition or public hazard resulting from or associated with Concessionaire's activities without delay as directed by the Parks Director. Each vending unit shall be kept in a clean and sanitary condition.
- Concessionaires shall be responsible for cost of repair or replacement for any damage to park property from Concessionaire's activities.
- The Concessionaire shall abide by all park rules and regulations.

PERMIT REVOCATION

The Morton County Parks Department reserves the right to revoke or suspend a vending permit or may deny the renewal of said permit if it finds any of the following:

- Any required permit, license, or insurance has been suspended, revoked or canceled.
- The Permittee has violated or failed to meet any of the provisions of the Morton County Municipal Code.
- In cases where excessive (as determined by the Parks Department) litter, grease, and/or other debris results from the vending activity.
- If the vendor become involved in misconduct, misbehavior, and/or illegal activity.
- Vendor must provide description of unit before being provided a permit.

RIGHTS RESERVED

1. The Morton County Parks (MCP) reserves the right to reject any and/or all applications, in whole or in part.
2. MCP reserves the right to limit the number of vendors allowed in any one park and the total number of permits issued in any one year. The MCP further reserves the right to limit the vending unit size based on park aesthetics and available vending space in each park.
3. Should the Concessionaire fail to comply with any of the requirements or conditions of the permit, the MVP reserves the right to immediately suspend or terminate the permit.
4. Park Director reserves the right to determine the exact location within each park where the Concessionaire may conduct operations under the terms of the concession permit.
5. MCP may terminate a concession permit for any reason deemed appropriate in its sole discretion.
6. MCP reserves the right to exclude the Concessionaire from a permitted location for any reason.
7. MCP reserves the right to add or withdraw park locations from the list of approved locations without notice.



1000-001 – Use of Picnic Shelters

Adopted -

Revised -

DRAFT

Legal Reference -

Purpose

Morton County Parks Department coordinates and issues permits for the use of picnic shelters managed by the County. The purpose of this policy is to establish guidelines to promote orderly and effective use and enjoyment of County picnic shelters and parks.

General Policy

The intended use of the picnic shelters is to conduct events for all individuals and groups permitted to use these spaces as authorized by this policy. We ask that you assist us in our commitment to provide safe and clean park sites by observing the following guidelines policies, which will ensure that your experience is enjoyable.

This policy is applicable to the picnic shelters located at Graner Park, Harmon Lake, Breien Park, Fish Creek, Sweet Briar, Crown Butte as well as the immediate grounds surrounding these facilities, including parking.

Commercial Use of Picnic Shelter

Morton County has six picnic shelters for commercial use that can be reserved between 7 a.m. and 8 p.m. any day. To reserve a shelter, contact the Morton County Parks Office - 701-667-3363, or go to the Morton County Parks office during regular business hours from 8am-4pm. Morton County Courthouse: 210 2nd Ave NW, Mandan ND 58554

Fees

- Shelters are reserved for full day only. Picnic shelter rental fees are \$20 per day. All shelters are equipped with picnic tables only. Electricity is not available at all shelters.
- In the event a renter does not adhere to this policy, or it is found that they did not properly clean or there was damage to the facility, the applicant will be responsible for any costs incurred by the County and may be banned from using County facilities in the future.

Cancellation Policy

If the user cancels the event due to inclement weather or for some other reason, the permit holder should contact the Parks Director. The application fee is non-refundable regardless of the reason for

cancellation or date cancelled. The Parks Director is authorized to refuse or cancel any use of the picnic shelters which in their opinion is not in the best interest of the public or the County.

Picnic Shelter Rules and Regulations

- Reservation changes from one park to another park are not permitted.
- Consumption of alcohol is permitted. Glass containers are prohibited. Users will comply with all applicable local, state, and federal liquor laws. Please drink responsibly and be aware that Morton County Parks maintains a family-friendly atmosphere.
- All animals must be kept on leashes at all times. Please clean up after your pets.
- Amplified music, live bands and DJ's must be approved in advance.
- Must get Parks Director approval for any inflatables.
- Vehicles must park in designated parking areas; Vehicles are not allowed on the grass, sidewalk, etc.
- Registered permit vendors are the only vendors that will be allowed.
- Fireworks are prohibited at all times.
- Fires are restricted to grills and designated fire pits.
- All picnic shelters are handicapped accessible.
- Users are responsible for leaving the picnic shelter and surrounding areas in a clean and orderly condition. If you have taped or stapled decorations to the shelter please remove and dispose of these items. Trash must be properly disposed of in provided receptacles.
- Morton County is not responsible for any theft or damage to personal equipment and belongings at any County facility. Do not leave equipment, personal items, picnic supplies, etc. unattended.
- Report vandalism, service concerns, to Morton County Parks Director.

