



June 9, 2020

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, June 9, 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.

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

Future City Commission meetings are scheduled as follows:

- June 23, 2020
- July 14 & 28, 2020
- August 11 & 25, 2020

MISSION STATEMENT

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

MEETING OF THE BOARD OF CITY COMMISSION

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

Documents:

[MN052620.pdf](#)

3. 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 Administration Department for the following:

1. Approve bids for roof repair work above leased tenant space at the Parkade.
2. Authorize gaming site renewals for the following:

Bismarck Cancer Center Foundation

- Bismarck Cancer Center - 500 N. 8th St.

- Bismarck Elks Lodge - 900 S. Washington St.
- Bismarck Larks - Bareknuckle Baseball, LLC - 303 W. Front Ave.
- Bismarck Moose Lodge - 302 - 312 N. 20th St.
- Puklich Chevrolet - 3701 State St.

Bismarck Hockey Boosters, Inc.

- Lucky's Bar - 2176 E. Thayer Ave.

Bismarck-Mandan Elks Lodge BPOE 1199

- Bismarck-Mandan Elks Lodge - 900 S. Washington St.

Cystic Fibrosis Association of North Dakota

- Cheap Shots - 3938 Miriam Ave.

Horse Race of North Dakota

- Golf Etc. - 511 Airport Rd.
- Jack's Steakhouse - 1201 S. 12th St.
- Los Lunas - 108 N. Mandan St.
- Sickies Garage - 3108 N. 14th St.

Mandan Baseball Club, Inc.

- Lucky's 13 - 915 S. 3rd St.
- Laughing Sun Brewing - 1023 E. Front Ave.

MATPAC Wrestling Club, Inc.

- Blarney Stone - 408 E. Main Ave.
- Main Bar - 804 E. Main Ave.
- The CraftCade - 405 N. 4th St.
- Sidelines - 300 S. 5th St.
- Sports Page - 1120 Tacoma Ave.

ND Chapters of Delta Waterfowl

- Delta Waterfowl Foundation Building - 1412 Basin Ave.
- Bismarck Amvets Club - 2402 Railroad Ave.

Prairie Public Broadcasting

- Bird Dog Brewing, LLC - 931 S. 9th St.
- Dakota Skies Bingo - 825 S. 8th St.

Documents:

- (C) ADMIN - Parking Authority.pdf
- (C) ADMIN - Gaming Site Renewal - Bismarck Cancer Center Foundation.pdf
- (C) ADMIN - Gaming Site Renewal - Bismarck Hockey Boosters.pdf
- (C) ADMIN - Gaming Site Renewal - Bismarck Mandan Elks Lodge.pdf
- (C) ADMIN - Gaming Site Renewal - Cystic Fibrosis Assoc of ND.pdf
- (C) ADMIN - Gaming Site Renewal - Horse Race ND.pdf
- (C) ADMIN - Gaming Site Renewal - Mandan Baseball Club.pdf
- (C) ADMIN - Gaming Site Renewal - MATPAC Wrestling.pdf
- (C) ADMIN - Gaming Site Renewal - ND Delta Waterfowl.pdf
- (C) ADMIN - Gaming Site Renewal - Prairie Public Broadcasting.pdf

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

1. Award bid to Weisz and Sons Inc., for the Northwest Detention Area.
2. Approve the \$500 sponsorship for the Commemorative Air Force.

Documents:

(C) AIR - Northwest Detention Area.pdf
(C) AIR - Sponsorship to Air Force.pdf

E. Consider the request from the Community Development Department for the following:

1. Introduction of and call for a public hearing on Ordinance 6417, a request for the partial annexation of Elk Ridge Second Addition less the right-of-way for Tyler Parkway.
2. Introduction of and call for a public hearing on Ordinance 6418, a request for a zoning change from the A-Agricultural and R5-Residential zoning district to the R5-Residential and R10-Residential zoning districts for Elk Ridge Second Addition.
3. Introduction of and call for a public hearing on a Fringe Area Road Master Plan amendment to eliminate the collector designation for a north-south roadway within Sections 18 and 19, T139N-R80W/Hay Creek Township in the City of Bismarck, Burleigh County, North Dakota.
4. Introduction of and call for a public hearing on Ordinance 6425, a request for a zoning change from the R5-Residential zoning district to the R10-Residential zoning district for Huntington Cottages Second Addition.
5. Introduction of and call for a public hearing on Ordinance 6426, a request for the annexation of Heritage Ridge Second Addition, less the 15th St. NW right-of-way. The Bismarck Planning and Zoning Commission recommends approval.

Documents:

(C) CD - Elk Ridge.pdf
(C) CD - Huntington Cottages.pdf
(C) CD - Heritage Ridge.pdf

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

1. Approve contracts and bonds for previously awarded special assessed projects.
2. Approve the Memorandum of Understanding with U.S. Fish and Wildlife Service for projects receiving state and federal funding.
3. Release an existing access, sanitary sewer and water main easement in Southbay Fifth Addition.
4. Change Order 1 for Street Improvement District No. 532.
5. Street Improvement District No. 540 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 540 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.

Documents:

(C) ENG - Contract and Bond Approval.pdf
(C) ENG - MOU with USFWS.pdf
(C) ENG - Southbay Releases.pdf
(C) ENG - SI 532 - Change Order 1.pdf
(C) ENG - SI 540.pdf

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

1. Change Order 2 to the Agreement with Custom Aire, Inc. for the HVAC renovation project at the Library.

Documents:

(C) PW-SO - Library HVAC Renovation.pdf

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

1. Approve the Stonecrest Development Agreement with Liechty Homes, Inc.

Documents:

(C) PW-UO - Liechty Homes Development Agreement.pdf

4. REGULAR AGENDA

5. Receive a Budget Committee update from Dmitry Chernyak, Finance Director.

Documents:

[Financial Presentation 6-9-20.pdf](#)

6. Consider the request from the Community Development Department, regarding Carols Addition, requested by Paces Lodging Corporation, Larry Benzinger and Vivian Lang.
 1. Minor subdivision final plat of Carols Addition.
 2. Development Agreement.
 3. Private Drive and Private Utility Agreement.

The Bismarck Planning and Zoning Commission recommends approval.

Documents:

[\(R\) CD - Carols Addition.pdf](#)

7. Consider the request from the Engineering Department for Street Improvement District No. 535 - Request for resolution receiving bids and ordering preparation of the Engineer's Statement for SI 535.

Documents:

[\(R\) ENG - SI 535 Award.pdf](#)

8. Consider the request from the Engineering Department for Street Utility Project SV 53 - Receive bids and award contract for SV 53.

Documents:

[\(R\) ENG - SV 53 Award.pdf](#)
[SV 53 Bid Information.pdf](#)

9. Consider the request from the Fire Department for Emergency Management to update the City's outdoor warning siren activation system.

Documents:

[\(R\) FIR - Emergency Management Update.pdf](#)

10. Consider the request from the Administration Department for discussion regarding the annual alcohol license renewal process.

Documents:

[\(R\) ADMIN - Alcohol Licenses.pdf](#)

11. Consider the request from the Administration Department for discussion regarding firework displays within City limits.

Documents:

[\(R\) ADMIN - Fireworks Discussion.pdf](#)

Other Business

Adjourn

MISSION STATEMENT

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

MEETING OF THE BOARD OF CITY COMMISSION

1. Proclamation recognizing May as National Historic Preservation Month.

Mayor Bakken signed the proclamation declaring May as National Historic Preservation Month.

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

No member of the public appeared for comment.

3. Consider the approval of the minutes.

Commissioner Zenker moved to approve the minutes as presented. Commissioner Oban seconded the motion.

Upon a roll call vote, all voted aye. M/C.

4. CONSENT AGENDA

Commissioner Marquardt moved to approve the consent agenda as presented. Commissioner Zenker seconded it.

Upon a roll call vote, all voted aye. M/C.

- A. Consider approval of expenditures.

Vouchers: 1093063-1093276.

- B. Consider approval of personnel actions.

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

1. Authorize gaming site renewals for the following:

Amvets Post #9

- Amvets Post #9 - 2400 Railroad Ave.

Fort Abraham Lincoln Foundation

- Ramada of Bismarck/ 701 Lounge - 1400 E. Interchange Ave.
- Bismarck Radisson Hotel - 604 E. Broadway Ave.

Fraternal Order of Eagles Bismarck Aerie 2237

- Eagles - 313 N. 26 St.

NoDak Sportsmen's Club

- Space Aliens - 1304 E. Century Ave.
- Corral Bar - 2111 E. Main Ave.
- Midway Tavern - 1915 E. Sweet Ave.

North Dakota Association for the Disabled, Inc.

- ND Association for the Disabled, Inc. - 1014 S. 12th St.

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

1. Accept donation from KLJ for the design and construction of an Electrical Vehicle (EV) charging station.
2. Award bid for Airfield Painting to Fahrner Asphalt Sealers, LLC.

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

1. Ratify the May 14, 2020 State of Emergency Declaration relating to COVID-19 by President Bakken and extend its effect to June 13, 2020.

F. Consider the request for approval from Bismarck-Burleigh Public Health for the following:

1. Apply for the Drug-Free Communities Support Program grant.

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

1. Reappoint Curt Janssen to the Bismarck Board of Adjustment until June 2023.
2. Change the name of the street Colony Loop, as recorded on the plat of Heritage Park Addition and Heritage Park Addition First Replat, to Colony Place and Colony Point.
3. Change the name of the street Valley Vista Lane, as recorded on the plat of Heritage Ridge Addition, to Heritage Ridge Road.

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

1. Approve the placement of banners as requested by Bismarck Towns & Gowns.
2. Approve the NDDOT Cost Participation, Construction and Maintenance Agreement.
3. Change Order No. 4 for Sewer Improvement District SE 563.

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

1. Approve the IT Division to upgrade the current Oracle point of sale system and corresponding equipment at the Bismarck Event Center.

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

1. Permission to solicit donations to support the 2020 annual Bismarck Police Department Benefit Golf Tournament.

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

1. Approve the contract with Apex Engineering Group for the City/County Building backup generator replacement project.
2. Approve the sale of Public Works inventory at a public marketplace.

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

1. Approve a three-year contract extension with Neptune Technology Group.
2. Approve the sole source purchase of replacement parts for a chopper pump at the Wastewater Treatment Plant.
3. Approve the sole source purchase of water meter reading transmitters.

5. REGULAR AGENDA

6. Receive a Budget Committee update from Dmitriy Chernyak, Finance Director.

No motion was made for this item.

Please see the link for Dmitriy Chernyak, the Finance Director's full presentation:

<https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5189?fileID=12595>

7. Public hearing on Ordinance 6424, a staff initiated zoning ordinance text amendment relating to off-street parking and loading requirements.

Jenny Wollmuth, Planner with the Community Development Department, presented on behalf of the staff initiated zoning ordinance change for off-street parking.

Please see the link for her full presentation: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5161?fileID=12599>

No member of the public appeared for comment.

Commissioner Oban moved to approve the ordinance change as presented. Commissioner Zenker seconded the motion.

Upon a roll call vote, all voted aye. M/C.

8. Public hearing on Ordinance 6423, a staff initiated zoning ordinance text amendment relating to the regulation of signs.

Daniel Nairn, Planner with the Community Development Department, presented on behalf of the staff initiated zoning ordinance change for sign regulation.

Please see the link for his full presentation: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5162?fileID=12596>

Jamie McLean, of the Bismarck-Mandan Board of Realtors, thanked the Community Development Department for initiating the zoning ordinance change.

Commissioner Marquardt moved to approve the ordinance change with the amendment to the square footage of the site signs from 60 square feet to 64 square feet and changing the height limit from 8 feet to 10 feet for site signs relating to real estate development and property sales.

Commissioner Zenker seconded the motion.

Upon a roll call vote, all voted aye.

After further discussion, Commissioner Guy suggested changing the time limit of the portable temporary signs to 60 days. Commissioner Oban suggested to change it to 240 days, which is comparable to Mandan's sign ordinance. Commissioner Zenker then made a motion to limit portable signs to 240 days. Commissioner Oban seconded it.

Upon a roll call vote, Commissioner Marquardt, Zenker, Guy and Oban aye. President Bakken nay. M/C.

Commissioner Oban then made a motion to adopt the zoning ordinance, in regards to signs, with the changes the Commissioners had just approved. Commissioner Zenker seconded it.

Upon a roll call vote, all voted aye. M/C.

The changes approved by the Commission this evening will go into effect 60-day after tonight's, May 26, 2020, meeting.

9. Consider the request from the Community Development Department for the following:

1. Public hearing on Ordinance 6419, a request for annexation of Heritage Park Second Addition.
2. Public hearing on Ordinance 6420, a request for a zoning change from the A-Agricultural to the R5-Residential, R10 - Residential and RM10 - Residential zoning districts for Heritage Park Second Addition.
3. Final Plat of Heritage Park Second Addition.
4. Private Drive and Private Utility Agreement.

Chad Moldenhauer, the developer and owner of K&L Homes, Inc., spoke in favor of the requests during public comment.

Commissioner Marquardt moved to approve the requests as presented. Commissioner Zenker seconded the motion.

Upon a roll call vote, all voted aye. M/C.

10. Consider the request from the Community Development Department for the following:

1. Public hearing on Ordinance 6421, a request for a zoning change from the A-Agricultural to the R5-Residential and Conditional RT-Residential zoning districts for Heritage Ridge Second Addition.
2. Final plat of Heritage Ridge Second Addition.

No member of the public appeared for comment.

Commissioner Zenker moved to approve the item as presented. Commissioner Guy seconded the motion.

Upon a roll call vote, all voted aye. M/C.

11. Consider the request from the Engineering Department for the approval of a Development Agreement with Heritage Development, Inc. for Heritage Park Second and Heritage Ridge Second Addition.

Commissioner Zenker moved to approve the development agreement as presented. Commissioner Guy seconded the motion.

Upon a roll call vote, all voted aye. M/C.

12. Consider the request from the Community Development Department for the following:

1. Public hearing on Ordinance 6422, a request for a zoning change from the A-Agricultural to the R5-Residential and Conditional RT-Residential zoning districts for Edgewood Village 7th Addition 1st Replat.
2. Minor subdivision final plat of Edgewood Village 7th Addition 1st Replat.
3. Private Drive and Private Utility Agreement.

No member of the public appeared for comment.

Commissioner Zenker moved to approve the requests as presented. Commissioner Oban seconded it.

Upon a roll call vote, all voted aye. M/C.

13. Consider the request from the Community Development Department for a request of JJ Hageness Renovation, LLC. for approval of a Rehabilitation Renaissance Zone project at 418 Rosser Ave., as a 100% property tax exemption on the building for five years and an exemption from state tax on income derived from the location for five years. The property is owned by JJ Hageness Renovation, LLC. and is legally described as Part of Lot 25, Block 122, Original Plat. The Renaissance Zone Authority recommends approval.

Commissioner Oban moved to approve the request as presented. Commissioner Guy seconded the motion.

Upon a roll call vote, Commissioners Marquardt, Zenker, Oban and Guy voted aye. President Bakken nay. M/C.

14. Consider the request from the Community Development Department, regarding Southbay Fifth Addition First Replat, requested by Southbay Development LLC., for the following:

1. Minor subdivision final plat of Southbay Fifth Addition First Replat.
2. Private Drive and Private Utility Agreement.

Commissioner Zenker moved to approve the requests as presented. Commissioner Oban seconded the motion.

Upon a roll call vote, all voted aye. M/C.

15. Consider the request from the Community Development Department for direction associated with the update of the FEMA Risk Map.

Commissioner Marquardt moved to approve the updates as presented. Commissioner Zenker seconded the motion.

Upon a roll call vote, all voted aye. M/C.

16. Consider the request from the Event Center for the approval of staff to collaborate with various committees and organizations to plan the Capital City Christmas event.

Charlie Jeske, department director of the Bismarck Event Center, along with Andrea Birst and Wendy Bakken of the Capital City Christmas Committee presented on behalf of the request.

Please see the link for their full presentation: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5191?fileID=12594>

Commissioner Zenker moved to approve the request as presented. Commissioner Oban seconded the motion.

Upon a roll call vote, all voted aye. M/C.

17. Consider the request from the Event Center to award bid for the arena lighting project.

The bid was awarded to Denny's Electric in the amount of \$906,600.

Commissioner Zenker moved to approve request as presented. Commissioner Marquardt seconded the motion.

Upon a roll call vote, all voted aye. M/C.

18. Consider the request from the Administration Department for discussion regarding the annual alcohol license renewal process.

Commissioner Guy made a motion for the Budget Committee to prepare a detailed breakdown of the difference in 2020 revenue from liquor license renewals if we were to prorate one month, two month, three month, to show the Commission what the impact would have on the budget that is coming up, so they could make a decision based on that. This would provide the opportunity to understand to see how that prorated discount would affect the license holders and the City overall. It was understood that this information would be provided at the June 9, 2020 City Commission Meeting. Commissioner Zenker seconded the motion.

Upon a roll call vote, all voted aye. M/C.

19. Consider the request from the Attorney for discussion on firework displays within City limits.

Commissioner Zenker moved to direct staff to contact the surrounding cities and counties who allow fireworks within City limits to see what an ordinance change could look like, and present the information to the Commission at the June 9, 2020 City Commission Meeting.

Commissioner Marquardt seconded the motion.

Commissioner Oban then directed staff to include in their findings how allowing fireworks within City limits would affect City services regarding cleanup and safety.

Upon a roll call vote, Commissioners Zenker, Marquardt, Guy and President Bakken voted aye. Commissioner Oban nay. M/C.

Other Business

Attorney Combs informed the Commission a citizen of Burleigh County received a ballot for the wrong district for the June 9, 2020 election. The resident lives outside City limits and received a ballot which would allow her to vote for the Bismarck City Commission and Park Board.

Burleigh County, who is coordinating the vote-by-mail election, is requesting anyone who receives a ballot for the wrong district to contact their office at 701-222-6694.

In addition, Attorney Combs stated she has been in contact with the Secretary of State's Office regarding the issue.

Adjourn

The meeting was adjourned at 8:17 p.m.

PERSONNEL ACTIONS FOR THE MEETING ON Jun 9, 2020

Full-Time and Part-Time Appointments

Webber, Sheldon Firefighter	Fire	Probationary appointment @ \$24.24/hr. 5/29/2020
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Separations

Hay, Samuel Airport Intern	Airport	End of internship. 5/28/2020
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Wilhelm, Mark Maintenance Supervisor	Event Center	Retired. 6/26/2020
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Odell, Michael Firefighter	Fire	Resigned. 5/29/2020
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Doerner, Joan Community Health Nurse	Public Health	Resigned. 6/1/2020
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Kuss, Becky Community Health Nurse	Public Health	Resigned. 6/1/2020
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Others

Brunelle, Sheriden Building Service Worker	Airport	Leave w/out pay 5/29/2020 pay period
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Anderson, Brett Acting Police Sergeant	Police	Acting role & salary adjustment @ \$38.89/hr. 4/9/2020
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Anderson, James Master Police Officer	Police	Promoted, grade change only effective 5/18/2020
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Gardiner, Luke Police Lieutenant	Police	Leave w/out pay 5/4 – 6/24/2020
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Fischer, Michael Customer Service Field Lead	Public Works	Promotion & salary adjustment @ \$26.07/hr. 5/31/2020
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City Administration

DATE: June 2, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Bismarck Parking Authority

REQUEST

Consider discussion to approve bids for roof repair work above leased tenant space at the Parkade.

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Bismarck Parking Authority manages and operates the City-owned parking structures throughout downtown Bismarck. The Parkade building has a leak in the roof over one of the leased tenant spaces. Bid were sought for the repairs. Two bids were received and opened on May 27, 2020. The low bid was submitted by Tecta America in the amount of \$70,869.00. The second bid was submitted by Herzog Roofing, Inc. in the amount of \$108,065.00.

The Bismarck Parking Authority meets on the second Thursday of each month. The June Bismarck Parking Authority meeting will be held on June 11, 2020 to review and accept the bids. The Bismarck Parking Authority desires to move forward with the repairs as soon as possible to facilitate a timely construction process and limit the impacts to the tenant leasing space in the building. The scheduled completion date of the repairs is August 14, 2020.

RECOMMENDED CITY COMMISSION ACTION

Award the low bid to Tecta America in the amount of \$70,869.00 for roof repairs at the Parkade, subject to acceptance of the bids by the Bismarck Parking Authority on Thursday, June 11, 2020.

STAFF CONTACT INFORMATION

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov

**SECTION 00 4100
BID FORM**

THE PROJECT AND THE PARTIES

1.01 TO:

- A. Bismarck Municipal Parking Authority (Owner)
114 N. 6th Street
Bismarck, North Dakota 58504

1.02 FOR:

- A. Project: Bismarck Municipal Parking Authority Parkade Partial Roof Replacement
B. Bidder: Tecta America Dakotas

1.03 DATE: 05/27/2020 (BIDDER TO ENTER DATE)

1.04 SUBMITTED BY: (BIDDER TO ENTER NAME AND ADDRESS)

- A. Bidder's Full Name Tecta America Dakotas
1. Address 213 Riverwood Avenue SE
2. City, State, Zip Mandan, ND 58554

1.05 OFFER

- A. Having examined the Place of The Work and all matters referred to in the Instructions to Bidders and the Bid Documents prepared by [Tecta] for the above mentioned project, we, the undersigned, hereby offer to enter into a Contract to perform the Work for the Sum of:
- B. Seventy Thousand Eight Hundred Sixty-nine dollars
(\$70,869.00), in lawful money of the United States of America.
- C. We have included the required security deposit as required by the Instruction to Bidders.
- D. We have included the required performance assurance bonds in the Bid Amount as required by the Instructions to Bidders.
- E. All applicable federal taxes are included and State of North Dakota taxes are included in the Bid Sum.

1.06 ACCEPTANCE

- A. This offer shall be open to acceptance and is irrevocable for sixty days from the bid closing date.
- B. If this bid is accepted by Owner within the time period stated above, we will:
1. Execute the Agreement within seven days of receipt of Notice of Award.
 2. Commence work within seven days after written Notice to Proceed of this bid.
- C. If this bid is accepted within the time stated, and we fail to commence the Work or we fail to provide the required Bond(s), the security deposit shall be forfeited as damages to Owner by reason of our failure, limited in amount to the lesser of the face value of the security deposit or the difference between this bid and the bid upon which a Contract is signed.
- D. In the event our bid is not accepted within the time stated above, the required security deposit shall be returned to the undersigned, in accordance with the provisions of the Instructions to Bidders; unless a mutually satisfactory arrangement is made for its retention and validity for an extended period of time.

1.07 CONTRACT TIME

- A. If this Bid is accepted, we will:
- B. Complete the Work by the 14th day of August, 2020. (Bidder to enter day, month, and year.)

1.08 CHANGES TO THE WORK

- A. When Architect establishes that the method of valuation for Changes in the Work will be net cost plus a percentage fee in accordance with General Conditions, our percentage fee will be:

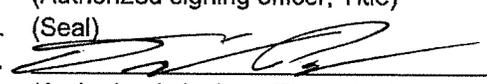
1. 10 percent overhead and profit on the net cost of our own Work;
2. 10 percent on the cost of work done by any Subcontractor.

1.09 ADDENDA

A. The following Addenda have been received. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Sum.

1. Addendum # 1 Dated 05/11/2020.
2. Addendum # 2 Dated 05/15/2020.
3. Addendum # _____ Dated _____.

1.10 BID FORM SIGNATURE(S)

- A. The Corporate Seal of
- B. Tecta America Dakotas
- C. (Bidder - print the full name of your firm)
- D. was hereunto affixed in the presence of:
- E. Dave Rinas, Branch Manager
- F. (Authorized signing officer, Title)
- G. (Seal)
- H.  _____
- I. (Authorized signing officer, Title)

1.11 IF THE BID IS A JOINT VENTURE OR PARTNERSHIP, ADD ADDITIONAL FORMS OF EXECUTION FOR EACH MEMBER OF THE JOINT VENTURE IN THE APPROPRIATE FORM OR FORMS AS ABOVE.

END OF SECTION

**SECTION 00 4100
BID FORM**

THE PROJECT AND THE PARTIES

1.01. TO:

- A. Bismarck Municipal Parking Authority (Owner)
114 N. 6th Street
Bismarck, North Dakota 58504

1.02 FOR:

- A. Project: Bismarck Municipal Parking Authority Parkade Partial Roof Replacement
- B. Bidder: Herzog Roofing, Inc.

1.03 DATE: 05/26/2020 (BIDDER TO ENTER DATE)

1.04 SUBMITTED BY: (BIDDER TO ENTER NAME AND ADDRESS)

- A. Bidder's Full Name Herzog Roofing, Inc.
 - 1. Address PO Box 245
 - 2. City, State, Zip Detroit Lakes, MN 56502-0245

1.05 OFFER

- A. Having examined the Place of The Work and all matters referred to in the Instructions to Bidders and the Bid Documents prepared by [J2 Studio] for the above mentioned project, we, the undersigned, hereby offer to enter into a Contract to perform the Work for the Sum of:
- B. One Hundred Eight Thousand, Sixty-five & no/100's
_____ dollars
(\$ 108,065.00), in lawful money of the United States of America.
- C. We have included the required security deposit as required by the Instruction to Bidders.
- D. We have included the required performance assurance bonds in the Bid Amount as required by the Instructions to Bidders.
- E. All applicable federal taxes are included and State of North Dakota taxes are included in the Bid Sum.

1.06 ACCEPTANCE

- A. This offer shall be open to acceptance and is irrevocable for sixty days from the bid closing date.
- B. If this bid is accepted by Owner within the time period stated above, we will:
 - 1. Execute the Agreement within seven days of receipt of Notice of Award.
 - 2. Commence work within seven days after written Notice to Proceed of this bid.
- C. If this bid is accepted within the time stated, and we fail to commence the Work or we fail to provide the required Bond(s), the security deposit shall be forfeited as damages to Owner by reason of our failure, limited in amount to the lesser of the face value of the security deposit or the difference between this bid and the bid upon which a Contract is signed.
- D. In the event our bid is not accepted within the time stated above, the required security deposit shall be returned to the undersigned, in accordance with the provisions of the Instructions to Bidders; unless a mutually satisfactory arrangement is made for its retention and validity for an extended period of time.

1.07 CONTRACT TIME

- A. If this Bid is accepted, we will:
- B. Complete the Work by the 14th day of August, 2020. (Bidder to enter day, month, and year.)

1.08 CHANGES TO THE WORK

- A. When Architect establishes that the method of valuation for Changes in the Work will be net cost plus a percentage fee in accordance with General Conditions, our percentage fee will be:

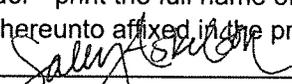
1. 35 percent overhead and profit on the net cost of our own Work;
2. 10 percent on the cost of work done by any Subcontractor.

1.09 ADDENDA

A. The following Addenda have been received. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Sum.

1. Addendum # 1 Dated 05/08/20.
2. Addendum # 2 Dated 05/14/20.
3. Addendum # _____ Dated _____.

1.10 BID FORM SIGNATURE(S)

- A. The Corporate Seal of
- B. Herzog Roofing, Inc.
- C. (Bidder - print the full name of your firm)
- D. was hereunto affixed in the presence of:
- E.  _____
- F. (Authorized signing officer, Title)
- G. (Seal)
- H. Sec/Treasurer
- I. (Authorized signing officer, Title)

1.11 IF THE BID IS A JOINT VENTURE OR PARTNERSHIP, ADD ADDITIONAL FORMS OF EXECUTION FOR EACH MEMBER OF THE JOINT VENTURE IN THE APPROPRIATE FORM OR FORMS AS ABOVE.

END OF SECTION



City Administration

DATE: June 2, 2020
FROM: Jason Tomanek, Assistant City Administrator
ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- Bismarck Cancer Center Foundation
 - Bismarck Cancer Center – 500 North 8th Street
 - Bismarck Elks Lodge – 900 South Washington Street
 - Bismarck Larks – Bareknuckle Baseball LLC – 303 West Front Avenue
 - Bismarck Moose Lodge 302 – 312 North 20th Street
 - Puklich Chevrolet – 3701 State Street

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

Gaming site authorizations expire on June 30th of each year. The Bismarck Administration Department administers the annual gaming site authorizations and renewals.

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



**STATE GAMING LICENSE
REAPPLICATION FORM**
OFFICE OF ATTORNEY GENERAL
SFN 53838 (Rev. 10-2017)

License Number: (Office Use)
G -

License Year Ending:
June 30, _____

1. Official, Legal Name of Organization: (Do Not Abbreviate) BISMARCK CANCER CENTER FOUNDATION		Business Telephone Number: 701-222-6100	
Business Address: (Street) 500 N 8TH ST	City: BISMARCK	State: ND	Zip Code: 58501
Mailing Address: "	City:	State:	Zip Code:
Address where gaming accounting records are kept: "	City:	State:	Zip Code:
E-mail Address: dhager@bismarckcancercenter.com	Contact Person: Dana Hager	Official Position of Contact Person: Education Coordinator	
2. Is organization recognized as tax exempt by the Internal Revenue Service? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		3. Provide organization's Federal Employer Identification Number (EIN): 26-0466647	
4. Name and Title of Organization's Top Executive Official: (i.e., Cmdr., Pres., etc.) Amy J. Gross		Daytime Telephone Number: 701-222-6100	
5. Name of Gaming Manager: Dana Hager		Daytime Telephone Number: 701-222-6145	
6. Signature of Gaming Manager: <i>Dana J. Hager</i>		Date: 05-1-20	
7. List the Full Governing Board of the Organization - The full governing board is primarily responsible and may be held accountable for the proper determination and use of net proceeds.			
Name: Kirk Cristy, President	Telephone Number: 701-328-6136	Name:	Telephone Number:
Name: Lisa Laurent, V.P.	Telephone Number: 701-530-7006	Name:	Telephone Number:
Name: Terri Donovan, Treas.	Telephone Number:	Name:	Telephone Number:
Name: Chris Meeker, Trustee	Telephone Number: 701-328-6000	Name:	Telephone Number:
Name: Ellen Holt, Trustee	Telephone Number: 701-530-7155	Name:	Telephone Number:
Name: Patrick Schultz, Trustee	Telephone Number:	Name:	Telephone Number:
8. Does the Organization Own or Rent the Premises at Which the Games of Chance will be Conducted? <input checked="" type="checkbox"/> Own <input checked="" type="checkbox"/> Rent			

AFFIDAVIT:

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official: <i>Amy J. Gross</i>	Date: 5-27-2020
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CURRENT GAMING EMPLOYEE LIST
OFFICE OF ATTORNEY GENERAL
 SFN 54270 (02-17)

License No. G- _____

Organization Name: <u>BISMARCK CANCER CENTER FOUND.</u>		
Mailing Address: <u>500 N 8TH ST</u>		
City: <u>BISMARCK</u>	State: <u>ND</u>	Zip: <u>58501</u>
Business Phone: <u>701-222-6100</u>		Cell Phone: <u>701-319-0156</u>

* PLEASE PRINT OR TYPE *

NAME OF GAMING MANAGER: DANA HAGER **DATE OF HIRE:** AUG 1, 2016

NOTE: Volunteer Gaming Managers are required to have a record check completed. **Record Check Completed:** YES NO

EMPLOYEE NAME <small>First name, Middle name, Last Name</small>	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1. <u>DANA, JEAN HAGER</u>	<u>Education Coordinat</u>	<u>Aug 1, 2016</u>	<u>5/11/78</u>	<input type="checkbox"/>
2.				<input type="checkbox"/>
3.				<input type="checkbox"/>
4.				<input type="checkbox"/>
5.				<input type="checkbox"/>
6.				<input type="checkbox"/>
7.				<input type="checkbox"/>
8.				<input type="checkbox"/>
9.				<input type="checkbox"/>
10.				<input type="checkbox"/>
11.				<input type="checkbox"/>
12.				<input type="checkbox"/>
13.				<input type="checkbox"/>
14.				<input type="checkbox"/>
15.				<input type="checkbox"/>
16.				<input type="checkbox"/>
17.				<input type="checkbox"/>
18.				<input type="checkbox"/>
19.				<input type="checkbox"/>
20.				<input type="checkbox"/>
21.				<input type="checkbox"/>
22.				<input type="checkbox"/>
23.				<input type="checkbox"/>
24.				<input type="checkbox"/>

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS.



