



March 24, 2020

Board of City Commissioners  
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, March 24, 2020 at 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

Invocation and the Pledge of Allegiance presented by a Chaplain from the Bismarck Police Department.

Mission: "To provide high quality public services in partnership with our community to enhance our quality of life."

Watch live meeting coverage on Government Access Channels 2 & 602HD, Listen to Radio Access 102.5 FM Radio, or stream [FreeTV.org](http://FreeTV.org) and [RadioAccess.org](http://RadioAccess.org). Agenda items can be found online at [www.bismarcknd.gov/agendacenter](http://www.bismarcknd.gov/agendacenter).

Future City Commission meetings are scheduled as follows:

- April 14 & 28, 2020
- May 12 & 26, 2020
- June 9 & 23, 2020

#### MEETING OF THE BOARD OF CITY COMMISSION

1. Proclamation recognizing April as Fair Housing Month.

Documents:

[Fair Housing Month Proclamation.pdf](#)

2. Main Street Initiative Proclamation

Documents:

[Main Street Initiative Proclamation.pdf](#)

3. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items).
4. Consider approval of minutes.

Documents:

[MN031020.pdf](#)

5. CONSENT AGENDA

- A. Consider approval of expenditures.
- B. Consider approval of personnel actions.

Documents:

[HR Personnel Report.pdf](#)

C. Consider the request for approval from the Community Development Department for the following:

1. Apple Meadows Third Subdivision request for continuation of public hearing.
2. Re-appointment of Beth Nodland and Blake Dinkins to the City of Bismarck Historic Preservation Commission.
3. Re-appointment of Brian Peterson to the City of Bismarck Parking Authority.
4. Re-appointment of Wendy Van Duyne and Appointment of John Van Dyke to the City of Bismarck Planning and Zoning Commission.

Documents:

- [\(C\) CD - Apple Meadows Third Subdivision.pdf](#)
- [\(C\) CD - Member Appointment to the HPC - Nodland and Dinkins.pdf](#)
- [\(C\) CD - Member Appointment to the BPA - Peterson.pdf](#)
- [\(C\) CD - Member Appointment to the PZC - Van Duyne and Van Dyke.pdf](#)

D. Consider the request for approval from the Engineering Department for the following:

1. Amended consultant agreement with Terracon Consultants, Inc (Terracon) relating to Geotechnical Services associated with River Road slope stability.
2. Acceptance of the award of North Dakota Department of Transportation (NDDOT) Urban Grant Program funding for a 2022 Downtown Street Improvement Project Phase 2.
3. Water Main Easement at 1819 Michigan Avenue from Robert and Denise Schuh of RDS Properties, LLC.
4. Revised project budget on Sewer Improvement District 563.
5. Resolutions for Park Improvement District PI 003.
  - o Request for Resolution Receiving Bids and Ordering the Preparation of the Engineer's Statement for PI 003.
  - o Request for Resolution for Awarding Contract for PI 003.
6. Request for Resolution of Necessity for Street Improvement District SI 534.
7. Resolutions for Street Improvement District SI 536.
  - o Request for Resolution Declaring Petitions for Improvements Has been Received.
  - o Request for Resolution Creating District SI 536 and Ordering Preparation of the Preliminary Report.
  - o Request for Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.
8. Resolutions for Street Improvement District SI 537
  - o Request for Resolution Declaring Petitions for Improvements Has been Received.
  - o Request for Resolution Creating District SI 537 and Ordering Preparation of the Preliminary Report.
  - o Request for Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.
9. Landscaping area encroachment agreement and waiver for 518 North 13th Street.
10. Encroachment agreement and waiver for 420 East Main Avenue.
11. Removable fence and seating area encroachment agreement and waiver for 107 North 5th Street.
12. Outdoor seating area encroachment agreement and waiver for 112 North 4th Street.

Documents:

- [\(C\) ENG - Geotechnical Service Contract Amendment.pdf](#)
- [\(C\) ENG - NDDOT Urban Grant Program.pdf](#)
- [\(C\) ENG - Water Main Easement - 1819 Michigan Ave.pdf](#)
- [\(C\) ENG - Sewer Improvement District 563 Update.pdf](#)
- [\(C\) ENG - Park Improvement District 003.pdf](#)
- [\(C\) ENG - Street Improvement District 534.pdf](#)
- [\(C\) ENG - Street Improvement District 536.pdf](#)
- [\(C\) ENG - Street Improvement District 537.pdf](#)
- [\(C\) ENG - Boulevard Encroachment Agreement - 518 N 13th St.pdf](#)
- [\(C\) ENG - Encroachment Agreement 420 E Main Ave.pdf](#)
- [\(C\) ENG - Seating Area Encroachment Agreement - 107 N 5th St.pdf](#)
- [\(C\) ENG - Seating Area Encroachment Agreement - 112 N 4th St.pdf](#)

E. Consider the request for approval from the Finance Department for the following:

1. Application for Abatement for 2019 - 614 North 1st Street.
2. Application for Abatement for 2019 - 912 North Mandan Street.
3. Application for Abatement for 2019 - 1814 North 20th Street.
4. Application for Abatement for 2018 & 2019 - 4713 Coleman Street.

Documents:

[\(C\) FIN - Applications for Abatement.pdf](#)

F. Consider the request for approval from the Public Works Service Operations Department for the following:

1. Permission to purchase three loaders with two load scales for Roads & Streets operations.
2. Permission to purchase a chassis with roll-off unit for Solid Waste operations.
3. Permission to purchase a chassis with roll-off unit for the Waste Water Treatment Plant operations.
4. Permission to purchase a loader with load scale for the Waste Water Treatment Plant operations.
5. Award the bid for the construction of solid waste management facility expansion area cell 1 project.
6. Award the contracts for 2020 furnishing paving materials and purchase asphalt sealants at a public marketplace.

Documents:

[\(C\) PW-SO - Purchase Loaders for Roads and Streets Operations.pdf](#)  
[\(C\) PW-SO - Purchase a Chassis for Solid Waste Operations.pdf](#)  
[\(C\) PW-SO - Purchase a Chassis for WWTP Operations.pdf](#)  
[\(C\) PW-SO - Purchase a Loader for WWTP Operations.pdf](#)  
[\(C\) PW-SO - Bid Award for Construction of Solid Waste Management Facility Expansion.pdf](#)  
[\(C\) PW-SO - Bid Award for 2020 Paving Materials and Purchase Asphalt Sealants.pdf](#)

6. REGULAR AGENDA

7. Receive COVID 19 briefing from Renae Moch, Bismarck Burleigh Public Health Director.
8. Receive COVID 19 workforce update from Keith Hunke, Bismarck City Administrator.
9. Receive Human Resources report from Robert McConnell, City of Bismarck Human Resources Director.

Documents:

[\(R\) HR - COVID-19 Report on Workforce.pdf](#)

10. Public hearing on a new Class D Retail Liquor License for Costco Beverages, Costco Wholesale #1340, located at 1325 57th Ave. NE.

Documents:

[\(R\) ADMIN - Public Hearing for New Liquor License Costco.pdf](#)

11. Public hearing on Ordinance 6414, regarding Accidents Involving Damage to Vehicles.

Documents:

[\(R\) ATTY - Public Hearing for Ordinance 6414.pdf](#)

12. Public hearing on Ordinance 6415, regarding Written Report of Accident.

Documents:

[\(R\) ATTY - Public Hearing for Ordinance 6415.pdf](#)

13. Public hearing on Ordinance 6411, a request for the annexation of parts of Blocks 1-6, Silver Ranch First Addition First Replat, requested by Investcore Inc.

Documents:

[\(R\) CD - Silver Ranch Annexation.pdf](#)

14. Consider the request from the Community Development Department regarding the Hay Creek Substation Addition:

1. Public Hearing on Ordinance 6412, a request for a zoning change from the A-Agriculture zoning district to the MA-Industrial zoning district for Hay Creek Substation Addition.
2. Final plat of Hay Creek Substation Addition.

Documents:

[\(R\) CD - Hay Creek Substation Addition.pdf](#)

15. Consider the request from the Community Development Department regarding the request of Bis-Man Transit for consideration of the FY2020 5307 Transit Operations Grant application.

Documents:

[\(R\) CD - FY2020 5307 Transit Operations Grant.pdf](#)

16. Ratify the March 15, 2020, state of emergency declaration relating to COVID-19 by the President of City Commission and extend its effect to April 14, 2020.

Documents:

[\(R\) ATTY - State of Emergency Declaration Ratification.pdf](#)

Other Business

Adjourn





## PROCLAMATION

**WHEREAS**, April 11, 2020 marks the 52<sup>nd</sup> anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciated a national policy of Fair Housing without regard to race, color, religion, national origin, sex, familial status, or disabilities and encourages fair housing opportunities for all citizens; and

**WHEREAS**, April is traditionally designated as Fair Housing Month by the President of the United States and by the U.S. Department of Housing and Urban Development.

**WHEREAS**, High Plains Fair Housing Center, is engaged in passionately pursuing its mission to eliminate housing discrimination in North Dakota; and

**WHEREAS**, High Plains Fair Housing Center is committed to continuing to address housing discrimination in our community; and

**WHEREAS** the City of Bismarck supports a concerted effort toward the elimination of discrimination in housing so that all citizens have the opportunity to live in decent, safe and affordable housing.

**THEREFORE, BE IT RESOLVED** that I, Steve Bakken, Mayor of the City of Bismarck, on behalf of this Commission, do hereby proclaim the month of April 2020 as **FAIR HOUSING MONTH** in the City of Bismarck and urge all citizens to understand and exercise their right to equal housing opportunity.

Signed this 24<sup>th</sup> day of March 2020.

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Steve Bakken, Mayor  
Board of City Commissioners  
City of Bismarck, ND



## PROCLAMATION

**WHEREAS**, The City of Bismarck has made a commitment to developing a healthy, vibrant community through fiscally responsible planning and attracting the talent needed to support our growing economy; and

**WHEREAS**, this development has included actively working to enhance the quality of life for residents through new and diverse projects and enhanced walkability; and

**WHEREAS**, innovative partnerships and planning have led to more efficient development and infrastructure; and

**WHEREAS**, the City of Bismarck is committed to increasing the amount of community programming to expand resident and visitor experiences to increase vibrancy in the community; and

**THEREFORE, BE IT RESOLVED**, I, Steve Bakken, Mayor of the City of Bismarck, on behalf of this Commission, do hereby proclaim, that the City of Bismarck shall join the Governor's Main Street ND initiative and be known as a **MAIN STREET ND COMMUNITY**.

Let this proclamation support the continued success and efforts of our council, staff, businesses, and residents in creating a vibrant, engaged community.

Signed this 24th day of March 2020.

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Steve Bakken, Mayor  
Bismarck Board of City Commissioners



3/10/2020 - Minutes

#### MISSION STATEMENT

To provide high-quality public services to enhance our quality of life.

#### MEETING WITH THE BOARD OF HEALTH

1. Call to Order
2. Director's Report - Renae Moch, Public Health Director
  - a. COVID-19 Update
  - b. Presentation of 2019 Annual Report
3. Adjourn

Renae Moch, the director of Public Health, gave a presentation regarding the COVID-19 virus. The presentation included prevention, the difference between influenza and the COVID-19 virus and resources available for the community to use.

Ms. Moch also gave the annual Board of Health report. The report addressed the increased amount of social and behavioral health assistance, tobacco use in high-school students and the use of Narcan with our emergency service workers.

No motion was made for this item.

Please see the link for the full presentation and annual report.

Adjourned 5:43 p.m.

#### MEETING OF THE BOARD OF CITY COMMISSION

1. Proclamation recognizing the Bismarck Rotary Club, for a "Century of Service."

Mayor Bakken presented the Proclamation to the Bismarck Rotary Club.

2. Proclamation recognizing March as Colorectal Cancer Awareness Month.

Mayor Bakken signed the proclamation and declared the month of March as Colorectal Cancer Awareness Month.

3. Proclamation recognizing March 18th as Take Down Tobacco: National Day of Action in the City of Bismarck.

Mayor Bakken presented the proclamation to high-school students from Bismarck, Century and St. Mary's and the representative of Public Health's Tobacco Prevention Specialist, Jordyn Schaeftbauer,

and declared March 18th as Take Down Tobacco National Day of Action in the City of Bismarck.

4. Consider the approval of the minutes.

Commissioner Marquardt moved to approve the minutes. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C.

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

Brian Eiseman, of Stoneshire Builders, asked the Commission to reconsider the Board of Adjustment's decision to deny Sarah and Andrew Rodenburg's request for a variance to allow for the construction of a single-family dwelling.

Sheldon Smith, of Smith, Porsborg, Schweigert, Armstrong, Moldenhauer and Smith law firm, an attorney for adjacent property owners of the Rodenburgs, asked the commission to deny granting the variance.

Jack Marquart and Anna Preszler asked the Commission to support granting the variance and allow for the construction of a single-family dwelling.

6. CONSENT AGENDA

Mayor Bakken noted item #D1 was pulled at the request of the Airport.

Commissioner Marquardt moved to approve the consent agenda with the exception of items #F6 and #D1. Commissioner Oban seconded the motion.

Commissioner Marquardt requested further information on item #F6, and asked Roy Rickert, the director of Bis-Man Transit, to explain the Transit Board's board's process for reallocation of the federal funds.

Commissioner Marquardt moved to approve item #F6. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C.

A. Consider approval of expenditures.

Vouchers: 1091976-1092195.

B. Consider the approval of personnel actions.

C. Consider the request for approval from the Administration Department for the following:

1. Gaming Site Authorization for Matpac Wrestling Club, Inc. 1023 E. Front Ave.
2. Introduction of and call for a public hearing on a new Class D Retail Liquor License for Costco Beverages, Inc. Costco Wholesale #1380, located at 1325 57th Ave. N.E.

**D. Consider the request for approval from the Airport for the following:**

Item #1 was pulled from the agenda at the request of the Airport.

1. Approve reimbursement to Faber Coe & Gregg for HVAC installation in the airport cafe concession space.
2. Approve the selection committee's recommendation of a MB4 High Speed Rotary Snow Plow and approve entering into the purchase agreement.

E. Consider the request for approval from the Attorney for the following:

1. Introduction of and call for a public hearing on Ordinance 6414, to amend Ordinance 12-10-06, regarding Accidents Involving Damage to Vehicles.
2. Introduction of and call for a public hearing on Ordinance 6415, to amend Ordinance 12-03-06, regarding Written Report of Accident.

F. Consider the request for approval from the Community Development Department for the following:

1. Introduction of and call for a public hearing on Ordinance 6411, a request for the annexation of parts of Blocks 1-6, Silver Ranch First Addition First Replat, requested by Investcore Inc., the Bismarck Planning and Zoning Commission recommends approval.
2. Introduction of and call for a public hearing on Ordinance 6412, a request for a zoning change from the A-Agriculture zoning district to the MA-Industrial zoning district for Hay Creek Substation Addition, requested by Central Power Electric Cooperative.
3. Introduction of and call for a public hearing on Ordinance 6413, a request for a zoning change from the A-Agriculture zoning district to the RR-Residential zoning district for Apple Meadows Third Subdivision, requested by the Sattler Family, LLP, the Bismarck Planning and Zoning Commission recommends approval.
4. Request to accept North Dakota Department of Environmental Quality - Volkswagen Settlement Rebate Grant Award.
5. Request of the Bis-Man Transit Board to dispose of a 1993 Chevy Lumina service car.
6. Request of the Bis-Man Transit Board to have the Federal Transit Administration reallocate FY20 5339 funds to rebuild existing buses and replace other vehicles that are beyond useful life.

G. Consider the request for approval from the Engineering Department for the following:

1. Boulder Ridge Seventh Addition Easements - Approve the release of portions of existing utility easements within Boulder Ridge Seventh Addition, Approve acceptance and dedication of right of way and utility easements within Boulder Ridge Seventh Addition, Approve acceptance of replacement utility easements on behalf of franchised utilities within Boulder Ridge Seventh Addition.
2. Approve Development Agreement with Frontier Precision, Inc.
3. Street Improvement District No. 530 - Request for Resolution Approving Plans and Specifications for SI 530, Request for Resolution Directing the Advertisement of Bids and Receive Bids.
4. Street Improvement District No. 534 - Request for Resolution Approving Plans and Specifications, Request for Resolution Directing the Advertisement of Bids and Receive Bids.
5. Street Improvement District No. 535 - Request for Resolution of Necessity.
6. Street Utility Project SV 55 - Request to receive bids and award contract for Street Utility Project SV 55.
7. Approve Street Closure for 16th Annual Urban Harvest.

H. Consider the request for approval from the Human Resources Department for the following:

1. Approve the reclassification of the Airport's Accounting Specialist Grade 14 position to Accounting Coordinator Grade 17.

I. Consider the request for approval from the Police Department for the following:

1. Award contract for parking ticket hardware and software to Duncan Parking Technologies.

J. Consider the request for approval from the Public Works - Service Operations Department for the following:

1. Approve Task Order No. 20-01 to the Agreement with Houston Engineering for professional engineering services for solid waste operations.
2. Award bid for Public Works building HVAC Upgrade to Advance Mechanical.
3. Award bid for installation of painted pavement marking to Traffic Safety Services, Inc.

K. Consider the request for approval from the Public Works - Utility Operations Department for the following:

1. Approve bid for the Lockport Pump Station Project and approval of a cost-share request with the State Water Commission.

## 7. REGULAR AGENDA

8. Receive a presentation and hold a public hearing on the Metropolitan Planning Organization's 2020-2045 Metropolitan Transportation Plan/Arrive 2045.

Wade Klein, a KLJ consultant from Fargo, N.D. and Rachel Drewlow, of the Bismarck Metropolitan Planning Organization (MPO), presented the Metropolitan Transportation Plan/Arrive 2045. The presentation included public engagement overview, future developments and goals and a short, mid and long-term financial plan.

Please see the link for the full presentation.

No member of the public appeared for comment.

Commissioner Marquardt moved to accept the Arrive 2045 plan as presented. Commissioner Zenker seconded the motion. Ms. Drewlow clarified that the MPO was requesting, with the Commission's approval, a signed certificate of adoption. Commissioner Marquardt then withdrew his motion.

Commissioner Marquardt asked for clarification on the adoption of the plan. The Mayor and several of the Commissioners expressed concern that an adoption would require commitment to the projects detailed in the plan. Ms. Drewlow and Ben Ehreth, the Director of the Community Development Department stated it is not uncommon to amend the plan. This included altering the scope of projects based on where the need is.

After further discussion, Commissioner Marquardt made a motion to accept the plan as presented. He defined his motion as not adopting all of the items detailed in the plan. Commissioner Zenker seconded it. Upon a roll call vote, all voted aye. M/C.

9. Consider the request from the Community Development Department for Sarah and Andrew Rodenburg to appeal the February 6, 2020 decision of the Board of Adjustment to deny a variance from Section 14-04-03 (8) of the City Code of Ordinances (R5-Residential) (Side Yard) to decrease the required side yard setback from six (6) feet to zero (0) feet for the purpose of creating an access easement to provide access to the property east of Lot 12, Block 1, Highland Acres (Lots 1-2, Lot 3 less than North 16 feet and Lot 4 less than East 29 feet, block 1, Torrance Hill Addition) (811, 815, 819 and 823 Torrance Place) in order to construct a single-family dwelling.

Jenny Wollmuth, a Planner from the Community Development Department, explained the hardship determined by the Board of Adjustment, and the Rodenburg's request to grant a variance for the property. Ms. Wollmuth informed the Commission that the Board of Adjustment did identify a

hardship; the parcel is landlocked. However, the Board of Adjustment did not have sufficient votes to grant the variance as four votes are required. The vote to grant the variance was 3-2.

The Rodenburgs came before the Commission and stated they felt it was their destiny to build their home on this property. Mr. Rodenburg described the timeline and process undertaken in recent years. Mr. Rodenburg outlined the plan to construct a driveway between the homes at 833 and 831 Crescent Lane to access the landlocked property. The Rodenburgs currently own and reside in the home at 833 Crescent Lane. Mr. Rodenburg told the Commission the proposed driveway would lie within an access easement along the south side of the home at 833 Crescent Lane and it would be built directly adjacent to an existing driveway to the south at 831 Crescent Lane. Mr. Rodenburg noted the new driveway would be designed to help drain stormwater away from the two homes to help reduce ice accumulation that occurs currently.

Commissioner Oban moved to grant variance, identifying the hardship as no access to the landlocked property and based on a minimum variance necessary to accomplish relief from the zoning ordinance, Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted, aye. MC.

10. Public hearing on Street Improvement District No. 532 on Resolution of Necessity.

No member of the public appeared for comment.

Commissioner Marquardt made a motion to approve the Street Improvement project as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C.

11. Consider the request from the Attorney for the proposed amendment to the Bismarck Home Rule Charter and direct staff to publish the notices and work with the County to place the measure on the June 9, 2020 ballot, for the Bismarck Park District's ballot measure.

Commissioner Guy moved to approve the amendment to the Bismarck Home Rule Charter and directed staff to move forward with the required work with the Burleigh County Auditor/Treasurer to place the measure on the June ballot. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

12. Consider the request from the Community Development Department for approval of the final plat of Dunn Subdivision, requested by Luella Dunn.

Commissioner Marquardt moved to approve the request as presented. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C.

13. Consider the request from the Community Development Department for approval of the final plat of the Eugenes First Addition, requested by State Street Investments.

Commissioner Marquardt made a motion to approve the request as presented. Commissioner Oban seconded it. Upon a roll call vote, all voted aye. M/C.

14. Consider the request from the Community Development Department to change the name of the street Whitetail Drive, as recorded on the plat of Olive Tree Subdivision, to Olive Tree Lane.

Commissioner Guy moved to approve the street name change. Commissioner Zenker seconded it. Upon a roll call vote, all voted aye. M/C.

15. Consider the request from the Engineering Department for discussion regarding the special assessment policy.

Gabe Schell, the City Engineer, came before the Commission and discussed how the existing special assessment policy affects the Engineering Department's projects.

Please use the link to view more information presented by the City Engineer during the discussion. <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5034?fileID=12066>

Discussion was held regarding the unified rate applied to properties as per the current policy and the City's contribution through sales tax collections to subsidize street improvement projects.

No motion was made for this item.

16. Consider the request from the Administration Department for discussion regarding the street utility fee.

The Commission addressed how they have been working with the Legislature to allow for legislation enabling a street utility tax. It was discussed to hire a consultant to study how a street utility tax could work in Bismarck and to address questions that have been raised by the legislature.

Commissioner Guy moved to direct staff to issue a request for proposal to study options for an alternative funding source to replace special assessments. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C.

17. Consider the request from the Administration Department for discussion regarding the public arts policy.

The Commission gave direction for the Department to work with the Dakota West Arts Council to establish a stakeholder group and work to draft a policy.

No motion was made for this item.

#### Other Business

Having completed all the items on the agenda, President Bakken asked if there was any other business.

The next City Commission Meeting will be at 5:15 on March 24, 2020.

#### Adjourn

The meeting was adjourned at 8:44 p.m.

## PERSONNEL ACTIONS FOR THE MEETING ON Mar 24, 2020

### Full-Time and Part-Time Appointments

Dunker, Cason Airport Intern	Airport	Part time appointment @ \$17.00/hr. 6/1/2020
Miller, Anja Legal Assistant	Attorney	Probationary appointment @ \$23.56/hr. 4/6/2020
Hassebrock, Jaxen Maintenance Attendant I	Event Center	Part time appointment @ \$15.50/hr. 3/6/2020
Terry, Miles Maintenance Attendant I	Event Center	Part time appointment @ \$15.50/hr. 3/6/2020
Shaw, Gregg Seasonal Waste Service Worker	Public Works	Part time appointment @ \$15.27/hr. 4/6/2020

### Separations

Ussery, Robert Building Service Worker	Airport	Deceased. 2/22/2020
Bleibaum, Taylor Communications Specialist	CenCom	Resigned. 3/13/2020
Alkire, Emma Concessions	Event Center	Resigned. 3/9/2020
Aman, Ross Concessions	Event Center	Resigned. 3/4/2020
LaMont, Janice Concessions	Event Center	Resigned. 3/3/2020
Roth, Bonnie Doorguard/Ticket Taker/Usher	Event Center	Resigned. 2/20/2020
Roth, Craig Doorguard/Ticket Taker/Usher	Event Center	Resigned. 2/20/2020
Opp, Cynthia Medical Billing Technician	Public Health	Resigned. 3/28/2020

**Others**

Coutts, Denise Legal Assistant	Attorney	Salary adjustment @ \$25.48/hr. 4/6/2020
Rohrich, Mary Box Office Cashier II	Event Center	Salary adjustment @ \$13.20/hr. 3/8/2020
Tavis, Michael Firefighter	Fire	Leave w/out pay 3/20/2020 pay period
Rohde, Elliot Seasonal Waste Service Worker	Public Works	Salary adjustment @ \$15.27/hr. 4/6/2020



## COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** March 19, 2020  
**FROM:** Ben Ehreth, AICP, Community Development Director  
**ITEM:** Apple Meadows Third Subdivision Request for Continuation of Public Hearing

### REQUEST

Staff is requesting a continuation of the public hearing for the zoning change from A – Agricultural to RR – Residential zoning district and major subdivision from the March 24, 2020 City Commission agenda to the next regularly scheduled meeting of the City Commission to be determined.

Please place this item on the next regularly scheduled City Commission meeting.

### BACKGROUND INFORMATION

The public hearing has initially been scheduled for the regularly scheduled meeting of the City Commission on March 24, 2020. This item did receive public testimony from at least one member of the public at the Bismarck Planning and Zoning Commission public hearing. Given federal and state recommendations related to limiting gatherings of 10 or more individuals it is possible that one or multiple members of the public may wish to attend and provide testimony at the March 24, 2020 meeting. We are requesting this continuation to limit potential exposure of COVID-19, to the extent possible, consistent with federal and state guidance.

### RECOMMENDED CITY COMMISSION ACTION

Continue the public hearing for this item until the next regularly scheduled meeting of the Bismarck Board of Commissioners at a date to be determined.

### STAFF CONTACT INFORMATION

Ben Ehreth, AICP, Community Development Director | 355-1842 | [behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)

**ORDINANCE NO. 6413**

<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-Agricultural zoning district and included in the RR-Residential zoning district:

Lots 1-14, Block 1 and Lots 1-14, Block 2, Apple Meadows Third Subdivision.

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

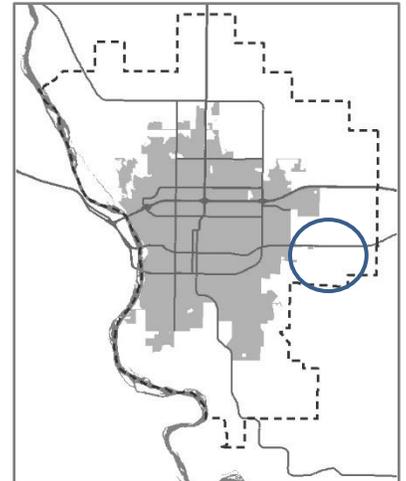
February 26, 2020

**Application for: Zoning Change**  
**Major Subdivision Final Plat**

TRAKiT Project ID: ZC2019-009  
FPLT2020-003

## Project Summary

<i>Title:</i>	Apple Meadows Third Subdivision
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Sattler Family, LLLP
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Co.
<i>Location:</i>	East of Bismarck, south of County Highway 10 between 4th Avenue SE and Apple Creek Road, along the east side of 80th Street SE (part of the SW¼ of Section 4, T138N-R79W/ Apple Creek Township)
<i>Project Size:</i>	103.1 acres
<i>Request:</i>	Plat and zone property for rural residential development



## Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 parcel	<i>Number of Lots:</i>	28 lots in 2 blocks
<i>Land Use:</i>	Agriculture	<i>Land Use:</i>	Rural Residential
<i>Designated GMP</i>	Conventional Rural Residential	<i>Designated GMP</i>	Conventional Rural Residential
<i>Future Land Use:</i>	Conservation	<i>Future Land Use:</i>	Conservation
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density Allowed:</i>	A – 1 unit / 40 acres	<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet

## Property History

<i>Zoned:</i>	N/A	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
---------------	-----	-----------------	-----	-----------------	-----

## Staff Analysis

Sattler Family, LLLP is requesting approval of a zoning change from the A – Agriculture zoning district to the RR

– Residential zoning district and a major subdivision final plat for Apple Meadows Third Subdivision.

(continued)

The Planning and Zoning Commission at their meeting of December 19, 2019 tentatively approved the proposed plat and called for a public hearing on the proposed zoning change.

Adjacent uses include rural residential to the north across 4<sup>th</sup> Avenue SE, to the west across 80<sup>th</sup> Street SE, and to the south, and agriculturally-zoned residential uses to the east.

#### *Future Land Use Plan*

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the majority of the area in the proposed plat as Rural Residential (RR) and a smaller area in the southeastern portion of the plat identified as Conservation (C).

The Rural Residential land use designation allows for single-family residential uses and calls for densities of less than one unit per acre. The Conservation land use designation allows for areas such as streams, greenways, and wetlands maintained as permanent open space. This conservation area is also located within the Special Flood Hazard Area (SFHA) or 100-year floodplain. The proposed zoning change conforms to the Future Land Use Plan.

#### *Fringe Area Road Master Plan*

The 2014 Fringe Area Road Master Plan identifies 80<sup>th</sup> Street SE along the west side of the proposed plat as an arterial roadway and 4<sup>th</sup> Avenue SE, along the north side of the proposed plat as a collector roadway. Eighty feet of right-of-way is proposed to be dedicated for 4<sup>th</sup> Avenue SE and 4<sup>th</sup> Avenue SE is proposed to be paved in accordance with Burleigh County standards from 80<sup>th</sup> Street SE to the eastern portion of the intersection of 4<sup>th</sup> Avenue SE and Fuji Drive, the north-south roadway in the proposed plat. The proposed plat conforms to the Fringe Area Road Master Plan.

#### **Required Findings of Fact** (relating to land use)

##### *Zoning Change*

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;

2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or 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;
4. The Apple Creek Township Board of Supervisors has received notification of the proposed zoning change; however, they have not yet made a recommendation for the proposed zoning change;
5. 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;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change 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;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer;

(continued)

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 Apple Creek Township Board of Supervisors has received notification of the proposed final plat; however, they have not yet made a recommendation for the proposed final plat;
7. 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.
8. The City of Bismarck and/or 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;
9. Portions of the proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the RR – Residential zoning district and the major subdivision final plat for Apple Meadows Third Subdivision.

**Attachments**

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat

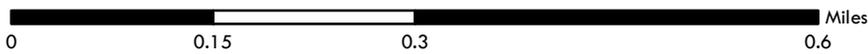
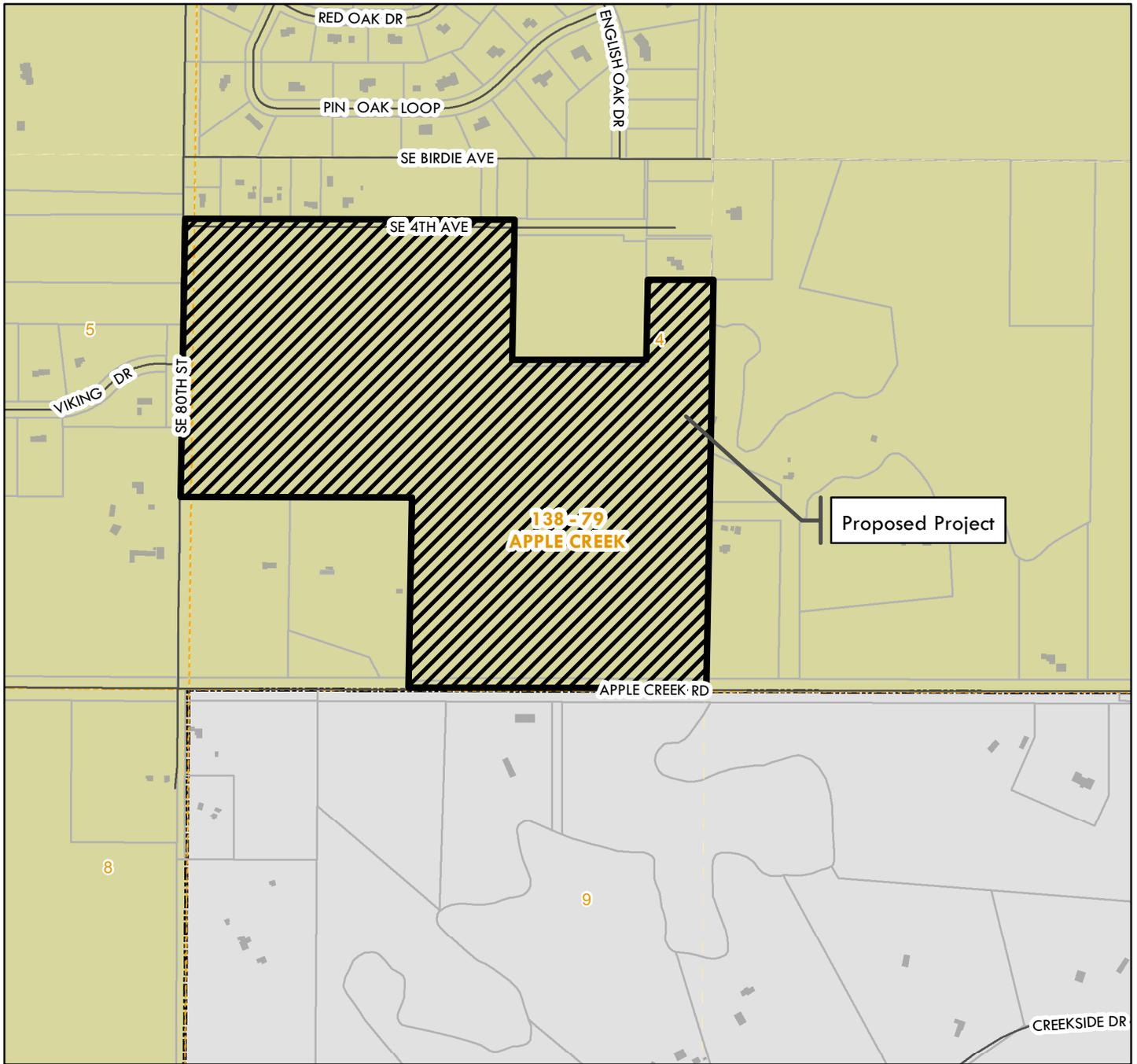
---

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner  
701-355-1845 | [jwollmuth@bismarcknd.gov](mailto:jwollmuth@bismarcknd.gov)



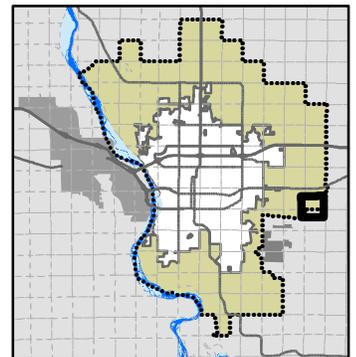
**Location Map**  
Apple Meadows Third Subdivision

PPLT2019-006  
ZC2019-009  
FPLT2020-003



- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

*Section, township, and range indicated in orange*



City of Bismarck  
Community Development Department  
Planning Division  
October 21, 2019 (HLB)

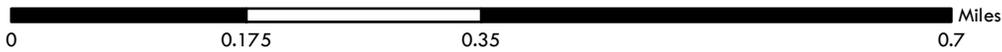
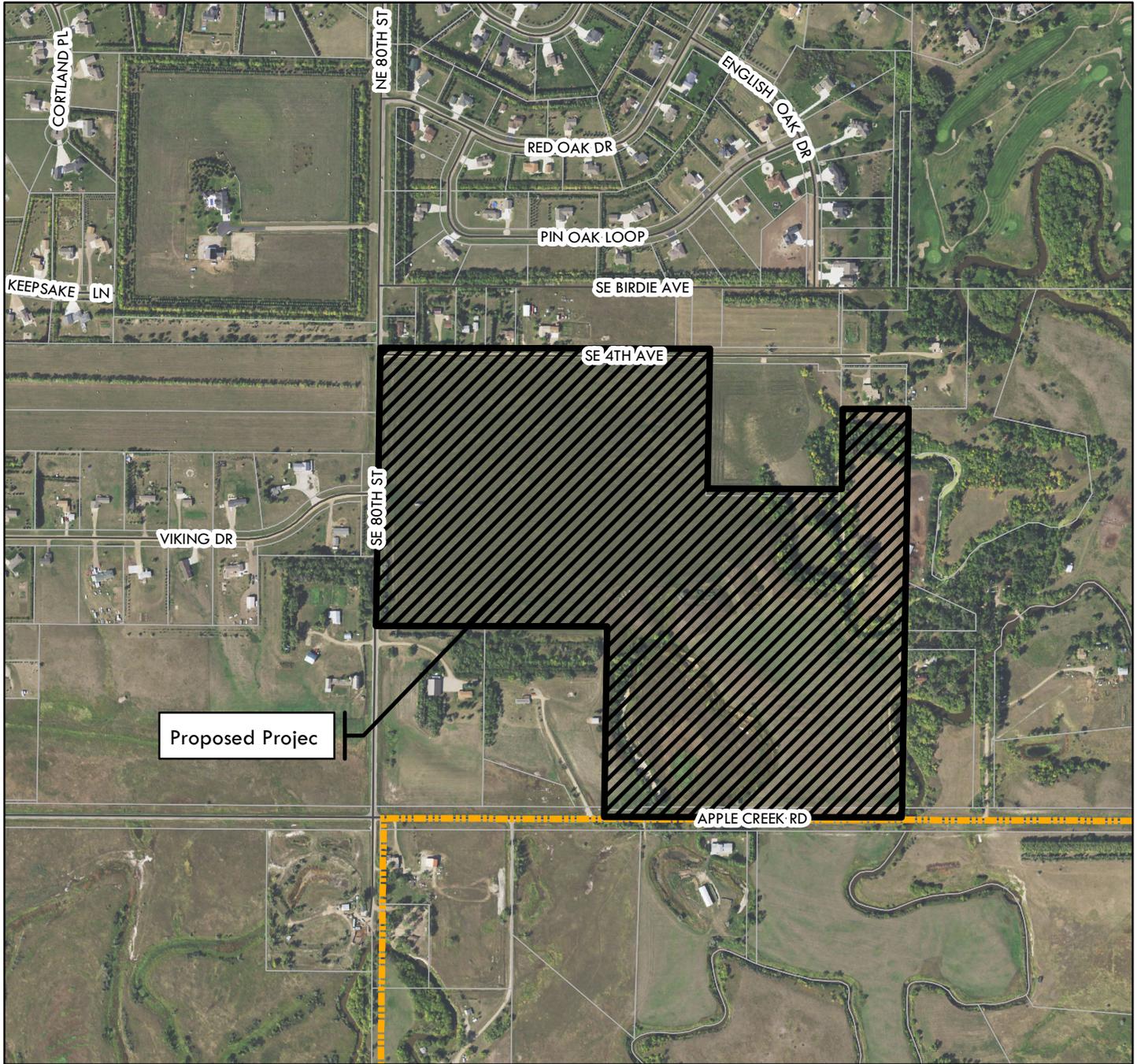
*This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.*



# Aerial Map

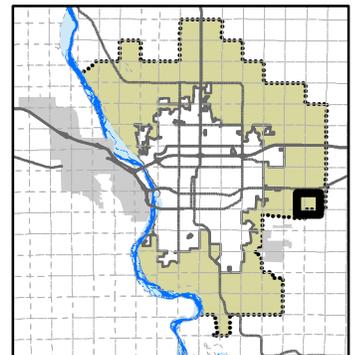
FPLT2020-003  
ZC2019-009

Apple Meadows Thrid Subdivision



Aerial Imagery from 2018

City of Bismarck  
Community Development Department  
Planning Division  
November 14, 2019



*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.*



# Zoning and Plan Reference Map

Apple Meadows Third Subdivision

FPLT2020-003  
ZC2019-009

-  Project Area - No Change Proposed
-  Zoning or Plan Change Proposed

### Zoning Districts

- A** Agriculture
- RR** Rural Residential
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development
- DC** Downtown Core
- DF** Downtown Fringe

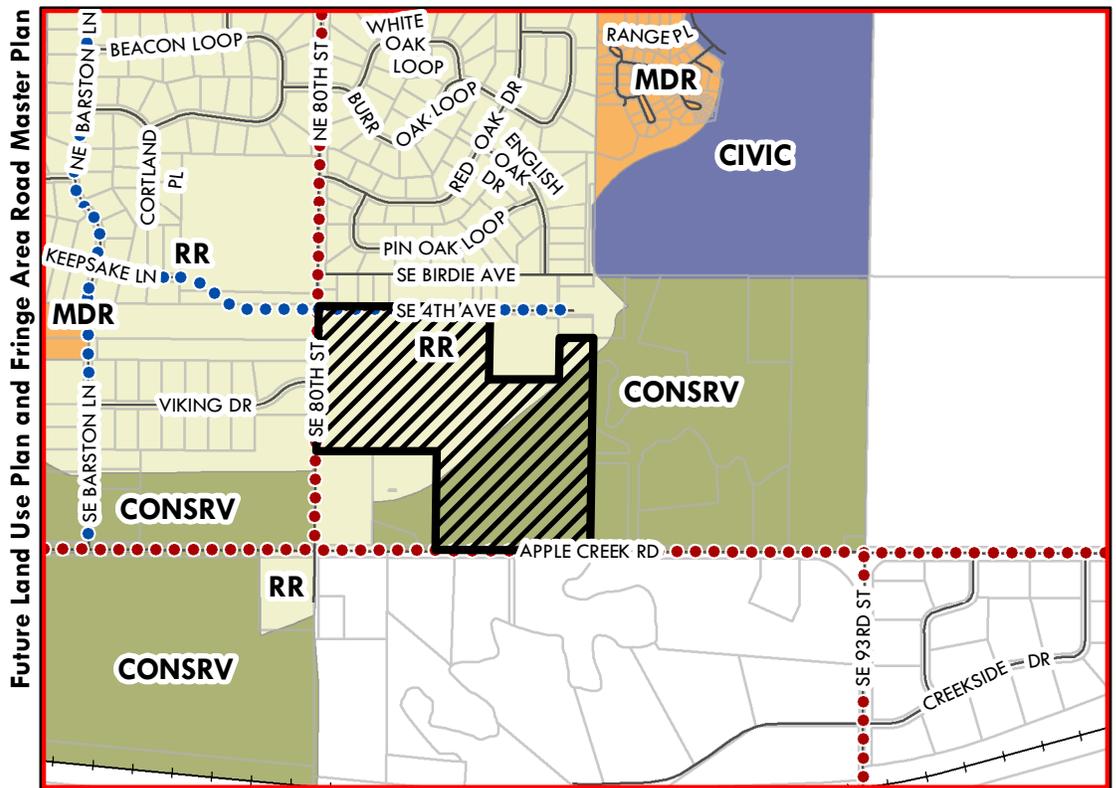
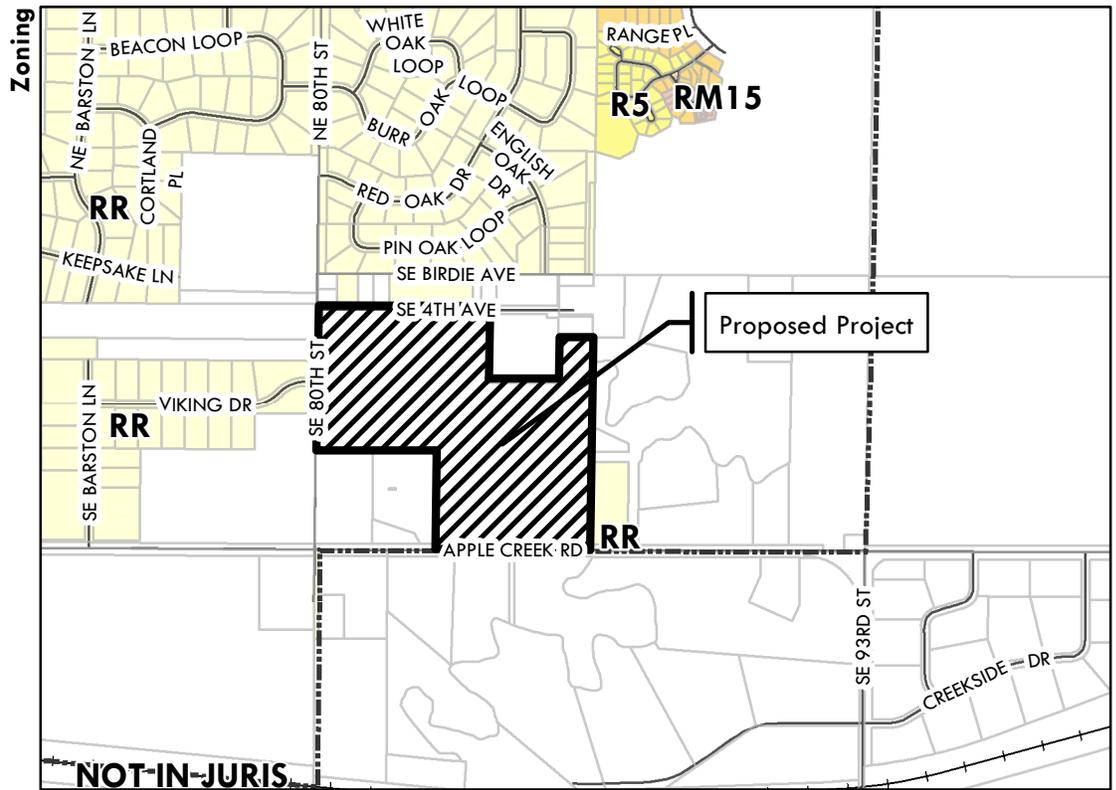
Diagonal lines indicate special condition

### Future Land Use Plan

- CONSRV** Conservation
- BP** Business Park
- C** Commercial
- C/MU** Commercial/Mixed Use
- CIVIC** Civic
- HDR** High Density Residential
- I** Industrial
- LDR** Low Density Residential
- MDR** Medium Density Residential
- MDR-/MU** Medium Density Residential/Mixed Use
- O/MU** Office/Mixed Use
- RR-C** Clustered Rural Residential
- RR** Standard Rural Residential
- UR** Urban Reserve

### Fringe Area Road Master Plan

-  Planned Arterial
-  Planned Collector



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.



