



October 6, 2016

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, October 11, 2016 at 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

Invocation will be presented by a Chaplain from the Bismarck Police Department.

Future City Commission meetings are scheduled as follows:

- October 25, 2016
- November 8 & 22, 2016
- December 13 & 27, 2016

BOARD OF CITY COMMISSIONERS

1. Consider approval of the minutes of the special meeting on September 21, 2016 and the regular meeting on September 27, 2016.
2. CONSENT AGENDA
 - A. Consider approval of expenditures.
 - B. Consider approval of personnel actions.

Documents:

[Personnel actions for October 11 Board meeting.pdf](#)

- C. Consider introduction of and call for a public hearing on the request to transfer a Class F-1 liquor license from CAPSCO Entertainment, Inc. to Galpin Entertainment, LLC at 1120 Riverwood Drive (dba The Pier).

Documents:

[The Pier liquor license transfer.pdf](#)

- D. Consider request from the City Administration Department for approval of the Capital Cities' Mayors Homelessness Awareness Installation Initiative.

Documents:

[Capital Cities Homelessness Awareness Installation Initiative.pdf](#)

- E. Consider request from the Bismarck Airport for approval of Change Order 4 with Northern Improvement Company for the Maverick Avenue reconstruction and Terminal Boulevard rehabilitation projects.

Documents:

[Change order 4 with Northern Improvement Co for airport projects.pdf](#)

- F. Consider requests from the Community Development Department for introduction of and call for a public hearing on the following items. The Bismarck Planning and Zoning Commission recommends approval:

- Ordinance 6234, a zoning ordinance text amendment relating to the elimination of the CR Zoning District - Sections 14-03-06, 14-03-08, 14-04-01, 14-04-13 and 14-05-05.1, initiated by the city of Bismarck;
- Ordinance 6235, a zoning ordinance text amendment relating to Incidental Uses/Accessory Uses & RMH - Sections 14-03-06 and 14-04-05, initiated by the City of Bismarck;
- All of the following items relating to Memory 1st Addition, requested by Ron and Ruth Knutson and RBK Ventures, LLP.
 - Ordinance 6236 relating to partial annexation
 - Future Land Use Plan amendment for Section 10, Hay Creek Township
 - Ordinance 6237 relating to zoning change from A-Agriculture zoning district to the CG-Commercial and MA-Industrial zoning districts

Documents:

[Ordinance 6234 Elimination of CR District.pdf](#)
[Ordinance 6235 Accessory Buildings in RMH District.pdf](#)
[Memory 1st Addition related items.pdf](#)

- G. Consider the following requests from the Engineering Department:

- Approval of the request to renew the September 25, 2001 franchise with Montana-Dakota Utilities Co through September 25, 2021;
- Approval to order the repair of hazardous sidewalks deemed unsafe for pedestrian traffic from 912 through 918 East Owens Avenue. Note this property owner has already been notified of the need to make repairs as directed by this Board;
- Approval of Contract Change Order No. 1 with Cofell's Plumbing & Heating for a contract timeline extension until September 27, 2016 for Sewer Improvement District 16-569;
- Approval of the following requests for resolutions relating to Water Improvement District 16-331 (water main along Arabian Avenue in northwest Bismarck):
 - Creating District and Ordering Preparation of the Preliminary Report;
 - Approving Preliminary Report and Directing Preparation of Plans and Specifications;
 - Approving Plans and Specifications;
 - Authorization to Advertise and Receive Bids

Documents:

[Renewal of franchise with Montana Dakota Utilities Co.pdf](#)
[Repair of hazardous sidewalks 912 through 918 East Owens Ave.pdf](#)
[Contract Change Order with Cofells for SE 569.pdf](#)
[Water Improvement District 16 331.pdf](#)

H. Consider request from the Fire Department for authorization to apply for an Assistance to Firefighters grant.

Documents:

[Authorization to apply for grant.pdf](#)

I. Consider the following requests from the Police Department:

- Authorization to produce Bismarck PD K-9 calendars to be sold for fundraising for the department's K-9 teams.
- Permission to sell two decommissioned vehicles

Documents:

[Bismarck PD K9 calendars.pdf](#)

[Bismarck PD sale of decommissioned vehicles.pdf](#)

J. Consider request from Bismarck-Burleigh Public Health for permission to apply for grant funding for future implementation of an Open Streets Project.

Documents:

[Permission to apply for grant funding.pdf](#)

K. Consider the following requests from the Public Works Service Operation Department:

- Permission to request donations for the Forestry Division Partners in Planting Program and Arbor Day fund for 2017;
- Permission to sell five fleet vehicles.

Documents:

[Donations for Partners in Planting Program and Arbor Day for 2017.pdf](#)

[Permission to sell Public Works Fleet vehicles.pdf](#)

REGULAR AGENDA

3. Public comment (restricted to items on the Regular Agenda, excluding public hearing items).

Note: Those appearing should complete the sign-in sheet at the podium with name, address, contact phone number, etc.

(No attachment)

4. Consider request from Administration Department for discussion of Bismarck's footprint growth and infrastructure expansion.

Documents:

[Discussion of community footprint and infrastructure growth.pdf](#)

5. PUBLIC HEARING and Confirmation of Health and Safety Assessments.

Documents:

[Public hearing and confirmation of health and safety assessments.pdf](#)

6. Consider request for the Human Resources Department to award the Request for Proposal (RFP) for life and vision insurance plans.

Documents:

[Award RFP for life and vision insurance.pdf](#)

7. Consider request from Public Works Service Operations Department to receive and consider disposition of bids for the natural gas contract for 2016-2017.

Documents:

[Bids for natural gas for 2016 2017.pdf](#)

8. Other business.

(No attachment)

*Phone: 701-355-1300 ★ FAX: 701-222-6470 ★ 221 N. Fifth St. ★ P.O. Box 5503 ★ Bismarck, ND 58506-5503
www.bismarcknd.gov ★ TDD 711 ★ An Equal Opportunity-Affirmative Action Employer*



PERSONNEL ACTIONS FOR THE MEETING ON Oct.11, 2016

Full-Time and Part-Time Appointments

Hathaway, Kayse Communications Specialist	Communications	Probationary appointment @ \$20.06/hr. 10/16/2016
Heier, Philip Communications Specialist	Communications	Probationary appointment @ \$20.06/hr. 10/16/2016
Peterson, Justin Communications Specialist	Communications	Probationary appointment @ \$20.06/hr. 10/16/2016
Steffenson, Lavone Community Health Nurse	Public Health	Part time appointment @ \$35.99/hr. 11/7/2016
Meier, Clayton Waste Service Worker	Public Works	Probationary appointment @ \$16.51/hr. 10/3/2016
Vetter, James Waste Service Worker	Public Works	Probationary appointment @ \$16.51/hr. 10/3/2016

Separations

DeLage, Aimee Concessions	Event Center	Resigned. 9/19/2016
Friesz, Wanda Concessions	Event Center	Resigned. 9/19/2016
Jacobson, Karen Concessions	Event Center	Resigned. 9/29/2016
Letteer, Grace Concessions	Event Center	Resigned. 9/23/2016
Miller, Dale Set Up Worker	Event Center	Resigned. 9/19/2016
Riedinger, Robert Usher / Doorguard	Event Center	Resigned. 9/27/2016
Swenningson, Nancy Concessions	Event Center	Resigned. 9/28/2016
Wald, Mark Concessions	Event Center	Resigned. 9/19/2016

Vadner, Samantha Merchandise Sales	Event Center	Resigned. 9/9/2016
Adams, Linda Office Assistant II	Finance/Assessing	Terminated during probation 9/16/2016
Anderson, Christopher Real Property Appraiser	Finance/Assessing	Terminated during probation 9/30/2016
Steffenson, Lavone Community Health Nurse – Home Health	Public Health	Retirement. 11/4/2016

Others

Denning, Zachary Maintenance Technician	Public Works	Leave w/out pay 10/7/2016 pay period
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L102016-00122
9-21-16
NKA

CITY OF BISMARCK
APPLICATION FOR RETAIL
ALCOHOLIC BEVERAGE LICENSE
(PARTNERSHIP OR CORPORATION)

License _____
Class F-1

New License Application
 Renewal
 Transfer
 Relocation

NOTE: This application must be made under oath and be accompanied by required fees.

CHECK ONE: Liquor and Beer
 Beer
 Wine (Restaurants)

CHECK ONE: On-Sale Only
 Off-Sale Only
 On and Off Sale

The undersigned states that the following information is true and correct.

NAME OF PARTNERSHIP OR CORPORATION GALPIN ENTERTAINMENT, LLC

DATE OF INCORPORATION July 27th 2016 PHONE [REDACTED]

ADDRESS [REDACTED] CITY, STATE, ZIP Bismarck, ND 58504

IF OUT OF STATE CORPORATION, IS CORPORATION REGISTERED IN NORTH DAKOTA? NO

NAME AND ADDRESS OF REGISTERED AGENT Neil Galpin [REDACTED]

Bismarck, ND 58504

CERTIFICATE NUMBER 41,608,200 PHONE [REDACTED]

NAME OF BUSINESS FOR WHICH LICENSE IS REQUESTED THE PIER

BUSINESS ADDRESS 1120 Riverwood Drive CITY, STATE, ZIP Bismarck, ND 58504

MAILING ADDRESS [REDACTED] CITY, STATE, ZIP Bismarck, ND 58504

PRIMARY CONTACT Tiffany Galpin PHONE [REDACTED]

EMAIL [REDACTED]

LIST ALL OFFICERS OR DIRECTOR OF CORPORATION OR PARTNERS, AND % OF OWNERSHIP (Attach separate sheet, if necessary)

NAME Neil Galpin ADDRESS/CITY/STATE [REDACTED] Bismarck, ND

DATE OF BIRTH [REDACTED] M/F M RACE W DRIVER'S LICENSE # AND STATE ISSUED [REDACTED] ND

OCCUPATION District Manager TITLE OWNER %OWNERSHIP 50

NAME Tiffany Galpin ADDRESS/CITY/STATE 3308 Dortmund Drive Bismarck, ND

DATE OF BIRTH [REDACTED] M/F F RACE W DRIVER'S LICENSE # AND STATE ISSUED [REDACTED] ND

OCCUPATION Manager TITLE OWNER %OWNERSHIP 50

NAME _____ ADDRESS/CITY/STATE _____

DATE OF BIRTH _____ M/F _____ RACE _____ DRIVER'S LICENSE # AND STATE ISSUED _____

OCCUPATION _____ TITLE _____ %OWNERSHIP _____

MANAGER'S NAME Tiffany Galpin ADDRESS/CITY/STATE [REDACTED] Bismarck ND

DATE OF BIRTH [REDACTED] M/F F RACE W DRIVER'S LICENSE # AND STATE ISSUED [REDACTED]

OCCUPATION MANAGER TITLE OWNER/MANAGER

LIST NAMES/ADDRESS/PERCENTAGE OF OWNERSHIP OF ANY PERSON OWNING AN INTEREST IN THE BUSINESS _____

OWNER OF BUILDING OR PREMISES GALPIN ENTERTAINMENT LLC

NOTE: If owner is other than applicant, attach a copy of lease or rental agreement. Also, all applicants must attach a copy of a blueprint or diagram on a separate sheet 11" x 8 1/2" in size, showing premises to be licensed. Show all exits, bars, dining areas, (if any) beverage coolers and beverage storage areas. Indicate which are solid walls, half walls, dividers, and movable partitions. Outline in different color ink, the area to be used for the sale and/or service of alcoholic beverages if entire building is not so used. Include the direction "North" on the diagram.

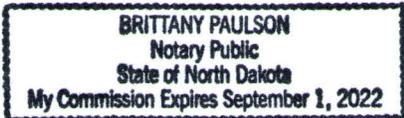
1. Are manager and all partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States? YES If not, explain _____
2. Have any of the persons listed above been convicted of any crime within the past five years? If yes, list all convictions, dates, location and disposition or sentence of each NO
3. Does the building meet all state and local sanitation and safety requirements? YES
4. a. If a transfer or change in ownership or management, list former owner and manager _____
b. If a transfer or change in ownership, former owner must sign below:
I hereby consent to the requested transfer of this license:
_____ Date _____
5. Has applicant, or any of the persons listed above, within the past five years had any license to engage in the sale of alcoholic beverages revoked or suspended? NO If yes, give details _____
6. If a new application, has applicant or any of the persons listed above, engaged in the sale or transportation of alcoholic beverages previously? NO If yes, give details _____
7. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal, state or local license of any type rejected or denied? If yes, give details NO
8. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another? NO If yes, give details _____
9. Has the business been sold or leased, or is there any intention to sell or lease, the business to another? NO
If yes, give details _____
10. Has the applicant, or any of the persons listed above, any interest in whatsoever, directly or indirectly, any other licensed liquor establishment within or without the State of North Dakota? NO If yes, give details _____
11. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for? NO If yes, give details _____
12. Have all property taxes and special assessments currently due been paid? YES If not, explain _____

I hereby agree and consent that authorized officers or representatives of the city may enter the premises licensed at any time to inspect the same and records of the business, and hereby waive any and all rights under the Constitution of the United States or State of North Dakota relative to searches and seizures without issuance of or use of a search warrant, and agree that I will not claim such immunities, and that such search, inspection and seizure may be made at any time without a warrant.

I agree that I will not transfer to sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances.

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.

I further agree that misrepresentation, false statement, or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.



[Signature]
Signature of Applicant

Subscribed and sworn to before me this 20 day of Sept, 2016

[Signature]
Notary Public

Recommend application be: APPROVED _____ DENIED _____

Reasons for negative recommendation _____

Date: _____

Chief of Police

Date: _____

City Administration



License Reviews City of Bismarck

License Number: **LIQ2016-00122**

Licensee Name: **THE PIER**

Applied: **9/21/2016**

Issued:

Site Address: **1120 RIVERWOOD DR 1**

Expired:

City, State Zip Code: **BISMARCK, ND 58504**

Status: **PENDING**

Applicant: **GALPIN, NEIL**

Parent License:

Owner: **SOUTHPORT MARINA LLP**

Contractor: **<NONE>**

Details:

TRANSFER CLASS F-1 LIQUOR LICENSE FROM CAPSCO ENTERTAINMENT INC TO GALPIN ENTERTAINMENT LLC. ESTABLISHMENT IS KEEPING SAME NAME, LOCATION, BUT SOLD TO NEW OWNERS/OFFICERS.

LIST OF REVIEWS

SENT DATE	RETURNED DATE	DUE DATE	TYPE	CONTACT	STATUS	REMARKS
Review Group: ADMIN-POLICE						
9/21/2016	9/22/2016	9/22/2016	COMPLETENESS CHECK POLICE	Tara Axtman	COMPLETE	background complete
Notes:						
9/22/2016	9/23/2016	9/23/2016	LT REVIEW	Gary Malo	COMPLETE	
Notes: Diagram attached. Owners and manager have clear records. Forward to DC.						
Review Group: AUTO						
9/21/2016	9/21/2016	9/22/2016	COMPLETENESS CHECK ADMIN	Marla Schroeder	COMPLETE	
Notes:						
9/23/2016	9/27/2016	9/24/2016	DC REVIEW	Randy Ziegler	COMPLETE	
Notes: Ok, Forward to Chief.						
9/27/2016	9/27/2016	9/28/2016	CITY ADMIN	Jason Tomanek	APPROVED	
Notes: Based on PD's review and approval, City Administration approves the request pending final approval by the Board of City Commissioners.						
9/27/2016	9/27/2016	9/28/2016	COMPLETENESS CHECK FINAL	Marla Schroeder	COMPLETE	
Notes:						



License Reviews City of Bismarck

9/27/2016	9/27/2016	9/28/2016	CHIEF REVIEW	Dan Donlin	APPROVED	
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Notes:

**APPLICATION FOR SUNDAY "ON SALE"
ALCOHOL BEVERAGE LICENSE**

Name of Licensee GALPIN ENTERTAINMENT LLC / THE PIST

Class of City of Bismarck retail liquor license currently held F-1

Location of licensed premises 1120 RIVERWOOD DR. BISMARCK, ND. 58504

Name of manager or local contact person TIFFANY GALPIN

The fee for a Sunday alcoholic beverage license is 20% of the applicant's annual retail fee. Applications made for the remainder of a partial year are prorated. One fee covers on-sale, off-sale or both. Fee enclosed _____.

I am applying for both a Sunday on and off sale license. YES NO
If yes, both applications are completed and attached. YES NO

The normal term for a Sunday alcoholic beverage license is August 1st through July 31st. Applications must be submitted by July 1st of each year. Any application submitted after July 1st of each year shall be for the remainder of the term.

The undersigned licensee certifies that it is now paying and will continuously pay the City's restaurant tax and by signing this application, consents to the release of the licensee's sales tax records by the North Dakota State Tax Department to the City of Bismarck. If such payment should cease during the term, this license shall be void and the licensee shall be ineligible for a Sunday alcoholic beverage license for the remainder of the term. The undersigned also agrees that it will observe all of the rules and regulations of its retail license in the use of this license and that this license permits only the "on sale" of alcoholic beverages.

Dated this 30TH day of SEPTEMBER, 2016



Applicant/Licensee

.....

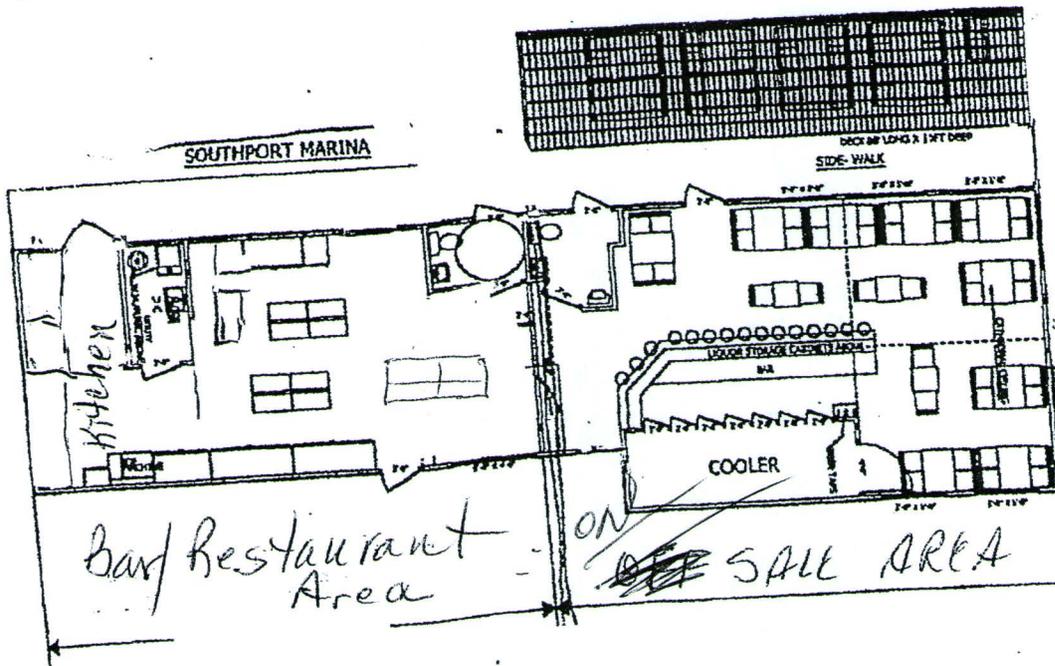
Chief of Police

Date

City Administration

Date

Please retain this page
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North →



ADMINISTRATION

DATE: October 6, 2016
FROM: Gloria David, Public Information Officer
ITEM: Capital Cities' Mayors Homelessness Awareness Installation Initiative

REQUEST

Request to support Capital Cities' Mayors Homelessness Awareness Installation Campaign

Please place this item on the October 11, 2016 City Commission meeting.

BACKGROUND INFORMATION

The Capital Cities' Mayors Homelessness Awareness Installation campaign is an initiative started in Charleston, SC as part of a national campaign to raise public awareness about the plight of those experiencing homelessness. Through the installation of plywood figures displaying a homeless symbol in a prominent location at the entrance of a capital city building – capital cities hope to raise public awareness about those experiencing homelessness in their community. The plywood figure homeless symbol will be displayed at the Bismarck Public Library entrance.

RECOMMENDED CITY COMMISSION ACTION

Request approval.

STAFF CONTACT INFORMATION

Gloria David
Public Information Officer
Email: gdauid@bismarcknd.gov
Phone: 701-355-1306



AIRPORT

DATE: October 3, 2016

FROM: Gregory B. Haug, Airport Director 

ITEM: Agenda item for October 11, 2016, Northern Improvement Company (NIC) Change Order

REQUEST

Consider Change order 4 to Northern Improvement Company (NIC) June 15, 2016 agreement for Maverick Avenue Reconstruction and Terminal Boulevard Rehabilitation

BACKGROUND INFORMATION

Maverick Avenue reconstruction and Terminal Boulevard rehabilitation are substantially complete and are in service. Change Order 4 adds drainage structures and a sign mounting and adds additional time until June 15, 2017 to complete the work if weather prevents completion of the work this fall. The extended completion time requires Board approval. In reviewing the existing conditions on the west and east sides of the Quick Turn Around (QTA) facility west entrance, the drainage structures do not allow proper grading of this area to allow access for maintenance of inslopes and ditch. As a result, a 48-inch manhole will be installed to tie the existing storm sewer together and allow the grading of this area with slopes that can be maintained more readily. Once this is completed, two 15-inch Reinforced Concrete Pipe (RCP) and one 4-inch Poly Vinyl Chloride (PVC) pipe will be extended to tie into the 48-inch manhole. The Contractor shall reinstall two of the salvaged 15-inch Reinforced Concrete End Section (RCES) with trash guards and dispose of the other 15-inch RCES. The Contractor shall remove and salvage the existing concrete headwall, and place it in storage at a location determined by the Owner. Note that the mobilization amount is broken into two pieces. The \$660 of additional mobilization will be paid if the work on Change Order 3 and 4 cannot be completed at the same time. The proposed cost of \$12,565.60 appears to be reasonable, allowable and we plan to recover costs in Passenger Facility Charge (PFC) #7.