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

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

Full, Legal Name of Gaming Organization **BISMARCK CANCER CENTER FOUNDATION**

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

Name of Location BISMARCK CANCER CENTER			
Street 500 N 8th ST	City BISMARCK	ZIP Code 58501	County BURLEIGH
Beginning Date(s) Authorized JULY 1 2020	Ending Date(s) Authorized JUNE 30 2021	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted and played at the site (required) BISMARCK CANCER CENTER LOBBY			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known SEPTEMBER 2020			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
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ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

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

APPROVALS

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

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

RETURN ALL DOCUMENTS TO:

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



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

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

Full, Legal Name of Gaming Organization
BISMARCK CANCER CENTER FOUNDATION

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

Name of Location **BISMARCK ELKS LODGE**

Street 900 S. WASHINGTON	City BISMARCK	ZIP Code 58504	County BURLEIGH
Beginning Date(s) Authorized JULY 1 2020	Ending Date(s) Authorized JUNE 30 2021	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted and played at the site (required) LARGE BANQUET ROOM			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known OCTOBER 2020			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
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ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) ELKS LODGE - BISMARCK		Site Name ELKS LODGE		Site Phone Number 761-255-1199	
Site Address 900 S. WASHINGTON ST.		City BISMARCK		State ND	
		Zip Code 58504		County BURLEIGH	
Organization (Lessee) Bismarck Cancer Center Foundation			Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					
If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				\$	
2. Is Twenty-One conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		X Rent per Table \$ _____		\$	
Number of Tables with wagers up to \$5 _____		X Rent per Table \$ _____		\$	
Number of Tables with wagers over \$5 _____		X Rent per Table \$ _____		\$	
3. Is Paddlewheels conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		X Rent per Table \$ _____		\$	
Number of Tables _____					
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				\$	
Please check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device					
<input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____				\$	
Total Monthly Rent				\$ 0	

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

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor <i>[Signature]</i>	Title SECRETARY	Date 3-20-20
Signature of Lessee <i>[Signature]</i>	Title BCC Executive Director	Date 4-28-2020



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

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

Full, Legal Name of Gaming Organization Bismarck Cancer Center Foundation

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

Name of Location <u>Bismarck Larks - Bareknuckle Baseball LLC</u>			
Street <u>303 WEST FRONT AVE</u>	City <u>BISMARCK</u>	ZIP Code <u>58504</u>	County <u>BURLEIGH</u>
Beginning Date(s) Authorized <u>JULY 1 2020</u>	Ending Date(s) Authorized <u>JUNE 30 2021</u>	Number of twenty-one tables if zero, enter "0": <u>0</u>	
Specific location where games of chance will be conducted and played at the site (required) <u>DAKOTA COMMUNITY + TRUST FIELD</u>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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 600 E Boulevard Ave, Dept. 125
 Bismarck, ND 58505-0040
 Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) BARE KNUCKLE BASEBALL - BISMARCK LARKS		Site Name Dakota Community Bank + Trust Field		Site Phone Number 701-557-7600
Site Address 303 WEST FRONT AVE	City BISMARCK	State ND	Zip Code 58504	County BURLEIGH
Organization (Lessee) Bismarck Cancer Center Foundation		Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
<input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____				\$
Total Monthly Rent				\$ 0

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

TERMS OF RENTAL AGREEMENT:
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title General Manager	Date 3/22/20
Signature of Lessee 	Title BCC Executive Director	Date 4-28-2020



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

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

Full, Legal Name of Gaming Organization BISMARCK CANCER CENTER FOUNDATION

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

Name of Location <u>BISMARCK MOOSE LODGE 302</u>			
Street <u>312 N 20TH ST</u>	City <u>BISMARCK</u>	ZIP Code <u>58501</u>	County <u>BURLEIGH</u>
Beginning Date(s) Authorized <u>JULY 1 2020</u>	Ending Date(s) Authorized <u>JUNE 30 2021</u>	Number of twenty-one tables if zero, enter "0": <u>0</u>	
Specific location where games of chance will be conducted and played at the site (required) <u>EVENTS ROOM - NW OF BUILDING</u>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) BISMARCK MOOSE LODGE 302		Site Name MOOSE LODGE		Site Phone Number 701-224-8326	
Site Address 312 N 20th Street		City BISMARCK	State ND	Zip Code 58501	County BURLEIGH
Organization (Lessee) Bismarck Cancer Center Foundation			Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					\$
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.					
2. Is Twenty-One conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					\$
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____					\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____					\$
3. Is Paddlewheels conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					\$
Number of Tables _____ X Rent per Table \$ _____					\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					\$
Please check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device					\$
<input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____					\$
Total Monthly Rent					\$ 0

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

TERMS OF RENTAL AGREEMENT:
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.
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 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title Adminstr	Date 4-1-20
Signature of Lessee Amy Gross	Title BCC Executive Director	Date 4-28-2020



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

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

Full, Legal Name of Gaming Organization **BISMARCK CANCER CENTER FOUNDATION**

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

Name of Location PUKLICH CHEVROLET			
Street 307 STATE STREET	City BISMARCK	ZIP Code 58503	County BURLINGHAM
Beginning Date(s) Authorized JULY 1 2020	Ending Date(s) Authorized JUNE 30 2021	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted and played at the site (required) SHOW ROOM - WEST SIDE OF BUILDING			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known OCTOBER 2020			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) PUKLICH CHEVROLET		Site Name PUKLICH CHEVROLET		Site Phone Number 701-223-5800
Site Address 3701 STATE STREET		City BISMARCK	State ND	Zip Code 58503
Organization (Lessee) Bismarck Cancer Center Foundation		Rental Period 7/1/2020 to 6/30/2021		County BURLINGHAM
1. Is Bingo going to be conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				Monthly Rent Amount
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				
2. Is Twenty-One conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		X Rent per Table \$ _____		\$
Number of Tables with wagers up to \$5 _____		X Rent per Table \$ _____		\$
Number of Tables with wagers over \$5 _____		X Rent per Table \$ _____		\$
3. Is Paddlewheels conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		X Rent per Table \$ _____		\$
Number of Tables _____				\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				\$
Please check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device				\$
<input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____				\$
Total Monthly Rent				\$ 0

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

TERMS OF RENTAL AGREEMENT:
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title General Manager	Date 5/8/2021
Signature of Lessee 	Title Executive Director	Date 5-20-2020



City Administration

DATE: June 2, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- Bismarck Hockey Boosters, Inc.
 - Lucky's Bar – 2176 East Thayer Avenue

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

Gaming site authorizations expire on June 30th of each year. The Bismarck Administration Department administers the annual gaming site authorizations and renewals.

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming application.

STAFF CONTACT INFORMATION:

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



**STATE GAMING LICENSE
REAPPLICATION FORM**
OFFICE OF ATTORNEY GENERAL
SFN 53838 (Rev. 03-2017)

License Number: (Office Use) G -
License Year Ending: June 30, _____

1. Official, Legal Name of Organization: (Do Not Abbreviate) Bismarck Hockey Boosters, Inc.		Business Telephone Number: (701) 471-9677	
Business Address: (Street) PO Box 2408	City: Bismarck	State: ND	Zip Code: 58502
Mailing Address: 103 S. 3rd Street, No. 1	City: Bismarck	State: ND	Zip Code: 58501
Address where gaming records are kept: 103 S. 3rd Street, No. 1	City: Bismarck	State: ND	Zip Code: 58501
E-mail Address: kautzman20@msn.com	Contact Person: Susan Kautzman	Official Position of Contact Person: Gaming Manager	
2. Is organization recognized as tax exempt by the Internal Revenue Service? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		3. Provide organization's Federal Employer Identification Number (EIN): 23-7237318	
4. Name and Title of Organization's Top Executive Official: (i.e., Cmdr., Pres., etc.) Adam Frykman, President		Daytime Telephone Number: (701) 871-7002	
5. Name of Gaming Manager: Susan Kautzman		Daytime Telephone Number: (701) 255-6290	
6. Signature of Gaming Manager: 		Date: 4/20/20	
7. List Governing Board Members (Print) - The governing board is primarily responsible for properly determining and distributing net proceeds.			
Name: Adam Frykman	Telephone Number: (701) 871-7002	Name: Savanah Cantleberry	Telephone Number: (701) 222-0076
Name: Aj Emter	Telephone Number: (701) 222-0076	Name: Mike Gilbertson	Telephone Number: (701) 226-5106
Name: Ryan Johnson	Telephone Number: (701) 426-7962	Name: Jen Turnbow	Telephone Number: (701) 471-7052
Name: Kristin Wentz - Krumwiede	Telephone Number: (701) 391-1060	Name: Dave Lewis	Telephone Number: (701) 226-9845
Name: Heather Welle	Telephone Number: (701) 226-5065	Name: Brandi Bear	Telephone Number: (701) 400-6020
Name: Jennifer Hiles	Telephone Number: (701) 330-6698	Name: Jeanie Larson	Telephone Number: (701) 400-6517
8. Does the Organization Own or Rent the Premises at Which the Games of Chance will be Conducted? <input type="checkbox"/> OWN <input checked="" type="checkbox"/> RENT			

AFFIDAVIT:

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank records.	Signature of Top Executive Official: 	Date: 4/20/20
---	--	------------------

I. CONSENT BY ELIGIBLE ORGANIZATION

Bismarck Hockey Boosters, Inc.

(Write the full legal name of the eligible organization on the above line)

does hereby consent that local

law enforcement officers and officers of the Attorney General and his agents may, at any time Games of Chance are being conducted, enter upon the site to observe the playing of Games of Chance and to enforce the law for any unauthorized game or practice.

5/15/20

Date

[Signature]

Chief Executive (i.e. Cmdr., Pres., etc.)

II. AUTHORIZATION TO INSPECT BANK RECORDS

Bismarck Hockey Boosters, Inc.

(Write the full legal name of the eligible organization on the above line)

does hereby give authorization to

local law enforcement officers and officers of the Attorney General and his agents to inspect bank records whenever necessary to fulfill the requirements of Gaming rules and laws.

5/15/20

Date

[Signature]

Chief Executive (i.e. Cmdr., Pres., etc.)

III. ACKNOWLEDGEMENT BY LOCAL LAW ENFORCEMENT OFFICIAL

I hereby acknowledge that I have been informed that the following named organization:

Bismarck Hockey Boosters, Inc.

(Write the full legal name of the eligible organization on the above line)

will be conducting

Games of Chance at the following locations: (list full legal name and address below)

NAME OF SITE	ADDRESS OF SITE
1. The Pier	1120 Riverwood Drive Bismarck, ND 58504
2. Our Place Tavern	1305 E. Front Avenue Bismarck, ND 58504
3. Borrowed Bucks	118 S. 3rd Street Bismarck, ND 58504
4. Tap-In Tavern	1201 Memorial Highway Bismarck, ND 58504
5. Lucky's Bar	2170 E. Thermal Avenue Bismarck, ND 58501

Date

City Chief of Police or County Sheriff



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

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

Full, Legal Name of Gaming Organization **Bismarck Hockey Boosters, Inc.**

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

Name of Location Lucky's Bar			
Street 2176 E. Thayer Avenue	City Bismarck	ZIP Code 58501	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 2	
Specific location where games of chance will be conducted and played at the site (required) Games will be conducted in bar area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Tbm Group, Llc		Site Name Lucky's Bar		Site Phone Number (701) 258-8122	
Site Address 2776 E. Thayer Avenue		City Bismarck	State ND	Zip Code 58501	County Burleigh
Organization (Lessee) Bismarck Hockey Boosters, Inc.		Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount	
1. Is Bingo going to be conducted at this site?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
2. Is Twenty-One conducted at this site?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$	
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				\$	
Number of Tables with wagers over \$5 <u>2</u> X Rent per Table \$ <u>300.00</u>				\$ 600.00	
3. Is Paddlewheels conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
Number of Tables _____ X Rent per Table \$ _____				\$	
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$	
Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device				\$ 325.00	
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>6</u>				\$ 550.00	
Total Monthly Rent				\$ 1,475.00	

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

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

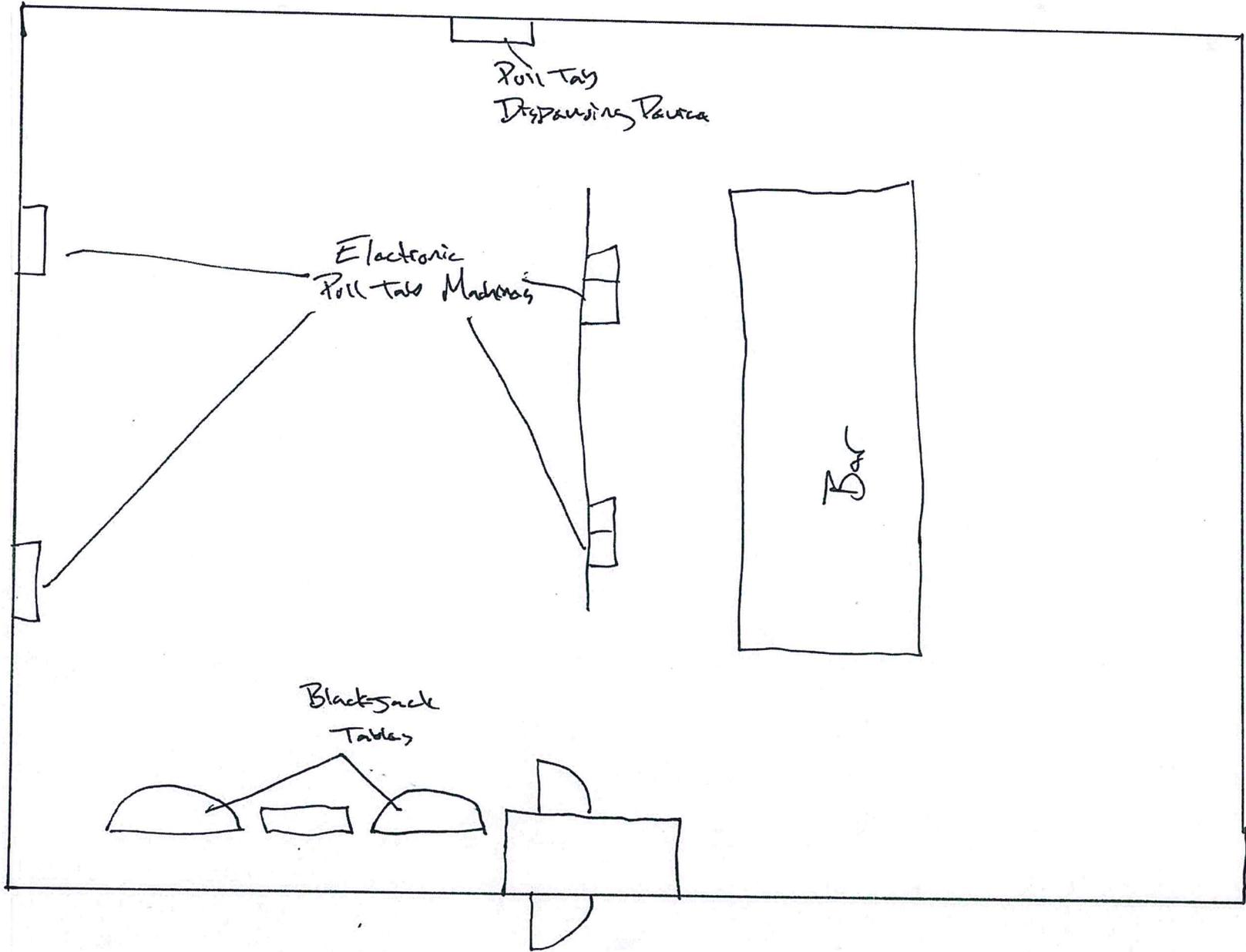
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor 	Title Partners/owner	Date 5/12/20
Signature of Lessee 	Title President BMB	Date 5/11/20

Bismarck Hockey Boosters
Lucky's Bar
S.A. Diagram





City Administration

DATE: June 2, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- Bismarck Mandan Elks Lodge BPOE 1199
 - Bismarck Mandan Elks Lodge 1199 – 900 South Washington Street

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

Gaming site authorizations expire on June 30th of each year. The Bismarck Administration Department administers the annual gaming site authorizations and renewals.

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



**STATE GAMING LICENSE
REAPPLICATION FORM**
OFFICE OF ATTORNEY GENERAL
SFN 53838 (Rev. 10-2017)

License Number: (Office Use) G -
License Year Ending: June 30, _____

1. Official, <u>Legal</u> Name of Organization: (Do Not Abbreviate) Bismarck Mandan Elks Lodge B P O E 1199		Business Telephone Number: 701-255-1199	
Business Address: (Street) 900 South Washington Street	City: Bismarck	State: ND	Zip Code: 58504
Mailing Address: P.O. Box 1596	City: Bismarck	State: ND	Zip Code: 58502
Address where gaming accounting records are kept: 900 South Washington Street	City: Bismarck	State: ND	Zip Code: 58502
E-mail Address: lodge.secretary@midconetwork.com	Contact Person: Arlan Scholl	Official Position of Contact Person: Gaming Manager	
2. Is organization recognized as tax exempt by the Internal Revenue Service? <input type="checkbox"/> YES <input type="checkbox"/> NO		3. Provide organization's Federal Employer Identification Number (EIN): 82-3431185	
4. Name and Title of Organization's Top Executive Official: (i.e., Cmdr., Pres., etc.) Charles Mark Webster - Exalted Ruler		Daytime Telephone Number: 701-220-6796	
5. Name of Gaming Manager: Arlan Scholl		Daytime Telephone Number: 701-255-1199	
6. Signature of Gaming Manager: <i>Arlan Scholl</i>		Date: <i>5-18-20</i>	
7. List the Full Governing Board of the Organization - The full governing board is primarily responsible and may be held accountable for the proper determination and use of net proceeds.			
Name: Mark Webster	Telephone Number: (701) 220-6796	Name: Keith Ulmer	Telephone Number: (701) 202-9008
Name: Ernie Escontrias	Telephone Number: (701) 400-2858	Name: Nelson Benson	Telephone Number: (701) 391-4460
Name: Justin Disterhaupt	Telephone Number: (612) 709-9109	Name: Scott Volkert	Telephone Number: (701) 220-0245
Name: Tammy Ibach	Telephone Number: (701) 400-9482	Name: Tom Kelsch	Telephone Number: (701) 220-0700
Name:	Telephone Number:	Name: Brian Peterson	Telephone Number: (701) 226-4156
Name:	Telephone Number:	Name:	Telephone Number:
8. Does the Organization Own or Rent the Premises at Which the Games of Chance will be Conducted? <input checked="" type="checkbox"/> Own <input type="checkbox"/> Rent			

AFFIDAVIT:

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official: <i>Charles Mark Webster</i>	Date: <i>5-20-20</i>
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CURRENT GAMING EMPLOYEE LIST
OFFICE OF ATTORNEY GENERAL
 SFN 54270 (02-17)

License No. G- 1 0 1 9

Organization Name: Bismarck Elks Lodge		
Mailing Address: P.O. Box 1596		
City: Bismarck	State: ND	Zip: 58502
Business Phone: 701-255-1199	Cell Phone: 701-226-3693	

* PLEASE PRINT OR TYPE *

NAME OF GAMING MANAGER: Arlan Scholl **DATE OF HIRE:** 4-1-2013

NOTE: Volunteer Gaming Managers are required to have a record check completed. **Record Check Completed:** YES NO

	EMPLOYEE NAME First name, Middle name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1.	Josh Bakken	Bar Manager	4/8/2014	3/20/1992	<input type="checkbox"/>
2.	Sheila Heil	Bookkeeper/Count Team	1/18/2009	1/11/1961	<input type="checkbox"/>
3.	Cynthia Landenberger	Count Team	10/1/2012	8/2/1955	<input type="checkbox"/>
4.	Amanda Lincoln	Manager	6/1/2014	10/18/1986	<input type="checkbox"/>
5.	Arlan Scholl	Gaming Manager	4/1/2013	11/25/1957	<input type="checkbox"/>
6.	Candice Wilson	Shift Manager	9/23/2013	8/20/1955	<input type="checkbox"/>
7.	Virginia Olson	Auditor	11/2/1998	12/23/1932	<input type="checkbox"/>
8.	Sean Johnson	Shift Manager	12/17/2018	12/7/1968	<input type="checkbox"/>
9.	Charles Mark Webster	Volunteer	10/12/2018	1/17/1960	<input checked="" type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>
15.					<input type="checkbox"/>
16.					<input type="checkbox"/>
17.					<input type="checkbox"/>
18.					<input type="checkbox"/>
19.					<input type="checkbox"/>
20.					<input type="checkbox"/>
21.					<input type="checkbox"/>
22.					<input type="checkbox"/>
23.					<input type="checkbox"/>
24.					<input type="checkbox"/>

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS.

EMPLOYEE NAME First name, Middle name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
25.				<input type="checkbox"/>
26.				<input type="checkbox"/>
27.				<input type="checkbox"/>
28.				<input type="checkbox"/>
29.				<input type="checkbox"/>
30.				<input type="checkbox"/>
31.				<input type="checkbox"/>
32.				<input type="checkbox"/>
33.				<input type="checkbox"/>
34.				<input type="checkbox"/>
35.				<input type="checkbox"/>
36.				<input type="checkbox"/>
37.				<input type="checkbox"/>
38.				<input type="checkbox"/>
39.				<input type="checkbox"/>
40.				<input type="checkbox"/>
41.				<input type="checkbox"/>
42.				<input type="checkbox"/>
43.				<input type="checkbox"/>
44.				<input type="checkbox"/>
45.				<input type="checkbox"/>
46.				<input type="checkbox"/>
47.				<input type="checkbox"/>
48.				<input type="checkbox"/>
49.				<input type="checkbox"/>
50.				<input type="checkbox"/>
51.				<input type="checkbox"/>
52.				<input type="checkbox"/>
53.				<input type="checkbox"/>
54.				<input type="checkbox"/>
55.				<input type="checkbox"/>
56.				<input type="checkbox"/>

INFORMATION:

1. For purposes of this form, the definition of an "employee" is:
 - a. A person who directly operates games on a site.
 - b. A person who is a shift or gaming manager.
 - c. A person who is employed by a bar that is not operated by an organization, and who is authorized by an organization under subsection 4 of section 99-01.3-12-02 to withdraw currency or a drop box from a pull tab dispensing device.
 - d. A person who places a deal of pull tabs in a dispensing device, removes currency from the device, or reimburses a bar for redeemed pull tabs.
 - e. A person who is a member of a drop box cash count team.
2. List the employee's full name, including first, middle, and last. If an employee had a record check completed under a different name, indicate the name.
3. List the employee's job title. For example: Runner, Bingo Caller, Dealer, Jar Operator, Count Team Member, etc.
4. List the date the employee was hired or started volunteering for the organization. If an employee had an employment gap for more than one year with the organization, list the most current re-hire date.
5. If an employee is not paid by the organization, check the volunteer box.



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

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

Full, Legal Name of Gaming Organization
 Bismarck Mandan Elks Lodge BPOE 1199

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

Name of Location Bismarck Mandan Elks Lodge 1199			
Street 900 South Washington Street	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized July 1st 2020	Ending Date(s) Authorized June 30th 2021		Number of twenty-one tables if zero, enter "0": 1
Specific location where games of chance will be conducted and played at the site (required) TR Bar and Grill & 1199 Speak Easy Lounge			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)	
Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)

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

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

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

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

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RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Bismarck Mandan Elks Lodge 1199		Site Name Elks Lodge		Site Phone Number 701/255/1199
Site Address 900 South Washington St.	City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization (Lessee) Bismarck Elks Home Association		Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>150</u>		<input type="checkbox"/> No	<input type="checkbox"/> Yes	\$ 150.00 <i>AKS</i>
				\$ 150.00
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	\$ 1,075.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>10</u>				\$
Total Monthly Rent				\$ 1,225.00

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

TERMS OF RENTAL AGREEMENT:
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title Lodge Secretary	Date 5/18/2020
Signature of Lessee 	Title Exalted Ruler	Date 5/18/2020

North Dakota Century Code § 53-06.1-11 (Gross Proceeds - Allowable expenses – Rent limits)

4. For a site where bingo is conducted:
 - a. If bingo is the primary game, the monthly rent must be reasonable.
 - b. If bingo is not the primary game, but is conducted with twenty-one, paddlewheels, or pull tabs, no additional rent is allowed.
5. For a site where bingo is not the primary game:
 - a. If twenty-one or paddlewheels is conducted, the monthly rent may not exceed two hundred dollars multiplied by the necessary number of tables based on criteria prescribed by the gaming rule. For each twenty-one table with a wager greater than five dollars, an additional amount up to one hundred dollars may be added to the monthly rent. If pull tabs is also conducted involving only a jar bar, the monthly rent for pull tabs may not exceed an additional one hundred seventy-five dollars. If pull tabs is conducted involving only a dispensing device, or a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional three hundred twenty-five dollars.
 - b. If twenty-one and paddlewheels are not conducted but pull tabs is conducted involving either a jar bar or dispensing device, the monthly rent may not exceed four hundred dollars.
 - c. If pull tabs is conducted using one or more electronic pull tab devices, the monthly rent may not exceed an additional one hundred dollars per machine for the first five machines in the same venue. For each additional machine in the same venue beyond five, the monthly rent may not exceed an additional fifty dollars per machine.

North Dakota Administrative Code § 99-01.3-02-06 (Rental agreement)

3. Rent must be a fixed dollar amount per month.
 - a. A participatory or graduated rate arrangement based on gross proceeds or adjusted gross proceeds is prohibited.
 - b. If bingo is the primary game or if a site is leased by an organization that has the alcoholic beverage license for that site, the monthly rent must be reasonable. Factors include time usage, floor space, local prevailing rates, and available sites and services. An organization may pay seasonal expenses, such as snow removal, air-conditioning and heating, to a vendor.
 - c. If bingo is not the primary game, the maximum monthly rent must be according to subsection 5 of North Dakota Century code section 53-06.1-11.

Special considerations are:

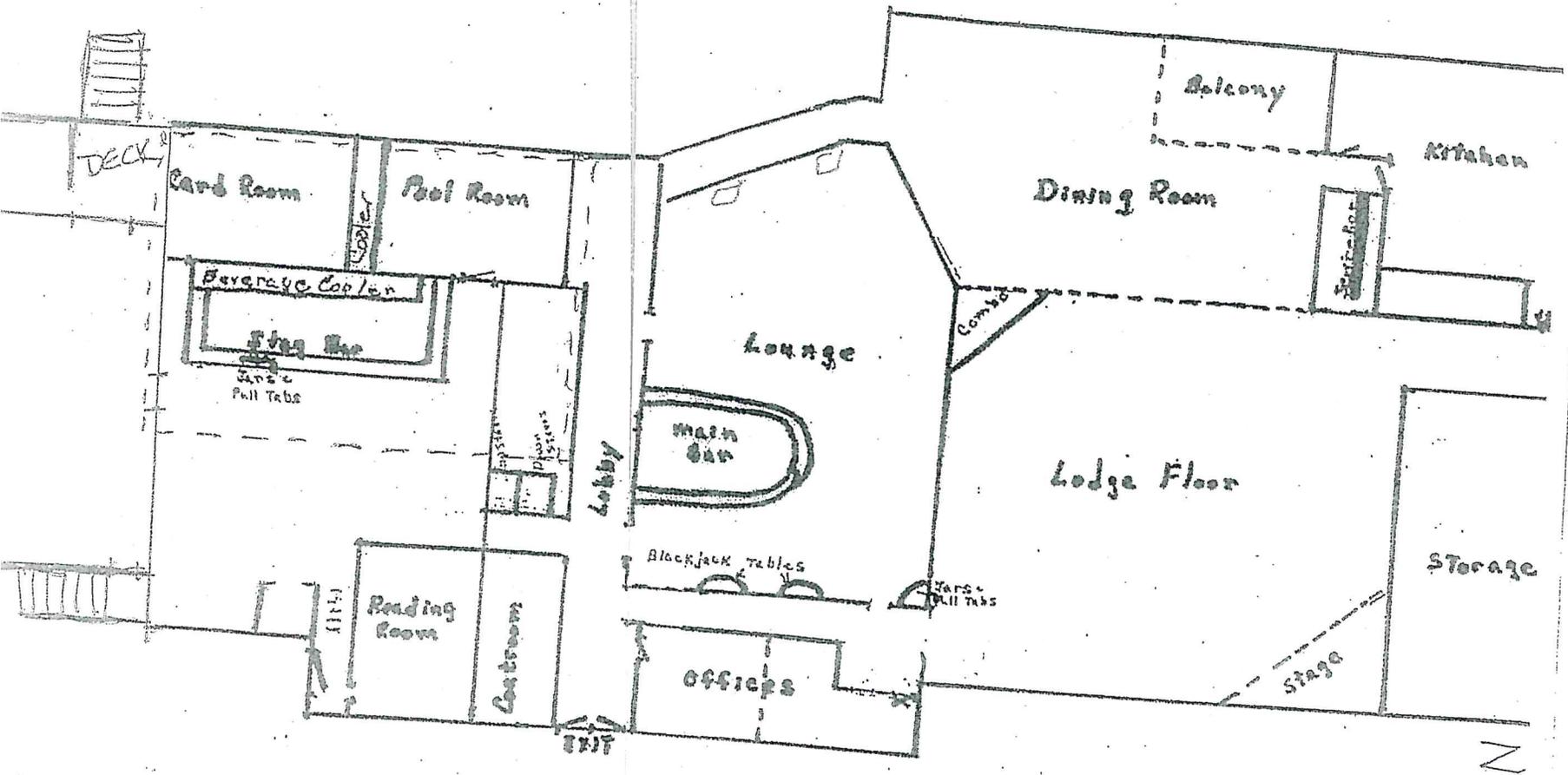
 - (1) If two or more organizations conduct twenty-one or paddlewheels, or both, involving a table and pull tabs for less than a month at a temporary site which is a public or private premise, or if two or more organizations are issued site authorizations to conduct games at a site on different days of the week, the maximum monthly rent, in the aggregate, may not exceed the limit set by subsection 5 of the North Dakota Century Code section 53-06.1-11; and
 - (2) If a raffle, calcutta, sports pool, or poker is conducted with twenty-one, paddlewheels, or pull tabs, no additional rent is allowed.
 - d. Except for applying subsection 3 or 4 of section 99-01.3-03-04, and additional rent paid to a lessor for simulcast racing, an organization or employee may not pay any additional rent or expense, from any source, or for any other purpose, including office or storage space, snow removal, maintenance or cleaning fees, equipment, furnishings, entertainment, or utilities. Except for a leased site at which bingo is the primary game conducted, an organization may not pay for any capital or leasehold improvements or remodeling.
- *4. If there is a change in the monthly rent or any other material change to a rental agreement, the agreement must be amended and a copy received by the attorney general **before** its effective date.

North Dakota Administrative Code § 99-01.3-03-04 (Restrictions and requirements)

20. If an organization conducts twenty-one, it may pay monthly rent for more than one table provided that each additional table is used at least thirteen times a quarter. This level of activity is based on a site's historical experience, or seasonal activity, for each of the previous four quarters, regardless of which organization conducted twenty-one at the site. For a new site or a site that has been completely remodeled in appearance and function, the level of activity must be reviewed and reestablished after the first full quarter. If an additional table is used at least thirteen times in at least one but not all of the previous four quarters, the allowable monthly rent for that table must be prorated over all the active months of the licensing year. For example, if a second table was used at least thirteen times in only two of the previous four quarters, the additional monthly rent for the second table would be a maximum of two hundred dollars per month (or three hundred dollars per month if a wager greater than five dollars is accepted on the table) multiplied by six months (totaling one thousand two hundred dollars) and prorated to one hundred dollars per month for the licensing year.

W

WISCONSIN LIRS HOME ASSOCIATION
900 S. Washington
Bismarck, N.D. 58502



□ lower level

□ Drink service area



City Administration

DATE: June 2, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- Cystic Fibrosis Association of North Dakota
 - Cheap Shots – 3938 Miriam Avenue

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

Gaming site authorizations expire on June 30th of each year. The Bismarck Administration Department administers the annual gaming site authorizations and renewals.

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



**STATE GAMING LICENSE
REAPPLICATION FORM**
OFFICE OF ATTORNEY GENERAL
SFN 53838 (Rev. 10-2017)

License Number: (Office Use) G -
License Year Ending: June 30, _____

1. Official, <u>Legal</u> Name of Organization: (Do Not Abbreviate) Cystic Fibrosis Associaton of North Dakota		Business Telephone Number: 701-222-3998	
Business Address: (Street) 107 West Main Avenue Suite 150	City: Bismarck	State: ND	Zip Code: 58501
Mailing Address: 107 West Main Avenue Suite 150	City: Bismarck	State: ND	Zip Code: 58501
Address where gaming accounting records are kept: 107 West Main Avenue Suite 150	City: Bismarck	State: ND	Zip Code: 58501
E-mail Address: mhellman@cfand.org	Contact Person: Mark Hellman	Official Position of Contact Person: Gaming Manager	
2. Is organization recognized as tax exempt by the Internal Revenue Service? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		3. Provide organization's Federal Employer Identification Number (EIN): 45-0355886	
4. Name and Title of Organization's Top Executive Official: (i.e., Cmdr., Pres., etc.) Jeff Gross, President		Daytime Telephone Number: 701-220-1078	
5. Name of Gaming Manager: Mark Hellman		Daytime Telephone Number: 701-222-3998	
6. Signature of Gaming Manager: 		Date: 5-21-20	
7. List the Full Governing Board of the Organization - The full governing board is primarily responsible and may be held accountable for the proper determination and use of net proceeds.			
Name: Jeff Gross	Telephone Number: 701-220-1078	Name: Kathy Ruple	Telephone Number: 701-226-0839
Name: Gail Rothschilder	Telephone Number: 701-255-6382	Name: Cindy Buchanan	Telephone Number: 701-400-7159
Name: Karen Cossette	Telephone Number: 701-471-5866	Name: Erin Paulson	Telephone Number: 701-320-7206
Name: Mike Zimmerman	Telephone Number: 701-226-7058	Name:	Telephone Number:
Name: Ardella Deis	Telephone Number: 701-321-2956	Name:	Telephone Number:
Name: David Backlund	Telephone Number: 701-730-5749	Name:	Telephone Number:
8. Does the Organization Own or Rent the Premises at Which the Games of Chance will be Conducted? <input type="checkbox"/> Own <input checked="" type="checkbox"/> Rent			

AFFIDAVIT:

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official: 	Date: 5-21-20
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CURRENT GAMING EMPLOYEE LIST
OFFICE OF ATTORNEY GENERAL
 SFN 54270 (02-17)

License No. G- 0615

Organization Name: Cystic Fibrosis Association of ND		
Mailing Address: 107 W Main Avenue Suite 150		
City: Bismarck	State: ND	Zip: 58501
Business Phone: 222-3998		Cell Phone: 226-2428

* PLEASE PRINT OR TYPE *

NAME OF GAMING MANAGER: Mark Hellman **DATE OF HIRE:** 4/11/2002

NOTE: Volunteer Gaming Managers are required to have a record check completed. **Record Check Completed:** YES NO

EMPLOYEE NAME First name, Middle name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1. Ashley, Larry J.	Cashier, BJ Dealer	4/7/2009	12/8/1971	<input type="checkbox"/>
2. Bianco, Barbara A.		5/29/2019	6/27/1996	<input type="checkbox"/>
3. Buee, Michelle L.		5/7/2019	9/21/1980	<input type="checkbox"/>
4. Cady, Adam M.		4/23/2019	4/29/1981	<input type="checkbox"/>
5. Desilets, Darrell W.		5/4/2019	1/28/1979	<input type="checkbox"/>
6. Edwards, Karen L.		4/11/2016	9/24/1972	<input type="checkbox"/>
7. Geiger, Thomas B.		7/21/2016	3/20/1960	<input type="checkbox"/>
8. Hellman, Anita M.		10/10/2002	9/12/1951	<input type="checkbox"/>
9. Lear, Dorothy M.		9/16/2019	3/16/1993	<input type="checkbox"/>
10. Olson, Reggie L.		10/3/2019	11/13/1966	<input type="checkbox"/>
11. Ortiz-Ashley, Stacy L.		10/19/1994	10/22/1968	<input type="checkbox"/>
12. Nantt, LLOYD R.		5/1/2019	7/26/1988	<input type="checkbox"/>
13. Paul, Anthony J.		12/2/2013	9/7/1965	<input type="checkbox"/>
14. Riederer, Shasta M.		5/29/2019	12/13/1981	<input type="checkbox"/>
15. Sandwick, Jerry M.		1/30/2001	4/20/1963	<input type="checkbox"/>
16. Smisek, Rhonda L.		5/30/2012	11/11/1960	<input type="checkbox"/>
17. Hoff, Chance W.	Assistant Gaming Mgr	9/13/2019	2/24/1997	<input type="checkbox"/>
18. Fetzer, Chasity R.	Count Team	5/17/2019	7/10/1988	<input type="checkbox"/>
19. Keener, Carrie		2/26/2020	4/20/1981	<input type="checkbox"/>
20. Flemmer, Brad E.		3/29/2019	5/25/1973	<input type="checkbox"/>
21.				<input type="checkbox"/>
22.				<input type="checkbox"/>
23.				<input type="checkbox"/>
24.				<input type="checkbox"/>

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS.