City of Bismarck  
Community Development Dept.  
Planning Division  
November 14, 2019

# APPLE MEADOWS THIRD SUBDIVISION

BEING 4TH AVENUE SE OF WEIGAND'S SUBDIVISION AND  
PART OF THE SW 1/4 OF  
SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST  
BURLEIGH COUNTY, NORTH DAKOTA

## DESCRIPTION

BEING 4TH AVENUE SE OF WEIGAND'S SUBDIVISION AND PART OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST, BURLEIGH COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF AUDITOR'S LOT A OF THE SW 1/4 OF SAID SECTION 4; THENCE SOUTH 89 DEGREES 50 MINUTES 58 SECONDS EAST, ALONG THE BOUNDARY OF SAID AUDITOR'S LOT A, A DISTANCE OF 666.17 FEET; THENCE NORTH 00 DEGREES 56 MINUTES 01 SECOND EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 439.56 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 13 SECONDS EAST, A DISTANCE OF 327.23 FEET TO THE EAST LINE OF SAID SW 1/4; THENCE SOUTH 00 DEGREES 49 MINUTES 30 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 2053.07 FEET TO THE SOUTH LINE OF SAID SW 1/4; THENCE NORTH 89 DEGREES 30 MINUTES 21 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1468.56 FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF AUDITOR'S LOT B OF SAID SW 1/4; THENCE NORTH 00 DEGREES 09 MINUTES 53 SECONDS EAST, ALONG SAID SOUTHERLY EXTENSION AND SAID EAST LINE, A DISTANCE OF 949.76 FEET TO THE NORTH LINE OF SAID AUDITOR'S LOT B; THENCE NORTH 89 DEGREES 50 MINUTES 09 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 603.77 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 50 SECONDS EAST, A DISTANCE OF 135.13 FEET; THENCE NORTH 89 DEGREES 18 MINUTES 42 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 1282.97 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LANDSBERGER SUBDIVISION; THENCE SOUTH 89 DEGREES 50 MINUTES 41 SECONDS EAST, ALONG SAID WESTERLY EXTENSION AND SOUTH LINE AND ALONG THE SOUTH LINES OF AUDITOR'S LOTS C & D OF SAID SW 1/4 AND THE SOUTH LINE OF WEIGAND'S SUBDIVISION AND ITS EASTERLY EXTENSION, A DISTANCE OF 2310.32 FEET; THENCE SOUTH 00 DEGREES 56 MINUTES 01 SECOND WEST, A DISTANCE OF 115.17 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS WEST, A DISTANCE OF 114.37 FEET; THENCE NORTH 00 DEGREES 48 MINUTES 22 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 34.97 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 41 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 551.77 FEET; THENCE SOUTH 00 DEGREES 55 MINUTES 47 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 462.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 103.07 ACRES, MORE OR LESS.

## SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS, AND MARKS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

STATE OF NORTH DAKOTA ) SWENSON, HAGEN & CO. P.C.  
COUNTY OF BURLEIGH ) 355 909 BASIN AVENUE  
BISMARCK, NORTH DAKOTA 58504

TERRY BALTZER  
REGISTERED LAND SURVEYOR  
N.D. REGISTRATION NO. 3095

## APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN ATTEST  
BEN EHREITH - SECRETARY

## APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT OF THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE REDEDICATION OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

ATTEST  
KEITH J. HUNKE - CITY ADMINISTRATOR

## APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BRIAN BITNER-CHAIRMAN ATTEST: KEVIN GLATT  
BURLEIGH COUNTY AUDITOR/TREASURER

## APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "APPLE MEADOWS THIRD SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL  
CITY ENGINEER

## OWNER'S CERTIFICATE & DEDICATION

WE, SATTLER FAMILY, LLP, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "APPLE MEADOWS THIRD SUBDIVISION", AND DEDICATE AND REDEDICATE ALL RIGHTS OF WAY TO BURLEIGH COUNTY AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENTS" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, OR UNDER THOSE CERTAIN STRIPS OF LAND.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS, AND LICENSEES, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICES AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY IN THE SUBDIVISION.

WE ALSO DEDICATE TO BURLEIGH COUNTY, FOR PUBLIC USE, ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORMWATER & DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSES OF ALLOWING THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER AND/OR OVER THOSE AREAS INCLUDING THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH THE NECESSARY APPURTENANCES.

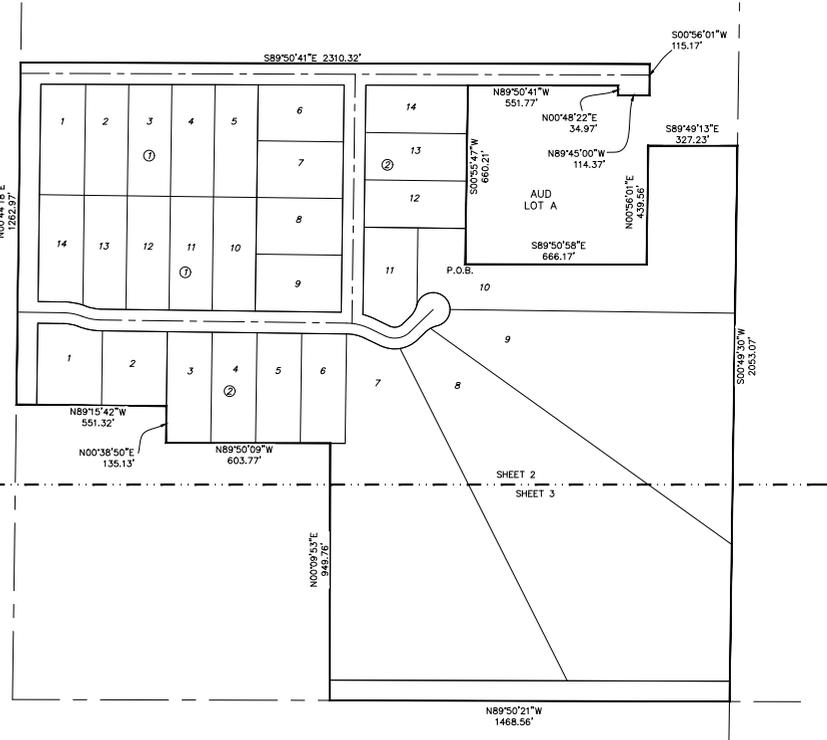
WE FURTHER GRANT ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND THOSE THAT ARE RECORDED, BUT NOT SHOWN.

STATE OF NORTH DAKOTA )  
COUNTY OF BURLEIGH )

ROBB SATTLER  
SATTLER FAMILY, LLP  
3220 ARIZONA DR.  
BISMARCK, ND 58503

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME PERSONALLY APPEARED ROBB SATTLER OF SATTLER FAMILY, LLP, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES \_\_\_\_\_



## NOTES

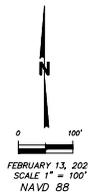
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NORTH DAKOTA STATE PLANE, SOUTH ZONE BY  
CITY ORDINANCE

COORDINATE DATA:  
NORTH DAKOTA STATE PLANE, COORDINATE  
SYSTEM  
NAD 83 SOUTH ZONE  
ADJUSTMENT OF 1986  
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM  
PREVIOUS PLATS DUE TO DIFFERENT METHODS  
OF MEASUREMENTS.

FLOODPLAIN INFORMATION  
FEMA FLOOD INSURANCE RATE MAP  
COMMUNITY PANEL NUMBER 38050820D  
DATED AUGUST 4, 2014  
FLOOD PLAN ELEVATION  
VARIES BETWEEN 1658-1661 (NAVD 88)

AREA DATA  
LOTS 1,900,807 S.F. 89.55 ACRES  
STREETS 5,801,109 S.F. 13.32 ACRES  
TOTAL 7,701,916 S.F. 178.87 ACRES



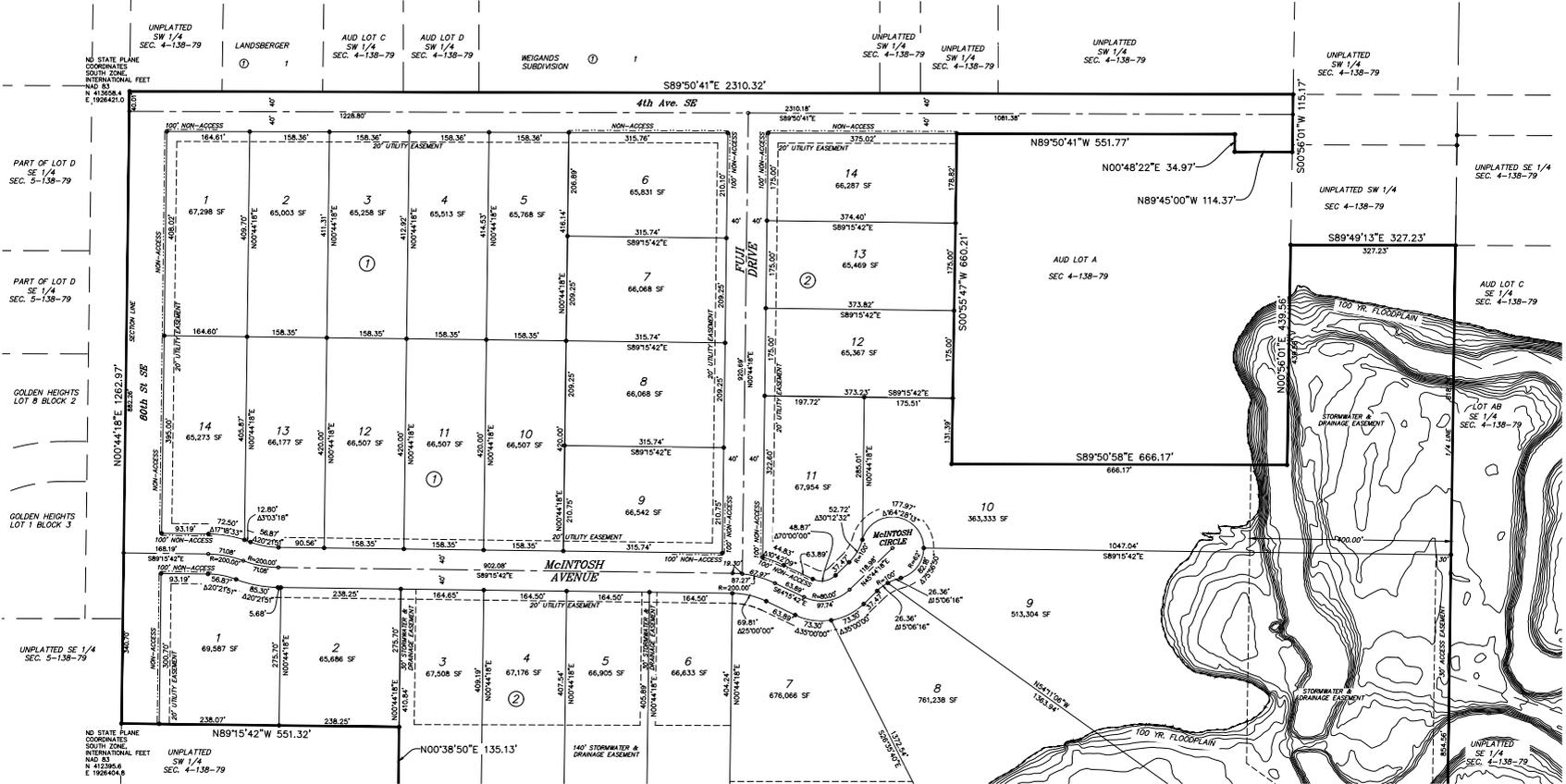
FEBRUARY 13, 2020  
SCALE 1" = 100'  
NAVD 88



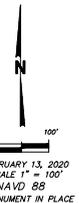
909 Basin Avenue  
Bismarck, North Dakota 58504  
shc@swensonhagen.com  
1101 15th Street, Suite 100  
Bismarck, ND 58503  
Tel: (701) 221-2006  
Fax: (701) 221-2006

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

**BEING 4TH AVENUE SE OF WEIGAND'S SUBDIVISION AND  
PART OF THE SW 1/4 OF  
SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST  
BURLEIGH COUNTY, NORTH DAKOTA**



ND STATE PLANE COORDINATES  
SOUTH ZONE,  
INTERNATIONAL FEET  
NAD 83  
E 12365.6  
E 1926421.0



**NOTES**

BASIS OF BEARINGS:  
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY  
CITY ORDINANCE

COORDINATE DATUM:  
NORTH DAKOTA STATE PLANE COORDINATE  
SYSTEM  
NAD 83 SOUTH ZONE  
ADJUSTMENT OF 1986  
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM  
PREVIOUS PLATS DUE TO DIFFERENT METHODS  
OF MEASUREMENTS.

**FLOODPLAIN INFORMATION**

FEMA FLOOD INSURANCE RATE MAP  
COMMUNITY PANEL NUMBER 36015008200  
DATED AUGUST 4, 2014  
FLOOD R-RATE ELEVATION  
VARIES BETWEEN 1658-1661 (NAVD 88)

**AREA DATA**

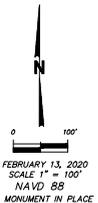
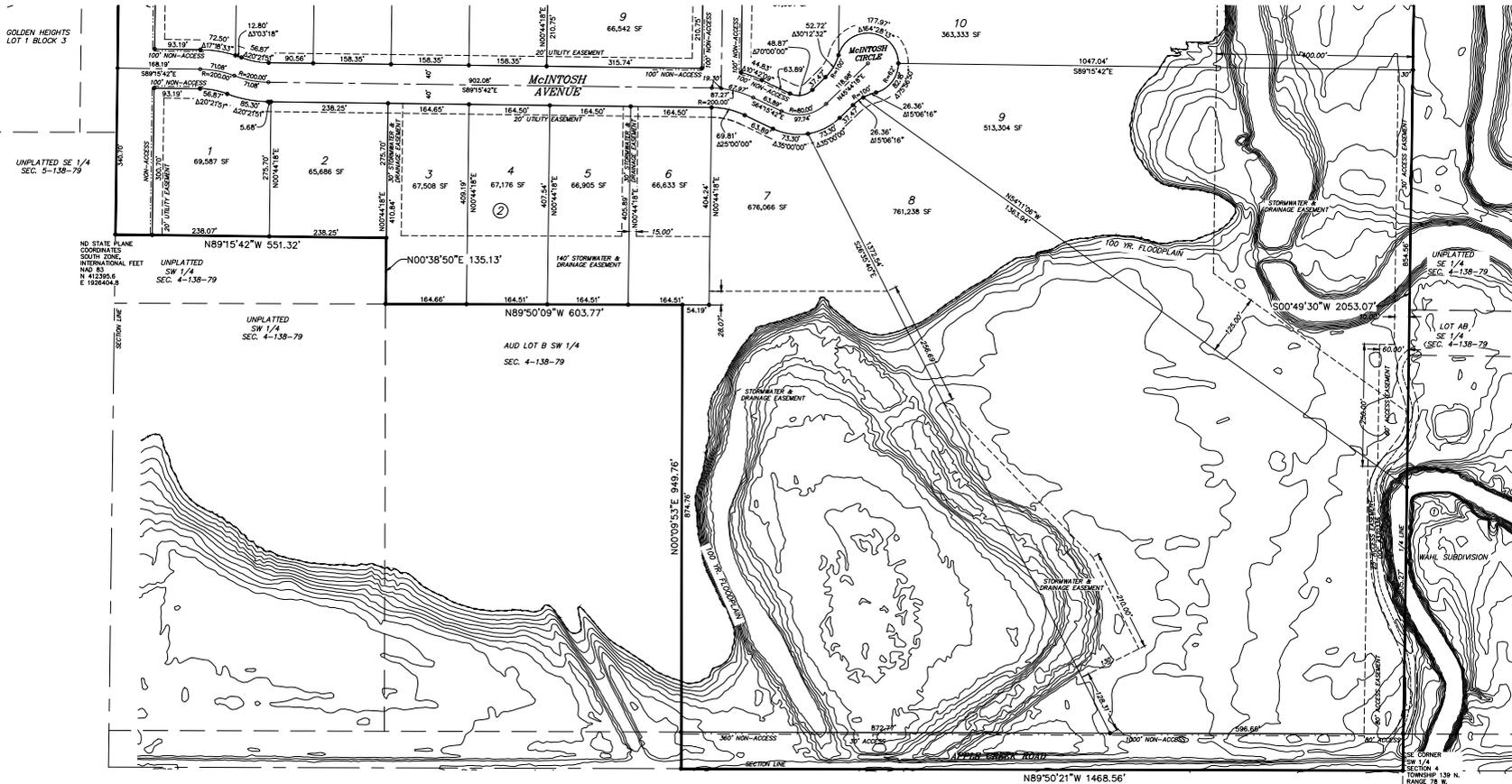
LOTS	13,900,907 SF	89.56 ACRES
STREETS	69,588 SF	1.37 ACRES
TOTAL	14,000,000 SF	103.07 ACRES

**SWENSON, HAGEN & COMPANY P.C.**

309 Basin Avenue  
Bismarck, North Dakota 58504  
shc@swensons-hagen.com  
Phone: (701) 221-2000  
Fax: (701) 221-2006

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

**BEING 4TH AVENUE SE OF WEIGAND'S SUBDIVISION AND  
PART OF THE SW 1/4 OF  
SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST  
BURLEIGH COUNTY, NORTH DAKOTA**



**NOTES**

**BASIS OF BEARINGS:**  
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

**COORDINATE DATUM:**  
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM  
NAD 83 SOUTH ZONE  
ADJUSTMENT OF 1986  
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

**FLOODPLAIN INFORMATION:**

FEMA FLOOD INSURANCE RATE MAP  
COMMUNITY PANEL NUMBER 38015C08200  
DATED AUGUST 4, 2014  
FLOOD PLAIN ELEVATION:  
VARIES BETWEEN 1635-61 (NAVD 88)

**AREA DATA**

LOTS	13,900,807 S.F.	89.55 ACRES
STREETS	598,110 S.F.	4.32 ACRES
<b>TOTAL</b>	<b>14,498,917 S.F.</b>	<b>103.87 ACRES</b>

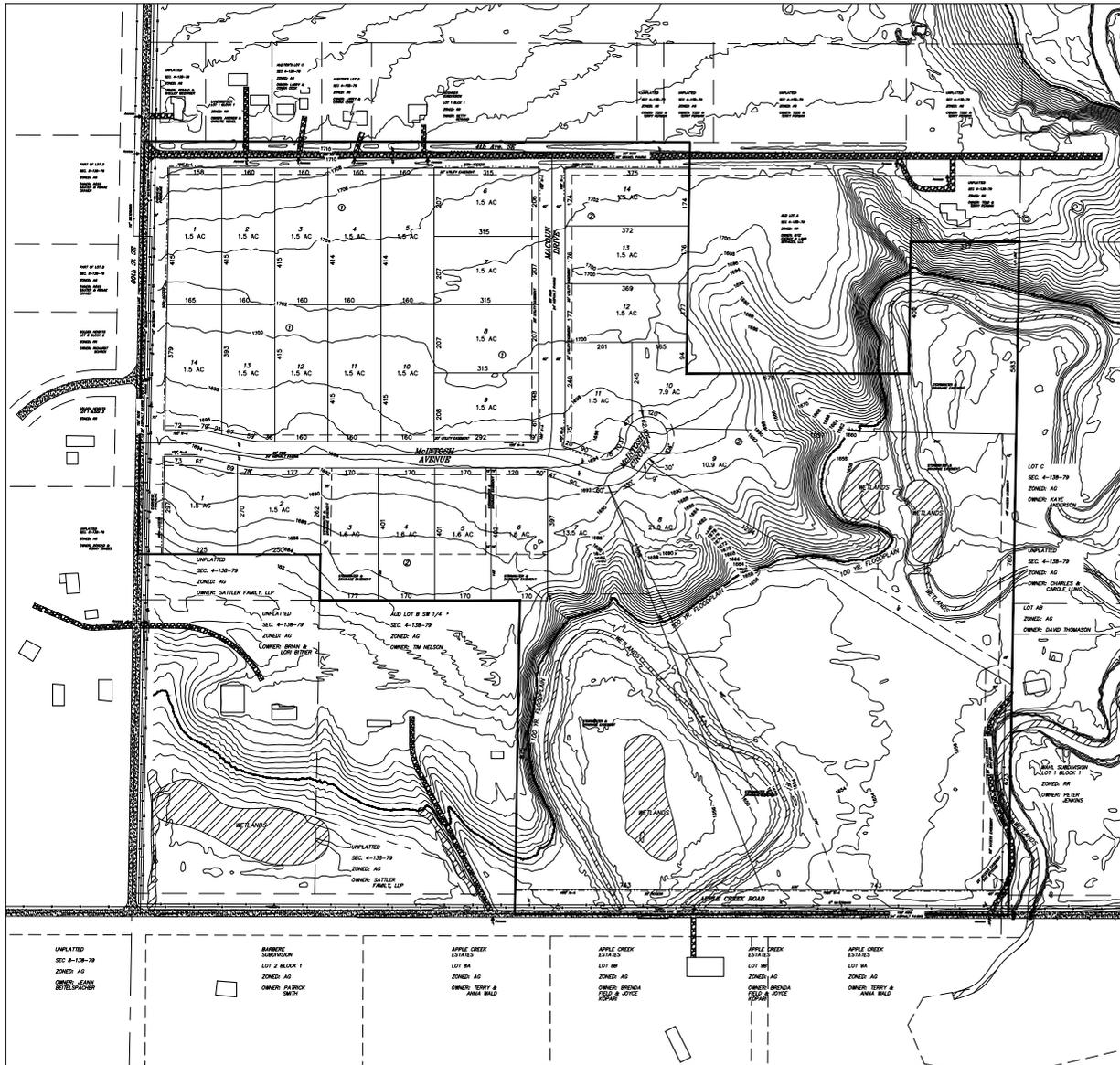
**SWENSON, HAGEN & COMPANY P.C.**

900 Basin Avenue  
 Bismarck, North Dakota 58501  
 shc@swensonhagen.com  
 Phone (701) 221-2000  
 Fax (701) 221-2006  
 Construction Management

# APPLE MEADOWS THIRD SUBDIVISION

PART OF THE SW 1/4 OF  
SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST

BURLEIGH COUNTY, NORTH DAKOTA



LOCATION MAP

102 ACRES  
EXISTING ZONING: AG  
PROPOSED ZONING: RR  
28 LOTS

OWNER: SATTLE FAMILY, LLP  
ADDRESS: 3220 ARIZONA DR  
BISMARCK, ND 58503

FLOODPLAIN INFORMATION  
FEMA FLOOD INSURANCE RATE MAP  
COMMUNITY PANEL NUMBER: 5805000200  
DATED AUGUST 4, 2014  
FLOOD PLAIN ELEVATION:  
APPROXIMATELY 1660 (NAVD 88)



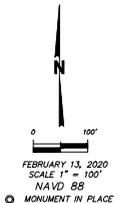
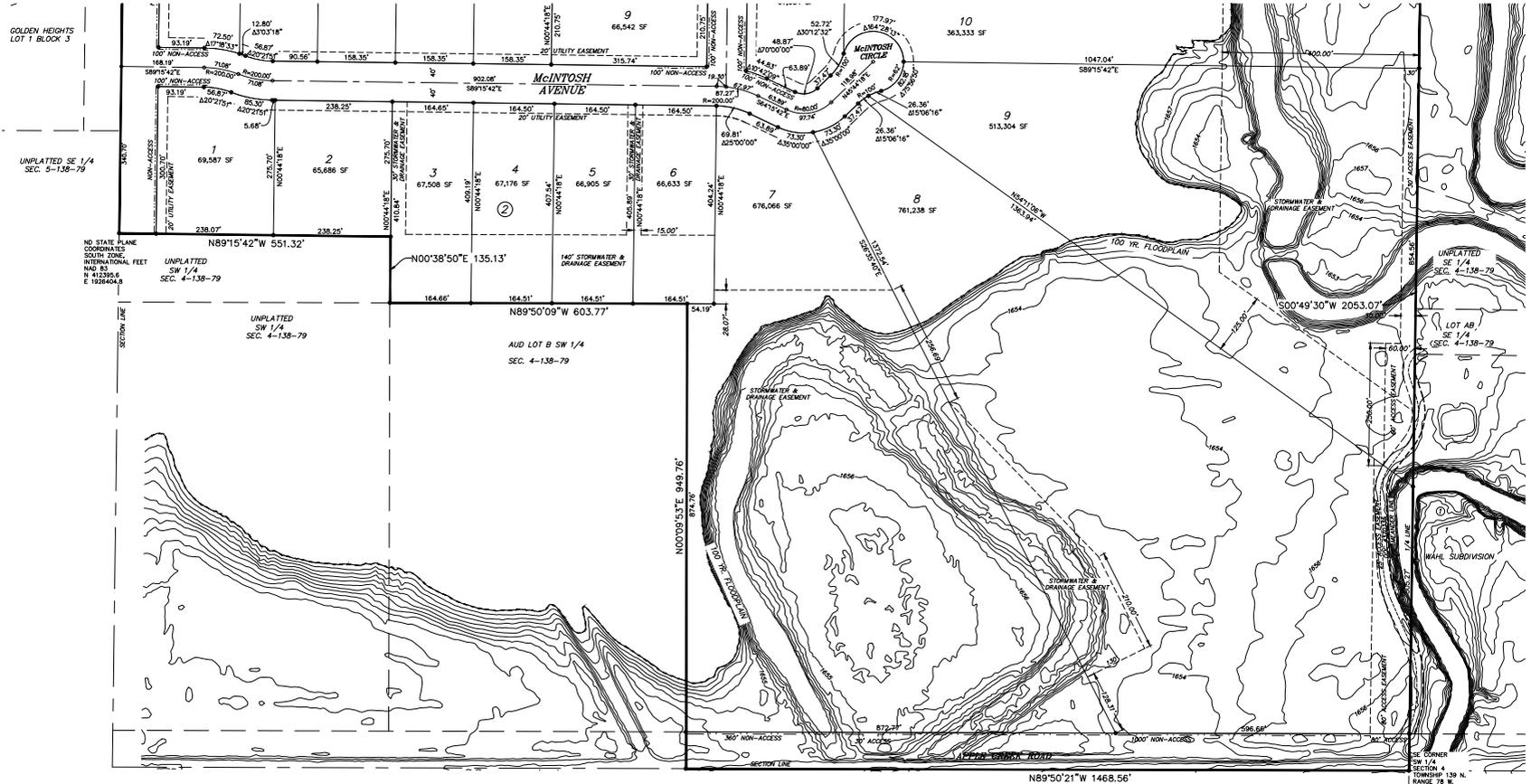
0 150' 300'  
SCALE - 1" = 150'

VERTICAL DATUM: NAVD 88

NOVEMBER 14, 2019

**SWENSON, HAGEN & COMPANY P.C.**  
509 Main Avenue  
Bismarck, North Dakota 58504  
Surveying  
Hydrology  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management  
Phone (701) 225-2000  
Fax (701) 221-2000  
shc@swensonhagen.com

BEING 4TH AVENUE SE OF WEIGAND'S SUBDIVISION AND  
PART OF THE SW 1/4 OF  
SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST  
BURLEIGH COUNTY, NORTH DAKOTA



**NOTES**  
BASIS OF BEARINGS:  
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY  
CITY ORDINANCE  
COORDINATE DATUM:  
NORTH DAKOTA STATE PLANE COORDINATE  
SYSTEM  
NAD 83 SOUTH ZONE  
ADJUSTMENT OF 1986  
UNITS ARE INTERNATIONAL FEET  
BEARINGS AND DISTANCES MAY VARY FROM  
PREVIOUS PLATS DUE TO DIFFERENT METHODS  
OF MEASUREMENTS.

**FLOODPLAIN INFORMATION**  
FEMA FLOOD INSURANCE RATE MAP  
COMMUNITY PANEL NUMBER 38015C08200  
DATED AUGUST 4, 2014  
FLOOD PLAIN ELEVATION:  
VARIES BETWEEN 1636-61 (NAVD 88)

**AREA DATA**  
LOTS 13,000,807 S.F. 89.55 ACRES  
STREETS 598,110 S.F. 13.52 ACRES  
TOTAL 14,490,009 S.F. 1103.07 ACRES

APPLE CREEK  
ESTATES

**SWENSON, HAGEN & COMPANY P.C.**  
Surveying  
Hydrology  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management

900 Basin Avenue  
Bismarck, North Dakota 58501  
shc@swensonhagen.com  
Phone (701) 221-2000  
Fax (701) 221-2096



## COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** March 17, 2020  
**FROM:** Ben Ehreth, AICP, Community Development Director  
**ITEM:** Member Appointment to the Bismarck Historic Preservation Commission

### REQUEST

On behalf of Mayor Bakken, I would recommend that Ms. Beth Nodland and Mr. Blake Dinkins be appointed to serve on the Bismarck Historic Preservation Commission. If confirmed, by the Board of City Commissioners, Ms. Nodland's and Mr. Dinkins terms would begin in April 2020 and expire in April 2023.

Please place this item on the March 24, 2020 City Commission meeting.

### BACKGROUND INFORMATION

The Historic Preservation Commission is a seven-member advisory board that carries out matters related to the Historic Preservation Ordinance of the City of Bismarck. The Historic Preservation Commission's responsibilities include:

- Advise on matters related to nominations to the National Register of Historic Places;
- Work to promote and educate about the City's history, heritage, historic properties and past citizens; and
- Serve as local historic resource for citizens and other City Boards/Commission seeking historic expertise.

### RECOMMENDED CITY COMMISSION ACTION

It is recommended that Ms. Nodland and Mr. Dinkins be appointed to serve a terms expiring in April 2023.

### STAFF CONTACT INFORMATION

Ben Ehreth, AICP, Community Development Director | 355-1842 | [behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)



## COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** March 17, 2020  
**FROM:** Ben Ehreth, AICP, Community Development Director  
**ITEM:** Member Appointment to the Bismarck Parking Authority

### REQUEST

On behalf of Mayor Bakken, I would recommend that Mr. Brian Peterson be appointed to serve on the Bismarck Parking Authority. If confirmed, by the Board of City Commissioners, Mr. Peterson's term would begin in April 2020 and expire in April 2025.

Please place this item on the March 24, 2020 City Commission meeting.

### BACKGROUND INFORMATION

The Bismarck Parking Authority is a public benefit corporation as set forth in NDCC 40-61. Parking Authority members are appointed by the City Commission to manage the City's public parking assets, including five parking ramps and two surface lots in the downtown area.

### RECOMMENDED CITY COMMISSION ACTION

It is recommended that Mr. Peterson be appointed to serve a term expiring in April 2025.

### STAFF CONTACT INFORMATION

Ben Ehreth, AICP, Community Development Director | 355-1842 | [behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)



## COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** March 17, 2020  
**FROM:** Ben Ehreth, AICP, Community Development Director  
**ITEM:** Member Appointment to the Bismarck Planning & Zoning Commission

### REQUEST

On behalf of Mayor Bakken, I would recommend that Ms. Wendy Van Duyne and Mr. John Van Dyke be appointed to serve on the Bismarck Planning & Zoning Commission. If confirmed, by the Board of City Commissioners, Ms. Van Duyne's position would begin in April 2020 and Mr. Van Dyke's Position would begin in May 2020. Both would be appointed for a term of 5 years with Ms. Van Duyne's term expiring in April 2025 and Mr. Van Dyke's term expiring in May 2025.

Please place this item on the March 24, 2020 City Commission meeting.

### BACKGROUND INFORMATION

The Bismarck Planning and Zoning Commission is an eleven-member advisory board to the City Commission that hears requests for major and minor subdivision plats, zoning changes, zoning ordinance text amendments, annexations, special use permits, master plans, and rural lot splits within the City and its extraterritorial area.

### RECOMMENDED CITY COMMISSION ACTION

It is recommended that Ms. Van Duyne and Mr. Van Dyke be appointed to serve on the Planning and Zoning Commission for a terms expiring April 2025 and May 2025 respectively.

### STAFF CONTACT INFORMATION

Ben Ehreth, AICP, Community Development Director | 355-1842 | [behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)



## *Engineering Department*

**DATE:** March 17, 2020  
**FROM:** Gabe Schell, City Engineer  
**ITEM:** Geotechnical Service Contract Amendment

### **REQUEST**

Consider approval of amended consultant agreement with Terracon Consultants, Inc (Terracon) relating to Geotechnical Services associated with River Road slope stability.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

On September 24, 2019 the Board of City Commissioners approved ongoing geotechnical services for River Road slope stability contract with Terracon for \$21,756.00.

The preliminary findings indicate subsurface movement of 200 feet in length on the west side of River Road is taking place at an approximate depth of 18 to 20 feet below existing grades. There has been approximately 0.25 to 0.3 inches of movement that took place from October 30, 2019 to December 5, 2019 during the monitoring period. At this time, no permanent solutions or costs have been estimated as the magnitude of the movement is still unknown.

From these findings, additional geotechnical services on the east side of River Road is recommended to be conducted to check for movement between the hill on the east and the visible signs of movement at the centerline of the roadway.

For ongoing services, we have negotiated a scope of work and fee for \$14,107.00 with the option to negotiate for additional services that would be brought before the City Commission for approval. These services are to be funded by sales tax initially and eventually allocated to the special assessment district once one is created. Final reports for the ongoing work will be delivered by June 1, 2020. See attached scope of services.

Further actions will be brought before the Board for approval, once the additional geotechnical services final report has been delivered and proposed solutions and costs completed.

**RECOMMENDED CITY COMMISSION ACTION**

Approval of the contract with Terracon for ongoing geotechnical services.

**STAFF CONTACT INFORMATION**

Gabe Schell, PE | City Engineer, 355-1505 or [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

March 10, 2020



City of Bismarck Engineering Department  
221 North 5th Street  
P.O. Box 5503  
Bismarck, ND 58506

Attn: Mr. Gabe Schell, P.E. - City Engineer  
P: (701) 355 1505  
E: gschell@bismarcknd.gov

Re: Proposal for Geotechnical Engineering Services  
River Road Slope Stabilization  
River Road  
Bismarck, North Dakota  
Terracon Proposal No. PM2195090

Dear Mr. Schell:

We appreciate the opportunity to submit this proposal to the City of Bismarck Engineering Department to provide Geotechnical Engineering services for the above referenced project. The following are exhibits to the attached Supplement to Agreement for Services.

Exhibit A	Project Understanding
Exhibit B	Scope of Services
Exhibit C	Compensation and Project Schedule
Exhibit D	Site Location
Exhibit E	Anticipated Exploration Plan

Our base fee to perform the Scope of Services described in this proposal is **\$14,107**. See Exhibit C for more details of our fees and consideration of additional services.

Your authorization for Terracon to proceed in accordance with this proposal can be issued by signing and returning a copy of the attached Supplement to Agreement for Services to our office.

Sincerely,

**Terracon Consultants, Inc.**

Chad A. Cowley, P.E.  
Department Manager

Alex L. Sprunk, P.E.  
Project Engineer

Terracon Consultants, Inc. 1805 Hancock Drive, PO Box 2084 Bismarck, ND 58502-2084  
P (701) 258 2833 F (701) 258 2857 terracon.com

Environmental



Facilities



Geotechnical



Materials

**SUPPLEMENT TO AGREEMENT FOR SERVICES****CHANGE TO  
SCOPE OF SERVICES AND FEES**

This **SUPPLEMENT to AGREEMENT FOR SERVICES** to the original Agreement for Services (original Agreement dated 09/16/2019, Agreement reference number PM2195090) is between City of Bismarck ND ("Client") and Terracon Consultants, Inc. ("Consultant") for additional or changed Services to be provided by Consultant for Client on the Project, as described in the Agreement for Services. This Supplement is incorporated into and part of the Agreement for Services.

- 1. Scope of Services.** The scope of the additional or changed Services are described in the Scope of Services section of the Consultant's Supplemental Proposal, unless Services are otherwise described below or in Exhibit B to this Supplement (which section or exhibit are incorporated into the Supplement).

See Terracon Proposal PM2195090

- 2. Compensation.** Client shall pay compensation for the additional or changed Services performed at the fees stated in the Supplemental Proposal unless fees are otherwise stated below or in Exhibit C to this Supplement (which section or exhibit are incorporated into the Supplement).

See Terracon Proposal PM2195090

All terms and conditions of the **Agreement for Services** shall continue in full force and effect. This Supplement is accepted and Consultant is authorized to proceed.

Consultant: **Terracon Consultants, Inc.**  
By: \_\_\_\_\_ Date: **3/10/2020**  
Name/Title: **Chad A. Cowley / Department Manager**  
Address: **1805 Hancock Dr PO Box 2084**  
**Bismarck, ND 58501**  
Phone: **(701) 258-2833** Fax: **(701) 258-2857**  
Email: **Chad.Cowley@terracon.com**

Client: **City of Bismarck ND**  
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name/Title: \_\_\_\_\_  
Address: **PO Box 5503**  
**Bismarck, ND 58506-5503**  
Phone: **(701) 355-1505** Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

## EXHIBIT A - PROJECT UNDERSTANDING

Our Scope of Services is based on our understanding of the project as described by the City of Bismarck and the expected subsurface conditions as described below. A site visit was conducted on August 22, 2019 to better understand and document the distress experienced. Monitoring equipment was installed in October 2019 on the west side of River Road.

### Site Location and Conditions

Item	Description
<b>Parcel Information</b>	<p>The project is located along River Road in Bismarck, North Dakota. The experienced pavement distress and slope instability is approximately 500 to 600 feet north of the Grant Marsh Bridge.</p> <p>Latitude: 46.8253° N, Longitude: 100.8290° W (approximate)</p> <p>See <b>Exhibit D</b></p>
<b>Existing Improvements</b>	<p>River Road roughly runs north-south and is a two-lane asphalt-paved road. There is a cable-wire guard rail along the west edge of River Road.</p> <p>There is an asphalt-paved bike path approximately 100 feet to the west, and the Missouri River is approximately 200 feet to the west of River Road.</p>
<b>Current Ground Cover</b>	<p>Asphalt-surfacing along River Road; heavy vegetation to the west, moderate vegetation and trees to the east.</p>
<b>Existing Topography</b>	<p>Hilly; River Road transects a ridge that slopes steeply downward to the west. The total change in elevation to the east of River Road is estimated to be on the order of 50 feet. The terrain to the west of River Road slopes downward about 5 to 10 feet before flattening towards the river. The gradients on the upslope and downslope sides of the roadway generally range from about 1.5H:1V to 2H:1V.</p>
<b>Site Access</b>	<p>All proposed exploration locations are accessible with our track-mounted drilling equipment.</p> <p>We understand the City of Bismarck will issue the notice of closure of River Road, and Terracon will provide the signage necessary to close the road. We estimate fieldwork will take approximately 8 to 10 hours.</p>

Item	Description
<b>Project Description</b>	<p>Based on our initial observations of the experienced distress, we estimate up to about 200 lineal feet of the roadway is currently impacted by slope instability in the location as described previously. The experienced distress consisted primarily of a crack, up to 6 inches in width, within the pavement and underlying pavement subgrade. The crack is suspected of being associated with the apparent head scarp of the slide.</p> <p>The new inclinometer on the east side of the road is to check for movement uphill of the apparent head scarp. The monitoring well will be used to measure groundwater levels on the east side of the road to be used in modeling of the slope.</p>

## EXHIBIT B - SCOPE OF SERVICES

Our proposed Scope of Services consists of field exploration, laboratory testing, and engineering/project delivery. These services are described in the following sections.

### Field Exploration

The field exploration program will include the advancement of borings, installation of slope monitoring instrumentation, and monitoring observations after installation under the guidance of a geotechnical engineer to characterize the subsurface conditions and failure surface(s).

Boring ID	Planned Boring Depth (feet) <sup>1</sup>	Planned Location	
B-4	50	Inclinometer	See <b>Exhibit E</b>
B-5	30	Monitoring Well	

1. Below ground surface.
2. Boring B-5 will be near boring B-4, and the depth will be dependent on the depth of groundwater encountered during the field exploration program.

**Boring Layout and Elevations:** We will mark the boring locations prior to our arrival of drilling equipment to the site. We will also use handheld GPS equipment to locate borings with an estimated horizontal accuracy of +/-20 feet. Field measurements from existing site features may be utilized. If available, approximate elevations will be obtained by interpolation from a site specific, surveyed topographic map.

**Subsurface Exploration Procedures:** We will advance soil borings with a track-mounted drill rig using continuous flight augers (solid stem and/or hollow stem, as necessary, depending on soil conditions). Samples will be obtained at 2½-foot intervals in the upper 15 feet of each boring and at intervals of 5 feet thereafter. Soil sampling is typically performed using thin-wall tube and/or split-barrel sampling procedures. The split-barrel samplers are driven in accordance with the standard penetration test (SPT). The samples will be placed in appropriate containers, taken to our soil laboratory for testing, and classified by a Geotechnical Engineer. In addition, we will observe and record groundwater levels during drilling and sampling.

Our exploration team will prepare field boring logs as part of standard drilling operations including sampling depths, penetration distances, and other relevant sampling information. Field logs include visual classifications of materials encountered during drilling, and our interpretation of subsurface conditions between samples. Final boring logs, prepared from field logs, represent the Geotechnical Engineer's interpretation, and include modifications based on observations and laboratory tests.

**Property Disturbance:** The borings will be converted to inclinometers or monitoring wells as described below after their completion. Excess auger cuttings will be dispersed in the general vicinity of the boreholes.

**Inclinometer Construction:** Boring B-4 will be converted to inclinometers upon their completion. The inclinometers will be constructed of 2.75-inch QC Casing with a bottom anchor. The casings will feature a grouted annulus extending to the ground surface. The casings will extend approximately 3 feet above the existing ground surface, and feature slip caps and steel locking protective covers.

We anticipate that the instrumentation will consist of inclinometer casings in which we can survey slope movement on a daily, weekly, or monthly basis. We anticipate taking baseline readings of the instrumentation within a week of initial installation, and on a weekly basis over the next month following initial installation. Additional readings have been requested following these weekly readings on a monthly basis through May of 2020. The total number of readings necessary to monitor the slope is an estimate and subject to change based on the movement observed in the inclinometers.

As requested, we can remove and abandon the inclinometers in late Spring of 2020, unless it is recommended to keep the inclinometers installed as part of the repair and remediation recommendations. The frequency of inclinometer readings and abandonment will be discussed with the city after the conclusion of the initial readings.

**Monitoring Well Construction:** Boring B-5 will be converted to a monitoring well upon its completion. The monitoring well will consist of two-inch diameter Schedule 40 PVC pipe and will include a 20-foot screen section. The screen section will be sand packed to 1.5 feet above the top of the screen, with a bentonite seal extending to the ground surface. The monitoring well will extend approximately 3 feet above the existing ground surface and feature a locking steel protective cover. We will register the monitoring well with the State of North Dakota Board of Water Well Contractors after the completion of field work.

## **Safety**

Terracon is not aware of environmental concerns at this project site that would create health or safety hazards associated with our exploration program; thus, our Scope considers standard OSHA Level D Personal Protection Equipment (PPE) appropriate. Our Scope of Services does not include environmental site assessment services, but identification of unusual or unnatural materials encountered while drilling will be noted on our logs and discussed in our report.