RECOMMENDED CITY COMMISSION ACTION

Approve Change Order 4 to NIC June 15, 2016 agreement.

STAFF CONTACT INFORMATION

Greg Haug, Airport Director, 701-355-1808, ghaug@bismarcknd.gov

Enclosures

1. Change Order #4

CONTRACT CHANGE ORDER FORM

DEPARTMENT

Contract between the City of Bismarck and NORTHERN IMPROVEMENT COMPANY

Contract Number: 2016-25 Change Order Number: #4

AP6, AIP57, NONAIP57, MATB

Project/Subproject: _____ Original Contract Amt: \$829,479.50

Project Description: CHANGE ORDER #4: MAVERICK AVENUE RECONSTRUCTION & TERMINAL BLVD REHAB.

Previous Contract Amount: \$841,287.37

Change Order Amount: \$12,565.60 NEW TOTAL: \$853,852.97

Original Contract Date: JUNE 15, 2016 Change in Contract Timeline: +244 DAYS (JUNE 15, 2017)

Within Project Scope: (Y) / N*

Within Project Funding: (Y) / N**

**If not within project scope, attach description of change in scope for Board approval.*

***If not within project funding, attach revised Project Budget for Board approval.*

Type of Change Order

Non Design-related Change Order: These change orders include unforeseen conditions, code-related issues, and building inspector changes.

Design-related Change Order: These change orders include unforeseen conditions that affect the appearance, layout, functionality, dimensions, and/or quality of the project.

Emergency Field Condition Change Orders: These change orders include any condition that causes an emergency situation where safety or other immediate losses may occur.

Other: (describe) _____

Project Manager Signature: (<\$15,000) _____ Date _____

Department Head Signature: (<\$25,000) _____ Date _____

ADMINISTRATION

City Administrator Signature: (<\$50,000) _____ Date _____

Add to Commission Consent Agenda

COMMISSION APPROVAL

Commission Approval Date: _____

Attach minutes for Commission Approval

FISCAL

Comments: _____
Signature Date Completed

TO ALL DEPARTMENTS: Please attach a copy of the change order

Change Order No. 4

Date September 30, 2016



Airport Name Bismarck Airport
Location Bismarck, ND
Contract Description Maverick Avenue Reconstruction and Terminal Boulevard Rehabilitation & Miscellaneous Items
Contract Date June 15, 2016

AIP Project # Future AIP Project
KLJ Project # 1516700
Owner's Project # APG.AIP57.Non-AIP57.MATB 600-620-603-6630-200

Owner
City of Bismarck
PO Box 991
Bismarck, ND 58502-0991

Contractor
Northern Improvement Company
PO Box 1254
Bismarck, ND 58502

Engineer
KLJ
4585 Coleman Street
Bismarck, ND 58503

General Reason for Change (quantify and explain details in sections 2 and 3)
CO 4-1 through 4-6 - Adjust Existing Drainage
CO 4-7 - Install Sign Foundation

	AIP	Non-AIP	Total
Total Contract Amount Prior to this Change Order	\$ 841,287.37	\$ -	\$ 841,287.37
Change Resulting from this Change Order	12,565.60	-	12,565.60
Total Contract Amount After this Change Order	\$ 853,852.97	\$ -	\$ 853,852.97

Calendar Days	
Completion date prior to this Change Order	October 14, 2016
Change resulting from this Change Order	244
Revised completion date from this Change Order	June 15, 2017

Change Order approved by:

Date

KLJ

Date

Northern Improvement Company

Date

City of Bismarck

Summary of Changes

Airport Name Bismarck Airport
 Location Bismarck, ND
 AIP Project # Future AIP Project
 Contractor Northern Improvement Company

Change Order No. 4
 Section 2

KLJ Project # 1516700

Item #	Spec #	Item	Quantities			Unit	Unit Price	Revised Cost	Changed Cost
			Planned	Revised	Change				
Schedule 1, Division 1 - Maverick Avenue Reconstruction									
1	202	Removal of Bituminous Surfacing	436			S.Y.	\$ 12.40	\$ -	\$ -
2	202	Removal and Salvage of Bituminous Surfacing	3,964			S.Y.	3.80	-	-
3	202	Removal of Pipe, All Types & Sizes	104			L.F.	22.40	-	-
4	202	Removal of Concrete Pavement	4			S.Y.	56.10	-	-
5	202	Removal of Manhole	1			Each	897.60	-	-
6	203	Common Excavation - Type A	1,042			C.Y.	33.10	-	-
7	203	Topsoil	355	375	20	C.Y.	33.10	12,412.50	662.00
8	216	Water	117			M Gal.	5.50	-	-
9	251	Seeding Class III	0.58	0.60	0.02	Acre	6,380.00	3,828.00	127.60
10	253	Hydraulic Mulch	0.58	0.60	0.02	Acre	6,380.00	3,828.00	127.60
11	261	Fiber Rolls 12-Inch	90			L.F.	11.00	-	-
12	302	Aggregate Base Course CL. 5	2,025			C.Y.	65.90	-	-
13	302	Subcut Gravel	35			C.Y.	50.00	-	-
14	401	Tack Coat	552			Gal.	1.90	-	-
15	411	Milling Pavement Surface (1.5-3 Inch Depth)	27			S.Y.	30.80	-	-
16	430	Commercial Grade Hot Mix Asphalt	1,690			Ton	119.30	-	-
17	430	PG 58-28 Asphalt Cement	110			Ton	0.00	-	-
18	Local	Temporary Access Roads	1			L.S.	28,470.00	-	-
19	708	Off-Pavement Inlet Protection-Special	8			Each	636.40	-	-
20	709	Geosynthetic Material Type R1	6,076			S.Y.	2.90	-	-
21	714	Pipe Polyethylene Corr Perf 4-Inch Drain	2,275			L.F.	15.80	-	-
22	714	Pipe Polyethylene Solid 4-Inch	57			L.F.	15.10	-	-
23	714	Pipe Conc. Reinf. 15-Inch CL III - Storm Drain	115	150	35	L.F.	78.80	11,820.00	2,758.00
24	714	End Section - Conc. Reinf. 15-Inch	1			Each	1,107.00	-	-
25	722	Manhole 48-Inch	2	3	1	Each	3,186.00	9,558.00	3,186.00
26	722	Adjust Manhole	8			Each	537.10	-	-
27	722	Replace Manhole Casting	1			Each	567.00	-	-
28	748	Curb & Gutter-Type I	9			L.F.	91.80	-	-
29	748	Valley Gutter	4			S.Y.	270.00	-	-
30	754	Flat Sheet for Signs - Type XI Refl Sheeting	15.50			S.F.	16.20	-	-
31	754	Steel Galv. Posts - Telescoping Perforated Tube	70			L.F.	15.30	-	-
32	754	Reset Sign Panel	9			Each	37.80	-	-
33	754	Reset Sign Support	9			Each	86.40	-	-
34	754	Delineators - Type D with steel post	34			Each	81.00	-	-
35	754	Remove and Reset Delineators	11			Each	59.40	-	-
36	754	Remove and Salvage Existing Sign	1			Each	43.20	-	-
37	762	Permanent Pavement Markings	1,025			S.F.	1.40	-	-
38	F-162	Temporary 8-Foot Chain-Link Fence	136			L.F.	52.40	-	-
39	Local	Traffic Control	1			L.S.	52,850.00	-	-
40	Local	Mobilization	1			L.S.	103,279.20	-	-
TOTAL SCHEDULE 1, DIVISION 1								\$ 41,446.50	\$ 6,861.20

Airport Name Bismarck Airport
 Location Bismarck, ND
 AIP Project # Future AIP Project
 Contractor Northern Improvement Company

Change Order No. 4
 Section 2

KLJ Project # 1516700

Item #	Spec #	Item	Quantities			Unit	Unit Price	Revised Cost	Changed Cost
			Planned	Revised	Change				
Schedule 1, Division 2 - Terminal Boulevard Rehabilitation									
1	202	Removal and Salvage of Bituminous Surfacing (2-Inch Depth)	1,290			S.Y.	\$ 5.20	\$ -	\$ -
2	401	Tack Coat	64			Gal.	1.90	-	-
3	421	Asphalt Emulsion for Microsurfacing	5,659			Gal.	4.60	-	-
4	421	Aggregate for Microsurfacing Type II	170			Ton	379.50	-	-
5	430	Commercial Grade Hot Mix Asphalt	157			Ton	157.40	-	-
6	430	PG 58-28 Asphalt Cement	10			Ton	0.00	-	-
7	762	Permanent Pavement Markings	3,033			S.F.	1.40	-	-
8	Plan Notes	Crack Sealing	3,750			L.F.	0.90	-	-
TOTAL SCHEDULE 1, DIVISION 2								\$ -	\$ -
Change Order 1 - Cirrus Street Rehabilitation									
CO 1-1	421	Asphalt Emulsion for Microsurfacing	366			Gal.	\$ 4.60	\$ -	\$ -
CO 1-2	421	Aggregate for Microsurfacing Type II	11			Ton	379.50	-	-
CO 1-3	762	Permanent Pavement Markings	60			S.F.	1.40	-	-
CO 1-4	Plan Notes	Crack Sealing	350			L.F.	0.90	-	-
TOTAL CHANGE ORDER 1								\$ -	\$ -
Change Order 2									
CO 2-1	722	Revise Manhole #1 and #2 Casting and Cover	1			Each	\$ 578.77	\$ -	\$ -
TOTAL CHANGE ORDER 2								\$ -	\$ -
Change Order 3									
CO 3-1	722	Additional Inlet	1			L.S.	\$ 4,972.00	\$ -	\$ -
TOTAL CHANGE ORDER 3								\$ -	\$ -
Change Order 4									
CO 4-1	CO	Remove & Reset Existing 15-Inch RCES with Existing Trash Guard	-	2	2	Each	\$ 440.00	\$ 880.00	\$ 880.00
CO 4-2	CO	Remove & Dispose of Existing 15-Inch RCES with Existing Trash Guard	-	1	1	Each	379.50	379.50	379.50
CO 4-3	CO	Remove & Salvage Existing Concrete Headwall	-	1	1	Each	247.50	247.50	247.50
CO 4-4	CO	Pipe PVC 4-Inch (Match Existing Pipe Class)	-	8	8	L.F.	25.30	202.40	202.40
CO 4-5	Local	Mobilization	-	1	1	L.S.	2,620.00	2,620.00	2,620.00
CO 4-6	Local	Mobilization if Change Order 3 and 4 Aren't Completed at Same Time	-	1	1	L.S.	660.00	660.00	660.00
CO 4-7	CO	Install Sign Foundation	-	1	1	L.S.	715.00	715.00	715.00
TOTAL CHANGE ORDER 4								\$ 5,704.40	\$ 5,704.40
TOTAL AIP CHANGE								\$ 47,150.90	\$ 12,565.60
TOTAL NON-AIP CHANGE									
TOTAL CHANGE								\$ 47,150.90	\$ 12,565.60

NOTE: The items highlighted above in tan are items that are funded 100 percent non-AIP and 0 percent AIP.

Explanation of Changes

Airport Name	Bismarck Airport	Change Order No. 4
Location	Bismarck, ND	Section 3
AIP Project #	Future AIP Project	KLJ Project # 1516700
Contractor	Northern Improvement Company	

Item No. CO 4-1 - 4-6

Description

Adjust Existing Drainage

Reason for Change

In reviewing the existing conditions on the west and east sides of the QTA facility west entrance, the drainage structures do not allow proper grading of this area to allow access for maintenance of inslopes and ditch. As a result, a 48-inch manhole will be installed to tie the existing storm sewer together and allow the grading of this area with slopes that can be maintained more readily. Once this is completed, two 15-inch RCP and one 4-inch PVC pipe will be extended to tie into the 48-inch manhole. The Contractor shall reinstall two of the salvaged 15-inch RCES with trash guards as shown, and dispose of the other 15-inch RCES. The Contractor shall remove and salvage the existing concrete headwall, and place it in storage at a location determined by the Owner. Note that the mobilization amount is broken into two pieces. The \$660 of additional mobilization will be paid if the work on Change Order 3 and 4 cannot be completed at the same time.

The proposed cost appears to be allowable, allocable and reasonable.

Item No. CO 4-7

Description

Install Sign Foundation

Reason for Change

As part of the project, existing signs were removed and salvaged to complete the grading on the project. One of the signs requiring removal requires installation of concrete foundations. The Contractor shall pour the concrete foundations as shown in the detail attached to this change order. The cost will be to install the concrete foundations, reinstall the sign by securing the existing sign to the foundations, and all work necessary to complete the work in an acceptable manner.

The proposed cost appears to be allowable, allocable and reasonable.

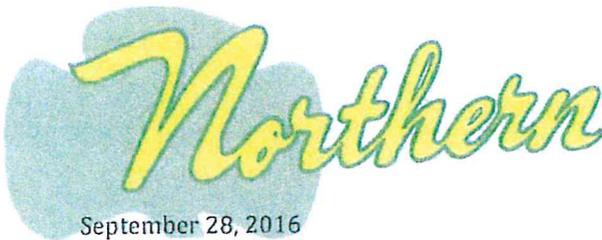
Item No.

Description

Request for Time Extension

Reason for Change

The Contractor has requested that the completion date for the project be extended to June 15, 2017. See letter attached to this change order for further information.



Home Office
 Fargo, North Dakota
 4000-12th Avenue North
 58102-2910
 PO Box 2846
 58108-2846
 Phone 701-277-1225
 Fax 701-277-1516

Office
 Bismarck, North Dakota
 PO Box 1254
 58502-1254
 Phone 701-223-6695
 Fax 701-224-0937

Office
 Dickinson, North Dakota
 PO Box 1035
 58602-1035
 Phone 701-225-5197
 Fax 701-225-0207

IMPROVEMENT COMPANY

Thomas M^CCormick, President/CEO
 Steve M^CCormick, Executive Vice-President

September 28, 2016

Mr. Tom Neigum, P.E.
 Kadrmas Lee & Jackson
 4585 Coleman St.
 P.O. Box 1157
 Bismarck, ND 58502

RE: **Bismarck Airport - Maverick Ave**
KLJ #1516700/NIC #16246
Change Order #4

Dear Tom,

As per your request and information provided, we submit the following:

Item	Description	Quantity	Unit Price	Total
7	Topsoil	20 cy	\$ 33.10	\$ 662.00
9	Seeding Cl III	0.02 ac	\$ 6,380.00	\$ 127.60
10	Mulch	0.02 ac	\$ 6,380.00	\$ 127.60
23	15" RCP	35 lf	\$ 78.80	\$ 2,758.00
25	48" MH	1 ea	\$ 3,186.00	\$ 3,186.00
40	Mobilization	1 ls	\$ 3,280.00	\$ 3,280.00
CO 4-1	Remove & Reset 15" RCES	2 ea	\$ 440.00	\$ 880.00
CO 4-2	Remove & Dispose 15" RCES	1 ea	\$ 379.50	\$ 379.50
CO 4-3	Remove & Salvage Headwall	1 ea	\$ 247.50	\$ 247.50
CO 4-4	4" PVC	8 lf	\$ 25.30	\$ 202.40
Estimated Total				\$ 11,850.60

- * Price does not include survey. Survey by KLJ.
- * The mobilization item is a combination of mobilizing equipment for the underground (\$600.00), and seed/mulching (\$250.00), Project Superintendent (\$1,000.00), Project Manager (\$500.00), office overhead (\$200.00), Northern Improvement overhead (\$230.00—\$2,300.00 @ 10%), and cleanup (\$500.00), for a total of \$3,280.00.
- * The original project was substantially completed on September 21, 2016. Change Order #3 and Change Order #4 (if approved) need to be completed. If Change Order #3 and Change Order #4 can be constructed at the same time, we can deduct \$600.00 from the Mobilization Item (#40) above. Contingent upon approvals, shop drawing and approvals, production of materials, weather, and workload, we are concerned about completion in 2016. We will endeavor to complete the work by the end of October; however, we are requesting a completion date of June 15, 2017.
- * Additionally, we are requesting the retainage be reduced to the absolute minimum. The original project, Change Order #1, Change Order #2, and additional ditch grading were completed by September 21, 2016. The remainder of the work (Change Order #3 and #4) are due to design changes. We do not feel it is fair to hold the project retainage due to Change Order #3 and Change Order #4.

Very Truly Yours,


 NORTHERN IMPROVEMENT COMPANY
 Bradley A. Ballweber
 VP/Treasurer/Area Manager

cc: Brent Theurer - KLJ
 Don Weisz - Weisz & Sons
 Ryan Holen - Weisz & Sons
 Bruce Thompson - NIC

www.nicnd.com

Highway - Heavy - Municipal Contractor

We are an Equal Opportunity Employer



WEISZ & SONS INC CONTRACTORS

Bismarck, ND • 701-258-9770

Proposal Submitted to: Northern Improvement Company Attn: Brad Ballweber	Phone 701-223-6695	Date: September 23, 2016
Job Name: Maverick Ave. – Change Order #4	Job Location: Bismarck, North Dakota	

Additional Items of work:

• Topsoil	20 C.Y. @ \$33.10	662.00
• Pipe Conc. Reinf. 15-Inch CL III – Storm Drain	35 LF @ \$73.00	2,555.00
• Manhole 48-Inch	1 Each @ \$2,950.00	2,950.00
• Mobilization	1 L.S. @ \$2,300.00	2,300.00

CHANGE ORDER #4

• Remove & Reset Existing 15-Inch RCES with Existing Trash Guard	2 Each @ \$400.00	800.00
• Remove & Dispose of Existing 15-Inch RCES with Existing Trash Guard	1 Each @ \$345.00	345.00
• Remove & Salvage Existing Concrete Headwall	1 Each @ \$225.00	225.00
• Pipe PVC 4-Inch (Match Existing Pipe Class)	8 LF @ \$23.00	<u>184.00</u>

TOTAL PRICE: \$10,021.00

Note: Work can begin as soon as 5 to 7 days after manhole shop drawing approval.

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. Owner to carry all necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. Weisz and Sons is an ECCS qualified contractor.

By Don Weisz Date 9-23-16

(Note: This proposal may be withdrawn by us if not accepted within 30 days.)

Acceptance of Proposal, the above price, specification and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Authorized Signature _____ Date _____



Home Office
Fargo, North Dakota
4000-12th Avenue North
58102-2910
PO Box 2846
58108-2846
Phone 701-277-1225
Fax 701-277-1516

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Fax 701-224-0937

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Dickinson, North Dakota
PO Box 1035
58602-1035
Phone 701-225-5197
Fax 701-225-0207

IMPROVEMENT COMPANY

Thomas M^CCormick, President/CEO
Steve M^CCormick, Executive Vice-President

September 26, 2016

Mr. Tom Neigum, P.E.
Kadmas Lee & Jackson
4585 Coleman St.
P.O. Box 1157
Bismarck, ND 58502

RE: Bismarck Airport – Maverick Ave
KLJ #1516700/NIC #16246
Concrete Sign Foundation

Dear Tom,

Please find enclosed a letter from Ms. Heather Kautz, Project Manager, 3D Specialties regarding the cost to install the concrete foundation to reset the "Exit" sign on Maverick Avenue. If acceptable, please process a Change Order in the amount of \$715.00 (\$650.00 + \$65.00).

Very Truly Yours,



NORTHERN IMPROVEMENT COMPANY
Bradley A. Ballweber
VP/Treasurer/Area Manager

cc: Brent Theurer - KLJ
Heather Kautz - 3D
Bruce Thompson – NIC

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1720 12th Street South • PO Box 62 • Bismarck, ND 58502-0062
800-726-4064 • Office 701-223-0828 • Fax 701-223-3140
Email sales@dakotafence.com

September 26, 2016

Northern Improvement
PO Box 1254
Bismarck ND 58502

RE: Bismarck Airport Maverick Ave & Terminal Blvd Repair

To Whom It May Concern:

The following is our price for 3D Specialties to set 2 new concrete bases for the reinstallation of the Exit signs on the east end of Maverick Avenue on the north side of the road. Concrete bases to be ~~12"x48"~~
18"x48"

Lump Sum Total - \$ 650.00

Sincerely,

A handwritten signature in black ink that reads "Heather Kautz". The signature is written in a cursive style with a long horizontal stroke extending to the right.