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

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

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

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

Name of Location Cheap Shots			
Street 3938 Miriam Avenue	City Bismarck	ZIP Code 58501	County Burleigh
Beginning Date(s) Authorized 7/1/2020	Ending Date(s) Authorized 6/30/2021		Number of twenty-one tables if zero, enter "0": 1
Specific location where games of chance will be conducted and played at the site (required) Entire Bar area, excluding Entryway and Restrooms and Restaurant.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
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ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Hungry's Restaurants, Inc		Site Name Cheap Shots		Site Phone Number 701-222-1568
Site Address 3938 Miriam Avenue		City Bismarck	State ND	Zip Code 58501
County Burleigh		Rental Period 7-1-2020 to 6-30-2021		Monthly Rent Amount
Organization (Lessee) Cystic Fibrosis Association of North Dakota				
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ <u>300</u>
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ <u>325</u>
<input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____				\$
Total Monthly Rent				\$ <u>625</u>

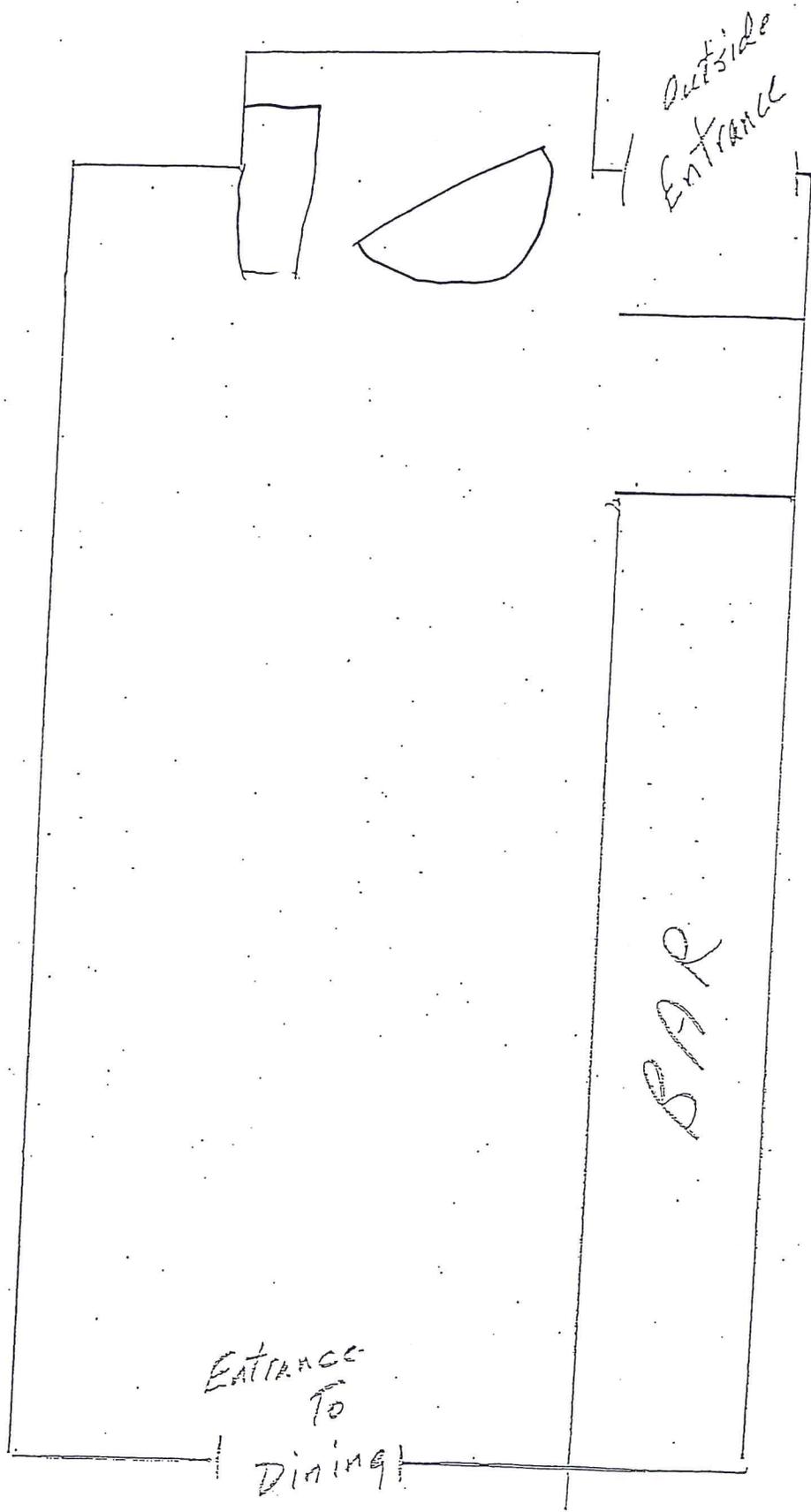
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

TERMS OF RENTAL AGREEMENT:
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor	Title Vice President Hungrys	Date 5/12/20
Signature of Lessee	Title President	Date 5-12-20

CYSTIC FIBROSIS ASSOCIATION
941 South 9th Street
Bismarck, ND 58504

N



Cheap Shots



City Administration

DATE: June 2, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- Horse Race North Dakota
 - Golf Etc. – 511 Airport Road
 - Jack's Steakhouse – 1201 South 12th Street
 - Los Lunas – 108 North Mandan Street
 - Sickie's Garage – 3130 North 14th Street

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

Gaming site authorizations expire on June 30th of each year. The Bismarck Administration Department administers the annual gaming site authorizations and renewals.

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



**STATE GAMING LICENSE
REAPPLICATION FORM**
OFFICE OF ATTORNEY GENERAL
SFN 53838 (Rev. 10-2017)

License Number: (Office Use) G -
License Year Ending: June 30, _____

1. Official, Legal Name of Organization: (Do Not Abbreviate) Horse Race North Dakota		Business Telephone Number: 701-277-8027	
Business Address: (Street) 5180 19th Avenue North	City: Fargo	State: ND	Zip Code: 58102
Mailing Address: 3209 Fiechtner Drive S, Ste 6	City: Fargo	State: ND	Zip Code: 58103
Address where gaming accounting records are kept: 3209 Fiechtner Drive S, Ste 6	City: Fargo	State: ND	Zip Code: 58103
E-mail Address: jjspiesz@msn.com	Contact Person: Jennifer Spiesz	Official Position of Contact Person: Gaming Manager	
2. Is organization recognized as tax exempt by the Internal Revenue Service? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		3. Provide organization's Federal Employer Identification Number (EIN): 26-0015640	
4. Name and Title of Organization's Top Executive Official: (i.e., Cmdr., Pres., etc.) Jay Alsop, President		Daytime Telephone Number: 701-793-2000	
5. Name of Gaming Manager: Jennifer Spiesz		Daytime Telephone Number: 701-306-6851	
6. Signature of Gaming Manager: 		Date: 5/24/20	
7. List the Full Governing Board of the Organization - The full governing board is primarily responsible and may be held accountable for the proper determination and use of net proceeds.			
Name: Jay Alsop	Telephone Number: (701) 793-2000	Name:	Telephone Number:
Name: Trish Enger	Telephone Number: (701) 367-8390	Name:	Telephone Number:
Name: Wes Heinert	Telephone Number: (701) 400-3240	Name:	Telephone Number:
Name:	Telephone Number:	Name:	Telephone Number:
Name:	Telephone Number:	Name:	Telephone Number:
Name:	Telephone Number:	Name:	Telephone Number:
8. Does the Organization Own or Rent the Premises at Which the Games of Chance will be Conducted? <input type="checkbox"/> Own <input checked="" type="checkbox"/> Rent			

AFFIDAVIT:

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official: 	Date: May 24, 2020
--	--	-----------------------

Cities or Counties (if site is outside limits of an incorporated city) in which games of chance will be conducted:

City	County (provide only if renewing a county license)
Fargo	Stutsman County (spiritwood)
Fullerton	
Arthur	
Streeter	
Casselton	
Medina	
Pingree	
Bismarck	
Carson	
Carrington	

(If additional space is needed, attach separate sheet.)

Total number of licenses organization is applying for (add each city or county listed above): 11 x \$150.00 1,650 Total fee.

**Enclose total license fee with this application.
 (Check payable to: ND Attorney General)**

RETURN TO: Office of Attorney General
 Licensing Section
 600 E Boulevard Ave Dept. 125
 Bismarck, ND 58505-0040
 Telephone: 701-328-2329 **OR**
 1-800-326-9240



CURRENT GAMING EMPLOYEE LIST
OFFICE OF ATTORNEY GENERAL
 SFN 54270 (02-17)

License No. G- 0773

Organization Name: Horse Race North Dakota		
Mailing Address: 3209 Fiechtner Drive S, Ste 6		
City: Fargo	State: ND	Zip: 58103
Business Phone: 701-306-3483		Cell Phone: 701-306-6851

* PLEASE PRINT OR TYPE *

NAME OF GAMING MANAGER: Jennifer Spiesz **DATE OF HIRE:** 7/1/2017

NOTE: Volunteer Gaming Managers are required to have a record check completed. **Record Check Completed:** YES NO

EMPLOYEE NAME First name, Middle name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1. Cindy Slaughter	Bkpr/Auditor	7/1/2017	8/26/1971	<input type="checkbox"/>
2. Nolan Buckhouse	Runner	10/3/2017	12/30/1979	<input type="checkbox"/>
3. Robert Haaland	Runner	7/31/2017	5/16/1989	<input type="checkbox"/>
4. Brenda Larson	Runner/Auditor	8/23/2017	3/5/1969	<input type="checkbox"/>
5. Marsha Schlecht	Runner	10/18/2017	1/18/1964	<input type="checkbox"/>
6. Audie Grosulak	Runner	2/1/2020	4/29/1962	<input type="checkbox"/>
7. Cheryl Koenig	Runner	4/1/2019	12/29/1964	<input type="checkbox"/>
8. Kristi Fevig	Auditor	7/27/2018	2/6/1973	<input type="checkbox"/>
9. Megan Saville	Runner	1/1/2020	9/26/1995	<input type="checkbox"/>
10. Shari Murray	Runner	4/1/2019	12/11/1964	<input type="checkbox"/>
11. Troy Hagen	Runner/Auditor	6/1/2019	2/19/1970	<input type="checkbox"/>
12. Valerie Patzer	Runner	8/15/2019	8/22/1986	<input type="checkbox"/>
13.				<input type="checkbox"/>
14.				<input type="checkbox"/>
15.				<input type="checkbox"/>
16.				<input type="checkbox"/>
17.				<input type="checkbox"/>
18.				<input type="checkbox"/>
19.				<input type="checkbox"/>
20.				<input type="checkbox"/>
21.				<input type="checkbox"/>
22.				<input type="checkbox"/>
23.				<input type="checkbox"/>
24.				<input type="checkbox"/>

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS.



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

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

Full, Legal Name of Gaming Organization	Horse Race North Dakota
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The above organization is hereby authorized to conduct games of chance under the license granted by the Attorney General of the State of North Dakota at the following location

Name of Location				Golf Etc			
Street		City		ZIP Code		County	
511 Airport Road		Bismarck		58504		Burleigh	
Beginning Date(s) Authorized			Ending Date(s) Authorized			Number of twenty-one tables if zero, enter "0":	
7/1/20			6/30/21			0	
Specific location where games of chance will be conducted <u>and</u> played at the site (required)							
Games will be conducted and played in all public areas, excluding bathrooms							
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known							

RESTRICTIONS (City/County Use Only)	
Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)		
<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input type="checkbox"/> ELECTRONIC Pull Tab Device		

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

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

RETURN ALL DOCUMENTS TO:

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



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

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

Full, Legal Name of Gaming Organization **Horse Race North Dakota**

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

Name of Location Jack's Steakhouse			
Street 1201 South 12th Street	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted and played at the site (required) Games will be conducted and played in all public areas, excluding bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

- INSTRUCTIONS:**
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 Bismarck, ND 58505-0040
 Telephone: 701-328-2329 **OR** 800-326-9240



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

License Number (Office Use Only)

Site Owner (Lessor) Jack's Inc		Site Name Jack's Steakhouse		Site Phone Number (701) 221-9120	
Site Address 1201 South 12th Street		City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization (Lessee) Horse Race North Dakota		Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount	
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
				<input type="checkbox"/> No	<input type="checkbox"/> Yes
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____					
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____				<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device <input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>10</u>				<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
No additional rent is allowed for electronic pull tabs. Rent must be based on dispensing device requirements per NDCC 53-06.1-11 (5)(a)(b)					
Total Monthly Rent					\$ 1,150.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.				<input type="checkbox"/>	

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

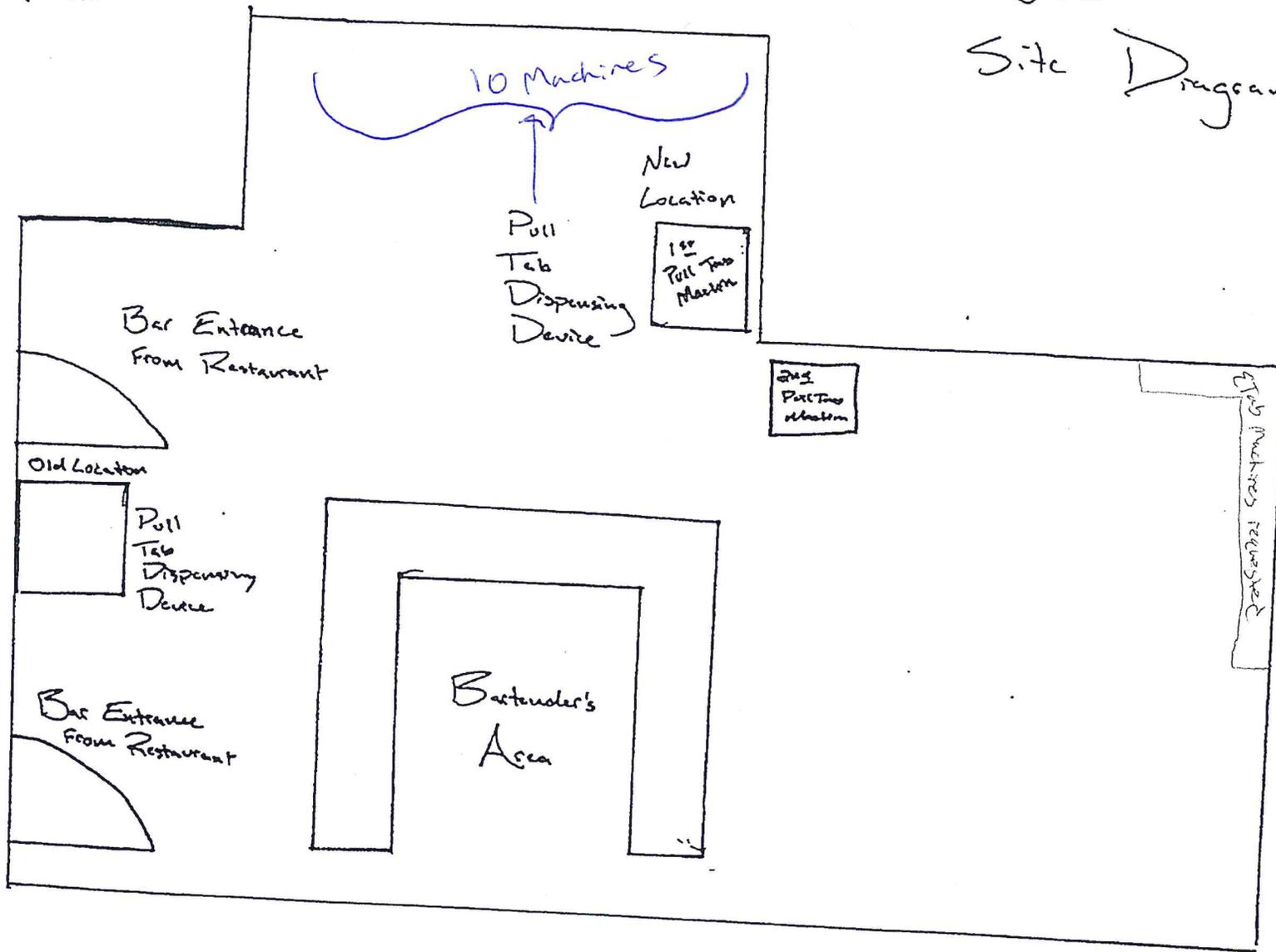
At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor	Title Owner	Date 3-18-20
Signature of Lessee	Title Gaming Manager	Date 3/18/2020

Horse Race
North Dakota

Jack's Steakhouse

New
Site Diagram





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

G - _____ (____)____ Site License Number (Attorney General Use Only)
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Full, Legal Name of Gaming Organization Horse Race North Dakota
--

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

Name of Location Los Lunas			
Street 108 N Mandan Street	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Games will be conducted and played in all public areas, excluding bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)	
Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)

ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)		
<input type="checkbox"/> Bingo	<input type="checkbox"/> Club Special	<input type="checkbox"/> Sports Pools
<input type="checkbox"/> ELECTRONIC Quick Shot Bingo	<input type="checkbox"/> Tip Board	<input type="checkbox"/> Twenty-One
<input type="checkbox"/> Raffles	<input type="checkbox"/> Seal Board	<input type="checkbox"/> Poker
<input type="checkbox"/> ELECTRONIC 50/50 Raffle	<input type="checkbox"/> Punchboard	<input type="checkbox"/> Calcuttas
<input type="checkbox"/> Pull Tab Jar	<input type="checkbox"/> Prize Board	<input type="checkbox"/> Paddlewheels with Tickets
<input type="checkbox"/> Pull Tab Dispensing Device	<input type="checkbox"/> Prize Board Dispensing Device	<input type="checkbox"/> Paddlewheel Table
<input type="checkbox"/> ELECTRONIC Pull Tab Device		

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

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

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 Licensing Section
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 Bismarck, ND 58505-0040
 Telephone: 701-328-2329 OR 800-326-9240



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

License Number (Office Use Only)

Site Owner (Lessor) Mark Luna		Site Name Los Lunas		Site Phone Number (701) 226-6127
Site Address 108 N Mandan Street		City Bismarck	State ND	Zip Code 58504
Organization (Lessee) Horse Race North Dakota		Rental Period 7/1/2020 to 6/30/2021		County Burleigh
1. Is Bingo going to be conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts. <input type="checkbox"/> No <input type="checkbox"/> Yes				\$
2. Is Twenty-One conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Number of Tables _____ X Rent per Table \$ _____				\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Please check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device <input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>2</u>				\$ 100.00
No additional rent is allowed for electronic pull tabs. Rent must be based on dispensing device requirements per NDCC 53-06.1-11 (5)(a)(b)				
Total Monthly Rent				\$ 100.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. <input type="checkbox"/>				
TERMS OF RENTAL AGREEMENT:				
This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.				
The LESSOR agrees that no game will be directly operated as part of the lessor's business.				
The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.				
The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.				
If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.				
The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.				
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.				
At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.				
Signature of Lessor 		Title Owner		Date 5-4-20
Signature of Lessee 		Title Gaming Manager		Date 4/29/2020



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

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

Full, Legal Name of Gaming Organization **Horse Race North Dakota**

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

Name of Location Sickies Garage - Bismarck			
Street 3130 14th Street North	City Bismarck	ZIP Code 58503	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Games will be conducted and played in all public areas, excluding bathrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
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ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

License Number (Office Use Only)

Site Owner (Lessor) Sickies Nd Inc.		Site Name Sickies Garage-bismarc		Site Phone Number (701) 751-2575
Site Address 3130 14th Street North	City Bismarck	State ND	Zip Code 58503	County Burleigh
Organization (Lessee) Horse Race North Dakota		Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device <input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____ No additional rent is allowed for electronic pull tabs. Rent must be based on dispensing device requirements per NDCC 53-06.1-11 (5)(a)(b)		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 400.00
Total Monthly Rent				\$ 400.00

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

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

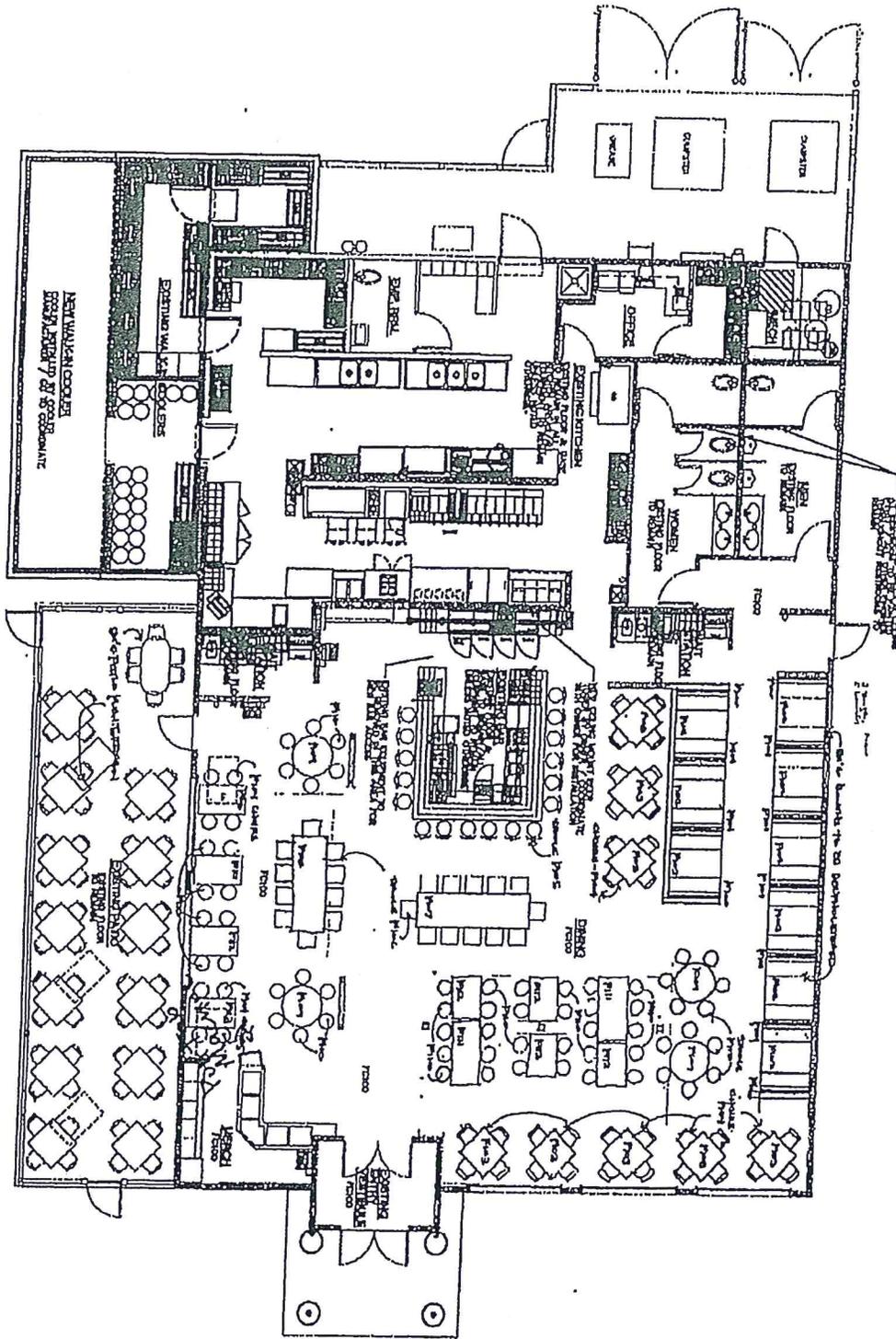
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

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

Signature of Lessor 	Title General Manager	Date 5/13/20
Signature of Lessee 	Title Gaming Manager	Date 4/29/2020

Sickie's Garage - Bismarck

EQUIPMENT/FURNITURE/FLOOR FINISH PLAN
 DATE: 1/17/13



A102

SICKIE'S GARAGE & BAR
 3130 N 14TH ST
 BISMARCK, ND 58501

FURNITURE PLAN

NO.	DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
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1
 1/17/13



City Administration

DATE: June 2, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- Mandan Baseball Club, Inc.
 - Lucky's 13 – 915 South 3rd Street
 - Laughing Sun Brewing – 1023 East Front Avenue

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

Gaming site authorizations expire on June 30th of each year. The Bismarck Administration Department administers the annual gaming site authorizations and renewals.

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



**STATE GAMING LICENSE
REAPPLICATION FORM**
OFFICE OF ATTORNEY GENERAL
SFN 53838 (Rev. 03-2017)

License Number: (Office Use)
G -
License Year Ending:
June 30, _____

1. Official, Legal Name of Organization: (Do Not Abbreviate) Mandan Baseball Club, Inc.		Business Telephone Number: (701) 663-3393	
Business Address: (Street) 2600 46th Avenue SE	City: Mandan	State: ND	Zip Code: 58554
Mailing Address: 103 S. 3rd Street, No. 1	City: Bismarck	State: ND	Zip Code: 58501
Address where gaming records are kept: 103 S. 3rd Street, No. 1	City: Bismarck	State: ND	Zip Code: 58501
E-mail Address: alec.dkgcpa@midconetwork.com	Contact Person: Alec Kautzman	Official Position of Contact Person: Gaming Manager	
2. Is organization recognized as tax exempt by the Internal Revenue Service? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		3. Provide organization's Federal Employer Identification Number (EIN): 45-0434200	
4. Name and Title of Organization's Top Executive Official: (i.e., Cmdr., Pres., etc.) Damian Huettl, President		Daytime Telephone Number: (701) 663-0583	
5. Name of Gaming Manager: Alec Kautzman		Daytime Telephone Number: (701) 214-2278	
6. Signature of Gaming Manager: 		Date: 5/18/20	
7. List Governing Board Members (Print) - The governing board is primarily responsible for properly determining and distributing net proceeds.			
Name: Damian Huettl	Telephone Number: (701) 400-8520	Name: Mike Klug	Telephone Number: (701) 471-2976
Name: Toby Kuntz	Telephone Number: (701) 391-9857	Name: Steve Ressler	Telephone Number: (701) 527-1004
Name: Kurt Miller	Telephone Number: (701) 391-2614	Name: Joe Brincks	Telephone Number: (701) 400-2706
Name: Jaci Hall	Telephone Number: (701) 426-2061	Name: Charles Weiand	Telephone Number: (701) 226-7300
Name: Darren Weiler	Telephone Number: (701) 290-2130	Name:	Telephone Number:
Name: Dewitt Mack	Telephone Number: (701) 471-3133	Name:	Telephone Number:
8. Does the Organization Own or Rent the Premises at Which the Games of Chance will be Conducted? <input type="checkbox"/> OWN <input checked="" type="checkbox"/> RENT			

AFFIDAVIT:

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank records.	Signature of Top Executive Official: 	Date: 4-20-2020
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CURRENT GAMING EMPLOYEE LIST
OFFICE OF ATTORNEY GENERAL
 SFN 54270 (02-17)

License No. G- 0808

Organization Name: Mandan Baseball Club, Inc.		
Mailing Address: 103 S. 3rd Street, No. 1		
City: Bismarck	State: ND	Zip: 58501
Business Phone: (701) 255-6290	Cell Phone: (701) 214-2278	

* PLEASE PRINT OR TYPE *

NAME OF GAMING MANAGER: Alec Kautzman **DATE OF HIRE:** 1/1/2013

NOTE: Volunteer Gaming Managers are required to have a record check completed. **Record Check Completed:** YES NO

EMPLOYEE NAME First name, Middle name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1. Alec Michael Kautzman	Gaming Manager	1/1/2013	6/10/1987	<input type="checkbox"/>
2. Alecia Biel	Dealer	7/1/2017	12/3/1987	<input type="checkbox"/>
3. Alexandra Gabriela Pagan	Dealer	4/15/2019	6/29/1997	<input type="checkbox"/>
4. Alicia Mae Bly	Dealer	7/1/2013	8/29/1988	<input type="checkbox"/>
5. Allison Nicole Keigley	Dealer	11/15/2017	6/17/1991	<input type="checkbox"/>
6. Alyssa Lorraine Roller	Dealer	9/1/2016	9/9/1993	<input type="checkbox"/>
7. Amber Lynn Enriquez	Dealer	6/14/2018	12/6/1992	<input type="checkbox"/>
8. Anita Jo Tipton	Dealer	7/5/2016	3/5/1981	<input type="checkbox"/>
9. Ashley Grace Vanderwoude	Dealer	3/1/2018	3/17/1997	<input type="checkbox"/>
10. Ashley Lobato	Dealer	4/15/2019	3/8/1998	<input type="checkbox"/>
11. Brianna Joy Fleck	Dealer	8/1/2018	6/29/1993	<input type="checkbox"/>
12. Brianne Lee Chaussee	Dealer	6/1/2016	3/2/1993	<input type="checkbox"/>
13. Brielle Nicole Marman	Dealer	12/1/2018	4/11/1995	<input type="checkbox"/>
14. Brooklyn Angeline Beehler	Dealer	6/1/2016	1/6/1993	<input type="checkbox"/>
15. Calli Jayne Anklam	Dealer	1/1/2019	9/5/1992	<input type="checkbox"/>
16. Carmen Rae Maier	Dealer	4/15/2019	8/9/1979	<input type="checkbox"/>
17. Denese Lynn Brown	Runner	5/14/2014	12/3/1972	<input type="checkbox"/>
18. Destinee Shai Steidler	Dealer	4/15/2017	9/6/1995	<input type="checkbox"/>
19. Destiny Meshall Portanova	Dealer	3/1/2018	4/8/1994	<input type="checkbox"/>
20. Elizabeth Emma Heitzman	Dealer	5/1/2017	6/19/1994	<input type="checkbox"/>
21. Emily Ann Christensen	Dealer	6/15/2017	11/20/1993	<input type="checkbox"/>
22. Emily Virginia Wolter	Dealer	9/1/2018	5/23/1997	<input type="checkbox"/>
23. Irelyn Faye Huntley	Dealer	5/26/2019	2/6/1997	<input type="checkbox"/>
24. Jamie Nicole Thrasher	Dealer	3/1/2019	8/22/1993	<input type="checkbox"/>

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS.

EMPLOYEE NAME First name, Middle name, Last Name		JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
25.	Jeffrey Ross Davis	Count Team Member	6/7/2017	5/5/1982	<input type="checkbox"/>
26.	Jessica Rae Schank	Dealer	4/1/2017	5/13/1991	<input type="checkbox"/>
27.	Kaitlin Corrina Goldade	Dealer	3/3/2018	3/15/1989	<input type="checkbox"/>
28.	Kate Olivia Fox	Dealer	5/1/2019	4/28/1998	<input type="checkbox"/>
29.	Katie Anne Bieber	Dealer	5/8/2019	8/13/1994	<input type="checkbox"/>
30.	Klarissa Kay Pudwill	Dealer	4/1/2015	11/5/1986	<input type="checkbox"/>
31.	Kylee Amber Welch	Dealer	5/1/2019	1/27/1998	<input type="checkbox"/>
32.	Lacey Jo Jackman	Dealer	3/1/2019	11/9/1992	<input type="checkbox"/>
33.	Lacoya Ann Hartford	Dealer	6/1/2018	5/31/1993	<input type="checkbox"/>
34.	Lauren Lee Randall	Dealer	12/1/2018	11/20/1995	<input type="checkbox"/>
35.	Lindsey Jo Westrum	Dealer	11/15/2017	1/13/1991	<input type="checkbox"/>
36.	Lusiana Guadalupe Ruiz	Dealer	9/1/2017	7/11/1996	<input type="checkbox"/>
37.	Michael Kevin Kautzman	Count Team Member	6/25/2017	4/7/1963	<input type="checkbox"/>
38.	Michelle Louise McGeary	Dealer	6/15/2017	4/16/1995	<input type="checkbox"/>
39.	Michelle Maire Rau	Dealer	2/25/2016	10/5/1982	<input type="checkbox"/>
40.	Mikayla Nicole Kary	Dealer	7/1/2018	1/14/1995	<input type="checkbox"/>
41.	Nicole Joy Neibauer	Dealer	4/15/2019	10/9/1997	<input type="checkbox"/>
42.	Payton Elizabeth Schulze	Dealer	4/1/2018	11/10/1995	<input type="checkbox"/>
43.	Rachel Lynn Allickson	Dealer	7/15/2016	9/12/1992	<input type="checkbox"/>
44.	Shalimar Nancy Schaeffer	Dealer	2/1/2017	1/10/1992	<input type="checkbox"/>
45.	Stephanie Jo Michels (Anton)	Dealer	7/1/2013	10/6/1984	<input type="checkbox"/>
46.	Talisha Marie Brockman	Dealer	10/1/2017	9/7/1991	<input type="checkbox"/>
47.	Tasha Lynn Williams	Dealer	11/1/2018	9/12/1997	<input type="checkbox"/>
48.	Tessa Marie Haussler	Dealer	5/21/2019	1/23/1994	<input type="checkbox"/>
49.	Zoe Michelle Hurley	Dealer	3/1/2018	12/16/1992	<input type="checkbox"/>
50.					<input type="checkbox"/>
51.					<input type="checkbox"/>
52.					<input type="checkbox"/>
53.					<input type="checkbox"/>
54.					<input type="checkbox"/>
55.					<input type="checkbox"/>
56.					<input type="checkbox"/>



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

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

Full, Legal Name of Gaming Organization **Mandan Baseball Club, Inc.**

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

Name of Location Laughing Sun Brewing			
Street 1023 E. Front Avenue	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Games will be conducted in bar & restaurant area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Laughing Sun Brewing Company, LLC		Site Name Laughing Sun Brewing		Site Phone Number (701) 751-3881
Site Address 1023 E. Front Avenue		City Bismarck	State ND	Zip Code 58504
Organization (Lessee) Mandan Baseball Club, Inc.		Rental Period 7/1/2020 to 6/30/2021		County Burleigh
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				Monthly Rent Amount
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes				\$
2. Is Twenty-One conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
Number of Tables _____ X Rent per Table \$ _____				\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?				\$
Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				\$ 400.00
<input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____				\$
Total Monthly Rent				\$ 400.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. <input type="checkbox"/>				

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

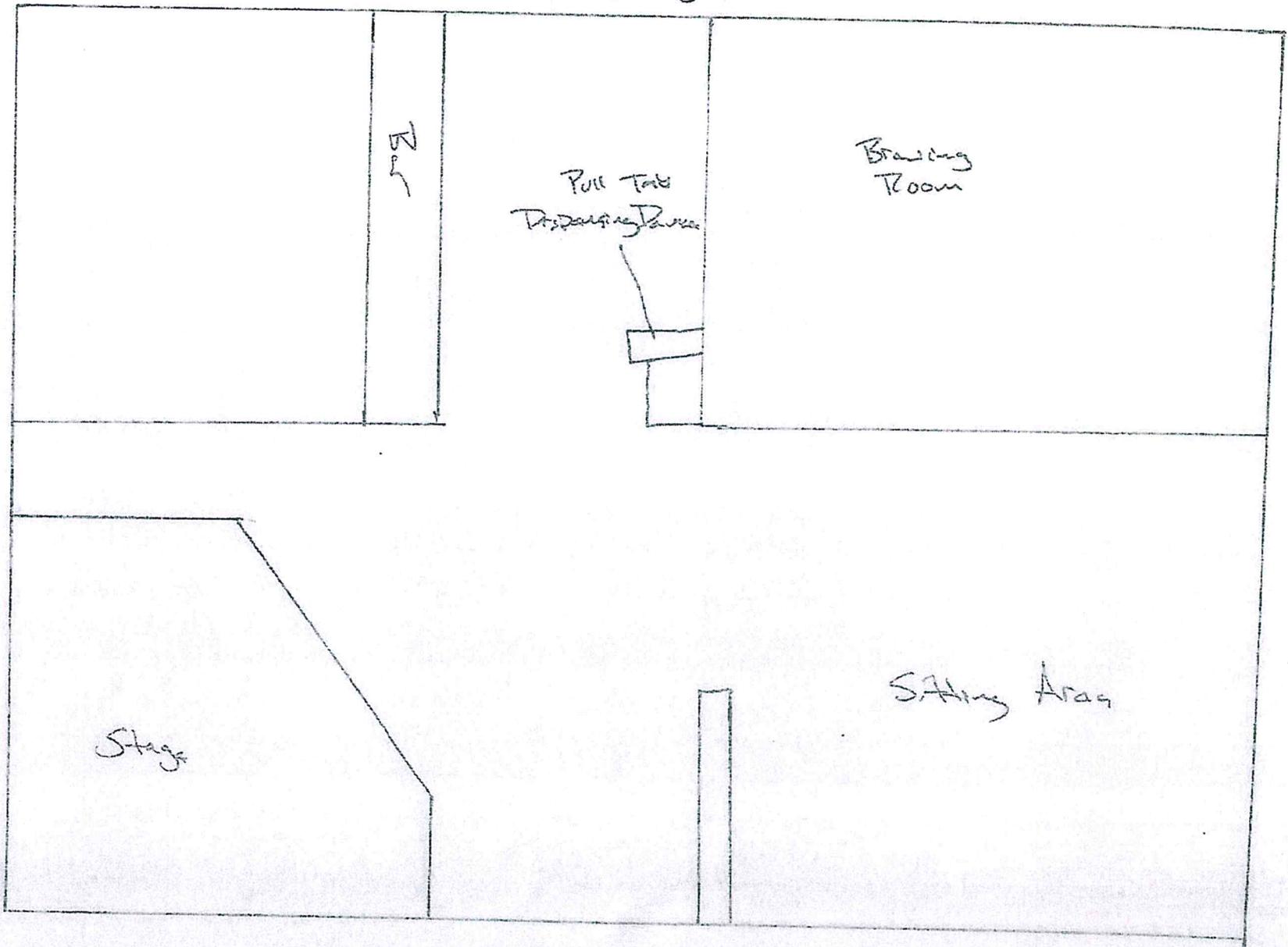
The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor 	Title Owner	Date 5/19/20
Signature of Lessee 	Title President	Date 5-18-2020

Mandan Baseball Club

Laughing Sun
Site Diagram





GAMING SITE AUTHORIZATION

OFFICE OF ATTORNEY GENERAL

SFN 17996 (02/2018)

G - _____ (_____) _____

Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization **Mandan Baseball Club, Inc.**

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

Name of Location Lucky's 13			
Street 915 S. 3rd Street	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21		Number of twenty-one tables if zero, enter "0": 1
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Games will be conducted in bar & restaurant area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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

Bismarck Hockey Boosters, Inc.