Exploration efforts require borings (and possibly excavations) into the subsurface, therefore Terracon will comply with local regulations to request a utility location through North Dakota One Call. We may consult with the owner/client regarding potential utilities, or other unmarked

underground hazards. Based upon the results of this consultation, we will consider the need for alternative subsurface exploration methods, as the safety of our field crew is a priority.

Private utilities should be marked by the owner/client prior to commencement of field exploration. Terracon will not be responsible for damage to private utilities not disclosed to us. If the owner/client is unable to accurately locate private utilities, Terracon can assist the owner/client by coordinating or subcontracting with a private utility locating services. Fees associated with the additional services are not included in our current Scope of Services and will be forwarded to our client for approval prior to initiating. The detection of underground utilities is dependent upon the composition and construction of the utility line; some utilities are comprised of non-electrically conductive materials and may not be readily detected. The use of a private utility locate service would not relieve the owner of their responsibilities in identifying private underground utilities.

**Site Access:** Terracon must be granted access to the site by the property owner. By acceptance of this proposal, without information to the contrary, we consider this as authorization to access the property for conducting field exploration in accordance with the Scope of Services.

## **Laboratory Testing**

The project engineer will review field data and assign laboratory tests to understand the engineering properties of various soil strata. Exact types and number of tests cannot be defined until completion of field work. The anticipated laboratory testing may include the following:

- Water content
- Unit dry weight
- Atterberg limits
- Unconfined compressive strength
- Grain size analysis

Our laboratory testing program often includes examination of soil samples by an engineer. Based on the material's texture and plasticity, we will describe and classify soil samples in accordance with the Unified Soil Classification System (USCS).

## **Engineering and Project Delivery**

Results of our field and laboratory programs will be evaluated by a professional engineer. The engineer will develop a geotechnical site characterization, interpret slope monitoring data, perform the engineering calculations necessary to evaluate the experienced slope instability, and develop appropriate geotechnical engineering recommendations for the project.

Your project will be delivered using our **GeoReport®** system. Upon initiation, we provide you and your design team the necessary link and password to access the website (if not previously registered). Each project includes a calendar to track the schedule, an interactive site map, a

listing of team members, access to the project documents as they are uploaded to the site, and a collaboration portal. The typical delivery process includes the following:

- Project Planning – Proposal information, schedule and anticipated exploration plan will be posted for review and verification
- Site Characterization – Findings of the site exploration
- Geotechnical Engineering – Recommendations and geotechnical engineering report

When utilized, our collaboration portal documents communication, eliminating the need for long email threads. This collaborative effort allows prompt evaluation and discussion of options related to the design and associated benefits and risks of each option. With the ability to inform all parties as the work progresses, decisions and consensus can be reached faster.

When services are complete, we upload a printable version of our completed geotechnical engineering report, including the professional engineer's seal and signature, which documents our services. Previous submittals, collaboration and the report are maintained in our system. This allows future reference and integration into subsequent aspects of our services as the project goes through final design and construction.

The geotechnical engineering report will provide the following:

- Boring logs with field and laboratory data
- Stratification based on visual soil classification
- Groundwater levels observed during and after the completion of drilling
- Site Location and Exploration Plans
- Subsurface exploration procedures
- Description of subsurface conditions
- Slope monitoring instrumentation data readings
- Slope stability analysis
  - Slide 2018 models, as appropriate
  - Conceptual recommendations for slope mitigation and repair alternatives

## EXHIBIT C - COMPENSATION AND PROJECT SCHEDULE

### Compensation

Based upon our understanding of the site, the project as summarized in **Exhibit A**, and our planned Scope of Services outlined in **Exhibit B**, our base fee is **\$14,107**. The itemized costs are provided in the detailed cost schedule, presented in **Exhibit F**.

Our Scope of Services does not include services associated with site clearing, wet ground conditions, tree or shrub clearing, or repair of/damage to existing landscape. If such services are desired by the owner/client, we should be notified so we can adjust our Scope of Services.

Unless instructed otherwise, we will submit our invoice(s) to the address shown at the beginning of this proposal. If conditions are encountered that require Scope of Services revisions and/or result in higher fees, we will contact you for approval, prior to initiating services. A supplemental proposal stating the modified Scope of Services as well as its effect on our fee will be prepared. We will not proceed without your authorization.

### Project Schedule

We developed a schedule to complete the Scope of Services based upon our existing availability and understanding of your project schedule. However, this does not account for delays in field exploration beyond our control, such as weather conditions, permit delays, or lack of permission to access the boring locations. In the event the schedule provided is inconsistent with your needs, please contact us so we may consider alternatives.

We will record baseline readings of the instrumentation within a week of initial installation, and on a weekly basis over the next month following initial installation. After the last reading of the month has been recorded, we will prepare and issue a draft geotechnical engineering report, and schedule a meeting with the City of Bismarck Engineering Department to discuss the various potential repair alternatives.

If warranted, additional readings can be provided for the same fee as presented in **Exhibit F**.

<b>GeoReport Stage</b>	<b>Posting Date <sup>1, 2</sup></b>
Project Planning	March 30, 2020
Mobilization of Exploration Team <sup>3</sup>	Week of April 6, 2020 <sup>4</sup>
Site Characterization	April 20, 2020 <sup>4</sup>
Geotechnical Engineering (Final Report)	May, 2020 <sup>4, 5</sup>

<i>GeoReport</i> Stage	Posting Date <sup>1, 2</sup>
Removal and abandonment of Inclinometers <sup>5</sup>	May of 2020

1. These dates are based on receiving written notice to proceed no later than **March 12, 2020**.
2. We will maintain a current calendar of activities within our *GeoReport* website. In the event of a need to modify the schedule, the schedule will be updated to maintain a current awareness of our plans for delivery.
3. Based on availability at the time this proposal was prepared, subject to change.
4. We anticipate field work will take approximately one to two days to complete.
5. If part of the mitigation and repair alternatives include further monitoring of the slope, we recommend keeping the inclinometers installed.

**EXHIBIT D – SITE LOCATION**

River Road Slope Stabilization ■ Bismarck, North Dakota

March 10, 2020 ■ Terracon Proposal No. PM2195090



DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

MAP PROVIDED BY MICROSOFT BING MAPS

**EXHIBIT E – ANTICIPATED EXPLORATION PLAN**

River Road Slope Stabilization ■ Bismarck, North Dakota

March 10, 2020 ■ Terracon Proposal No. PM2195090



DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

MAP PROVIDED BY MICROSOFT BING MAPS

## EXHIBIT F - ESTIMATED COST SCHEDULE

<b>FIELDWORK</b>	<b>Qty.</b>	<b>Unit</b>	<b>Rate</b>	<b>Subtotal</b>
Mobilization <sup>1</sup>	1	lump sum @	\$724.00 /ea.	\$724.00
Traffic Control	1	lump sum @	\$1750.00 /ea.	\$1750.00
Monitoring Well Materials	1	lump sum @	\$200.00 /ea.	\$200.00
Locking Steel Protective Cover	2	each @	\$140.00 /ea.	\$280.00
Inclinometer Materials	1	lump sum @	\$1,000.00 /ea.	\$1,000.00
Monitoring Well Installation (includes drilling to 30 feet)	2	hours @	\$225.00 /hr.	\$450.00
Inclinometer Installation	2	hours @	\$225.00 /hr.	\$450.00
Drilling and sampling (max 50 foot depth)	50	feet@	\$20.00 /ft.	\$1,000.00
Boring layout, cleanup, and downtime	1	hours @	\$225.00 /hr.	\$225.00
Inclinometer removal and abandonment <sup>2</sup>	1	lump sum @	\$865.00 /ea.	\$865.00
<b>Fieldwork Subtotal:</b>				<b>\$6,944.00</b>
<b>LABORATORY TESTING</b>	<b>Qty.</b>	<b>Unit</b>	<b>Rate</b>	<b>Subtotal</b>
Moisture Content (ASTM D2216)	10	each @	\$6.00 /ea.	\$60.00
Dry Density Determination (ASTM D7263)	4	each @	\$40.00 /ea.	\$160.00
Atterberg Limits (ASTM D4318)	2	each @	\$90.00 /ea.	\$180.00
Grain Size Analysis (ASTM D422)	1	each @	\$98.00 /ea.	\$98.00
Unconfined Compressive Strength (ASTM D2166)	1	each @	\$50.00 /ea.	\$50.00
<b>Laboratory Testing Subtotal:</b>				<b>\$548.00</b>
<b>PROJECT MANAGEMENT, ANALYSIS AND REPORTING</b>	<b>Qty.</b>	<b>Unit</b>	<b>Rate</b>	<b>Subtotal</b>
Senior Engineer	4	hours @	\$180.00 /hr.	\$720.00
Project Engineer	2	hours @	\$165.00 /hr.	\$330.00
Staff Engineer/Geologist	8	hours @	\$120.00 /hr.	\$960.00
Inclinometer base + weekly readings for 1 month	5	each @	\$750.00 /ea.	\$3,750.00
Inclinometer readings, once per month until May, 2020	1	each @	\$750.00 /ea.	\$750.00
Technician	1	hours @	\$105.00 /hr.	\$105.00
<b>Project Management, Analysis, and Reporting Subtotal:</b>				<b>\$6,615.00</b>
<b>ESTIMATED TOTAL:</b>				<b>\$14,107.00</b>

1. Mobilization includes drill rig and pickup travel, marking boring locations, utility check, job instructions, and loading of equipment.
2. Includes time and materials to abandon the inclinometers and traffic control.



## *Engineering Department*

**DATE:** March 17, 2020  
**FROM:** Gabe Schell, City Engineer  
**ITEM:** NDDOT Urban Grant Program

### **REQUEST**

Consider acceptance of the award of North Dakota Department of Transportation (NDDOT) Urban Grant Program funding for a 2022 Downtown Street Improvement Project Phase 2.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

The NDDOT solicited for projects for 2022 fiscal year as part of an Urban Grant Program. Communities with greater than 5000 population are eligible to participate. The focus of this program is reinvesting and fortifying a community's existing transportation assets, primarily within the inner core of a community rather than outward expansion. There is \$4.6-\$7.6 million annually available statewide for this competitive grant program.

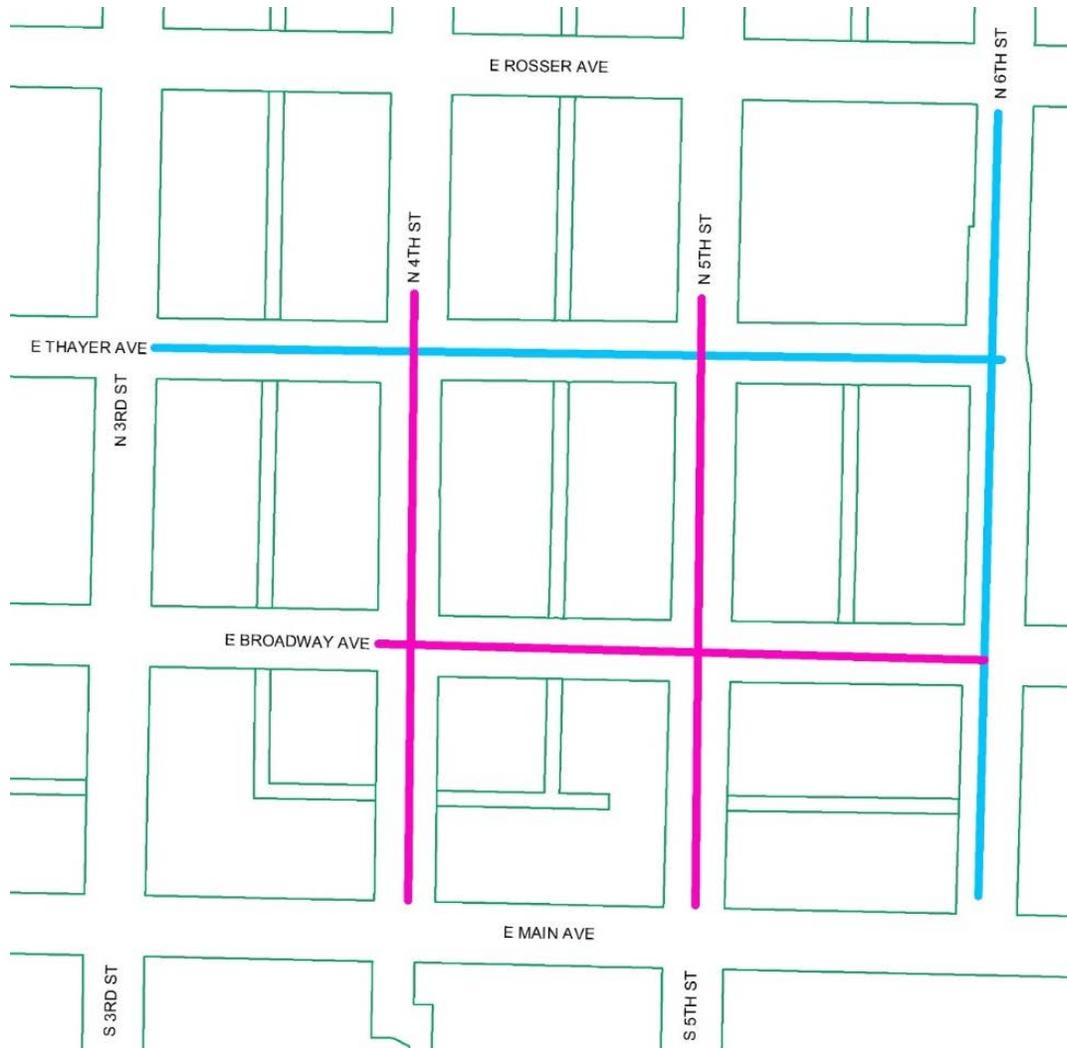
On November 21, 2019, the Board of City Commissioners approved pursuing Urban Grant Program funding for the Downtown Streets concrete pavement rehabilitation project.

Per the attached letter of March 16, 2020 from the NDDOT Director William T. Panos, the City of Bismarck has been awarded \$1,280,000 in federal funding for the \$1,600,000 estimated total construction cost for the Downtown Street Improvement Project Phase 2. The City will be responsible for the remaining 19.07% project match and all remaining costs to complete the project.

The Downtown Street Improvement Project Phase 2 includes 6th Street (Main Avenue to Thayer Avenue), and Thayer Avenue (3rd Street to 6th Street). The project consists of concrete pavement repairs, curb and gutter repairs, sidewalk repairs, inlaying plastic

pavement marking, roadway and pedestrian lighting and signage.

Funding for the local share of this project could include sales tax and/or special assessments and would be determined during the 2021 budgeting process. An exhibit of the project Phase 2 area is below in Blue.



With the Phase 1 of this project being awarded in 2019 for 2021 federal fiscal year, there may be an opportunity to combine both phases into one project and construct in 2022 construction season. This could minimize the impacts to businesses located within the project limits and result in more cost-efficient bids. This would require the completion of documentation and design for a November 2021 bid date. As these projects move forward and if it is determined that there is an advantage to combining the two phases, the decision to do so will be brought before the Board at a later date.

## **RECOMMENDED CITY COMMISSION ACTION**

Accept the North Dakota Department of Transportation (NDDOT) Urban Grant Program funding for a 2022 Downtown Street Improvement Project.

## **STAFF CONTACT INFORMATION**

Gabe Schell, PE | City Engineer, 355-1505 or [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

March 11, 2020

The Honorable Steve Bakken  
Mayor of Bismarck  
PO Box 5503  
Bismarck, ND 58506-5503

### URBAN GRANT PROGRAM PROJECT SELECTION

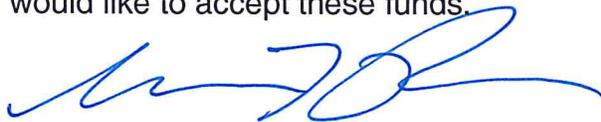
I am pleased to announce that phase 2 of your project on Thayer Ave (N 3rd St to N 6<sup>th</sup> St) and N 6<sup>th</sup> St (Main Ave to Rosser Ave) in Bismarck has been selected for funding from the fiscal year 2022 Urban Grant Program (UGP).

The North Dakota Department of Transportation (NDDOT) will be the lead review agency on the project, which consists of concrete pavement repairs, curb and gutter repairs, curb extensions, sidewalk, ADA ramps, pavement marking, LED roadway lighting and pedestrian lighting, street trees, landscaping, and signing as outlined in your approved application.

The project will be funded with 80.93 percent federal funds, up to a maximum amount of \$1,280,000 for eligible items. The city of Bismarck will be responsible for the remaining 19.07 percent of the project match and all remaining costs to complete the project.

Congratulations on being the recipient of this grant for your project!

Please notify Stacey Hanson, NDDOT Assistant Local Government Engineer, by April 15, 2020, at 701-328-4469 or [smhanson@nd.gov](mailto:smhanson@nd.gov) whether the city of Bismarck would like to accept these funds.



William T. Panos  
Director

38/smh/sas

c: Gabe Schell, City Engineer  
Steve Saunders, Bismarck-Mandan MPO  
Larry Gangl, Bismarck District Engineer



## *Engineering Department*

**DATE:** March 17, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Water Main Easement – 1819 Michigan Avenue

### **REQUEST**

Approve Water Main Easement at 1819 Michigan Avenue from Robert and Denise Schuh of RDS Properties, LLC.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

Attached is a water main easement for an existing water main located on the property at 1819 Michigan Avenue in southeast Bismarck. The existing water main is located along the west property line of 1819 Michigan Avenue and runs beneath an existing building.

### **RECOMMENDED CITY COMMISSION ACTION**

Approve Water Main Easement from Robert and Denise Schuh of RDS Properties

### **STAFF CONTACT INFORMATION**

Linda Oster, PE, Design and Construction Engineer 355-1505, [loster@bismarcknd.gov](mailto:loster@bismarcknd.gov)

## WATER MAIN EASEMENT

This indenture, made this 9 day of March, 2020, between **RDS Properties, LLC**, whose post office address is 5508 Apple Creek Drive, Bismarck, North Dakota, Grantor, and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506-5503, Grantee.

1. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, an exclusive easement to construct, operate, maintain, and repair public utility facilities including water main under or upon the real property hereinafter described, together with the right to remove trees, brush, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said utility. Grantee shall have the right to ingress and egress across real property of Grantor for the purpose herein granted. Grantee shall have the right to maintain the existing building located upon the easement area.

2. This Easement is, except for right of access, limited to:

A tract of land lying in Lot 2, Block 1, Airport Road Addition, Bismarck, North Dakota, more particularly described as follows:

The East 20.00' of the West 35.72' of said Lot 2, Block 1.

Said tract contains 3445 SF or 0.08 acres, more or less.

See Exhibit No. 1

3. Grantee shall, after completing the above-described construction or installation, or after the exercise of any rights granted by this easement, restore the lands to as near their original condition as reasonably possible and remove all debris, spoils, and equipment resulting from or used in connection with the construction or installation or access to the lands. Grantee agrees to pay for damage to pavement arising from construction, operation, or maintenance.

4. Grantor agrees to not erect or permit any new structure or obstruction other than fences or driveways, change the ground elevation, or perform any act that interferes with Grantee's rights under this easement, except with the written consent of Grantee. If the existing structure located within the easement is damaged or destroyed due to a natural disaster or accident, the Grantor shall be permitted to construct a replacement structure within the current footprint provided it conforms to zoning and building requirements at the time of the proposed construction. The Grantor shall apply for a building permit within 24 months of the date of the loss.

5. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution of this easement.

6. Grantor hereby reserves title to and any interest in any and all archeological and paleontological materials, whether located on or below the surface of said land.

Dated this 5 day of March, 2020.

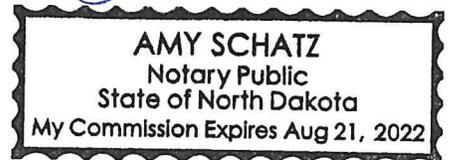
By Robert Schuh  
Robert Schuh

By Denise R. Schuh  
Denise Schuh

STATE OF NORTH DAKOTA            )  
  ) SS  
COUNTY OF BURLEIGH            )

On this 5 day of March, 2020, before me personally appeared Robert Schuh & Denis Schuh, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Amy Schatz  
Notary Public



Acceptance of dedicated lands by the **City of Bismarck**:

\_\_\_\_\_  
Steve Bakken  
President, Board City Commissioners

Attest: \_\_\_\_\_  
Keith J. Hunke  
City Administrator

STATE OF NORTH DAKOTA    )  
  ) SS  
COUNTY OF BURLEIGH     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me personally appeared Steve Bakken, President of Board of City Commissioners, and Keith J. Hunke, City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
The legal description was prepared by Cleary Johs, PLS, Box 5503, Bismarck, North Dakota 58506-5503 or obtained from a previously recorded instrument.  
\_\_\_\_\_  
Burleigh County Recorder

# WATERMAIN EASEMENT

PART OF LOT 2, BLOCK 1, AIRPORT ROAD ADDITION  
TO THE CITY OF BISMARCK, NORTH DAKOTA  
FEBRUARY 20, 2020

OWNERS:  
RDS PROPERTIES LLC  
EXHIBIT #1

PARCEL NO. 1

A TRACT OF LAND LYING IN LOT 2, BLOCK 1, AIRPORT ROAD ADDITION,  
BISMARCK NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

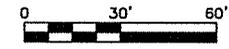
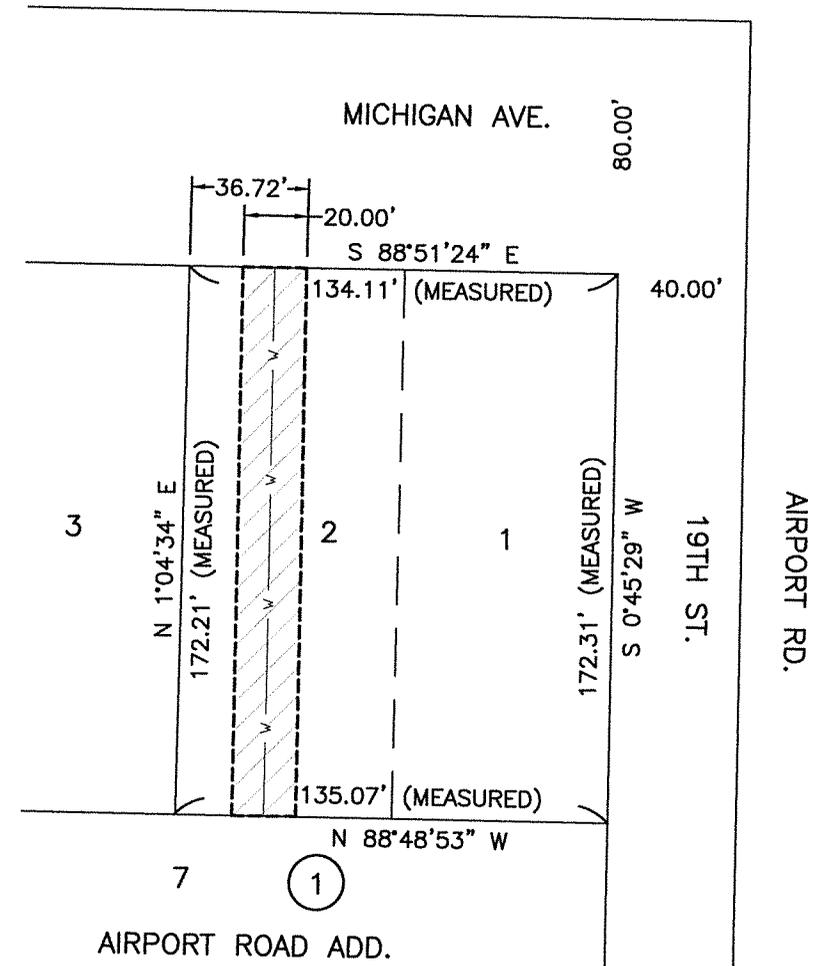
THE EAST 20.00' OF THE WEST 36.72' OF SAID LOT 2, BLOCK 1.

SAID TRACT CONTAINS 3445 SF OR 0.08 ACRES, MORE OR LESS.

SURVEYORS CERTIFICATE

I, CLEARY JOHS, NORTH DAKOTA PROFESSIONAL LAND SURVEYOR 5288,  
HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS DOCUMENT IS  
TRUE AND CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE. ANY  
ALTERATION OF THIS DOCUMENT WILL VOID THIS CERTIFICATION.

\_\_\_\_\_  
CLEARY JOHS, NDPLS 5288  
CITY OF BISMARCK  
221 N. 5TH STREET  
BISMARCK, ND 58501



<i>Bismarck</i> Engineering Department	
<b>WATERMAIN EASEMENT</b>	
<b>PARCEL 1</b>	
BISMARCK, N.D.	DATE: 2/20/2020



## *Engineering Department*

**DATE:** March 17, 2020  
**FROM:** Gabe Schell, City Engineer  
**ITEM:** Sewer Improvement District 563 Update

### **REQUEST**

Consider approval of revised project budget on Sewer Improvement District 563.  
Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

Sewer Improvement District 563 was awarded at the April 23, 2019 Bismarck City Commission meeting. The project includes construction of four regional detention facilities and numerous wetland mitigation areas in northwest Bismarck in the North Washington Street Watershed. The detention and mitigation areas would be constructed in the undeveloped land west of Washington Street and south of 57th Avenue. This project would construct master planned detention areas and mitigate impacted wetlands from construction of the storm water facilities. The contractor is on site actively constructing the project as it was awarded and permitted.

We received communication from the United States Army Corps of Engineers (USACE) that the improvements identified in the construction plans were not disclosed in their decision document and therefore not clearly defined in the Section 404 permit (NWO-2013-01281-BIS) that was issued to the City on March 14, 2018.

This information was brought before the Board on June 25, 2019 and it was stated that additional actions would be brought before the Board.

City staff met with a representative of the USACE on January 17, 2020 and have formulated a recommended course of action moving forward. The USACE has requested that the City construct or purchase 5 acres of off-site mitigation for impacted wetlands due to the construction of regional detention facilities.

The City has contacted Ducks Unlimited Inc, (DU) to purchase wetlands for off-site mitigation. The cost of one acre of wetlands is \$55,000.00 for a total cost of \$275,000.

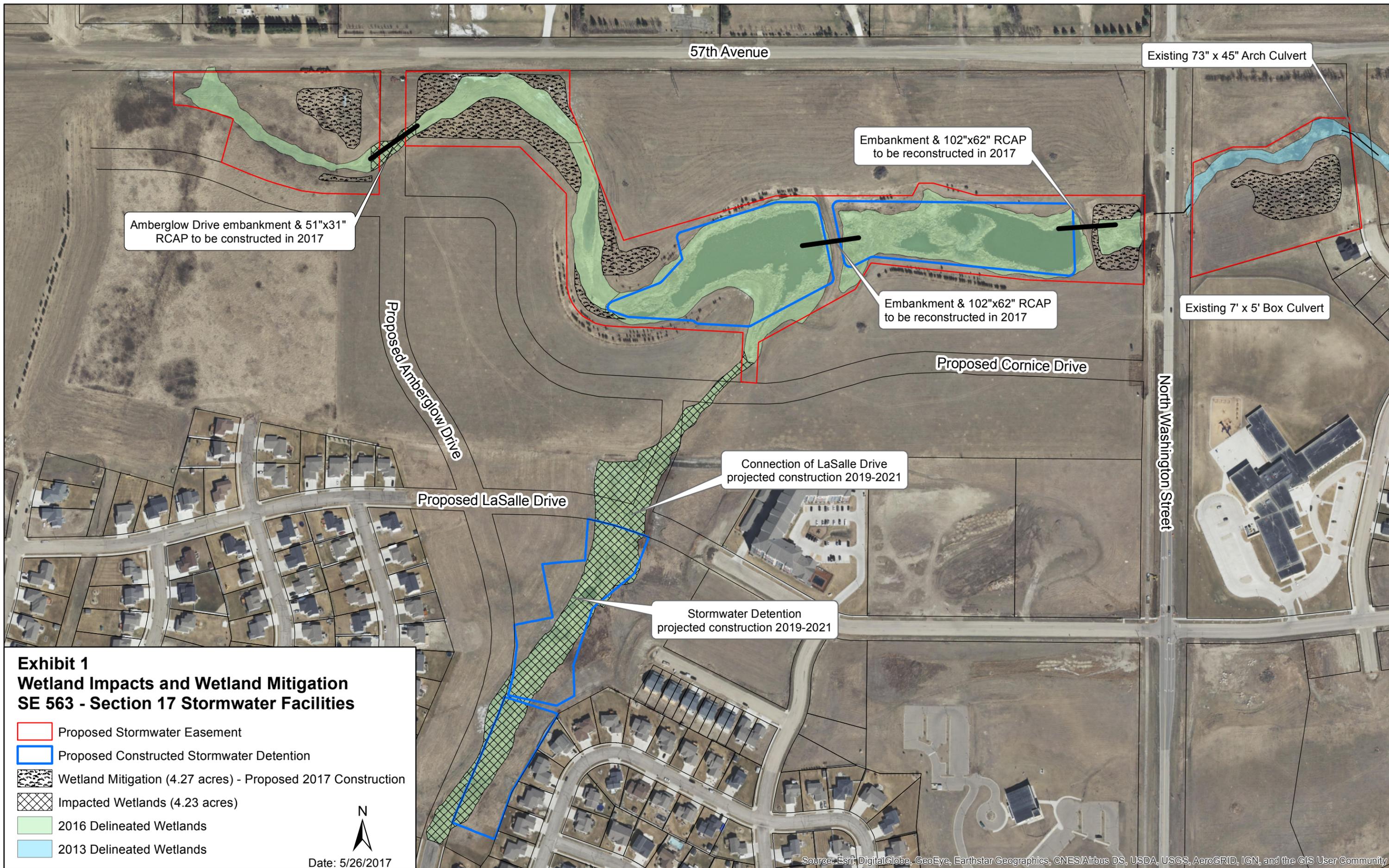
This additional expense would exceed the project budget most recently approved by this board on October 22, 2019 but is still within the range of the letters sent to the area property owners within this watershed.

**RECOMMENDED CITY COMMISSION ACTION**

Approve revised project budget.

**STAFF CONTACT INFORMATION**

Gabe Schell, PE | City Engineer, 355-1505 or [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)



**Exhibit 1  
Wetland Impacts and Wetland Mitigation  
SE 563 - Section 17 Stormwater Facilities**

- Proposed Stormwater Easement
- Proposed Constructed Stormwater Detention
- Wetland Mitigation (4.27 acres) - Proposed 2017 Construction
- Impacted Wetlands (4.23 acres)
- 2016 Delineated Wetlands
- 2013 Delineated Wetlands

N  
  
 Date: 5/26/2017

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## PROJECT BUDGET - REVISED

<b>Number</b>	SE 563	<b>Description</b>	Regional Storm Water Facilities - Section 17
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<b>Scheduled Start</b>	5/20/2019	<b>Scheduled End</b>	6/1/2020
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### Project Contracts

<u>Project Construction Contracts</u>	<u>Amount</u>
Weisz & Sons	1,388,989.50
<b>Total Construction Contracts</b>	<b>1,388,989.50</b>

<u>Other Contracts, Land Purchases, Etc.</u>	<u>Contract No.</u>	<u>Amount</u>
Land Purchases	NA	1,354,776.07
Apex Engineering-Design Services	16-41	323,225.00
Boulder Appraisal	NA	24,000.00
Quality Title	NA	4,353.96
Apex Engineering-Construction Services	16-41	173,910.00
Apex - Amendment 6 - Construction Services	16-41	29,625.00
Wetland Mitigation Monitoring	NA	5,000.00
Ducks Unlimited Inc	NA	275,000.00
<b>Total Other Contracts</b>		<b>2,189,890.03</b>

<u>Work by Other City Departments</u>	<u>Amount</u>
<b>Total Work by Other City Departments</b>	<b>-</b>

### SUMMARY

TOTAL CONTRACT ITEMS	-----	3,578,879.53
CONTINGENCIES                      10%	------(Construction Contract Only)-----	138,898.95
<b>TOTAL CONSTRUCTION COST</b>	-----	<b>3,717,778.48</b>
Administration                      4%	-----	148,711.14
Advertising and Legal                2%	-----	74,355.57
Interest During Construction        3%	-----	111,533.35
<b>SE 563 TOTAL PROJECT COST</b>	-----	<b>4,052,378.54</b>

<u>Project Funding</u>	<u>Amount</u>
Special Assessments -----	2,223,786.64
Storm Water Utility (Held in Abeyance) -----	1,828,591.91
<b>Total Funding</b>	<b>4,052,378.54</b>

<b>Date</b>	3/17/2020
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## *Engineering Department*

**DATE:** March 17, 2020  
**FROM:** Gabe Schell, City Engineer  
**ITEM:** Park Improvement District No. 003

### **REQUEST**

Request for Resolution Receiving Bids and Ordering the Preparation of the Engineer's Statement for PI 003.

Request for Resolution for Awarding Contract for PI 003.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

A Park Development Agreement was entered into between the Developer of Elk Ridge Addition and Bismarck Park and Recreation District (BPRD) on November 15, 2018. As part of that agreement, a petition for park improvements was received from the Developer who owns 68.4% of the annexed benefitting area in Elk Ridge Addition. On October 22, 2019, the Board of City Commissioners created Park Improvement District PI 003 at the request of BPRD.

Park Improvement District No. 003 Unit 1 consists of the construction of neighborhood park amenities including playground equipment, a picnic shelter, and trails. The park will also include District-wide amenities including pickleball courts, a restroom building, and parking lot. The District-wide amenity costs will be assessed to BPRD.

The proposed Park Improvement District 003 includes benefitting property that is not currently annexed. The costs associated with benefited property outside city limits will be assessed to BPRD to be held in abeyance to be assessed to the actual benefited parcels when they are annexed.

The project was bid with a base bid and three alternates. The Engineer's Estimate for the base bid and alternates was \$1,491,932. Four bids were received on March 11, 2020. Two of the bids were opened with Northwest Contracting, Inc. submitting the low bid of \$1,117,287.95. The two unopened bids were non-responsive. Attached is the

engineer's summary of bids and recommendation to award the base bid and all three alternatives.

BPRD consider the bids on March 19, 2020 at their Park Board meeting and recommends award. Their correspondence is attached to this memo.

Proposed Schedule

Receipt and Opening of Bids:	March 11, 2020
Approval of Bids by Park Board	March 19, 2020
Award of Bids:	March 24, 2020
Project Completion:	Fall 2020

**RECOMMENDED CITY COMMISSION ACTION**

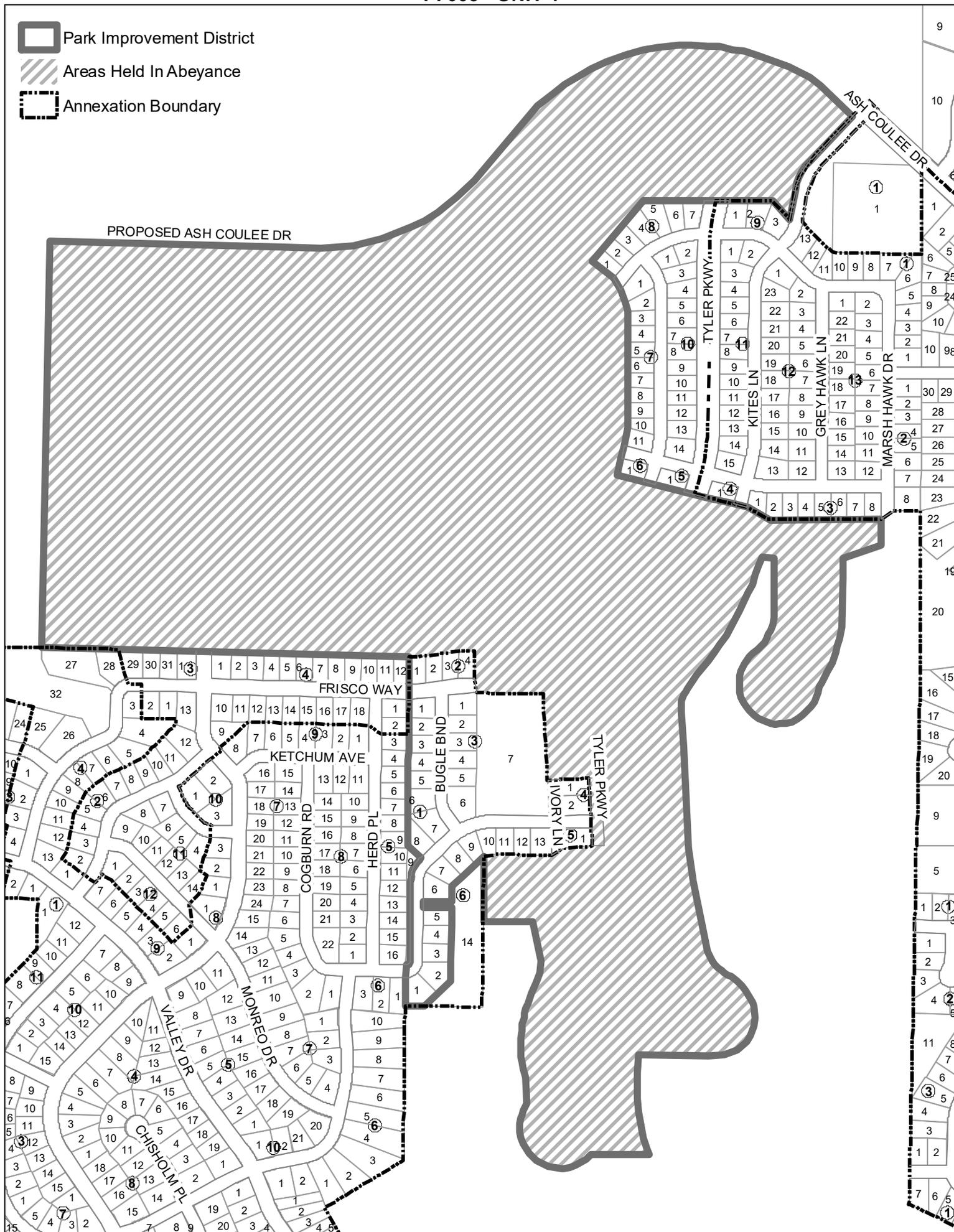
Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for PI003. Resolution Awarding Contract for PI 003 to Northwest Contracting, Inc for \$1,117,287.95 for the base bid and all three alternatives.

**STAFF CONTACT INFORMATION**

Gabe Schell, PE | City Engineer, 355-1505 or [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

# PI 003 - UNIT 1

-  Park Improvement District
-  Areas Held In Abeyance
-  Annexation Boundary



◇ March 12, 2020

Randy Bina  
Executive Director  
Bismarck Parks and Recreation District  
400 East Front Avenue  
Bismarck, ND 58504

**Re: Bid Opening Results; Elk Ridge Neighborhood Park**

Dear Randy:

Bids for the construction of the **Elk Ridge Neighborhood Park** were due on March 11, 2020 at 2:30 pm. The project was advertised three times in the Bismarck Tribune with the advertisement(s) running on February 18, February 25, & March 3, 2020. Construction costs were requested for one Base Bid and three Alternate Bids as follows:

- Base Bid: Four (4) Pickleball Courts, Playground, Parking Lot, Sidewalks, & Misc. Items
- Alternate 1: Two (2) Additional Pickleball Courts
- Alternate 2: Irrigation System
- Alternate 3: Polished Concrete Floor Inside the Restroom Building

The Engineer's Opinion of Probable Cost is as Follows:

- Base Bid: \$1,355,054.00
- Alternate 1: \$59,678.00
- Alternate 2: \$75,000.00
- Alternate 3: \$2,200.00
- TOTAL Base Bid + All Alternates = \$1,491,932.00

Four (4) bids were submitted, opened, and read aloud. Bids were received as follows:

Northwest Contracting, Inc.

- Base Bid: \$1,021,945.65
- Alternate 1: \$46,462.30
- Alternate 2: \$46,480.00
- Alternate 3: \$2,400.00
- TOTAL Base Bid + All Alternates = \$1,117,287.95

Capital City Construction, Inc.

- Base Bid: \$1,031,753.20
- Alternate 1: \$42,531.74
- Alternate 2: \$45,420.00
- Alternate 3: \$2,100.00
- TOTAL Base Bid + All Alternates = \$1,121,804.94



Bids were also received from Northern Plains Plumbing and Heating, Inc. and Cooling and Heating Unlimited for Mechanical Construction only. This project was to be bid with a single prime Contractor and Bidders were instructed to provide a unit price for each bid item. Because both of the Contractors only bid mechanical work, it is our opinion that these two bids are non-responsive.

Northwest Contracting, Inc. submitted the lowest responsible bid, which is \$374,644.05 less than the Engineer's Opinion of Probable Cost for the Base Bid and all three Alternates. We recommend the Park Board **award the Base Bid and all three Alternates to Northwest Contracting, Inc.**

We will plan to present the results of the bid opening and summary to the Park Board at their regularly scheduled meeting on March 19<sup>th</sup>, 2020.

If you have any questions, please contact our office.

Sincerely,

KLJ

A handwritten signature in blue ink, appearing to read 'Brad Krogstad', written over a light blue horizontal line.

Brad Krogstad, PE  
Project Manager

Enclosure(s): Bid Tabulation  
Project #: 1904-01935  
cc: file

March 20, 2020

Linda Oster  
Design and Construction Engineer  
City of Bismarck  
Via email only to [loster@bismarcknd.gov](mailto:loster@bismarcknd.gov)

Dear Linda:

At the March 19, 2020 Park Board meeting, the commissioners approved the bid and alternates submitted by Northwest Contracting, Inc. in the amount of \$1,117,287.95 for the construction of Elk Ridge Neighborhood Park (Park Improvement District 19-003). The Board of Park Commissioners respectfully requests the City Commission consider and accept the bids. If you have any questions you may contact me at 222-6455.

Sincerely,



Randy Bina  
Executive Director

Cc: Dave Mayer, Operations Director  
Kathy Feist, Finance Director  
Gabe Schell, City Engineer (via email)



## *Engineering Department*

**DATE:** March 19, 2020  
**FROM:** Gabe Schell, City Engineer  
**ITEM:** Street Improvement District No. 534

### **REQUEST**

Request to Hear Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 534.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

Street Improvement District No. 534 consists of 1 unit of resurfacing of existing roadways. Unit 1 includes approximately 7,780 LF of roadway improvements.

The Resolution of Necessity was published in the paper on February 17, 2020 and February 24, 2020. Letters were sent to property owners notifying them of this project.

Attached please find the summary of protests of the Resolution of Necessity; there were no protest received.

### **Unit No. 1**

Yegen Road – 231’ south of Morrison Ave to 150’ north of Hagen Ave

#### Project Schedule

Protest Period Ends:	March 18, 2020
Public Hearing:	March 24, 2020
Receipt and Opening of Bids:	April 20, 2020
Award of Bid:	April 28, 2020
Project Completion:	August 1, 2020

## **RECOMMENDED CITY COMMISSION ACTION**

Accept Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 534 for which staff may proceed with the project.

## **STAFF CONTACT INFORMATION**

Linda Oster, PE, Design & Construction Engineer, 355-1505, [loster@bismarcknd.gov](mailto:loster@bismarcknd.gov)

**SI 534 Unit 1 - Summary of Written Protests**

<b>Property Owner(s)</b>	<b>Property Address</b>	<b>Square Footage</b>
<u>ACCEPTED:</u>		

NOT ACCEPTED:

Total Protested Square Footage \_\_\_\_\_ -

Total Unit Square Footage \_\_\_\_\_ 1,282,527

Percentage of Protest \_\_\_\_\_ 0.00%

Total Parcel Count in Unit (Excluding Political Sudivisions) \_\_\_\_\_ 6

SI 534 - UNIT 1

Street Improvement District

Resurface





## *Engineering Department*

**DATE:** March 16, 2020  
**FROM:** Gabe Schell, City Engineer  
**ITEM:** Street Improvement District SI 536

### **REQUEST**

Request for Resolution Declaring Petitions for Improvements Has been Received.

Request for Resolution Creating District SI 536 and Ordering Preparation of the Preliminary Report.

Request for Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

Street Improvement District SI 536 consists of one unit of new asphalt roadway in Silver Ranch Addition. This will include approximately 3,095 linear feet of street improvements for new asphalt pavement, curb and gutter, ADA ramps and related items (see attached map). .

Unit No. 1 (100% Petitioned)

Titanium Drive – 130’ north of Gold Drive to 150’ west of Silver Boulevard

Nickel Street – 130’ north of Gold Drive to Titanium Drive

Cobalt Drive – 130’ north of Gold Drive to Titanium Drive

Project Schedule

Authorization to Advertise:	April 14, 2020
Receipt and Opening of Bids:	May 11, 2020
Contract Award:	May 25, 2020

Project Completion:

August 2021

**RECOMMENDED CITY COMMISSION ACTION**

Consider Requests for Declaring Petitions for Improvements have been Received; Approval of Creating District SI 536 and Ordering Preparation of the Preliminary Engineering Report; Approval of Preliminary Report and Directing Preparation of Plans and Specifications.