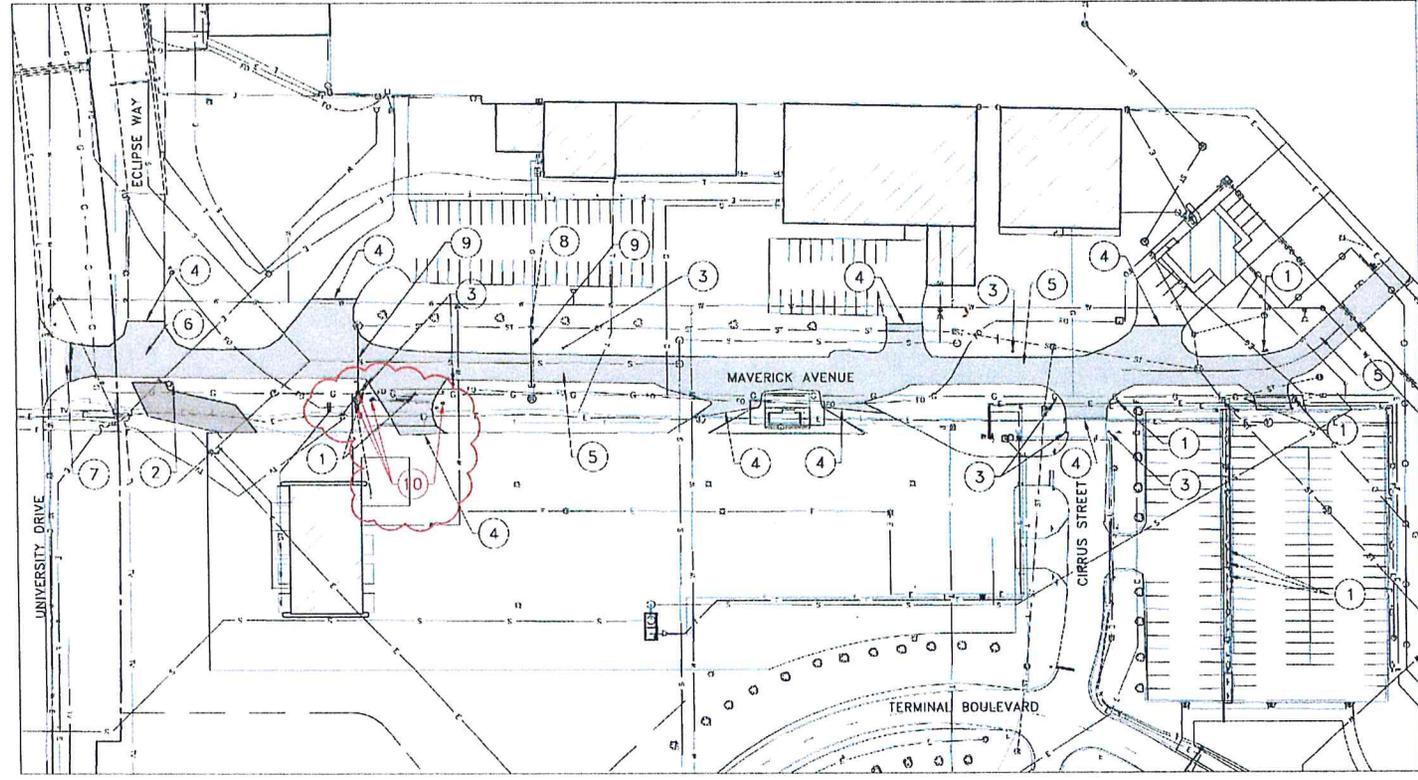
Heather Kautz



Equal Opportunity Employer

NOTE: UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

NOTE: SOME QUANTITIES ARE PAY ITEMS AND SOME ARE INCIDENTAL TO OTHER PROJECT COSTS. REFER TO THE PROJECT MANUAL FOR DETAILED INFORMATION.



REMOVAL QUANTITIES - MAVERICK AVENUE

- ① 754 - RESET SIGN SUPPORT - 9 EACH
 - ② 754 - REMOVE AND SALVAGE EXISTING SIGN - 1 EACH
 - ③ 754 - REMOVE AND RESET DELINEATORS - 11 EACH
 - ④ 202 - SAW BITUMINOUS SURFACING (FULL DEPTH) - INCIDENTAL
 - ⑤ 202 - REMOVE AND SALVAGE OF BITUMINOUS SURFACING (FULL DEPTH) - 3,984 S.Y.
 - ⑥ 202 - REMOVAL OF BITUMINOUS SURFACING - 436 S.Y.
 - ⑦ 411 - MILLING PAVEMENT SURFACE (1.5-3 INCH DEPTH) - 27 S.Y.
 - ⑧ 202 - REMOVAL OF MANHOLE - 1 EACH
 - ⑨ 202 - REMOVAL OF PIPE, ALL TYPES & SIZES - 105 LF
 - ⑩ 202 - REMOVE AND SALVAGE 3 15" RCS & 1 CONCRETE HEADWALL (REUSE 2 15" RCS & CONTRACTOR DISPOSE OF 1 15" RCS (RETURN CONCRETE HEADWALL TO OWNER))
- SEE SHEET E1 - ELECTRICAL REMOVAL PLAN FOR REMOVAL OF ELECTRICAL ITEMS

PRELIMINARY
NOT FOR
CONSTRUCTION

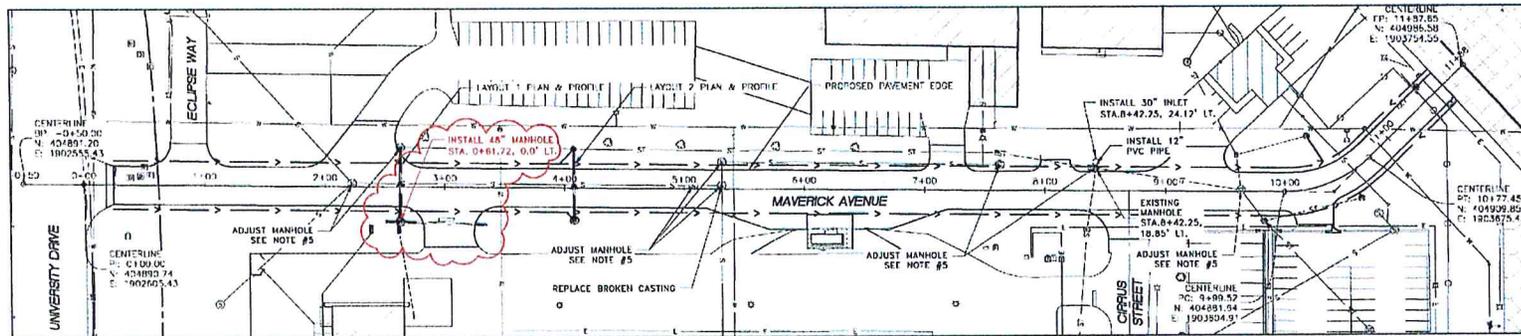
MAVERICK AVE. RECONSTRUCTION & TERMINAL BLD. REHABILITATION
 BISMARCK AIRPORT - CITY OF BISMARCK (OWNER)
 BISMARCK, NORTH DAKOTA
 CHANGE ORDER #4 09/19/2016 CAS

MAVERICK AVENUE
 DEMOLITION PLAN

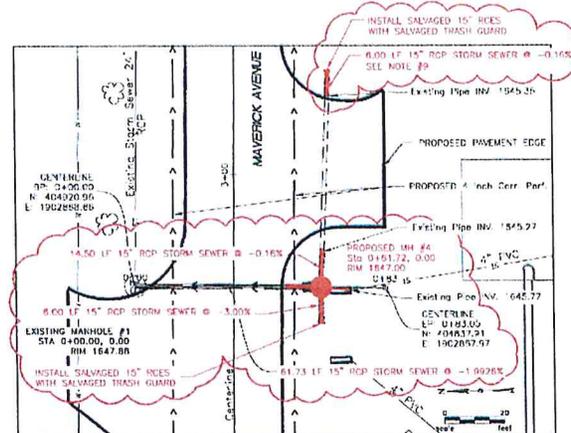
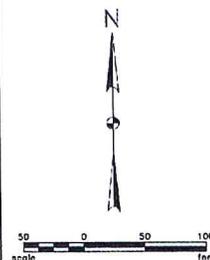
DATE	03/25/2016
BY	SBW
CHECKED	SBT
PROJECT NUMBER	1516700
ISSUE	03/25/2016

SHEET
11R

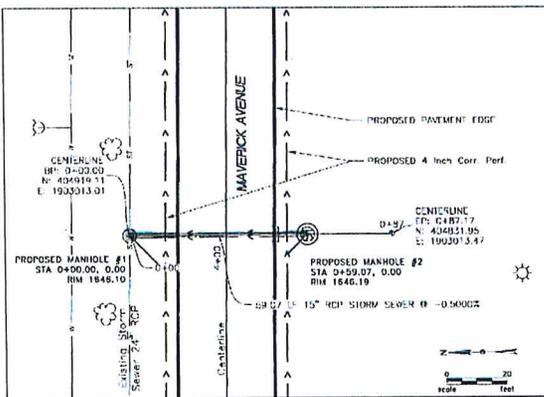
NOTE: UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.



OVERALL LAYOUT



LAYOUT 1 PLAN & PROFILE



LAYOUT 2 PLAN & PROFILE

Pipe Table					
Pipe No.	From Structure	To Structure	Size (in)	Slope (%)	Length (ft)
P1	Existing MH #1	15" RCP	15 RCP	-1.995	55.84
P2	Proposed MH #1	Proposed MH #2	15 RCP	-0.500	59.07
P3 (E)	Proposed MH #4	Existing MH	12 PVC	TBD	4.00
P4 (E)	Proposed MH #4	Existing Pipe	15 RCP	-0.1600	14.50
P5 (W)	Proposed MH #4	End Section	15 RCP	3.0000	6.00
P6 (E)	Existing Pipe	End Section	15 RCP	0.1600	6.00
P7 (N)	Proposed MH #4	15" RCP	15 RCP	1.9925	6.00
P8 (S)	Proposed MH #4	4" PVC	4 PVC	TBD	6.00

Structure Table				
Manhole No.	Proposed MH #1	Proposed MH #2	Proposed Inlet	Proposed MH #4
Station	0+00.00	0+59.07	8+42.25	0+61.72
Offset	CL	CL	24.12 Lt	0.0 Lt
T.B.C.	NA	NA	NA	NA
Rim Elevation	1646.10	1646.10	TBD	1644.20
Top P.C. Section	TBD	TBD	TBD	TBD
Invert N		1643.93		1644.89
Invert NW	1643.44	1644.93 (4")		1645.25
Invert S	1643.64		TBD	1644.89
Invert SW	1644.44 (4")			1645.25
Invert W	1643.64		TBD	TBD
Length P.C. Section	TBD	TBD	TBD	TBD
Slur Type	40"CB	40"CB	30"CB	40"CB
Casting	EJW 1040A Inlet	EJW 1040A Solid	See Note 8	EJW 1040A Inlet

Estimated Quantities		
Spec No	Storm Sewer Items	Quantity
714	15 inch RCP Cl. III Pipe	150 L.F.
714	15 inch RC End Section Cl. III Pipe W/Trash Guard	1 EA
714	Manhole 48 Inch	3 EA
714	Inlet 30 Inch	1 EA
714	12 Inch SDR35 Pipe	4 L.F.
714	4 Inch PVC Pipe	8 L.F.
714	Reinforced Salvaged 15" RCES with Salvaged Trash Guard	2 EA
722	Adjust Manhole	8 EA
748	Replace Manhole Casing (NEENAH R2554 W/Solid Cover or Equal)	1 EA

- Notes:
- Inverts listed are to the center of the inlet.
 - Offsets are to the center of the inlet.
 - New manholes shall have 2" surging.
 - New manholes shall have gouted flow line after installed.
 - For manhole casting adjustment, the Contractor shall replace any broken existing rings and re-control casting on manhole prior to making final adjustment to proposed grade.
 - Prior to any construction, the Contractor shall field verify existing elevations. Any changes or adjustments required shall be brought to the attention of the Engineer prior to construction.
 - New storm manholes shall be class 2 with three adjusting rings and EJW 1040A With inlet or solid grates as shown or approved equal.
 - For proposed inlet, reuse existing frame and inlet grate.
 - Add 6" of 15" RCP storm sewer pipe and recontrol end section.

PRELIMINARY
NOT FOR
CONSTRUCTION

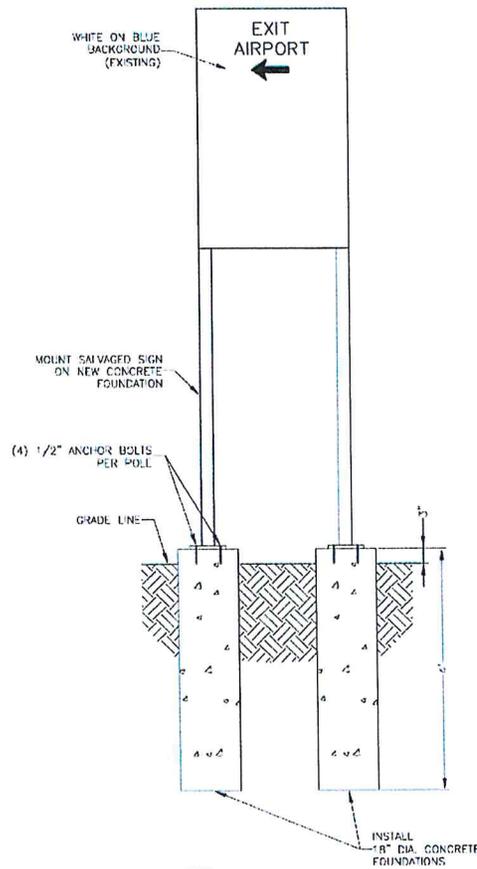
MAVERICK AVE RECONSTRUCTION & TERMINAL BLDG. REHABILITATION
BISMARCK AIRPORT - CITY OF BISMARCK (OWNER)
BISMARCK, NORTH DAKOTA

MAVERICK AVENUE
STORM SEWER
PLAN & PROFILE

DATE: 09/15/2016
PROJECT NUMBER: 1518700
LAST REVISED BY: JLN

SHEET: 21R3

© KLJ 2016



NOTES

1. VERIFY FINAL SIGN LOCATIONS AND ALIGNMENT WITH THE ENGINEER.

INFORMATION SIGN DETAILS

PRELIMINARY
NOT FOR
CONSTRUCTION



MAVERICK AVE. RECONSTRUCTION & TERMINAL BLDG. REHABILITATION
BISMARCK AIRPORT - CITY OF BISMARCK (OWNER)
BISMARCK, NORTH DAKOTA
CHANGE ORDER #4 09/27/2016 CAS

**MAVERICK AVENUE
SIGNAGE DETAILS**

DRAFT
SOW
REVISED
BRT
PROJECT NUMBER
1516700
TAG REVISED DWT
09/27/2016

SHEET
38a



COMMUNITY DEVELOPMENT DEPARTMENT

DATE: October 4, 2016

FROM: Carl D. Hokenstad, AICP, Director of Community Development

ITEM: Elimination of CR District – Zoning Ordinance Text Amendment

REQUEST

The City of Bismarck's Community Development Department – Planning Division has initiated this zoning ordinance text amendment in order to eliminate the CR - Commercial zoning district. On July 26, 2016, the Bismarck City Commission voted unanimously to amend the zoning map to transition all remaining parcels in the CR – Commercial zoning district to the CG – Commercial zoning district. This action was completed with the anticipation of the elimination of the CR – Commercial zoning district, which is the action currently being proposed.

The zoning ordinance text amendment also cleans up a few references to the CB – Commercial zoning district that was removed from Title 14 (Zoning Ordinance) in 2006.

Please place this item on the October 11 City Commission meeting and the October 25, 2016 City Commission meeting.

BACKGROUND INFORMATION

The Planning & Zoning Commission held a public hearing on this item on September 28, 2016.

No members of the public spoke at the public hearing.

At the conclusion of the hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the zoning ordinance text amendment as outlined in Ordinance 6234.

RECOMMENDED CITY COMMISSION ACTION

October 11th Meeting of the Board of City Commissioners – consider the request for the zoning ordinance text amendment as outlined in Ordinance 6234, and call for a public hearing on this item for the October 25th meeting of the Board of City Commissioners.

October 25th Meeting of the Board of City Commissioners – hold a public hearing on the zoning ordinance text amendment as outlined in Ordinance 6234 and take final action on the proposed amendment.

STAFF CONTACT INFORMATION

Please contact Daniel Nairn, AICP, the, the planner in our office assigned to this request, at 355-1854 or dnairn@bismarcknd.gov or Kim L. Lee, AICP, at 355-1846 or klee@bismarcknd.gov.

Planning Manager Kim Lee will present this item at the meeting.

CITY OF BISMARCK

Ordinance No. 6234

First Reading _____
Second Reading _____
Final Passage and Adoption _____
Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-01, 14-03-06, 14-03-08 AND 14-05-05.1 OF THE BISMARCK CODE OF ORDINANCES (REV.) AND TO REPEAL SECTION 14-04-13 OF THE BISMARCK CODE OF ORDINANCES (REV.), RELATING TO DIVISION OF THE CITY INTO DISTRICTS, INCIDENTAL USES, SPECIAL USES, ACCUMULATION OF CERTAIN ITEMS PROHIBITED, AND THE CR - COMMERCIAL ZONING DISTRICT.

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

Section 1. Amendment. Section 14-03-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Division of City Into Districts is hereby amended and re-enacted to read as follows:

14-03-01. Division of City Into Districts. For the purpose of these regulations, the city is hereby divided into twenty classes of districts, which are established as follows:

- RR Residential (rural single-family)
- RR5 Residential (rural single-family - 5 acres)
- R5 Residential (single-family)
- RMH Residential (manufactured home park)
- R10 Residential (two-family)
- RM Residential (multifamily)
- RT Residential (office - multifamily)
- HM Health-Medical
- CA Commercial (neighborhood)
- ~~CB Commercial (downtown)~~
- CG Commercial (heavy commercial)
- ~~CR Commercial (regional shopping center)~~
- MA Industrial (light industrial)
- MB Industrial (heavy industrial)

P Public
 A Agricultural
 PUD Planned Unit Development
 FP Floodplain
 AN Airport Noise
 DC Downtown Core
 DF Downtown Fringe

Reference: NDCC Sec. 40-47-02; (Ord. 4424, 03-31-92; Ord. 4936, 09-08-98; Ord. 5422, 10-24-05)

Section 2. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses is hereby amended and re-enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

* * * * *

3. Portable Storage Containers.

* * * * *

c. Portable storage containers in commercial zoning districts.

1. Portable storage containers are allowed in the CA~~7~~ and CG and ~~CR~~ Commercial Zoning Districts for the purpose of storage of seasonal merchandise during the following time periods: November 1 through January 15, and April 1 through June 15.

* * * * *

(Ord. 4235, 1-17-89; Ord. 4327, 4-24-90 & 5-01-90; Ord. 4341, 9-11&18-90; Ord. 4529, 07-06-93; Ord. 4634, 09-27-94; Ord. 4772, 06-25-96; Ord. 4880, 12-30-97; Ord. 5237, 02-25-03; Ord. 5372, 11-23-04; Ord. 5447, 07-26-05; Ord. 5468, 10-25-05; Ord. 5528, 06-27-06; Ord. 5728, 05-26-09; Ord. 5902, 06-26-12; Ord. 6028, 01-28-14; Ord. 6109, 03-24-15; Ord. 6203, 05-24-16)

Section 3. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size,

safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

2. Temporary uses (administrative approval). The Zoning Administrator is authorized to grant permits for certain temporary uses without a public hearing or approval of the city planning and zoning commission. All temporary structures used for the following uses shall be removed within fifteen (15) days after termination of the use. The following are temporary uses to which such regulations apply:

a. For a religious meeting in a tent or other temporary structure in a CG, MA, MB or A district for a period not to exceed thirty (30) days.

b. For the open lot sale of Christmas trees in a CA, CG, ~~CR~~, MA, MB or A district for a period not to exceed forty-five (45) days.

c. For seasonal sales of nursery and bedding stock for a period of not more than ninety (90) days in a CA, CG, ~~CR~~, MA, MB or A district.

d. For sale of fireworks for a period of not more than thirty (30) days in a MA, MB or A district.

e. For sale of locally grown farm or garden produce in a CA, CG, ~~CR~~, MA, MB or A district of not more than ninety (90) days.

f. For temporary retail sales in a CA, CG, ~~CR~~ or MA district for a period not to exceed sixty (60) days.

g. For a show, circus, menagerie or carnival in a CA, ~~CR~~, CG, MA, MB, A or P Zone for a period of no more than ten days provided that proof of a bond or liability insurance as required by City Ordinance

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

b. Off-Premise Advertising Sign: Off-Premise Advertising Signs may be permitted in any CG, ~~CR~~ MA, or MB district as an administrative special use provided:

* * * * *

e. Filling stations. A filling station may be permitted in a CA, ~~CB~~ CG, ~~CR~~ or MA district as a special use provided:

* * * * *

g. Drive-in/drive-through retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in/drive-through facility, including, but not limited to drive-in/drive-through restaurants, banks or other drive-in/drive-through facilities, exclusive of theatres, may be permitted in a CG, ~~CR~~ MA or HM district (drive-in/drive-through facilities for banks and drive-in/drive-through windows for pharmacies as an ancillary use to a medical office/clinic only may also be permitted in a CA district) as a special use provided:

* * * * *

m. Auto laundry-car wash. An auto laundry or car wash may be permitted in a CG, ~~CR~~ MA or MB district as a special use, provided:

* * * * *

s. Retail Liquor Sales. Retail liquor sales for Burleigh County Class AA, B, D and E liquor license holders may be permitted within the city's four-mile extraterritorial jurisdiction in any CA, ~~CB~~ CG, ~~CR~~ or MA district as a special use provided:

* * * * *

v. Small Wind Energy Systems. This section is intended to provide reasonable standards for the use of a Small Wind Energy System (SWES) which would allow electrical power consumers to supplement or replace their use of utility-provided electrical power without creating negative impacts to adjacent properties or the public.