PO Box 2408
Bismarck, ND 58502

City of Bismarck Administration
Attn: *Whitnie Olsen*
221 N 5th Street
4th Floor
Bismarck, ND 58501

Please accept this letter as acknowledgement that the Bismarck Hockey Boosters is consenting to release the Gaming Site Authorization of Lucky's 13 Pub.

Thank you,

A handwritten signature in black ink that reads "Susan Kautzman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Susan Kautzman
Gaming Manager
Bismarck Hockey Boosters, Inc.



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Lucky UII, LLC		Site Name Lucky's 13		Site Phone Number (701) 751-7913	
Site Address 915 S. 3rd Street		City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization (Lessee) Mandan Baseball Club, Inc.			Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.					
				<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
				<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
2. Is Twenty-One conducted at this site?					
Number of Tables with wagers up to \$5		X Rent per Table \$		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
Number of Tables with wagers over \$5		X Rent per Table \$			
1		300.00		\$ 300.00	
3. Is Paddlewheels conducted at this site?					
Number of Tables		X Rent per Table \$		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?					
Please check:		<input checked="" type="checkbox"/> Jar Bar		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
		<input checked="" type="checkbox"/> Standard Dispensing Device			
		<input checked="" type="checkbox"/> Electronic Dispensing Device		Number of Electronic Devices	
				1	
Total Monthly Rent					
\$ 725.00					

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

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor	Title General Manager	Date
Signature of Lessee	Title President	Date 5-18-2020



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Lucky UI, LLC		Site Name Lucky's 13		Site Phone Number (701) 751-7913	
Site Address 915 S. 3rd Street		City Bismarck		State ND	
		Zip Code 58504		County Burleigh	
Organization (Lessee) Mandan Baseball Club, Inc.			Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.					
				<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
				<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____					
				<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____					
				<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device					
				<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>1</u>					
				\$	400.00
				\$	100.00
Total Monthly Rent				\$	500.00

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

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

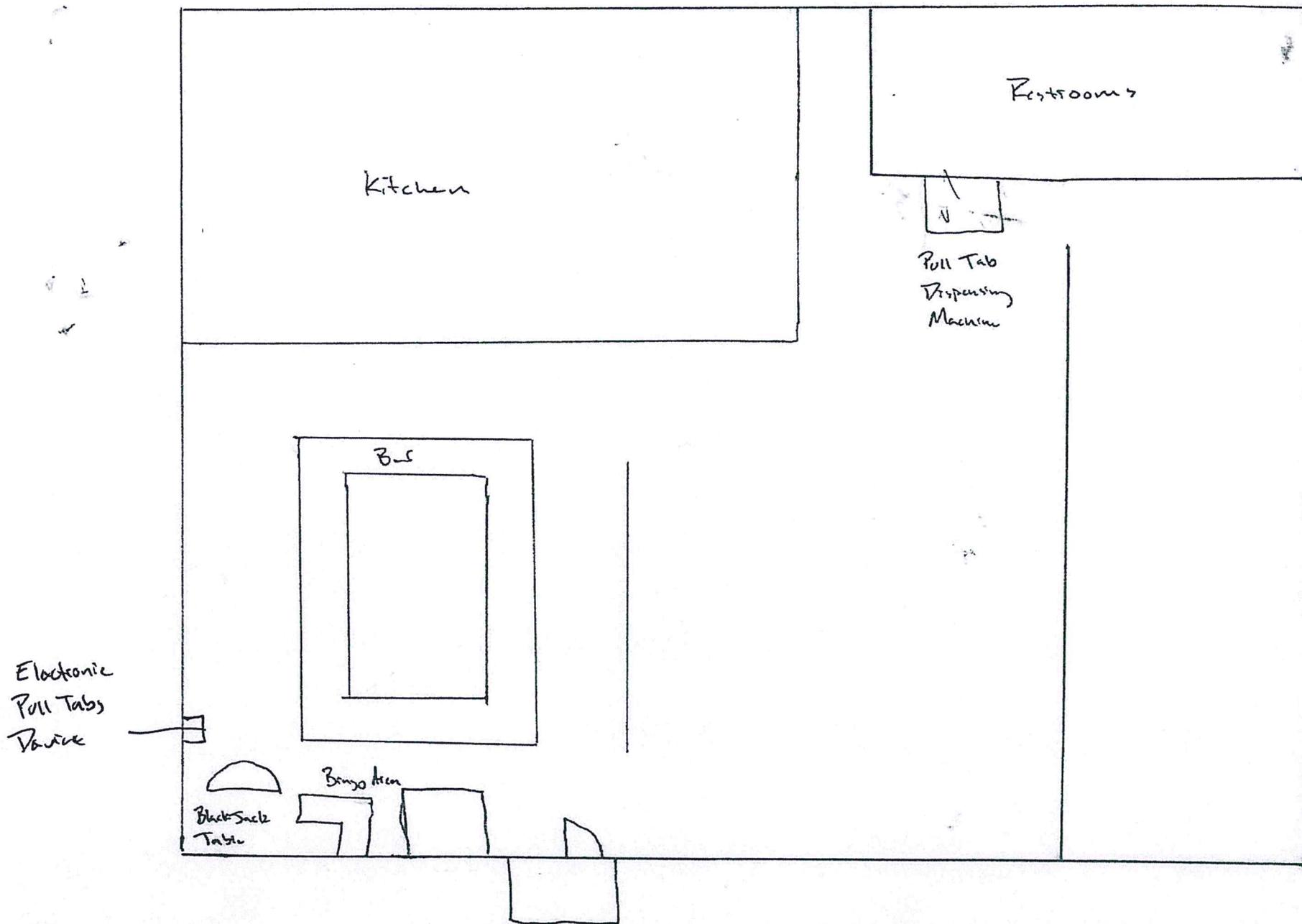
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor <i>[Signature]</i>	Title General Manager	Date 5-18-2020
Signature of Lessee <i>[Signature]</i>	Title President	Date 5-18-2020

Lucky's 13 Pub - Bismarck
Site Diagram





City Administration

DATE: June 2, 2020
FROM: Jason Tomanek, Assistant City Administrator
ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- MATPAC Wrestling Club, Inc.
 - Blarney Stone – 408 East Main Avenue
 - Main Bar – 804 East Main Avenue
 - The CraftCade – 405 North 4th Street
 - Sidelines – 300 South 5th Street
 - Sports Page – 1120 Tacoma Avenue

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

Gaming site authorizations expire on June 30th of each year. The Bismarck Administration Department administers the annual gaming site authorizations and renewals.

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



**STATE GAMING LICENSE
REAPPLICATION FORM**
OFFICE OF ATTORNEY GENERAL
SFN 53838 (Rev. 03-2017)

License Number: (Office Use) G -
License Year Ending: June 30, _____

1. Official, Legal Name of Organization: (Do Not Abbreviate) Matpac Wrestling Club, Inc.		Business Telephone Number: (701) 202-2657	
Business Address: (Street) 6130 Carefree Circle	City: Bismarck	State: ND	Zip Code: 58503
Mailing Address: 103 S. 3rd Street, No. 1	City: Bismarck	State: ND	Zip Code: 58501
Address where gaming records are kept: 103 S. 3rd Street, No. 1	City: Bismarck	State: ND	Zip Code: 58501
E-mail Address: alec.dkgcpa@midconetwork.com	Contact Person: Alec Kautzman	Official Position of Contact Person: Gaming Manager	
2. Is organization recognized as tax exempt by the Internal Revenue Service? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		3. Provide organization's Federal Employer Identification Number (EIN): 45-0410854	
4. Name and Title of Organization's Top Executive Official: (i.e., Cmdr., Pres., etc.) Dyke Boese, President		Daytime Telephone Number: (701) 400-1777	
5. Name of Gaming Manager: Alec Kautzman		Daytime Telephone Number: (701) 214-2278	
6. Signature of Gaming Manager: 		Date: 5/15/20	
7. List Governing Board Members (Print) - The governing board is primarily responsible for properly determining and distributing net proceeds.			
Name: Dyke Boese	Telephone Number: (701) 426-9367	Name: Logan Thompson	Telephone Number: (701) 319-0144
Name: Jeremy Jangula	Telephone Number: (701) 471-5335	Name:	Telephone Number:
Name: Mark Lardy	Telephone Number: (701) 391-8870	Name:	Telephone Number:
Name: Chad Renner	Telephone Number: (701) 400-4689	Name:	Telephone Number:
Name: Jeff Schumacher	Telephone Number: (701) 471-9237	Name:	Telephone Number:
Name: Richard Steidler	Telephone Number: (701) 226-8423	Name:	Telephone Number:
8. Does the Organization Own or Rent the Premises at Which the Games of Chance will be Conducted? <input type="checkbox"/> OWN <input type="checkbox"/> RENT			

AFFIDAVIT:

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank records.	Signature of Top Executive Official: 	Date: 4/28/20
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CURRENT GAMING EMPLOYEE LIST
OFFICE OF ATTORNEY GENERAL
 SFN 54270 (02-17)

License No. G- 0983

Organization Name: **Matpac Wrestling Club, Inc.**

Mailing Address: **103 S. 3rd Street, No. 1**

City: **Bismarck** State: **ND** Zip: **58501**

Business Phone: **(701) 255-6290** Cell Phone: **(701) 214-2278**

* PLEASE PRINT OR TYPE *

NAME OF GAMING MANAGER: Alec Kautzman **DATE OF HIRE:** 10/1/2015

NOTE: Volunteer Gaming Managers are required to have a record check completed. **Record Check Completed:** YES NO

EMPLOYEE NAME First name, Middle name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1. Alec Michael Kautzman	Gaming Manager	10/1/2015	6/10/1987	<input type="checkbox"/>
2. Alecia Biel	Dealer	7/1/2017	12/3/1987	<input type="checkbox"/>
3. Alexandra Gabriela Pagan	Dealer	4/15/2019	6/29/1997	<input type="checkbox"/>
4. Alicia Mae Bly	Dealer	10/1/2015	8/29/1988	<input type="checkbox"/>
5. Allison Nicole Keigley	Dealer	11/15/2017	6/17/1991	<input type="checkbox"/>
6. Alyssa Lorraine Roller	Dealer	9/1/2016	9/9/1993	<input type="checkbox"/>
7. Amber Lynn Enriquez	Dealer	6/14/2018	12/6/1992	<input type="checkbox"/>
8. Anita Jo Tipton	Dealer	7/5/2016	3/5/1981	<input type="checkbox"/>
9. Ashley Grace Vanderwoude	Dealer	3/1/2018	3/17/1997	<input type="checkbox"/>
10. Ashley Lobato	Dealer	4/15/2019	3/8/1998	<input type="checkbox"/>
11. Brianna Joy Fleck	Dealer	8/1/2018	6/29/1993	<input type="checkbox"/>
12. Brianne Lee Chaussee	Dealer	6/1/2016	3/2/1993	<input type="checkbox"/>
13. Brielle Nicole Marman	Dealer	12/1/2018	4/11/1995	<input type="checkbox"/>
14. Brooklyn Angeline Beehler	Dealer	6/1/2016	1/6/1993	<input type="checkbox"/>
15. Calli Jayne Anklam	Dealer	1/1/2019	9/5/1992	<input type="checkbox"/>
16. Carmen Rae Maier	Dealer	4/15/2019	8/9/1979	<input type="checkbox"/>
17. Denese Lynn Brown	Runner	10/1/2015	12/3/1972	<input type="checkbox"/>
18. Destinee Shai Steidler	Dealer	4/15/2017	9/6/1995	<input type="checkbox"/>
19. Destiny Meshall Portanova	Dealer	3/1/2018	4/8/1994	<input type="checkbox"/>
20. Elizabeth Emma Heitzman	Dealer	5/1/2017	6/19/1994	<input type="checkbox"/>
21. Emily Ann Christensen	Dealer	6/15/2017	11/20/1993	<input type="checkbox"/>
22. Emily Virginia Wolter	Dealer	9/1/2018	5/23/1997	<input type="checkbox"/>
23. Irelyn Faye Huntley	Dealer	5/26/2019	2/6/1997	<input type="checkbox"/>
24. Jamie Nicole Thrasher	Dealer	3/1/2019	8/22/1993	<input type="checkbox"/>

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS.

EMPLOYEE NAME First name, Middle name, Last Name		JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
25.	Jeffrey Ross Davis	Count Team Member	6/7/2017	5/5/1982	<input type="checkbox"/>
26.	Jessica Rae Schank	Dealer	4/1/2017	5/13/1991	<input type="checkbox"/>
27.	Kaitlin Corrina Goldade	Dealer	3/3/2018	3/15/1989	<input type="checkbox"/>
28.	Kate Olivia Fox	Dealer	5/1/2019	4/28/1998	<input type="checkbox"/>
29.	Katie Anne Bieber	Dealer	5/8/2019	8/13/1994	<input type="checkbox"/>
30.	Klarissa Kay Pudwill	Dealer	10/1/2015	11/5/1986	<input type="checkbox"/>
31.	Kylee Amber Welch	Dealer	5/1/2019	1/27/1998	<input type="checkbox"/>
32.	Lacey Jo Jackman	Dealer	3/1/2019	11/9/1992	<input type="checkbox"/>
33.	Lacoya Ann Hartford	Dealer	6/1/2018	5/31/1993	<input type="checkbox"/>
34.	Lauren Lee Randall	Dealer	12/1/2018	11/20/1995	<input type="checkbox"/>
35.	Lindsey Jo Westrum	Dealer	11/15/2017	1/13/1991	<input type="checkbox"/>
36.	Lusiana Guadalupe Ruiz	Dealer	9/1/2017	7/11/1996	<input type="checkbox"/>
37.	Michael Kevin Kautzman	Count Team Member	6/25/2017	4/7/1963	<input type="checkbox"/>
38.	Michelle Louise McGeary	Dealer	6/15/2017	4/16/1995	<input type="checkbox"/>
39.	Michelle Maire Rau	Dealer	2/25/2016	10/5/1982	<input type="checkbox"/>
40.	Mikayla Nicole Kary	Dealer	7/1/2018	1/14/1995	<input type="checkbox"/>
41.	Nicole Joy Neibauer	Dealer	4/15/2019	10/9/1997	<input type="checkbox"/>
42.	Payton Elizabeth Schulze	Dealer	4/1/2018	11/10/1995	<input type="checkbox"/>
43.	Rachel Lynn Allickson	Dealer	7/15/2016	9/12/1992	<input type="checkbox"/>
44.	Shalimar Nancy Schaeffer	Dealer	2/1/2017	1/10/1992	<input type="checkbox"/>
45.	Stephanie Jo Michels (Anton)	Dealer	10/1/2015	10/6/1984	<input type="checkbox"/>
46.	Talisha Marie Brockman	Dealer	10/1/2017	9/7/1991	<input type="checkbox"/>
47.	Tasha Lynn Williams	Dealer	11/1/2018	9/12/1997	<input type="checkbox"/>
48.	Tessa Marie Haussler	Dealer	5/21/2019	1/23/1994	<input type="checkbox"/>
49.	Zoe Michelle Hurley	Dealer	3/1/2018	12/16/1992	<input type="checkbox"/>
50.					<input type="checkbox"/>
51.					<input type="checkbox"/>
52.					<input type="checkbox"/>
53.					<input type="checkbox"/>
54.					<input type="checkbox"/>
55.					<input type="checkbox"/>
56.					<input type="checkbox"/>

I.

CONSENT BY ELIGIBLE ORGANIZATION

Matpac Wrestling Club, Inc.

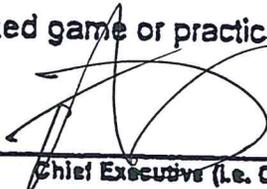
(Write the full legal name of the eligible organization on the above line)

does hereby consent that local

law enforcement officers and officers of the Attorney General and his agents may, at any time Games of Chance are being conducted, enter upon the site to observe the playing of Games of Chance and to enforce the law for any unauthorized game or practice.

5/15/20

Date



Chief Executive (i.e. Cmdr., Pres., etc.)

II.

AUTHORIZATION TO INSPECT BANK RECORDS

Matpac Wrestling Club, Inc.

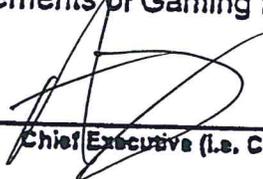
(Write the full legal name of the eligible organization on the above line)

does hereby give authorization to

local law enforcement officers and officers of the Attorney General and his agents to inspect bank records whenever necessary to fulfill the requirements of Gaming rules and laws.

5/15/20

Date



Chief Executive (i.e. Cmdr., Pres., etc.)

III.

ACKNOWLEDGEMENT BY LOCAL LAW ENFORCEMENT OFFICIAL

I hereby acknowledge that I have been informed that the following named organization:

Matpac Wrestling Club, Inc.

(Write the full legal name of the eligible organization on the above line)

will be conducting

Games of Chance at the following locations: (list full legal name and address below)

NAME OF SITE

ADDRESS OF SITE

- | | | |
|-------------------------|---------------------------|---------------------------|
| 1. <u>Blarney Stone</u> | <u>408 E. Main Avenue</u> | <u>Bismarck, ND 58501</u> |
| 2. <u>The Craftcade</u> | <u>405 4TH Street</u> | <u>Bismarck, ND 58501</u> |
| 3. <u>Sidalinas</u> | <u>300 S. 5TH Street</u> | <u>Bismarck, ND 58504</u> |
| 4. <u>Sports Page</u> | <u>1120 Tacoma Avenue</u> | <u>Bismarck, ND 58504</u> |
| 5. <u>Main Bar</u> | <u>804 E. Main Avenue</u> | <u>Bismarck, ND 58501</u> |

Date

City Chief of Police or County Sheriff



GAMING SITE AUTHORIZATION

OFFICE OF ATTORNEY GENERAL

SFN 17996 (02/2018)

G - _____ (_____) _____

Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization **Matpac Wrestling Club, Inc.**

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

Name of Location Blarney Stone			
Street 408 E. Main Avenue	City Bismarck	ZIP Code 58501	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted and played at the site (required) Games will be conducted in bar & restaurant area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)	
Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)

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

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

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Blarney Stone Pub, Llc		Site Name Blarney Stone		Site Phone Number (701) 751-7512
Site Address 408 E. Main Avenue		City Bismarck	State ND	Zip Code 58501
Organization (Lessee) Matpac Wrestling Club, Inc.		Rental Period 7/1/2020 to 6/30/2021		County Burleigh
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				Monthly Rent Amount \$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes				
2. Is Twenty-One conducted at this site?		Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		\$
		Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		\$
3. Is Paddlewheels conducted at this site?		Number of Tables _____ X Rent per Table \$ _____		\$
		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?		Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device		\$ 400.00
		<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____ 2		\$ 200.00
Total Monthly Rent				\$ 600.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. <input type="checkbox"/>				

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

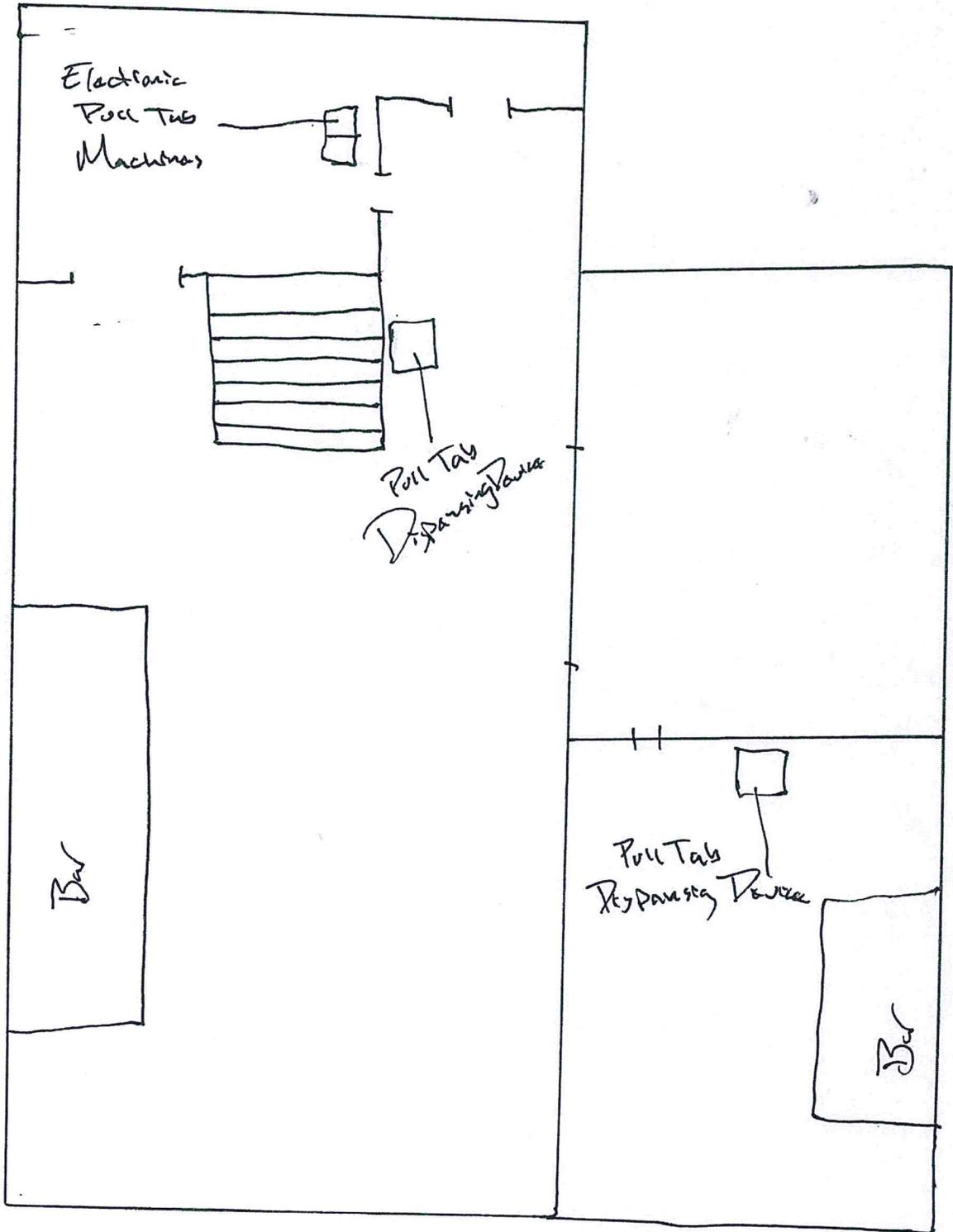
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor	Title General Manager	Date 2/11/20
Signature of Lessee	Title President	Date 2/11/20

Matpac Wrestling Club
Blarney Stone - Bransford
Site Diagram
Kaisrad





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

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

Full, Legal Name of Gaming Organization **Matpac Wrestling Club, Inc.**

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

Name of Location Main Bar			
Street 804 E. Main Avenue	City Bismarck	ZIP Code 58501	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted and played at the site (required) Games will be conducted in bar area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) TBM Group LLC		Site Name Main Bar		Site Phone Number 701-223-2284	
Site Address 804 E. Main Ave.		City Bismarck	State ND	Zip Code 58501	County Burleigh
Organization (Lessee) Matpac Wrestling Club, Inc.			Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site?					
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.					
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes					
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					\$
2. Is Twenty-One conducted at this site?					
Number of Tables with wagers up to \$5 _____		X Rent per Table \$ _____		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Number of Tables with wagers over \$5 _____		X Rent per Table \$ _____		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
_____ 1 _____		_____ 150 _____		\$ _____	
3. Is Paddlewheels conducted at this site?					\$ 150
Number of Tables _____		X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?					\$
Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes					\$ 325
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____					\$
_____ 2 _____					\$ 200
Total Monthly Rent					\$ 675
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. <input type="checkbox"/>					

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

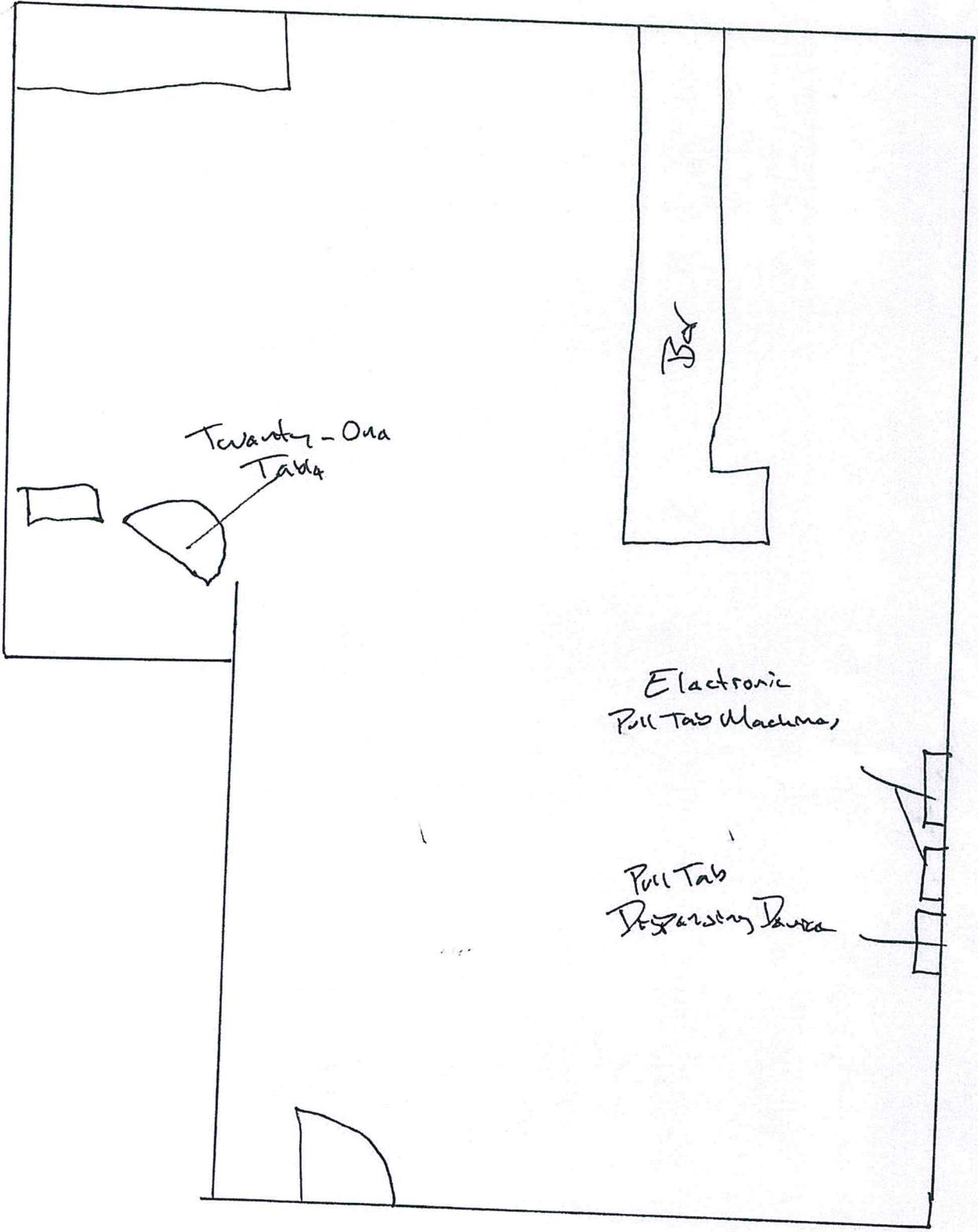
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor <i>[Signature]</i>	Title Owner	Date 5/14/20
Signature of Lessee <i>[Signature]</i>	Title President	Date 5/14/20

Wastling Club
Main Avenue
Sota Program





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

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

Full, Legal Name of Gaming Organization **Matpac Wrestling Club, Inc.**

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

Name of Location Sidelines			
Street 300 S. 5th Street	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Games will be conducted in bar area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Sidelines, Inc.		Site Name Sidelines		Site Phone Number 701-223-1520
Site Address 300 S. 5th St.		City Bismarck	State ND	Zip Code 58504
Organization (Lessee) Matpac Wrestling Club, Inc.		Rental Period 7/1/2020 to 6/30/2021		County Burleigh
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				Monthly Rent Amount
				\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>				\$
				\$ 300
3. Is Paddlewheels conducted at this site? Number of Tables <u>1</u> X Rent per Table \$ <u>200</u>				\$
				\$ 200
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device				\$
				\$ 175
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>6</u>				\$
				\$ 550
Total Monthly Rent				\$
				\$ 1225
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. <input type="checkbox"/>				

TERMS OF RENTAL AGREEMENT:
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor	Title	Date
<i>[Signature]</i>	<i>President</i>	<i>5/1/20</i>
Signature of Lessee	Title	Date
<i>[Signature]</i>	<i>President</i>	<i>5/1/20</i>

SIDELINE

N

Matija Wrestling Club Site Diagram

Restroom

Restroom

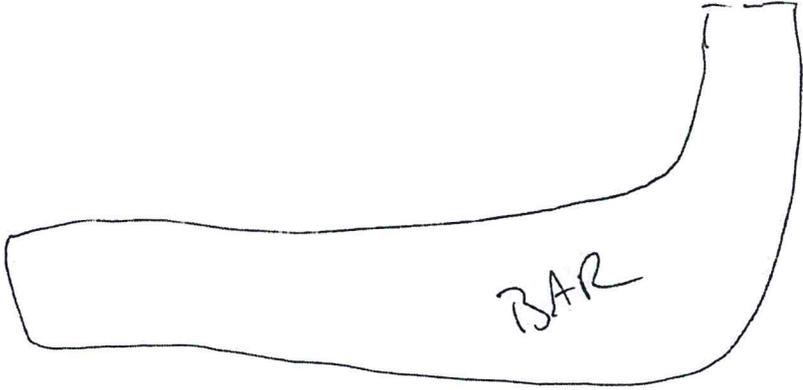
Hallway

Roof

Pis Wheel

Black Table

JAR BAR



BAR

stairs

stairs

E

Door



Kitchen

Door

S

J



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

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

Full, Legal Name of Gaming Organization **Matpac Wrestling Club, Inc.**

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

Name of Location Sports Page			
Street 1120 Tacoma Avenue	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 2	
Specific location where games of chance will be conducted and played at the site (required) Games will be conducted in the bar area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

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

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



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Sports Page, Inc.		Site Name Sports Page		Site Phone Number 701-224-0855	
Site Address 1120 Tacoma Ave.		City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization (Lessee) Matpac Wrestling Club, Inc.			Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site?					
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
2. Is Twenty-One conducted at this site?					
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$	
Number of Tables with wagers over \$5 <u>2</u> X Rent per Table \$ <u>300</u>				\$ 600	
3. Is Paddlewheels conducted at this site?					
Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?					
Please check: <input checked="" type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 175	
<input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____				\$	
Total Monthly Rent				\$ 775	
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.					