**STAFF CONTACT INFORMATION**

Linda Oster, PE, Design & Construction Engineer, 355-1505, [loster@bismarcknd.gov](mailto:loster@bismarcknd.gov)

SI 536 - Unit 1

Street Improvement District

New





## *Engineering Department*

**DATE:** March 16, 2020  
**FROM:** Gabe Schell, City Engineer  
**ITEM:** Street Improvement District SI 537

### **REQUEST**

Request for Resolution Declaring Petitions for Improvements Has been Received.

Request for Resolution Creating District SI 537 and Ordering Preparation of the Preliminary Report.

Request for Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

Street Improvement District SI 537 consists of one unit of new asphalt roadway in Silver Ranch Addition. This will include approximately 3,095 linear feet of street improvements for new asphalt pavement, curb and gutter, ADA ramps and related items (see attached map).

Unit No. 1 (88.9% Petitioned)

Kamrose Drive – 130’ east of Peach Tree Drive to 190’ west of Peach Tree Drive

Peach Tree Drive – 115’ north of Lennox Drive to 110’ north of Kamrose Drive

### **Project Schedule**

Authorization to Advertise:	April 14, 2020
Receipt and Opening of Bids:	May 11, 2020
Contract Award:	May 25, 2020
Project Completion:	August 2021

## **RECOMMENDED CITY COMMISSION ACTION**

Consider Requests for Declaring Petitions for Improvements have been Received; Approval of Creating District SI 537 and Ordering Preparation of the Preliminary Engineering Report; Approval of Preliminary Report and Directing Preparation of Plans and Specifications.

## **STAFF CONTACT INFORMATION**

Linda Oster, PE, Design & Construction Engineer, 355-1505, [loster@bismarcknd.gov](mailto:loster@bismarcknd.gov)

SI 537 - Unit 1

 Street Improvement District

 New





## *Engineering Department*

**DATE:** March 17, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Boulevard Encroachment Agreement – 518 N 13th Street

### **REQUEST**

Request approval of a landscaping area encroachment agreement and waiver.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

LaVonne & Donald Wohl, have requested an encroachment in the right of way for a landscaping area. The landscape area would consist of the boulevard area in front of the residence, see attachments. The entire boulevard between the two driveways is adjacent to the subject property and is the subject property responsibility to maintain. The encroachment committee reviewed and recommends approval of the attached agreement including a 5-year term.

The applicant has been notified that repairs to sidewalks or utilities in the vicinity of this proposed encroachment may require the landscaping area to be removed during construction.

### **RECOMMENDED CITY COMMISSION ACTION**

Approve encroachment agreement with LaVonne and Donald Wohl.

### **STAFF CONTACT INFORMATION**

Gabe Schell, PE | City Engineer, 355-1505 or [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

# AGREEMENT AND WAIVER

The City of Bismarck hereby grants LaVonne E. and Donald A. Wohl, (Grantee) the right to install and maintain a mix of bunching grasses and flowering perennials (encroachments) on the public right-of-way boulevard, adjacent to 518 North 13th Street, as shown on the attached Exhibits, subject to the following conditions:

1. The Grantee shall comply with all rules regarding the construction of the encroachments on the public right-of-way as set by the City Engineer.
2. The term of this grant shall be for five (5) years and shall continue thereafter from year to year. The City may cancel this grant at any time after the initial five-year term upon six (6) months' written notice to the Grantee.
3. The encroachments within the sight triangle of each driveway approach adjacent to the landscaping area may not exceed two-feet (24") in height and those encroachments outside of the sight triangle may not exceed three-feet (36") in height.
4. Upon the end of the term or prior abandonment by the Grantee, the Grantee shall, at its own expense, remove the encroachments and restore the public right-of-way to its original condition, if so required by the City.
5. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, in exchange for the City's permission to operate and maintain the encroachments in the right-of-way, Grantee agrees to release the City, its assigns, or other franchised utilities from and waive any and all claims relating to said encroachments including, but not limited to, damages arising from damage to the encroachments, loss of business, or other personal injury or property damage resulting from damage to the encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it is using the public right-of-way at its own risk.

Grantee shall not look to the City, its assigns, or other franchised utilities to pay for any expense or damage to the encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it will hold harmless and indemnify the City, its assigns, or other franchised utilities from any and all claims in any way resulting from the placement of the encroachments on the public right-of-way. Grantee agrees that after installation of the encroachments, Grantee will restore the City right-of-way or street to its original condition. In the event the City is required to perform street maintenance or construction on the right-of-way at the location of the encroachments, Grantee shall cooperate with the City in removing or temporarily protecting the encroachments and accommodating the City's project, at Grantee's sole expense.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Print Name  
LaVonne E. & Donald A. Wohl, Owners

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

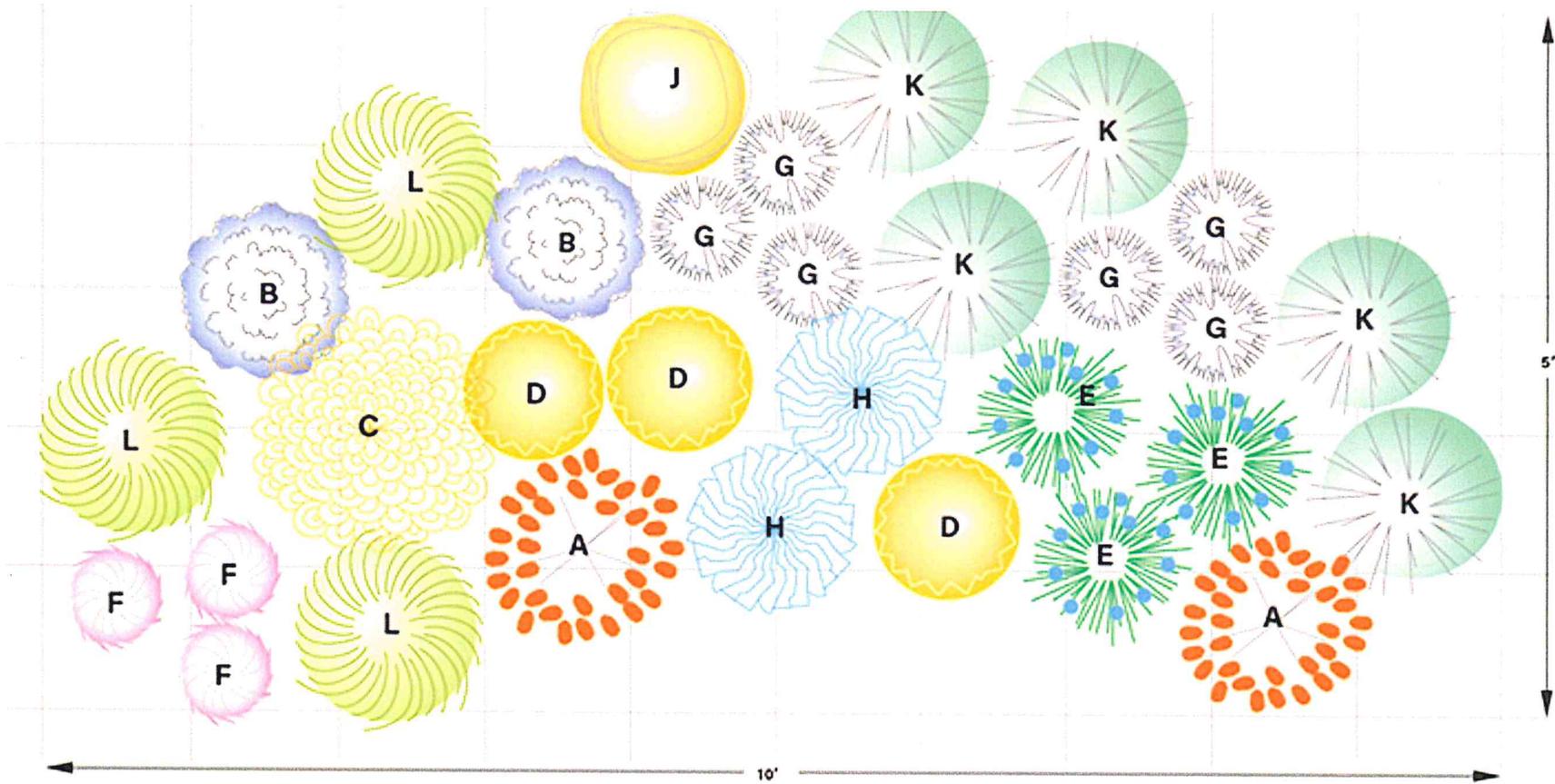
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Gabe Schell, P.E.  
City Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Keith Hunke  
City Administrator  
Bismarck

\_\_\_\_\_  
Steve Bakken, President  
Bismarck City Commission



# Boulevard Planting Proposal

## LaVonne Wohl at 518 N 13th Street

- 
- Legend**
- Bismarck\_Contours**
- Bismarck Contours
  - Index
  - Index Depression
  - Intermediate
  - Intermediate Depression

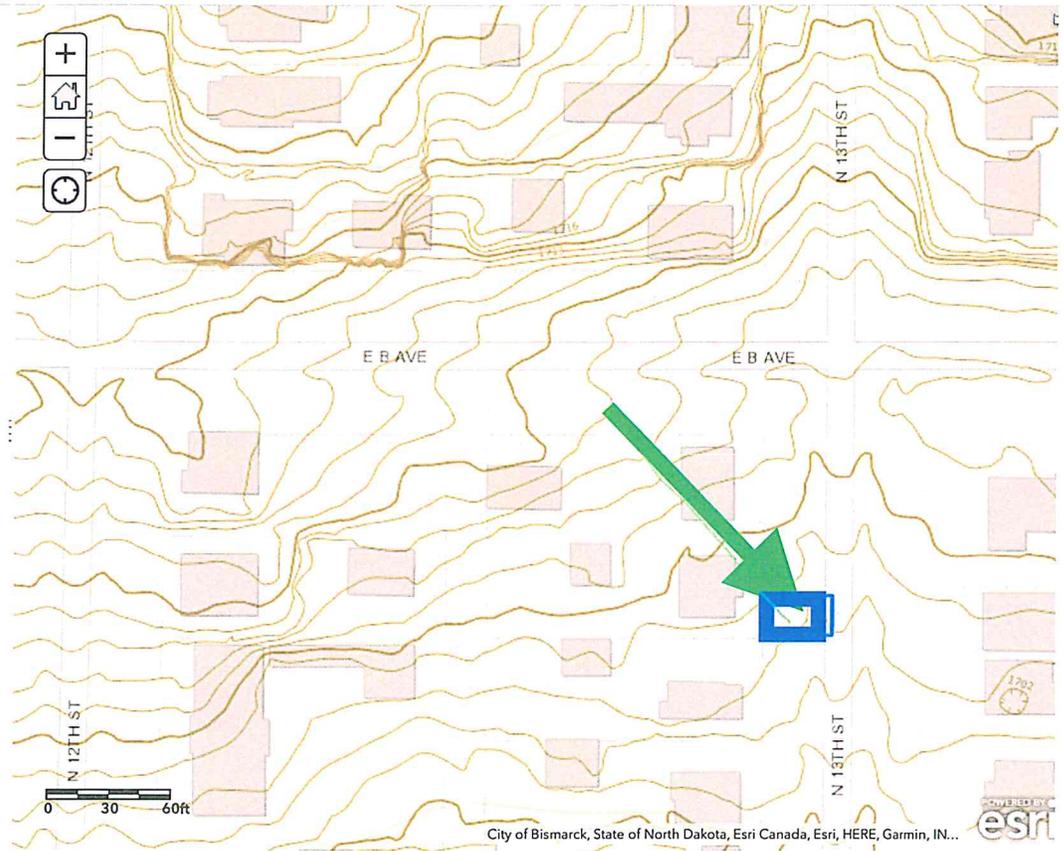




Image capture: Jul 2019 © 2020 Google

Bismarck, North Dakota



Street View

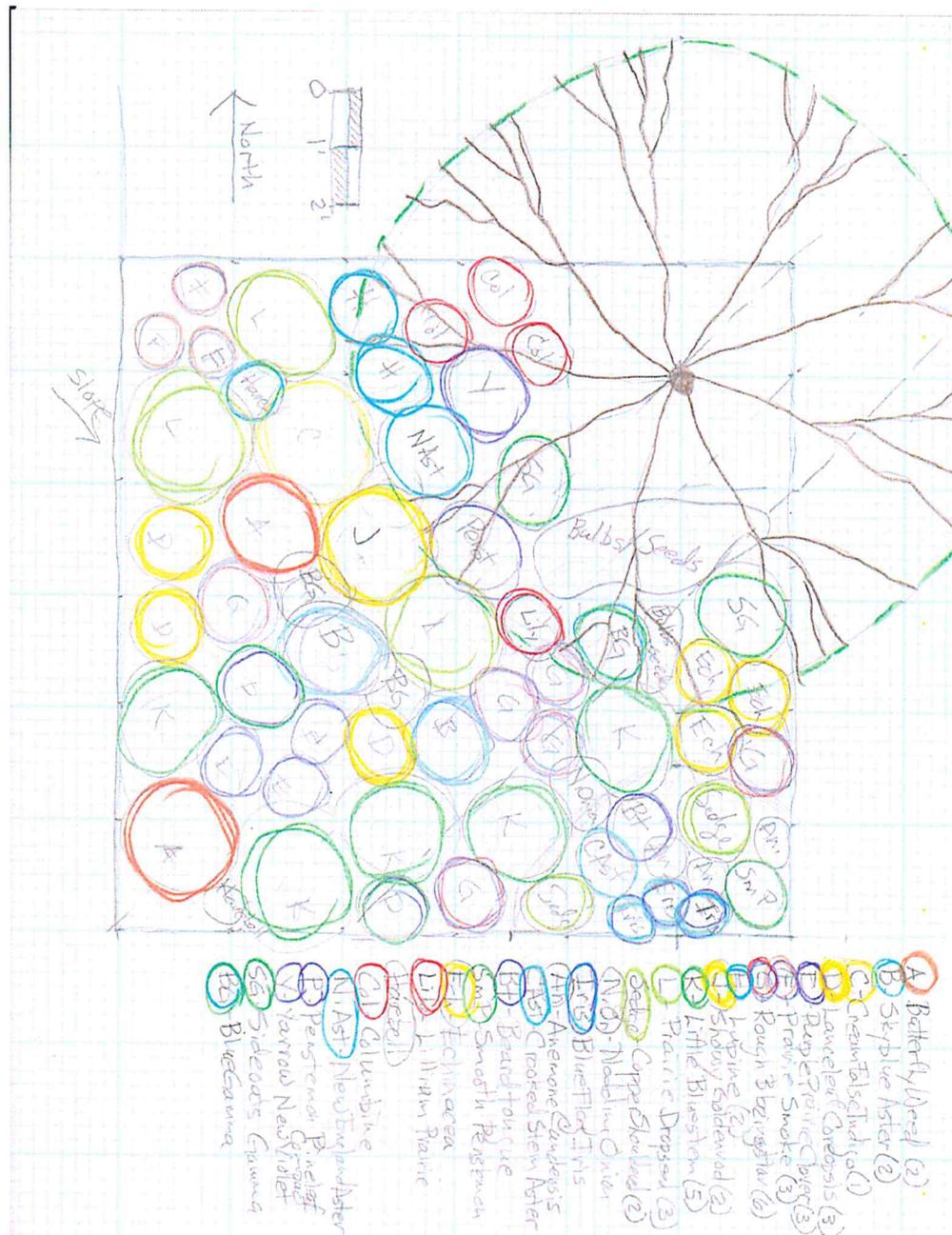




## Planting Plan

# Plants and Plant Types

Plants are a mix of bunching grasses and flowering perennials. The primary planting area is based on a preplanned group of low growing native type plants from Prairie Nursery in Wisconsin, supplemented with additional plants and grasses from Prairie Moon in Minnesota. Plant mix is about 75% flowers, 25% grass. This will be spread out in an area about twice the original recommended spacing. Extra space as well as area marked as seeded will be seeded with mix from Prairie Moon of short plants, 60% grass, 40% flowers.

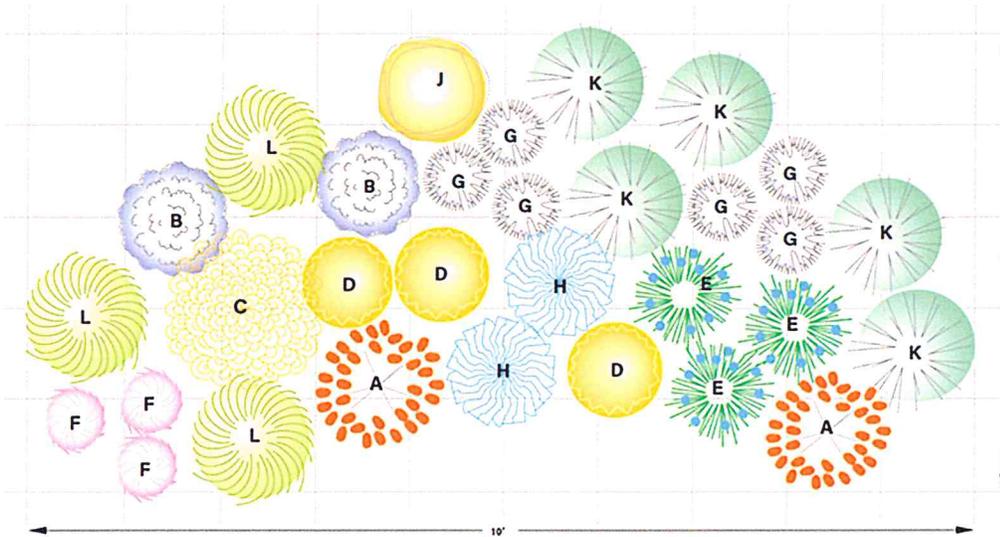


## Goals for Boulevard Planting

- Accommodate runoff during snowmelt and heavy rain reducing backup on sidewalk.
- Replace grass that requires supplemental watering with drought tolerant plants, reducing water demands. With increased cost of city water and City Utilities recommendation to seek alternatives, this fits that.
- Support pollinators in neighborhood lacking in resources in a space currently contributing little.
- Reduce runoff from property to street. A shallow retention area is planned at existing depression where tree was previously removed.
- Reduce need for fertilizers, herbicides.
- Maintain views from driveways to street. All plants, not only those in view controlled area are less than 36 inches in height. Within view area, plants will be limited to maximum 24 inch height. All are easily maintained for height without compromising plants.
- Grass has a tendency to overpower flowering plants, so percentage of grass to flowers averaging 50/50 within planting area will increase over time.

**PLANTING PLAN**

**32 Plant Low Growing Garden for Dry Soils** well-drained sand, sandy loam, or loam, in full sun  
Item# 50071



**Prairie Nursery**

- |                          |                             |                         |                        |
|--------------------------|-----------------------------|-------------------------|------------------------|
| A Butterflyweed (2)      | D Lanceleaf Coreopsis (3)   | G Rough Blazingstar (6) | <b>GRASSES</b>         |
| B Sky Blue Aster (2)     | E Purple Prairie Clover (3) | H Lupine (2)            | K Little Bluestem (5)  |
| C Cream False Indigo (1) | F Prairie Smoke (3)         | J Showy Goldenrod (2)   | L Prairie Dropseed (3) |

**Wildflowers**

- 2 [Butterflyweed](#)
- 2 [Sky Blue Aster](#)
- 1 [Cream False Indigo](#)
- 3 [Lanceleaf Coreopsis](#)
- 3 [Purple Prairie Clover](#)
- 3 [Prairie Smoke](#)
- 6 [Rough Blazingstar](#)
- 2 [Lupine](#)
- 2 [Showy Goldenrod](#)

**Grasses**

- 5 [Little Bluestem](#)
- 3 [Prairie Dropseed](#)

**Area: 10' x 5' (50 sq ft)**

Add color and interest to small spaces! Low-growing wildflowers only one to two feet tall are nestled in the highly ornamental Little Bluestem grass. Perfect for creating a swath of color within a mowed lawn, along a walkway, or around a deck or foundation. Highly recommended! Complete planting and layout instructions included.

Call us at **(877) 309-7333**

or

**50% Off Container-Happy Perennials - Pre-Order Now!** [Send us a Message](#)

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# Prairie Blues Little Bluestem Grass



Click an image to see it above:

Save

Like 0



## Video



Up To 20% Off Salvia | Ends 3/2/20

Cart

Menu

[Home](#) / [Perennial Plants](#) / [Ornamental Grass](#) / **Prairie Dropseed Grass**

## Prairie Dropseed Grass [PRONUNCIATION](#)

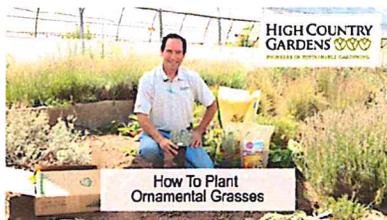


Click an image to see it above:

Save Like 2



### Video



0.0 No Reviews [Write the First Review](#)

As low as \$11.99  
Item Package Size

# SHORTGRASS INEXPENSIVE PRAIRIE SEED MIX

by Prairie Moon Nursery®

11.48 lbs per acre | 86 seeds per sq/ft

[\(PHOTOS OF PLANTS IN THIS SEED MIX\)](#)

Allium cernuum (Nodding Onion)	0.54
Asclepias tuberosa (Butterfly Weed)	1.09
Astragalus canadensis (Canada Milk Vetch)	0.41
Baptisia alba (White Wild Indigo)	1.09
Chamaecrista fasciculata (Partridge Pea)	8.71
Coreopsis lanceolata (Lance-leaf Coreopsis)	4.36
Dalea candida (White Prairie Clover)	3.27
Dalea purpurea (Purple Prairie Clover)	4.36
Echinacea pallida (Pale Purple Coneflower)	2.18
Echinacea purpurea (Purple Coneflower)	1.09
Heliopsis helianthoides (Early Sunflower)	2.18
Lespedeza capitata (Round-headed Bush Clover)	1.09
Penstemon digitalis (Foxglove Beardtongue)	0.82
Rudbeckia hirta (Black-eyed Susan)	4.36
Senna hebecarpa (Wild Senna)	2.18
Symphyotrichum laeve (Smooth Blue Aster)	0.27
Verbena stricta (Hoary Vervain)	1.09
<b>Total of WILDFLOWERS:</b>	<b>39.61%</b>

[REDACTED]	
[REDACTED]	[REDACTED]
Bouteloua curtipendula (Side-oats Grama)	26.14
Bouteloua gracilis (Blue Grama)	8.71
Muhlenbergia mexicana (Leafy Satin Grass)	1.36
Schyzachyrium scoparium (Little Bluestem)	20.91
Sporobolus compositus (Rough Dropseed)	3.27
Totals of GRASSES, SEDGES & RUSHES:	60.39%
<a href="#"><u>(PHOTOS OF PLANTS IN THIS SEED MIX)</u></a>	

Last updated 1/22/2020



Search over 700 natives ...



 Seeds

 Bare Root Plants

 Potted Plants

## SHORTGRASS INEXPENSIVE PRAIRIE SEED MIX

(Photos of plants in this seed mix)



*Allium cernuum*

**NODDING ONION**

~~[\(/allium-cernuum-nodding-onion-prairie-moon-nursery.html\)](http://allium-cernuum-nodding-onion-prairie-moon-nursery.html)~~

~~\$2.50 - \$180.00~~



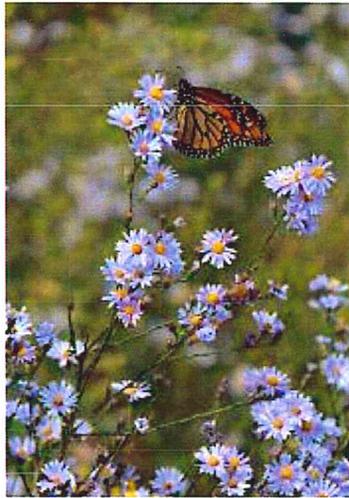


*Asclepias tuberosa*

**BUTTERFLY WEED**

~~(/asclepias-tuberosa-butterfly-weed-prairie-moon-nursery.html).~~

~~\$2.50 - \$300.00~~



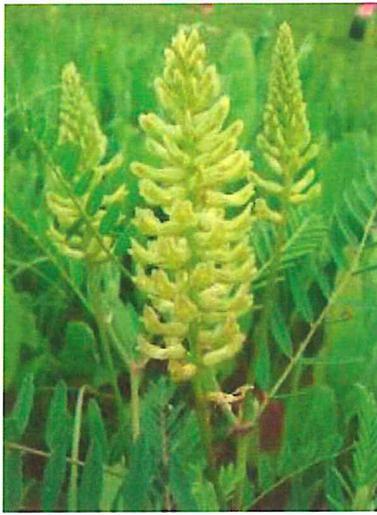
*Symphyotrichum laeve*

**SMOOTH BLUE ASTER**

~~(/symphyotrichum-laeve-smooth-blue-aster).~~

~~\$2.50 - \$375.00~~





*Astragalus canadensis*

**CANADA MILK VETCH**

~~(/astragalus-canadensis-canada-milk-vetch-prairie-moon-nursery.html)~~

~~\$2.50 - \$120.00~~



*Baptisia alba*

**WHITE WILD INDIGO**

~~(/baptisia-alba-white-wild-indigo-prairie-moon-nursery.html)~~

~~\$2.50 - \$99.00~~





*Chamaecrista fasciculata*

**PARTRIDGE PEA**

~~(/chamaecrista-fasciculata-partridge-pea-prairie-moon-nursery.html)~~

~~\$2.50 - \$30.00~~



*Coreopsis lanceolata*

**LANCE-LEAF COREOPSIS**

~~(/coreopsis-lanceolata-lance-leaf-coreopsis-prairie-moon-nursery.html)~~

~~\$2.50 - \$99.00~~

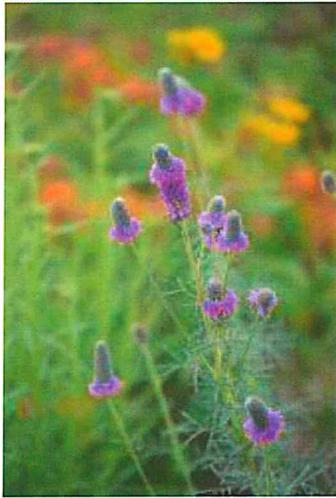




*Dalea candida*

**WHITE PRAIRIE CLOVER**

~~(/dalea-candida-white-prairie-clover-prairie-moon-nursery.html)~~  
~~\$2.50 - \$60.00~~



*Dalea purpurea*

**PURPLE PRAIRIE CLOVER**

~~(/dalea-purpurea-purple-prairie-clover-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~





*Echinacea pallida*

**PALE PURPLE CONEFLOWER**

~~(/echinacea-pallida-pale-purple-coneflower-prairie-moon-nursery.html)~~  
~~\$2.50 - \$150.00~~



*Echinacea purpurea*

**PURPLE CONEFLOWER**

~~(/echinacea-purpurea-purple-coneflower-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~





*Heliopsis helianthoides*

**EARLY SUNFLOWER**

~~(/heliopsis-helianthoides-early-sunflower-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~



*Lespedeza capitata*

**ROUND-HEADED BUSH CLOVER**

~~(/lespedeza-capitata-round-headed-bush-clover-prairie-moon-nursery.html)~~  
~~\$2.50 - \$150.00~~





*Penstemon digitalis*

**FOXGLOVE BEARDTONGUE**

~~(/penstemon-digitalis-foxglove-beardtongue-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~



*Rudbeckia hirta*

**BLACK-EYED SUSAN**

~~(/rudbeckia-hirta-black-eyed-susan-prairie-moon-nursery.html)~~  
~~\$2.50 - \$30.00~~





*Senna hebecarpa*

**WILD SENNA**

~~(/senna-hebecarpa-wild-senna-prairie-moon-nursery.html)~~  
~~\$2.50 - \$75.00~~



*Oligoneuron rigidum*

**STIFF GOLDENROD**

~~(/solidago-rigida-stiff-goldenrod-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~





*Verbena stricta*

**HOARY VERVAIN**

~~(/verbena-stricta-hoary-vervain-prairie-moon-nursery.html)~~

~~\$2.50 - \$99.00~~



*Bouteloua curtipendula*

**SIDE-OATS GRAMA**

~~(/bouteloua-curtipendula-side-oats-grama-prairie-moon-nursery.html)~~

~~\$2.50 - \$99.00~~





*Bouteloua gracilis*

**BLUE GRAMA**

~~(/bouteloua-gracilis-blue-grama-prairie-moon-nursery.html)~~

~~\$2.50 - \$16.00~~



*Muhlenbergia racemosa*

**UPLAND WILD TIMOTHY**

~~(/muhlenbergia-racemosa-upland-wild-timothy-prairie-moon-nursery.html)~~

~~\$2.50 - \$9.75~~





*Schizachyrium scoparium*

**LITTLE BLUESTEM**

~~(/schizachyrium-scoparium-little-bluestem-prairie-moon-nursery.html)~~  
~~\$2.50 - \$99.00~~



*Sporobolus compositus*

**ROUGH DROPSEED**

~~(/sporobolus-asper-rough-dropseed-prairie-moon-nursery.html)~~  
~~\$2.50 - \$30.00~~





## *Engineering Department*

**DATE:** March 17, 2020  
**FROM:** Gabe Schell, City Engineer  
**ITEM:** Encroachment Agreement – 420 E Main Avenue

### **REQUEST**

Request approval of an encroachment agreement and waiver.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

Patterson Place located at 420 E Main Avenue, has requested an encroachment in the right of way for a stairwell to be restored adjacent to North 5th Street (encroachments). The encroachments would include stairs and railings to access the basement of the Patterson Place. The encroachment committee reviewed and recommends approval of the attached agreement including a 20-year term.

### **RECOMMENDED CITY COMMISSION ACTION**

Approve encroachment agreement for Patterson Place.

### **STAFF CONTACT INFORMATION**

Gabe Schell, PE | City Engineer, 355-1505 or [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

## **ENCROACHMENT AGREEMENT AND WAIVER**

The City of Bismarck hereby grants Patterson Place Limited Partnership, a Minnesota limited partnership, its successors and assigns (Grantee) the right to install and maintain a privately-owned stairwell & railing (encroachments) within the public right-of-way of North Fifth Street, adjacent to 420 E Main Avenue (as more particularly described on Exhibit 1, the “Real Property”), as shown on Exhibit 2 which is filed in the Engineering Department, effective May 1, 2020, subject to the following conditions:

1. The Grantee shall comply with all rules regarding the placement of the encroachments within public right-of-way as set by the City Engineer in accordance with City Ordinances and with City Ordinance 10-05-10.
2. The term of this grant shall be perpetual; provided, however, that if the building located on the Real Property (the “Building”) is substantially damaged or destroyed or subject to condemnation and either (i) the extent of such damage, destruction or condemnation is such that repair, reconstruction or restoration of the Building is not permitted under City Ordinances or (ii) such repair, reconstruction or restoration is not commenced within the period required under applicable City Ordinances, the City may cancel this grant at any time upon six (6) months’ written notice to the Grantee.
3. This Agreement may not be sold, assigned or transferred separately from the Real Property without the written consent of the City, which such consent will not be unreasonably withheld, delayed or conditioned. All rights, responsibilities, conditions and terms hereof and shall run with the land and are binding on any assignee, lessee, or future owners of any interest in the Real Property.

4. Upon the end of the term or prior abandonment by the Grantee, the Grantee shall, at its own expense, remove the encroachments and restore the public right-of-way to its original condition, if so required by the City.
  
5. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, in exchange for the City's permission to operate and maintain the encroachments within the right-of-way, Grantee agrees to release the City, its assigns, or other franchised utilities from and waive any and all claims relating to said encroachments, but not limited to, damages arising from damage to the encroachments, loss of business, or other personal injury or property damage resulting from damage to the encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it is using the public right-of-way at its own risk. Grantee shall not look to the City, its assigns, or other franchised utilities to pay for any expense or damage to the encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it will hold harmless and indemnify the City, its assigns, or other franchised utilities from any and all claims in any way resulting from the placement of the encroachments within the public right-of-way. Grantee agrees that after installation of the encroachments, Grantee will restore the City right-of-way or street to its original condition. In the event the City is required to perform maintenance or construction on the right-of-way at the location of the encroachments, Grantee shall cooperate with the City in temporarily protecting the encroachments and accommodating the City's project, at Grantee's sole expense.
  
6. In the event of the commission of any breach of the terms of this Agreement by a party, the non-breaching party may cause this Agreement to be terminated on ten (10) days written notice. All obligations contained in paragraphs 4 and 5 will survive the termination of this Agreement, including but not limited to, the restoration of the property to the original condition.

PATTERSON PLACE LIMITED PARTNERSHIP,  
A Minnesota limited partnership

BY: Schuett Patterson Place, LLC  
Its General Partner

By:   
Thomas L. Schuett, President

3/17/2020  
Date

c/o The Schuett Companies, Inc.  
9000 Golden Valley Road  
Golden Valley, Minnesota 55427

City of Bismarck

\_\_\_\_\_  
Keith Hunke  
City Administrator

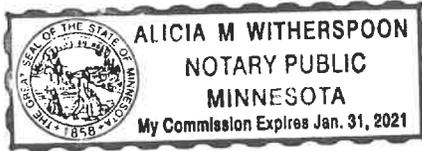
\_\_\_\_\_  
Date

\_\_\_\_\_  
Steve Bakken  
President, Board of City Commissioners

\_\_\_\_\_  
Date

STATE OF Minnesota )  
 ) SS.  
COUNTY OF Hennepin )

On this 17<sup>th</sup> day of March, 2020, before me personally appeared Thomas L. Schuett, President of Schuett Patterson Place, LLC, the general partner of Patterson Place Limited Partnership, a Minnesota limited partnership, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same on behalf of said limited partnership.



  
\_\_\_\_\_  
Notary Public  
My commission expires: 1/31/2021

STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me personally appeared Keith Hunke, known to me to be the City Administrator of the City of Bismarck described in and that that executed the within instrument, and acknowledged to me that such entity executed the same.

\_\_\_\_\_  
Notary Public  
My commission expires:

STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me personally appeared Steve Bakken, known to me to be the President of the Board of City Commissioners of the City of Bismarck described in and that that executed the within instrument, and acknowledged to me that such entity executed the same.

\_\_\_\_\_  
Notary Public  
My commission expires:

## **EXHIBIT 1**

### **(Legal Description of the Real Property)**

Lots Seven (7), Eight (8), Nine (9) and Ten (10) and that part of a vacated alley, being the East Seventy-five feet (E. 75') of the East/West alley in Block Forty-eight (48) of the Original Plat to the City of Bismarck, North Dakota, which alley part is more particularly described as follows:

Beginning at the Southeast corner of Lot 6 of Block 48; thence West along the South line of Lot 6, a distance of 75 feet; thence South 20 feet to the North line of said Lot 9; thence East along the North line of Lots 9, 8 and 7, a distance of 75 feet to the Northeast corner of said Lot 7; thence North 20 feet along the West line of 5th Street, in Bismarck, Burleigh County, North Dakota, to the place of beginning.

Burleigh County, North Dakota

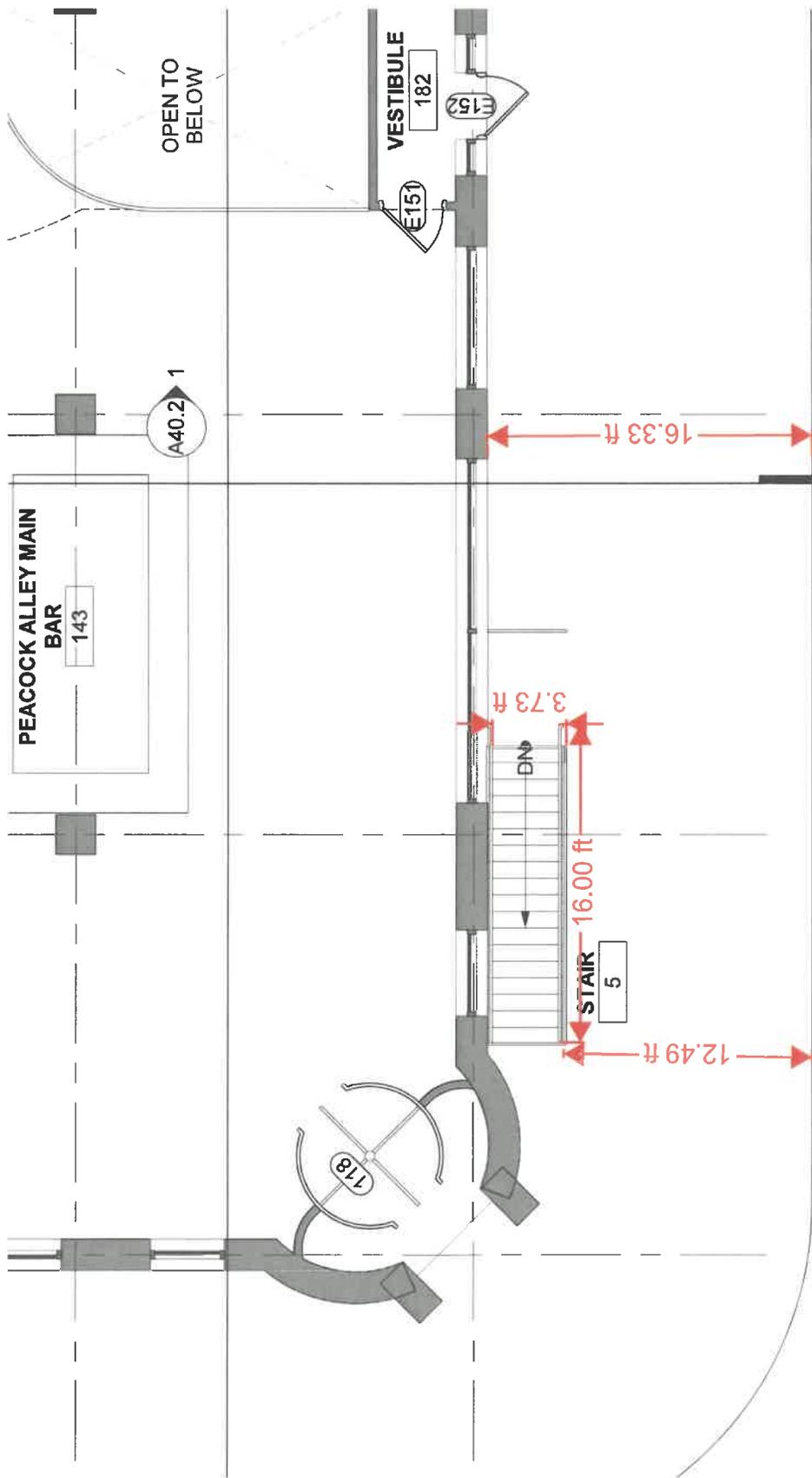


Exhibit 2



## *Engineering Department*

**DATE:** March 17, 2020  
**FROM:** Gabe Schell, City Engineer  
**ITEM:** Seating Area Encroachment Agreement – 107 North Fifth Street

### **REQUEST**

Request approval of a removable fence and seating area encroachment agreement and waiver.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

Gideon's Brewing located at 107 North Fifth Street, has requested an encroachment in the right of way for a removable seating area and barrier fence. The seating area would be adjacent to the west wall face of the building, see attachments. The encroachment committee reviewed and recommends approval of the attached agreement including a 5-year term.

The applicant has been notified that repairs to sidewalks in the vicinity of this proposed encroachment may require the seating area to be removed during construction.

### **RECOMMENDED CITY COMMISSION ACTION**

Approve encroachment agreement with Gideon's Brewing Company, Inc..

### **STAFF CONTACT INFORMATION**

Gabe Schell, PE | City Engineer, 355-1505 or [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

# AGREEMENT AND WAIVER

The City of Bismarck hereby grants Gideon's Brewing Company, Inc. (Grantee) the right to install and maintain a privately-owned removable fence and seating area (encroachments) on the public right-of-way, adjacent to 107 North Fifth Street, as shown on the attached Exhibits, subject to the following conditions:

1. The Grantee shall comply with all rules regarding the construction of the encroachments on the public right-of-way as set by the City Engineer.
2. The term of this grant shall be for five (5) years and shall continue thereafter from year to year. The City may cancel this grant at any time after the initial five-year term upon six (6) months' written notice to the Grantee.
3. The Grantee shall maintain a minimum of four (4) feet (48") of unobstructed walkway between any obstruction and the furthest outside edge of the seating area.
4. Upon the end of the term or prior abandonment by the Grantee, the Grantee shall, at its own expense, remove the encroachments and restore the public right-of-way to its original condition, if so required by the City.
5. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, in exchange for the City's permission to operate and maintain the encroachments in the right-of-way, Grantee agrees to release the City, its assigns, or other franchised utilities from and waive any and all claims relating to said encroachments including, but not limited to, damages arising from damage to the encroachments, loss of business, or other personal injury or property damage resulting from damage to the encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it is using the

public right-of-way at its own risk. Grantee shall not look to the City, its assigns, or other franchised utilities to pay for any expense or damage to the encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it will hold harmless and indemnify the City, its assigns, or other franchised utilities from any and all claims in any way resulting from the placement of the encroachments on the public right-of-way. Grantee agrees that after installation of the encroachments, Grantee will restore the City right-of-way or street to its original condition. In the event the City is required to perform street maintenance or construction on the right-of-way at the location of the encroachments, Grantee shall cooperate with the City in removing or temporarily protecting the encroachments and accommodating the City's project, at Grantee's sole expense.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Print Name & Title  
Gideon's Brewing Company, Inc.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Gabe Schell, P.E.  
City Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Keith Hunke  
City Administrator  
Bismarck

\_\_\_\_\_  
Steve Bakken, President  
Bismarck City Commission









## *Engineering Department*

**DATE:** March 17, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Seating Area Encroachment Agreement – 112 North Fourth Street

### **REQUEST**

Request approval of an outdoor seating area encroachment agreement and waiver.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

Brick Oven Bakery located at 112 North Fourth Street, has requested an encroachment in the right of way for removable seating areas. The seating areas would be adjacent to the east wall face of the building and adjacent to the curb of North Fourth Street, see attachments. The areas would not be fenced as there is no alcohol served. The owners would maintain a 4-foot unobstructed walkway between the seating areas and 2-feet from the curb face. The owners will place and remove the tables and chairs daily. The parking in front of this building is angular. The encroachment committee reviewed and recommends approval of the attached agreement including a 5-year term.

### **RECOMMENDED CITY COMMISSION ACTION**

Approve encroachment agreement with Brick oven bakery, LLC.