* * * * *

6. Sound produced by a SWES shall not exceed the following limits at the property line:

Zoning District	Day	Night
Residential: RR, RR5, R5, RMH, R10, RM, RT, HM, DF	55	45
Commercial: CA, CG, CR, DC	60	50
Industrial: MA, MB, P, A	65	60

* * * * *

(Ord. 4136, 4-28-87; Ord. 4286, 08-22-89; Ord. 4312, 2-20-90; Ord. 4331, 6-05-90; Ord. 4425, 03-31-92; Ord. 4486, 04-27-93; Ord. 4563, 12-07-93; Ord. 4564, 11-23-93; Ord. 4598, 04-28-94; Ord. 4598, 04-28-94; Ord. 4620, 07-19-94; Ord. 4702, 06-13-95; Ord. 4713, 08-22-95; Ord. 4738, 11-14-95; Ord. 4739, 11-14-95; Ord. 4745, 02-13-96; Ord. 4802, 11-12-96; Ord. 4808, 11-12-96; Ord. 4912, 07-14-98; Ord. 4913, 06-09-98; Ord. 4936, 09-08-98; Ord. 4946, 10-27-98; Ord. 5027, 02-08-00; Ord. 5214, 11-12-02; Ord. 5218, 11-26-02; 5224, 12-17-02; Ord. 5228, 01-28-03; Ord. 5278, 09-23-03; Ord. 5317, 06-22-04; Ord. 5343, 06-22-04; Ord. 5348, 07-27-04; Ord. 5351, 08-24-04; Ord. 5438, 06-28-05; Ord. 5467, 10-25-05; Ord. 5527, 06-27-06; Ord. 5719, 05-12-09; Ord. 5728, 05-26-09; Ord. 5764, 01-12-10; Ord. 5820, 4-26-11; Ord. 5852, 11-22-11; Ord. 5958, 03-26-13; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14; Ord. 6050; 05-27-14, corrected 06-10-14; Ord. 6121, 05-26-15; Ord. 6122, 05-26-15; Ord. 6175, 11-24-15; Ord. 6179, 12-22-15; Ord. 6190, 03-08-16; Ord. 6218, 07-26-16);

Section 4. Amendment. Section 14-05-05.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Accumulation of Certain Items Prohibited is hereby amended and re-enacted to read as follows:

14-05-05.1. Accumulation of Certain Items Prohibited.

* * * * *

2. No person shall cause, permit, keep, accumulate or allow the accumulation of any junk, refuse, surplus, scrap, salvage or similar items outside of a closed building or opaque fencing in any commercially, industrially or agriculturally-zoned district absent a

special use permit. The items for which accumulations are prohibited under this section may include one or more of the following but are not limited to hazardous wastes, scrap metals, used or scrap lumber, household or commercial appliances, used building materials or salvage, construction demolition waste or salvage, abandoned or unlicensed vehicle(s), automotive or machinery parts, used tires, used oil or solvents, garbage or rubbish of any kind, waste paper, used furniture or other household goods, barrels, rags, boxes, cardboard, or other similar items. The fact that an item or items may have value does not excuse the conduct prohibited by this section. The prohibitions contained in this section shall apply to properties zoned ~~CA, DC, DF, PUD, CR, CG, MA, MB, or A~~ CA, CG, MA, MB, A, PUD, DC, or DF. Prior to signing a complaint under this section, the Health Officer or his or her agent must serve the property owner or tenant with a notice and order pursuant to Section 14-05-03.1.

(Ord. 4861, 08-12-97; Ord. 4936, 09-08-98; Ord. 5728, 05-26-09; Ord. 6028, 01-28-14)

Section 5. Repeal. Section 14-04-13 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the CR Commercial District is hereby repealed:

~~14-04-13. CR Commercial District.~~

~~1. General description. The CR commercial district is established as a district in which the principal use of the land is for regional shopping centers and related services. For the CR commercial district in promoting the general purposes of this article, the specific intent of this section is:~~

~~a. To prohibit residential, heavy commercial and industrial uses of the land, and to prohibit any other use which would substantially interfere with the development or continuation of commercial structures in the district.~~

~~b. To discourage any use which, because of its character or size, would interfere with the use of land in the district as a shopping and service center for the regional area served.~~

~~2. Uses permitted. The following uses are permitted:~~

~~a. Retail group A.~~

- ~~b. Service group A.~~
- ~~c. Office bank group.~~
- ~~d. Commercial recreational group.~~
- ~~e. Health medical group.~~
- ~~f. Religious institution.~~

~~The following uses are allowed under special uses pursuant to Section 14-03-08 hereof:~~

- ~~a. Temporary Christmas tree sales.~~
- ~~b. Temporary farm and garden produce sales.~~
- ~~c. Seasonal nursery and bedding stock sales.~~
- ~~d. Filling station.~~
- ~~e. Child care center.~~
- ~~f. Drive-in retail or service establishment.~~
- ~~g. Auto laundry car wash.~~
- ~~h. Retail liquor sales.~~
- ~~i. Off-premise advertising sign.~~

~~3. Lot area. No CR commercial district shall contain less than forty (40) acres.~~

~~4. District width. Each CR commercial district shall have an average width of not less than one thousand (1,000) feet and shall have no principal dimension less than five hundred (500) feet in length.~~

~~5. Floor area. The gross floor area of the principal building shall be not less than three hundred thousand (300,000) square feet.~~

~~6. Setback. A minimum setback of fifty (50) feet shall be required of the principal building except when it fronts on an interior street within the district. A~~

~~setback of at least twenty-five (25) feet shall apply for all other buildings.~~

~~7. Height limits. No building shall exceed fifty (50) feet in height.~~

~~8. Off-street parking. Off-street parking and loading shall be provided in accordance with the provisions of Section 14-03-10 of this Title. A site circulation plan shall be prepared by the shopping center and approved by the Zoning Administrator.~~

~~(Ord. 4462, 08-18-92; Ord. 4486, 04-27-93; Ord. 4564, 11-23-93; Ord. 4808, 11-12-96; Ord. 5027, 02-08-00; Ord. 5728, 05-26-09; Ord. 5958, 03-26-13; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14; Ord. 6123, 05-26-15; Ord. 6190, 03-08-16)~~

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

September 28, 2016

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2016-003

Project Summary

Title:	Elimination of CR – Commercial Zoning District
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Daniel Nairn, AICP, Planner
Sections Amended:	14-03-01 Division of the City into Districts, 14-03-06 Incidental Uses, 14-03-08 Special Uses, 15-05-05.1 Accumulation of Certain Items Prohibited, 14-04-13 CR Commercial District
Request:	Remove the CR – Commercial zoning district from Title 14.

Staff Analysis

On July 26, 2016, the Bismarck City Commission voted unanimously to amend the zoning map to transition all remaining parcels in the CR – Commercial zoning district to the CG – Commercial zoning district. This action was completed with the anticipation of the elimination of the CR – Commercial zoning district, which is the action currently being proposed. The Planning Division did not receive any opposition to the initial rezoning.

The zoning ordinance text amendment also cleans up a few references to the CB – Commercial zoning district that was removed from Title 14 (Zoning Ordinance) in 2006.

The reasoning for the removal of the CR – Commercial zoning district was included in the staff report for the rezoning action, and it is repeated here:

The CR – Commercial zoning district was established in 1974 with the following purposes:

- a. To prohibit residential, heavy commercial and industrial uses of the land, and to prohibit any other use which would substantially interfere with the development or continuation of commercial structures in the district.
- b. To discourage any use which, because of its character or size, would interfere with the use

of land in the district as a shopping and service center for the regional area served.

The zoning district was only applied to three areas: the Gateway Mall area; the Kmart area; and the Kirkwood Mall area. Over the years the CR – Commercial zoning district has shrunken somewhat, as certain portions were rezoned to CG – Commercial to allow different forms of development.

The CR Zoning District was created in an era when the City wished to accommodate and protect large-scale enclosed malls with lesser parking standards. Each CR District must be at least 40 acres in size, and the principal building must have at least 300,000 square feet of floor area. However, neither the Gateway Mall nor the Kmart Area CR districts currently meet the 40 acre standard, and the Kmart building is only a third the size of the minimum requirement. In addition, the parking standards have since been changed and are now the same in both the CR and CG districts.

An important difference between these two zoning districts is the uses allowed within each. The CR district is more restrictive than the CG – Commercial zoning district, as shown in the chart on the following page:

(continued)

P = Permitted
 X = Not Permitted
 SUP = Permitted with Special Use Permit

	CG	CR
Multifamily Housing	P	X
Group dwelling	P	X
Multifamily high rise	P	X
Hotel-motel	P	X
Retail group A	P	P
Service group A	P	P
Office-bank group	P	P
Retail group B	P	X
Service group B	P	X
Commercial recreation group	P	P
Wholesale group	P	X
Health-medical group	P	P
Education group	P	X
Public recreation group	P	X
Railroad or bus passenger station	P	X
Commercial greenhouse	P	X
Commercial parking lot	P	X
Religious institution	P	P
Temporary Christmas tree sales	SUP	SUP
Temporary religious meetings	SUP	X
Temporary farm and garden produce sales	SUP	SUP
Seasonal nursery and bedding stock sales	SUP	SUP
Filling station	SUP	SUP
Drive-in retail or service establishment	SUP	SUP
Child care center	SUP	SUP
Small animal veterinary clinic	SUP	X
Golf driving range	SUP	X
Auto laundry - car wash	SUP	SUP
Retail liquor sales	SUP	SUP
Microbrewery	SUP	X
Off-premise advertising sign	SUP	X

Setbacks and height limits are also significantly stricter in the CR than the CG Commercial zoning district, and the CR district includes its own minimum parking standards which contradict the updated parking requirements contained in Section 14-03-10.

Staff proposes this change to provide more flexibility for possible redevelopment opportunities within the districts currently zoned CR – Commercial. While there is still a market for the conventional enclosed malls that were built in the 1960s and 1970s, many of these sites around the country are also being redeveloped in a variety of ways. Staff does not see any reason to constrain the creativity of property owners with a zoning district that mandates a conventional retail mall model.

Furthermore, the elimination of a zoning district that is not widely utilized helps simplify the zoning ordinance and map, which enhances the ordinances accessibility to the public and general usability.

Required Findings of Fact

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment that removes the CR – Commercial zoning district from Title 14 and eliminates references to the CR and CB zoning

(continued)

districts throughout Title 14, as outlined in the attached draft ordinance.

Attachments

1. Draft zoning ordinance amendment
-

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



COMMUNITY DEVELOPMENT DEPARTMENT

DATE: October 4, 2016

FROM: Carl D. Hokenstad, AICP, Director of Community Development

ITEM: Accessory Buildings in RMH District – Zoning Ordinance Text Amendment

REQUEST

The City of Bismarck's Community Development Department – Planning Division has initiated this zoning ordinance text amendment in order to clarify provisions for accessory buildings in the RMH Residential zoning district.

Section 14-04-05 of the City Code of Ordinances (RMH Residential) indicates that each leased lot within a manufactured home park shall be limited to one attached utility structure of no more than 120 square feet, that no accessory building shall exceed 15 feet in height and that no legal attachment to a principal building shall exceed the height of the principal building. Although detached accessory structures have historically been allowed in the RMH – Residential zoning district, the provisions of this section are silent on the size or placement of accessory buildings other than those that are attached to the principal structure.

The proposed amendment will clarify that accessory buildings beyond an attached utility structure are allowed within the RMH – Residential zoning district and outline the requirements for such accessory buildings.

Please place this item on the October 11 City Commission meeting and the October 25, 2016 City Commission meeting.

BACKGROUND INFORMATION

The Planning & Zoning Commission held a public hearing on this item on September 28, 2016.

No members of the public spoke at the public hearing.

At the conclusion of the hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the zoning ordinance text amendment as outlined in Ordinance 6235.

RECOMMENDED CITY COMMISSION ACTION

October 11th Meeting of the Board of City Commissioners – consider the request for the zoning ordinance text amendment as outlined in Ordinance 6235, and call for a public hearing on this item for the October 25th meeting of the Board of City Commissioners.

October 25th Meeting of the Board of City Commissioners – hold a public hearing on the zoning ordinance text amendment as outlined in Ordinance 6235 and take final action on the proposed amendment.

STAFF CONTACT INFORMATION

Please contact Kim L. Lee, AICP, the planner in our office assigned to this request, at 355-1846 or klee@bismarcknd.gov.

Planning Manager Kim Lee will also present this item at the meeting.

CITY OF BISMARCK
Ordinance No. 6235

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-06 AND 14-04-05 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO INCIDENTAL USES AND THE RMH RESIDENTIAL DISTRICT.

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

Section 1. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses is hereby amended and re-enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

1. Accessory Uses and Buildings.

* * * * *

b. One and two-family residential accessory uses and buildings.

1. Accessory uses and buildings commonly associated with residential uses include recreational activities, raising of pets, hobbies and parking of occupants' vehicles.

2. Customary domestic pets are allowed in accordance with the provisions of Title 3 of the Bismarck Code of Ordinances, but not including horses, poultry or agricultural livestock except as allowed in Sections 14-04-01, 14-04-02 or 14-04-17 of this ordinance. No more than three (3)

dogs or cats, four months of age or older are allowed.

3. Private swimming pools are allowed in accordance with the provisions of Chapter 4-06 of the City Code of Ordinances.

4. All allowable accessory buildings for a one or two-family residence in an urban residential zoning district (R5, R10, RM, RMH & RT) shall be limited to a maximum area of twelve hundred (1,200) square feet, a maximum wall height of twelve (12) feet and a maximum building height of twenty-five (25) feet.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

* * * * *

(Ord. 4235, 1-17-89; Ord. 4327, 4-24-90 & 5-01-90; Ord. 4341, 9-11&18-90; Ord. 4529, 07-06-93; Ord. 4634, 09-27-94; Ord. 4772, 06-25-96; Ord. 4880, 12-30-97; Ord. 5237, 02-25-03; Ord. 5372, 11-23-04; Ord. 5447, 07-26-05; Ord. 5468, 10-25-05; Ord. 5528, 06-27-06; Ord. 5728, 05-26-09; Ord. 5902, 06-26-12; Ord. 6028, 01-28-14; Ord. 6109, 03-24-15; Ord. 6203, 05-24-16)

Section 2. Amendment. Section 14-04-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RMH Residential District is hereby amended and re-enacted to read as follows:

14-04-05. RMH Residential District.

* * * * *

3. Development Standards.

a. Density. The maximum allowable density for all manufactured home parks shall be seven (7) families per net acre.

b. Lot Dimensions.

1. For single-wide manufactured home dwelling units, minimum lot dimensions shall be fifty (50) feet and the minimum lot area shall be five thousand (5,000) square feet.

2. For double-wide manufactured home dwelling units, minimum lot dimensions shall be sixty (60) feet and the minimum lot area shall be six thousand (6,000) square feet.

c. Park Area. The minimum total area of a manufactured home park shall be at least one hundred forty thousand (140,000) square feet.

d. Lot Coverage. The ground area occupied by a manufactured home, all utility structures, roofed deck or patio, and required off-street parking spaces shall not exceed forty (40) per cent of the total area of the lot. In computing the ground coverage, sufficient off-street parking space to comply with Section 14-03-10 hereof shall be added to actual area of the principal and accessory buildings. Each lot shall be limited to one attached utility structure of no more than one hundred twenty (120) square feet. Each lot may also have a detached accessory building(s) in accordance with Section 14-03-06 (1) of this Title, provided the lot coverage requirement is not exceeded.

e. Height Limits. No accessory building shall exceed fifteen (15) feet in height, nor shall any legal attachment to a principal building except the height of the principal building.

* * * * *

(Ord. 4756, 05-14-96; Ord. 4936, 09-08-98; Ord. 5728, 05-26-09; Ord. 6028, 01-28-14)

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

September 28, 2016

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2016-005

Project Summary

Title:	Accessory Uses and Buildings in RMH Residential Zoning District
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Kim L. Lee, AICP, Planning Manager
Sections Amended:	14-03-06(1) (Incidental Uses/Accessory Uses and Buildings) and 14-04-05(3) (RMH Residential District/Development Standards)
Request:	Modify provisions in Title 14 to clarify the maximum permitted accessory building size allowed in the RMH Residential District.

Staff Analysis

Section 14-04-05(2) of the City Code of Ordinances (RMH Residential) outlines use development standards for single-family mobile and manufactured home dwellings located within manufactured home parks. The lot coverage standards indicate that each lot shall be limited to one attached utility structure of no more than 120 square feet. The height limits indicate that no accessory building shall exceed 15 feet in height and that no legal attachment to a principal building shall exceed the height of the principal building. Although detached accessory structures have historically been allowed in this district, the provisions of this section are silent on the size or placement of accessory buildings other than those that are attached to the principal structure.

The desire for accessory buildings in this district has increased as the size of lease lots within the manufactured home parks have increased. Again, although the RMH zoning district is silent on this matter, the practice has been to issue permits for accessory buildings under the same provisions applied to single-family dwellings in the R5 and R10 zoning district.

The proposed amendments will clarify that accessory buildings beyond an attached utility structure are allowed within the RMH zoning district and outline the requirements for such accessory buildings.

Required Findings of Fact

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment to clarify provisions for accessory buildings in the RMH Residential zoning district, as outlined in the attached draft ordinance.

(continued)

Attachments

1. Draft zoning ordinance amendment
-

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov



COMMUNITY DEVELOPMENT DEPARTMENT

DATE: October 4, 2016

FROM: Carl D. Hokenstad, AICP, Director of Community Development

ITEM: Memory 1st Addition – Partial Annexation, Future Land Use Plan Amendment, Zoning Change and Final Plat

REQUEST

Ron and Ruth Knutson and RBK Ventures, LLP are requesting approval of a partial annexation, a Future Land Use Plan amendment to extend the Industrial land use classification southwest of Hay Creek west to North 19th Street, a zoning change from the A – Agricultural zoning district to the CG – Commercial and MA – Industrial zoning districts, and the final plat for Memory 1st Addition. These actions would allow development on one CG-zoned lot and future commercial and industrial development on the remaining lots upon annexation.

The property is located in north Bismarck along the east side of US Highway 83/State Street and the north side of an eastern extension of 57th Avenue NE.

Please place this item on the October 11 City Commission meeting and the October 25, 2016 City Commission meeting.

BACKGROUND INFORMATION

The Planning & Zoning Commission held a public hearing on this item on September 28, 2016.

No members of the public spoke at the public hearing; however, there was considerable discussion amongst the members of the Planning & Zoning Commission regarding the partial annexation of the proposed plat.

At the conclusion of the hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission recommended, on a 7 to 2 vote, approval of the partial annexation as outlined in Ordinance 6236; the Future Land Use Plan amendment to extend the Industrial classification in the southwest portion of the SW¼ of Section 10, T139N-R80W west to the future extension of North 19th Street from 57th Avenue NE north to where Hay Creek crosses North 19th Street as outlined in the attached resolution; the zoning change from the A – Agricultural zoning

district to the CG – Commercial zoning district on Lots 1 & 2, Block 1 and Lots 1 & 2, Block 2 and to the MA – Industrial zoning district on Lots 1-4, Block 3 as outlined in Ordinance 6237; and the final plat for Memory 1st Addition, with the understanding that individual lots will be annexed and that all municipal services needed to serve that lot, including roadways and utilities, will be in place or under contract prior to development of that lot.

RECOMMENDED CITY COMMISSION ACTION

October 11th Meeting of the Board of City Commissioners – consider the request for the partial annexation as outlined in Ordinance 6236, the Future Land Use Plan amendment as outlined in the attached resolution and the zoning change as outlined in Ordinance 6237 and call for a public hearing on these three items for the October 25th meeting of the Board of City Commissioners.

October 25th Meeting of the Board of City Commissioners – hold a public hearing on the partial annexation as outlined in Ordinance 6236, the Future Land Use Plan amendment as outlined in the attached resolution and the zoning change as outlined in Ordinance 6237; consider the final plat for Memory 1st Addition; and take final action on these four related items.

STAFF CONTACT INFORMATION

Please contact Kim L. Lee, AICP, the planner in our office assigned to this request, at 355-1846 or klee@bismarcknd.gov.

Planning Manager Kim Lee will also present this item at the meeting.