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

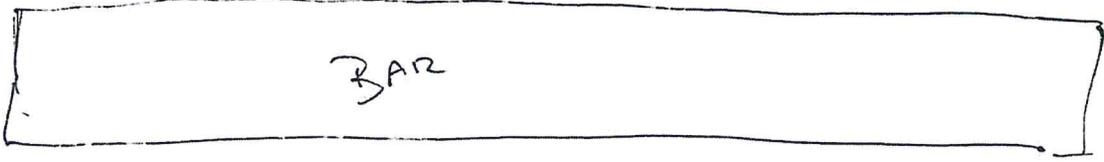
Signature of Lessor	Title	Date
<i>[Signature]</i>	<i>President</i>	<i>5/24/20</i>
Signature of Lessee	Title	Date
<i>[Signature]</i>	<i>President</i>	<i>5/24/20</i>

STAIRS DOWN

N

Matpac Wrestling Club
Site Program

restroom



BAR

restroom

Door

W

E

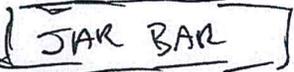
STAIRS



Black Table



Black Table



JAW BAR

Door

S



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

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

Full, Legal Name of Gaming Organization **Matpac Wrestling Club, Inc.**

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

Name of Location The Craftcade			
Street 405 4th Street	City Bismarck	ZIP Code 58501	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted and played at the site (required) Games will be conducted in bar area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

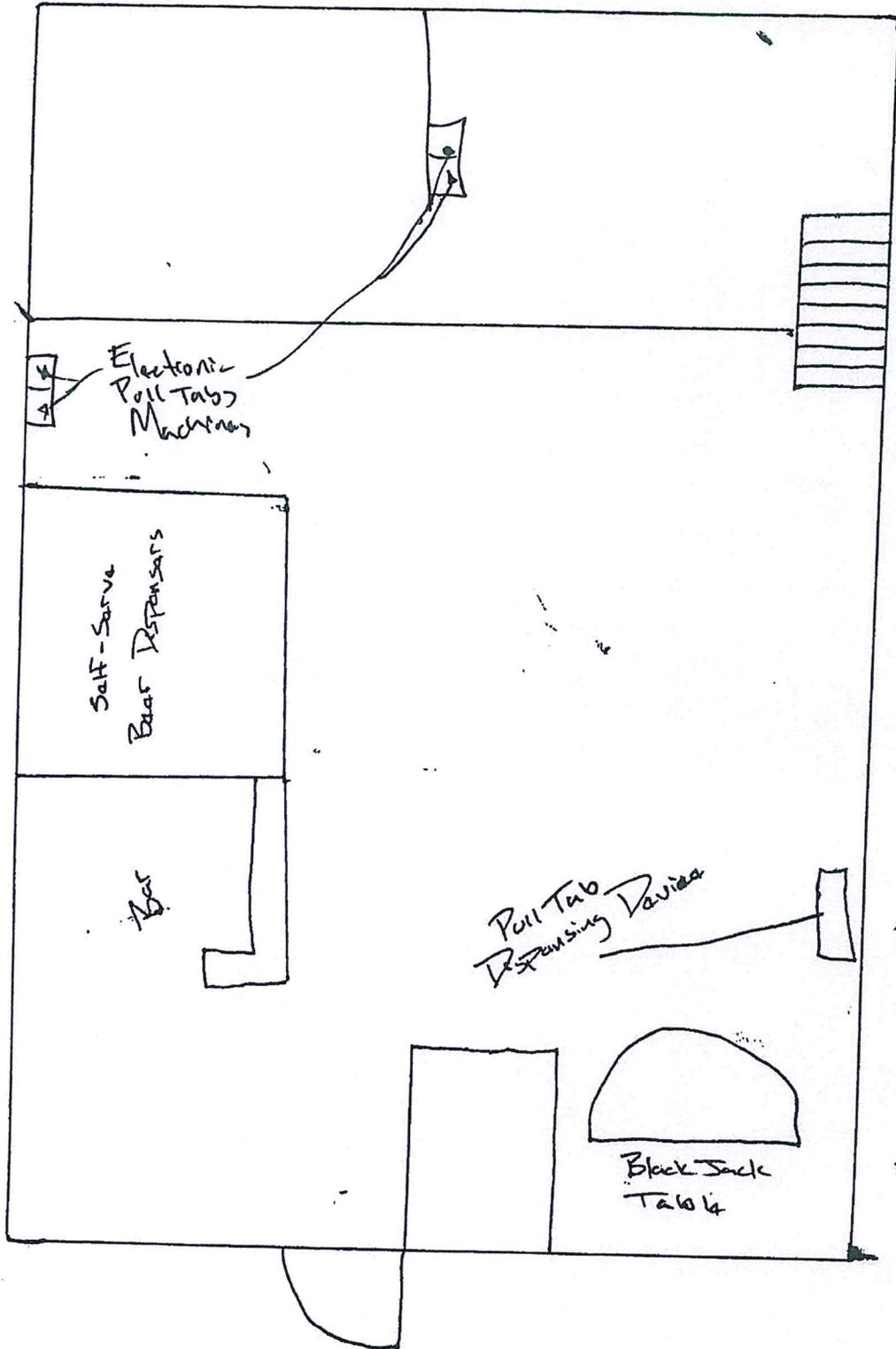
Site Owner (Lessor) The Craftcade, Llc		Site Name The Craftcade		Site Phone Number (701) 793-6138
Site Address 405 4th Street		City Bismarck	State ND	Zip Code 58501
Organization (Lessee) Matpac Wrestling Club, Inc.		Rental Period 7/1/2020 to 6/30/2021		County Burleigh
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? if "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				Monthly Rent Amount
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				\$
<input type="checkbox"/> No <input type="checkbox"/> Yes				
2. Is Twenty-One conducted at this site?		Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		\$
		Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300.00</u>		\$
				\$ 300.00
3. Is Paddlewheels conducted at this site?		Number of Tables _____ X Rent per Table \$ _____		\$
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?				\$
Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				\$ 325.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>4</u>				\$ 400.00
Total Monthly Rent				\$ 1,025.00

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

TERMS OF RENTAL AGREEMENT:
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>[Signature]</i>	Title <i>Owner</i>	Date <i>2/24/20</i>
Signature of Lessee <i>[Signature]</i>	Title <i>President</i>	Date <i>2/24/20</i>

Matthe Wrestling Club
The Craftcade
Bismarck, ND
Site Diagram





City Administration

DATE: June 2, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- ND Chapters of Delta Waterfowl
 - Delta Waterfowl Foundation Building – 1412 Basin Avenue
 - Bismarck Amvets Club – 2402 Railroad Avenue

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

Gaming site authorizations expire on June 30th of each year. The Bismarck Administration Department administers the annual gaming site authorizations and renewals.

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



**STATE GAMING LICENSE
REAPPLICATION FORM**
OFFICE OF ATTORNEY GENERAL
SFN 53838 (Rev. 10-2017)

License Number: (Office Use) G -
License Year Ending: June 30, _____

1. Official, <u>Legal</u> Name of Organization: (Do Not Abbreviate) ND Chapters of Delta Waterfowl		Business Telephone Number: 701-222-8857	
Business Address: (Street) 1412 Basin Ave	City: Bismarck	State: ND	Zip Code: 58504
Mailing Address: PO Box 3128	City: Bismarck	State: ND	Zip Code: 58502
Address where gaming accounting records are kept: 1412 Basin Ave	City: Bismarck	State: ND	Zip Code: 58504
E-mail Address: llawrence@deltawaterfowl.org	Contact Person: Lisa Lawrence	Official Position of Contact Person: President	
2. Is organization recognized as tax exempt by the Internal Revenue Service? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		3. Provide organization's Federal Employer Identification Number (EIN): 53-0259796	
4. Name and Title of Organization's Top Executive Official: (i.e., Cmdr., Pres., etc.) Lisa Lawrence, President		Daytime Telephone Number: 701-222-8857	
5. Name of Gaming Manager: Lisa Lawrence		Daytime Telephone Number: 701-222-8857	
6. Signature of Gaming Manager: <i>Lisa Lawrence</i>		Date: 5/20/20	
7. List the Full Governing Board of the Organization - The full governing board is primarily responsible and may be held accountable for the proper determination and use of net proceeds.			
Name: Lisa Lawrence	Telephone Number: (701) 222-8857	Name:	Telephone Number:
Name: Scott Terning	Telephone Number: (701) 222-8857	Name:	Telephone Number:
Name: Lacee Dutchak	Telephone Number: (701) 222-8857	Name:	Telephone Number:
Name: Karol Jablonski	Telephone Number: (701) 222-8857	Name:	Telephone Number:
Name: Carey Egeland	Telephone Number: (701) 222-8857	Name:	Telephone Number:
Name:	Telephone Number:	Name:	Telephone Number:
8. Does the Organization Own or Rent the Premises at Which the Games of Chance will be Conducted? <input checked="" type="checkbox"/> Own <input checked="" type="checkbox"/> Rent			

AFFIDAVIT:

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official: <i>Lisa Lawrence</i>	Date: 5/20/20
--	--	------------------

Cities or Counties (if site is outside limits of an incorporated city) in which games of chance will be conducted:

City	County (provide only if renewing a county license)
Bismarck	
Wilton	
Minot	
Fargo	
Stanley	
Valley City	
Williston	

(If additional space is needed, attach separate sheet.)

Total number of licenses organization is applying for (add each city or county listed above): 7 x \$150.00 1,050 Total fee.

Enclose total license fee with this application.
(Check payable to: ND Attorney General)

RETURN TO: Office of Attorney General
Licensing Section
600 E Boulevard Ave Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 **OR**
1-800-326-9240



CURRENT GAMING EMPLOYEE LIST
OFFICE OF ATTORNEY GENERAL
 SFN 54270 (02-17)

License No. G- 0251

Organization Name: ND Chapters of Delta Waterfowl		
Mailing Address: PO Box 3128		
City: Bismarck	State: ND	Zip: 58502
Business Phone: 701-222-8857	Cell Phone:	

* PLEASE PRINT OR TYPE *

NAME OF GAMING MANAGER: Lisa Lawrence **DATE OF HIRE:** 5/1/2014

NOTE: Volunteer Gaming Managers are required to have a record check completed. **Record Check Completed:** YES NO

	EMPLOYEE NAME <small>First name, Middle name, Last Name</small>	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1.	Lisa Lawrence	President	5/1/2014	9/23/1972	<input type="checkbox"/>
2.	Lacee Ann Dutchak	Gaming Chairman	5/1/2019	10/28/1981	<input type="checkbox"/>
3.	Scott Terning	Gaming Vice-Chairman	5/1/2014	11/5/1976	<input type="checkbox"/>
4.	Carey J. Egeland	Gaming Committee Member	5/1/2019	6/19/1990	<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>
15.					<input type="checkbox"/>
16.					<input type="checkbox"/>
17.					<input type="checkbox"/>
18.					<input type="checkbox"/>
19.					<input type="checkbox"/>
20.					<input type="checkbox"/>
21.					<input type="checkbox"/>
22.					<input type="checkbox"/>
23.					<input type="checkbox"/>
24.					<input type="checkbox"/>

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS.



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

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

Full, Legal Name of Gaming Organization **ND Chapters of Delta Waterfowl**

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

Name of Location Bismarck Amvets Club			
Street 2402 Railroad Ave	City Bismarck	ZIP Code 58501	County Burleigh
Beginning Date(s) Authorized 08-14-20		Ending Date(s) Authorized 08-14-20	
Number of twenty-one tables if zero, enter "0": 0			
Specific location where games of chance will be conducted and played at the site (required) Banquet Hall Area			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

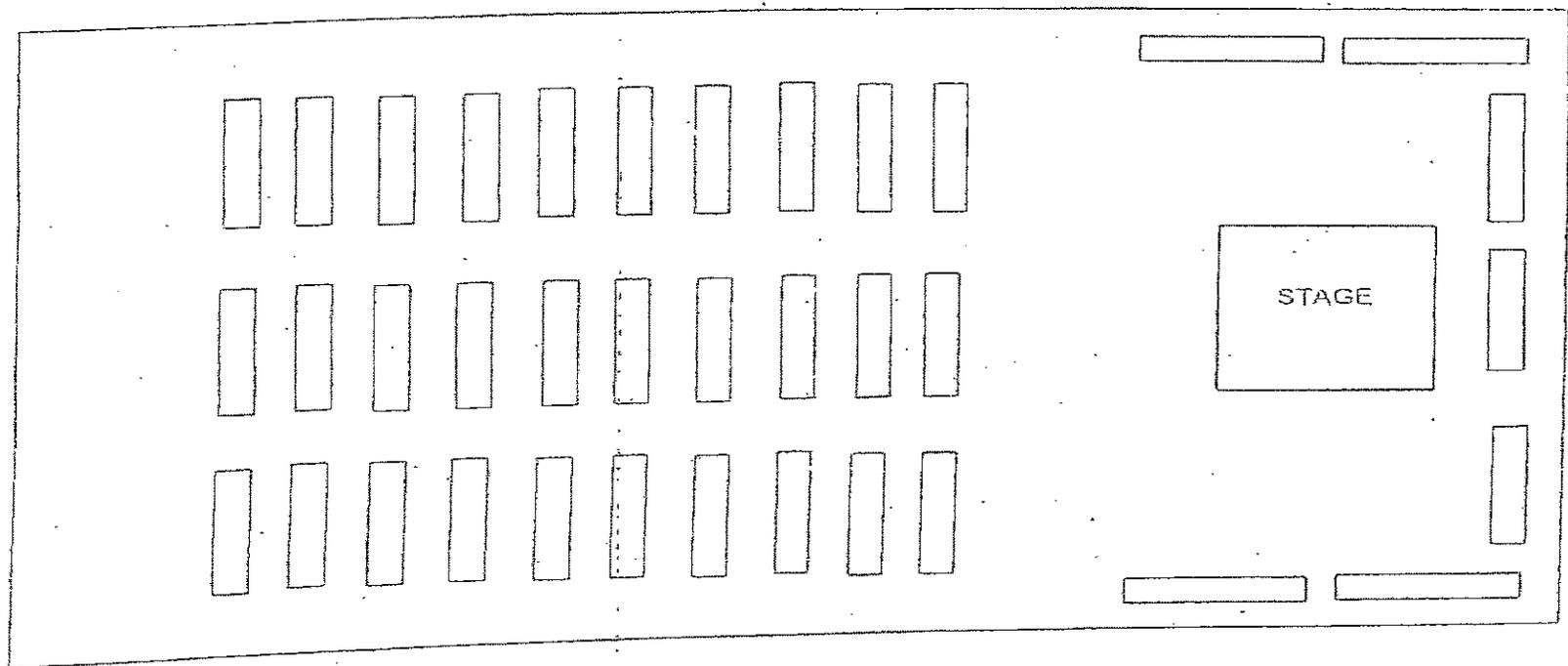
Site Owner (Lessor) Bismarck Amvets Club		Site Name Amvets		Site Phone Number (701) 258-8324	
Site Address 2402 Railroad Ave		City Bismarck	State ND	Zip Code 58501	County Burleigh
Organization (Lessee) North Dakota Chapters Of Delta Waterfowl			Rental Period 08-14-20 to 08-14-20		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.			<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
			<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
<input type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices _____				\$	
Total Monthly Rent				\$ 0.00	

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

TERMS OF RENTAL AGREEMENT:
 This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.
 The LESSOR agrees that no game will be directly operated as part of the lessor's business.
 The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.
 The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.
 If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.
 The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.
 The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.
 The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.
 At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>Karen L. Simon</i>	Title Manager-	Date 5-20-20
Signature of Lessee <i>Lisa Lawrence</i>	Title President	Date 5/11/2020

Amvets Club Post #9
2402 Railroad Ave Bismarck ND 58504
Raffles, Live Auction, Silent Auction and Dinner held in the main level banquet room.





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

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

Full, Legal Name of Gaming Organization ND Chapters of Delta Waterfowl

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

Name of Location Delta Waterfowl Foundation Building			
Street 1412 Basin Ave	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted and played at the site (required) Conference Room B			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known 9/4/20, 12/18/20, 1/25/21, 5/17/21			

RESTRICTIONS (City/County Use Only)

Days of week of gaming operations (if restricted)	Hours of gaming (if restricted)
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ACTIVITY TO BE CONDUCTED Please check all applicable games to be conducted at site (required)

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

APPROVALS

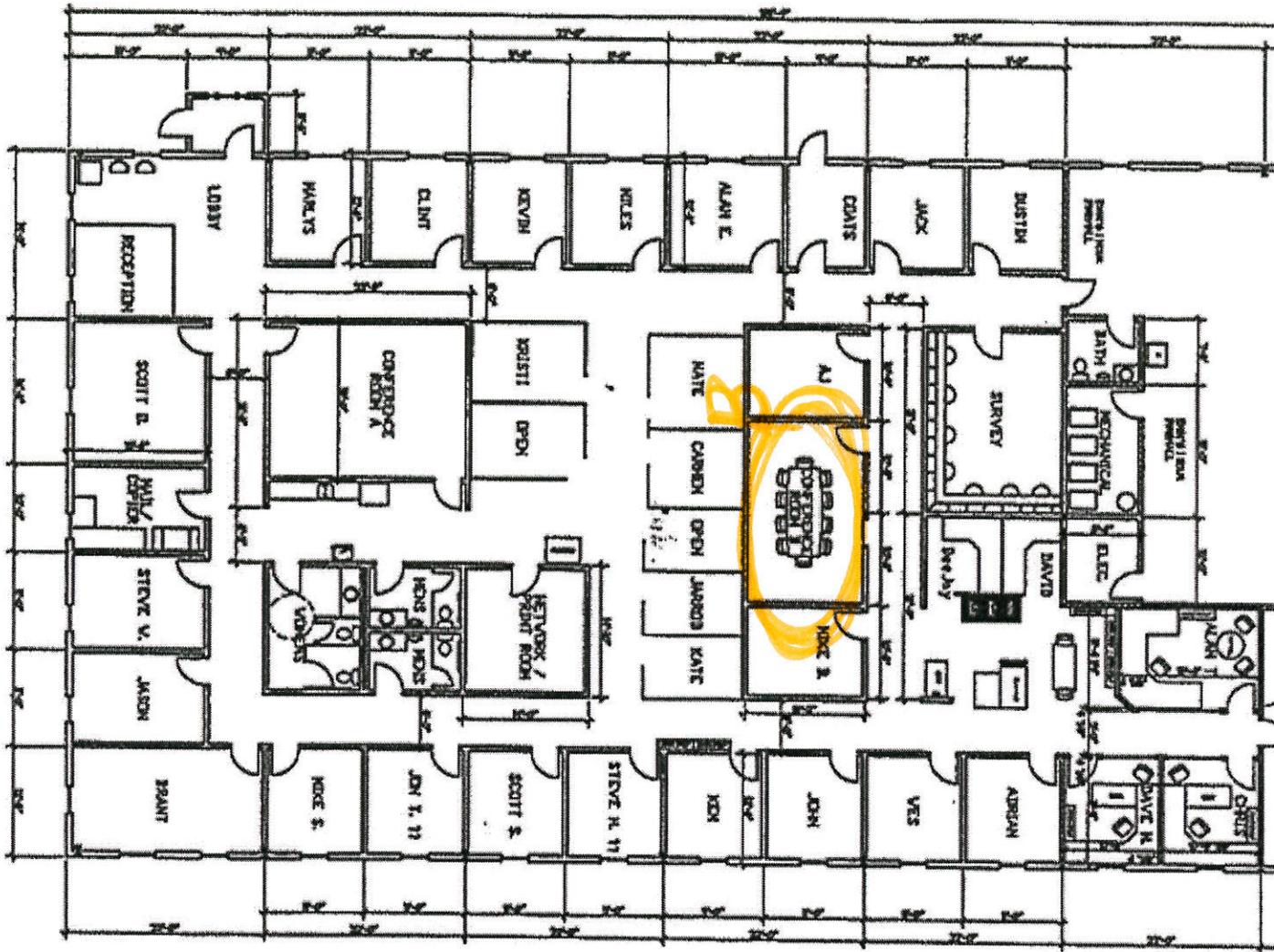
Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



1
AI

OFFICE FLOOR PLAN

1/16" = 1'-0"





City Administration

DATE: June 2, 2020
FROM: Jason Tomanek, Assistant City Administrator
ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- Prairie Public Broadcasting, Inc.
 - Bird Dog Brewing, LLC. – 931 South 9th Street
 - Dakota Skies Bingo – 825 South 8th Street

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

Gaming site authorizations expire on June 30th of each year. The Bismarck Administration Department administers the annual gaming site authorizations and renewals.

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



**STATE GAMING LICENSE
REAPPLICATION FORM**
OFFICE OF ATTORNEY GENERAL
SFN 53838 (Rev. 10-2017)

License Number: (Office Use) G -
License Year Ending: June 30, _____

1. Official, Legal Name of Organization: (Do Not Abbreviate) Prairie Public Broadcasting, Inc		Business Telephone Number: 701-241-6900	
Business Address: (Street) 207 N 5th St	City: Fargo	State: ND	Zip Code: 58102
Mailing Address: PO Box 3240	City: Fargo	State: ND	Zip Code: 58108
Address where gaming accounting records are kept: 207 N 5th St	City: Fargo	State: ND	Zip Code: 58102
E-mail Address: Khaugen@prairiepublic.org	Contact Person: Karen Haugen	Official Position of Contact Person: Gaming Manager	
2. Is organization recognized as tax exempt by the Internal Revenue Service? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		3. Provide organization's Federal Employer Identification Number (EIN): 45-0276899	
4. Name and Title of Organization's Top Executive Official: (i.e., Cmdr., Pres., etc.) John E. Harris III, President & CEO		Daytime Telephone Number: 701-241-6900	
5. Name of Gaming Manager: Karen Haugen		Daytime Telephone Number: 701-239-7515	
6. Signature of Gaming Manager: <i>Karen Haugen</i>		Date: <i>5/28/2020</i>	
7. List the Full Governing Board of the Organization - The full governing board is primarily responsible and may be held accountable for the proper determination and use of net proceeds.			
Name: See Attached	Telephone Number:	Name:	Telephone Number:
Name:	Telephone Number:	Name:	Telephone Number:
Name:	Telephone Number:	Name:	Telephone Number:
Name:	Telephone Number:	Name:	Telephone Number:
Name:	Telephone Number:	Name:	Telephone Number:
Name:	Telephone Number:	Name:	Telephone Number:
8. Does the Organization Own or Rent the Premises at Which the Games of Chance will be Conducted? <input checked="" type="checkbox"/> Own <input checked="" type="checkbox"/> Rent			

AFFIDAVIT:

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official: <i>JRH</i>	Date: <i>5/28/2020</i>
--	--	---------------------------

Board of Directors 2019 - 2020 Directory

Cesareo Alvarez

314 Iva Drive / PO Box 691
New Town, ND 58763
(312) 576-6949
cesareo.alvarez@post.harvard.edu
1st term ends 2021

Kjersti Armstrong

430 5th Street SW
Dickinson, ND 58601
(701) 290-4145
karmstrong@mobasin.com
1st term ends 2022

Joshua Boschee (Treasurer)

517 1st St N
Fargo, ND 58102
(701) 367-3513
joshua.boschee@yahoo.com
1st term ends 2020

Andrew Brown

2513 LaCorte Place
Bismarck, ND 58503
(701) 390-3118
andrew.brown.ndsu@gmail.com
1st term ends 2022

Kathy Coyle

PO Box 692
Detroit Lakes, MN 56502
(218) 849-8516
coylekathy4@gmail.com
1st term ends 2021

Greg Dandewich

141 Sunnyside Blvd
Winnipeg, MB R3J 3M1
(204) 781-3054
gregdandewich@gmail.com
2nd term ends 2020

Sandra Holmberg

534 Oxford Street
Winnipeg, MB R3M 3J9
(204) 488-1489
(204) 770-6139 c
sholmberg@mymts.net
1st term ends 2022

Phyllis Johnson

5480 Mac Drive
Grand Forks, ND 58201
(701) 317-0488 c
(701) 757-0913 h
Svenska49@msn.com
Phyllis.e.johnson@research.und.edu
2nd term ends 2022

James E. Kotowich (Vice Chair)

164 Sterling Ave.
Winnipeg MB R2M 2R7
(204) 254-0076
bibbycat@shaw.ca
1st term ends 2020

Lisa Kudelka

295 Massingham Ave E
Center, ND 58530
(701) 226-0316 c
(701) 323-4071 w
ljanek1979@gmail.com
2nd term ends 2022

Crysta Parkinson (Secretary)

1019 4th Ave W
Williston, ND 58801
(949) 572-1098
cjpdigitalmedia@gmail.com
1st term ends 2021

Connie Triplett

1807 Willow Dr.
Grand Forks, ND 58201
(701) 746-8488
triplettlaw@aol.com
2nd term ends 2022

Nick Vogel

1001 8th St S
Fargo, ND 58103
701-235-5258
nickvogel43@gmail.com
nvogel@vogellaw.com
1st term ends 2020

Sarah Smith Warren (Chair)

302 2nd Ave S
New Rockford, ND 58356
(701) 351-4110
ssmithwarren@gmail.com
2nd term ends 2021

(1) Vacant Position

EX OFFICIO MEMBERS:

Britt Jacobson (Past Chair)

6733 127th Avenue NE
Park River, ND 58270
(701) 284-6000 h
(701) 331-1670 c
brittj@polarcomm.com
By Position

Ken Zealand

30 Envoy Cres.
Winnipeg, MB R2V 3K6
(204)-334-4211 h
(204)-781-4077 c
kennethzealand@gmail.com
*By position - President of
Prairie Public Manitoba*

John Harris (President & CEO)

Prairie Public Broadcasting, Inc.
207 North 5th Street
Fargo, ND 58102
(701) 239-7569 w
(701) 235-3923 h
jharris@prairiepublic.org
*By position - President of
Prairie Public Broadcasting, Inc.
(non-voting member)*



CURRENT GAMING EMPLOYEE LIST
OFFICE OF ATTORNEY GENERAL
 SFN 54270 (02-17)

License No. G- 0579

Organization Name: <u>Prairie Public Broadcasting, Inc</u>		
Mailing Address: <u>PO Box 3240</u>		
City: <u>Fargo</u>	State: <u>ND</u>	Zip: <u>58108</u>
Business Phone: <u>701-241-6900</u>		Cell Phone:

* PLEASE PRINT OR TYPE *

NAME OF GAMING MANAGER: Karen Haugen DATE OF HIRE: 12/10/1981

NOTE: Volunteer Gaming Managers are required to have a record check completed. Record Check Completed: YES NO

EMPLOYEE NAME First name, Middle name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1. SEE ATTACHED				<input type="checkbox"/>
2.				<input type="checkbox"/>
3.				<input type="checkbox"/>
4.				<input type="checkbox"/>
5.				<input type="checkbox"/>
6.				<input type="checkbox"/>
7.				<input type="checkbox"/>
8.				<input type="checkbox"/>
9.				<input type="checkbox"/>
10.				<input type="checkbox"/>
11.				<input type="checkbox"/>
12.				<input type="checkbox"/>
13.				<input type="checkbox"/>
14.				<input type="checkbox"/>
15.				<input type="checkbox"/>
16.				<input type="checkbox"/>
17.				<input type="checkbox"/>
18.				<input type="checkbox"/>
19.				<input type="checkbox"/>
20.				<input type="checkbox"/>
21.				<input type="checkbox"/>
22.				<input type="checkbox"/>
23.				<input type="checkbox"/>
24.				<input type="checkbox"/>

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS.

PRAIRIE PUBLIC BROADCASTING, INC

Employee Name	Hire Date	Birth Date	Job Title
Fowler, Katie M	2/26/2020	3/30/1981	COUNT TEAM
Decoteau, Justice C	11/19/2017	1/28/2000	Floorwalker
Langerud, Troyleah M	5/22/2017	2/28/1998	Floorwalker
Hopfauf, Lynda R	10/11/2017	3/20/1963	Floorwalker
Koffler, Terry D	9/17/1992	11/20/1959	Floorwalker
Magelky, James P	10/19/2016	1/24/1940	Floorwalker
Schmitt, Tony J	7/24/2018	1/11/1983	CALLER
Smith, Benjamin I	7/23/2018	7/14/1988	CASHIER/CA
Theurer, Samuel J	5/11/2016	4/25/1988	Floorwalker
Wilson, Carol A	2/7/2013	6/26/1952	Floorwalker
Metz, Theresa A	9/3/2014	12/2/1958	CASHIER/CA
Nagel, Delores J	12/1/2013	11/13/1978	CALLER/CAS
Chaske Jr., Willard Reginald	3/1/2019	4/20/1999	Floorwalker
Pittman, Caitlin Y	7/11/2019	5/9/1995	Supervisor
Stevens, Raymond	9/10/2019	11/27/1955	Floorwalker
Rutherford, Megan E	1/29/2020	2/20/1992	CASHIER/CA
Bitz, Troy M	1/29/2014	6/12/1970	DBS Manage
Engebretson, Bradley J	3/12/2018	12/9/1989	Assistant Manager
Backer, Adeline	7/26/2016	5/11/1953	Jar Operator
Lyons, Beverly	1/19/1995	12/23/1942	Jar Operator
Reich, Virginia I	1/8/1995	4/4/1943	Jar Operator
Roehrich, Mary E	9/16/2014	5/29/1944	Jar Operator
Engelhardt, Jody	4/30/2020	6/21/1977	Jar Operator
Bitz, Travis L	9/7/2007	3/30/1977	BLACKJACK
Ennen, Adrianna N	4/11/2018	5/19/1987	BLACK JACK
Grensteiner, Kurt M	9/30/2013	8/22/1969	BLACKJACK
Hoynes, Breana L	8/8/2018	12/19/1995	BLACKJACK
Keller, Christopher M	1/25/2010	5/29/1975	BLACKJACK
Kopp, Jared F	9/25/2013	8/30/1986	BLACKJACK
Morrow, Chelsie L	7/1/2012	9/15/1984	BLACKJACK
Olson, Tera L	10/22/2002	11/30/1973	Blackjack Asst Site Mgr
Reimnitz, Kelsey W	3/10/2017	11/10/1989	BLACKJACK
Schmidt, Joseph J	10/9/2011	12/5/1969	BLACKJACK
Schmidt, Michael G	5/17/2006	11/19/1963	BLACKJACK
Starck, Shawn A	1/11/2011	12/30/1970	BLACKJACK
Welder, David J	3/7/2001	3/20/1973	BLACKJACK
Strand, Wayne Adam	10/24/2018	10/28/1977	Black Jack Dealer
Worrall, Travis R	1/21/2019	3/14/1986	Black Jack Dealer
Lehman, Brian Eugene	2/12/2019	8/14/1981	CASHIER/CA
Crowder, Marcus T	6/14/2019	1/4/1985	Black Jack Dealer
Crawford, Tristan	10/1/2019	2/17/1988	Black Jack Dealer
Fornshell, David	10/14/2019	10/12/1979	Black Jack Dealer
Dimmer, Darrell J	11/1/2008	7/13/1969	FARGO BJ S
Huseby, Tina K	9/29/2009	3/27/1971	BLACKJACK
Kendall, Mason R	1/5/2007	5/17/1979	BLACKJACK

PRAIRIE PUBLIC BROADCASTING, INC

Employee Name	Hire Date	Birth Date	Job Title
Roe, Michael S	11/2/2011	7/9/1987	BLACKJACK
Schierer, Suzie L	12/8/2007	5/8/1977	BLACKJACK
Schneck, David R	8/10/2011	10/14/1983	BLACKJACK
Schwan, Troy R	3/18/2019	11/10/1965	Black Jack Dealer
Castaneda, Dana D	3/27/2019	2/22/1982	Blackjack Dealer
Sheehan, Alex	7/1/2019	6/24/1987	Blackjack Dealer
Vincent, Megan	12/16/2019	7/15/1994	Black Jack Dealer
McCroskey, Julie	12/17/2019	12/31/1963	Blackjack Dealer
Rhode, Jacob	1/5/2020	6/13/1991	Black Jack Dealer
Madsen, Steven M	4/26/2013	9/19/1973	BLACKJACK
Storlie, Jacob	1/27/2020	12/9/1998	Black Jack Dealer
Longmire, Kaylie J	3/11/2020	10/20/1994	CALLER/CAS
Hoganson, Linda	7/10/2019	9/8/1971	Tioga BJ Mgr
Viera, Norma Iris	8/13/2019	5/23/1963	Assistant Manager
Samms, Elizabeth	12/27/2019	8/5/1974	Black Jack Dealer
Chavez, Luis M	3/3/2020	10/28/1991	Black Jack Dealer
Begger, Rylea M	5/2/2020	11/27/1995	Independant Count



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

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

Full, Legal Name of Gaming Organization **Prairie Public Broadcasting, Inc**

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

Name of Location Bird Dog Brewing, LLC			
Street 931 S 9th St, #3	City Fargo	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted and played at the site (required) entire facility, excluding the restrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor)	Bird Dog Brewing LLC.		Site Name	Bird Dog Brewing		Site Phone Number	(701) 751-0599
Site Address	931 South 9th street #3	City	Bismarck	State	ND	Zip Code	58504
Organization (Lessee)	Prairie Public Broadcasting		Rental Period	July 1, 2020 to June 30, 2021		County	Burlingame
1. Is Bingo going to be conducted at this site?					<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	
1a. If "Yes" to number 1 above, is Bingo the primary game conducted?					<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.							
2. Is Twenty-One conducted at this site?					<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
Number of Tables with wagers up to \$5	_____ X Rent per Table \$ _____						\$
Number of Tables with wagers over \$5	_____ X Rent per Table \$ _____						\$
3. Is Paddlewheels conducted at this site?					<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
Number of Tables	_____ X Rent per Table \$ _____						\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?					<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	\$
Please check:	<input type="checkbox"/> Jar Bar		<input checked="" type="checkbox"/> Standard Dispensing Device				\$ 400.00
	<input checked="" type="checkbox"/> Electronic Dispensing Device		Number of Electronic Devices <u>2</u>				\$ 200.00
Total Monthly Rent							\$ 600.00
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.							<input type="checkbox"/>