### **STAFF CONTACT INFORMATION**

Gabe Schell, PE | City Engineer, 355-1505 or [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

# AGREEMENT AND WAIVER

The City of Bismarck hereby grants Brick oven bakery, LLC (Grantee) the right to install and maintain privately-owned bistro chairs and tables (encroachments) on the public right-of-way, adjacent to 112 North Fourth Street, as shown on the attached Exhibits, subject to the following conditions:

1. The Grantee shall comply with all rules regarding the construction of the encroachments on the public right-of-way as set by the City Engineer. If the Grantee should obtain a license to serve alcoholic beverages this agreement would be voided and the Grantee would need to reapply for a new encroachment agreement.
2. The term of this grant shall be for five (5) years and shall continue thereafter from year to year. The City may cancel this grant at any time after the initial five-year term upon six (6) months' written notice to the Grantee.
3. The Grantee shall maintain a minimum of four (4) feet (48") of unobstructed walkway between any obstruction and the furthest edge of the open seating area.
4. Upon the end of the term or prior abandonment by the Grantee, the Grantee shall, at its own expense, remove the encroachments and restore the public right-of-way to its original condition, if so required by the City.
5. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, in exchange for the City's permission to operate and maintain the encroachments in the right-of-way, Grantee agrees to release the City, its assigns, or other franchised utilities from and waive any and all claims relating to said encroachments including, but not limited to, damages arising from damage to the encroachments, loss of business, or other

personal injury or property damage resulting from damage to the encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it is using the public right-of-way at its own risk. Grantee shall not look to the City, its assigns, or other franchised utilities to pay for any expense or damage to the encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it will hold harmless and indemnify the City, its assigns, or other franchised utilities from any and all claims in any way resulting from the placement of the encroachments on the public right-of-way. Grantee agrees that after installation of the encroachments, Grantee will restore the City right-of-way or street to its original condition. In the event the City is required to perform street maintenance or construction on the right-of-way at the location of the encroachments, Grantee shall cooperate with the City in removing or temporarily protecting the encroachments and accommodating the City's project, at Grantee's sole expense.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Print Name & Title  
Brick oven bakery, LLC

\_\_\_\_\_  
Signature

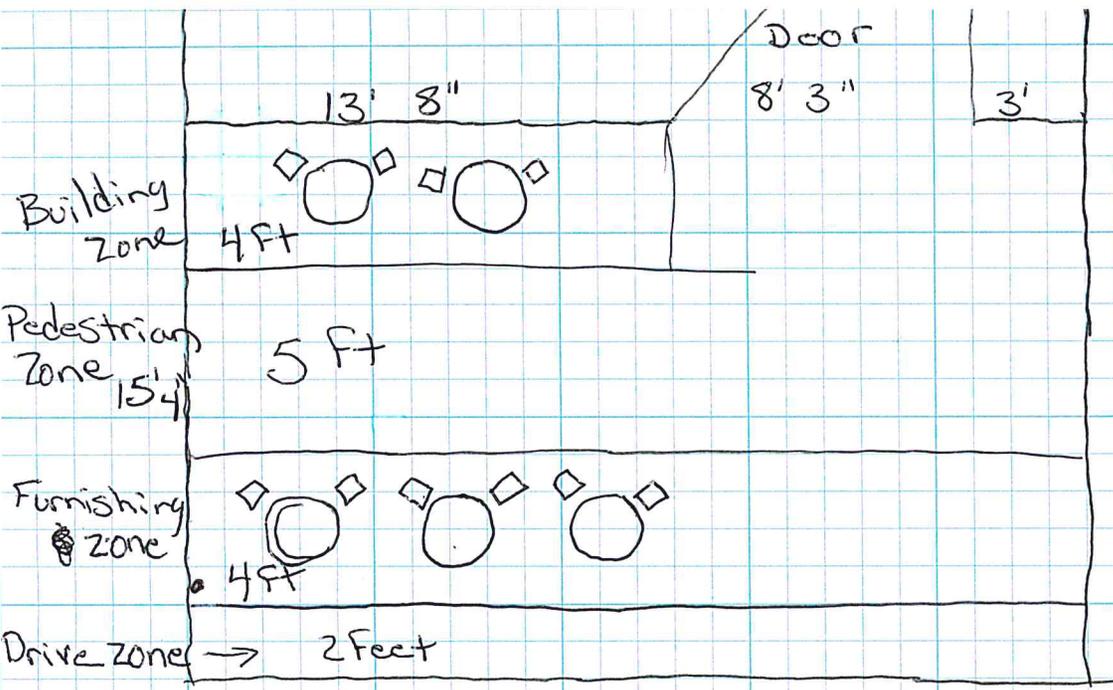
\_\_\_\_\_  
Address

\_\_\_\_\_  
Gabe Schell, P.E.  
City Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Keith Hunke  
City Administrator  
Bismarck

\_\_\_\_\_  
Steve Bakken, President  
Bismarck City Commission



April 1st 2020  
Brick oven Bakery

~~XXXXXXXXXX~~







## *Finance Department*

**DATE:** March 16, 2020  
**FROM:** Dmitriy Chernyak, Finance Director *DC by aj*  
**ITEM:** Applications for Abatement

### **REQUEST**

Please schedule the attached applications for abatement on the agenda for City Commission consideration.

Application for Abatement for 2019 – Error in home square footage- Reduced Value  
Property Owner – Deborah Jaeger  
Property Address – 912 N Mandan St / 0025-084-030

Application for Abatement for 2018 & 2019 – Disabled Veteran  
Property Owner – Paul & Jodine Wolbaum  
Property Address – 4713 Coleman St / 1580-022-100

Application for Abatement for 2019- Disabled Veteran  
Property Owner – Philip Quinn  
Property Address – 614 N 1<sup>st</sup> St / 0015-008-005

Application for Abatement for 2019- Disabled Veteran  
Property Owner – Dennis Bergstad  
Property Address – 1814 N 20<sup>th</sup> St / 0547-012-060

Please place these items on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

The above property applicants have met all the requirements set forth in the N.D.C.C 57-02-08 to apply for these exemptions / credit.

### **RECOMMENDED CITY COMMISSION ACTION**

The Assessing Division recommends approval of the applications for abatement as presented.

### **STAFF CONTACT INFORMATION**

Allison Jensen / [ajensen@bismarcknd.gov](mailto:ajensen@bismarcknd.gov)  
355-1630

# Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District 1  
County of BURLEIGH Property I.D. No. 0025-084-030  
Name JAEGER, DEBORAH A Telephone No. \_\_\_\_\_  
Address 912 N MANDAN ST, BISMARCK, ND 58501-3506

**Legal description of the property involved in this application:**

MCKENZIE & COFFIN'S Block: 84 LOTS 22-25

Total true and full value of the property described above for the year 2019 is:

Land \$ 66,000  
Improvements \$ 276,000  
Total \$ 342,000  
(1)

Total true and full value of the property described above for the year 2019 should be:

Land \$ 66,000  
Improvements \$ 264,400  
Total \$ 330,400  
(2)

The difference of \$ 11,600 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ \_\_\_\_\_ Date of purchase: \_\_\_\_\_  
Terms: Cash \_\_\_\_\_ Contract \_\_\_\_\_ Trade \_\_\_\_\_ Other (explain) \_\_\_\_\_  
Was there personal property involved in the purchase price? \_\_\_\_\_ yes/no Estimated value: \$ \_\_\_\_\_

2. Has the property been offered for sale on the open market? \_\_\_\_\_ If yes, how long? \_\_\_\_\_  
yes/no  
Asking price: \$ \_\_\_\_\_ Terms of sale: \_\_\_\_\_

3. The property was independently appraised: \_\_\_\_\_ Purpose of appraisal: \_\_\_\_\_  
yes/no  
Market value estimate: \$ \_\_\_\_\_  
Appraisal was made by whom? \_\_\_\_\_

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

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

Applicant asks that The abatement be approved as presented.

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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_

Date \_\_\_\_\_

Deborah Jaeger  
Signature of Applicant

01/27/20  
Date

# Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District BISMARCK  
County of BURLEIGH Property I.D. No. 1580-022-100  
Name WOLBAUM, PAUL P & JODINE K Telephone No. \_\_\_\_\_  
Address 4713 COLEMAN ST, BISMARCK, ND 58503-0980

Legal description of the property involved in this application:

SONNET HEIGHTS SUBDIVISION Block: 22 LOT 20

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

Land \$ 58,000  
Improvements \$ 195,800  
Total \$ 253,800  
(1)

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

Land \$ 58,000  
Improvements \$ 195,800  
Total Adj \$ 163,800  
(2)

The difference of \$ 90,000 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- 10. Other (explain) (100%)

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

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

Applicant asks that the disabled veteran credit be Approved AS presented

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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_

Date \_\_\_\_\_

Signature of Applicant Paul Wolbaum

Date 3-4-2020

# Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District BISMARCK  
County of BURLEIGH Property I.D. No. 1580-022-100  
Name WOLBAUM, PAUL P & JODINE K Telephone No. \_\_\_\_\_  
Address 4713 COLEMAN ST, BISMARCK, ND 58503-0980

Legal description of the property involved in this application:

SONNET HEIGHTS SUBDIVISION Block: 22 LOT 20

Total true and full value of the property described above for the year 2019 is:

Land \$ 58,000  
Improvements \$ 195,800  
Total \$ 253,800  
(1)

Total true and full value of the property described above for the year 2019 should be:

Land \$ 58,000  
Improvements \$ 195,800  
Total Adj \$ 163,800  
(2)

The difference of \$ 90,000 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- 10. Other (explain) (60070)

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

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

Applicant asks that the disabled veteran credit be approved as presented.

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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_

Date \_\_\_\_\_

Signature of Applicant Paul Wolbaum

Date 3-4-2020



# Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District BISMARCK  
County of BURLEIGH Property I.D. No. 0547-012-060  
Name BERGSTAD, DENNIS Telephone No. \_\_\_\_\_  
Address 1814 N 20TH ST, BISMARCK, ND 58501-2338

Legal description of the property involved in this application:

STEIN'S 3RD Block: 12 LOT 13

Total true and full value of the property described above for the year 2019 is:

Land \$ 48,000  
Improvements \$ 187,460  
Total \$ 235,460  
(1)

Total true and full value of the property described above for the year 2019 should be:

Land \$ 48,000  
Improvements \$ 187,400  
Total Adj. \$ 85,400  
(2)

The difference of \$ 150,000 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- 10. Other (explain) (100% Dis / Full year)

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

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

Applicant asks that the disabled veteran credit be approved as presented.

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

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

Signature of Preparer (if other than applicant) \_\_\_\_\_

Date \_\_\_\_\_

Signature of Applicant [Signature]

Date 3-16-2020



## **PUBLIC WORKS – SERVICE OPERATIONS**

**DATE:** March 16, 2020

**FROM:** Jeff Heintz, Director of Service Operations *JH*

**ITEM:** Permission to purchase three loaders with two load scales for Roads & Streets operations.

### **REQUEST**

Permission to purchase three loaders with two load scales for Roads & Streets operations.

Please place this item on the March 24, 2020 City Commission meeting.

### **BACKGROUND INFORMATION**

Request to purchase three loaders with two load scales for Roads & Streets operations from the Source Well Contract No. 032119-CNH for \$537,363.00. Funds for these purchases will be procured from the 2020 budget approved by the Commission.

### **RECOMMENDED CITY COMMISSION ACTION**

Permission to purchase three loaders with two load scales for Roads & Streets operations from the Source Well Contract No. 032119-CNH for the price of \$537,363.00.

### **STAFF CONTACT INFORMATION**

Jeff Heintz, Director of Service Operations, 355-1700, [jheintz@bismarcknd.gov](mailto:jheintz@bismarcknd.gov).



## **PUBLIC WORKS – SERVICE OPERATIONS**

**DATE:** March 16, 2020  
**FROM:** Jeff Heintz, Director of Service Operations *JH*  
**ITEM:** Permission to purchase a chassis with roll-off unit for Solid Waste operations.

### **REQUEST**

Permission to purchase a chassis with roll-off unit for Solid Waste operations.

Please place this item on the March 24, 2020 City Commission meeting.

### **BACKGROUND INFORMATION**

Request to purchase a chassis for Solid Waste operations at the North Dakota State Contract No. 378 for \$80,730 and a roll-off unit at the Source Well Contract No. 041217-WQI for \$58,925. Funds for these purchases will be procured from the 2020 budget approved by the Commission.

### **RECOMMENDED CITY COMMISSION ACTION**

Permission to purchase a chassis at the North Dakota State Contract No. 378 for \$80,730 and the purchase of a roll-off unit at the Source Well Contract No. 041217-WQI for the price of \$58,925 for the Solid Waste operations.

### **STAFF CONTACT INFORMATION**

Jeff Heintz, Director of Service Operations, 355-1700, [jheintz@bismarcknd.gov](mailto:jheintz@bismarcknd.gov).



## **PUBLIC WORKS – SERVICE OPERATIONS**

**DATE:** March 16, 2020  
**FROM:** Jeff Heintz, Director of Service Operations *JCH*  
**ITEM:** Permission to purchase a chassis with roll-off unit for the WWTP operations.

### **REQUEST**

Permission to purchase a chassis with roll-off unit for the WWTP operations.

Please place this item on the March 24, 2020 City Commission meeting.

### **BACKGROUND INFORMATION**

Request to purchase a chassis for the WWTP operations at the North Dakota State Contract No. 378 for \$80,730.00 and a roll-off unit at the Source Well Contract No. 041217-WQI for \$58,925.00. Funds for these purchases will be procured from the 2020 budget approved by the Commission.

### **RECOMMENDED CITY COMMISSION ACTION**

Permission to purchase a chassis at the North Dakota State Contract No. 378 for \$80,730.00 and the purchase of a roll-off unit at the Source Well Contract No. 041217-WQI for the price of \$58,925.00 for the WWTP operations.

### **STAFF CONTACT INFORMATION**

Jeff Heintz, Director of Service Operations, 355-1700, [jheintz@bismarcknd.gov](mailto:jheintz@bismarcknd.gov).



## **PUBLIC WORKS – SERVICE OPERATIONS**

**DATE:** March 16, 2020  
**FROM:** Jeff Heintz, Director of Service Operations   
**ITEM:** Permission to purchase a loader with load scale for the WWTP operations.

### **REQUEST**

Permission to purchase a loader with load scale for the WWTP operations.

Please place this item on the March 24, 2020 City Commission meeting.

### **BACKGROUND INFORMATION**

Request to purchase a loader with load scale for the WWTP operations from the Source Well Contract No. 032119-CNH for \$181,821.00. Funds for this purchase will be procured from the 2020 budget approved by the Commission.

### **RECOMMENDED CITY COMMISSION ACTION**

Permission to purchase a loader with load scale for WWTP operations from the Source Well Contract No. 032119-CNH for the price of \$181,821.00.

### **STAFF CONTACT INFORMATION**

Jeff Heintz, Director of Service Operations, 355-1700, [jheintz@bismarcknd.gov](mailto:jheintz@bismarcknd.gov).



## *Public Works Service Operations Department*

**DATE:** March 16, 2020

**FROM:** Jeff Heintz, Service Operations Director 

**ITEM:** Bid Award for the Construction of Solid Waste Management Facility  
Expansion Area Cell 1 Project

### **REQUEST**

Request Commission approval to award the bid for the construction of solid waste management facility expansion area cell 1 project.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

Public Works Service Operations received bids at 4:00 p.m. on March 12, 2020, for the construction of solid waste management facility expansion area cell 1 project. The bid tab is attached. It is recommended to accept the low bid from R.J. Zavoral & Sons, Inc. in the amount of \$4,194,740.12.

### **RECOMMENDED CITY COMMISSION ACTION**

Approve the bid award for the construction of the solid waste management facility expansion area cell 1 project to R.J. Zavoral & Sons, Inc. for \$4,194,740.12.

### **STAFF CONTACT INFORMATION**

Jeff Heintz | Service Operations Director, 355-1700 or [jheintz@bismarcknd.gov](mailto:jheintz@bismarcknd.gov)

CITY OF BISMARCK PUBLIC WORKS DEPARTMENT  
 BIDDER PROPOSALS - BID TAB  
 City of Bismarck Solid Waste Management Facility Project  
 Expansion Area Cell 1  
 LF 2020-001

Item No.	Description	Unit	Quantity	Engineer Opinion of Cost		R.J. Zavoral & Son's		Northern Improvement		Park Construction		Burski Excavating		Jensen Brothers Construction		Baranko Brothers Inc.		Martin Construction		Strata	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
201-3.1	Clearing and Grubbing	LSUM	1	\$ 8,000.00	\$ 8,000	\$ 50,000.00	\$ 50,000.00	\$ 6,344.00	\$ 6,344.00	\$ 13,000.00	\$ 13,000.00	\$ 15,000.00	\$ 15,000.00	\$ 4,604.17	\$ 4,604.17	\$ 9,100.00	\$ 9,100.00	\$ 30,979.57	\$ 30,979.57	\$ 65,000.00	\$ 65,000.00
202-4.2	Rock Excavation	CY	2,500	\$ 3.50	\$ 8,750	\$ 8.00	\$ 20,000.00	\$ 20.00	\$ 50,000.00	\$ 5.80	\$ 14,500.00	\$ 21.00	\$ 52,500.00	\$ 9.20	\$ 23,000.00	\$ 5.72	\$ 14,300.00	\$ 11.67	\$ 29,175.00	\$ 15.00	\$ 37,500.00
204-3.1	Subgrade Preparation For Gravel Surface Course	SY	28,075	\$ 1.50	\$ 42,113	\$ 1.25	\$ 35,093.75	\$ 1.58	\$ 44,358.50	\$ 0.66	\$ 18,529.50	\$ 2.00	\$ 56,150.00	\$ 1.39	\$ 39,024.25	\$ 0.41	\$ 11,510.75	\$ 1.08	\$ 30,321.00	\$ 1.10	\$ 30,882.50
205-4.1	Silt Fence	LF	3,200	\$ 2.50	\$ 8,000	\$ 2.00	\$ 6,400.00	\$ 2.00	\$ 6,400.00	\$ 2.34	\$ 7,488.00	\$ 2.55	\$ 8,160.00	\$ 2.34	\$ 7,488.00	\$ 2.33	\$ 7,456.00	\$ 2.45	\$ 7,840.00	\$ 2.00	\$ 6,400.00
205-4.9	12-inch fiber rolls	LF	15,445	\$ 2.30	\$ 35,524	\$ 2.00	\$ 30,890.00	\$ 2.00	\$ 30,890.00	\$ 2.00	\$ 30,890.00	\$ 2.40	\$ 37,068.00	\$ 2.38	\$ 36,759.10	\$ 2.37	\$ 36,604.65	\$ 2.23	\$ 34,442.35	\$ 2.05	\$ 31,662.25
302-4.2	Class 13 Aggregate Surface (Perimeter and Haul Roadway Surface Gravel)	TON	10,606	\$ 30.00	\$ 318,180	\$ 18.80	\$ 199,392.80	\$ 18.97	\$ 201,195.82	\$ 18.50	\$ 196,211.00	\$ 20.00	\$ 212,120.00	\$ 20.47	\$ 217,104.82	\$ 22.00	\$ 233,332.00	\$ 19.83	\$ 210,316.98	\$ 20.50	\$ 217,433.00
801-4.50	6" WYE Branch	EA	1	\$ 500.00	\$ 500	\$ 825.00	\$ 825.00	\$ 1,260.00	\$ 1,260.00	\$ 5,790.00	\$ 5,790.00	\$ 500.00	\$ 500.00	\$ 5,120.76	\$ 5,120.76	\$ 7,980.00	\$ 7,980.00	\$ 21.23	\$ 21.23	\$ 1,800.00	\$ 1,800.00
801-4.60	Pipe Bedding Material	Tons	286	\$ 35.00	\$ 10,010	\$ 17.80	\$ 5,090.80	\$ 24.80	\$ 7,092.80	\$ 18.00	\$ 5,148.00	\$ 23.00	\$ 6,578.00	\$ 20.20	\$ 5,777.20	\$ 19.70	\$ 5,634.20	\$ 16.98	\$ 4,856.28	\$ 28.00	\$ 8,008.00
801-4.1	8" PVC Sanitary Sewer (SS) Pipe	LF	1,996	\$ 25.00	\$ 49,900	\$ 23.00	\$ 45,908.00	\$ 57.70	\$ 115,169.20	\$ 40.70	\$ 81,237.20	\$ 28.00	\$ 55,888.00	\$ 45.20	\$ 90,219.20	\$ 65.00	\$ 129,740.00	\$ 56.26	\$ 112,294.96	\$ 72.00	\$ 143,712.00
802-4.5	24-inch RCP culvert	LF	114	\$ 125.00	\$ 14,250	\$ 85.00	\$ 9,690.00	\$ 126.00	\$ 14,364.00	\$ 182.00	\$ 20,748.00	\$ 107.00	\$ 12,198.00	\$ 185.87	\$ 21,189.18	\$ 150.00	\$ 17,100.00	\$ 195.78	\$ 22,318.92	\$ 128.00	\$ 14,592.00
802-4.40	24-inch CMP culvert	LF	86	\$ 50.00	\$ 4,300	\$ 65.00	\$ 5,590.00	\$ 67.00	\$ 5,762.00	\$ 128.00	\$ 11,008.00	\$ 55.00	\$ 4,730.00	\$ 123.72	\$ 10,639.92	\$ 132.00	\$ 11,352.00	\$ 65.87	\$ 5,664.82	\$ 92.00	\$ 7,912.00
802-4.40	24-inch CMP culvert	LF	39	\$ 50.00	\$ 1,950	\$ 65.00	\$ 2,535.00	\$ 70.00	\$ 2,730.00	\$ 211.00	\$ 8,229.00	\$ 60.00	\$ 2,340.00	\$ 123.63	\$ 4,811.57	\$ 132.00	\$ 5,148.00	\$ 91.20	\$ 3,556.80	\$ 92.00	\$ 3,588.00
802-4.40	24-inch CMP culvert	LF	33	\$ 50.00	\$ 1,650	\$ 65.00	\$ 2,145.00	\$ 71.00	\$ 2,343.00	\$ 225.00	\$ 7,425.00	\$ 60.00	\$ 1,980.00	\$ 123.91	\$ 4,089.03	\$ 132.00	\$ 4,356.00	\$ 94.56	\$ 3,120.48	\$ 92.00	\$ 3,036.00
802-4.42	36-inch CMP culvert	LF	86	\$ 75.00	\$ 6,450	\$ 215.00	\$ 18,490.00	\$ 97.00	\$ 8,342.00	\$ 192.00	\$ 16,512.00	\$ 90.00	\$ 7,740.00	\$ 158.17	\$ 13,602.62	\$ 150.00	\$ 12,900.00	\$ 367.68	\$ 31,620.48	\$ 129.00	\$ 11,094.00
1201-4.1	Topsoiling and Topsoil Replacement over earthen stockpiles	CY	32,160	\$ 4.00	\$ 128,640	\$ 1.70	\$ 54,672.00	\$ 1.64	\$ 52,742.40	\$ 3.25	\$ 104,520.00	\$ 4.00	\$ 128,640.00	\$ 0.88	\$ 28,300.80	\$ 2.32	\$ 74,611.20	\$ 4.12	\$ 132,499.20	\$ 6.45	\$ 207,432.00
1202-4.1	Class I Seeding	SY	311,150	\$ 0.15	\$ 46,673	\$ 0.08	\$ 24,892.00	\$ 0.08	\$ 24,892.00	\$ 0.08	\$ 24,892.00	\$ 0.08	\$ 24,892.00	\$ 0.09	\$ 28,003.50	\$ 0.09	\$ 28,003.50	\$ 0.07	\$ 21,780.50	\$ 0.08	\$ 24,892.00
1202-4.4	Class IV Seeding	SY	14,925	\$ 0.25	\$ 3,731	\$ 0.08	\$ 1,194.00	\$ 0.08	\$ 1,194.00	\$ 0.08	\$ 1,194.00	\$ 0.08	\$ 1,194.00	\$ 0.09	\$ 1,343.25	\$ 0.09	\$ 1,343.25	\$ 0.06	\$ 895.50	\$ 0.08	\$ 1,194.00
1204-4.1	Mulching	SY	326,075	\$ 0.10	\$ 32,608	\$ 0.08	\$ 26,086.00	\$ 0.07	\$ 22,825.25	\$ 0.07	\$ 22,825.25	\$ 0.07	\$ 22,825.25	\$ 0.08	\$ 26,086.00	\$ 0.08	\$ 26,086.00	\$ 0.06	\$ 19,564.50	\$ 0.08	\$ 26,086.00
1205-4.1	Concrete Manhole	EA	6	\$ 7,500.00	\$ 45,000	\$ 5,000.00	\$ 30,000.00	\$ 6,485.00	\$ 38,910.00	\$ 6,790.00	\$ 40,740.00	\$ 5,700.00	\$ 34,200.00	\$ 5,789.13	\$ 34,734.78	\$ 6,870.00	\$ 41,220.00	\$ 5,838.58	\$ 35,031.48	\$ 11,500.00	\$ 69,000.00
SP2	Tree Row Removal	LSUM	1	\$ 5,000.00	\$ 5,000	\$ 12,225.00	\$ 12,225.00	\$ 27,200.00	\$ 27,200.00	\$ 13,000.00	\$ 13,000.00	\$ 9,500.00	\$ 9,500.00	\$ 6,906.26	\$ 6,906.26	\$ 75,000.00	\$ 75,000.00	\$ 32,187.69	\$ 32,187.69	\$ 48,000.00	\$ 48,000.00
SP3	Topsoil Removal and Stockpiling	CY	122,233	\$ 3.50	\$ 427,816	\$ 1.65	\$ 201,684.45	\$ 1.68	\$ 205,351.44	\$ 1.90	\$ 232,242.70	\$ 2.00	\$ 244,466.00	\$ 1.45	\$ 177,237.85	\$ 2.68	\$ 327,584.44	\$ 1.99	\$ 243,243.67	\$ 3.85	\$ 470,597.05
SP4	Watering	MGAL	100	\$ 25.00	\$ 2,500	\$ 55.00	\$ 5,500.00	\$ 21.00	\$ 2,100.00	\$ 83.00	\$ 8,300.00	\$ 150.00	\$ 15,000.00	\$ 27.62	\$ 2,762.00	\$ 30.00	\$ 3,000.00	\$ 50.00	\$ 5,000.00	\$ 38.00	\$ 3,800.00
SP5	Groundwater Control/Removal from Cell 1 Excavation	MGAL	21,200	\$ 2.00	\$ 42,400	\$ 1.50	\$ 31,800.00	\$ 7.70	\$ 163,240.00	\$ 0.01	\$ 212.00	\$ 5.00	\$ 106,000.00	\$ 7.85	\$ 166,420.00	\$ 5.60	\$ 118,720.00	\$ 0.01	\$ 212.00	\$ 8.00	\$ 169,600.00
SP7(A)	Excavation for Roadway and Stormwater Pond Embankments	CY	131,519	\$ 3.00	\$ 394,557	\$ 2.56	\$ 336,688.64	\$ 2.31	\$ 303,808.89	\$ 3.40	\$ 447,164.60	\$ 2.00	\$ 263,038.00	\$ 3.32	\$ 436,643.08	\$ 3.77	\$ 495,826.63	\$ 2.68	\$ 352,470.92	\$ 4.55	\$ 598,411.45
SP7(B)	Excavation for Equipment Pad Fill Areas	CY	406,623	\$ 2.75	\$ 1,118,213	\$ 2.56	\$ 1,040,954.88	\$ 2.22	\$ 902,703.06	\$ 1.95	\$ 792,914.85	\$ 2.30	\$ 935,232.90	\$ 3.32	\$ 1,349,988.36	\$ 2.71	\$ 1,101,948.33	\$ 5.00	\$ 2,033,115.00	\$ 4.45	\$ 1,809,472.35
SP7(C)	Unclassified Excavation placed in Stockpile	CY	670,505	\$ 2.10	\$ 1,408,061	\$ 2.56	\$ 1,716,493.80	\$ 2.74	\$ 1,837,183.70	\$ 2.50	\$ 1,676,262.50	\$ 2.65	\$ 1,776,838.25	\$ 2.49	\$ 1,669,557.45	\$ 3.40	\$ 2,279,717.00	\$ 3.00	\$ 2,014,515.00	\$ 4.20	\$ 2,816,121.00
SP9	Mobilization and Demobilization	LSUM	1	\$ 150,000.00	\$ 150,000	\$ 250,000.00	\$ 250,000.00	\$ 106,922.00	\$ 106,922.00	\$ 446,000.00	\$ 446,000.00	\$ 248,000.00	\$ 248,000.00	\$ 125,859.57	\$ 125,859.57	\$ 179,696.05	\$ 179,696.05	\$ 698,430.57	\$ 698,430.57	\$ 460,000.00	\$ 460,000.00
SP11	Rock Ditch Check	CY	30	\$ 175.00	\$ 5,250	\$ 55.00	\$ 1,650.00	\$ 123.00	\$ 3,690.00	\$ 105.00	\$ 3,150.00	\$ 150.00	\$ 4,500.00	\$ 58.88	\$ 1,769.40	\$ 35.00	\$ 1,050.00	\$ 160.80	\$ 4,824.00	\$ 150.00	\$ 4,500.00
SP13	8" Sanitary Sewer Connection to Existing 6" Sanitary Sewer	EA	1	\$ 7,500.00	\$ 7,500	\$ 1,200.00	\$ 1,200.00	\$ 1,260.00	\$ 1,260.00	\$ 3,800.00	\$ 3,800.00	\$ 6,500.00	\$ 6,500.00	\$ 7,360.32	\$ 7,360.32	\$ 7,980.00	\$ 7,980.00	\$ 3,757.92	\$ 3,757.92	\$ 5,200.00	\$ 5,200.00
SP14	Stormwater Pond Outlet Structure	EA	1	\$ 30,000.00	\$ 30,000	\$ 27,650.00	\$ 27,650.00	\$ 27,914.00	\$ 27,914.00	\$ 34,500.00	\$ 34,500.00	\$ 35,000.00	\$ 35,000.00	\$ 35,230.81	\$ 35,230.81	\$ 41,700.00	\$ 41,700.00	\$ 32,908.36	\$ 32,908.36	\$ 41,800.00	\$ 41,800.00
<b>Project LF 2020-001 Total Bid Amount</b>					\$ 4,257,523.50		\$ 4,194,740.12		\$ 4,218,188.06		\$ 4,287,345.60		\$ 4,328,778.40		\$ 4,581,643.25		\$ 5,310,000.00		\$ 6,153,965.18		\$ 7,338,715.60
Bid Amount As Read on Bid Opening Form					\$ -		\$ 4,194,740.12		\$ 4,218,188.06		\$ 4,287,345.60		\$ 4,328,773.78		\$ 4,581,643.25		\$ 5,310,000.00		\$ 6,153,965.18		\$ 7,338,715.60
Difference					\$ -		\$ -		\$ -		\$ -		\$ 74.62		\$ -		\$ -		\$ -		\$ -
Difference from Engineer Opinion of Cost							\$ -3.74%		\$ -3.20%		\$ -1.61%		\$ -0.66%		\$ 5.14%		\$ 21.86%		\$ 41.23%		\$ 68.41%
Difference from the Low Bid									\$ 23,447.94		\$ 92,605.48		\$ 134,038.28		\$ 386,903.13		\$ 1,115,259.88		\$ 1,959,225.06		\$ 3,143,975.48



## *Public Works Service Operations Department*

**DATE:** March 16, 2020

**FROM:** Jeff Heintz, Service Operations Director *JGH*

**ITEM:** Permission to award contracts for the 2020 furnishing paving materials and purchase asphalt sealants at a public marketplace

### **REQUEST**

Request permission to award the contracts for 2020 furnishing paving materials and purchase asphalt sealants at a public marketplace.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

The 2020 furnishing paving materials (Parts A-G) bids were opened on March 11, 2020. Parts C&D (asphalt sealants) received no bids. Permission is requested to purchase asphalt sealants from the open market. The bid tabulation is included for your review. Funds for these purchases are included in the 2020 Roads and Streets budget.

### **RECOMMENDED CITY COMMISSION ACTION**

Award Parts A, B, E, F, and G to the lowest bidders on the attached bid tab, and permission is granted to purchase Parts C & D, asphalt sealants from the open marketplace as described in City Ordinance 7-01-05 for the 2020 paving season.

### **STAFF CONTACT INFORMATION**

Jeff Heintz | Service Operations Director, 355-1700 or [jheintz@bismarcknd.gov](mailto:jheintz@bismarcknd.gov)

SUMMARY OF BIDS

FURNISHING PAVING MATERIALS - PARTS A-G

BIDS RECEIVED: MARCH 11, 2020 AT 3:00 P.M.

OPENED: MARCH 11, 2020 AT 4:00 P.M.

PART A	Vendor										Strata Corporation					
	Addendum Acknowledgement										Northern Improvement Company			Yes		
	Description	Unit	Quantity	Unit Price	Total	Unit Price	Mileage Cost	Total	Unit Price	Mileage Cost	Total	Unit Price	Mileage Cost	Total		
401-6.11	AC Leveling Course (FAA 41)	Ton	200			\$ 63.95	\$ 2.16	\$ 13,222.00	\$ 66.10	\$ 3.85	\$ 13,990.00					
401-6.21	AC Superpave Course (FAA 41)	Ton	7,000			\$ 63.95	\$ 2.16	\$ 462,770.00	\$ 66.10	\$ 3.85	\$ 489,650.00					
Part A Totals					No bid			\$ 475,992.00			\$ 503,640.00					
PART B	Description	Unit	Quantity	Unit Price	Total	Unit Price		Total	Unit Price		Total			Total		
402-4.2	Bituminous Tack Oil	Gal.	4,000			\$ 4.00		\$ 16,000.00	\$ 2.60		\$ 10,400.00					
PART C	Description	Unit	Quantity	Unit Price	Total	Unit Price		Total	Unit Price		Total			Total		
405-8.1A	Asph. Cement Sealant (PG 58-28)	Ton	42					No bid			No bid			No bid		
PART D	Description	Unit	Quantity	Unit Price	Total	Unit Price		Total	Unit Price		Total			Total		
405-8.1B	Asph. Cement Sealant (DP-1)	Gal.	1,250													
405-8.1C	Asph. Cement Sealant (CRS-2)	Gal.	1,250													
Part D Totals					No bid			No bid			No bid			No bid		
PART E	Description	Unit	Quantity	Unit Price	Total	Unit Price		Total	Unit Price		Total			Total		
SP No. 4	Bituminous Seal Oil (CRS-2P)	Ton	42			\$ 658.00		\$ 27,636.00			No bid			No bid		
PART F	Description	Unit	Quantity	Unit Price	Total	Unit Price		Total	Unit Price		Total			Total		
SP No. 6	Crushed Granite	Ton	200	\$ 69.00	\$ 13,800.00			No bid			No bid			No bid		
PART G	Description	Unit	Quantity	Unit Price	Total	Unit Price		Total	Unit Price		Total			Total		
SP No. 7A	Cold Mix Patch Material	Bag	240			\$ 12.37		\$ 2,968.80								
SP No. 7B	Cold Mix Patch Material	Ton	130			\$ 157.14		\$ 20,428.20								
Part G Totals					No bid			\$ 23,397.00						No bid		



## *Human Resources Department*

**DATE:** March 19, 2020

**FROM:** Robert McConnell, Human Resources Director

**ITEM:** Human Resources COVID-19 Report on Workforce

### **REQUEST**

Receive update on cost to provide additional paid leave to full and part time employees due to COVID-19.

Please place this item on the 3/24/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

At our last meeting you had asked me to pull some information together as it might apply to COVID-19 and our workforce. I would like to report the following:

The average City's payroll is 1.63 Million dollars. This covers a two-week pay period.

Annual Leave balances earned by employees varies by longevity as follows:

Regular Fulltime Employees

Annual Leave		
Longevity	Monthly	Annualized
Hours	Hours	
0-3	8	96
4-7	10	120
8-12	12	144
13-18	14	168
Over 18	16	192

\*All Regular Fulltime staff earn 8 hours of sick leave per month or 96 hours on an annual basis

Those part-time staff who are scheduled regular weekly hours of 23 hours or more also earn leave balances on a prorated basis. For example, an employee working 23 hours weekly would earn 4.6 hours of leave per month. This varies based on scheduled hours

worked.

You had also asked me to calculate an impact of our Part-time staff who work less than 23 hours per week and do not receive leave accruals. I have asked my payroll staff to put these numbers together for me to reflect two-weeks of compensation. The numbers reflect average pay rates and average hours worked.

We have eight departments that utilize this limited part time staff. They are Public Works, Engineering, Communications, Fire, Public Health, Library and Event Center. I should note that the largest group is the Event Center and there is no certainty of hours worked as this is determined by event size and frequency. If the City of Bismarck were to pay benefits to these group of employees, it would cost the City approximately \$178,925 and would be a split among various funds and revenue sources that is currently not budgeted.

### **RECOMMENDED CITY COMMISSION ACTION**

To receive update and provide staff direction on providing additional paid leave to full and part time employees due to COVID-19.

### **STAFF CONTACT INFORMATION**

Robert McConnell | Human Resources Director, 355-1330 or  
[rmcconnell@bismarcknd.gov](mailto:rmcconnell@bismarcknd.gov)



## *City Administration*

**DATE:** March 3, 2020

**FROM:** Jason Tomanek, Assistant City Administrator

**ITEM:** Costco Beverages, Inc. (dba) Costco Wholesale #1380 Application for a New Class D Retail Liquor License.

### **REQUEST**

Introduction of and call for a public hearing on a request for a new Class D Retail liquor license for Costco Beverages, Inc. (dba) Costco Wholesale #1380.

Please place this item on the March 10, 2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

Costco Beverages, Inc. (dba) Costco Wholesale #1380 is applying for a Class D Retail Liquor License for address, 1325 57th Avenue NE.

Class D Retail: To any applicant for the sale at retail of alcoholic beverages other than applicants in other classifications. The total number of Class D Retail licenses issued in any year may not exceed twenty-four, plus one additional license for each 2,500 people in excess of 60,000 people, as shown by the most recent official estimated census. New Class D Retail licenses or Class D Retail licenses revoked or not renewed may be issued only pursuant to section 5-01-06. A Class D Retail licensee that does not have an "on-sale" location may be issued a special permit under Section 5-01-13 to sell alcoholic beverages "on-sale" at special locations as designated in the permit. A Class D Retail license may be transferred to another person only with the prior approval of the board of city commissioners.

### **RECOMMENDED CITY COMMISSION ACTION**

Staff recommends approval of the introduction of and call for a public hearing on the request from Costco Beverages, Inc. (dba) Costco Wholesale #1380 with the public hearing scheduled for Tuesday, March 24, 2020. Staff also recommends approval of the new Class D Retail Liquor License.

### **STAFF CONTACT INFORMATION**

Jason Tomanek | Assistant City Administrator, 355-1300 or [jtomanek@bismarcknd.gov](mailto:jtomanek@bismarcknd.gov)



CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT

Phone: 701-355-1300 • Fax: 701-221-6470 • TDD 711  
221 N 5th St • Bismarck, ND 58501

LAST REVISED: 5/1/2019

**APPLICATION FOR RETAIL  
ALCOHOL BEVERAGE LICENSE**

Note: The \$200 application fee is due when the application is submitted.  
(Fee does not apply to renewal applications)

<b>License Type:</b> Individual <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Partnership <input type="checkbox"/>				
New Application <input checked="" type="checkbox"/> Renewal <input type="checkbox"/> Transfer <input checked="" type="checkbox"/> Relocation <input type="checkbox"/>				
A-Nationally Organized Fraternal Order or Club <input type="checkbox"/>	D-Sale at Retail of Alcoholic Beverages <input checked="" type="checkbox"/>	G-Concession Bismarck Municipal Country Club <input type="checkbox"/>	J-Non-profit Organization Club or Establishment <input type="checkbox"/>	O-Microbrewery <input type="checkbox"/>
A2-Nationally Organized Fraternal Order or Club <input type="checkbox"/>	E-Sale at Retail of Beer Only <input type="checkbox"/>	H-Commercial vessels on the Missouri River <input type="checkbox"/>	K-Beer and Wine at the Bismarck Event Center <input type="checkbox"/>	P-Event Site <input type="checkbox"/>
B-Airport Terminal Building <input type="checkbox"/>	F1-Restaurant - Alcoholic Beverages - 55/45 Split <input type="checkbox"/>	I1-Restaurant - Alcoholic Beverages - 70/30 Split <input type="checkbox"/>	L-Beer & Wine at Parks & Recreation Locations <input type="checkbox"/>	Q-Restaurant On-Sale and Off-Sale Wine <input type="checkbox"/>
C-Hotel or Motel Full Service <input type="checkbox"/>	F2-Restaurant - Beer/Wine Only - 55/45 Split <input type="checkbox"/>	I2-Restaurant - Beer and Wine Only - 70/30 Split <input type="checkbox"/>	M-Catered Retail Beer, Wine, & Liquor <input type="checkbox"/>	R-Commercial Airline <input type="checkbox"/>
C2-Hotel or Motel <input type="checkbox"/>	F3-Restaurant - Beer Only - 55/45 Split <input type="checkbox"/>	I3-Restaurant - Beer Only - 70/30 Split <input type="checkbox"/>	N-Domestic Winery <input type="checkbox"/>	S-Beer Arcade <input type="checkbox"/>

<b>Location Information:</b>				
Name of Partnership or Corporation:		Date of Incorporation:		State Business ID Number:
Costco Beverages, Inc.		3/02/00		0000121154
Name of business for which license is requested (DBA):			If out of state corporation, is corporation registered in North Dakota? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Costco Wholesale #1380				
Location Address:	City:	State:	Zip:	Phone Number:
1325 57th Ave. NE	Bismarck	ND	58503	
Owner of Building or Premises:				
Costco Wholesale Corporation				

<b>Correspondence Information (Where correspondence is to be sent):</b>			
Primary Contact:		Phone Number:	Email Address:
Deanna Nakashima		(425) 313-6094	dnakashima@costco.com
Mailing Address:		City:	State: Zip:
Attn: Licensing; P.O. Box 35005		Seattle	WA 98124

**List all officers or director of corporation or partners and percentage of ownership:**

<b>Manager's Name:</b> Angela Jean Bauer		Date of Birth: 8/11/71	Race: Caucasian	
Driver's License Number: BAU-71-8534		State Issued: ND	Gender: F	
Home Address: 7633 15th St. S.		City: Fargo	State: ND	Zip: 58104
Occupation: Manager	Phone Number: (701) 281-2220	Title: General Manager	Email Address: w01119mgr@costco.com	

<b>Name:</b> John Sullivan		Date of Birth: 08/31/1960	Race: Caucasian	
Driver's License Number: SULLIVJC404NU		State Issued: WA	Gender: M	
Home Address: 1125 8th Ave. W.		City: Seattle	State: WA	Zip: 98119
Occupation: Officer/Director	Phone Number: (425) 313-8100	Title: President/Treasurer/Director	Email Address: jsullivan@costco.com	

<b>Name:</b> Gail E. Tsuboi		Date of Birth: 01/07/1959	Race: Asian	
Driver's License Number: TSUBOGE419BG		State Issued: WA	Gender: F	
Home Address: 12224 NE Bel Red Rd		City: Bellevue	State: WA	Zip: 98009
Occupation: Officer/Director	Phone Number: (425) 313-8100	Title: VP/Secretary/Director	Email Address: gtsuboi@costco.com	

<b>Name:</b>		Date of Birth:	Race:	
Driver's License Number:		State Issued:	Gender:	
Home Address:		City:	State:	Zip:
Occupation:	Phone Number:	Title:	Email Address:	

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

1. Are manager and 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  No  If not, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years? Yes  No   
If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements? Yes  No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? Yes  No  If yes, please give details:

5. If a new application, has applicant or any of the persons listed above, engaged in the sale or transportation of alcoholic beverages previously? Yes  No  If yes, please give details:

The applicant holds an alcoholic beverage license in the City of West Fargo, North Dakota.

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? Yes  No  If yes, please give details:

7. 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? Yes  No  If yes, please give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another? Yes  No   
If yes, please give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota? Yes  No  If yes, please give details:

See attached.

10. 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? Yes  No  If yes, please give details:

11. Have all property taxes and special assessments currently due been paid? Yes  No   
If not, please explain:

I agree that I will not transfer or 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 any 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.

WASHINGTON

State of

KING

County of

Costco Beverages, Inc.

*Gail E. Tsuboi*  
Signature of Applicant

Gail E. Tsuboi, VP/Secretary

Print Name

License transfers require signatures from both parties.

The Class D license owned by me is transferred to Applicant upon successful application.

3D ET AL, INC.

Costco Beverages, Inc.

*Gail E. Tsuboi*  
Signature of Applicant

Gail E. Tsuboi, VP/Secretary

Signature of Current Owner of Liquor License  
Darrin Johnson

Dean Dienstmann

Subscribed and sworn to before me this 22nd

day of January, 2020

*Deanna K Nakashima*  
Notary Public *My commission expires 10/25/22*



Note: Each application needs to be signed and notarized

**Restaurant Requirements:**

All applications for Class "F", Class "I" (restaurants), Class "M" (caterer), Class "P" (event site) and Class "Q" (Restaurant On-Sale and Off-Sale) licenses MUST be accompanied by a sworn statement executed by the licensee and a certified public accountant retained by the licensee certifying that gross food sales and liquor sales for the previous calendar year meet the requirements of Chapter 5-01-04 of the City Code of Ordinances.

**Liquor License Site Diagram Requirements:**

- Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size. There shall be one-inch margin left clear on all edges of the diagram.
- The licensed area shall be identified within the margins.
- The agency name shall be included on the diagram.
- The direction "North" shall be included on the diagram.
- The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- The diagram may be hand drawn, but it must be neat and reasonably accurate. Do not submit copies of construction blueprints.
- If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.
- Do not use reference or hi-lite markers to identify areas as they do not reproduce when copied.

I agree that I will not transfer or 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 any 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.

Costco Beverages, Inc.

State of

Signature of Applicant

Gail E. Tsuboi, VP/Secretary

County of

Print Name

License transfers require signatures from both parties.

The Class D license owned by me is transferred to Applicant upon successful application.

3D ET AL, INC.

Signature of Current Owner of Liquor License

Darrin Johnson

Signature of Applicant

Subscribed and sworn to before me this 28<sup>th</sup>

Dean Dienstmann

day of June, 2019

**ROBERT E. LEMKE**  
Notary Public  
State of North Dakota  
My Commission Expires Feb 19, 2023

Notary Public

Note: Each application needs to be signed and notarized.