ORDINANCE NO. 6236

<i>Introduced by</i>	_____
<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA.

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, North Dakota, as follows:

Lot 1, Block 2, Memory 1st Addition, along with all of the Elbowoods Lane right-of-way adjacent to Lots 1 and 2, Block 1, and Lot 1, Block 2, and that part of the North 19th Street right-of-way from an extension of the southern right-of-way line of Elbowoods Lane north to the northern edge of the plat adjacent to Lots 1 and 2, Block 2 and Lots 3 and 4, Block 3.

The above described tract of land contains 13.27 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this Ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.

**RESOLUTION OF ADOPTION
of an Amendment to the Future Land Use Plan
for Section 10, T139N-R80W/Hay Creek Township**

WHEREAS, the Bismarck Board of City Commissioners received the Future Land Use Plan (FLUP) of the 2014 Growth Management Plan Study on April 22, 2014; and

WHEREAS, the City of Bismarck amended the Future Land Use Plan on December 15, 2014, to address changes in conditions since the Future Land Use Plan was established, including the adoption of the 2014 Fringe Area Road Master Plan, the acceptance of the 2015 Ash and Ward Coulee Watershed Study, and ongoing land development; and

WHEREAS, the land use identified in the FLUP is used as a policy tool in conjunction with the 2014 Bismarck Growth Management Plan and the Bismarck Comprehensive Policy Plan; and

WHEREAS, the City of Bismarck finds it necessary, from time to time, to amend portions of the FLUP to further the public interest; and

WHEREAS, the proposed amendment does reflect a change in conditions since the FLUP was received.

NOW, THEREFORE BE IT RESOLVED, by the Bismarck Board of City Commissioners that it adopts the attached amendment to the FLUP for Section 10, T139N-R80W/Hay Creek Township, to extend the Industrial classification in the southwest portion of the SW¼ of the section west to the future extension of North 19th Street from 57th Avenue NE north to where Hay Creek crosses North 19th Street, as shown on the attached exhibit.

CERTIFICATE

The undersigned, duly qualified members of the Bismarck Board of City Commissioners certify that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Board of City Commissioners held on October 25, 2016.

Mike Seminary, President
Bismarck Board of City Commissioners

Keith J. Hunke
Bismarck City Administrator

ORDINANCE NO. 6237

<i>Introduced by</i>	_____
<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A-Agriculture zoning district and included in the CG-Commercial zoning district:

Lots 1-2, Block 1 and Lots 1-2, Block 2, Memory 1st Addition.

The following described property shall be excluded from the A-Agriculture zoning district and included in the MA-Industrial zoning district:

Lots 1-4, Block 3, Memory 1st Addition

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

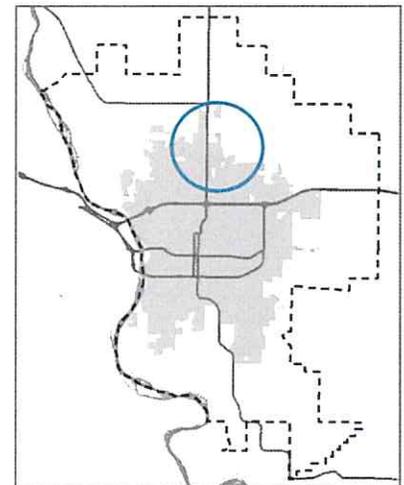
September 28, 2016

Application for: Annexation (Partial)
Future Land Use Plan Amendment
Zoning Change
Major Subdivision Final Plat

TRAKiT Project ID: ANNX2016-003
 FLUP2016-002
 ZC2016-015
 FPLT2016-007

Project Summary

Title:	Memory 1 st Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Ronald and Ruth Knutson and RBK Ventures, LLP
Project Contact:	Michael Gunsch, PE, Houston Engineering Inc.
Location:	North of Bismarck, along the east side of US Highway 83/State Street and the north side of an eastern extension of 57 th Avenue NE.
Project Size:	66.53 acres
Request:	Partially annex, amend the Future Land Use Plan, rezone and plat property for future commercial and light industrial development.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 parcels	Number of Lots:	8 lots in 3 blocks
Land Use:	Agricultural/undeveloped	Land Use:	Commercial and light industrial
Designated GMP	Commercial	Designated GMP	Commercial
Future Land Use:	Industrial	Future Land Use:	Industrial
Zoning:	A – Agricultural	Zoning:	CG – Commercial MA – Industrial
Uses Allowed:	A – Agriculture	Uses Allowed:	CG – General commercial, multi-family residential, and offices MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	CG – 42 units / acre MA – N/A

(continued)

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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Staff Analysis

The applicant is proposing to plat and zone the property for development in the future. As proposed, the development includes four lots for commercial development, three lots for light industrial development and one lot to privately manage storm water for the development.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the area east and northeast of the Hay Creek corridor as Industrial. The proposed amendment would extend the Industrial land use classification southwest of Hay Creek west to North 19th Street. Although adjacent property is undeveloped, the land to the south across 57th Avenue NE is zoned CG – Commercial on the west side of North 19th Street and there is a combination of PUD – Planned Unit Development and MA – Industrial zoning on the east side of North 19th Street. The property to the north across 64th Avenue NE is zoned MA - Industrial. The property to the east between the proposed plat and US Highway 83 is zoned CG – Commercial and RR – Residential, although the Future Land Use Plan identifies this area as Commercial. Based on the future adjacent land uses, extending the Industrial classification to the west to North 19th Street would be appropriate, as would having North 19th Street serve as the dividing line between land uses.

Only a portion of the plat will be annexed at this time; however, all other lots must be annexed prior to development of the lot. The existing business on Lot 1, Block 1 (Memory Fireworks) will be moved to another location prior to annexation of that parcel, as fireworks sales are not allowed within the corporate limits.

The 10-foot wide multi-use trail along the Hay Creek corridor will be extended north into this area along the east side of North 19th Street when it is constructed. As no urban residential uses are included within the proposed plat, it is not subject to the Neighborhood Parks and Open Space provisions.

The North Dakota Department of Transportation has indicated that the frontage road access point on 57th Avenue NE would need to be closed in conjunction with development of this subdivision. It is unclear if this is expected to occur immediately, or upon improvements to 57th Avenue NE and North 19th Street north of 57th Avenue NE.

Required Findings of Fact

Annexation

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Future Land Use Plan Amendment

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the future land use plan was established or last amended;
3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;

(continued)

5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended, if amended as proposed;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
6. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
7. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
8. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
9. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer, with written concurrence from the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.

Staff Recommendation

Based on the above findings, staff recommends approval of the partial annexation; the proposed amendment to the Future Land Use Plan to extend the Industrial classification in the southwest portion of the SW¼ of Section 10, T139N-R80W west to the future extension of North 19th Street from 57th Avenue NE north to where Hay Creek crosses North 19th Street; the zoning change from the A – Agricultural zoning

(continued)

district to the CG – Commercial zoning district on Lots 1 & 2, Block 1 and Lots 1 & 2, Block 2 and to the MA – Industrial zoning district on Lots 1-4, Block 3; and the final plat for Memory 1st Addition, with the understanding that individual lots will be annexed and that all municipal services needed to serve the lot, including roadways and utilities, will be in place or under contract prior to development of the lot.

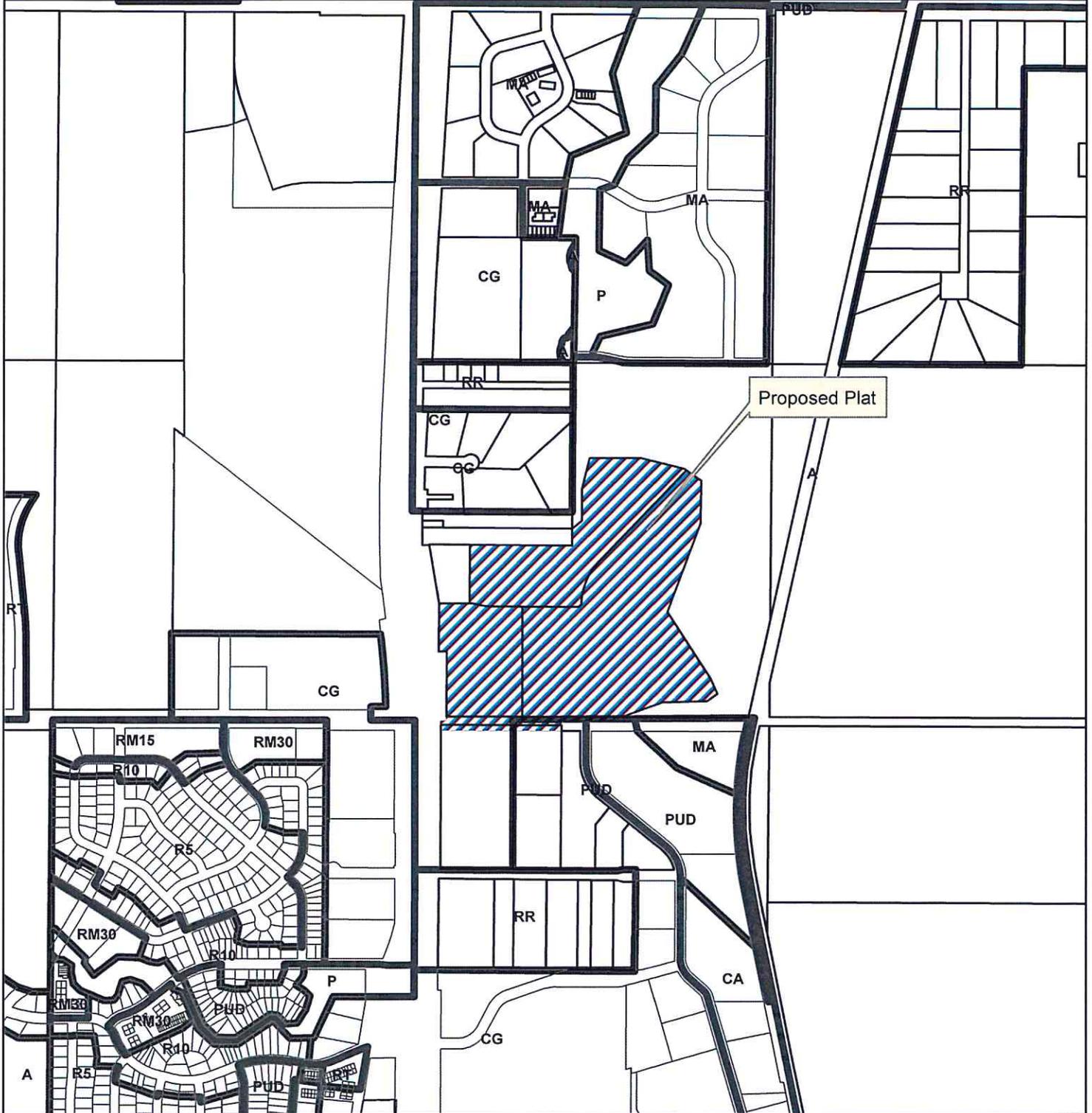
Attachments

1. Location Map

2. Annexation Location Map
3. Annexation Map
4. Future Land Use Plan Map
5. Zoning Map
6. Reduction of Final Plat
7. Reduction of Preliminary Plat
8. Written Justification for FLUP Amendment

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

Proposed Plat, Land Use Plan Amendment, Annexation and Zoning Change (A to CG & MA) Memory 1st Addition

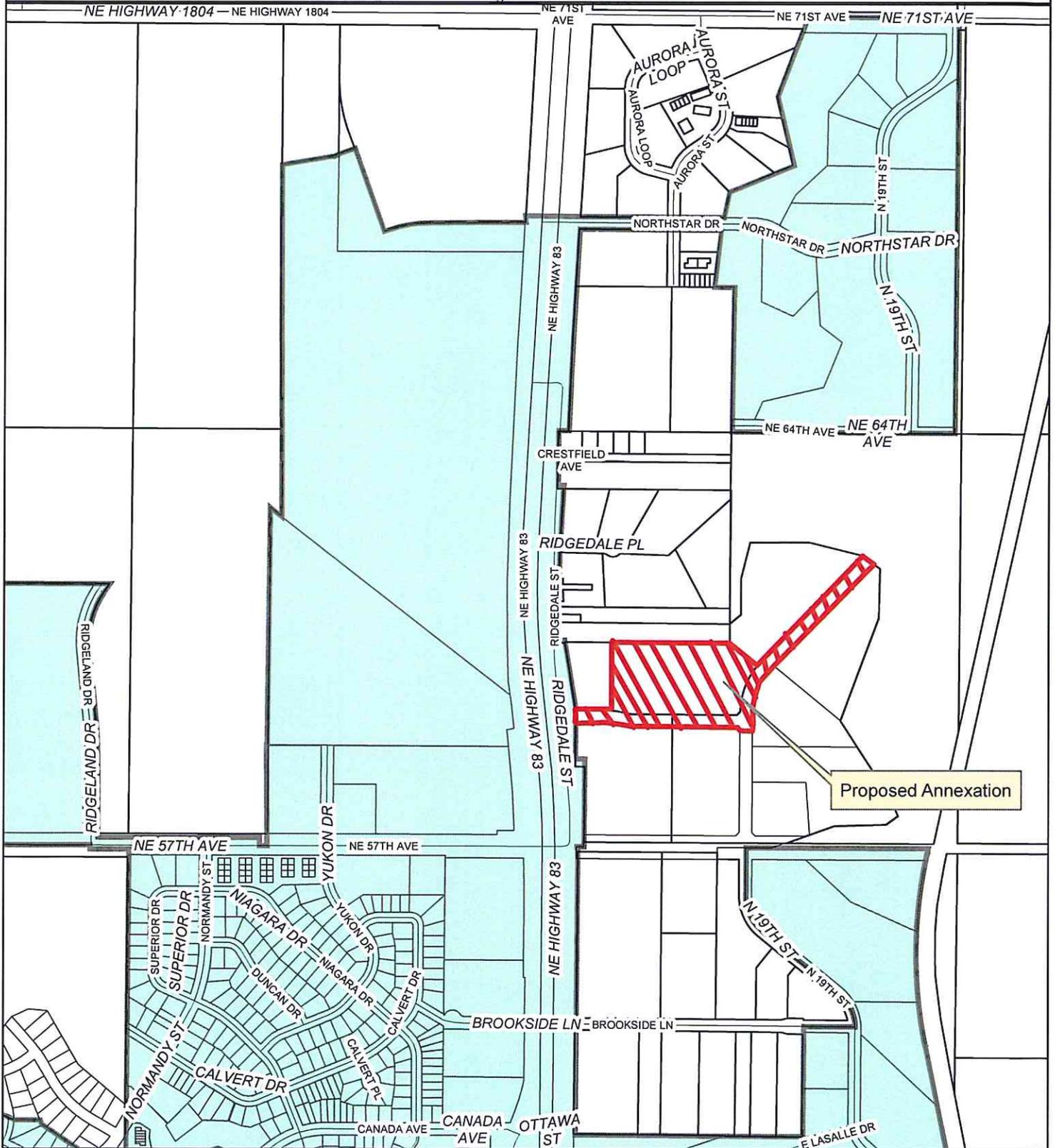


August 31, 2016 (klee)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Proposed Annexation Lot 1, Block 2, Elbowoods Lane and Part of North 19th Street Memory 1st Addition

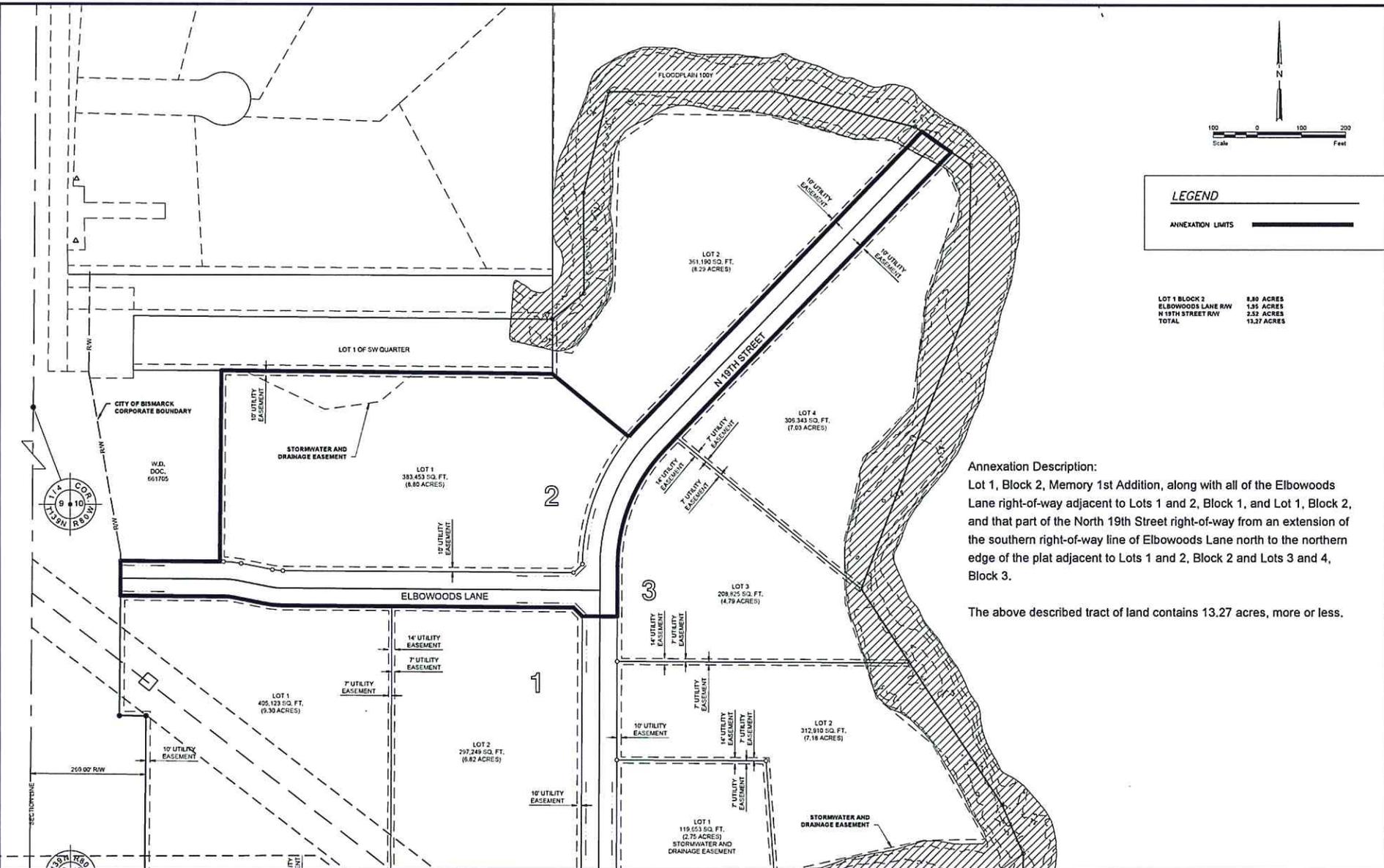


October 4, 2016 (klee)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



H:\Bismarck\5355-004-Annexation-Section 8 and Section 10, 139-80\355-004 Section 10 Development\CADD\DATA\Annexation\Lot1, Block 2.dwg - 9/15/2016 7:10 AM [jw@hst]



LEGEND

ANNEXATION LIMITS

LOT 1 BLOCK 2	8.80 ACRES
ELBOWOODS LAKE RW	1.95 ACRES
N 19TH STREET RW	2.52 ACRES
TOTAL	13.27 ACRES

Annexation Description:
 Lot 1, Block 2, Memory 1st Addition, along with all of the Elbowoods Lane right-of-way adjacent to Lots 1 and 2, Block 1, and Lot 1, Block 2, and that part of the North 19th Street right-of-way from an extension of the southern right-of-way line of Elbowoods Lane north to the northern edge of the plat adjacent to Lots 1 and 2, Block 2 and Lots 3 and 4, Block 3.