Picnic Shelters

The following picnic shelters can be reserved:

- Graner Park - Highway 1806 - Approximately 19 miles southeast of Mandan, 3/4 mile north on Graner Park Road. The Park features 75 electrical camping sites, primitive camping, three children's playgrounds, and direct access to the Missouri River. Experience the great outdoors with the amenities of picnic shelters, paved access, toilets, and potable water available on site.
- Harmon Lake - Highway 1806 and County Road 140, approximately 8 miles north of Mandan. Park features a Storm Shelter Available on site, Paved Access, three Picnic Shelters, three Vault Toilets, Campground Host, 43 Electrical Camping Sites, Primitive Camping, Potable Water, Camper Dumping Station, Public Boat Ramp with Dock, Kayak Launching Dock, Floating Fishing Pier, two children's Playgrounds, 13.1-mile mountain biking and hiking trail, Swimming area with sandy beach.
- Breien Park - Highway 6 - Approximately 33 miles south of Mandan. The Park features a Picnic Shelter, Vault Toilet, and Primitive Camping.
- Fish Creek Dam - I-94, Exit 134 - eight miles South, two miles East, one mile south. The Park features four Picnic Shelters, Primitive Camping, Public Boat Ramp with Dock, Floating Fishing Pier, two Foot Bridges, two Vault Toilets, Largemouth and Smallmouth Bass, Rainbow and Brown Trout and Crappie Fishing.

- Sweet Briar Lake - I-94, Exit 134 – The Park features six Picnic Shelters, six Vault Toilets, Primitive Camping, Potable Water, two Boat Ramps with Docks, one Floating Fishing Piers, Earthen Fishing Piers, Walleye, Pike, Perch, Bluegill, Crappie and Largemouth Bass.
- Crown Butte Dam - I-94, Exit 147- Approximately four miles West of Mandan. The Park features Picnic Shelter, Primitive Camping, Potable Water, Public Boat Ramp with Dock, Floating Fishing Pier, two Vault Toilets, Trout and Bluegill Fishing.

**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
Riverdale Real Estate Office**

INSTRUCTION TO GRANTEE

Grantee: Morton County Park Board	Contract No: DACW45-1-08-8097
Location: Graner Bottoms	Project: Oahe Project

COMMENTS AND INSTRUCTIONS:

2024 AMP received and processed, thank you!

2023 follow ups:

Replace broken picnic tables. Completed, Thank you!

Level Fishing dock. Completed, Thank you!

Repair electrical box at dump station and exposed copper wire in west loop.

2024:

- **Add fill to playground.**
- **Repair electrical cover by electrical terminal.**
- **Repair electrical pedestal 30.**
- **Clean up or use brush and wood piles and old snow fence.**
- **Repair T-post and tighten smooth wire around drain field.**
- **Remove concrete near vault toilet. See photo.**

Graner Bottoms is in excellent condition, the Corps and recreating public thanks you for your efforts in maintaining the area.

Lindsay Johnson

8/16/2024

COE Employee Signature

Date

Inspection Attendees:

Tim Nilson (Morton Co) Dalton Sougstad, Pat Feiock, Amanda Young, Lindsay Johnson, Loretta Hansen, Shannon Langland (COE)









**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
Riverdale Real Estate Office**

Grantee: Morton County Park Board

Outgrant No.: DACW45-1-21-8030

Location: Fort Rice Recreation Area

Project: Oahe

Inspection Attendees: Shannon Langland (COE), Loretta Hansen (COE), Amanda Young (COE), Lindsay Johnson (COE), Pat Feiock (COE), Dalton Sougstad (COE), Tim Nilsen (MCPB)

COMMENTS AND INSTRUCTIONS:

2024 AMP approved. Thank you!

2024 Notes:

- General garbage clean-up.
- Continue weed maintenance.
- Low water ramp vault toilet door is very rusted. Recommend replacement.
- Recommend taking measures to minimize the occurrence of off-roading by the boat ramp.

Overall the area looks great. Thank you for the hard work.

COE Employee Signature Shannon Langland Date 8-14-2024