### Restaurant Requirements:

All applications for Class "F", Class "I" (restaurants), Class "M" (caterer), Class "P" (event site) and Class "Q" (Restaurant On-Sale and Off-Sale) licenses **MUST** be accompanied by a sworn statement executed by the licensee and a **certified public accountant** retained by the licensee certifying that gross food sales and liquor sales for the previous calendar year meet the requirements of Chapter 5-01-04 of the City Code of Ordinances.

### Liquor License Site Diagram Requirements:

- Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size. There shall be one-inch margin left clear on all edges of the diagram.
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- The agency name shall be included on the diagram.
- The direction "North" shall be included on the diagram.
- The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- The diagram may be hand drawn, but it must be neat and reasonably accurate. Do not submit copies of construction blueprints.
- If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.
- Do not use reference or hi-lite markers to identify areas as they do not reproduce when copied.

## Site Diagram

See attached Site Plan.



1325 57TH AVENUE NE  
BISMARCK, ND 58503

**PROJECT DATA**

CLIENT: COSTCO W/WHOLESALE  
593 LAKE DRIVE  
ISSAQUAH, WA 98027

PROJECT ADDRESS: SEC OF 57TH AVENUE HWY 83  
BISMARCK, ND

**COSTCO  
WHOLESALE  
CORPORATION**

800 LAKE DRIVE  
ISSAQUAH, WA 98027  
T. 425.213.1000  
WWW.COSTCO.COM



**ISSUE FOR  
CONSTRUCTION**  
JULY 30, 2019

SITE DATA:  
TOTAL SITE AREA: 20.86 ACRES (943,693 SF)

INCLUDES:  
DETENTION BASIN: 1.45 ACRES (63,162 SF)  
OUTLOT/FUTURE PARKING: 1.31 ACRES (57,835 SF)

JURISDICTION: CITY OF BISMARCK, ND  
ZONING: COMMERCIAL

SETBACKS: REQUIRED: 52'-0"  
FRONT: 10'-0"  
SIDE: 117'-0"  
REAR: 10'-0"

BOUNDARIES INFORMATION:  
THIS PLAN HAS BEEN PREPARED BY USING  
SURVEY INFORMATION PREPARED BY  
MAGNETIC SURVEYING COMPANY, P.C.  
RECEIVED MAY 28, 2019.

BUILDING DATA:  
TOTAL BUILDING FOOTPRINT AREA: 157,453 SF

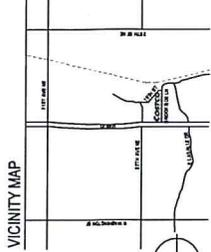
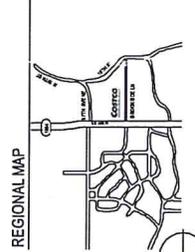
INCLUDES:  
WATERCOURSE MAIN LEVEL  
ENCLOSED CANOPY: 158,112 SF  
4,141 SF

PARKING DATA:  
TOTAL PARKING: 741 STALLS

INCLUDES:  
MAIN LEVEL PARKING PROVIDED:  
19 WIDE STALLS  
16 STALLS  
(1 IN ROW)

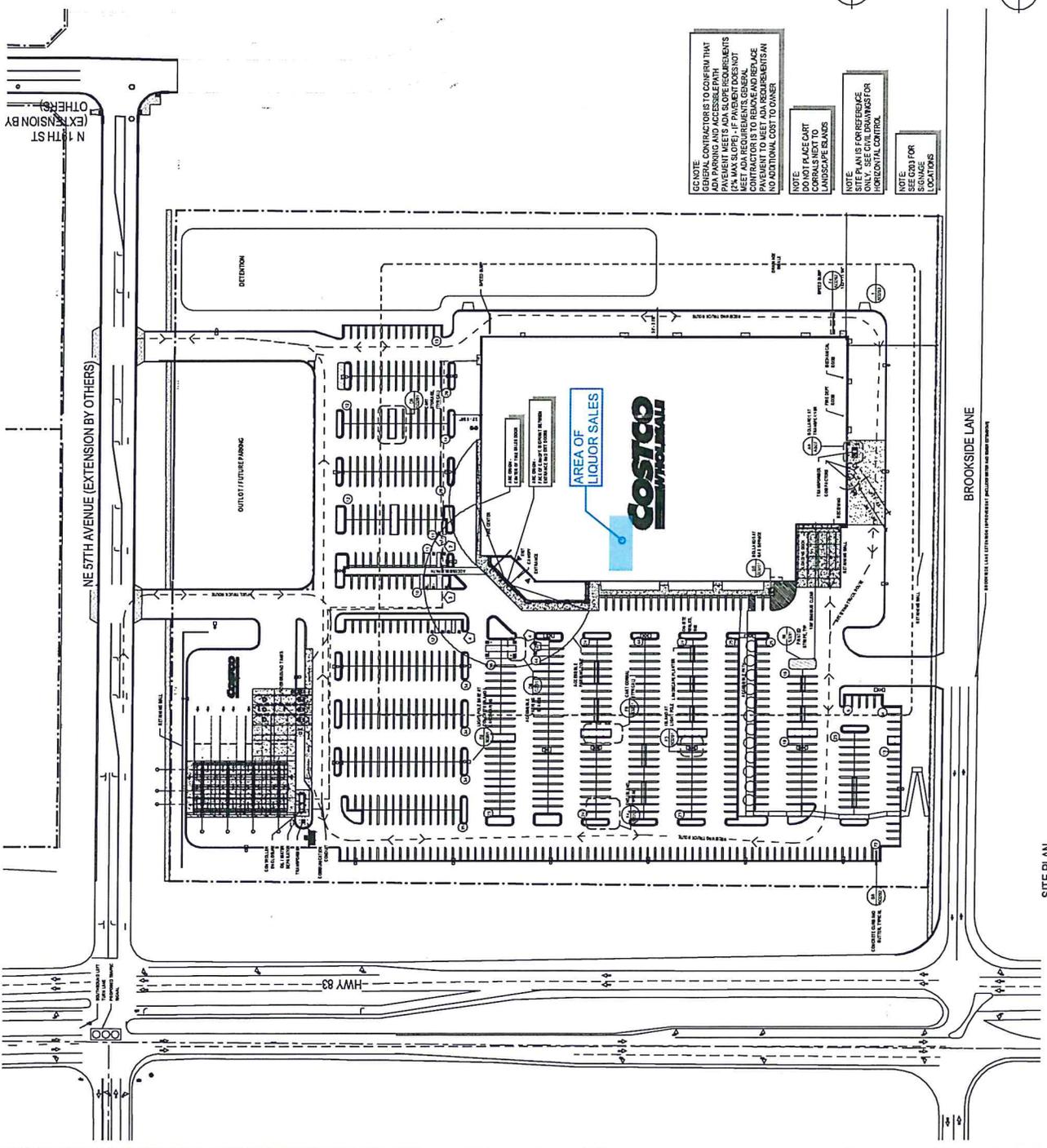
NUMBER OF STALLS PER 1000 SF  
OF BUILDING AREA: 4.71 STALLS

NOTES:  
EXISTING CONDITIONS TO BE FIELD VERIFIED.



17-044-001  
CITY OF BISMARCK, ND  
DRAWING 17-044-001  
06/22/19

SITE PLAN  
SD101



GC NOTE:  
GENERAL CONTRACTOR TO CONFIRM THAT  
ADJACENT PARKING AND ACCESSIBLE PATH  
CONSTRUCTION MEETS ALL REQUIREMENTS  
(2% MAX SLOPE) - IF PAVEMENT DOES NOT  
MEET ADA REQUIREMENTS, GENERAL  
CONTRACTOR TO PROVIDE REMEDIATION  
PAVEMENT TO MEET ADA REQUIREMENTS  
NO ADDITIONAL COST TO OWNER

NOTE:  
DO NOT PLACE CURB  
OR LANDSCAPE ISLANDS  
IN THE PARKING AREAS

NOTE:  
SITE PLANS FOR REFERENCE  
CONTRACTOR TO VERIFY ALL ANGLES FOR  
HORIZONTAL CONTROL

NOTE:  
SEE GRAS FOR  
LOCATIONS

SITE PLAN  
SCALE: 1"=50'



13225 57TH AVENUE NE  
BISMARCK, ND 58503

**COSTCO  
WHOLESALE  
CORPORATION**  
899 LAKE DRIVE  
BOZEMAN, MT 59717  
T. 406.552.8100  
WWW.COSTCO.COM



**ISSUE FOR  
CONSTRUCTION**  
JULY 30, 2019

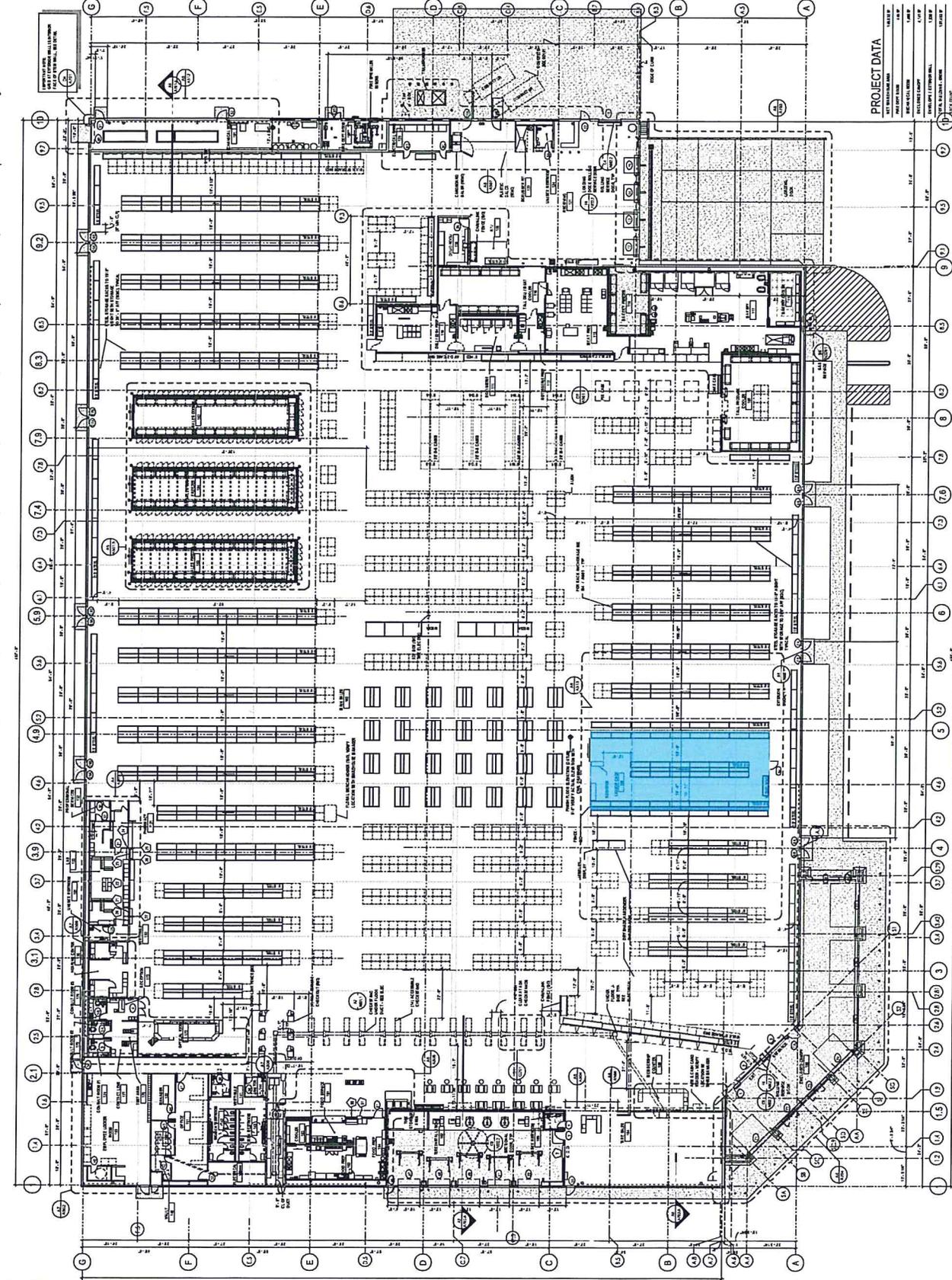


SCALE: 1/8" = 1'-0"

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NORTH DAKOTA BUILDING CODE.  
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NORTH DAKOTA ELECTRICAL CODE.  
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NORTH DAKOTA MECHANICAL CODE.  
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NORTH DAKOTA PLUMBING CODE.  
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NORTH DAKOTA FIRE AND SAFETY CODE.  
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NORTH DAKOTA ENERGY CODE.  
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NORTH DAKOTA ENVIRONMENTAL CODE.

17-24-2019  
P.H. CHRISTIAN/ALISON  
DRAWN BY: G.S., J.S.  
8/20/19

**FLOOR PLAN  
A101**



**PROJECT DATA**

PROJECT NAME	13225 57TH AVENUE NE
PROJECT NUMBER	17-24-2019
PROJECT LOCATION	BISMARCK, ND
PROJECT OWNER	COSTCO WHOLESALE CORPORATION
PROJECT ARCHITECT	MG2
PROJECT ENGINEER	P.H. CHRISTIAN/ALISON
PROJECT DATE	JULY 30, 2019
PROJECT SCALE	1/8" = 1'-0"
PROJECT SHEET	A101
PROJECT TOTAL SHEETS	10
PROJECT STATUS	ISSUE FOR CONSTRUCTION
PROJECT NOTES	SEE PROJECT NOTES FOR ALL WORK
PROJECT REVISIONS	SEE REVISIONS FOR ALL WORK
PROJECT DATE	JULY 30, 2019
PROJECT SCALE	1/8" = 1'-0"
PROJECT SHEET	A101
PROJECT TOTAL SHEETS	10
PROJECT STATUS	ISSUE FOR CONSTRUCTION

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NORTH DAKOTA BUILDING CODE.  
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7. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NORTH DAKOTA ENVIRONMENTAL CODE.

**FLOOR PLAN  
SCALE: 1/8" = 1'-0"**



1325 57TH AVENUE NE  
BISMARCK, ND 58503

**COSTCO  
WHOLESALE  
CORPORATION**  
801 LAKE DRIVE  
BOZEMAN, MT 59717  
T. 406.339.8000  
WWW.COSTCO.COM



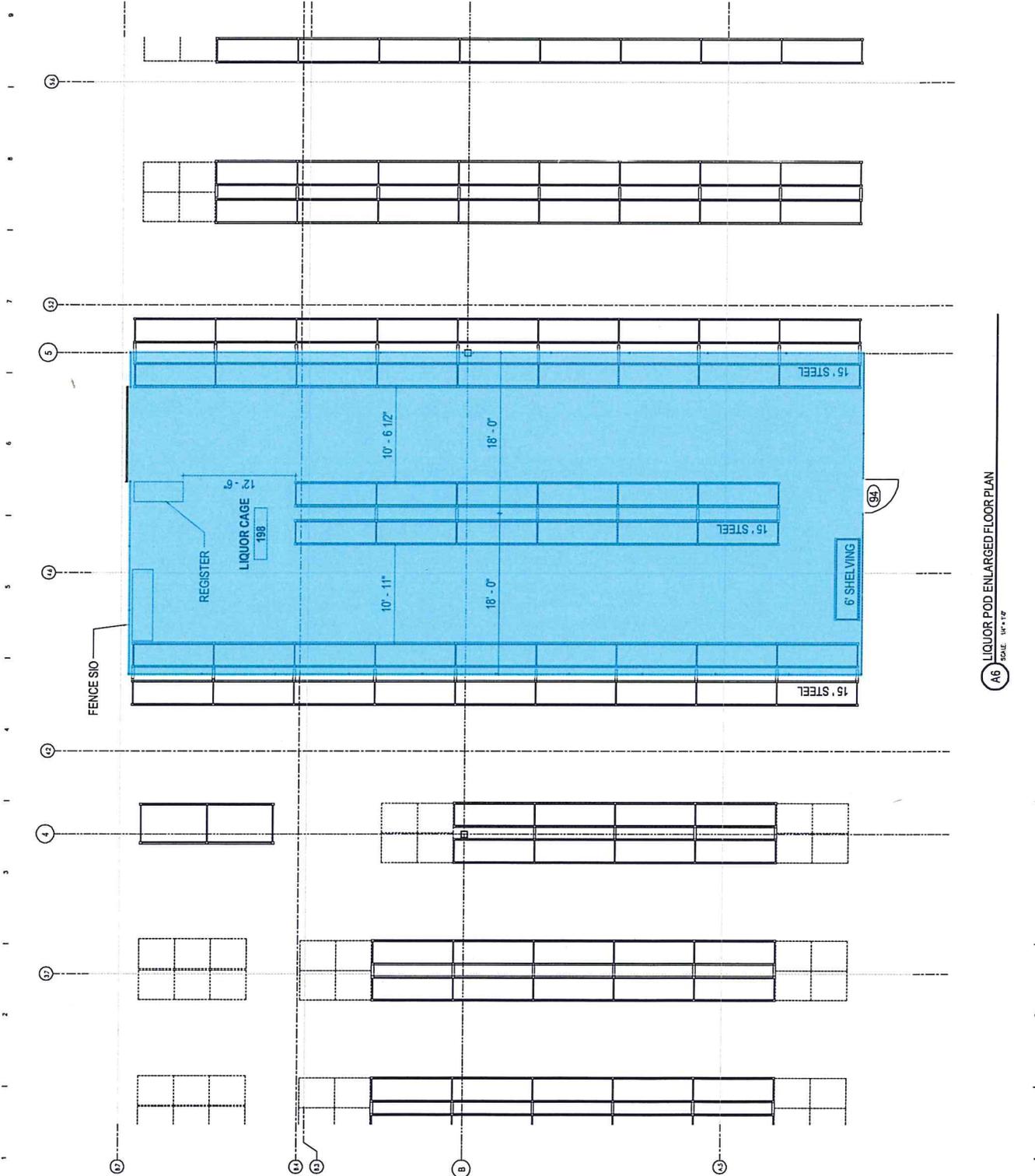
ISSUE FOR  
CONSTRUCTION  
JULY 30, 2019



17244821  
PKL CHRISTINA WOOD  
PROJECT BY PKL  
01/07/20

ENLARGED LIQUOR  
POD PLAN

A513



A6 LIQUOR POD ENLARGED FLOOR PLAN  
SCALE 1/4"=1'-0"

**COSTCO WHOLESALE CORPORATION  
AS OF JANUARY 2020**

<b>No</b>	<b>Location Name</b>	<b>Address</b>	<b>Agency</b>	<b>License Type</b>
1	Seattle	4401 4th Avenue South Seattle, WA 98134	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
2	Portland	4849 N.E. 138th Portland, OR 97230	OR Liquor Control Com City of Portland	Beer/Wine
6	Southcenter	400 Costco Drive, Suite 150 Tukwila, WA 98188	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
8	Kirkland	8629 120th Avenue N.E. Kirkland, WA 98033	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
9	Aloha	15901 S.W. Jenkins Rd. Aloha, OR 97006	OR Liquor Control Com City of Beaverton	Beer/Wine
10	Anchorage	330 West Dimond Blvd. Anchorage, AK 99515	AK Alcoholic Beverage Control Board	Beer/Wine/Spirits
13	Silverdale	10000 Mickelberry Rd NW Silverdale, WA 98383	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
17	Eugene	2828 Chad Drive Eugene, OR 97408	OR Liquor Control Com City of Eugene	Beer/Wine
21	Danville	3150 Fostoria Way Danville, CA 94526	CA Alcoholic Beverage Com	Beer/Wine/Spirits
25	Reno II	2200 Harvard Way Reno, NV 89502	City of Reno	Beer/Wine/Spirits
28	Laguna Niguel	27972 Cabot Road Laguna Niguel, CA 92677	CA Alcoholic Beverage Com	Beer/Wine/Spirits
29	Roseville	6750 Stanford Ranch Road Roseville, CA 95678	CA Alcoholic Beverage Com	Beer/Wine/Spirits
31	Fresno	4500 West Shaw Fresno, CA 93722	CA Alcoholic Beverage Com	Beer/Wine/Spirits
38	Stockton	1616 East Hammer Lane Stockton, CA 95210	CA Alcoholic Beverage Com	Beer/Wine/Spirits
41	Santa Rosa	1900 Santa Rosa Avenue Santa Rosa, CA 95407	CA Alcoholic Beverage Com	Beer/Wine/Spirits
48	Van Nuys	6100 Sepulveda Blvd. Van Nuys, CA 91411	CA Alcoholic Beverage Com	Beer/Wine/Spirits
61	Federal Way	35100 Enchanted Parkway S Federal Way, WA 98003	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
63	Anchorage II	4125 De Barr Road Anchorage, AK 99508	AK Alcoholic Beverage Control Board	Beer/Wine/Spirits
64	Tumwater	5500 Little Rock Road Tumwater, WA 98512	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
67	Missoula	3220 North Reserve St. Missoula, MT 59802	City of Missoula MT Dept. of Revenue	Beer/Wine
68	Salem	1010 Hawthorne Ave Salem, OR 97301	OR Liquor Control Com City of Salem	Beer/Wine
69	Billings	2290 King Avenue Billings, MT 59102	City of Billings MT Dept. of Revenue	Beer/Wine
88	Pompano Beach	1800 West Sample Road Pompano Beach, FL 33064	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits

No	Location Name	Address	Agency	License Type
127	Carson City	700 Old Clear Creek Road Carson City, NV 89705	City of Carson City	Beer/Wine/Spirits
128	Simi Valley	2660 Park Center Drive Simi Valley, CA 93065	CA Alcoholic Beverage Com	Beer/Wine/Spirits
129	Santa Clara	1601 Coleman Ave. Santa Clara, CA 95050	CA Alcoholic Beverage Com	Beer/Wine/Spirits
130	Los Feliz	2901 Los Feliz Boulevard Los Angeles, CA 90039	CA Alcoholic Beverage Com	Beer/Wine/Spirits
131	Sand City	801 Tioga Avenue Sand City, CA 93955	CA Alcoholic Beverage Com	Beer/Wine/Spirits
132	Vallejo	198 Plaza Drive Vallejo, CA 94591	CA Alcoholic Beverage Com	Beer/Wine/Spirits
133	Redding	1300 Dana Drive Redding, CA 96003	CA Alcoholic Beverage Com	Beer/Wine/Spirits
140	Kona	73 5600 Maiiau Street Kailua Kona, HI 96740	County of Hawaii	Beer/Wine/Spirits
141	Novato	300 Vintage Way Novato, CA 94945	CA Alcoholic Beverage Com	Beer/Wine/Spirits
142	Merced	1445 'R' Street Merced, CA 95340	CA Alcoholic Beverage Com	Beer/Wine/Spirits
143	Mountain View	1000 N. Rengstorff Ave. Mountain View, CA 94043	CA Alcoholic Beverage Com	Beer/Wine/Spirits
144	San Francisco	450 Tenth Street San Francisco, CA 94103	CA Alcoholic Beverage Com	Beer/Wine/Spirits
145	Twin Falls	731 Pole Line Drive Twin Falls, ID 83301	Twin Falls County ID Dept. of Law Enforcement	Beer/Wine
146	Livermore	2800 Independence Drive Livermore, CA 94551	CA Alcoholic Beverage Com	Beer/Wine/Spirits
147	Foster City	1001 Metro Center Blvd. Foster City, CA 94404	CA Alcoholic Beverage Com	Beer/Wine/Spirits
148	San Jose	2201 Senter Rd. San Jose, CA 95112	CA Alcoholic Beverage Com	Beer/Wine/Spirits
149	Santa Cruz	220 Sylvania Ave. Santa Cruz, CA 95060	CA Alcoholic Beverage Com	Beer/Wine/Spirits
171	Sumner Depot	4000 B 142 Ave. E Sumner, WA 98390	WA Dept. of Licensing WA Liquor Control Board	Central Warehouse Permit
172	Tracy "Wet" Depot	25862 South Schulte Ct Tracy, Ca 95377	CA Alcoholic Beverage Com	Beer/Wine/Spirits-Whse Permit
174	Depot (Dry)	5851 45th Street W Palm Beach, FL 33407	FL Dept of Alcoholic Bev. & Tob.	Storage Permit Beer/Wine/Spiritsts
179	Tracy Depot	25862 S Schulte CT Tracy, CA 95377	CA Alcoholic Beverage Com	Beer/Wine/Spirits-Whse Permit
180	Lantana	1873 W. Lantana Road Lantana, FL 33462	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
181	Miami Lakes	16580 NW 59th Ave. Miami Lakes, FL 33014	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
183	Altamonte Springs	741 Orange Avenue Altamonte Springs, FL 32714	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
185	East Orlando	3333 University Blvd Winter Park, FL 32792	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine

No	Location Name	Address	Agency	License Type
304	Brookfield	200 Federal Road Brookfield, CT 06804	CT Dept of Consumer Protection- Liquor Division	Beer/Wine/Spirits
305	Nanuet	50 Overlook Blvd. Nanuet, NY 10954	NY Liquor Authority	Grocery Beer/Wine Products
307	Nashua	311 Daniel Webster Hwy Nashua, NH 03060	State of New Hampshire	Beer/Wine
308	Waltham	71 Second Avenue Waltham, MA 02451	City of Waltham Commonwealth of Massachusetts	Beer/Wine/Spirits
310	Lawrence	605 Rockaway Turnpike Lawrence, NY 11559	NY Liquor Authority	Grocery Beer/Wine Products
312	Milford	1718 Boston Post Rd. Milford, CT 06460	CT Dept of Consumer Protection - Liquor Division	Beer/Wine/Spirits
313	Waterbury	3600 E. Main St. Waterbury, CT 06705	CT Dept of Consumer Protection	Beer/Wine/Spirits
314	Colchester	218 Lower Mountain View Dr Colchester, VT 05446	Town of Colchester	Beer/Wine
316	Staten Island	2975 Richmond Avenue Staten Island, NY 10314	NY Liquor Authority	Grocery Beer/Wine Products
318	Brooklyn	976 3rd Avenue Brooklyn, NY 11232	NY Liquor Authority	Grocery Beer/Wine Products
319	Dedham	200 Legacy Blvd. Dedham, MA 02026		
321	Yonkers	20 Stew Leonard Drive Yonkers, NY 10710	NY Liquor Authority	Grocery Beer/Wine Products
323	Edison	205 Vineyard Road Edison, NJ 08817	Township of Edison State of New Jersey	Beer/Wine/Spirits
326	Port Chester	1 Westchester Ave Port Chester, NY 10573	NY Liquor Authority	Grocery Beer/Wine Products
333	Everett	2 Mystic View Rd Everett, MA 02149	City of Everett	Beer/Wine/Spirits
334	Chantilly	14390 Chantilly Crossing Lane Chantilly, VA 20151	Commonwealth of Virginia	Beer/Wine
335	Carolina	1185 65th Infantry Avenue San Juan, PR 00924	PR Hacienda (Tax Dept.)	Beer/Wine/Spirits
336	Clearwater	2655 Gulf to Bay Blvd Clearwater, FL 33759	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
337	Leesburg	1300 Edwards Ferry Road Leesburg, VA 20176	Commonwealth of Virginia	Beer/Wine
338	Myrtle Beach	1021 Oak Forest Lane Myrtle Beach, SC 29577	SC Dept of Revenue	Minibottle Wholesaler Beer/Wine/Spirits
339	Greensboro	4201 W. Wendover Ave. Greensboro, NC 27402	NC ABC Com City of Greensboro/or Guilford County	Beer/Wine
340	Fredericksburg	3102 Plank Road, #600 Fredericksburg, VA 22407	Commonwealth of Virginia	Beer/Wine
341	Commerce Township	3000 Commerce Crossings Rd. Commerce Township, MI 48390	MI Dept. of Commerce	Beer/Wine/Sprits
342	Naperville	1320 S. Route 59 Naperville, IL 60564	IL Liquor Control Com City of Naperville	Beer/Wine/Spirits
343	Avon	35804 Detroit Road Avon, OH 44011	OH Dept of Commerce Division of Liquor Control	Beer/Wine

No	Location Name	Address	Agency	License Type
371	Bloomingtondale	505 West Army Trail Road Bloomingtondale, IL 60108	IL Liquor Control Com Village of Bloomingtondale	Beer/Wine/Spirits
372	Coon Rapids	12547 Riverdale Blvd Coon Rapids, MN 55433	City of Coon Rapids MN Dept of Public Safety-Alcohol &	Beer/Wine/Spirits
373	Independence	19040 E. Valley View Pkwy Independence, MO 64055	MO Dept of Public Safety City of Independence	Beer/Wine/Spirits
374	Lakeside (Shelby Township)	45460 Market Street Lakeside, MI 48315	MI Dept. of Commerce	Beer/Wine/Spirits
375	Kansas City	241 East Linwood Blvd Kansas City, MO 64111	MO Dept of Public Safety City of Kansas City	Beer/Wine/Spirits
376	Auburn Hills	400 Brown Road Auburn Hills, MI 48326	MI Dept. of Commerce	Beer/Wine/Spirits
377	St. Louis Park	5801 West 16th Street St. Louis Park, MN 55416	City of St Louis MN Dept of Public Safety-Alcohol &	Beer/Wine/Spirits
378	Lake Zurich	680 S. Rand Road Lake Zurich, IL 60047	IL Liquor Control Com Village of Lake Zurich	Beer/Wine/Spirits
379	Springdale	1100 East Kemper Road Springdale, OH 45246	OH Dept of Commerce Division of Liquor Control	Beer/Wine
380	Lincoln Park	2746 N. Clybourn Ave Chicago, IL 60614	IL Liquor Control Com City of Chicago	Beer/Wine/Spirits
382	St. Peters	200 Costco Way St. Peters, MO 63376	MO Dept of Public Safety City of St Peters	Beer/Wine/Spirits
383	Niles	7311 Melvina Avenue Niles, IL 60714	IL Liquor Control Com Village of Niles	Beer/Wine/Spirits
384	Deerfield	9691 Waterstone Blvd Cincinnati, OH 45249	OH Dept of Commerce Division of Liquor Control	Beer/Wine
386	Brentwood	98 Seaboard Lane Brentwood, TN 37027	City of Brentwood	Beer
387	Schaumburg	1375 N. Meacham Rd. Shaumburg, IL 60173	IL Liquor Control Com Village of Schaumburg	Beer/Wine/Spirits
388	Oak Brook	1901 West 22nd Street Oak Brook, IL 60523	IL Liquor Control Com Village of Oakbrook	Beer/Wine/Spirits
390	Livonia I	13700 Middlebelt Road Livonia, MI 48150	MI Dept. of Commerce	Beer/Wine/Spirits
391	Livonia II	20000 Haggerty Road Livonia, MI 48152	MI Dept. of Commerce	Beer/Wine/Spirits
393	Madison Heights	30550 Stephenson Highway Madison Heights, MI 48071	MI Dept. of Commerce	Beer/Wine/Spirits
394	Roseville	27118 Gratiot Avenue Roseville, MI 48066	MI Dept. of Commerce	Beer/Wine/Spirits
401	San Diego	4605 Morena Blvd. San Diego, CA 92117	CA Alcoholic Beverage Com	Beer/Wine/Spirits
403	Santee	101 Town Center Pkwy Santee, CA 92071	CA Alcoholic Beverage Com	Beer/Wine/Spirits
407	Tucson	6255 E. Grant Road Tucson, AZ 85712	AZ Dept. of Liquor Control City of Tucson	Beer/Wine/Spirits
410	Norwalk	12324 Hoxie Ave. Norwalk, CA 90650	CA Alcoholic Beverage Com	Beer/Wine/Spirits
411	Fountain Valley	17900 New Hope Street Fountain Valley, CA 92708	CA Alcoholic Beverage Com	Beer/Wine/Spirits

No	Location Name	Address	Agency	License Type
462	Carlsbad	951 Palomar Airport Road Carlsbad, CA 92011	CA Alcoholic Beverage Com	Beer/Wine/Spirits
464	South Sacramento	7981 E. Stockton Blvd. Sacramento, CA 92823	CA Alcoholic Beverage Com	Beer/Wine/Spirits
465	Thomas Road	4502 E. Oak St. Phoenix, AZ 85008	AZ Dept. of Liquor Control City of Phoenix	Beer/Wine/Spirits
466	Prescott	3911 Highway 69 Prescott, AZ 86301	AZ Dept. of Liquor Control City of Prescott	Beer/Wine/Spirits
468	Denver	8686 Park Meadows Ctr Dr Littleton, CO 80124	City of Lone Tree CO Dept of Revenue	Beer/Wine/Spirits
469	La Mesa	8125 Fletcher Parkway La Mesa, CA 91942	CA Alcoholic Beverage Com	Beer/Wine/Spirits
470	S. San Jose	5301 Almaden Expressway San Jose, CA 95118	CA Alcoholic Beverage Com	Beer/Wine/Spirits
471	Cal Expo	1600 Expo Parkway Sacramento, CA 95815	CA Alcoholic Beverage Com	Beer/Wine/Spirits
472	Salinas	1339 N. Davis Road Salinas, CA 93907	CA Alcoholic Beverage Com	Beer/Wine/Spirits
473	Chino Hills	13111 Peyton Drive Chino Hills, CA 91709	CA Alcoholic Beverage Com	Beer/Wine/Spirits
474	Goleta	7095 Market Place Drive Goleta, CA 93117	CA Alcoholic Beverage Com	Beer/Wine/Spirits
475	S. San Francisco	1600 El Camino Real Blvd. S. San Francisco, CA 94080	CA Alcoholic Beverage Com	Beer/Wine/Spirits
478	San Bernardino	1099 East Hospitality Lane San Bernardino, CA 92408	CA Alcoholic Beverage Com	Beer/Wine/Spirits
479	Culver City	13463 WA Blvd. Culver City, CA 90292	CA Alcoholic Beverage Com	Beer/Wine/Spirits
480	Superior	600 Marshall Road Superior, CO 80027	Town of Superior CO Dept of Revenue	Beer
481	Gilbert	1415 N Arizona Avenue Gilbert, AZ 85233	AZ Dept. of Liquor Control Town of Gilbert	Beer/Wine/Spirits
482	Richmond	4801 Central Avenue Richmond, CA 94804	CA Alcoholic Beverage Com	Beer/Wine/Spirits
483	S.E. San Diego	650 Gateway Center Drive San Diego, CA 92102	CA Alcoholic Beverage Com	Beer/Wine/Spirits
484	Orem	648 East 800 South Orem, UT 84097	UT ABC	3.2% Beer (can sell beer not to exceed 4% as of
485	Honolulu (Waipio)	94-1231 Ka Uka Blvd Waipahu, HI 96797	City and County of Honolulu	Beer/Wine/Spirits
486	Kennewick	8505A West Gage Blvd Kennewick, WA 99336	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
487	Sandy	11100 South Automall Drive Sandy, UT 84070	City of Sandy UT ABC	3.2% Beer (can sell beer not to exceed 4% as of
488	San Diego (Mission Valley)	2345 Fenton Parkway San Diego, CA 92108	CA Alcoholic Beverage Com	Beer/Wine/Spirits
489	Fort Worth	5300 Overton Ridge Blvd Fort Worth, TX 76132	TX Alcoholic Beverage Control City of Fort Worth	Beer/Wine
490	North Phoenix	19001 N 27th Avenue Phoenix, AZ 85027	AZ Dept. of Liquor Control City of Phoenix	Beer/Wine/Spirits

No	Location Name	Address	Agency	License Type
645	Raleigh	2838 Wake Forest Road Raleigh, NC 27609	NC ABC Com City of Raleigh/Wake County	Beer/Wine
646	Sparks	4810 Galleria Parkway Sparks, NV 89436	City of Sparks	Beer/Wine/Spirits
647	Orland Park	9915 W. 159th Street Orland Park, IL 60462	IL Liquor Control Com Village of Orland Park	Beer/Wine/Spirits
648	Maple Grove	11330 Fountain Drive N Maple Grove, MN 55369	City of Maple Grove MN, Dept of Public Safety-Alcohol &	Beer/Wine/Spirits
657	North Fresno	7100 North Abby Street Fresno, CA 93720	CA Alcoholic Beverage Com	Beer/Wine/Spirits
658	Tracy	3250 West Grant Line Road Tracy, CA 95304	CA Alcoholic Beverage Com	Beer/Wine/Spirits
659	Rohnert Park	5901 Redwood Drive Rohnert Park, CA 94928	CA Alcoholic Beverage Com	Beer/Wine/Spirits
660	Puyallup	1201 39th Avenue SW Puyallup, WA 98374	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
661	Modesto	3801 Pelandale Avenue, Ste A Modesto, CA 95356	CA Alcoholic Beverage Com	Beer/Wine/Spirits
662	Burlington	1725 S Burlington Blvd Burlington, WA 98233	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
663	Concord	2400 Monument Blvd. Concord, CA 94520	CA Alcoholic Beverage Com	Beer/Wine/Spirits
664	East Plano	3800 N. Central Expressway Plano, TX 75074	TX Alcoholic Beverage Control City of Plano	Beer/Wine
665	Phoenix	1646 West Montebello Ave. Phoenix, AZ 85015	AZ Dept. of Liquor Control City of Phoenix	Beer/Wine/Spirits
667	Albuquerque II	500 Eubank Blvd. SE Albuquerque, NM 87123	State of New Mexico	Beer/Wine/Spirits
668	Arlington	600 West Arbrook Blvd Arlington, TX 76014	TX Alcoholic Beverage Control City of Arlington	Beer/Wine
669	Southlake	2601 E State Hwy 114 Southlake, TX 76092	TX Alcoholic Beverage Control City of Southlake	Beer/Wine
670	Spokane	5601 E. Sprague Avenue Spokane, WA 99212	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
671	Hawthorne	14501 Hindry Avenue Hawthorne, CA 90250	CA Alcoholic Beverage Com	Beer/Wine/Spirits
672	St. George	835 N. 3050 East St. George, UT 84790		
673	Henderson	791 Marks Street Henderson, NV 89014	City of Henderson	Beer/Wine/Spirits
674	Glendale	17550 North 79th Ave Glendale, AZ 85308	AZ Dept. of Liquor Control City of Glendale	Beer/Wine/Spirits
675	Willowbrook (Houston)	12405 N. Gessner Road Houston, TX 77071	TX Alcoholic Beverage Control City of Houston	Beer/Wine
676	Arvada	5195 Wadsworth Blvd. Arvada, CO 80002	City of Arvada CO Dept of Revenue	Beer
677	Burbank	1051 Burbank Blvd Burbank, CA 91506	CA Alcoholic Beverage Com	Beer/Wine/Spirits
678	Rancho Cucamonga	11800 4th Street Rancho Cucamonga, CA 91730	CA Alcoholic Beverage Com	Beer/Wine/Spirits

No	Location Name	Address	Agency	License Type
743	Alpharetta	2855 Jordan Court Alpharetta, GA 30004	GA Dept of Revenue City of Alpharetta	Beer/Wine/Spirits
744	Wyoming	4901 Wilson Avenue Wyoming, MI 49418	MI Dept. of Commerce	Beer/Wine/Spirits
745	Kalispell	2330 US Highway 93 North Kalispell, MT 59901	City of Kalispell	Beer/Wine
746	Lake Elsinore	29315 Central Ave Lake Elsinore, CA 92532	CA Alcoholic Beverage Com	Beer/Wine/Spirits
747	Woodinville	24008 Snohomish Woodinville Rd Woodinville, WA 98072	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
748	Cypress	5401 Katella Avenue Cypress, CA 90630	CA Alcoholic Beverage Com	Beer/Wine/Spirits
760	Gilroy	7251 Camino Arroyo Gilroy, Ca 95020	CA Alcoholic Beverage Com	Beer/Wine/Spirits
761	Boise	2051 S. Cole Road Boise, ID 83709	ID Dept of Law Enforcement City of Boise	Beer/Wine
762	Lancaster	1141 West Avenue L Lancaster, CA 93534	CA Alcoholic Beverage Com	Beer/Wine/Spirits
764	Murray	5201 S. Intermountain Drive Murray, UT 84107	Murray City Corporation UT ABC	3.2% Beer (can sell beer not to exceed 4% as of
765	Folsom	1800 Cavitt Drive Folsom, CA 95630	CA Alcoholic Beverage Com	Beer/Wine/Spirits
766	Wilsonville	25900 SW Heather PL Wilsonville, OR 97070	OR Liquor Control Com City of Wilsonville	Beer/Wine
767	Fife Business Center	3900 - 20th Street East Fife, WA 98424	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine
768	El Paso	6101 Gateway Blvd. El Paso, TX 79925	TX Alcoholic Beverage Control City of El Paso	Beer/Wine
769	Inglewood	3560 West Century Blvd. Inglewood, CA 90303	CA Alcoholic Beverage Com	Beer/Wine/Spirits
770	South Ogden	3656 Wall Ave South Ogden, UT 84403	City of South Ogden UT ABC	3.2% Beer (can sell beer not to exceed 4% as of
771	Citrus Heights	7000 Auburn Blvd. Citrus Heights, CA 95621	CA Alcoholic Beverage Com	Beer/Wine/Spirits
772	Vancouver	6720 NE 84th Street Vancouver, WA 98665	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
773	Coeur D'Alene	355 E. Neider Avenue Coeur D'Alene, ID 83815	ID Dept of Law Enforcement City of Coeur d'Alene	Beer/Wine
774	Lake in the Hills	250 N. Randall Road Lake in the Hills, IL 60156	IL Liquor Control Com Village of Lake in the Hills	Beer/Wine/Spirits
775	Poway	12155 Tech Center Drive Poway, CA 92064	CA Alcoholic Beverage Com	Beer/Wine/Spirits
777	La Habra	101 N Beach Blvd La Habra, CA 90631	CA Alcoholic Beverage Com	Beer/Wine/Spirits
778	Fremont	43621 Pacific Commons Blvd. Fremont, CA 94538	CA Alcoholic Beverage Com	Beer/Wine/Spirits
779	Mt. Prospect	999 N. Elmhurst Road Mt. Prospect, IL 60056	IL Liquor Control Com Village of Mount Prospect	Beer/Wine/Spirits
781	Chula Vista	1130 Broadway Chula Vista, CA 91911	CA Alcoholic Beverage Com	Beer/Wine/Spirits

No	Location Name	Address	Agency	License Type
1019	South Jordan	3571 W 10400 S South Jordan, UT 84095	City of South Jordan UT ABC	3.2% Beer (can sell beer not to exceed 4% as of
1020	Middleton	2150 Deming Way Middleton, WI 53562	WI Dept. of Revenue Town of Middleton	Beer/Wine/Spirits
1021	Maplewood	1431 Beam Avenue Maplewood, MN 55109	City of Maplewood MN Dept of Public Safety-Alcohol &	Beer/Wine/Spirits
1022	Parker	18414 Cottonwood Dr. Parker, CO 80138	Town of Parker CO Dept of Revenue	Beer
1023	Kendall	13450 SW 120th Street Miami, FL 33186	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
1026	Tallahassee	4067 Lagniappe Way Tallahassee, FL 32317	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
1027	Sheridan	4000 River Point Pkwy Sheridan, CO 80110	City of Sheridan CO Dept of Revenue	Beer
1028	Mesa	1444 South Sossaman Rd. Mesa, AZ 85209	AZ Dept. of Liquor Control City of Phoenix	Beer/Wine/Spirits
1029	Covington	27520 Covington Way SE Covington, WA 98042	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
1030	Colorado Springs (West)	5050 N. Nevada Ave. Colorado springs, CO 80919	City of Colorado Springs CO Dept of Revenue	Beer/Wine/Spirits
1031	Manteca	2440 Daniels Street Manteca, CA 95337	CA Alcoholic Beverage Com	Beer/Wine/Spirits
1033	Pocatello	305 West Quinn Rd Pocatello, ID 83202	ID Dept of Law Enforcement City of Pocatello	Beer/Wine
1037	Bloomfield	2343 South Telegraph Road Bloomfield, MI 48302	MI Dept. of Commerce	Beer/Wine/Spirits
1038	Kapolei	4589 Kapolei Parkway Kapolei, HI 96707	City and County of Honolulu	Beer/Wine/Spirits
1040	St. Charles	221 S. Randall Rd. St. Charles, IL 60174	IL Liquor Control Com City of St. Charles	Beer/Wine/Spirits
1042	Redwood City	2300 Middlefield Road Redwood City, CA 94063	CA Alcoholic Beverage Com	Beer/Wine/Spirits
1049	Rockwall	1225 State Highway 276 Rockwall, TX 75032	TX Alcoholic Beverage Control City of Rockwall	Beer/Wine
1050	Lakewood	340 Lakewood Center Mall Lakewood, CA 90712	CA Alcoholic Beverage Com	Beer/Wine/Spirits
1058	Phoenix Paradise Valley	4570 E. Cactus Road Phoenix, AZ 85032	AZ Dept. of Liquor Control City of Phoenix	Beer/Wine/Spirits
1059	Warrenton	1805 SE Ensign Lane Warrenton, OR 97146	OR Liquor Control Com City of Warrenton	Beer/Wine
1060	Manchester	301 Highlands Blvd Manchester, MO 63011	MO Dept of Public Safety City of Manchester	Beer/Wine/Spirits
1061	Hayward	28505 Hesperian Blvd Hayward, CA 94545	CA Alcoholic Beverage Com	Beer/Wine/Spirits
1062	Manhattan	517 East 117th Street NY City, NY 10035	NY Liquor Authority	Grocery Beer/Wine Products
1070	Rego Park	61-35 Junction Boulevard Rego Park, NY 11374	NY Liquor Authority	Grocery Beer/Wine Products
1071	Pacoima	13550 Paxton St. Pacoima, CA 91331	CA Alcoholic Beverage Com	Beer/Wine/Spirits