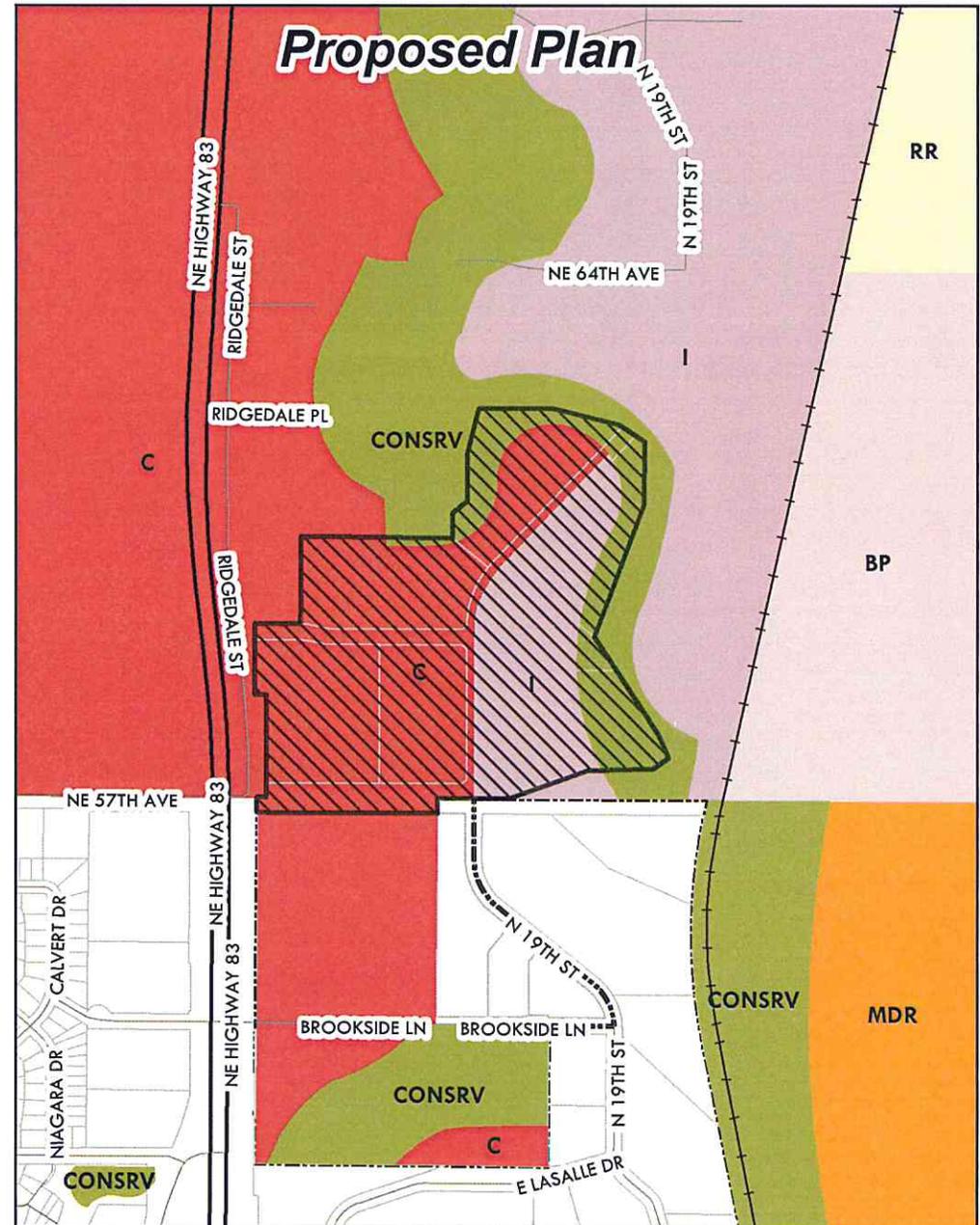
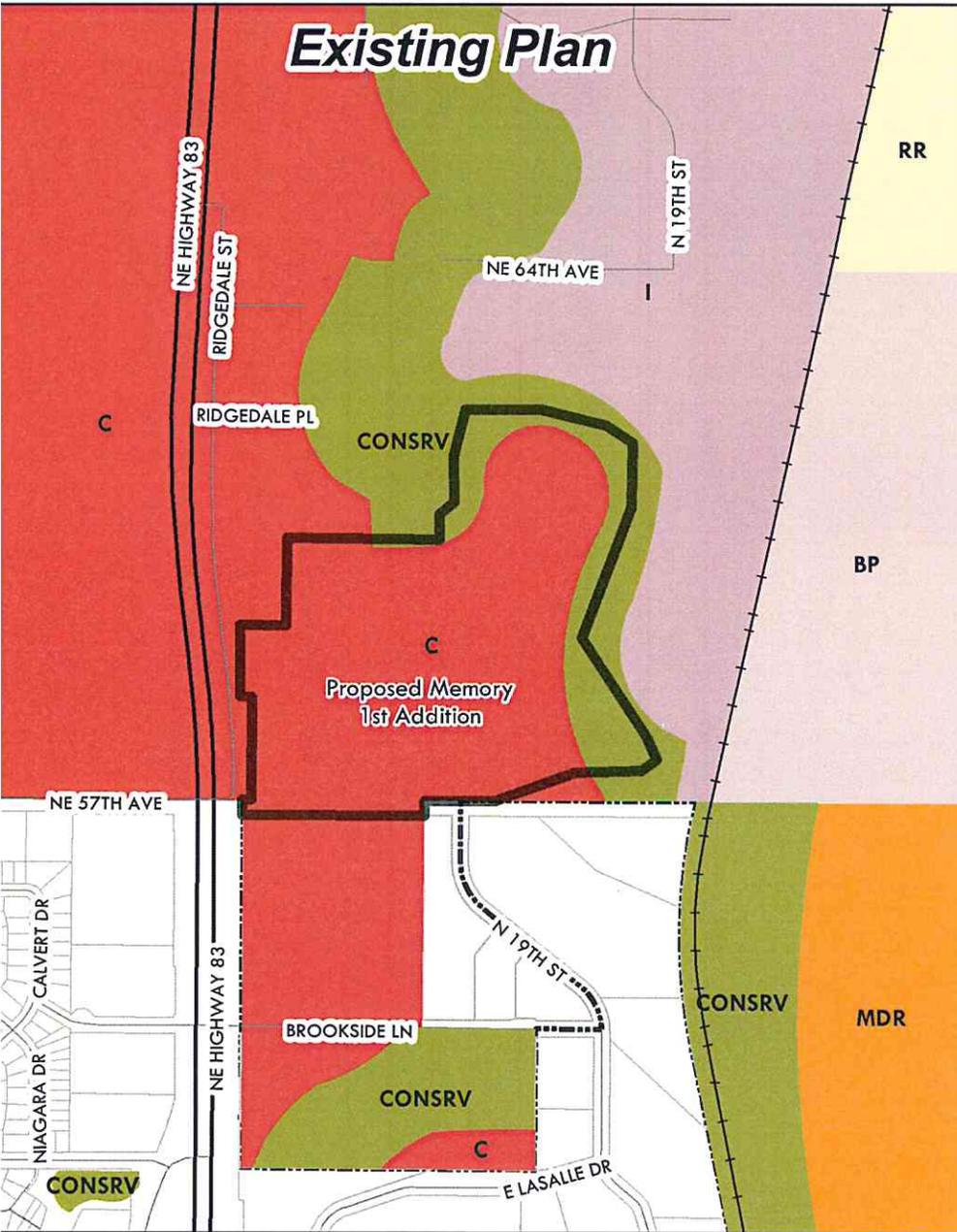
The above described tract of land contains 13.27 acres, more or less.

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">No.</th> <th style="width: 10%;">Revision</th> <th style="width: 10%;">Date</th> <th style="width: 10%;">By</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Revision	Date	By					<p>Houston Engineering Inc.</p>	<p>Bismarck</p> <p>P: 701.223.0200 F: 701.223.0300</p>	<p>Drawn by AV</p> <p>Checked by MHG</p>	<p>Date 9-15-16</p> <p>Scale AS SHOWN</p>	<p>MEMORY 1ST ADDITION ANNEXATION</p> <p>BISMARCK, NORTH DAKOTA</p>	<p>ANNEXATION EXHIBIT</p> <p>PROJECT NO. 5355-004</p>	<p>SHEET</p> <p>1 of 1</p>
No.	Revision	Date	By												

Memory 1st Addition - Future Land Use Plan Change (C to I)

Existing Plan

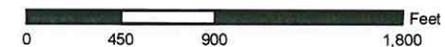
Proposed Plan



MDR = Medium Density Residential
 BP = Business Park
 C = Commercial

CONSRV = Conservation
 RR = Rural Residential
 I = Industrial

This map is for representational use only and does not represent a survey.
 No liability is assumed as to the accuracy of the data delineated hereon.

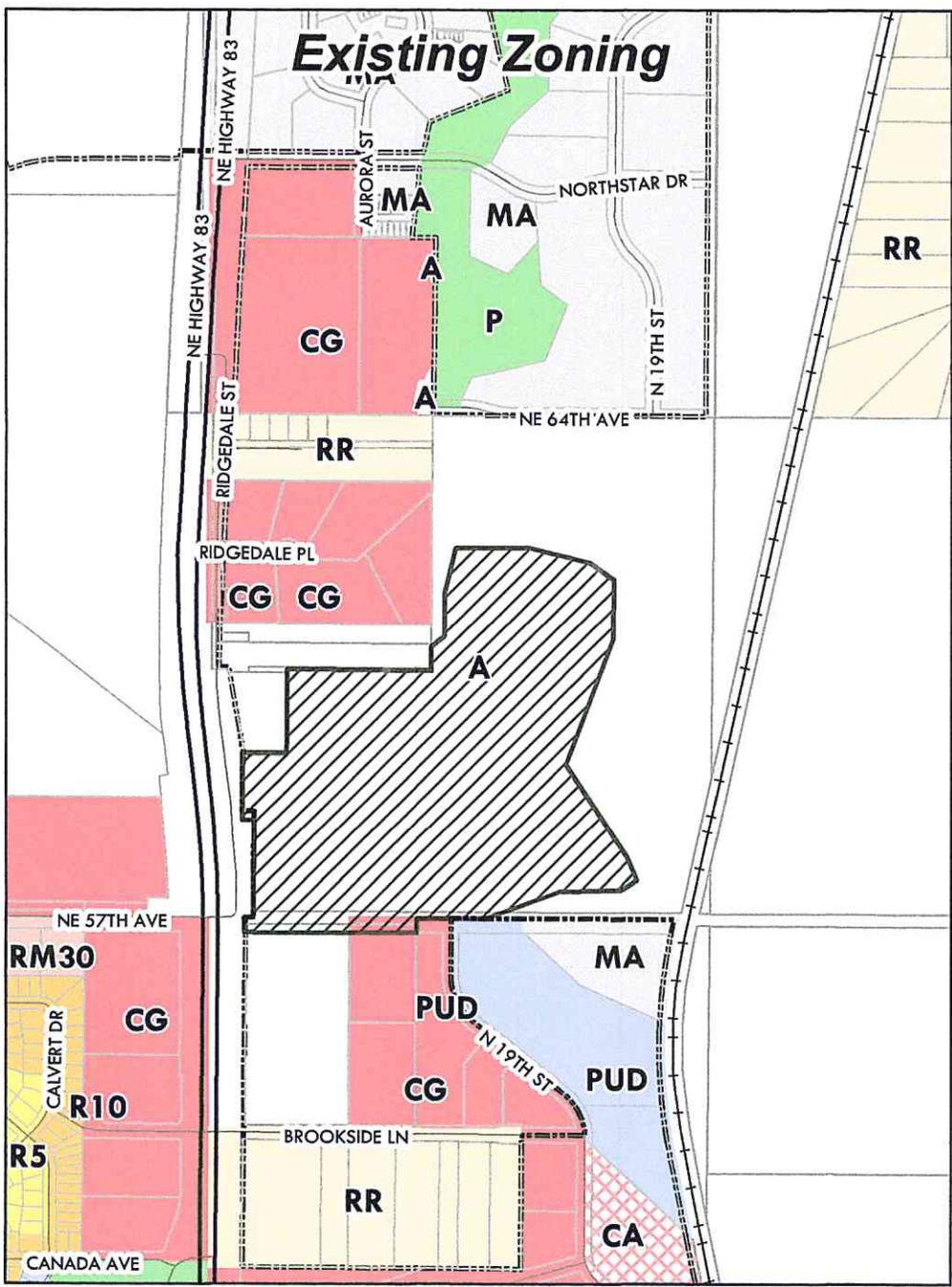


September, 2016

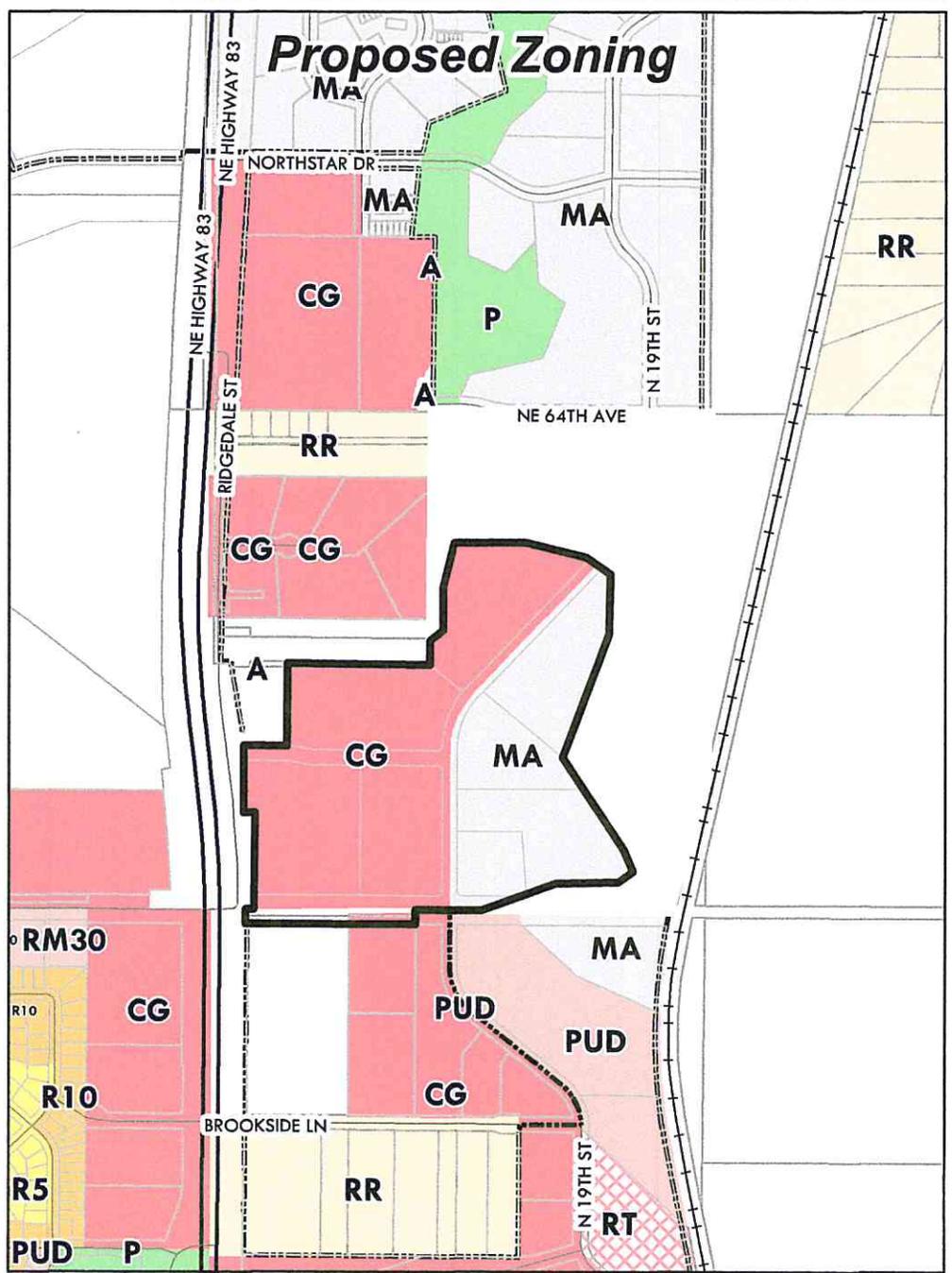


Memory 1st Addition

Existing Zoning

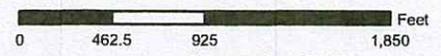


Proposed Zoning



City Limits
 Extraterritorial Area

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

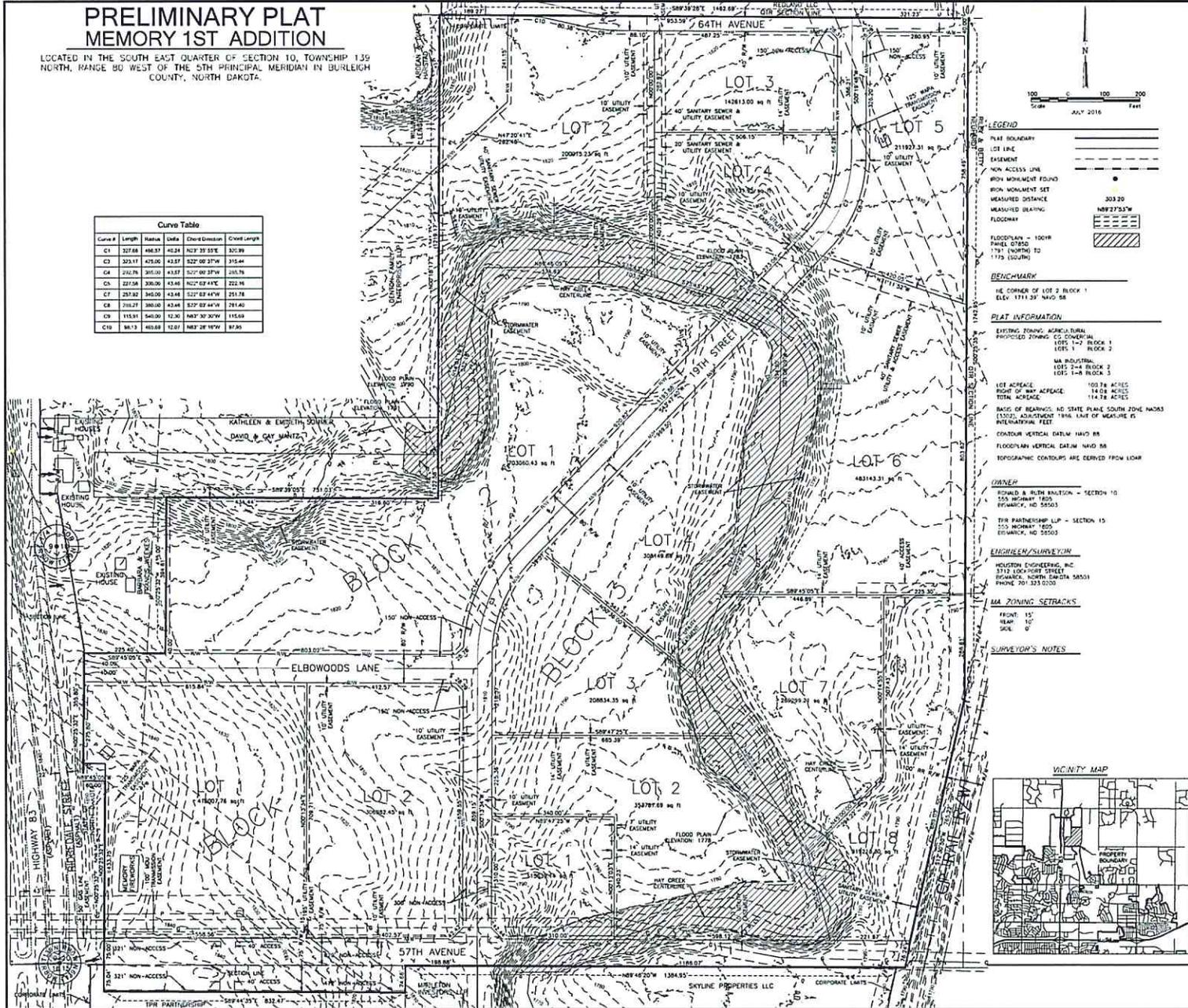


September, 2016

PRELIMINARY PLAT MEMORY 1ST ADDITION

LOCATED IN THE SOUTH EAST QUARTER OF SECTION 10, TOWNSHIP 139
NORTH, RANGE 90 WEST OF THE 5TH PRINCIPAL MERIDIAN IN BURLEIGH
COUNTY, NORTH DAKOTA.