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

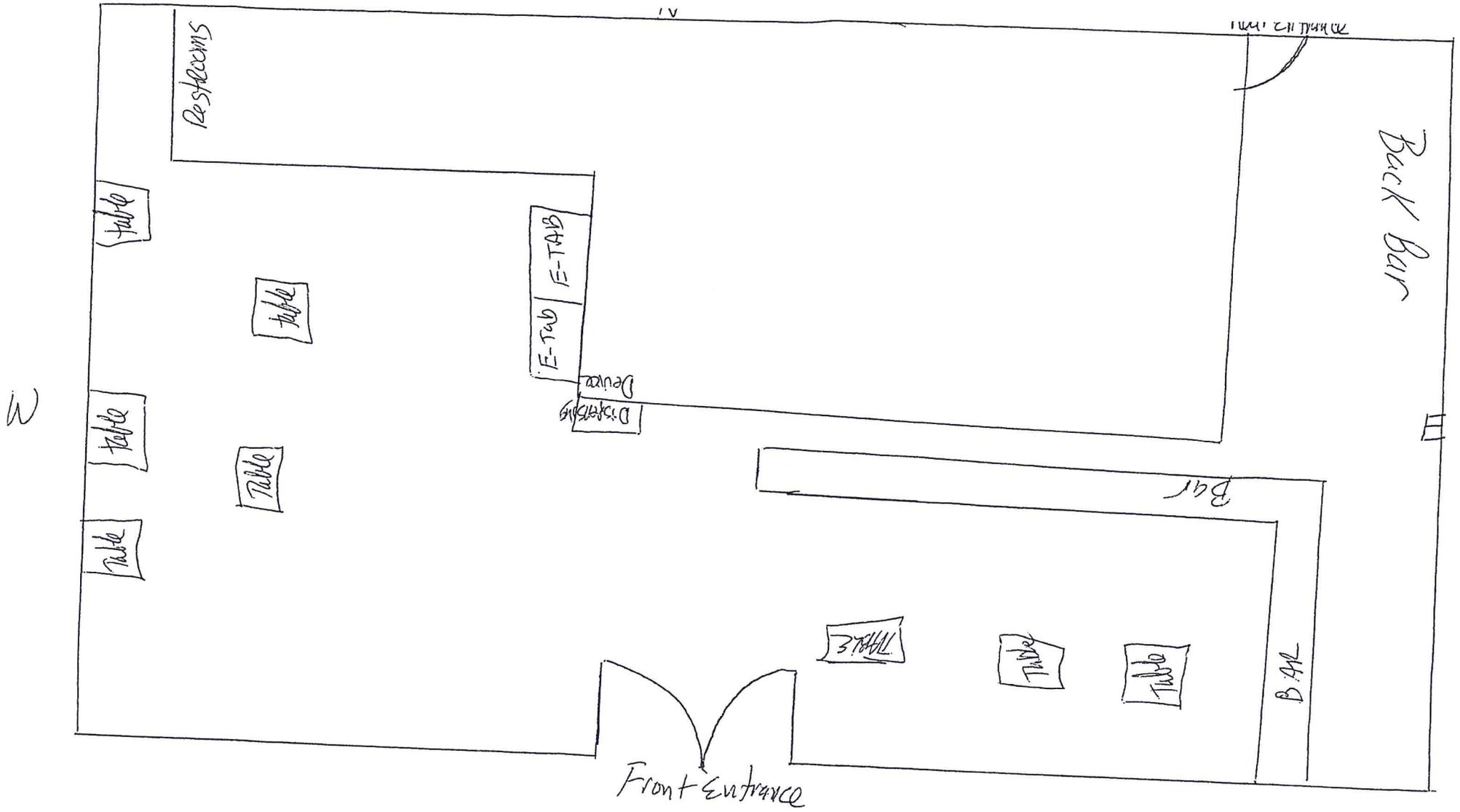
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor		Title	OWNER	Date	5/26/2020
Signature of Lessee		Title	PRESIDENT & CEO	Date	5/29/2020

(over)



Bird Dog Brewing
S



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

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

Full, Legal Name of Gaming Organization **Prairie Public Broadcasting, Inc**

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

Name of Location Dakota Skies Bingo			
Street 825 S 8th St	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21		Number of twenty-one tables if zero, enter "0": 0
Specific location where games of chance will be conducted and played at the site (required) Entire facility, excluding the restrooms			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

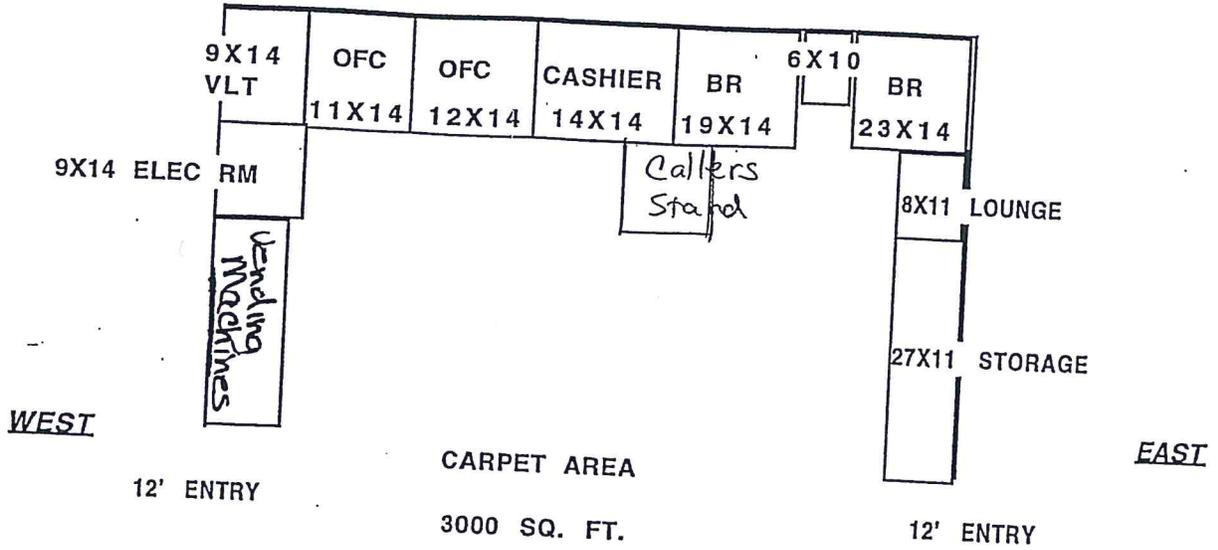
APPROVALS

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

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

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

NORTH



WEST

EAST

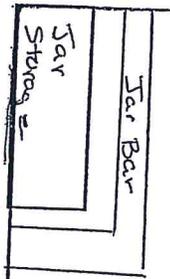
12' ENTRY

CARPET AREA

3000 SQ. FT.

12' ENTRY

13X9



10 ETAB
Machines

8 FT
FIRE
EXIT

SOUTH

SCALE: 1" = 25'

OUTSIDE DIMENSION: 100' X 120'

DAKOTA SKIES BINGO
825 S. 8TH ST.
BISMARCK, ND



Bismarck

Airport

DATE: June 2, 2020

FROM: Greg Haug, Airport Director



ITEM: Receive and consider bids for Northwest Detention Area.

REQUEST

Please place this item on the 6/9/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Board approved the last phase of Runway 13-31 Reconstruction on September 18, 2018. The runway project was substantially completed in the fall of 2019 and Runway 13-31 was opened. Punchlist items remain but are expected to be completed by August 1, 2020. After start of construction last year the need for additional drainage improvements in the North West Detention area became apparent. Airport Staff has been working with Federal Aviation Administration (FAA) to approve additional work to improve drainage in the Northwest detention pond because the area is very flat and the water table is so high. The FAA agreed that the Airport should proceed to design and develop plan/specs to bid a herring-bone drain tile system and a small lift station to properly drain this area and eliminate the likelihood that the detention pond will reestablish itself as a wildlife attractant (Enclosure 1).

The project design was completed and the improvements were bid. The bids were opened on June 1, 2020 at 4 PM. Two bids were received from Strata Corporation and Weisz and Sons Inc., (Enclosure 2). The low bid was Weisz and Sons for \$787,659.10 for the Base bid and Alternate. The low bid compares favorably with the engineer's opinion of costs (5.5% higher) at the bottom of Enclosure 2 and appears reasonable.

The FAA Airport District Office (ADO) concurred that the airport sponsor can use the remaining balance of Federal funds (approx. \$75,000) from Airport Improvement Program (AIP) grant 60 to reimburse for the newly bid drainage work up to the current maximum grant obligation. Airport staff will then apply for an amendment to the AIP 60 grant to bring the grant up to 90% of the new total project costs. The total project cost will remain within the project budget contingencies approved by the Board. All costs incurred by the Airport above and beyond FAA Grant Funds for the projects will be reimbursed in Passenger Facility Charge (PFC) #7.

RECOMMENDED CITY COMMISSION ACTION

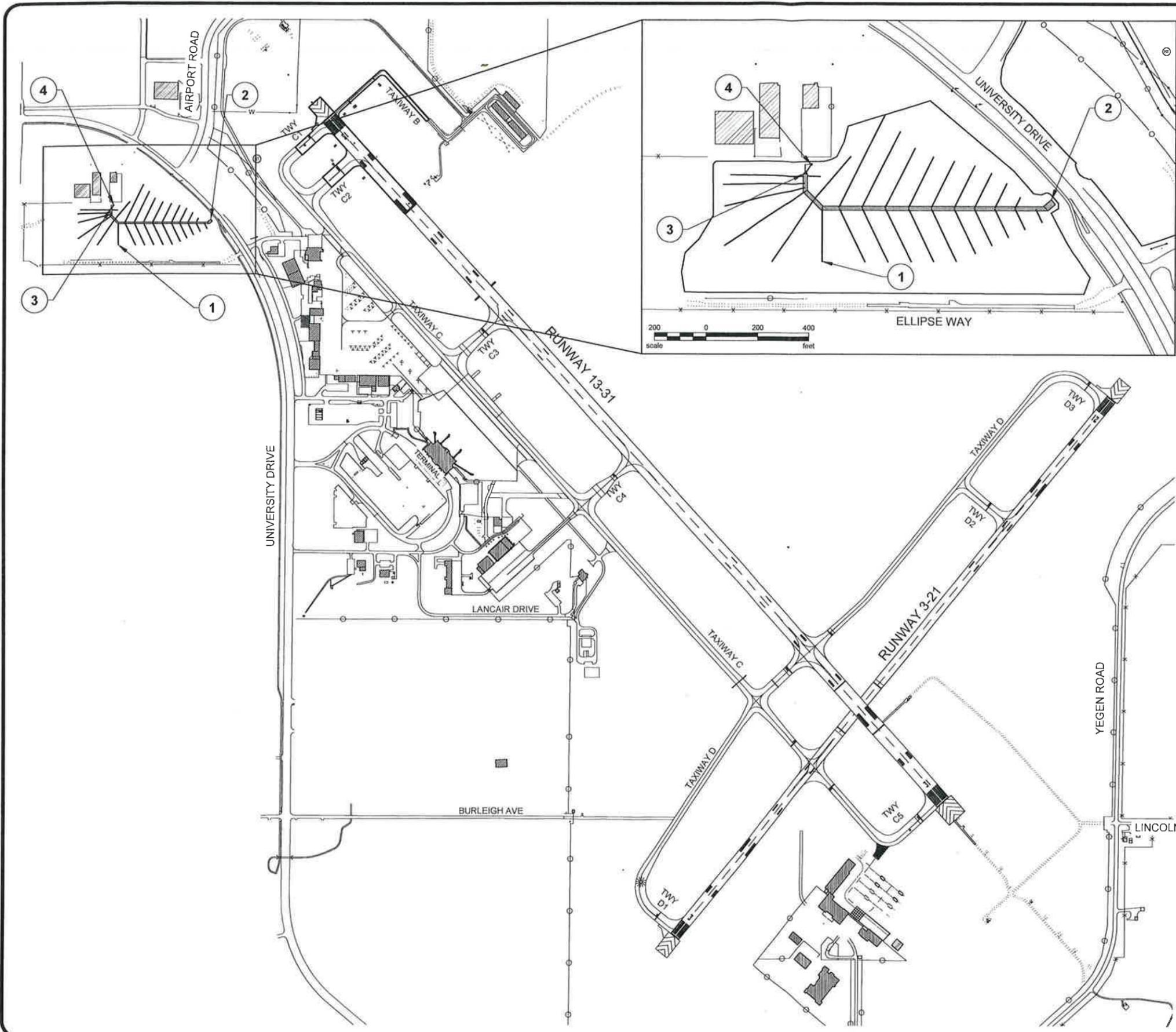
Accept the bids and award the Base Bid and Alternate to Weisz and Sons Inc., for \$787,659.10.

STAFF CONTACT INFORMATION

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

Enclosure:

1. Diagram
2. Bid Tab



PROJECT WORK DESCRIPTION

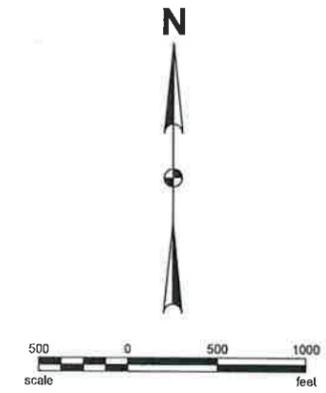
- 1 INSTALL UNDERDRAIN
- 2 INSTALL CABLE CONCRETE
- 3 INSTALL STORM STRUCTURE
- 4 INSTALL LIFT STATION

BASIS OF ESTIMATE

SOIL STABILIZATION MATERIAL (PLAN NOTES)-	ACTUAL S.Y., NO OVERLAP INCLUDED
GEOTEXTILE FABRIC (P-154)-	ACTUAL S.Y., NO OVERLAP INCLUDED
POROUS MATERIAL NO.1 (D-705) -	0.067 C.Y./L.F. AT UNDERDRAIN TRENCH
POROUS MATERIAL NO. 2 (D-705)-	1.227 C.Y./L.F. AT UNDERDRAIN TRENCH



WEST DETENTION POND
 BISMARCK AIRPORT - CITY OF BISMARCK
 BISMARCK, NORTH DAKOTA



**PROJECT WORK DESCRIPTION
 & BASIS OF ESTIMATE**

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

GRAFTED
BRT/RDR
REVIEWED
TJN
PROJECT NUMBER
1518700
LAST REVISED DATE
03/09/2020

SHEET
5



Airport

DATE: June 6, 2020

FROM: Greg Haug, Airport Director

ITEM: Consider a \$500 sponsorship to the Commemorative Air Force.

REQUEST

Please place this item on the 6/9/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Airport Staff requests the Board consider allowing the Airport to provide a \$500 sponsorship to the Commemorative Air Force which will have a WWII era B-17 and B-25 staged at the Bismarck Aero Center from July 20th through July 27th. During the week of the 20th, the aircraft will be on display for public viewing and rides will be offered.

In the past, Bismarck Airport has assisted similar organizations with direct and in-kind donations. Such assistance helps the organization to promote the event and maintain a safe and secure staging area. Airport staff has found these events are well attended by the public and a great opportunity to promote aviation in the community. In return for the sponsorship, Bismarck Airport's logo will be placed on the event's promotion material.

This sponsorship is in accordance with the FAA's "Policy and Procedures Concerning the Use of Airport Revenue". The Bismarck Airport would pay the sponsorship from budgeted marketing funds.

RECOMMENDED CITY COMMISSION ACTION

Approve the \$500 sponsorship for the Commemorative Air Force.

STAFF CONTACT INFORMATION

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



Community Development Department

DATE: June 2, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Elk Ridge Second Addition – Partial Annexation, Zoning Change, Fringe Area Road Master Plan Amendment and Major Subdivision Final Plat

REQUEST

Ronald Knutson, RBK Ventures, LLP, Boulder Ridge Developers, Inc. and Bismarck North Developers LLC are requesting approval of the partial annexation, a zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential and R10 – Residential zoning districts, a Fringe Area Road Master Plan amendment to eliminate the collector designation for a north-south roadway, and a major subdivision final plat for Elk Ridge Second Addition. The proposed annexation would not include the right-of-way for Tyler Parkway. These actions would allow the development of 100 lots in a mix of single and two-family residences.

The property is located in northwest Bismarck, between River Road and East Valley Drive, east of Promontory Point VI Addition along the west and Clairmont Road and south of Ash Coulee Drive along the west side of Tyler Parkway (a replat of Lot 11, Block 7, Lot 14, Block 10, Lot 1, Block 6, Lot 1, Block 5, Eagle Crest 6th Addition and Blocks 4 and 5, Elk Ridge Addition and part of the SE $\frac{1}{4}$ of Section 18 and part of the NE $\frac{1}{4}$ of Section 19, T138N-R80W/ Hay Creek Township).

Please place this item on the June 9, 2020 and June 23, 2020 City Commission meeting agendas.

BACKGROUND INFORMATION

The Planning and Zoning Commission held a public hearing on these items on April 22, 2020.

No residents spoke at the public hearing; however, several residents did submit written comments prior to the hearing. The primary concerns raised were the proposed R10 zoning and the size of the lots compared to lots sizes in adjacent developments. It was noted during the public hearing that the R10 lots were platted to accommodate one-half of a twinhome and two would be combined for the construction of a single-family home.

At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission recommended approval, on a 8-1 vote with Commissioner Bitner abstaining, of the annexation, less the right-of-way for Tyler Parkway; the zoning change from the A – Agricultural and R5 – Residential zoning district to the R5 – Residential and R10 – Residential zoning districts; the Fringe Area Road Master Plan amendment to eliminate the collector designation on a north-south roadway within the proposed plat; and the major subdivision final plat for Elk Ridge Second Addition.

RECOMMENDED CITY COMMISSION ACTION

June 9th meeting of the Board of City Commissioners – consider the partial annexation as outlined in Ordinance 6417, the zoning change as outlined in Ordinance 6418, and the Fringe Area Road Master Plan amendment as outlined in the resolution, and call for a public hearing on these items for the June 23rd meeting of the Board of City Commissioners.

June 23rd meeting of the Board of City Commissioners – hold a public hearing on the partial annexation as outlined in Ordinance 6417, the zoning change as outlined in Ordinance 6418, and the Fringe Area Road Master Plan amendment as outlined in the resolution; consider the request for approval of the major subdivision final plat for Elk Ridge Second Addition; and take final action on the four related requests.

STAFF CONTACT INFORMATION

Ben Ehreth, AICP | Community Development Director, 355-1842 or behreth@bismarcknd.gov

Kim L. Lee, AICP | Planning Manager, 355-1846 or klee@bismarcknd.gov

Jenny Wollmuth, AICP, CFM | Planner, 355-1845 or jwollmuth@bismarcknd.gov

ORDINANCE NO. 6417

<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, BURLEIGH COUNTY, 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, BURLEIGH COUNTY, 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, Burleigh County, North Dakota, as follows:

Lots 1 and 2, Block 1; Lots 1-10, Block 2; Lots 1-3, Block 3; Lot 1, Block 4; Lots 1 and 2, Block 5; Lots 1-10, Block 6; Lot 1, Block 7; Lots 1-14, Block 8; Lots 1-3, Block 9; Lots 1 and 2, Block 10; Lots 1-3, Block 11; Lots 1-3, Block 12; Lots 1-16, Block 13; Lots 1-13, Block 14; Lots 1-16, Block 15, Elk Ridge Second Addition, less the right-of-way for Tyler Parkway and less that portion of the plat previously annexed.

The above described tract of land contains 53.72 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, Burleigh County, North Dakota.

ORDINANCE NO. 6418

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

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

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

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

The following described property shall be excluded from the A – Agriculture and R5-Residential zoning districts and included in the R5 – Residential zoning district:

Lots 1-3, Block 3; Lot 1, Block 4; Lots 1-2, Block 5; Lots 1-14, Block 8; Lots 1-3, Block 9; Lots 1-2, Block 10; Lots 1-3, Block 11; Lots 1-13, Block 14; and Lots 1-16, Block 15, Elk Ridge Second Addition.

The following described property shall be excluded from the A – Agriculture and R5-Residential zoning districts and included in the R10 – Residential zoning district:

Lots 1-2, Block 1; Lots 1-10, Block 2; Lots 1-10, Block 6; Lot 1, Block 7; Lots 1-3, Block 12; and Lots 1-16, Block 13, Elk Ridge Second 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.

RESOLUTION

AMENDMENTS TO THE FRINGE AREA ROAD MASTER PLAN IN SECTIONS 18 and 19, T139N-R80W/HAY CREEK TOWNSHIP

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota, wishes to amend the 2014 Bismarck/Burleigh County Fringe Area Road Master Plan (FARMP), as amended, governing expansion of the roadway network to support anticipated growth; and

WHEREAS, the Bismarck Planning and Zoning Commission adopted the FARMP on August 27, 2014 and the Board of City Commissioners received the FARMP on September 9, 2014.

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

WHEREAS, the proposed amendment does reflect a change in conditions since the FARMP was adopted or last amended in the vicinity.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota to amend the 2014 Bismarck/Burleigh County Fringe Area Road Master Plan, as amended, as follows and as shown on the attached exhibit:

To eliminate the collector designation for a north-south roadway within Sections 18 and 19, T139N-R80W/Hay Creek Township in the City of Bismarck, Burleigh County, North Dakota.

BE IT FURTHER RESOLVED that the Community Development Director of the City of Bismarck and the Policy Board of the Bismarck-Mandan Metropolitan Planning Organization is directed to revise all subsequent publications of the Fringe Area Road Master Plan to reflect the amendments hereby resolved.

Adopted this 23rd day of June, 2020.

CERTIFICATE

The undersigned, duly qualified member of the Bismarck Board of City Commissioners and City Administrator of the City of Bismarck, certify that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Board of City Commissioners held on June 23, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 23rd Day of June, 2020.

(SEAL)

Steve Bakken, President
Board of City Commissioners
Bismarck, North Dakota

ATTEST:

Keith Hunke, City Administrator
Bismarck, North Dakota



Fringe Area Road Master Plan Reference Map

FRMP2020-001

Elk Ridge Second Addition

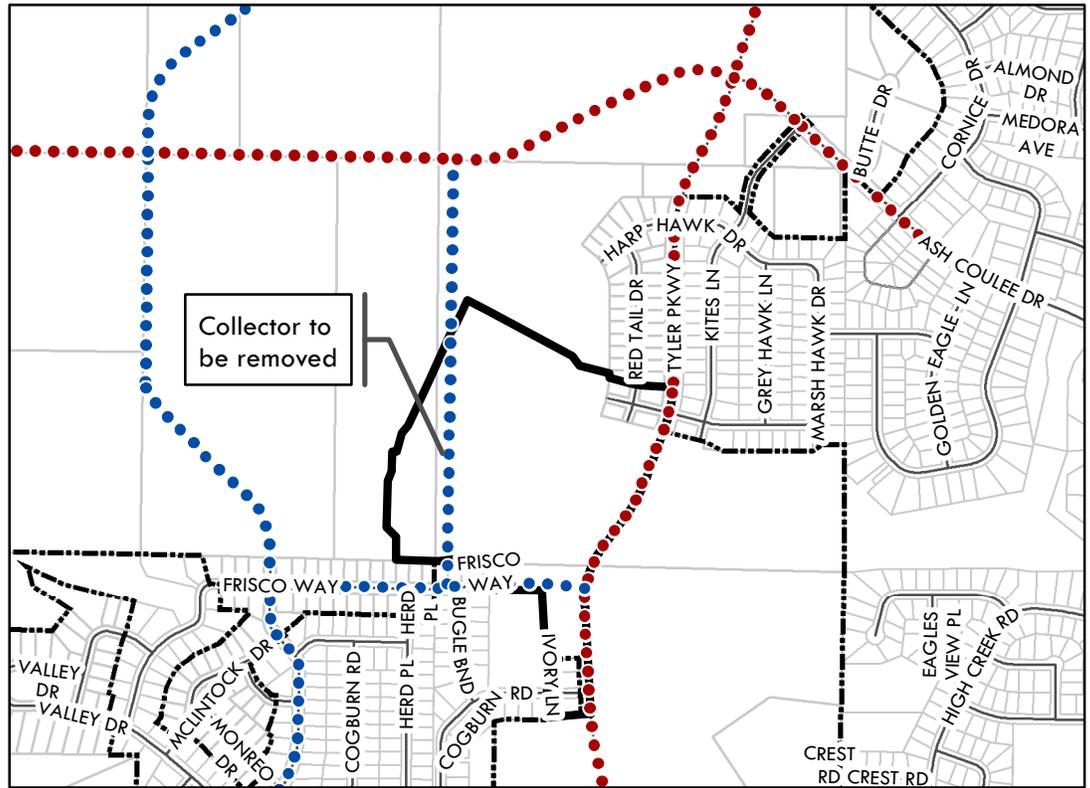
Existing Plan

Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

Associated Project Area

City Limits

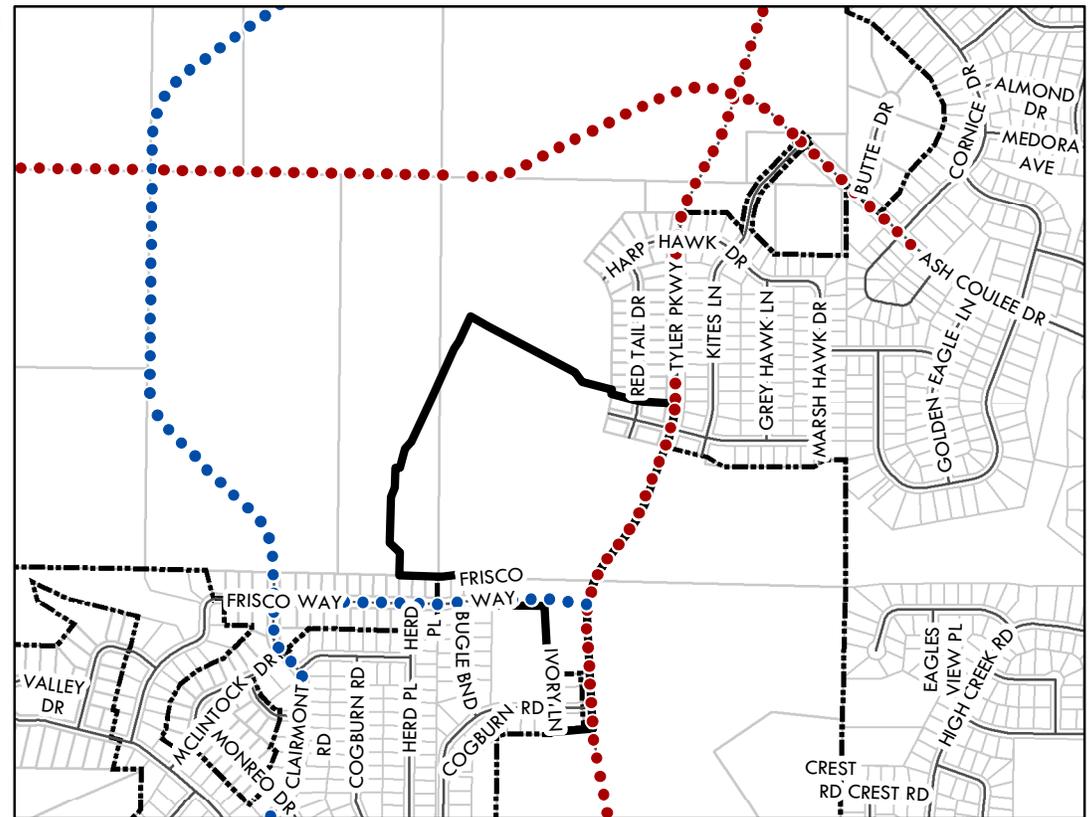


Proposed Plan



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
Department
Planning Division
January 17, 2020





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

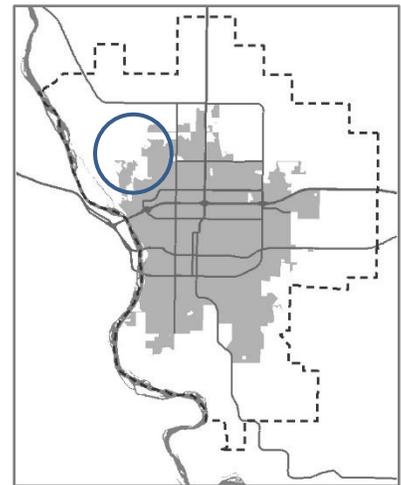
April 22, 2020

Application for: Annexation
Zoning Change
Fringe Area Road Master Plan Amendment
Major Subdivision Final Plat

TRAKiT Project ID: ANNX2019-005:
ZC2019-013
FRMP2020-001
FPLT2020-004

Project Summary

Title:	Elk Ridge Second Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Ronald M. Knutson, RBK Ventures, LLP Boulder Ridge Development, Inc, and Bismarck North Developers
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	In northwest Bismarck, between River Road and East Valley Drive, east of Promontory Point VI Addition along the west side of Tyler Parkway (a replat of Lot 11, Block 7, Lot 14, Block 10, Lot 1, Block 6, Lot 1, Block 5, Eagle Crest 6th Addition and Blocks 4 and 5, Elk Ridge Addition and part of the SE ¹ / ₄ of Section 18 and part of the NE ¹ / ₄ of Section 19, T138N-R80W/ Hay Creek Township)
Project Size:	58.14 acres
Request:	Plat, zone, and annex property for future single and two-family residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	9 parcels	Number of Lots:	99 lots in 15 blocks
Land Use:	Undeveloped	Land Use:	Single and two-family residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Low Density Residential
Zoning:	A – Agriculture R5 – Residential	Zoning:	R5 – Residential R10 – Residential
Uses Allowed:	A – Agriculture R – Single family residential	Uses Allowed:	R5 – Residential R10 - Residential
Max Density Allowed:	A – 1 unit / 40 acres R5 – 5 units / acre	Max Density Allowed:	R5 – 5 units / acre R10 – 10 units / acre

(continued)

Property History

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

Ronald M. Knutson, RBK Ventures, LLP, Boulder Ridge Development, Inc., and Bismarck North Developers are requesting approval of a zoning change from the A – Agriculture and R5 – Residential zoning districts to the R5 – Residential and R10 – Residential zoning districts, approval of a major subdivision final plat for Elk Ridge Second Addition, and a Fringe Area Road Master Plan Amendment to eliminate a north-south collector roadway within the proposed plat and in Sections 18 and 19, T139N-R80W/Hay Creek Township. The property is proposed to be annexed prior to development.

The Planning and Zoning Commission considered this request at their meeting of January 22, 2020 and called for a public hearing on the zoning change and fringe area road master plan amendment and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 10, 2020 and April 17, 2020, and 49 letters were mailed to the owners of nearby properties on April 9, 2020.

Adjacent uses include undeveloped A – Agricultural zoned property to the north, west and east; A – Agricultural and developing R5 – Residential zoned property to the northeast; and developing R5 – Residential property to the south.

Concurrence with Plans

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the majority of the area in the proposed plat as Low Density Residential (LDR). The LDR land use designation allows for single and two-family residential uses and calls for densities in a range from 1 to 4 units per acre. The proposed plat generally conforms to the Future Land Use Plan.

The Growth Phasing Plan in the 2014 Growth Management Plan, as amended, identifies the majority of the proposed plat as Priority and a smaller area located along the western edge of the proposed plat, west of Elk Ridge Drive, as Future. The Priority area is an area where development is anticipated in the short term as municipal utilities are readily accessed, subject to available funding. Although the western edge of the proposed plat is located in the Future area, it is proposed to be served by utilities located within the Priority Area.

The 2014 Fringe Area Road Master Plan, as amended, identifies Frisco Drive as an east-west collector roadway and Tyler Parkway as a north-south arterial roadway.

The Fringe Area Road Master Plan also identifies a north-south collector roadway within area of the proposed plat, in Sections 18 and 19 of Hay Creek Township. A request to amend the Fringe Area Road Master Plan to eliminate this north-south collector classification has been made. Staff supports this request, as Ivory Lane within the plat, and the extension of Ivory Lane north to Ash Coulee Drive, will continue to provide north-south interconnectivity throughout the area, as indicated in the attached developer conceptual roadway plan.

Neighborhood Parks and Open Space Policy

The Bismarck Parks and Recreation District approved a Neighborhood Park Development Agreement for Elk Ridge Addition in 2018. The neighborhood park created with the agreement would also serve this plat.

Required Findings of Fact (relating to land use)

Annexation

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any

(continued)

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.

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.