No	Location Name	Address	Agency	License Type
1121	Sun Prairie	2850 Hoepker Road Sun Prairie, WI 53590	WI Dept. of Revenue City of Sun Prairie	Beer/Wine/Spirits
1122	Baxter	13650 Elder Drive Baxter, MN 56425	City of Baxter MN Dept of Public Safety-Alcohol &	Beer/Wine/Spirits
1123	Sarasota Square Mall	8201 S Tamiami Trail, Unit 501 Sarasota, FL 34238	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
1125	Rochester	2020 Commerce Drive NW Rochester, MN 55901	City of Rochester MN Dept of Public Safety-Alcohol &	Beer/Wine/Spirits
1126	East Peoria	301 West WA East Peoria, IL 61611	IL Liquor Control Com City of West Peoria	Beer/Wine/Spirits
1146	Sugar Land	17520 Southwest Freeway Sugar Land, TX 77479	TX Alcoholic Beverage Control City of Sugar Land	Beer/Wine
1147	New Orleans	3900 Dublin Street New Orleans, LA 70118	City of New Orleans LA Alcohol and Tobacco Control	Beer/Wine/Spirits
1152	Cedar Park	4601 183A Toll Road Cedar Park, TX 78613	TX Alcoholic Beverage Control City of Cedar Park	Beer/Wine
1153	North Riverside	2500 Harlem Ave North Riverside, IL 60546	IL Liquor Control Com Village of North Riverside	Beer/Wine/Spirits
1156	Lexington	1500 Fitzgerald Court Lexington, KY 40509	City of Lexington KY Alcoholic Beverage Control	Beer/Wine/Spirits
1159	Sioux Falls	3700 S Grange Ave. Sioux Falls, SD 57501	City of Sioux Falls South Dakota Dept. of Revenue	Beer/Wine/Spirits
1160	E.Columbus	3888 Stelzer Road Columbus, OH 43219	OH Dept of Commerce Division of Liquor Control	Beer/Wine
1161	Fort Wayne	5110 Value Drive Fort Wayne, IN 46808	IN Alcohol and Tobacco Com	Beer/Wine/Spirits
1162	Bellevue (Green Bay)	2355 Costco Way Bellevue, WI 54311	WI Dept. of Revenue Village of Bellevue	Beer/Wine/Spirits
1163	Lubbock	6020 34th Street Lubbock, TX 79407	TX Alcoholic Beverage Control City of Lubbock	Beer/Wine
1167	West Katy	23645 Katy Freeway Katy, TX 77494	TX Alcoholic Beverage Control City of Katy	Beer/Wine
1172	Baton Rouge	10000 Dawnadele Ave., Bldg A Baton Rouge, LA 70809	City of Baton Rouge LA Alcohol and Tobacco Control	Beer/Wine/Spirits
1173	North Fort Worth	8900 Tehama Ridge Parkway Fort Worth, TX 76177	TX Alcoholic Beverage Control City of Fort Worth	Beer/Wine
1175	Cumming	1211 Bald Ridge Marina Road Cumplings, GA 30041	GA Dept of Revenue City of Cumming	Beer/Wine
1176	Syracuse	120 Township Blvd Camillus, NY 13031	NY Liquor Authority	Grocery Beer/Wine Products
1177	Wayne	149 State Route 23 Wayne, NJ 07470	Township of Wayne State of New Jersey	Beer/Wine/Spirits
1178	Timnath	4705 Weitzel St. Timnath, CO 80547	Town of Timnath CO Dept of Revenue	Beer/Wine/Spirits
1183	Mishawaka	625 E University Dr Granger, IN 46530	IN Alcohol and Tobacco Com	Beer/Wine/Spirits
1184	Charlottesville	3171 District Ave Charlottesville, VA 22901	Commonwealth of Virginia	Beer/Wine
1185	Centerville	5300 Cornerstone North Blvd Centerville, OH 45440	OH Dept of Commerce Division of Liquor Control	Beer/Wine

No	Location Name	Address	Agency	License Type
1228	Humble	21802 Townsen West Humble, TX 77338	TX Alcoholic Beverage Control	Beer/Wine
1229	Miami	7795 W. Flagler St. Miami, FL 33144	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
1232	Columbia	507 Piney Grove Road Columbia, SC 29212	SC Dept of Revenue	Minibottle Wholesaler Beer/Wine
1235	South Orlando	4696 Gardens Park Blvd. Orlando, FL 32839	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
1237	La Vista	12515 Portside Pkwy La Vista, NE 68128	NE Liquor Control Com	Beer/Wine/Spirits
1238	Louisville	3408 Bardstown Road Louisville, KY 40218	City of Louisville (Louisville Metro) KY Alcoholic Beverage Control	Beer/Wine/Spirits
1243	NW Columbus	7300 SR 161 Plain City, OH 43064	OH Dept of Commerce Division of Liquor Control	Beer/Wine
1244	Hanford	2935 E. Lacey Blvd. Hanford, CA 93230	CA Alcoholic Beverage Com	Beer/Wine/Spirits
1249	Wesley Chapel	2225 Grand Cypress Drive Lutz, FL 33559	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
1262	Tampa	9712 W. Linbaugh Ave. Tampa, FL 33626	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
1266	Dallas	8055 Churchill Way Dallas, TX 75251	TX Alcoholic Beverage Control	Beer/Wine
1267	Great Oaks	6898 Raleigh Rd San Jose, CA 95119	CA Alcoholic Beverage Com	Beer/Wine/Spirits
1268	N. Kansas	1600 NW 88th St. Kansas City, MO 64155	MO Dept of Public Safety City of Manchester	Beer/Wine/Spirits
1272	Woodbury	7070 Tamarack Road Woodbury, MN 55125	City of Woodbury MN Dept of Public Safety-Alcohol &	Beer/Wine/Spirits
1274	Elk Grove	7400 Elk Grove Boulevard Elk Grove, CA 95757	CA Alcoholic Beverage Com	Beer/Wine/Spirits
1275	Santa Maria	1700 S. Bradley Rd. Santa Maria, CA 93454	CA Alcoholic Beverage Com	Beer/Wine/Spirits
1277	E. Lansing	2540 E. Saginaw Hwy E. Lansing, MI 48823	MI Dept. of Commerce	Beer/Wine/Spirits
1278	Bonney Lake	9801 204th Ave. E. Bonney Lake, WA 98381	WA Dept. of Licensing WA Liquor Control Board	Beer/Wine/Spirits
1279	Traverse	125 E. South Airport Road Traverse, MI 49686	MI Dept. of Commerce	Beer/Wine/Spirits
1284	McKinney	3650 W University Dr. McKinney, TX 75071	TX Alcoholic Beverage Control	Beer/Wine
1285	Lincoln	1620 Pine Lake Road Lincoln, NE 68512	NE Liquor Control Com	Beer/Wine/Spirits
1287	Central Point	3-75 Hamrick Rd Central Point, OR 97502	OR Liquor Control Com City of Central Point	Beer/Wine
1294	W. Jacksonville	8000 Parramore Rd. Jacksonville, FL 32244	FL Dept of Alcoholic Bev. & Tob.	Beer/Wine/Spirits
1295	Woodstock	113 Lincoln Street - WH Woodstock, GA 30188	GA Dept of Revenue City of Woodstock	Beer/Wine
1297	Ukiah	1275 Airport Park Blvd. Ukiah, CA 98418	CA Alcoholic Beverage Com	Beer/Wine/Spirits

**OFFICE OF ATTORNEY GENERAL**

600 E. Boulevard Ave. • Licensing Section • Bismarck, ND 58505-0040

No. AA-02095  
Not Transferable  
**2020**

Fee: \$200.00  
Expires Dec. 31, 2020  
**2020**

**RETAIL ALCOHOLIC BEVERAGE LICENSE**

COSTCO BEVERAGES INC  
ATTN: LICENSING  
PO BOX 35005  
SEATTLE, WA 98124-3405



is hereby authorized to sell BEER and LIQUOR at retail  
at the premises located at 750 23RD AVE E WEST FARGO

*Wayne Stenehjem*  
ATTORNEY GENERAL

Dated 01/01/2020

Post Conspicuously in Your Place of Business



LICENSE # 25

**LIQUOR LICENSE**

CITY OF WEST FARGO, STATE OF NORTH DAKOTA

**THIS IS TO CERTIFY THAT, COSTCO BEVERAGES, INC. dba COSTCO WHOLESALE #1119 is hereby licensed to sell alcohol and alcoholic beverages for retail in the areas indicated in the floor plan at the building located at: 750 23RD AVE EAST. Licensee herein named, in consideration of the issuance of this license, hereby agrees to abide by each provision of Ordinance # 10-01 of the City of West Fargo and the State of North Dakota's Liquor Control Act and to any future amendments that are passed by the governing body of the City of West Fargo and/or the State of North Dakota. The licensee having paid the required license fees and having otherwise qualified as required by Ordinance 10-01 has been granted this license by the Board of City Commissioners of the City of West Fargo, North Dakota, to engage in the following:**

**RETAIL OFF PREMISES LIQUOR/BEER/WINE SALES**

*This license is for the period of July 1, 2019 to June 30, 2020, unless revoked, suspended or cancelled. This license is nontransferable without specific authorization from the governing body of West Fargo.*

Dated this 18<sup>TH</sup> day of June, 2019

Board of City Commissioners  
Of the City of West Fargo

A handwritten signature in blue ink, appearing to read "Tina Fisk".

Tina Fisk, Auditor



CONMY ♦ FESTE  
Attorneys

January 24, 2020

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**CONMY FESTE LTD.**

406 Main Avenue, Suite 200  
P.O. Box 2686  
Fargo, ND 58108-2686

Telephone  
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701-293-3133

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Paul M. Hubbard, Retired  
E.T. Conmy, Jr. (1912-2006)  
Charles A. Feste (1928-2013)

Also Licensed in Minnesota

† Certified Civil Trial Specialist -  
National Board of Trial Advocacy

**Via Overnight Delivery**  
City of Bismarck  
Administration Department  
221 N 5th Street  
Bismarck, ND 58501

Re: Costco Beverages, Inc.  
Application for Retail Alcoholic Beverage License

I have enclosed an original Application for Retail Alcoholic Beverage License with attachments and the \$200 application fee from Costco Beverages, Inc. ("Costco"). Costco is purchasing the license currently held by 3D ET AL, Inc., as shown by the License Transfer portion of the Application.

Costco requests the call for public hearing for this Application be made on February 25, 2020, and that the public hearing for the Application be held on March 10, 2020. If you have any questions or need additional information, please do not hesitate to contact me at the phone number or email shown on this letter.

Sincerely,

Douglas Murch

Encs.

cc: Costco Beverages, Inc. (via email)



## *City Attorney*

**DATE:** March 3, 2020

**FROM:** Janelle Combs, City Attorney

**ITEM:** Ordinance 6414 regarding Accidents Involving Damage to Vehicles

### **REQUEST**

Consider introduction and call for a public hearing on Ordinance 6414 to amend Ordinance 12-10-06 regarding Accidents Involving Damage to Vehicles.

Please place this item on the 3/10/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

When the traffic code in the ordinances was updated with changes to state law made in the 2019 legislative session, a reference in an existing ordinance to one that was repealed was left in the code. This change would clarify that the requirements of a driver after an accident involving an occupied vehicle is the requirements listed in North Dakota Century Code for providing information and aid, as appropriate.

### **RECOMMENDED CITY COMMISSION ACTION**

First reading and introduction of Ordinance 6414 and call for a public hearing.

### **STAFF CONTACT INFORMATION**

Janelle Combs | City Attorney, 355-1340 or [jcombs@bismarcknd.gov](mailto:jcombs@bismarcknd.gov)

**CITY OF BISMARCK**  
**Ordinance No. 6414**

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

AN ORDINANCE TO AMEND SECTION 12-10-03 OF THE BISMARCK CODE OF ORDINANCES RELATING TO ACCIDENTS INVOLVING DAMAGE TO VEHICLE.

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

Section 1. Amendment. Section 12-10-03 of the City of Bismarck Code of Ordinances relating to Purpose is hereby amended and re-enacted to read as follows:

**12-10-03.** Accidents Involving Damage to Vehicle. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of ~~Section 12-10-04~~North Dakota Century Code 39-08-06. Every such stop must be made without obstructing traffic more than is necessary. Any person who fails to stop or comply with these requirements under such circumstances is guilty of an offense.

Reference: NDCC 39-08-05 (1980)

Section 2. 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 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



## *City Attorney*

**DATE:** March 3, 2020

**FROM:** Janelle Combs, City Attorney

**ITEM:** Ordinance 6415 regarding Written Report of Accident

### **REQUEST**

Consider introduction and call for a public hearing on Ordinance 6415 to amend Ordinance 12-03-06 regarding Written Report of Accident.

Please place this item on the 3/10/2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

It was discovered by the city prosecutors that the city ordinance required damage in excess of \$1,000 from an accident be reported; however, state law sets the threshold at \$4,000. This change would make us consistent with state law.

### **RECOMMENDED CITY COMMISSION ACTION**

First reading and introduction of Ordinance 6415 and call for a public hearing.

### **STAFF CONTACT INFORMATION**

Janelle Combs | City Attorney, 355-1340 or [jcombs@bismarcknd.gov](mailto:jcombs@bismarcknd.gov)

**CITY OF BISMARCK**  
**Ordinance No. 6415**

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

AN ORDINANCE TO AMEND SECTION 12-03-06 OF THE BISMARCK CODE OF ORDINANCES RELATING TO WRITTEN REPORT OF ACCIDENT.

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

Section 1. Amendment. Section 12-03-06 of the City of Bismarck Code of Ordinances relating to Purpose is hereby amended and re-enacted to read as follows:

**12-03-06. Written Report of Accident.**

1. Immediate notice and written report of accident. The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of ~~one~~ four thousand dollars or more shall immediately give notice of such accident to the police department. The name of the motor vehicle insurance policy carrier and the policy number of the driver, or if the driver is not the owner of the vehicle, then the motor vehicle insurance policy carrier and the policy number of the owner of the vehicle, must be furnished to the officer investigating the accident. If the driver does not have the required information concerning insurance to furnish to the investigating law enforcement officer, then within five day of the accident the driver shall supply that information to the driver's license division in the form the division requires.

\* \* \* \* \*

*Reference: NDCC Sec. 39-08-09, 39-08-11 (1985 Supp.)  
Ord. 4154, 6-30-87; Ord. 4954, 11-10-98)*

Section 2. 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 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



## *Community Development Department*

**DATE:** March 3, 2020

**FROM:** Ben Ehreth, AICP, Community Development Director

**ITEM:** Part of Blocks 1-6, Silver Ranch First Addition First Replat – Annexation

### **REQUEST**

Investcore, Inc. is requesting the annexation of parts of Blocks 1-6, Silver Ranch First Addition First Replat. The request would allow the development of 75 additional lots for single and two-family residences.

The property is located in northeast Bismarck, along the south side of 43rd Avenue NE east of 52nd Street NE.

Please place this item on the March 10, 2020 City Commission meeting agenda and the March 24, 2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

The Planning & Zoning Commission considered this request on February 26, 2020.

Upon consideration, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the annexation of parts of Blocks 1-6, Silver Ranch First Addition First Replat, more specifically described as Lots 24-33, Block 1; Lots 1-4 and 15-44, Block 2; Lots 1-2 and 9-12, Block 3; Lot 1, Block 4; Lots 1-3, Block 5, Lots 1-21, Block 6, Silver Ranch First Addition First Replat and all of the adjacent 43rd Avenue NE right-of-way.

### **RECOMMENDED CITY COMMISSION ACTION**

March 10th meeting of the Board of City Commissioners – consider the annexation as outlined in Ordinance 6411 call for a public hearing on this item for the March 24th meeting of the Board of City Commissioners.

March 24th meeting of the Board of City Commissioners - hold a public hearing on the annexation as outlined in Ordinance 6411 and take final action on the request.

## **STAFF CONTACT INFORMATION**

Ben Ehreth, AICP | Community Development Director, 355-1842 or [behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)

Kim L. Lee, AICP | Planning Manager, 355-1846 or [klee@bismarcknd.gov](mailto:klee@bismarcknd.gov)

Daniel Nairn, AICP | Planner, 355-1854 or [dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)

**ORDINANCE NO. 6411**

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

Lots 24-33, Block 1; Lots 1-4 and 15-44, Block 2; Lots 1-2 and 9-12, Block 3; Lot 1, Block 4; Lots 1-3, Block 5; Lots 1-21, Block 6, and all adjacent right-of-way, all within Silver Ranch First Addition First Replat, and the North half of the adjacent 43rd Avenue NE right-of-way, more precisely described as the East 471.61 feet of the West 2,194.70 feet of the South 75 feet of the SW ¼ of Section 18, T139N-R79W/Gibbs Township, included in Document# 845385.

The above described tract of land contains 19.34 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.



# STAFF REPORT

City of Bismarck  
Community Development Department  
Planning Division

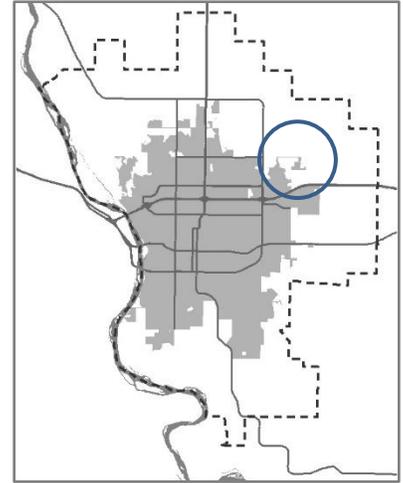
February 26, 2020

## Application for: Annexation

TRAKiT Project ID: ANN2020-001

### Project Summary

<b>Title:</b>	Silver Ranch First Addition First Replat, Parts of Blocks 1 – 6
<b>Status:</b>	Planning & Zoning Commission – Final Consideration
<b>Owner(s):</b>	Investcore, Inc.
<b>Project Contact:</b>	Landon Niemiller, Swenson, Hagen & Co.
<b>Location:</b>	Northeast of Bismarck, on the south side of 43 <sup>rd</sup> Avenue NE
<b>Project Size:</b>	19.34 Acres
<b>Request:</b>	Annex platted property for the development of single and two-family residences



### Site Information

Existing Conditions		Proposed Conditions	
<b>Number of Lots:</b>	75 lots in 5 blocks	<b>Number of Lots:</b>	75 lots in 5 blocks
<b>Land Use:</b>	Undeveloped	<b>Land Use:</b>	Single and Two-Family Residences
<b>Designated GMP Future Land Use:</b>	Already zoned. Not in Future Land Use Plan	<b>Designated GMP Future Land Use:</b>	Already zoned. Not in Future Land Use Plan
<b>Zoning:</b>	R5 – Residential R10 – Residential	<b>Zoning:</b>	R5 – Residential R10 – Residential
<b>Uses Allowed:</b>	R5 – Single-family residential R10 – Single and two-family residential	<b>Uses Allowed:</b>	R5 – Single-family residential R10 – Single and two-family residential
<b>Max Density Allowed:</b>	R5 – 5 units / acre R10 – 10 units / acre	<b>Max Density Allowed:</b>	R5 – 5 units / acre R10 – 10 units / acre

### Property History

<b>Zoned:</b>	06/2018	<b>Platted:</b>	06/2018	<b>Annexed:</b>	N/A
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### Staff Analysis

Investcore, Inc. is requesting approval of the annexation of 75 lots in five blocks of Silver Ranch First Addition

First Replat for the development of single and two-family residences.

(continued)

The Development Agreement with the initial Silver Ranch First Addition plat stipulated that the entirety of this plat would be annexed by the developer by November 2023. This provides a certain level of assurance to the City that funds would be available to assist with the costs of improvements necessary to serve the development. The proposed annexation represents the third annexation of this initially platted area.

To align with previously annexed areas, the entirety of the 43<sup>rd</sup> Avenue NE right-of-way is included in the proposed annexation, including the north half which is granted as an easement and is owned by Silver Ranch 18, LLLP.

**Required Findings of Fact** (relating to land use)

1. The City of Bismarck and/or 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.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the annexation of parts of Blocks 1-6, Silver Ranch First Addition First Replat, more specifically described as Lots 24-33, Block 1; Lots 1-4 and 15-44, Block 2; Lots 1-2 and 9-12, Block 3; Lot 1, Block 4; Lots 1-3, Block 5, Lots 1-21, Block 6, Silver Ranch First Addition First Replat and the 43<sup>rd</sup> Avenue NE right of way between the boundary between Lots 33 and 34, Block 1, Silver Ranch First Addition First Replat and the boundary between Lots 23 and 24, Block 1, Silver Ranch First Addition First Replat, more precisely described as the East 471.61 feet of the West 2,194.70 feet of the South 75 feet of the SW  $\frac{1}{4}$  of Section 18, T139N-R79W/Gibbs Township, included in Document# 845385.

**Attachments**

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

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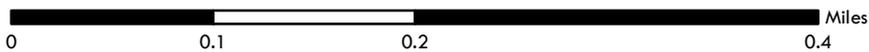
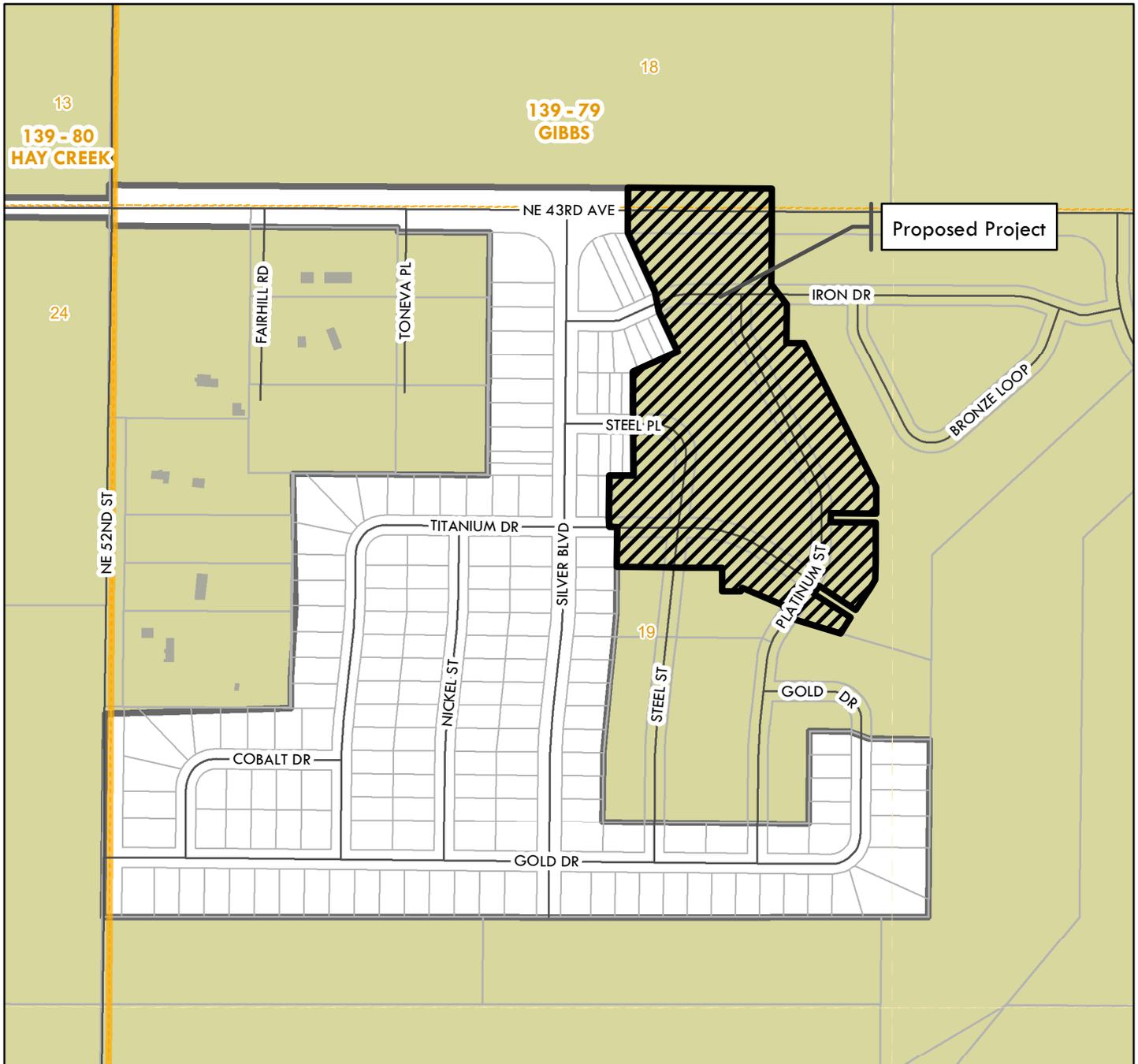
Staff report prepared by: Daniel Nairn, AICP, Planner  
701-355-1854 | [dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)



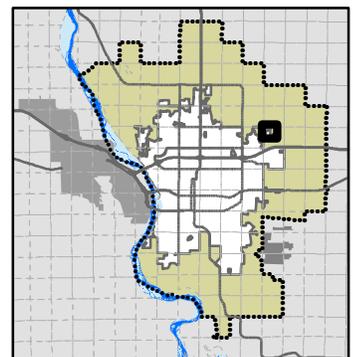
# Location Map

Parts of Blocks 1-6, Silver Ranch First Addition First Replat

ANNX2020-001



Section, township, and range indicated in orange



City of Bismarck  
 Community Development Department  
 Planning Division  
 January 30, 2020 (HLB)

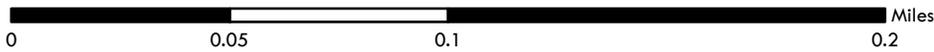
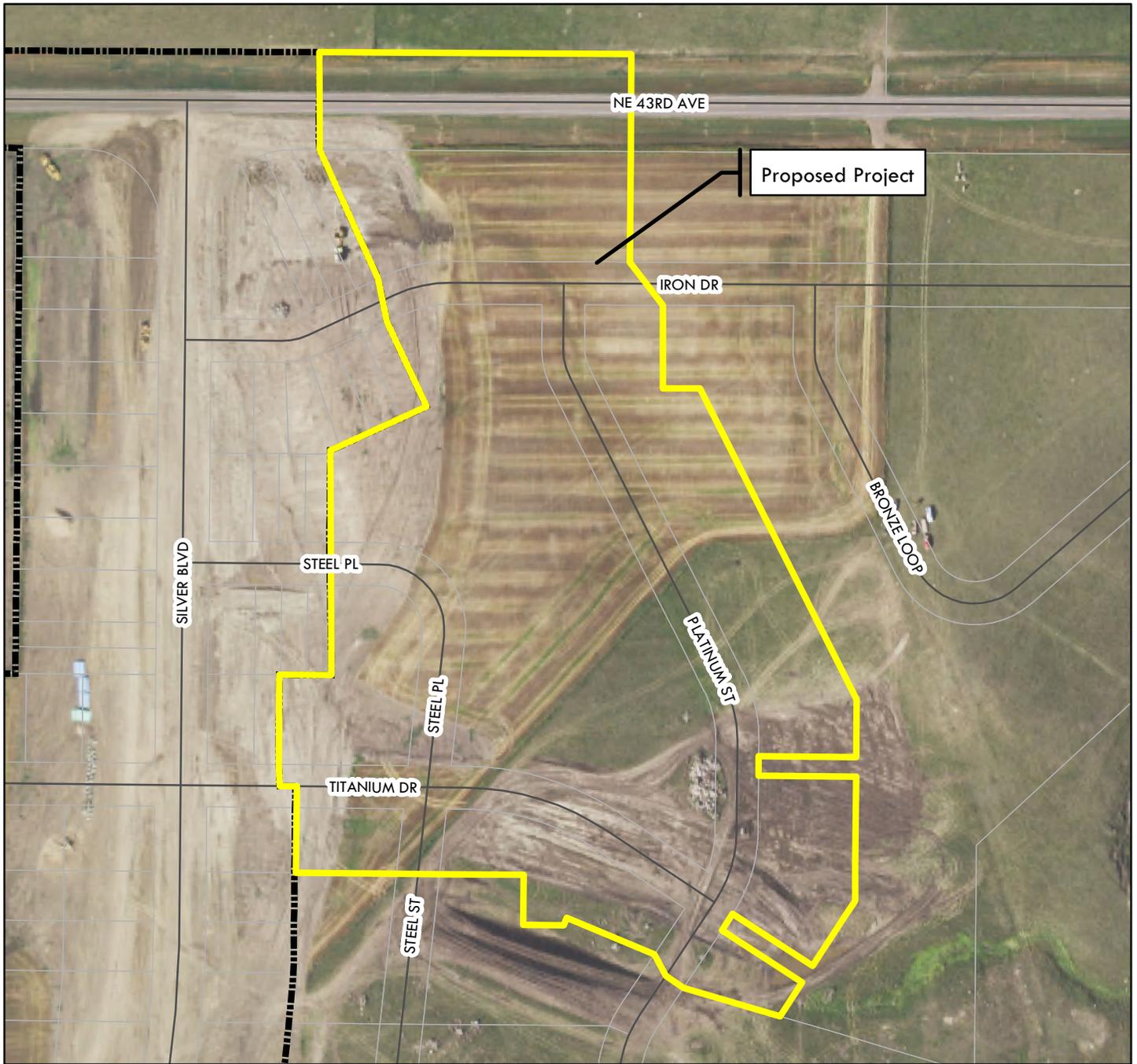
*This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.*



# Aerial Map

Parts of Blocks 1-6 Silver Ranch First Addition First Replat

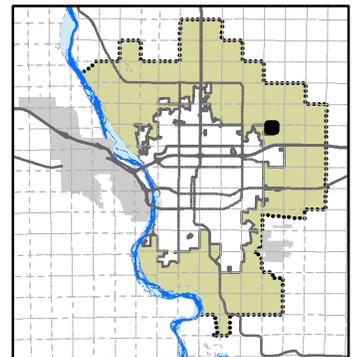
ANNX2020-001



 City Limits
  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck  
 Community Development Department  
 Planning Division  
 February 19, 2020



*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.*



# Zoning and Plan Reference Map

ANNX2020-001

Parts of Blocks 1-6 Silver Ranch First Addition First Replat

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

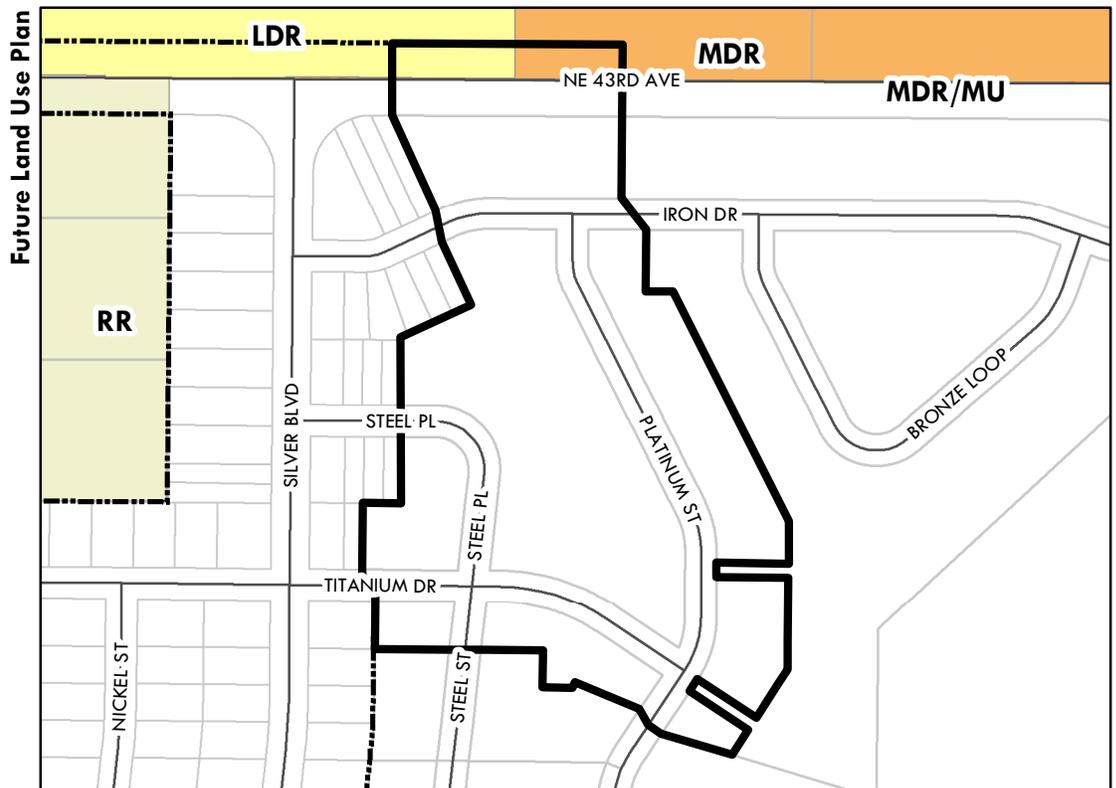
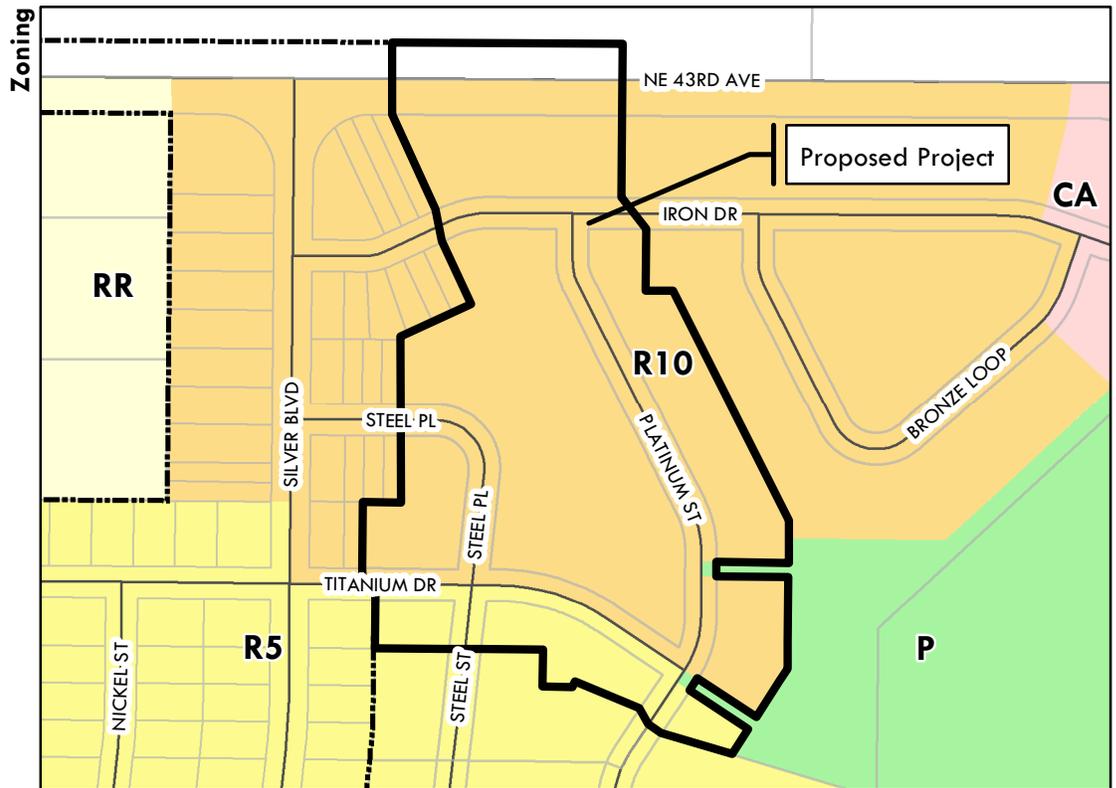
### Zoning Districts

- A** Agriculture
- RR** Rural Residential
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily (Offices)
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development
- DC** Downtown Core
- DF** Downtown Fringe

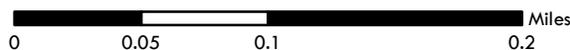
Diagonal lines indicate special condition

### Future Land Use Plan

- CONSRV** Conservation
- BP** Business Park
- C** Commercial
- C/MU** Commercial/Mixed Use
- CIVIC** Civic
- HDR** High Density Residential
- I** Industrial
- LDR** Low Density Residential
- MDR** Medium Density Residential
- MDR-/MU** Medium Density Residential/Mixed Use
- O/MU** Office/Mixed Use
- RR-C** Clustered Rural Residential
- RR** Standard Rural Residential
- UR** Urban Reserve



Fringe Area Road Master Plan



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City of Bismarck  
 Community Development Dept.  
 Planning Division  
 February 19, 2020



## *Community Development Department*

**DATE:** March 3, 2020

**FROM:** Ben Ehreth, AICP, Community Development Director

**ITEM:** Hay Creek Substation Addition – Zoning Change (A to MA) and Final Plat

### **REQUEST**

Central Power Electric Cooperative, Inc. is requesting approval of a zoning change from the A – Agricultural zoning district to the MA – Industrial zoning district and a major subdivision final plat for Hay Creek Substation Addition. The proposed plat and zoning change would allow the construction of an electrical substation and an employee outpost building on the property.

The property is located in east Bismarck, along the east side of North Bismarck Expressway, between East Divide Avenue/Revere Drive and East Main Avenue (part of the SW¼ of Section 36, T139N-R80W/City Lands).

Please place this item on the March 10, 2020 City Commission meeting agenda and the March 24, 2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

The Planning & Zoning Commission held a public hearing on these requests on February 26, 2020.

No residents spoke at the public hearing.

At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the zoning change from the A – Agricultural zoning district to the MA – Industrial zoning district and the major subdivision final plat for Hay Creek Substation Addition.

### **RECOMMENDED CITY COMMISSION ACTION**

March 10th meeting of the Board of City Commissioners – consider the zoning change as outlined in Ordinance 6412 call for a public hearing on this item for the March 24th meeting of the Board of City Commissioners.

March 24th meeting of the Board of City Commissioners - hold a public hearing on the zoning change as outlined in Ordinance 6412; consider the request for approval of the major subdivision final plat for Hay Creek Substation Addition; and take final action on the two related requests.

**STAFF CONTACT INFORMATION**

Ben Ehreth, AICP | Community Development Director, 355-1842 or [behreth@bismarcknd.gov](mailto:behreth@bismarcknd.gov)

Kim L. Lee, AICP | Planning Manager, 355-1846 or [klee@bismarcknd.gov](mailto:klee@bismarcknd.gov)

Jenny Wollmuth, AICP, CFM | Planner, 355-1845 or [jwollmuth@bismarcknd.gov](mailto:jwollmuth@bismarcknd.gov)

**ORDINANCE NO. 6412**

<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-Agricultural zoning district and included in the MA-Industrial zoning district:

Lot 1, Block 1, Hay Creek Substation 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

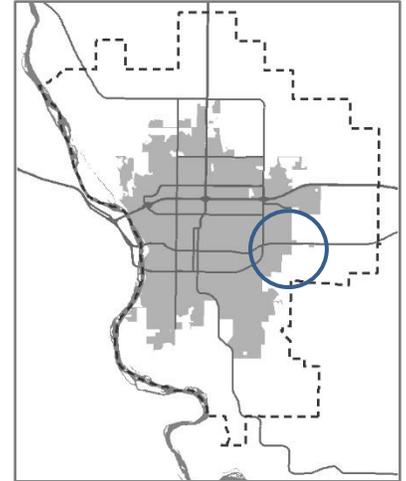
February 26, 2020

**Application for: Zoning Change**  
**Major Subdivision Final Plat**

TRAKiT Project ID: ZC2019-004  
 FPLT2019-003

## Project Summary

<b>Title:</b>	Hay Creek Substation Addition
<b>Status:</b>	Planning & Zoning Commission – Public Hearing
<b>Owner(s):</b>	Central Power Electric Cooperative, Inc.
<b>Project Contact:</b>	Eric Poppinga, Central Power Electric Cooperative, Inc.
<b>Location:</b>	East Bismarck, along the east side of North Bismarck Expressway, between East Main Avenue and East Divide Avenue (Part of the SW¼ of Section 36, T139N-R80W/City Lands)
<b>Project Size:</b>	15 acres
<b>Request:</b>	Plat and rezone property for future development of a Central Power Electric Cooperative substation and employee outpost building



## Site Information

Existing Conditions		Proposed Conditions	
<b>Number of Lots:</b>	1 parcel	<b>Number of Lots:</b>	1 lot in 1 block
<b>Land Use:</b>	Undeveloped	<b>Land Use:</b>	Electrical Substation
<b>Designated GMP</b>	Industrial	<b>Designated GMP</b>	Industrial
<b>Future Land Use:</b>		<b>Future Land Use:</b>	
<b>Zoning:</b>	A – Agricultural	<b>Zoning:</b>	MA – Industrial
<b>Uses Allowed:</b>	A – Agriculture	<b>Uses Allowed:</b>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<b>Max Density Allowed:</b>	A – 1 unit / 40 acres	<b>Max Density Allowed:</b>	MA – N/A

## Property History

<b>Zoned:</b>	N/A	<b>Platted:</b>	N/A	<b>Annexed:</b>	Pre-1980
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(continued)

## Staff Analysis

Central Power Electric Cooperative, Inc. is requesting approval of a zoning change from the A – Agriculture zoning district to the MA – Industrial zoning district and a major subdivision final plat for Hay Creek Substation Addition.

The Planning and Zoning Commission at their meeting of May 22, 2019, called for a public hearing for the zoning change from the A – Agriculture zoning district to the MA – Industrial zoning district and tentatively approved the preliminary plat for Hay Creek Substation Addition, with the understanding that the necessary easements to provide access to the site from North Bismarck Expressway are secured. The applicant has indicated that an existing license agreement between MDU, Western Area Power Administration (WAPA) and Central Power Electric Cooperative, Inc. will be recorded along with an access easement for government and emergency services along the southern portion of Capital Electric Edition, west of the proposed plat prior to recordation of the final plat.

The proposed plat and zoning change are located within corporate limits. Adjacent uses include undeveloped state-owned A – Agriculture zoned property to the north, east and south, and an existing WAPA electrical substation and office building to the west.

The Future Land Use Plan in the 2014 Growth Management Plan as amended, identifies this area as Industrial. The proposed substation and future employee outpost building would be conforming to the industrial land use designation. Although an electrical substation is allowed in any zoning district, the proposed employee outpost building requires a zoning change to the MA – Industrial zoning district.

The substation and future employee outpost building are proposed to be accessed from North Bismarck Expressway via an access easement granted to Central Power Electric Cooperative from WAPA. The necessary easements have been prepared and will be recorded in conjunction with the final plat.

Portions of the proposed plat are located within the Special Flood Hazard Area (SFHA) or 100-year

floodplain and floodway. The applicants have been granted an approval of a Conditional Letter of Map Removal (CLOMR) from FEMA to relocate portions of the floodway within the proposed plat. A formal Letter of Map Removal (LOMR) would be issued by FEMA once the proposed site grading and relocation of the floodway have been completed in accordance with the approved CLOMR.

## Required Findings of Fact (relating to land use)

### Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or 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;
4. 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;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change 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;

(continued)

2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
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/or 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 located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
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.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the MA – Industrial zoning district and the major subdivision final plat for Hay Creek Substation Addition.