Curve Table				
Curve #	Length	Radius	Chord Distance	Chord Length
C1	327.68	486.37	N42° 33' 55"E	325.89
C2	223.17	425.00	S22° 08' 37"W	315.44
C4	242.78	365.00	S07° 09' 37"W	285.76
C5	227.28	309.00	N02° 03' 41"E	222.36
C7	287.86	346.00	S27° 03' 41"W	251.78
C8	218.27	360.00	S27° 03' 41"W	281.40
C9	115.81	340.00	N47° 30' 30"W	115.69
C10	84.13	465.68	N47° 30' 30"W	87.90



LEGEND

- PLAT BOUNDARY
- LOT LINE
- EASEMENT
- NON-ACCESS LINE
- IRON MONUMENT EDJED
- IRON MONUMENT SET
- MEASURED DISTANCE
- MEASURED BEARING
- FLOODWAY

BENCHMARK

NE CORNER OF LOT 2 BLOCK 1
ELEV 1711.28 NAVD 88

PLAT INFORMATION

EXISTING ZONING: AGRICULTURAL
PROPOSED ZONING: CC CONVENTIONAL
LOTS 1-4 BLOCK 1
LOTS 1-4 BLOCK 2
MA INDUSTRIAL
LOTS 1-4 BLOCK 2
LOTS 1-4 BLOCK 3

LOT ACRES: 103.78 ACRES
FRONT OF MAP ACRES: 14.08 ACRES
TOTAL ACRES: 114.78 ACRES

BASE OF BEARINGS: NO STATE PLANE SOUTH ZONE NAD83
ELEV. ADJUSTMENT 1984.194 FT OF MEASURE IN
INTERNATIONAL FEET

CONTIGUOUS VERTICAL DATUM: NAVD 88
FLOODWAY VERTICAL DATUM: NAVD 88
TOPOGRAPHIC CONTOURS ARE DERIVED FROM LIDAR

OWNER

SCHWAB & SMITH REALTOR - SECTION 10
155 HENRIETY RD
BENICHECK, ND 58543

DRS PARTNERSHIP LLP - SECTION 15
200 HENRIETY RD
EDWARD, ND 58543

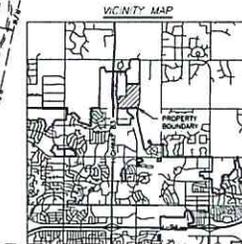
ENGINEER/SURVEYOR

HOUSTON ENGINEERING, INC
5712 106TH STREET
FARMERS, NORTH DAKOTA 58031
PHONE 701-323-0300

MA ZONING SETBACKS

FRONT: 15'
REAR: 10'
SIDE: 0'

SURVEYOR'S NOTES



HOUSTON ENGINEERING, INC. IS AN EQUAL OPPORTUNITY FIRM. THE DESIGNATION SURVEYOR IS THE PROFESSIONAL DESIGNATION OF THE SURVEYOR. THE DESIGNATION ENGINEER IS THE PROFESSIONAL DESIGNATION OF THE ENGINEER. THE DESIGNATION REGISTERED PROFESSIONAL LAND SURVEYOR IS THE PROFESSIONAL DESIGNATION OF THE REGISTERED PROFESSIONAL LAND SURVEYOR. THE DESIGNATION REGISTERED PROFESSIONAL ENGINEER IS THE PROFESSIONAL DESIGNATION OF THE REGISTERED PROFESSIONAL ENGINEER. THE DESIGNATION REGISTERED PROFESSIONAL LAND SURVEYOR AND REGISTERED PROFESSIONAL ENGINEER IS THE PROFESSIONAL DESIGNATION OF THE REGISTERED PROFESSIONAL LAND SURVEYOR AND REGISTERED PROFESSIONAL ENGINEER.

***Statement of Interest and Request to Modify the
City of Bismarck's Growth Management Plan
Memory 1st Addition – SW¼ Section 10, T139N R80W
May 20, 2016***

Platting of the Memory First Addition is occurring after numerous discussions regarding various development related issues. This is a statement of interest to formally request consideration to modify the Growth Management Plan based on revised zoning in the area east of 19th Street and west of Hay Creek. First, it is valuable to document some of the discussions and decisions that preceded this request. The following is a brief history of several of the more notable elements:

- The 57th Avenue arterial street corridor was evaluated thoroughly via a review of four potential alignments and alternative access points for 19th Street, as well as non-access locations.
 - The selected alignment, provided in this preliminary plat, has been generally accepted by the City Traffic Engineer and County Engineer.
 - The non-access lines from the Highway #83 ROW were discussed with a general understanding related to the location of 19th Street, and allowing for access to Lot 1 Block 1 in Memory 1st Addition and later a similar access to be provided to the south into properties owned by TPR. These access locations may, in the future, be limited by a center median due to traffic demands, however this is unlikely in the foreseeable future.
 - It was agreed that the 57th Avenue Hay Creek crossing would not be required for construction as part of this and essentially is on hold until there is a demand for traffic access from the east of the CP Railroad (DMVW). Subsequently, there will be no crossing construction required with plat development.
- The original roadway master plan in this area called for Aurora Street to cross Hay Creek to the north with a connection to 57th Avenue. After due consideration and a review of traffic patterns and anticipated access it was determined this stream crossing was not required. In addition, the maximum street length of 1320 feet is exceeded in this area. We understand based on the discussion this is acceptable given the proposed zoning, uses and platted lot configuration.
- The property owner previously signed easements to install a sanitary sewer trunk line extension in this plat area for the City of Bismarck. This installation is complete and the sanitary system is functional and available for use as shown in the utility plan.
- During the discussion on zoning with the Community Development, it was determined there are opportunities to expand the MA industrial area to the west side of Hay Creek. Previously with 19th Street being located east of Hay Creek there was a greater loss of developable property that was unacceptable. Its relocation, as shown on the preliminary plat, created a scenario where the break between CG and MA can and would occur at 19th Street. The advantage is that it expands the MA zoning and a creates a more viable development given site grading and other factors, including the CG Heavy Commercial properties to the west, which a compatible use for property adjoining MA.

In conclusion, this is a formal request to modify the Growth Management Plan based on the proposed zoning as illustrated on the preliminary plat and application documents. This submittal contains all the properties in this area, including the existing Memory Fireworks Site. The application includes platting and zoning the entire area, however any determination on annexation remains to be determined.



ENGINEERING DEPARTMENT

DATE: October 4, 2016
FROM: Gabe Schell, PE | City Engineer 
ITEM: Montana-Dakota Utilities Co. Franchise Renewal Request

REQUEST

Resolution granting franchise renewal.

Please place this item on the October 11, 2016 City Commission meeting.

BACKGROUND INFORMATION

Pursuant to Section 9 of the resolution of September 25, 2001, granting a franchise to Montana-Dakota Utilities Co. to construct, maintain, and operate a fiber optic cable system and to lease "Dark Fiber" to other entities within the City of Bismarck, Montana-Dakota Utilities Co. is requesting the agreement of the City of Bismarck to exercise the option to renew the franchise through September 25, 2021.

RECOMMENDED CITY COMMISSION ACTION

Renew the September 25, 2001, franchise through September 25, 2021.

STAFF CONTACT INFORMATION

Tom Kary
tkary@bismarcknd.gov
701-355-1505



400 North Fourth Street
Bismarck, ND 58501

(701) 222-7900
(701) 222-7845 fax



September 16, 2016

Gabe Schell
City Engineer
221 N. 5th St
Bismarck, ND 58501

Subject: Resolution Granting Franchise Renewal

Dear Mr. Schell:

Pursuant to Section 9 of the resolution of September 25, 2001 granting a franchise to Montana-Dakota Utilities Co. to construct, maintain and operate a fiber optic cable system and to lease "Dark Fiber" to other entities within the City of Bismarck, Montana-Dakota formally requests the agreement of the City of Bismarck to exercise the option to renew the franchise through September 25, 2021.

Regards,

A handwritten signature in black ink, appearing to read 'Jay Skabo'. The signature is fluid and cursive, with the first name 'Jay' being particularly prominent.

Jay Skabo
Vice President – Electric Supply
Montana-Dakota Utilities Co.



ENGINEERING DEPARTMENT

DATE: October 4, 2016
FROM: Gabe Schell, PE | City Engineer 
ITEM: Part B1 of the 2016 City Sidewalk Construction (Hazardous Sidewalks)

REQUEST

Order the repair of the sidewalks listed below.

Please place this item on the October 11, 2016 City Commission meeting.

BACKGROUND INFORMATION

Sidewalks located on the following properties are deemed unsafe for pedestrian traffic. Letters were sent notifying the property owners of the hazard along with providing several options for the repair. Additionally, the owners were provided a 30-day window to respond with questions and to provide the City with signed petitions indicating which option they chose to resolve the hazard.

Those that did not respond to the initial letter were sent a second letter outlining their responsibilities with a 15-day window to return the petition. They were further notified that if they did not respond, a request would be forwarded to the Board of City Commissioners to order the repair of the sidewalks in accordance with applicable City of Bismarck Code of Ordinances. The requested repair, if so ordered, shall be completed under Part B1 of the 2016 City Sidewalk Construction Contract and the associated costs assessed to each property owner.

PROPERTY ADDRESS

PROPERTY OWNER OF RECORD

912 through 918 East Owens Avenue

Kermit Bye (for Capitol Heights Condominiums)

RECOMMENDED CITY COMMISSION ACTION

Order the repair of the sidewalks listed above in accordance with applicable City of Bismarck Code of Ordinances.

STAFF CONTACT INFORMATION

Gabe Schell, PE
gschell@bismarcknd.gov
701-355-1505



ENGINEERING DEPARTMENT

DATE: October 4, 2016
FROM: Gabe Schell, PE | City Engineer 
ITEM: Sewer Improvement District No. 16-569

REQUEST

Request approval of Contract Change Order No. 1, change in contract timeline.

Please place this item on the October 11, 2016 City Commission meeting.

BACKGROUND INFORMATION

Completion date change is requested primarily due to other contractors within the subdivision behind on grading and other underground utilities.

RECOMMENDED CITY COMMISSION ACTION

Consider request for approval of Contract Change Order No. 1, change in contract timeline, from August 26, 2016, to September 27, 2016.

STAFF CONTACT INFORMATION

Gabe Schell, PE
gschell@bismarcknd.gov
701-355-1505

CONTRACT CHANGE ORDER FORM

DEPARTMENT

Contract between the City of Bismarck and Cofell's Plumbing & Heating Inc.

Contract Number: _____ Change Order Number: _____ 1 _____

Project/Subproject: SE16-569 Original Contract Amt: \$521,282.00

Project Description: Sewer Improvement District SE16-569

Previous Contract Amount: _____

Change Order Amount: _____

Original Contract Date: August 26, 2016 Change in Contract Timeline: Sept. 27, 2016

Within Project Scope: Y / N* Within Project Funding: Y / N**

**If not within project scope, attach description of change in scope for Board approval.*

***If not within project funding, attach revised Project Budget for Board approval.*

Type of Change Order

_____ Non Design-related Change Order: These change orders include unforeseen conditions, code-related issues, and building inspector changes.

_____ Design-related Change Order: These change orders include unforeseen conditions that affect the appearance, layout, functionality, dimensions, and/or quality of the project.

_____ Emergency Field Condition Change Orders: These change orders include any condition that causes an emergency situation where safety or other immediate losses may occur.

X Other: (describe _____ Timeline extension _____)

Project Manager Signature: (<\$15,000) _____
Date

Department Head Signature:(<\$25,000) _____
Date

ADMINISTRATION

City Administrator Signature: (<\$50,000) _____
Date

Add to Commission Consent Agenda

COMMISSION APPROVAL

Commission Approval Date: _____

Attach minutes for Commission Approval

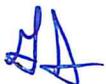
FISCAL

Comments: _____
Signature Date Completed

TO ALL DEPARTMENTS: Please attach a copy of the change order



ENGINEERING DEPARTMENT

DATE: October 4, 2016
FROM: Gabe Schell, PE | City Engineer 
ITEM: Water Improvement District No. 16-331

REQUEST

Resolution Creating District WA16-331 and Ordering Preparation of the Preliminary Report
Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications
Resolution Approving Plans and Specifications
Authorization to Advertise and Receive Bids for WA16-331

Please place this item on the October 11, 2016 City Commission meeting.

BACKGROUND INFORMATION

Water Improvement District No. 16-331 consists of one unit to construct approximately 500 linear feet of water main along Arabian Avenue in northwest Bismarck.

Unit No. 1

Arabian Avenue - Washington Street to 508 feet west of Washington Street

Project Schedule

Authorization to Advertise:	October 11, 2016
Receipt and Opening of Bids:	October 31, 2016
Award:	November 8, 2016
Project Completion:	June 15, 2017

RECOMMENDED CITY COMMISSION ACTION

Consider request for approval of Creating District WA16-331, Ordering Preparation of the Preliminary Report, Approving Preliminary Report, Directing Preparation of Plans and Specifications, Approving Plans and Specifications, Authorization to Advertise and Receive Bids for WA16-331.

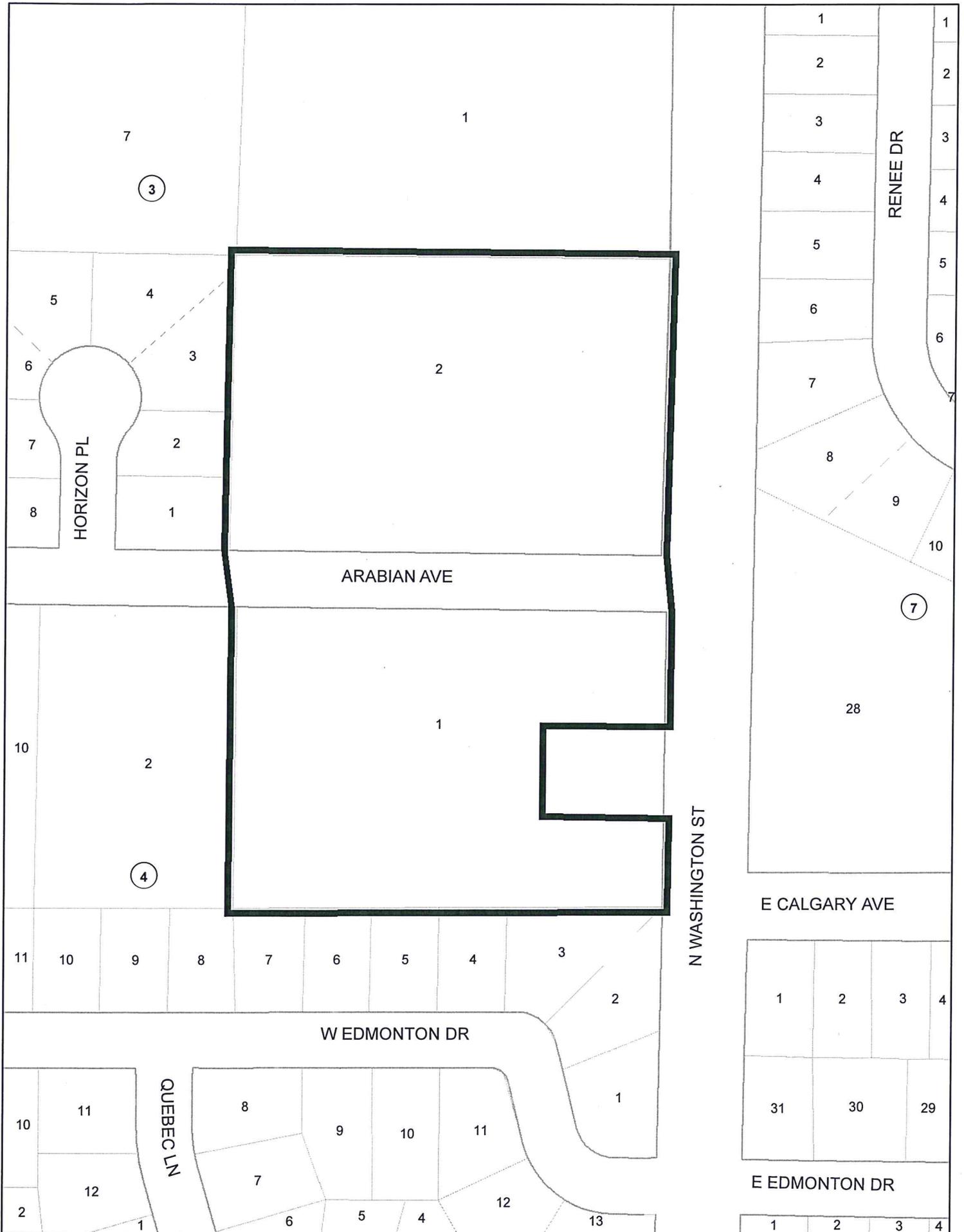
STAFF CONTACT INFORMATION

Gabe Schell, PE

gschell@bismarcknd.gov

701-355-1505

WA 331 - UNIT 1





FIRE DEPARTMENT

DATE: September 30, 2016
FROM: Joel Boespflug, Fire Chief
ITEM: Request for Authorization to Apply for Grant

REQUEST

This is a letter of intent to apply for an Assistance to Firefighters Grant. The funds would be utilized to replace self-contained breathing apparatus which are 15-years old. Performance experience indicates they are less reliable and they are also not meeting today's standards.

Please place this item on the October 11, 2016 City Commission meeting.

BACKGROUND INFORMATION

The estimated replacement cost is \$387,000. The grant would pay for 70% and the department match is 30%, (budgeted as one-time funds). There are no FTE requirements associated with the request and no associated impacts to phase out or ongoing costs.

RECOMMENDED CITY COMMISSION ACTION

Authorization to apply for the grant.

STAFF CONTACT INFORMATION

Joel Boespflug, Fire Chief (#355-1423)



POLICE DEPARTMENT

DATE: September 24, 2016
FROM: Dan Donlin 
ITEM: Bismarck PD K-9 Calendars

REQUEST

Request for Authorization for the Police Department K-9 Supervisor, Sgt. Lyle Sinclair, to Produce Bismarck PD K-9 Calendars to be Sold for Fundraising for the BPD K-9 Teams

Please place this item on the October 11, 2016 City Commission meeting.

BACKGROUND INFORMATION

For two years now BPD K-9 Supervisor, Sgt. Lyle Sinclair, has produced "Bismarck Police Department K-9" calendars to be sold for fundraising opportunities to supplement the K-9 Program. We have a "donations" line-item in place that is used to support the K-9 Program through donations and has been used in the past to purchase needed equipment and attend trainings that are necessary and/or beneficial, but were unable to be supported by the budget. Terry Richter of State Farm Insurance has offered to sponsor and cover the cost of the calendars in order to sell them as a fundraising source for the BPD K-9 Program. KT Animal Supply maintains a supply of the calendars at their store for people to buy/donate. All proceeds from the calendars are deposited into the K-9 Donations line-item. As in the past, all funds from this donation line-item would be used for the furtherance and benefit of the BPD K-9 Program.

RECOMMENDED CITY COMMISSION ACTION

Permission to produce "Bismarck Police Department K-9" calendars to sell for fundraising to supplement the K-9 program

STAFF CONTACT INFORMATION

Sgt. Lyle Sinclair	lsinclair@bismarcknd.gov	223-1212
Chief Dan Donlin	ddonlin@bismarcknd.gov	223-1212

Bismarck

POLICE DEPARTMENT

DATE: September 29, 2016
FROM: Dan Donlin – Chief of Police 
ITEM: Sale of Decommissioned Vehicles

REQUEST

The Bismarck Police Department requests to sell two decommissioned vehicles through either Northland Auction in Mandan or by another public market place commonly used for the sale of motor vehicles as described in City Ordinance 7-05-01

Please place this item on the October 11, 2016 City Commission meeting.

BACKGROUND INFORMATION

As in the past, Public Works was contacted to see if they were interested in these vehicles and they advised they were not interested. The vehicles are as follows:

- 1) 2013 Chevrolet Impala with 100,438 miles. This vehicle was replaced in the 2016 budget
- 2) 2013 Ford Explorer Intercept Utility with 104,616 miles. This vehicle has fire damage and was replaced in the 2016 budget

RECOMMENDED CITY COMMISSION ACTION

Permission to sell listed vehicles as described above

STAFF CONTACT INFORMATION

Chief Dan Donlin ddonlin@bismarcknd.gov 223-1212



PUBLIC HEALTH

DATE: September 27, 2016
FROM: Renae Moch, MBA, FACMPE, Director
ITEM: Permission to apply for grant funding

REQUEST

Public Health is requesting permission to apply for grant funding for future implementation of an "Open Streets Project" to increase physical activity, health and wellness in our community.

BACKGROUND INFORMATION

Bismarck-Burleigh Public Health is requesting permission to apply for grant funding of up to \$2,000 from Grinnell Mutual for a "Working Together Making it Better" community grant. If awarded, the funds would be used to work towards an open streets project that encourages physical activity in the community. Open streets events encourage walking, bicycling, dancing, playing and socializing.

There would be no new FTE's with this grant and there is no match requirement. We appreciate your consideration of this request.

RECOMMENDED CITY COMMISSION ACTION

Approve



PUBLIC WORKS SERVICE OPERATIONS

DATE: October 3, 2016

FROM: Jeff Heintz, Director of Service Operations 

ITEM: Request donations for the Forestry Division Partners in Planting Program and Arbor Day fund for 2017

REQUEST:

Please place on the October 11, 2016, Board of City Commission meeting agenda permission to request donations for the Forestry Division Partners in Planting Program and Arbor Day fund for 2017.

BACKGROUND INFORMATION

Each year the Forestry Division uses corporate sponsorship in the form of donations to encourage street tree planting along Bismarck's roadways. These corporate sponsorships are matched with city funds to provide a 50% match with a maximum of a \$60 per tree rebate. This program has been very successful and continues to provide property owners an opportunity to recover some of their costs for planting street trees.

The Arbor Day donation allows Bismarck the opportunity to celebrate Bismarck's Tree City designation and promote tree planting in our community. The donations are used to purchase plaques for outstanding commercial landscaping, recognition for volunteers who planted trees in Bismarck under the Forestry Division's guidance, purchasing of the Arbor Day tree, Apple Seed Awards, dedication plaque, printing of the Arbor Day celebration program and billboard advertising promoting Arbor Day in Bismarck.

Both of these programs are budgeted for in the Forestry Division's request to the budget committee as outlined in the Solicitation and Acceptance of Donations City Policy that was updated at the January 12th, 2010 Board of City Commissioners meeting. These donations will be requested from October 2016 thru September 2017. Bismarck businesses will be contacted by a letter from the City Forester asking for their support of these programs.

RECOMMENDED CITY COMMISSION ACTION:

Grant permission to request donations.

STAFF CONTACT INFORMATION

I will not be present at the City Commission meeting to respond to questions the Board may have regarding this matter. **Contact:** Christy Ames-Davis, 355-1700, comes@bismarcknd.gov if you have any questions.