Fringe Area Road Master Plan Amendment

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the Fringe Area Road Master Plan was established or last amended;
3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

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, if amended as proposed;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP);
5. The provision of neighborhood parks has been met with the approved neighborhood park in Elk Ridge Addition;
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

(continued)

development allowed by the proposed subdivision at the time the property is developed;

8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of the proposed plat less

the right-of-way for Tyler Parkway; the zoning change from the A – Agriculture and R5 – Residential zoning district to the R5 – Residential and R10 – Residential zoning districts; the fringe area road master plan amendment to eliminate a north-south collector roadway within the proposed plat and in Sections 18 and 19, T139N-R80W/Hay Creek Township; and major subdivision final plat for Elk Ridge Second Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Fringe Area Road Master Plan Amendment Narrative
5. Developer Conceptual Roadway Plan
6. Fringe Area Road Master Plan Map
7. Final Plat
8. Preliminary Plat

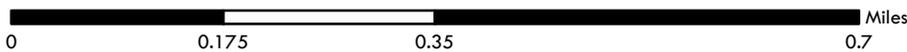
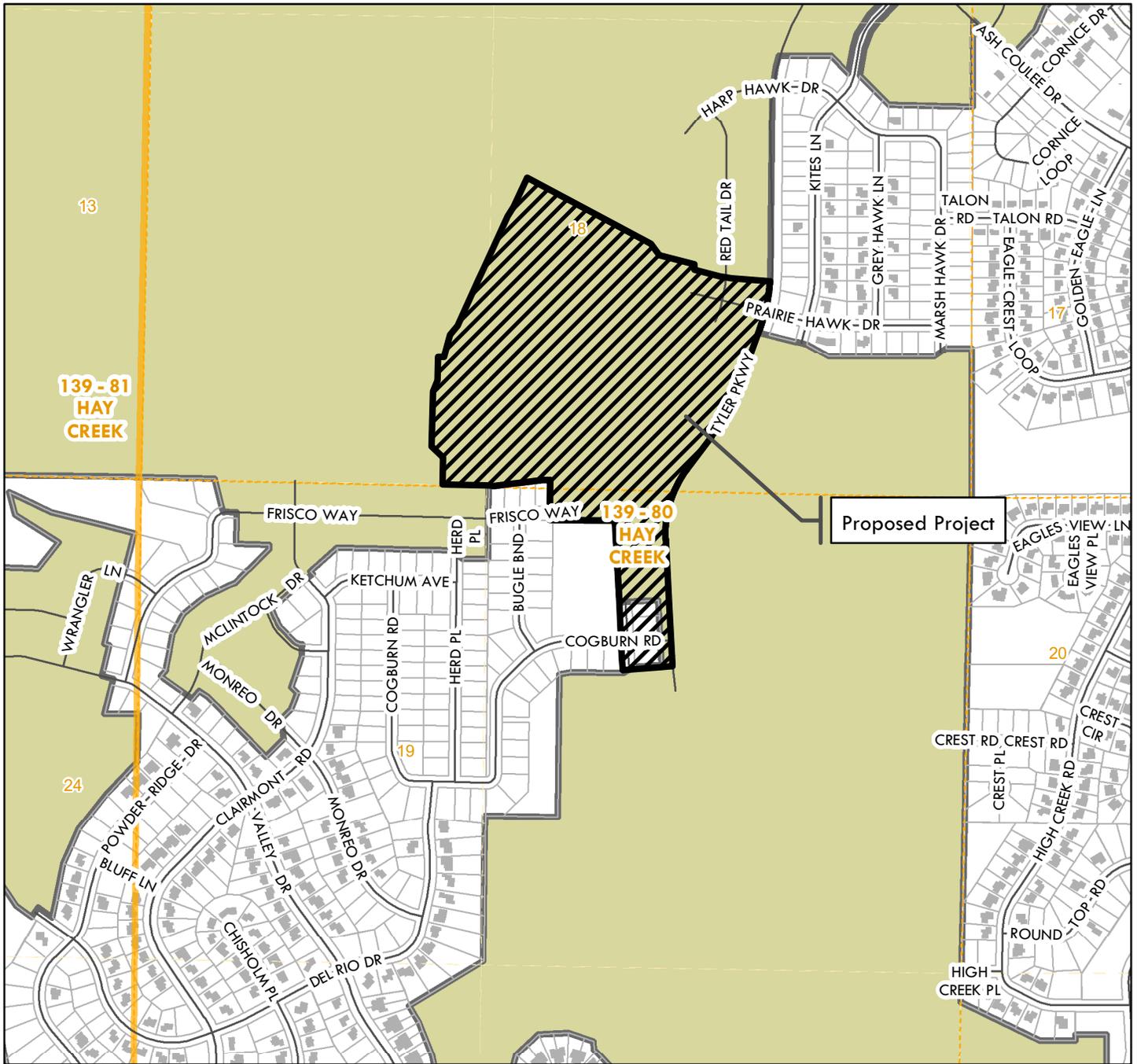
*Staff report prepared
by:*

Jenny Wollmuth, AICP, CFM
701-355-1845 | jwollmuth@bismarcknd.gov



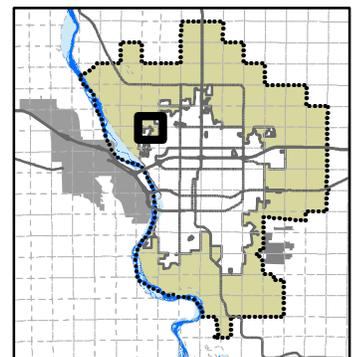
Location Map
Elk Ridge Second Addition

ANNX2019-005
ZC2019-013
FRMP2020-001
FPLT2020-004



- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
April 15, 2020 (HLB)

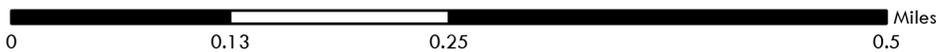
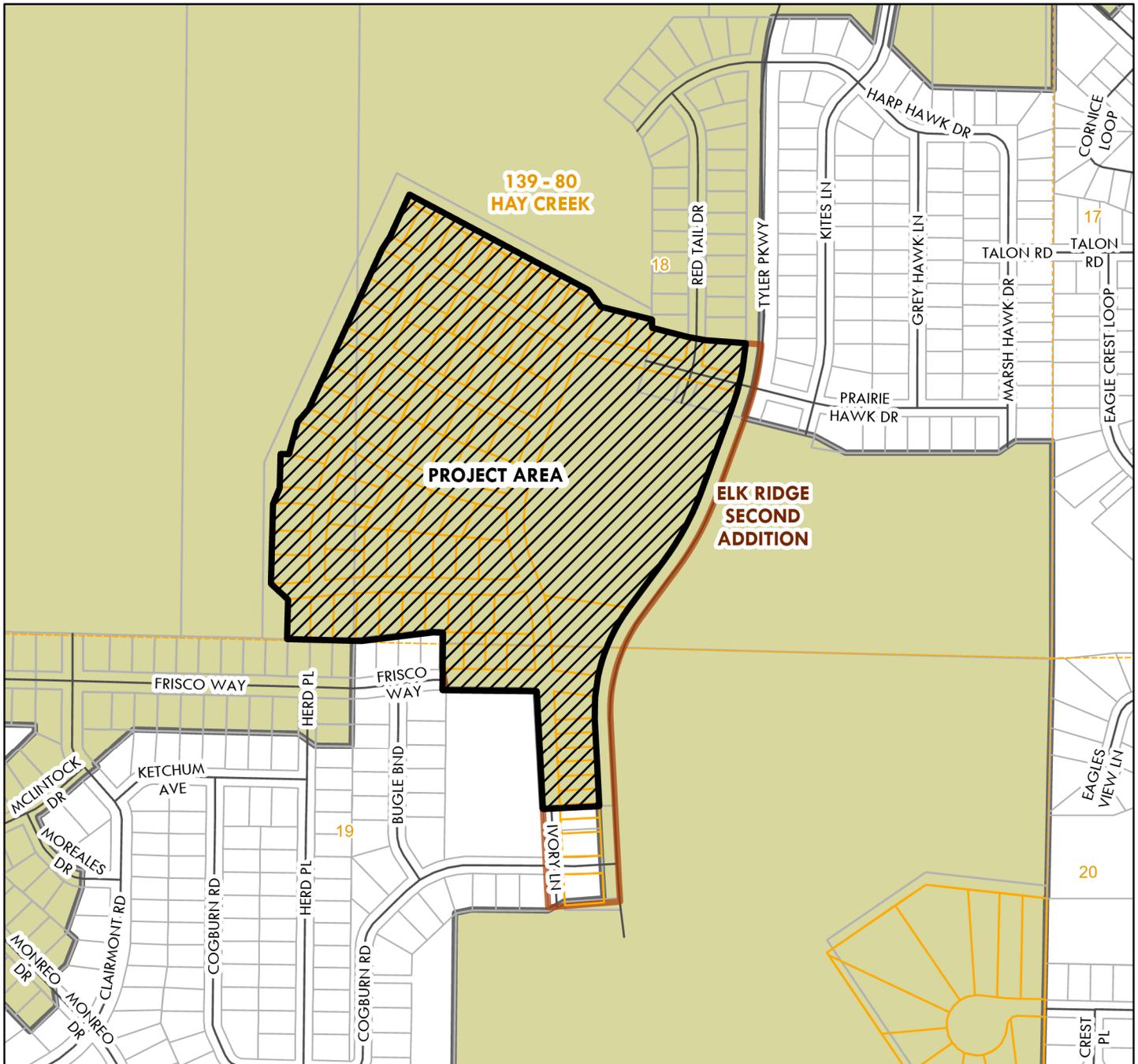
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Location Map

ANNX2019-005

ANNEXATION OF PART OF ELK RIDGE SECOND ADDITION

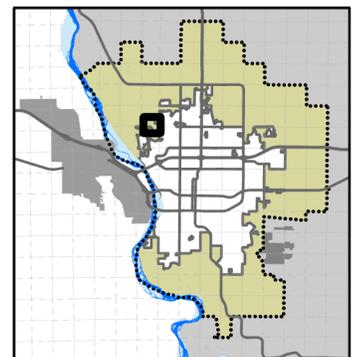


- City Limits
- County Outside ETA
- Bismarck ETA Jurisdiction
- Lots Pending Approval

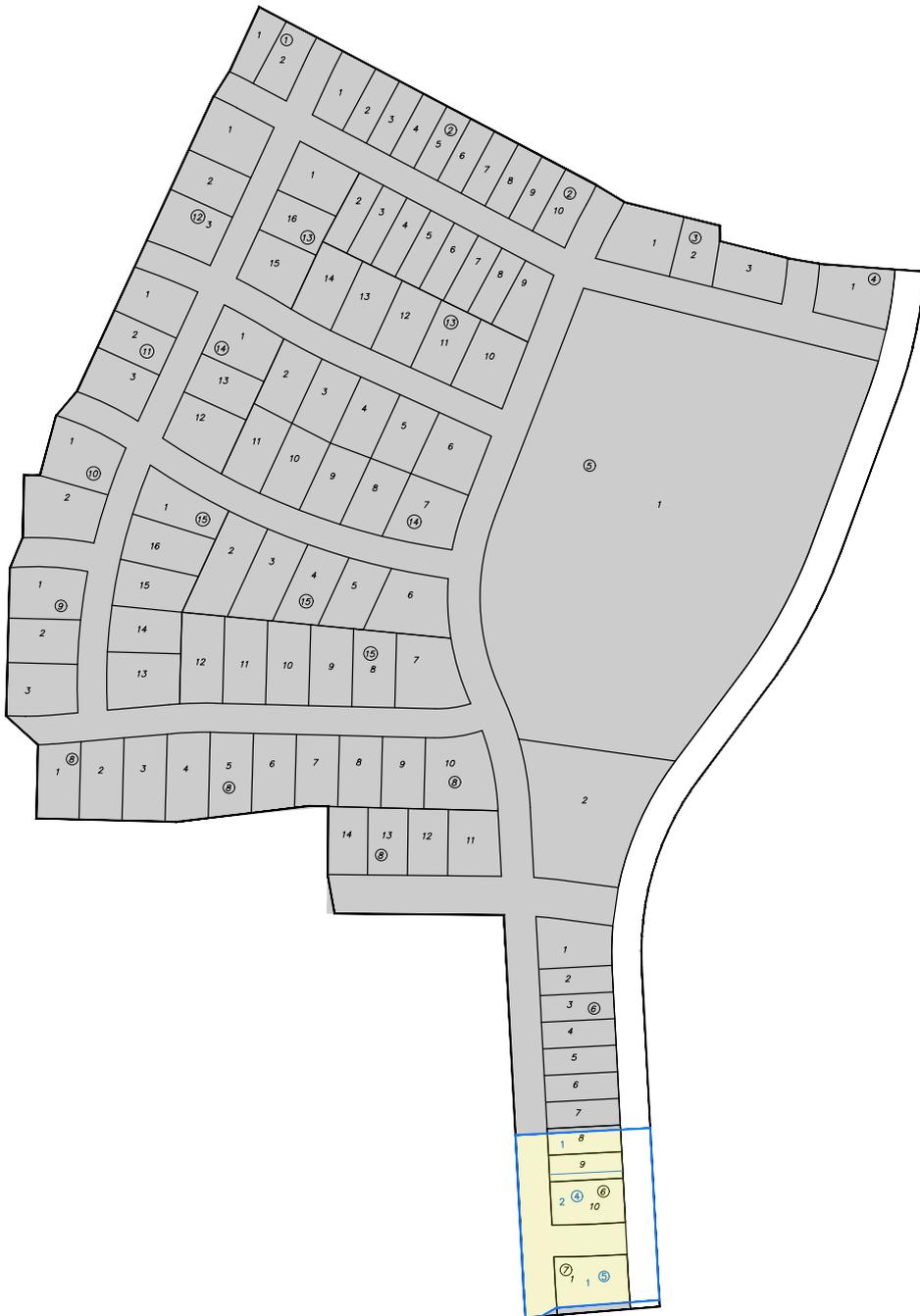
Section, township, and range indicated in orange

City of Bismarck
 Community Development Department
 Planning Division
 June 1, 2020 (HLB)

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ELK RIDGE 2ND ADDITION ANNEXATION



ELK RIDGE 2ND ADDITION ANNEXATION
55.17 ACRES

ALL OF ELK RIDGE 2ND ADDITION
 LESS TYLER PARKWAY RIGHT-OF-WAY

PROPERTIES PREVIOUSLY ANNEXED

LOTS 1 & 2 BLOCK 4 ELK RIDGE ADDITION
 (TO BE REPLATTED AS PART OF LOT 8 AND LOTS
 9 & 10 BLOCK 6 ELK RIDGE 2ND ADDITION)

LOT 1 BLOCK 5 ELK RIDGE ADDITION
 (TO BE REPLATTED AS PART OF LOT 1 BLOCK 7
 ELK RIDGE 2ND ADDITION)



Aerial Map

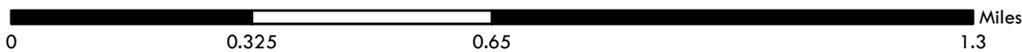
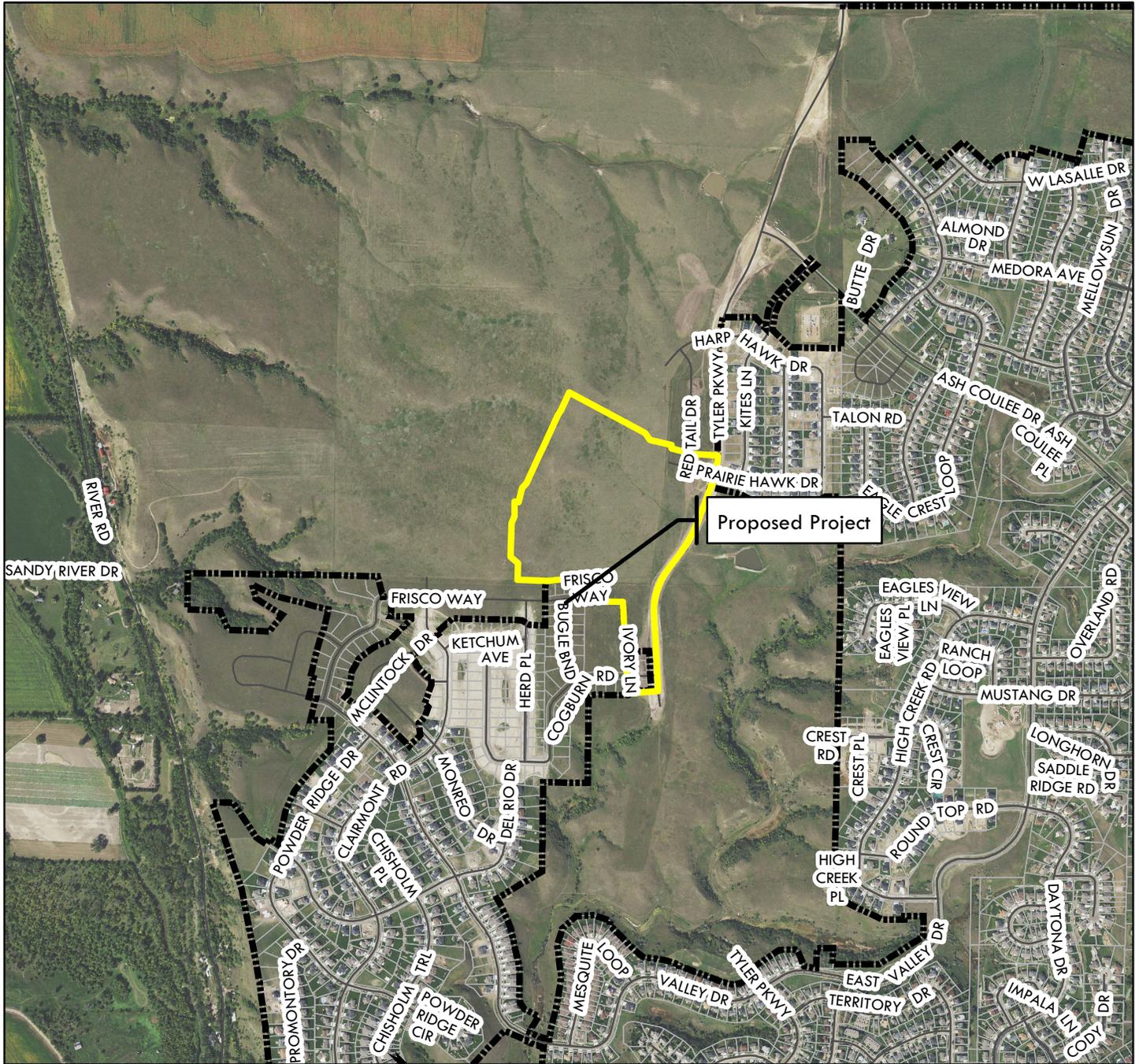
Elk Ridge Second Addition

ANNX2019-005

ZC2019-013

FRMP2020-001

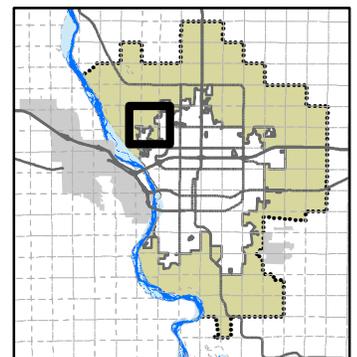
FPLT2020-004



 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
 Community Development Department
 Planning Division
 April 15, 2020



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Zoning and Plan Reference Map

Elk Ridge Second Addition

ZC2019-0013
PPLT2019-011
FRMP2020-001

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

Zoning Districts

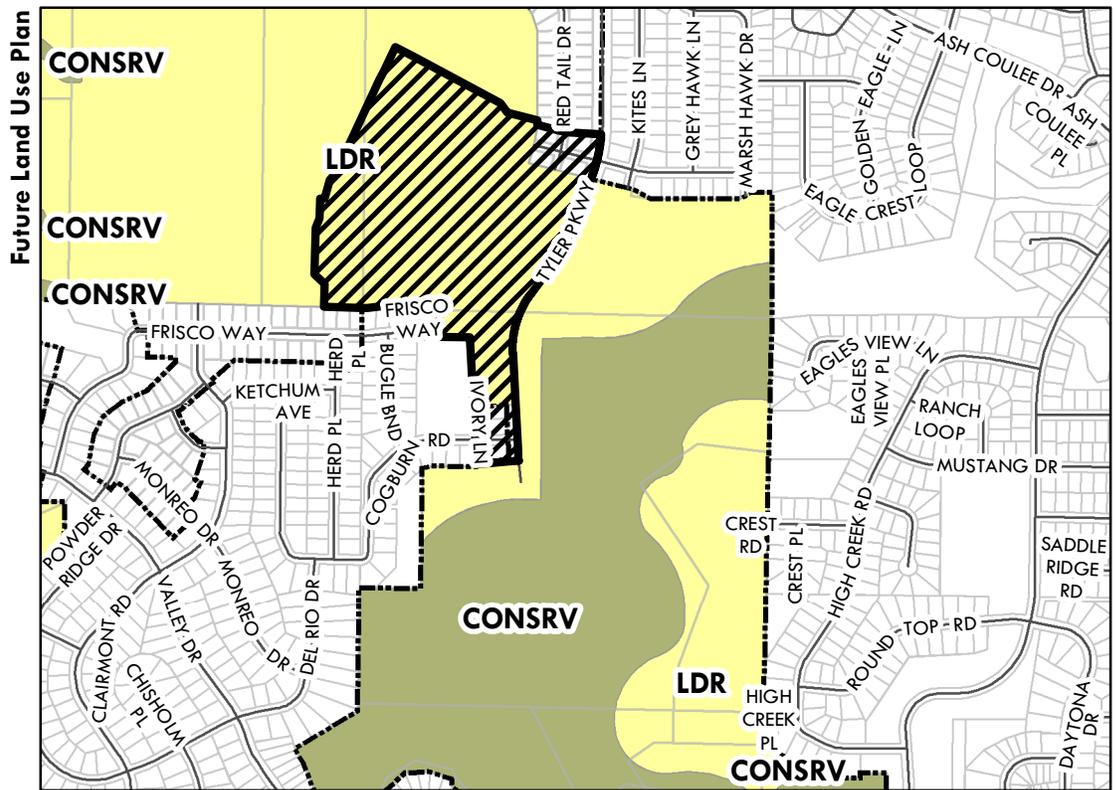
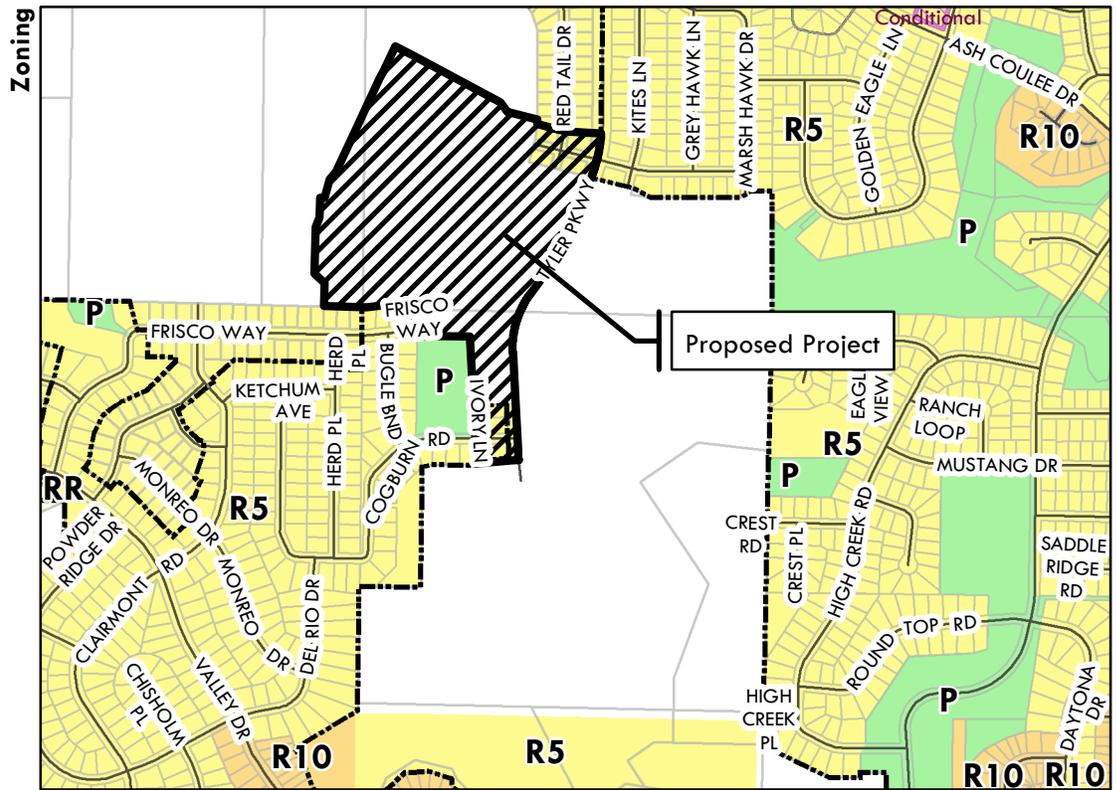
- A** Agriculture
- RR** Rural Residential
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily (Offices)
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned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

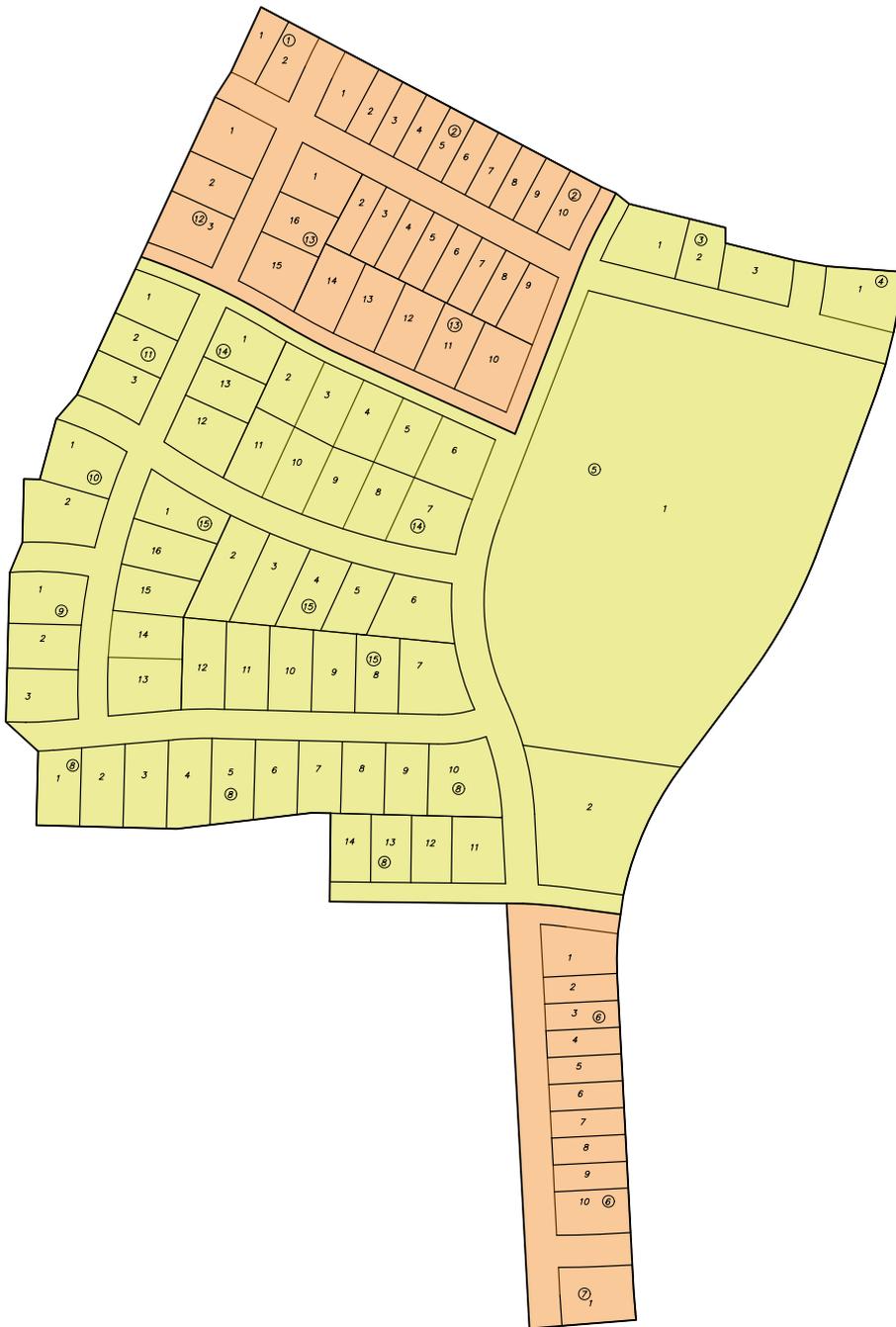


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City of Bismarck
Community Development Dept.
Planning Division
January 16, 2020

ELK RIDGE 2ND ADDITION ZONING



ELK RIDGE 2ND ADDITION ZONING

R5 ZONING— BLOCKS 3, 4, 5, 8, 9, 10, 11, 14, 15

R10 ZONING— BLOCKS 1, 2, 6, 7, 12, 13

FARMP Amendment

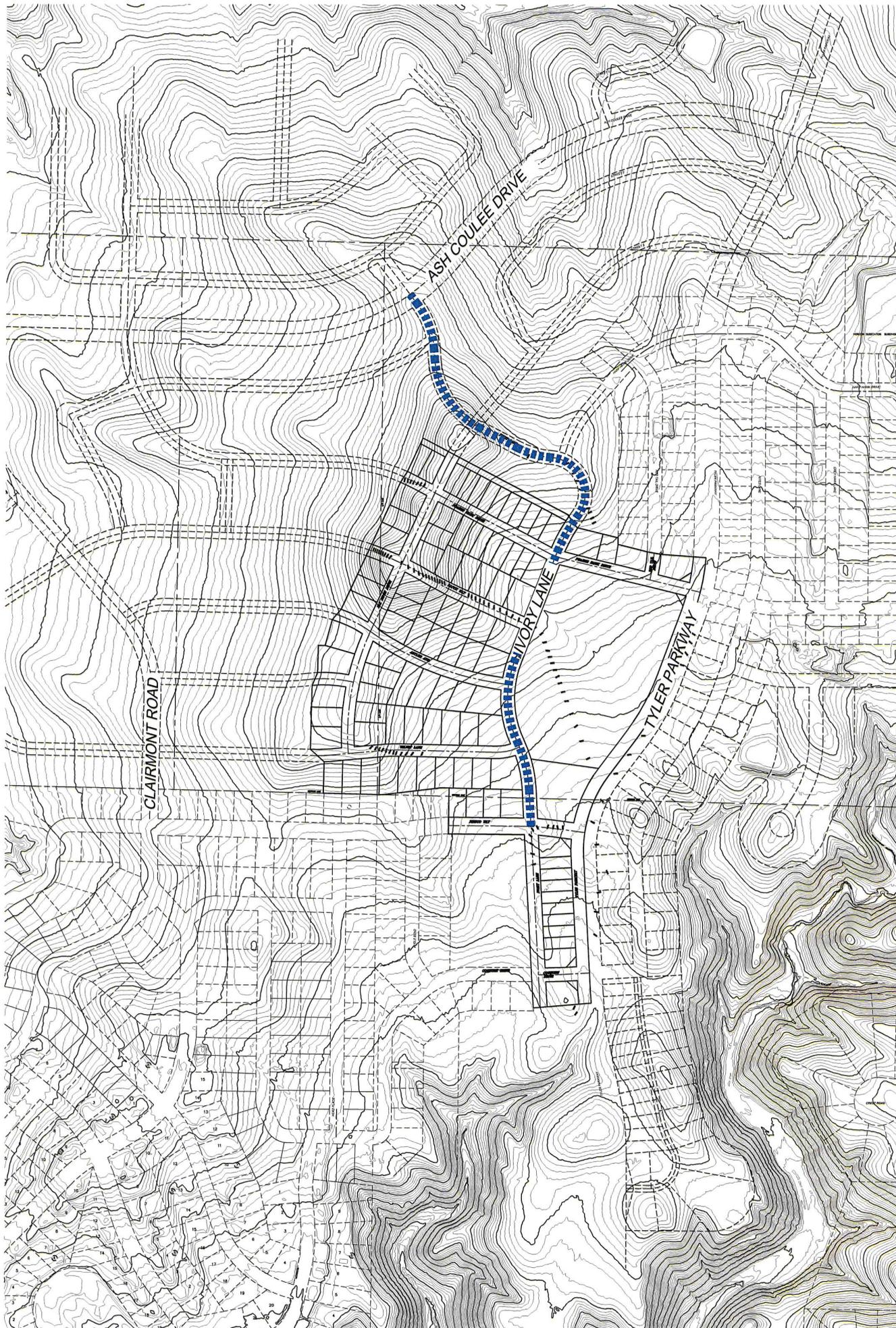
Bismarck North Developers, LLC is requesting an Amendment to the Fringe Area Road Master Plan for Ivory Lane within the future Elk Ridge Second Addition. The right-of-way, as shown on the attached exhibit, lies west of Tyler Parkway (an arterial road) and east of the extension of Clairmont Road (a collector road).

Currently, the FARMP requires a half-mile of collector road be dedicated in the southeast 1/4 of section 18-139-80, from the south line of Section 18, north to the westerly extension of Ash Coulee Drive, at which point it would become a local road. The proposed collector road is isolated to the SE 1/4, and would not significantly improve traffic flows or connectivity within the area greater than the dedication of a local road.

Typically, the FARMP proposes arterial & collector roads to be dedicated on 1/4 lines and section lines, respectively, leaving a spacing of roughly a 1/2 mile between them. The location of Tyler Parkway (the arterial road) in this section is closer to the center of the SE 1/4 than the section line; consequently the spacing between planned collector & arterial roads is much closer than typical. This eliminates the need for a collector road within Elk Ridge Second Addition, as the area that would be served by a collector will instead use the Tyler Parkway for north-south traffic.

Connectivity will still be maintained in the area, as Ivory Lane will be routed to Ash Coulee Drive, but as a local street with a 66' ROW width, which will allow for better parking & accessibility to a possible school site planned for the subdivision.

Additionally, Clairmont Road will still act as a collector road as future phases of the development are proposed. Clairmont Road will extend north and intersect with both Ash Coulee Drive/43rd Ave and 57th Ave, before transitioning to an arterial road at 71st Ave.