**Attachments**

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat

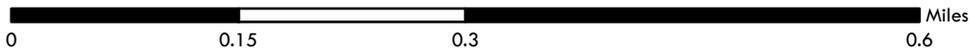
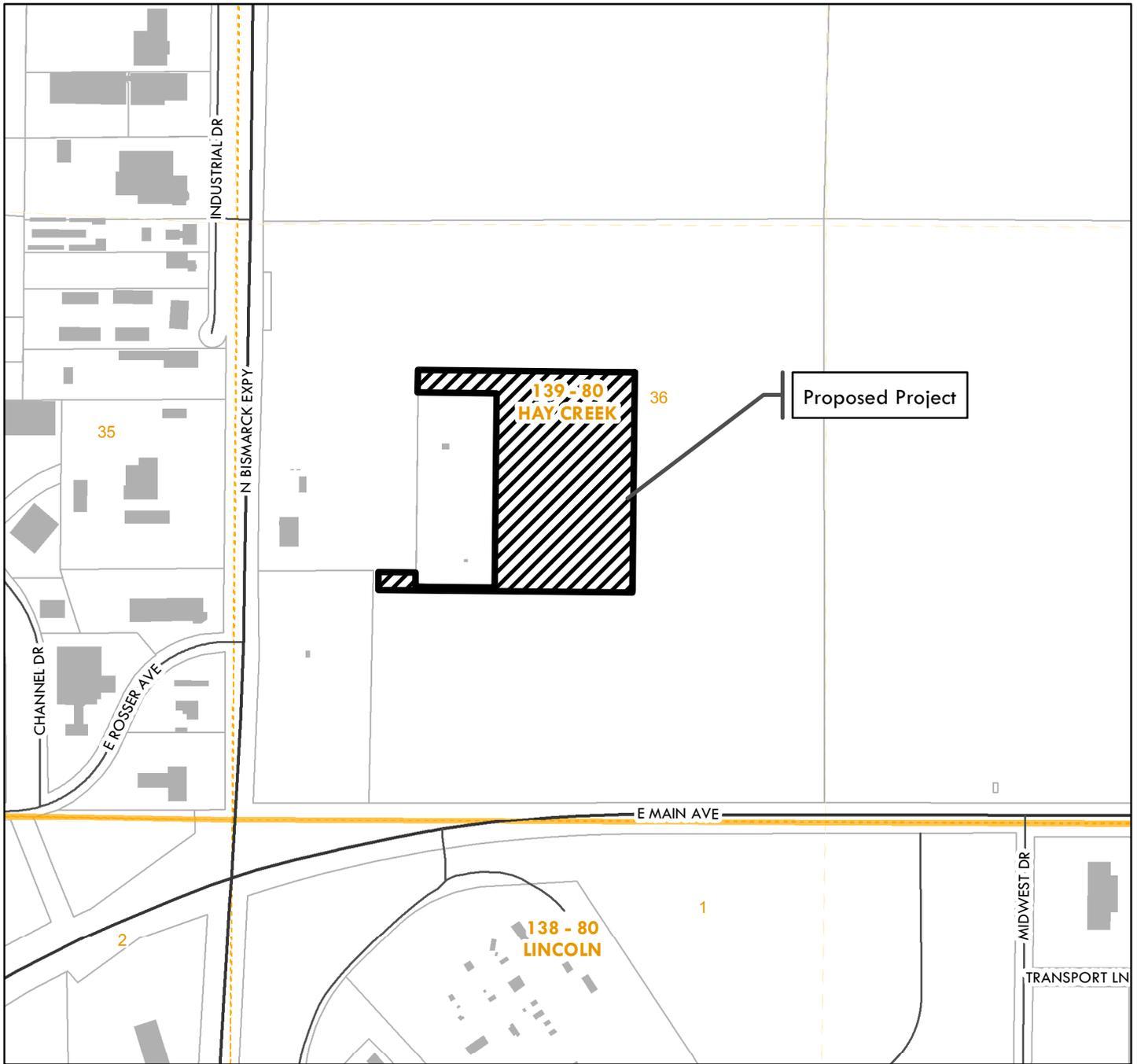
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Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner  
701-355-1845 | [jwollmuth@bismarcknd.gov](mailto:jwollmuth@bismarcknd.gov)



**Location Map**  
Hay Creek Substation Addition

PPLT2019-002  
FPLT2020-003  
ZC2019-004

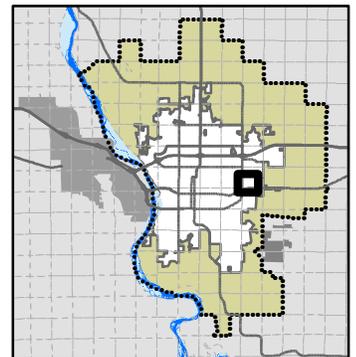


- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

*Section, township, and range indicated in orange*

City of Bismarck  
Community Development Department  
Planning Division  
April 23, 2019 (HLB)

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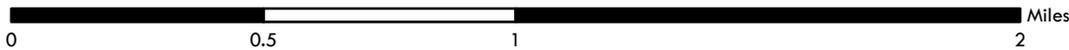
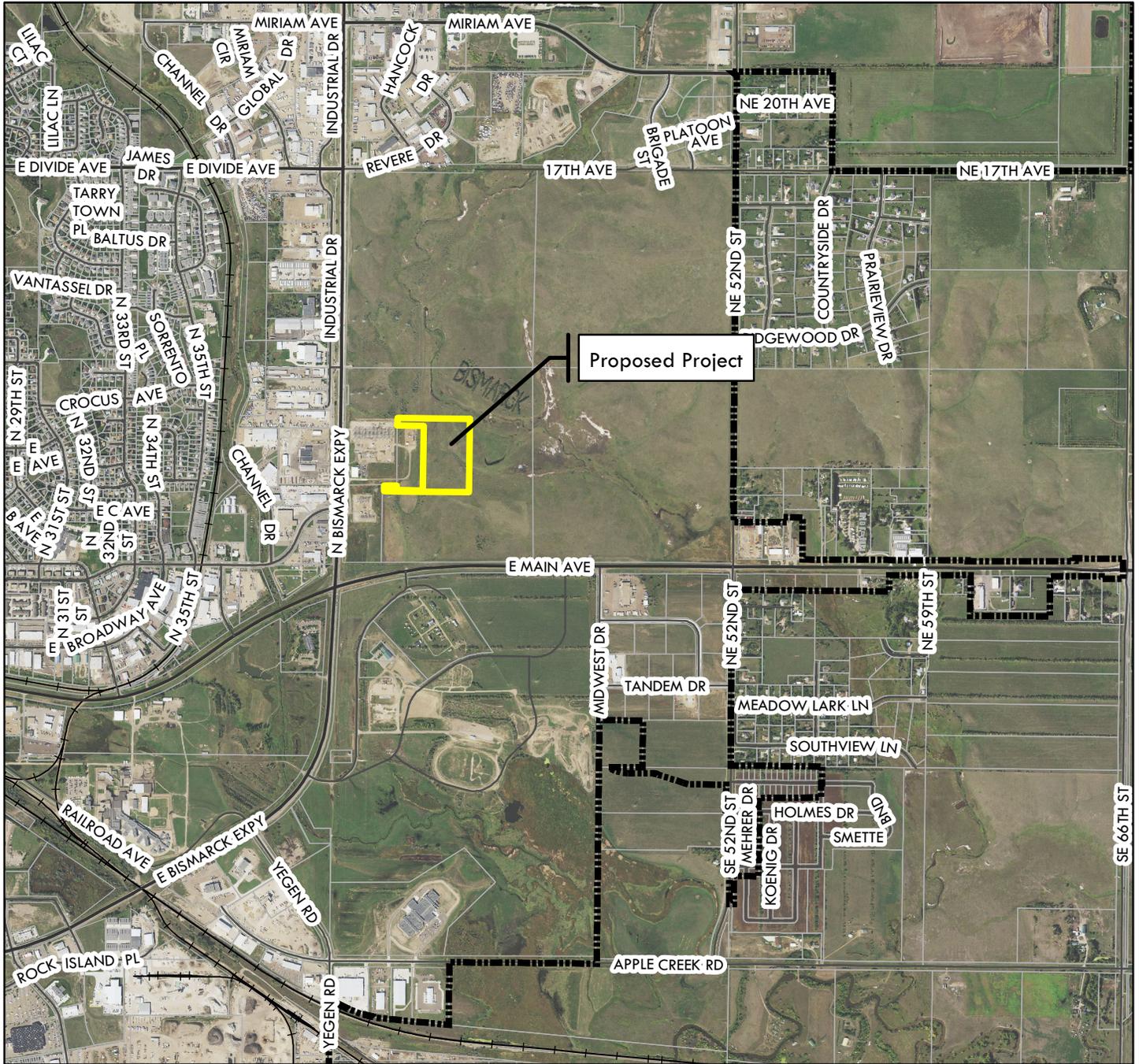




# Aerial Map

## Hay Creek Substation Addition

ZC2019-004  
PPLT2019-002  
FPLT2019-003

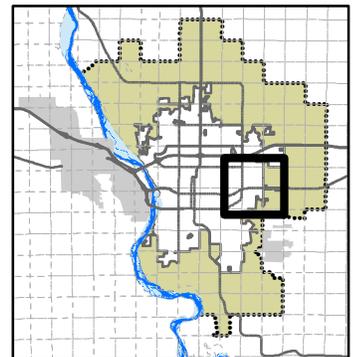


City Limits Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck  
Community Development Department  
Planning Division  
February 18, 2020

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# Zoning and Plan Reference Map

Hay Creek Substation Addition

ZC2019-004  
PPLT2019-002  
FPLT2019-003

Project Area - No Change Proposed

Zoning or Plan Change Proposed

### Zoning Districts

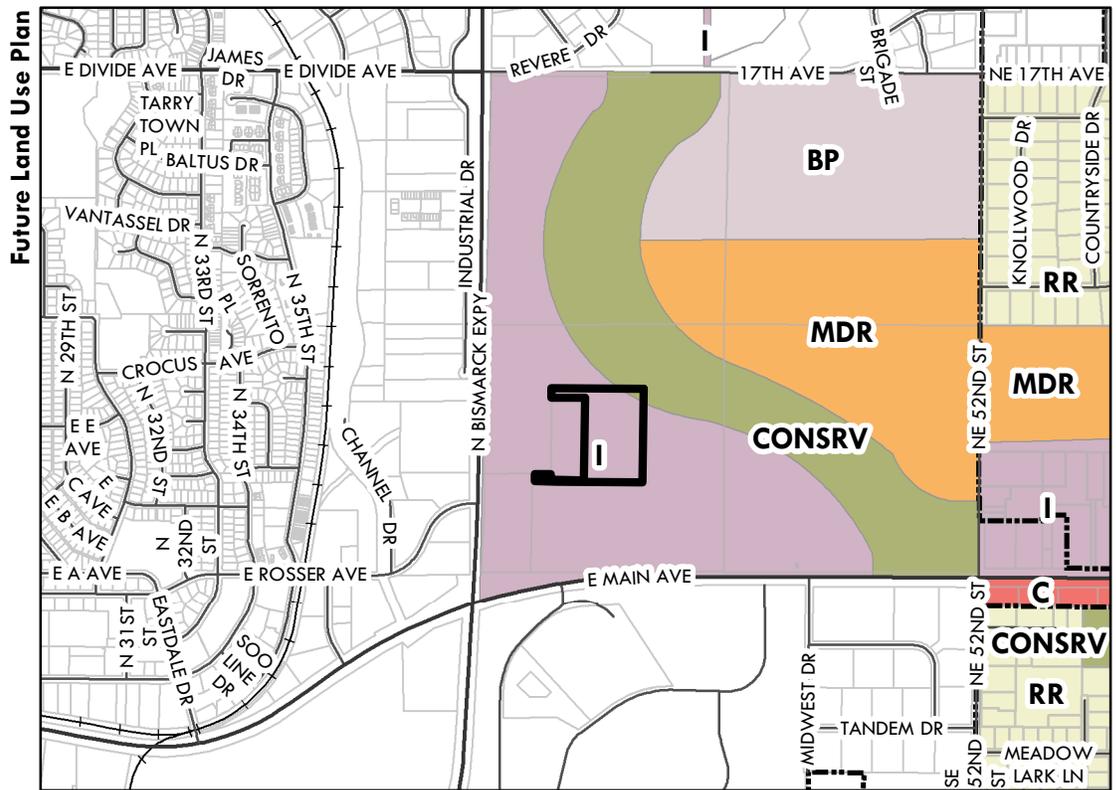
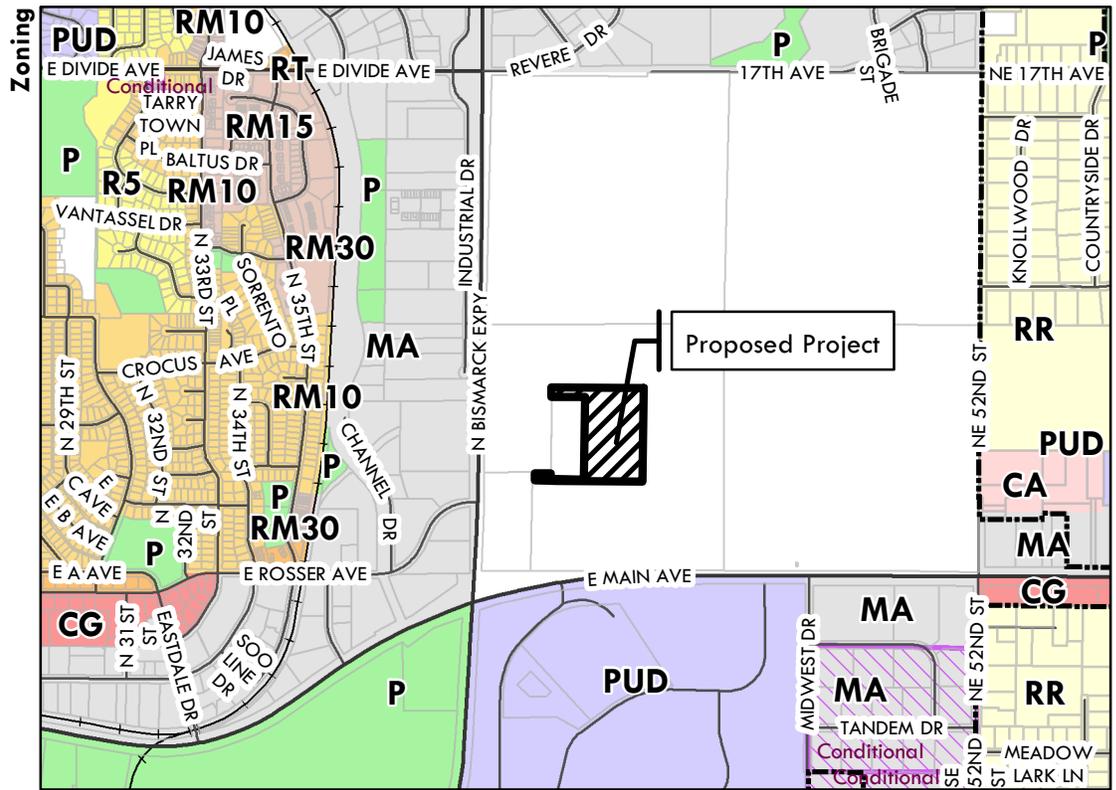
- A** Agriculture
- RR** Rural
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development
- DC** Downtown Core
- DF** Downtown Fringe

Diagonal lines indicate special condition

### Future Land Use Plan

- CONSRV** Conservation
- BP** Business Park
- C** Commercial
- C/MU** Commercial/Mixed Use
- CIVIC** Civic
- HDR** High Density Residential
- I** Industrial
- LDR** Low Density Residential
- MDR** Medium Density Residential
- MDR-/MU** Medium Density Residential/Mixed Use
- O/MU** Office/Mixed Use
- RR-C** Clustered Rural Residential
- RR** Standard Rural Residential
- UR** Urban Reserve

Fringe Area Road Master Plan



City Limits

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City of Bismarck  
Community Development Dept.  
Planning Division  
February 18, 2020

# HAY CREEK SUBSTATION ADDITION

TO THE CITY OF BISMARCK  
PART OF THE SOUTHWEST QUARTER OF SECTION 36, T139N, R80W BURLEIGH COUNTY, NORTH DAKOTA

## DESCRIPTION

Legal Description HAY CREEK SUBSTATION ADDITION

That part of the Southwest Quarter of Section 36, Township 139 North, Range 80 West of the Fifth Principal Meridian, Burleigh County, North Dakota described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 38 minutes 52 seconds East a distance of 1073.00 feet to the westerly extension of the south line of Document number 144172, recorded in the Office of the County Recorder, Burleigh County, North Dakota; thence South 89 degrees 21 minutes 08 seconds East along said line a distance of 825.00 feet to the southeast corner of said Document number 144172; the westerly line of the recorded plat of CAPITAL ELECTRIC SUBSTATION ADDITION and the Point of Beginning of the tract of land to be described; thence South 00 degrees 38 minutes 52 seconds West along said westerly line of the plat of CAPITAL ELECTRIC SUBSTATION ADDITION a distance of 62.00 feet to the southwest corner of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION; thence South 89 degrees 21 minutes 08 seconds East along the south line of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION a distance 350.00 feet to the southeast corner of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION; thence North 00 degrees 38 minutes 52 seconds East along the east line of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION a distance of 861.98 feet to the northeast corner of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION; thence North 89 degrees 21 minutes 08 seconds West along the north line of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION a distance of 350.00 feet to the northwest corner of said plat of CAPITAL ELECTRIC SUBSTATION ADDITION and the easterly line of Document number 144172, recorded in the Office of said County Recorder; thence North 00 degrees 38 minutes 52 seconds East along the east line of said Document number 144172 a distance of 100.00 feet to the northeast corner of said document; thence South 89 degrees 21 minutes 08 seconds West a distance of 952.60 feet; thence South 00 degrees 38 minutes 52 seconds West a distance of 978.69 feet; thence North 89 degrees 21 minutes 08 seconds West a distance of 1127.60 feet to the east line of Document number 192516, recorded in the Office of said County Recorder; thence North 00 degrees 38 minutes 52 seconds East along the east line of said document a distance of 78.60 feet to the northeast corner of said document and the south line of said Document number 144172; thence South 89 degrees 21 minutes 08 seconds East along the south line of said Document number 144172 a distance of 165.00 feet to the point of beginning.

The above described tract of land contains 15.00 acres.

## OWNERS CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Central Power Electric Cooperative, Inc. a North Dakota Cooperative Association, whose address is 525 20th Avenue Southwest, Minot, North Dakota, 58701, fee owner of the property described herein:  
Said owner has caused the above described tract of land to be surveyed and platted as "HAY CREEK SUBSTATION ADDITION" to the City of Bismarck, Burleigh County, North Dakota.

OWNER: LOT 1, BLOCK 1, HAY CREEK SUBSTATION ADDITION

By: Thomas L. Meland, General Manager  
Central Power Electric Cooperative, Inc.

State of North Dakota  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year of 2020, before me, a notary public with and for said County, personally appeared Thomas L. Meland, General Manager, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same in the name of Central Power Electric Cooperative, Inc.

Notary Public

## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, William J. Haddick, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the survey and said addition; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

William J. Haddick, Professional Land Surveyor  
North Dakota License LS-6294

## CITY ENGINEER APPROVAL

I, Gabriel J. Schell, City Engineer of Bismarck, North Dakota, hereby approve "HAY CREEK SUBSTATION ADDITION" Bismarck, Burleigh County, North Dakota as shown on the plat.  
Approved by City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Gabriel J. Schell, City Engineer

## BISMARCK BOARD OF CITY COMMISSION APPROVAL

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the Subdivision of Land as shown on the approved plat, has accepted the dedication of all streets shown there on, has approved the grounds as shown on the approved plat as an amendment to the master plan of the City of Bismarck, North Dakota. And does hereby vacate any previous platting within the boundary of the approved plat. The foregoing action of the City Commission of Bismarck, North Dakota, was taken by resolution approved the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Attest

Keith J. Hunkle - City Administrator

## CITY OF BISMARCK PLANNING COMMISSION

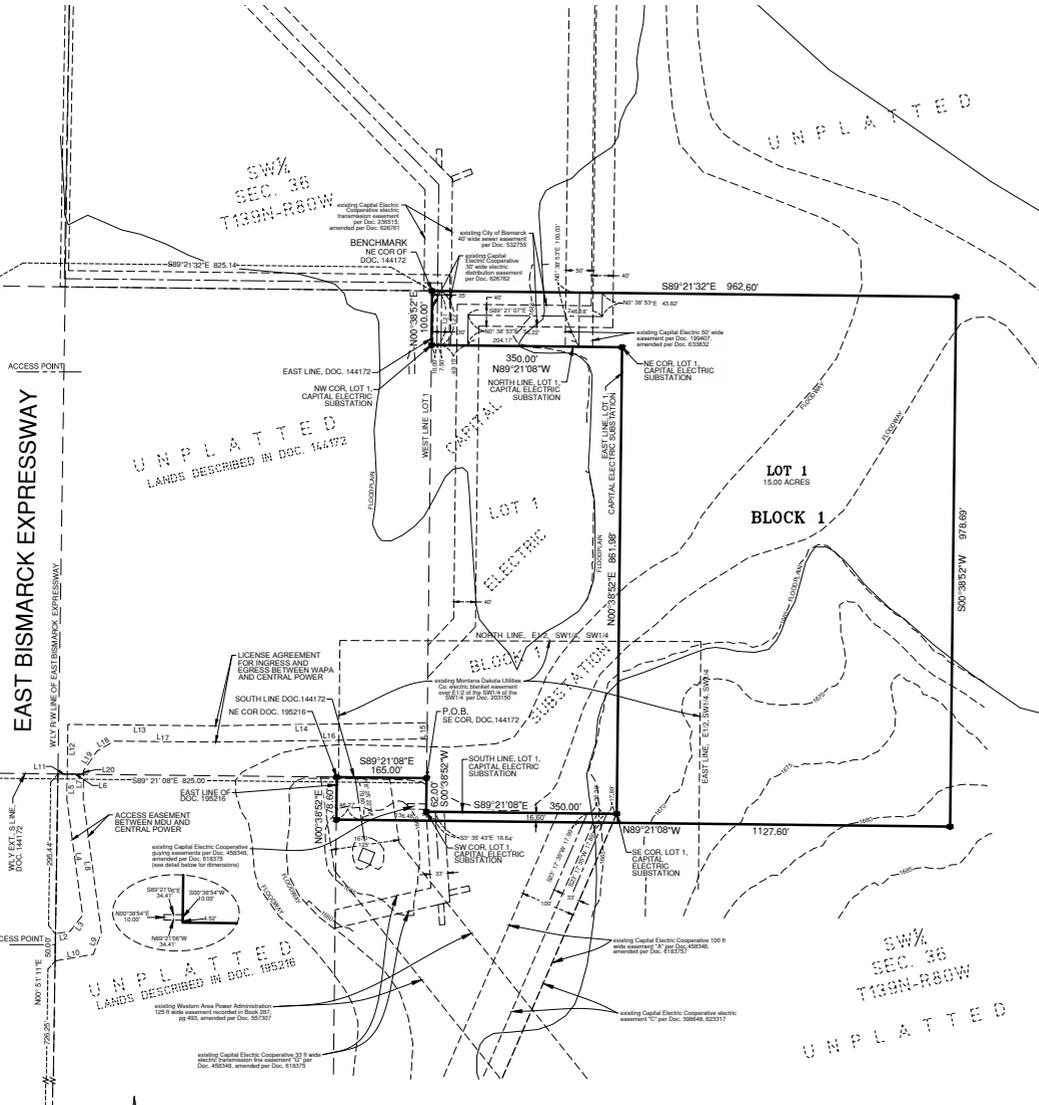
The Subdivision of Land as shown on the approved plat has been approved by the Planning Commission of the City of Bismarck on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, in accordance with the laws of the state of North Dakota, ordinances of the City of Bismarck and regulations adopted by the said planning commission in witness where of are set the hands and seals of the chairman and secretary of the planning commission of the City of Bismarck.

Mike Schwartz - Chairman Ben Ethrath - Secretary

## COORDINATE REFERENCE DATA

- Tie Monument 1 (SW CORNER, SECTION 36)  
Northing: 416704.72  
Easting: 1910663.12  
Elevation: 1663.77
- Tie Monument 2 (NW CORNER, SECTION 36)  
Northing: 421983.97  
Easting: 1910722.84

Orientation of this bearing system is North Dakota State Plane, South Zone (NAD83-86). Coordinates above are expressed as grid coordinates.



**PLAT DATA**

TOTAL LOT AREA:	(15.000 ACRES)
TOTAL ROADWAY:	(0.000 ACRES)
TOTAL ACREAGE:	(15.000 ACRES)

**BENCHMARK**  
ALUMINUM CAP SET FLUSH WITH THE GROUND DESIGNATING THE NORTHWEST CORNER OF THE SUBJECT PROPERTY.  
ELEVATION = 1987.08 NAVD83 DATUM.

**SYMBOL LEGEND**

MONUMENT FOUND	SECTION LINE
EXISTING PROPERTY RIGHT OF WAY LINE	PLAT BOUNDARY
EXISTING EASEMENT LINE	EXISTING FLOODPLAIN LINE
EXISTING FLOODWAY LINE	

FLOODPLAIN (FLOOD ZONE AE) BASED ON FEMA FIRM #30152C065D AND #30152C0815D, BOTH DATED AUGUST 4, 2014 (NAVD83)  
BASE FLOOD ELEVATION - 1664 FEET (NAVD 1988)

Line #	Length	Direction	Line #	Length	Direction
L1	143.91	S89° 52' 58"E	L12	91.62	N00° 48' 04"E
L2	27.05	N80° 00' 00"E	L13	264.52	S89° 27' 02"E
L3	37.52	N89° 00' 00"E	L14	395.69	N89° 09' 41"E
L4	215.84	N07° 42' 19"W	L15	30.01	S00° 36' 38"W
L5	47.27	N00° 48' 04"E	L16	395.28	S89° 09' 41"W
L6	30.00	S89° 21' 20"E	L17	179.77	N89° 27' 02"W
L7	45.12	S00° 48' 04"W	L18	36.64	S59° 29' 10"W
L8	249.22	S07° 42' 19"E	L19	43.43	S34° 15' 10"W
L9	42.98	S20° 00' 00"W	L20	6.63	S00° 48' 04"W
L10	71.40	S80° 00' 00"W	L21	100.00	N00° 38' 52"E
L11	17.09	S89° 21' 20"E	L22	100.00	N00° 38' 52"E

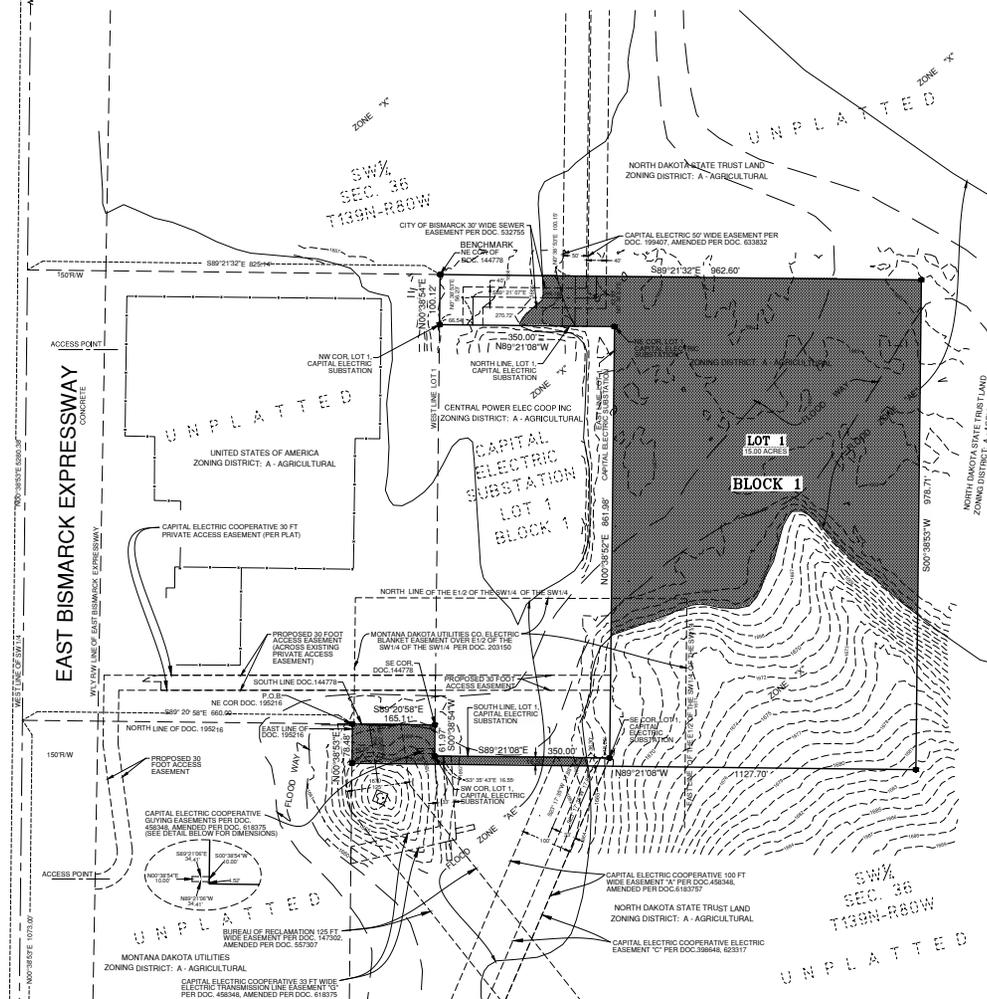
PREPARED BY  
**Ulteig**  
3350 38th Avenue South  
Fargo, ND 58104

GRAPHIC SCALE IN INTERNATIONAL FEET  
BASIS OF BEARING:  
NORTH DAKOTA STATE PLANE, SOUTH ZONE  
NORTH AMERICAN DATUM OF 1983, 1986 ADJUSTMENT  
GROUND DISTANCES  
VERTICAL DATUM: NAVD 1988  
JANUARY 24, 2020

Bismarck - Cedar Rapids - Denver - Detroit Lakes  
Fargo - Sioux Falls - St. Paul - Williston

# PRELIMINARY PLAT OF HAY CREEK SUBSTATION ADDITION

TO THE CITY OF BISMARCK  
PART OF THE SOUTHWEST QUARTER OF SECTION 36, T139N, R80W BURLEIGH COUNTY, NORTH DAKOTA



**PLAT DATA**

TOTAL LOT AREA:	(15.00 ACRES)
TOTAL ROADWAY:	(5.00 ACRES)
TOTAL ACREAGE:	(15.00 ACRES)

**BENCHMARK**

ALUMINUM 3/4" SET FLUSH WITH THE GROUND DISMOUNTING THE NORTHWEST CORNER OF THE SUBJECT PROPERTY. ELEVATION = 160.08 MNNVD DATUM

**SYMBOL LEGEND**

●	MONUMENT FOUND
○	NON-FIND MONUMENT (CURRED 15-4286)
---	SECTION LINE
---	EXISTING PROPERTY/RIGHT OF WAY LINE
---	PLAT BOUNDARY
---	EXISTING EASEMENT LINE
---	EXISTING FLOODWAY LINE



PREPARED BY  
**Ultaig**

3350 38th Avenue South  
Fargo, ND 58104

Bismarck - Cedar Rapids - Denver - Detroit Lakes  
Fargo - Sioux Falls - St. Paul - Williston

GRAPHIC SCALE IN INTERNATIONAL FEET  
BASIS OF BEARING:  
NORTH DAKOTA STATE PLANE (NAD83)  
GROUND  
VERTICAL DATUM: NAVD 1988  
APRIL 19, 2019

AREA WITHIN THE 100 FOOT FLOODPLAIN (FLOOD ZONE A) IS BASED ON FEMA FORM #800 (DAMES AND MOHR) DATED AUGUST 4, 2014 (NAD83).

**DESCRIPTION**

LEGAL DESCRIPTION HAY CREEK SUBSTATION ADDITION

That part of the Southwest Quarter of Section 36, Township 139 North, Range 80 West of the Fifth Principal Meridian, Burleigh County, North Dakota described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 0 degrees 38 minutes 53 seconds East, assumed bearing, along the west line of said Southwest Quarter, 1073.00 feet to the westerly extension of the north line of a parcel of land described in Document 195216 on file in the Office of the County Recorder, Burleigh County, North Dakota; thence South 89 degrees 20 minutes 58 seconds East, along said westerly extension and the north line of said Document 195216, a distance of 660.00 feet to the northeast corner of said Document 195216 and the point of beginning of the land to be described; thence South 89 degrees 20 minutes 58 seconds East, along the south line of a parcel of land described in Document 144778 on file in the Office of the County Recorder, Burleigh County, North Dakota, 165.11 feet to the west line of Lot 1, Block 1, CAPITAL ELECTRIC SUBSTATION, on file in the Office of the County Recorder, Burleigh County, North Dakota; thence South 0 degrees 38 minutes 54 seconds West, along said west line, 61.97 feet to the southwest corner of said Lot 1; thence South 89 degrees 21 minutes 08 seconds East, along the south line of said Lot 1, a distance 350.00 feet to the southeast corner of said Lot 1; thence North 0 degrees 38 minutes 52 seconds East, along the east line of said Lot 1, a distance of 861.98 feet to the northeast corner of said Lot 1; thence North 89 degrees 21 minutes 08 seconds West, along the north line of said Lot 1, a distance of 350.00 feet to the northwest corner of said Lot 1, and the east line of said Document 144778; thence North 0 degrees 38 minutes 54 seconds East, along said east line, 100.12 feet to the northeast corner of said Document 144778; thence South 89 degrees 21 minutes 32 seconds East 982.60 feet; thence South 0 degrees 38 minutes 53 seconds West 978.71 feet; thence North 89 degrees 21 minutes 08 seconds West, 1127.70 feet to the east line of said Document 195216; thence North 0 degrees 38 minutes 53 seconds East, along said east line, 78.48 feet to the point of beginning.

The above described tract of land contains 15.00 acres.

**OWNERS CERTIFICATE AND DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, That Central Power Electric Cooperative, Inc. a North Dakota Cooperative Association, whose address is 525 20th Avenue Southwest, Minot, North Dakota, 58701, fee owner of the property described herein:

Said owner has caused the above described tract of land to be surveyed and platted as "HAY CREEK SUBSTATION ADDITION" to the City of Bismarck, Burleigh County, North Dakota, and do hereby dedicate to the public, for public use, all streets, avenues, and easements as shown on this plat.

OWNER: LOT 1, BLOCK 1, HAY CREEK SUBSTATION ADDITION

By: Thomas L. Meland, General Manager

State of North Dakota  
County of Burleigh

On this 19 day of April, in the year of 2019, before me, a notary public with and for said County, personally appeared Thomas L. Meland, General Manager, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same in the name of Central Power Electric Cooperative, Inc.

Notary Public

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT**

I, Kurt M. Kisch, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the survey of said addition; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Kurt M. Kisch, Professional Land Surveyor  
North Dakota License LS-4597

State of North Dakota  
County of Cass

On this 19 day of April, 2019, before me, a notary public with and for said County, personally appeared Kurt M. Kisch, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

**CITY ENGINEER APPROVAL**

I, Gabriel J. Schell, City Engineer of Bismarck, North Dakota, hereby approve "HAY CREEK SUBSTATION ADDITION" Bismarck, Burleigh County, North Dakota as shown on the plat.

Approved by City Engineer this 19 day of April, 2019.

Gabriel J. Schell, City Engineer

**BISMARCK BOARD OF CITY COMMISSION APPROVAL**

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the Subdivision of Land as shown on the annexed plat, has accepted the dedication of all streets shown there on, has approved the grounds as shown on the annexed plat as an amendment to the master plan of the City of Bismarck, North Dakota. And does hereby vacate any previous platting within the boundary of the annexed plat. The foregoing action of the City Commission of Bismarck, North Dakota, was taken by resolution approved the 19 day of April, 2019.

Attest  
Kurt H. Hunke - City Administrator

**CITY OF BISMARCK PLANNING COMMISSION**

The Subdivision of Land as shown on the annexed plat has been approved by the Planning Commission of the City of Bismarck on the 19 day of April, 2019, in accordance with the laws of the state of North Dakota, ordinances of the City of Bismarck and regulations adopted by the said planning commission in witness where of are set the hands and seals of the chairman and secretary of the planning commission of the City of Bismarck.

Mike Schwartz - Chairman      xxx - Secretary

**BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners of the Burleigh County, North Dakota, has approved the Subdivision as shown on the annexed plat, has accepted the dedication of all streets shown thereon, has approved the grounds as shown on the annexed plat as an amendment to the master plan of the City of Bismarck, North Dakota. And does hereby vacate any previous platting within the boundary of the annexed plat. The foregoing action of the Board of Commissioners of Burleigh County, North Dakota, was taken by resolution approved the 19 day of April, 2019.

Brian Bliner, Chairman

Kevin J. Glatf, County Auditor

**COORDINATE REFERENCE DATA**

- The Monument 1 (SW CORNER, SECTION 36)  
 Northing: 416705.22  
 Easting: 1910662.65  
 Elevation: 1663.77
  - The Monument 2 (NW CORNER, SECTION 36)  
 Northing: 421984.47  
 Easting: 1910721.76  
 Elevation: ?
- Orientation of this bearing system is North Dakota State Plane, South Zone (NAD83). Coordinates above are expressed as grid coordinates.



## *Community Development Department*

**DATE:** March 10, 2020

**FROM:** Ben Ehreth, Community Development Director

**ITEM:** Review of FY2020 5307 Transit Operations Grant Application

### **REQUEST**

Bis-Man Transit requests that the Bismarck Board of City Commissioners consider the attached grant application for approval.

Please place this item on the March 24, 2020 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

The 2020 Transit Operations Grant is funded under the Federal Transit Administration's 5307 program. The purpose of this grant is to secure funding for Bis-Man Transit's yearly operating expenses and capital procurement needs. The total grant request is for \$1,919,712.25. The Federal award is \$1,330,565 and the local match is \$589,156.25, which will be supplied by Bis-Man Transit.

The grant has successfully passed the City's grant application review process.

### **RECOMMENDED CITY COMMISSION ACTION**

Consider approval of the attached grant application. Following Commission approval, the grant will be pursued by the Bismarck-Mandan MPO on behalf of Bis-Man Transit.

### **STAFF CONTACT INFORMATION**

Rachel Drewlow, MPO Transportation Planner, 355-1852 or [rdrewlow@bismarcknd.gov](mailto:rdrewlow@bismarcknd.gov)

# GRANT REVIEW

**DEPARTMENT**

Attach supporting documentation

APPLICATION

AWARD

3<sup>RD</sup> PARTY AGREEMENT

Granting Agency: \_\_\_\_\_ Federal Transit Administration \_\_\_\_\_

Description and Purpose of Grant: \_\_\_ Section 5307 grant for Bis-Man Transit Operations, Preventive Maintenance, Security Enhancements and Capital Cost of Contracting \_\_\_\_\_

Grant Amount: \_\_\_\_\_ \$1,330,565 \_\_\_\_\_ Grant Match: \_\_\_\_\_ \$589,156.25 \_\_\_\_\_

Grant Period: \_\_\_ December 2018 – August 2019 \_\_\_ FTE Requirements (new or existing): \_\_\_ N/A \_\_\_\_\_

Funding Source: \_\_\_\_\_ 49 USC 5307 Section 5307-2A CFDA 20507 \_\_\_\_\_

Requirements & Ongoing Cost of Phase-Out: \_\_\_\_\_ N/A \_\_\_\_\_

Project Code: (Prepared by Fiscal after award received) \_\_\_\_\_

Comments: A full allocation is available for award. Currently, the Federal share is divided into Operations (\$342,020), Preventive Maintenance (\$15,239), Security Enhancements (\$13,306) and Capital Cost of Contracting (\$960,000). The local share is divided into Operations (\$342,020), Preventive Maintenance (\$3,809.75), Security Enhancements (\$3,326.50) and Capital Cost of Contracting (\$240,000). Grand award will primarily pay for expenses incurred December 2018 to August 2019. Though, Security may not be spent until 2021. \_\_\_

Department Signature: \_\_\_\_\_  \_\_\_\_\_ Date 2/27/2020

Return Completed Review to: Rachel Drewlow, MPO

Risk Assessment attached + Cheri Giesen  
**GRANTS COORDINATOR**

Comments: Bismon Transit will be a subrecipient of federal funds from the City. They are considered high risk and will be monitored appropriately.

Grants Coordinator Signature: Cheri Giesen \_\_\_\_\_ Date 3/3/2020

Forward as a Contract Review

**CITY ATTORNEY**

Comments: Need to correct federal rpt to Kelly Armstrong but otherwise OK

City Attorney Signature: Jannelle Cook \_\_\_\_\_ Date 3/5/2020

**FINANCE**

Comments: OK - need to address high risk determination in future.

Director of Finance Signature:  \_\_\_\_\_ Date 03/05/20

**ADMINISTRATION**

City Administrator Signature: Jerry H... \_\_\_\_\_ Date 3-5-20

Route Completed Grant Contract to Mayor for Signature. (2015 Revised)



**Subrecipient Risk Assessment**  
City of Bismarck, North Dakota

**SUMMARY OF RISK ASSESSMENT CATEGORIES**

Subrecipient Name: BisMan Transit - 537 Operating Grant \$1.3 million

Assessment Completed by: Cheri Giesen Date: \_\_\_\_\_

Category	High	Medium	Low
GENERAL ASSESSMENT:	✓		
LEGAL ASSESSMENT:		✓	
MONITORING/AUDIT:		✓	
FINANCIAL SYSTEM:			✓
OVERALL FISCAL:			✓
FINANCIAL STABILITY:	✓		

**THE CUMULATIVE RISK LEVEL DETERMINES THE LEVEL OF REVIEW:**

- High Risk** – Detailed compliance review and site visit
- Moderate Risk** – Detailed compliance review, site visit discretionary based on prior compliance reviews.
- Low Risk** – Compliance review optional with written justification.

ASSESSED RISK (HIGH, MEDIUM OR LOW): High Risk

**ACTION PLAN BASED ON RISK:**

Each reimbursement request will be thoroughly reviewed for allowable expenditures and categorized appropriately. MPO attends the monthly board meeting and will keep informed of the financial stability of BisMan Transit.



## *City Attorney*

**DATE:** March 17, 2020  
**FROM:** Janelle Combs, City Attorney  
**ITEM:** State of Emergency Declaration ratification

### **REQUEST**

Ratify the March 15, 2020, state of emergency declaration relating to COVID-19 by the President of City Commission and extend its effect to April 14, 2020.

Please place this item on the 3/24/2020 City Commission consent meeting agenda.

### **BACKGROUND INFORMATION**

Bismarck City ordinance 2-08-03 provides that the President of the City Commission can declare a local state of emergency. The emergency declaration will exist for a period not to exceed 15 days, unless the City Commission ratifies the declaration within the 15-day period. If it is ratified, it is then valid for another 15 days. The declaration was provided to all of the Commissioners and media upon signature on March 15th.

### **RECOMMENDED CITY COMMISSION ACTION**

Ratify the March 15, 2020 state of emergency declaration relating to COVID-19 by President Bakken and extend its effect to April 14, 2020.

### **STAFF CONTACT INFORMATION**

Janelle Combs | City Attorney, 355-1340 or [jcombs@bismarcknd.gov](mailto:jcombs@bismarcknd.gov)



## NEWS RELEASE

**For Immediate Release:**

March 15, 2020

**For More Information, Contact:**

Gloria David

Public Information Officer

Phone: 701.355.1306

E-mail: [gldavid@bismarcknd.gov](mailto:gldavid@bismarcknd.gov)

**COVID-19 EMERGENCY DECLARATION,  
CITY OF BISMARCK, NORTH DAKOTA**

Bismarck, N.D.

WHEREAS, COVID-19 is a severe respiratory illness, caused by the SARS-CoV-2 virus, a new strain of coronavirus that is spread from person to person, posing a threat to the health and safety of the residents of the City of Bismarck; and

WHEREAS, no drug or vaccine is currently available to treat or prevent COVID-19; and

WHEREAS, United States Department of Health and Human Services Secretary Alex Azar declared a national public health emergency for COVID-19 on January 27, 2020; and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of a national emergency due to the growing COVID-19 crisis in the United States; and

WHEREAS, on March 13, 2020, Governor Doug Burgum issued a declaration of a state emergency in response to the public health crisis resulting from the novel coronavirus (COVID-19); and

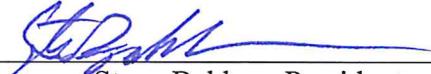
WHEREAS, Bismarck City Ordinance 2-08-03 provides that the President of the Commission has the power to declare a local disaster emergency

WHEREAS, preparedness, response and recovery from the COVID-19 virus requires a whole-of-government and whole-of-community approach across all governments as well as

private and nonprofit sectors, and the virus has the risk of substantially endangering the health, safety and property of the citizens of Bismarck.

NOW, THEREFORE, BE IT RESOLVED, that the President of the Board of City Commissioners does declare a state of emergency exists in the City of Bismarck, North Dakota in response to the public health crisis resulting from the novel coronavirus (COVID-19).

DATED at Bismarck, North Dakota this 15th day of March, 2020.

  
\_\_\_\_\_  
Steve Bakken, President  
City of Bismarck Commission