PUBLIC WORKS SERVICE OPERATIONS

DATE: September 30, 2016
FROM: Jeff Heintz, Director of Service Operations *JH*
ITEM: Request to sell vehicles at Northland Auto Auction in Mandan or by another public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-05-01

REQUEST:

Please place on the October 11, 2016, Board of City Commission meeting agenda permission to sell vehicles at Northland Auto Auction in Mandan or by another public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-05-01.

BACKGROUND INFORMATION

Due to the increased repair costs and high mileage on these Fleet Division vehicles, it is no longer feasible to continue maintenance on these vehicles. Vehicles to be sold are:

(1) 2007 Chev Impala	2G1WS55R479415839	Mileage 120,241
(1) 2007 Ford Expedition	1FMFU16517LA42429	Mileage 119,884
(1) 2010 Ford Expedition	1FMJU1G51AEB60470	Mileage 127,502
(1) 1999 Chev Blazer	1GNDDT13W9XK106743	Mileage 105,800
(1) 2012 Chev Impala	2G1WD5E38C1295929	Mileage 117,414

RECOMMENDED CITY COMMISSION ACTION:

Grant permission to sell Fleet vehicles at Northland Auto Auction or by another public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-05-01.

STAFF CONTACT INFORMATION

I will not be present at the City Commission meeting to respond to questions the Board may have regarding this matter. **Contact:** Kurt Ohnell, 355-1700, or email kohnell@bismarcknd.gov if you have any questions.



ADMINISTRATION

DATE: October 3, 2016
FROM: Keith J. Hunke, City Administrator
ITEM: Footprint Growth and Infrastructure Expansion

REQUEST

Consider discussion of Bismarck's Footprint Growth and Infrastructure Expansion.

BACKGROUND INFORMATION

The present approach of the community growth process of Bismarck is creating an ever increasing footprint. This ever increasing footprint will require significant expansion of city infrastructure.

RECOMMENDED CITY COMMISSION ACTION

Consider future policy discussion regarding Community Footprint Growth and Infrastructure Expansion.

STAFF CONTACT INFORMATION

Keith J. Hunke, khunke@bismarcknd.gov, 701-355-1300



FINANCE DEPARTMENT

DATE: October 4, 2016
FROM: Rebecca Collins *RC*
ITEM: Public Hearing and Confirmation of Health & Safety Assessments

REQUEST

To hold a public hearing for the Health & Safety assessments, and confirm the Fall 2016 assessments.

Please place this item on the October 11, 2016 City Commission meeting.

BACKGROUND INFORMATION

Health and Safety assessments are allowed under Section 40-05-01.1 of North Dakota Century Code whenever it becomes necessary for the general welfare, public health, fire protection, or public safety to order an owner or occupant of property to do certain work provided for by ordinance and such owner does not comply with such order. The Fall 2016 Health and Safety assessments include tree removal, water service line, and sewer re-line.

Tree Removal	\$ 1,365.24
Water Service Line	\$13,892.28
Sewer Re-Line	\$25,972.28

Property owners received notice at the time of occurrence that a health and safety condition existed. They had opportunity to remedy the situation on their own or have the City contractor perform the work with cost assessed to the property. The assessment list was published in the *Bismarck Tribune* on September 16 and September 23, 2016 and is attached for Commission approval and confirmation.

RECOMMENDED CITY COMMISSION ACTION

Confirm the Fall 2016 Health & Safety Assessments.

STAFF CONTACT INFORMATION

Rebecca Collins, bcollins@bismarcknd.gov, (701) 355-1603.

Attachment

2016 HEALTH & SAFETY ASSESSMENTS

	PROP NO	Improve Type	Amount	Fund	# Years	Fee	Subtotal	Admin	Int	Legal Ad	Total
SEWER RE-LINE											
401 W BOWEN AVE	0125-035-035	E Sewer Re-line	1 \$ 11,230.00	670	15	\$ -	\$ 11,230.00	\$ 561.50	\$ 278.50	\$ 10.00	\$ 12,080.00
1136 N PARKVIEW DR	0200-004-060	E Sewer Re-line	1 \$ 12,916.15	670	15	\$ -	\$ 12,916.15	\$ 645.81	\$ 320.32	\$ 10.00	\$ 13,892.28
			<u>\$ 24,146.15</u>								<u>\$ 25,972.28</u>
WATER SERVICE LINE											
1136 N PARKVIEW DR	0200-004-060	J WATER LINE	1 \$ 12,916.15	665	15	\$ -	\$ 12,916.15	\$ 645.81	\$ 320.32	\$ 10.00	\$ 13,892.28
			<u>\$ 12,916.15</u>								<u>\$ 13,892.28</u>
TREE REMOVAL											
211 W AVE A	0015-019-010	V Tree Removal	1 \$ 900.00	290	2	\$ -	\$ 900.00	\$ 9.00	\$ 22.32	\$ 10.00	\$ 941.32
1940 NORTH GRANDVIEW LA	0570-001-160	V Tree Removal	1 \$ 400.00	290	1	\$ -	\$ 400.00	\$ 4.00	\$ 9.92	\$ 10.00	\$ 423.92
			<u>\$ 900.00</u>								<u>\$ 1,365.24</u>
											\$ 41,229.80



HUMAN RESOURCES DEPARTMENT

RM
DATE: September 29, 2016
FROM: Robert McConnell, Human Resource Director
ITEM: Benefit RFP Award

REQUEST

The Human Resource department issued a Request for Proposal to provide the City of Bismarck Employees with a Vision and Life plan. Proposals were submitted for 9 vendors to provide Life and Vision insurance. A committee assembled to review and score the proposals. Blue Cross Blue Shield (BC/BS) came in as the highest ranked vendor. The RFP committee recommends award to BC/BS to provide both Life and Vision insurance plans.

Please place this item on the October 11, 2016 City Commission meeting.

BACKGROUND INFORMATION

See attachment

RECOMMENDED CITY COMMISSION ACTION

The Human Resource Department recommends approval of the Voluntary Vision plan, the approval of the UNUM Life Insurance plan both offered through BC/BS, and the 5 cent per employee increase in employer funded premium to expand coverage from \$20,000 to \$30,000

STAFF CONTACT INFORMATION

Please feel free to contact Bob McConnell with any questions at rmcconnell@bismarcknd.gov or 701-355-1332

Earlier this year on April 12th the Human Resource department surveyed the workforce to see what voluntary benefits that they might be interested in. The results of the survey indicated that the workforce wanted a Vision plan.

The existing Life insurance plan had been based on an old mortality table and there existed an opportunity to gain some savings by re-bidding the plan.

On June 26th the Human Resource Department went out with a Request for Proposals for Vision and Life insurance plans.

We received proposals from 12 vendors and assembled an RFP committee to review and score the proposals.

The committee ranked the proposals and narrowed them to three top contenders. Interviews were scheduled with three finalists. Two of the three finalists dropped out because they were only interested if they were awarded both life and vision plans. Blue Cross Blue Shield (BC/BS) was the sole remaining vendor with top proposals in both categories. Following the interview with BC/BS the committee ranked and selected an Avesis vision plan and Unum life plan both administered through BC/BS to provide the best benefits to our workforce.

The Voluntary Vision insurance plan would be offered through Avesis to the fulltime workforce at no cost to the City of Bismarck. Vision insurance represents a new benefit to our workforce while premiums for the Vision plan would be paid fully by the employee's that choose to enroll in the plan.

The resulting life insurance proposal from Unum provided an opportunity to increase the death benefit from \$20,000 to \$30,000 by reinvesting the savings afforded by the new mortality table. Although we tried to keep the increase budget neutral we found that the premium to enhance our plan was just a nickel per employee per month more. This additional cost is an incredible value for what this plan offers our workforce in added protection. This proposal by UNUM also provided a more meaning voluntary buy-up option to employees by offering \$150,000 of coverage compared to the \$10,000 that the existing plan provided.

Employee's annual salaries have grown since those many years ago when the existing plan was first introduced. We would like to provide better protection and income replacement to the families that serve the City of Bismarck. When you consider the added benefit and incredible value of this plan, I hope that you will agree that an additional \$0.05 per employee is little to pay.

The Human Resource Department recommends approval of the Voluntary Vision plan, the approval of the UNUM Life Insurance plan both offered through BC/BS, and the 5 cent per employee increase in employer funded premium to expand coverage from \$20,000 to \$30,000.

Robert McConnell
Director, Human Resources
rmccconnell@bismarcknd.gov
701-355-1332



PUBLIC WORKS SERVICE OPERATIONS

DATE: October 3, 2016
FROM: Jeff Heintz, Director of Service Operations 
ITEM: Approval and Award of Bids for Natural Gas Contract for 2016 - 2017

REQUEST

Approve bids for Natural Gas supplies to the Contractor providing the best price options for the City of Bismarck. Please place this item on the October 11, 2016 City Commission Meeting Agenda.

BACKGROUND INFORMATION

Natural Gas supplies for the City/County Building, Public Works Building and the Event Center are bid competitively for supplies provided to the City limits where they are then transported to the buildings by MDU. The current contract expires October 31, 2016.

RECOMMENDED CITY COMMISSION ACTION

Approve bids and award a contract to Rainbow Gas at fixed price of \$2.70/MMBtu for November 1, 2016 through March 31, 2017 and CIG minus \$0.285/MMBtu April 1, 2017 through June 30, 2017, plus transportation and fuel rate at the time gas is delivered. An option year from July 1, 2017 to June 30, 2018 is available at the indexed rate. It is our recommendation not to exercise that option at this time.

STAFF CONTACT INFORMATION

LaVonne Wohl will be present at the City Commission meeting to respond to questions the Board maybe have regarding this matter. **Contact:** LaVonne Wohl, 355-1700, lwohl@bismarcknd.gov

PROPOSAL

TO The Honorable Board of City Commissioners
Bismarck, ND

Commissioners:

We the undersigned agree to supply natural gas to the City of Bismarck for the City/County Building (221 North Fifth Street), Bismarck Civic Center (Fifth Street & Sweet Avenue), and the Public Works Building (601 South 26th Street):

Base Bid: Firm Delivery

City/County Building, November 1, 2016 to June 30, 2017: Inside FERC FOM CIG Index MINUS \$0.30 Plus WBI Transport & Fuel

Bismarck Event Center, November 1, 2016 to June 30, 2017: Same as above

Public Works Building: November 1, 2016 to June 30, 2017: Same as above

PRIMARY SOURCE: Receipt point on WBI (Varies)

SECONDARY SOURCE: Northern Border - Glen Ullin

Optional Year:

City/County Building, July 1, 2017 to June 30, 2018: Same as above

Bismarck Civic Center, July 1, 2017 to June 30, 2018: Same as above

Public Works Building, July 1, 2017 to June 30, 2018: Same as above

PRIMARY SOURCE: Receipt point on WBI (Varies)

SECONDARY SOURCE: Northern Border - Glen Ullin

SIGNATURE Bill Kickert

PRINTED NAME Bill Kickert PHONE NUMBER 701-403-0550

COMPANY Sequent Energy Management

MAILING ADDRESS 1200 Smith Street, Suite 900

Houston, TX 77002



Sequent Energy Management

September 13, 2016

Honorable Board of City Commissioners
City of Bismarck
221 North Fifth Street, Fourth Floor
Bismarck, ND 58501

Dear Commisioners:

RE: Natural Gas Supply Proposal

Sequent Energy Management (“Sequent”) respectfully submits the following proposal to provide natural gas supply to the City of Bismarck facilities in Bismarck, ND. I look forward to continuing the great work relationship with you all and the City of Bismarck; and I am confident that you will find our proposal competitive and acceptable.

Delivery Point(s): WBI Energy Transmission (“WBI”) Delivery Point 1960 MDU-Bismarck Border
Facilities: City/County Building – 221 N 5th Street
Bismarck Civic Center – 5th Street & Sweet Avenue
Public Works Building – 601 South 26th Street

Service Type: Firm

Sequent shall nominate and balance the City of Bismarck’s gas on MDU at **no additional charge.**

Volume: Full Requirements - 100 % of the City of Bismarck’s daily requirements

Term: November 1, 2016 through June 30, 2017

Price: Inside FERC Gas Market Report First of the Month CIG Index **minus \$0.30** per MMBtu plus WBI transport and fuel. The City of Bismarck may convert the IFERC Index price to a Fixed Price for any month or combination of months subject to Sequent credit approval.

Optional Year

Year 2 Term: July 1, 2017 through June 30, 2018

Year 2 Price: Inside FERC Gas Market Report First of the Month CIG Index **minus \$0.30** per MMBtu plus WBI transport and fuel. The City of Bismarck may convert the IFERC Index price to a Fixed Price for any month or combination of months subject to Sequent credit approval.

Mailing Address: 1327 Prairie View Drive
Bismarck, ND 58501

Principal Contact: Bill Kickert
Manager, Commercial & Industrial Sales
701-403-0550

If you have any questions, please do not hesitate to contact me at (701) 403-0550.

Sincerely,



Bill Kickert
Manager, C&I Sales
Sequent Energy Management, L.P.

This term sheet is not intended to create a binding and enforceable contract between the Buyer and Seller and may not be used as the basis for a binding agreement. Rather this Term Sheet evidences a non-binding expression of good faith to endeavor to negotiate a mutually agreeable definitive agreement. All terms are indicative in nature and are subject to further review and approval by Sequent Energy Management including the execution of definitive agreements containing all appropriate provisions. This information is confidential and its disclosure is for the parties of this letter only.

PROPOSAL

TO The Honorable Board of City Commissioners
Bismarck, ND

Commissioners:

We the undersigned agree to supply natural gas to the City of Bismarck for the City/County Building (221 North Fifth Street), Bismarck Civic Center (Fifth Street & Sweet Avenue), and the Public Works Building (601 South 26th Street):

Base Bid:

City/County Building, November 1, 2016 to June 30, 2017: Inside FERC CIG minus \$0.285

Bismarck Event Center, November 1, 2016 to June 30, 2017: Inside FERC CIG minus \$0.285

Public Works Building: November 1, 2016 to June 30, 2017: Inside FERC CIG minus \$0.285
(With option to lock winter month for all facilities)

PRIMARY SOURCE: Sidney Plant

SECONDARY SOURCE: Norse Plant

Optional Year:

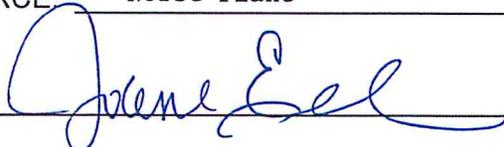
City/County Building, July 1, 2017 to June 30, 2018: Would roll index pricing for year 2

Bismarck Civic Center, July 1, 2017 to June 30, 2018: for all facilities.

Public Works Building, July 1, 2017 to June 30, 2018: _____

PRIMARY SOURCE: Sidney Plant

SECONDARY SOURCE: Norse Plant

SIGNATURE 

PRINTED NAME Jolene Erdman PHONE NUMBER 255-7970

COMPANY Rainbow Gas Company

MAILING ADDRESS 919 South 7th Street, Suite 405 Bismarck, ND 58504



September 13, 2016

Honorable Board of City Commissioners
City of Bismarck

Dear Commissioners,

Rainbow Gas Company appreciates the opportunity to bid the City of Bismarck's natural gas supply for the upcoming term of November 1, 2016 thru June 30, 2017, with an optional year to renew. We will be bidding 100% consumption at the following locations:

City/County Office Building ~ 221 North 5th Street
Bismarck Event Center ~ 5th Street and Sweet Avenue
Public Works Building ~ 601 South 26th Street

Our bid delivers the gas to the MDU/Bismarck Border Station and it is the cities responsibility to contract with MDU to deliver the gas into your facilities. The options would be as follows:

- We bid Inside FERC Gas Market Report CIG Index minus \$0.285/MMBtu starting November 1, 2016 thru June 30, 2017. On top of the gas price will be WBI's alternate firm transportation and fuel rate at the time gas is delivered, which effective November 2016 will be \$0.34488 plus 1.156% fuel.
- We bid a fixed price of \$2.70/MMBtu November 1, 2016 thru March 31, 2017 and CIG minus \$0.285/MMBtu April 1, 2017 thru June 30, 2017. On top of the gas price will be WBI' alternate firm transportation and fuel rate at the time gas is delivered. (Please note, you do not need to lock all five winter months if you choose not to ~ you can pick and choose which months you would like to lock into if you go this route.)
- We would roll the CIG minus \$0.285/MMBtu for the optional year. On top of the gas price would be WBI's alternate firm transportation and fuel rate at the time gas is delivered.

I am enclosing a spreadsheet of the CIG Index for your review. Rainbow Gas agrees to nominate and balance this gas supply on a daily basis, at no additional charge to you as part of our service. We watch the weather closely on a daily basis and change your nomination accordingly. By doing this, it almost always eliminates penalties. We take great pride in our customer service and we are a locally owned ND company headquartered here in Bismarck.

Please remember WBI's fuel changes twice a year, April 1st and October 1st and these are a direct pass-through to what they actually are.

Our supply points will be as follows:

Primary: Sidney Plant
Secondary: Tioga Plant
McKenzie Plant
Belfield Plant
Robinson Lake Plant
Ray Plant
Springbrook Plant
Little Missouri Dome
Red Wing Plant
Pine Unit
Big Horn Plant
Bowdoin East
Bowdoin West
Cady Creek
NBPL Glen Ullin
Hiland Plant
Norse Plant
Landeck Plant
Lignite Plant
CIG Elk Basin
Soda Creek
Marmarth Plant
Baker Area Mainline
West Short Pine Hills
WBI Aggregate Storage

If you have any questions regarding this bid, please feel free to give me a call anytime at 255-7970. We appreciate your business and look forward to serving you in the upcoming year.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jolene Erdman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jolene Erdman
President

Platts

CIG-Index/Inside F.E.R.C's Gas Market Report

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
JAN	\$1.75	\$2.15	\$8.63	\$2.26	\$3.14	\$5.09	\$5.59	\$8.84	\$4.17	\$5.98	\$4.35	\$5.54	\$3.79	\$2.98	\$3.22	\$4.34	\$3.06	\$1.90
FEB	\$1.61	\$2.34	\$6.31	\$1.70	\$3.20	\$5.12	\$5.47	\$6.65	\$6.41	\$7.09	\$2.98	\$5.32	\$4.09	\$2.51	\$3.17	\$4.93	\$2.63	\$1.99
MAR	\$1.49	\$2.31	\$4.72	\$1.85	\$5.01	\$4.40	\$5.28	\$6.14	\$6.17	\$7.81	\$2.47	\$4.56	\$3.60	\$2.37	\$3.23	\$5.11	\$2.61	\$1.49
APR	\$1.53	\$2.65	\$4.49	\$2.71	\$3.21	\$4.17	\$6.28	\$5.58	\$3.49	\$7.81	\$2.31	\$3.57	\$3.97	\$1.84	\$3.73	\$4.24	\$2.25	\$1.51
MAY	\$1.98	\$2.61	\$3.91	\$2.18	\$3.85	\$4.94	\$6.12	\$5.61	\$4.59	\$8.94	\$2.30	\$3.67	\$3.97	\$1.75	\$3.84	\$4.36	\$2.20	\$1.74
JUN	\$1.93	\$3.62	\$2.43	\$1.56	\$4.87	\$5.61	\$5.48	\$4.77	\$3.22	\$8.68	\$2.48	\$3.59	\$3.99	\$2.26	\$3.87	\$4.13	\$2.54	\$1.75
JUL	\$1.97	\$3.86	\$1.75	\$1.20	\$4.61	\$5.27	\$6.19	\$4.98	\$3.33	\$8.89	\$2.65	\$4.07	\$3.96	\$2.44	\$3.43	\$4.28	\$2.56	\$2.44
AUG	\$2.16	\$3.04	\$2.03	\$1.59	\$3.95	\$5.28	\$5.96	\$5.77	\$3.43	\$7.03	\$2.97	\$3.77	\$4.08	\$2.81	\$3.30	\$3.58	\$2.58	\$2.43
SEP	\$2.52	\$3.36	\$1.98	\$1.09	\$4.31	\$4.50	\$7.84	\$4.92	\$2.13	\$1.78	\$2.39	\$2.66	\$3.70	\$2.39	\$3.25	\$3.73	\$2.42	\$2.53
OCT	\$2.35	\$4.19	\$1.05	\$1.20	\$4.01	\$4.42	\$9.87	\$2.66	\$1.11	\$3.41	\$3.36	\$3.39	\$3.56	\$2.72	\$3.29	\$3.65	\$2.36	
NOV	\$2.83	\$4.31	\$2.54	\$2.96	\$3.87	\$6.98	\$10.75	\$5.99	\$3.61	\$2.78	\$4.32	\$2.88	\$3.41	\$3.35	\$3.54	\$3.37	\$1.94	
DEC	\$2.04	\$5.95	\$2.13	\$3.33	\$4.44	\$6.20	\$8.61	\$5.63	\$6.02	\$4.63	\$4.20	\$3.99	\$3.33	\$3.54	\$3.58	\$4.33	\$2.15	
Aver.	\$2.01	\$3.37	\$3.50	\$1.97	\$4.04	\$5.17	\$6.95	\$5.63	\$3.97	\$6.24	\$3.07	\$3.92	\$3.79	\$2.58	\$3.45	\$4.17	\$2.44	