Fringe Area Road Master Plan Reference Map

FRMP2020-001

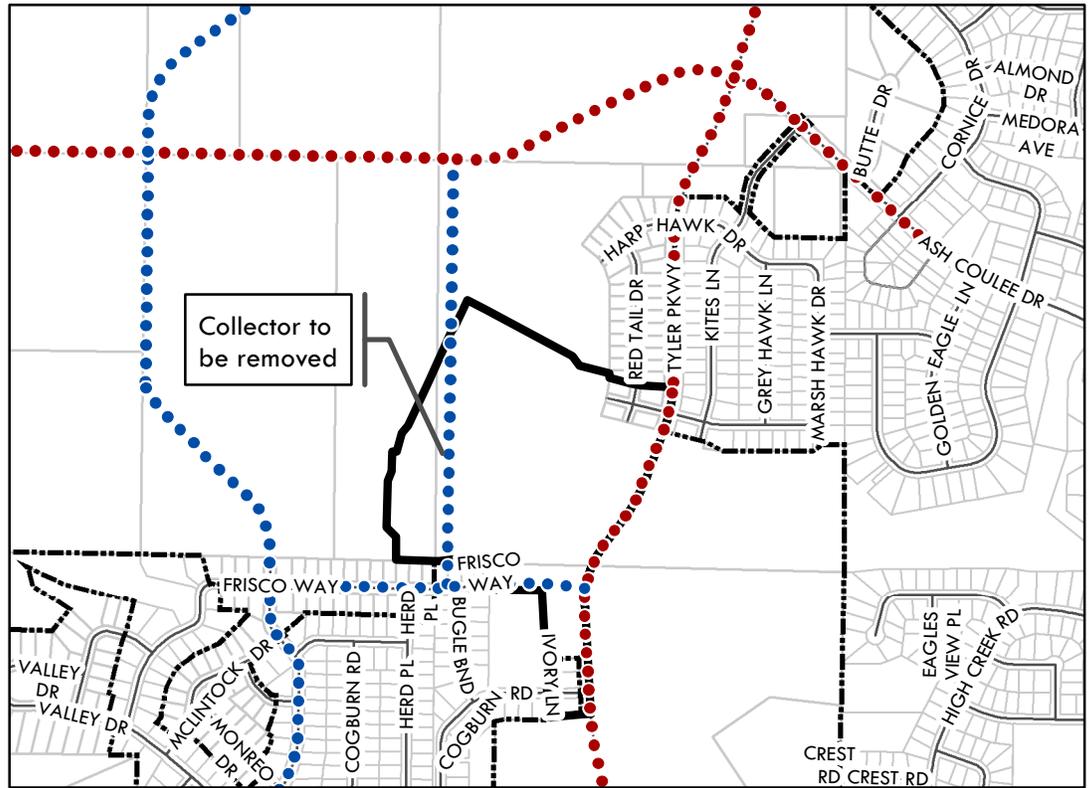
Elk Ridge Second Addition

Existing Plan

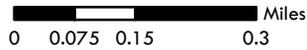
Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

- Associated Project Area
- City Limits

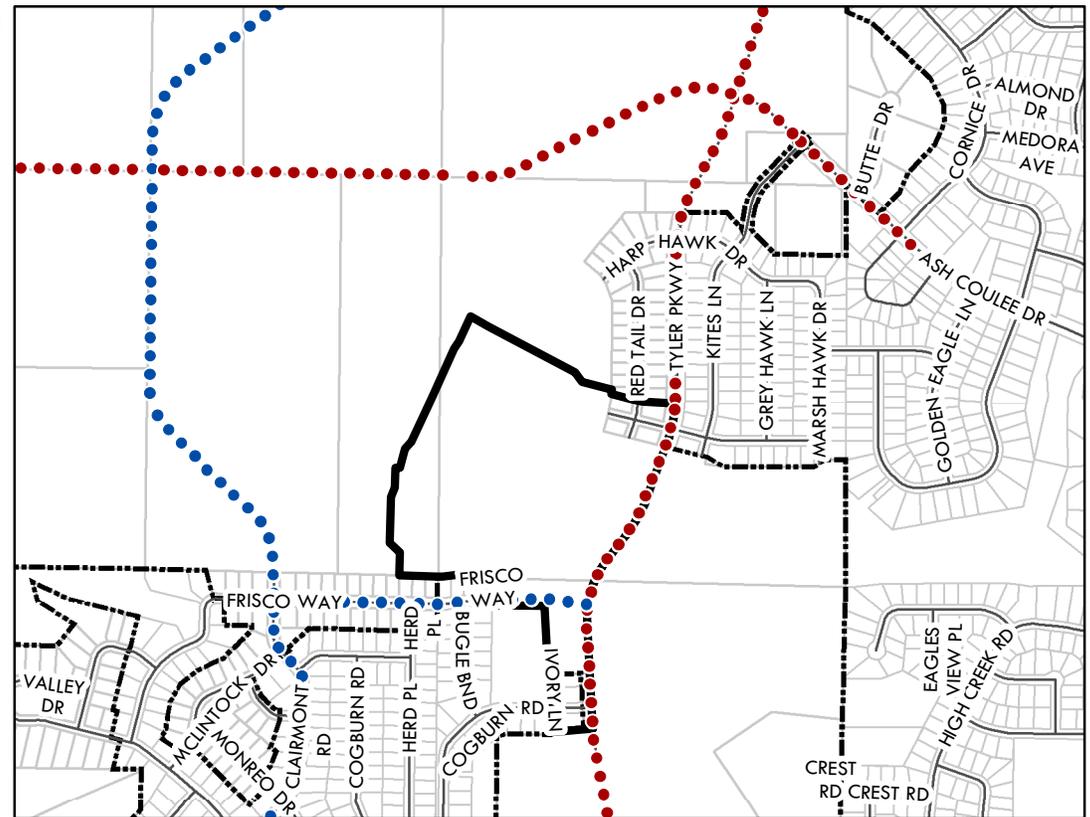


Proposed Plan



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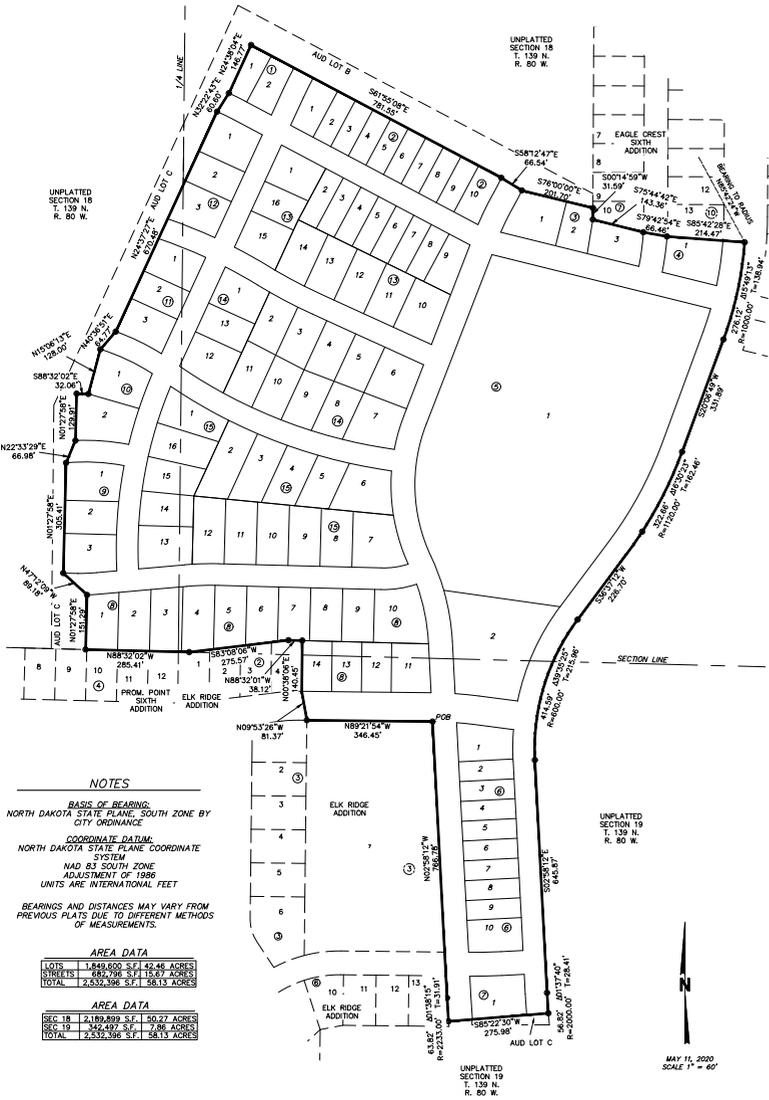
City of Bismarck
Community Development
Department
Planning Division
January 17, 2020



ELK RIDGE SECOND ADDITION

BEING A REPLAT OF LOT 1 BLOCK 6, LOT 11 BLOCK 7, LOT 14 BLOCK 10, LOT 1 BLOCK 5, AND PART OF RED TRAIL DRIVE, PRAIRIE HAWK DRIVE, AND TYLER PARKWAY RIGHTS-OF-WAY, ALL WITHIN EAGLE CREST SIXTH ADDITION AND A REPLAT OF BLOCKS 4 & 5 AND IVORY LANE RIGHT-OF-WAY AND PARTS OF COGBURN ROAD AND TYLER PARKWAY RIGHTS-OF-WAY ALL IN ELK RIDGE ADDITION AND PART OF AUDITOR'S LOTS B & C OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST, AND ALL OF AUDITOR'S LOT B AND PART OF AUDITOR'S LOT C OF THE NE 1/4 OF SECTION 19 TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING A REPLAT OF LOT 1 BLOCK 6, LOT 11 BLOCK 7, LOT 14 BLOCK 10, LOT 1 BLOCK 5, AND PART OF RED TRAIL DRIVE, PRAIRIE HAWK DRIVE, AND TYLER PARKWAY RIGHTS-OF-WAY, ALL WITHIN EAGLE CREST SIXTH ADDITION AND A REPLAT OF BLOCKS 4 & 5 AND IVORY LANE RIGHT-OF-WAY AND PARTS OF COGBURN ROAD AND TYLER PARKWAY RIGHTS-OF-WAY ALL IN ELK RIDGE ADDITION AND PART OF AUDITOR'S LOTS B & C OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST AND ALL OF AUDITOR'S LOT B AND PART OF AUDITOR'S LOT C OF THE NE 1/4 OF SECTION 19 TOWNSHIP 139 NORTH, RANGE 80 WEST

DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 7 BLOCK 3 ELK RIDGE ADDITION; THENCE NORTH 89 DEGREES 21 MINUTES 54 SECONDS WEST, ALONG THE BOUNDARY OF SAID ELK RIDGE ADDITION, A DISTANCE OF 346.45 FEET; THENCE NORTH 09 DEGREES 51 MINUTES 28 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 81.37 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 06 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 140.45 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 02 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 38.12 FEET; THENCE SOUTH 83 DEGREES 08 MINUTES 06 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 275.57 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 02 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, AND THE BOUNDARY OF PROMINENT SIXTH ADDITION, A DISTANCE OF 285.41 FEET; THENCE NORTH 01 DEGREE 27 MINUTES 58 SECONDS EAST, A DISTANCE OF 151.59 FEET; THENCE NORTH 47 DEGREES 12 MINUTES 00 SECONDS WEST, A DISTANCE OF 89.18 FEET; THENCE NORTH 01 DEGREE 27 MINUTES 58 SECONDS EAST, A DISTANCE OF 305.41 FEET; THENCE NORTH 22 DEGREES 58 SECONDS EAST, A DISTANCE OF 129.91 FEET; THENCE SOUTH 88 DEGREES 32 MINUTES 02 SECONDS EAST, A DISTANCE OF 32.08 FEET; THENCE NORTH 15 DEGREES 08 MINUTES 13 SECONDS EAST, A DISTANCE OF 128.00 FEET; THENCE NORTH 40 DEGREES 36 MINUTES 51 SECONDS EAST, A DISTANCE OF 64.77 FEET; THENCE NORTH 24 DEGREES 37 MINUTES 27 SECONDS EAST, A DISTANCE OF 670.46 FEET; THENCE NORTH 32 DEGREES 22 MINUTES 43 SECONDS EAST, A DISTANCE OF 80.60 FEET; THENCE NORTH 24 DEGREES 38 MINUTES 04 SECONDS EAST, A DISTANCE OF 146.77 FEET; THENCE SOUTH 61 DEGREES 55 MINUTES 08 SECONDS EAST, PARALLEL WITH THE NORTHEASTERLY LINE OF AUDITOR'S LOT B OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST, A DISTANCE OF 781.55 FEET; THENCE SOUTH 08 DEGREES 12 MINUTES 47 SECONDS EAST, A DISTANCE OF 86.54 FEET; THENCE SOUTH 76 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 201.75 FEET TO THE WEST LINE OF LOT 10 BLOCK 7 EAGLE CREST SIXTH ADDITION; THENCE SOUTH 00 DEGREES 14 MINUTES 59 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 315.89 FEET; THENCE SOUTH 75 DEGREES 44 MINUTES 42 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 10 BLOCK 7 EAGLE CREST SIXTH ADDITION, A DISTANCE OF 143.38 FEET; THENCE SOUTH 79 DEGREES 42 MINUTES 54 SECONDS EAST, A DISTANCE OF 66.46 FEET TO THE SOUTH LINE OF LOT 13 BLOCK 10 EAGLE CREST SIXTH ADDITION; THENCE SOUTH 85 DEGREES 42 MINUTES 28 SECONDS EAST, ALONG SAID SOUTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 214.47 FEET TO THE CENTERLINE OF TYLER PARKWAY RIGHT-OF-WAY; THENCE SOUTHWESTERLY AND TO THE RIGHT, ALONG SAID CENTERLINE, ON A 1000.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 85 DEGREES 42 MINUTES 28 SECONDS WEST, AN ARC LENGTH OF 276.12 FEET; THENCE SOUTH 20 DEGREES 06 MINUTES 49 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE AND THE BOUNDARY OF AUDITOR'S LOT B OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST, A DISTANCE OF 331.89 FEET; THENCE SOUTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID BOUNDARY, ON A 1120.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 322.66 FEET; THENCE SOUTH 38 DEGREES 37 MINUTES 12 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 226.70 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY AND THE BOUNDARY OF AUDITOR'S LOT B OF THE NE 1/4 OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST, ON A 2000.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 58.82 FEET; THENCE SOUTH 85 DEGREES 22 MINUTES 03 SECONDS WEST, A DISTANCE OF 275.98 FEET TO THE EAST LINE OF LOT 13 BLOCK 6 ELK RIDGE ADDITION; THENCE NORTHEASTERLY AND TO THE LEFT, ALONG SAID EAST LINE, ON A 2233.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 63.82 FEET; THENCE NORTH 02 DEGREES 58 MINUTES 12 SECONDS WEST, ALONG SAID EAST LINE AND THE EAST LINE OF LOT 7 BLOCK 3 ELK RIDGE ADDITION, A DISTANCE OF 766.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 58.13 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE AND CORRECT COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____ 2020, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH) SS SWENSON, HAGEN & CO. P.C.
 BISMARCK, NORTH DAKOTA
 58004

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

APPROVAL OF CITY 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 _____ 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 WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN ATTEST
 BEN EURETH - 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 THE APPROVED PLAT, HAS ACCEPTED THE RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEKED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____ 2020.

ATTEST
 KATH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SHELLE, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "ELK RIDGE SECOND ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL J. SHELLE
 CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

I KNOW ALL MEN BY THESE PRESENTS THAT BISMARCK NORTH DEVELOPERS, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "ELK RIDGE SECOND ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWERS, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY IMPROVEMENTS THEREOF FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
 COUNTY OF BURLEIGH) RON KNUTSON
 BISMARCK NORTH DEVELOPERS, LLC
 555 HIGHWAY 1804 NE
 BISMARCK, ND 58503

ON THIS _____ DAY OF _____ 2020, BEFORE ME PERSONALLY APPEARED RON KNUTSON OF BISMARCK NORTH DEVELOPERS, LLC, 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

BASIS OF BEARING:
 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.

AREA DATA

LOTS	1848.600 S.F.	42.46 ACRES
STRIPS	682.736 S.F.	15.67 ACRES
TOTAL	2,531.336 S.F.	58.13 ACRES

AREA DATA

SEC. 18	1189.809 S.F.	27.02 ACRES
SEC. 19	1341.527 S.F.	31.11 ACRES
TOTAL	2,531.336 S.F.	58.13 ACRES

MAY 11, 2020
 SCALE 1" = 60'

SWENSON, HAGEN & COMPANY P.C.

900 Basin Avenue
 Bismarck, North Dakota 58504
 swensonhagen.com
 Phone (701) 221-2600
 Fax (701) 221-2606

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

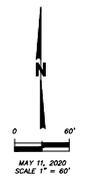
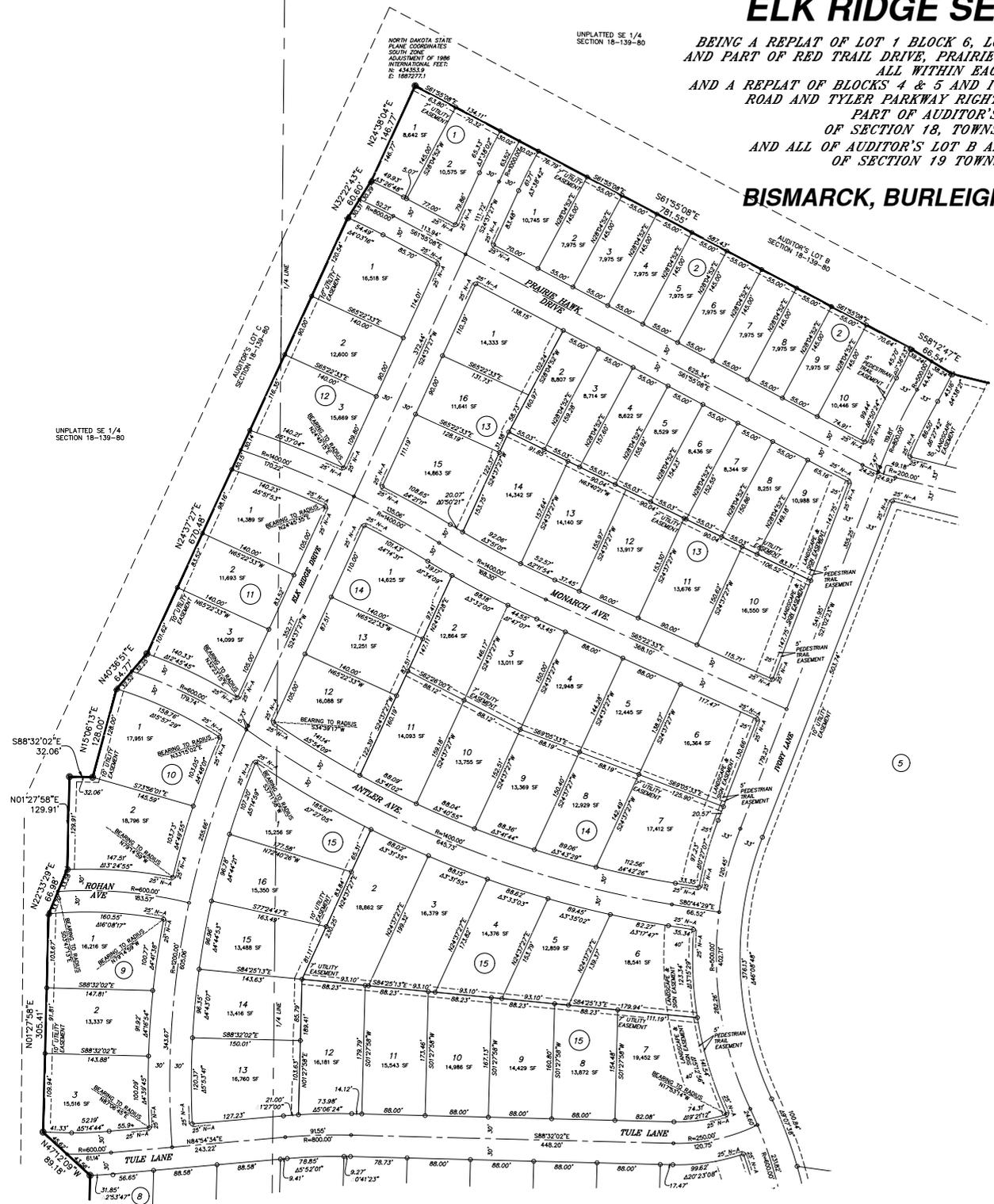
ELK RIDGE SECOND ADDITION

BEING A REPLAT OF LOT 1 BLOCK 6, LOT 11 BLOCK 7, LOT 14 BLOCK 10, LOT 1 BLOCK 5, AND PART OF RED TRAIL DRIVE, PRAIRIE HAWK DRIVE, AND TYLER PARKWAY RIGHTS-OF-WAY, ALL WITHIN EAGLE CREST SIXTH ADDITION AND A REPLAT OF BLOCKS 4 & 5 AND IVORY LANE RIGHT-OF-WAY AND PARTS OF COGBURN ROAD AND TYLER PARKWAY RIGHTS-OF-WAY ALL IN ELK RIDGE ADDITION AND PART OF AUDITOR'S LOTS B & C OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST, AND ALL OF AUDITOR'S LOT B AND PART OF AUDITOR'S LOT C OF THE NE 1/4 OF SECTION 19 TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

UNPLATTED SE 1/4 SECTION 18-139-80

UNPLATTED SE 1/4 SECTION 19-139-80

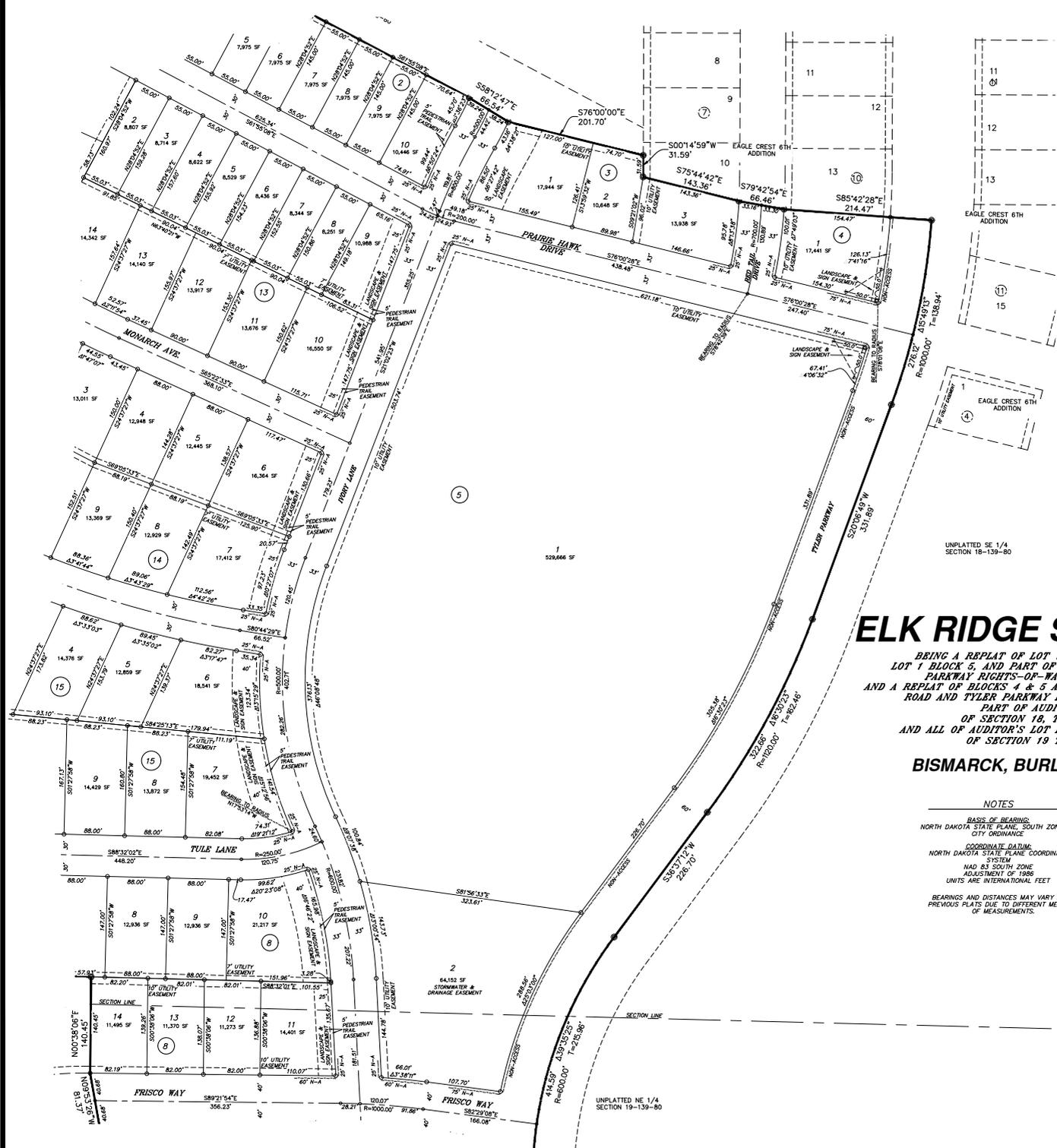


NOTES

- BASIS OF BEARING: 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.
- VERTICAL BENCHMARK:



SWENSON, HAGEN & COMPANY P.C.
 900 Basin Avenue
 Bismarck, North Dakota 58504
 swensonhagen.com
 Phone (701) 221-2900
 Fax (701) 221-2076
 Construction Management



ELK RIDGE SECOND ADDITION

BEING A REPLAT OF LOT 1 BLOCK 6, LOT 11 BLOCK 7, LOT 14 BLOCK 10, LOT 1 BLOCK 5, AND PART OF RED TRAIL DRIVE, PRAIRIE HAWK DRIVE, AND TYLER PARKWAY RIGHTS-OF-WAY; ALL WITHIN EAGLE CREST SIXTH ADDITION AND A REPLAT OF BLOCKS 4 & 5 AND IVORY LANE RIGHT-OF-WAY AND PARTS OF COGBURN ROAD AND TYLER PARKWAY RIGHTS-OF-WAY ALL IN ELK RIDGE ADDITION AND PART OF AUDITOR'S LOTS B & C OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST, AND ALL OF AUDITOR'S LOT B AND PART OF AUDITOR'S LOT C OF THE NE 1/4 OF SECTION 19 TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

NOTES

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

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NORTH DAKOTA STATE PLANE COORDINATE
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Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management



Community Development Department

DATE: June 2, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Huntington Cottages Second Addition – Zoning Change and Minor Subdivision Final Plat

REQUEST

Chris Wentz and Huntington Enterprises, Inc. are requesting approval of a zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district, and a minor subdivision final plat for Huntington Cottages Second Addition. These actions would allow the development of 20 residential units in 10 two-unit (twinhome) buildings. Because this project will require a petition for improvements for Colt Avenue, approval of a Development Agreement is required. In addition, because this project includes a private roadway with private utilities, approval of a Private Drive and Private Utility Agreement is also required.

The property is located in northwest Bismarck, west of North Washington Street along the south side of Colt Avenue (a replat of Lot 4, Block 2, KMK Estates).

Please place this item on the June 9, 2020 and June 23, 2020 City Commission meeting agendas.

BACKGROUND INFORMATION

The Planning and Zoning Commission held a public hearing on these items on May 27, 2020.

No residents spoke at the public hearing; however, several residents did submit written comments prior to the hearing in support of the proposed development.

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 R5 – Residential zoning district to the R10 – Residential zoning district, and the minor subdivision final plat for Huntington Cottages Second Addition, with the following conditions: 1) the developer submits a petition for improvements to Colt Avenue prior to plat recordation; and 2) the developer enters into a Private Drive

and Private Utility Agreement and/or a Development Agreement with the City prior to plat recordation.

RECOMMENDED CITY COMMISSION ACTION

June 9th meeting of the Board of City Commissioners – consider the zoning change as outlined in Ordinance 6425 and call for a public hearing on this item for the June 23rd meeting of the Board of City Commissioners.

June 23rd meeting of the Board of City Commissioners – hold a public hearing on the zoning change as outlined in Ordinance 6425; consider the request for approval of the minor subdivision final plat for Huntington Cottages Second Addition, the Development Agreement and the Private Drive and Private Utility Agreement, and take final action on the four related items.

STAFF CONTACT INFORMATION – ZONING CHANGE AND PLAT

Ben Ehreth, AICP | Community Development Director, 355-1842 or behreth@bismarcknd.gov

Kim L. Lee, AICP | Planning Manager, 355-1846 or klee@bismarcknd.gov

Will Hutchings | Planner, 355-1850 or whutchings@bismarcknd.gov

STAFF CONTACT INFORMATION – DEVELOPMENT AGREEMENT and PRIVATE DRIVE AND PRIVATE UTILITY AGREEMENT

Gabe Schell, PE | City Engineer, 355-1505 or gschell@bismarcknd.gov

ORDINANCE NO. 6425

<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 R5-Residential zoning district and included in the R10 – Residential zoning district:

Lots 1-21, Block 1, Huntington Cottages Second 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

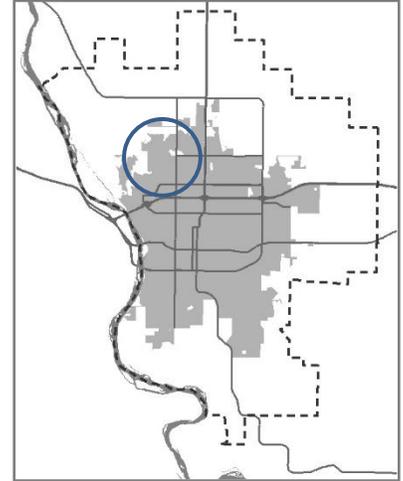
May 27, 2020

Application for: Zoning Change
Minor Subdivision Final Plat

TRAKiT Project ID: ZC2020-001
MPLT2020-002

Project Summary

Title:	Huntington Cottages Second Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Chris Wentz (owner) Huntington Enterprises, Inc. (applicant)
Project Contact:	Ken Nysether, PE, SEH
Location:	In north Bismarck, west of North Washington Street, along the south side of Colt Avenue (a replat of Lot 4, Block 2, KMK Estates)
Project Size:	4.54 acres
Request:	Rezone and replat property to allow future development of two-family residences and a storm water facility



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	Number of Lots:	21 lots in 1 block
Land Use:	Single-Family Residential	Land Use:	Two-Family Residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential	Zoning:	R10 – Residential
Uses Allowed:	R5 – Single-family residential	Uses Allowed:	R10 – Single and two-family residential
Max Density Allowed:	R5 – 5 units / acre	Max Density Allowed:	R10 – 10 units / acre

Property History

Zoned:	02/2016	Platted:	08/1966	Annexed:	11/2014
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(continued)

Staff Analysis

Chris Wentz and Huntington Enterprises, Inc. are requesting approval of a zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district and a minor subdivision final plat titled Huntington Cottages Second Addition. The proposed plat would create 21 lots and would allow the development of 10 two-family residences with one common lot for a permanent stormwater detention pond.

The Planning and Zoning Commission considered the zoning request at their meeting of February 26, 2020 and called for a public hearing on the zoning change.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 15th and May 22nd and 37 letters were mailed to the owners of nearby properties on May 15th.

Adjacent uses include a mix of single-family and two-family residential to the north across Colt Avenue, a religious facility to the east, and single-family residential to the south and west.

Properties both within and along the northern portion of the proposed plat will be accessed from Colt Avenue. Colt Avenue is a rural road section so a petition for the improvement of the roadway to an urban street section will be required prior to the recordation of the plat.

Private Drive and Utilities

The proposed development would include both private drives and private utilities. A signed Private Drive and Private Utility Agreement will be required prior to recordation of the minor subdivision final plat.

The proposed plat indicates two private drives within the plat. Colt Loop will provide access to all inner lots within the proposed development and will be a loop with two access points along Colt Avenue. Colt Place is a spur off of Colt Loop that would provide a future option for connectivity to property south of the proposed plat. The applicant has indicated that this private drive segment will not be constructed at this time and if, in the future, it is determined to not be necessary, the applicant would vacate the access and utility easement provided for Colt Place.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. The Public Works Department – Utility Operation Division has determined that utility capital charges will be due prior to the recordation of the proposed plat.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change is in a developed area of the community and is outside of 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.

(continued)

Minor Subdivision Final Plat

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP);
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. 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 R5 – Residential zoning district to the R10 – Residential

zoning district and the minor subdivision final plat for Huntington Cottages Second Addition, with the following conditions:

1. The developer submits a petition for improvements to Colt Avenue prior to plat recordation.
2. The developer enters into a Private Drive and Private Utility Agreement and/or development agreement with the City prior to plat recordation.

Attachments

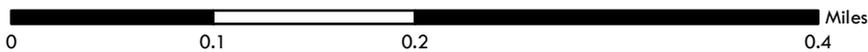
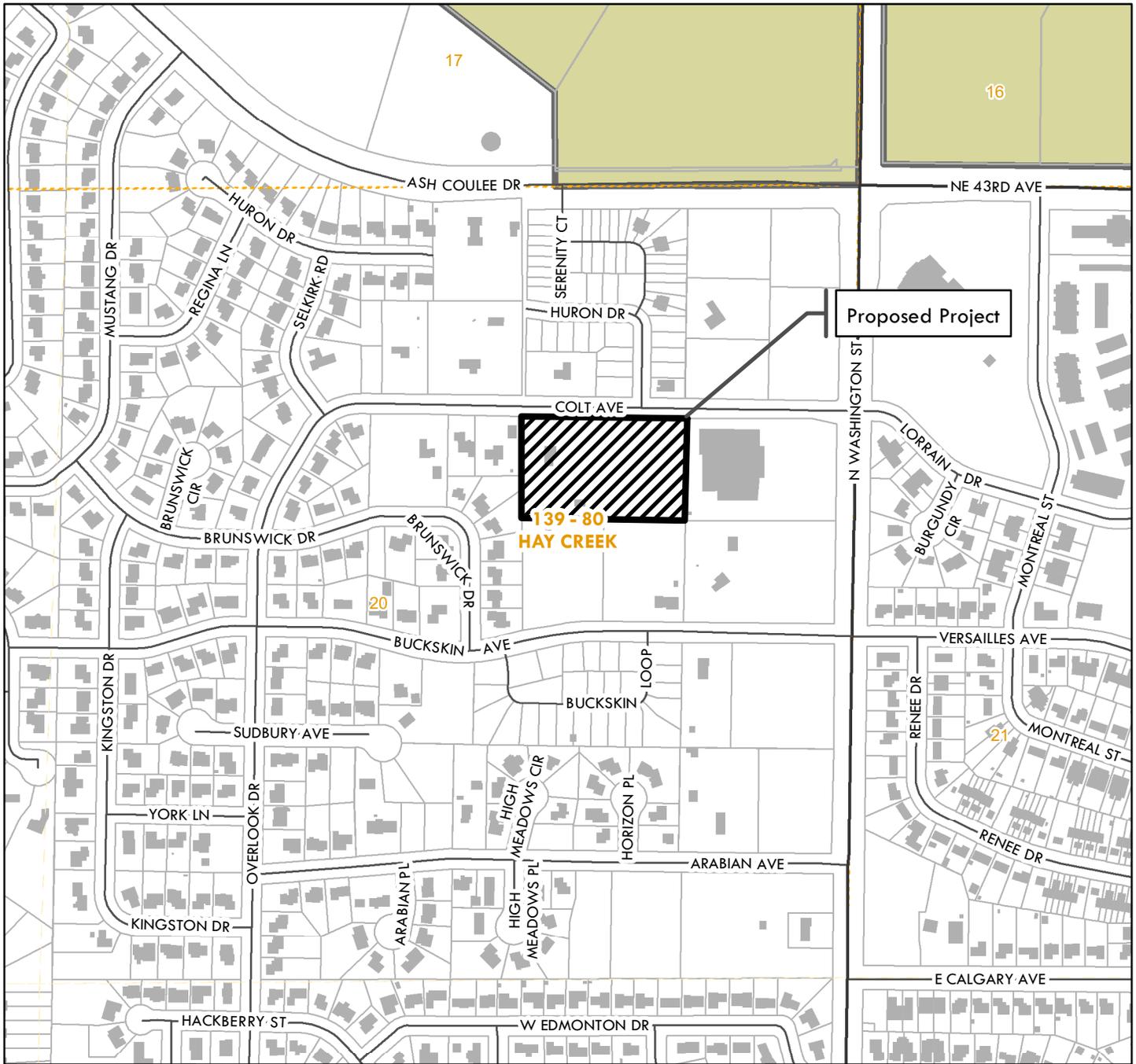
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Plat
5. Underlying Plat with Replatted Area Highlighted

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov



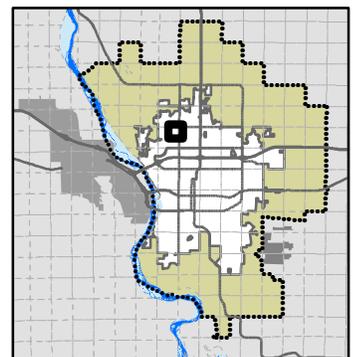
Location Map
Huntington Cottages Second Addition

MPLT2020-002
ZC2020-001



- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



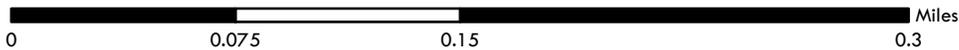
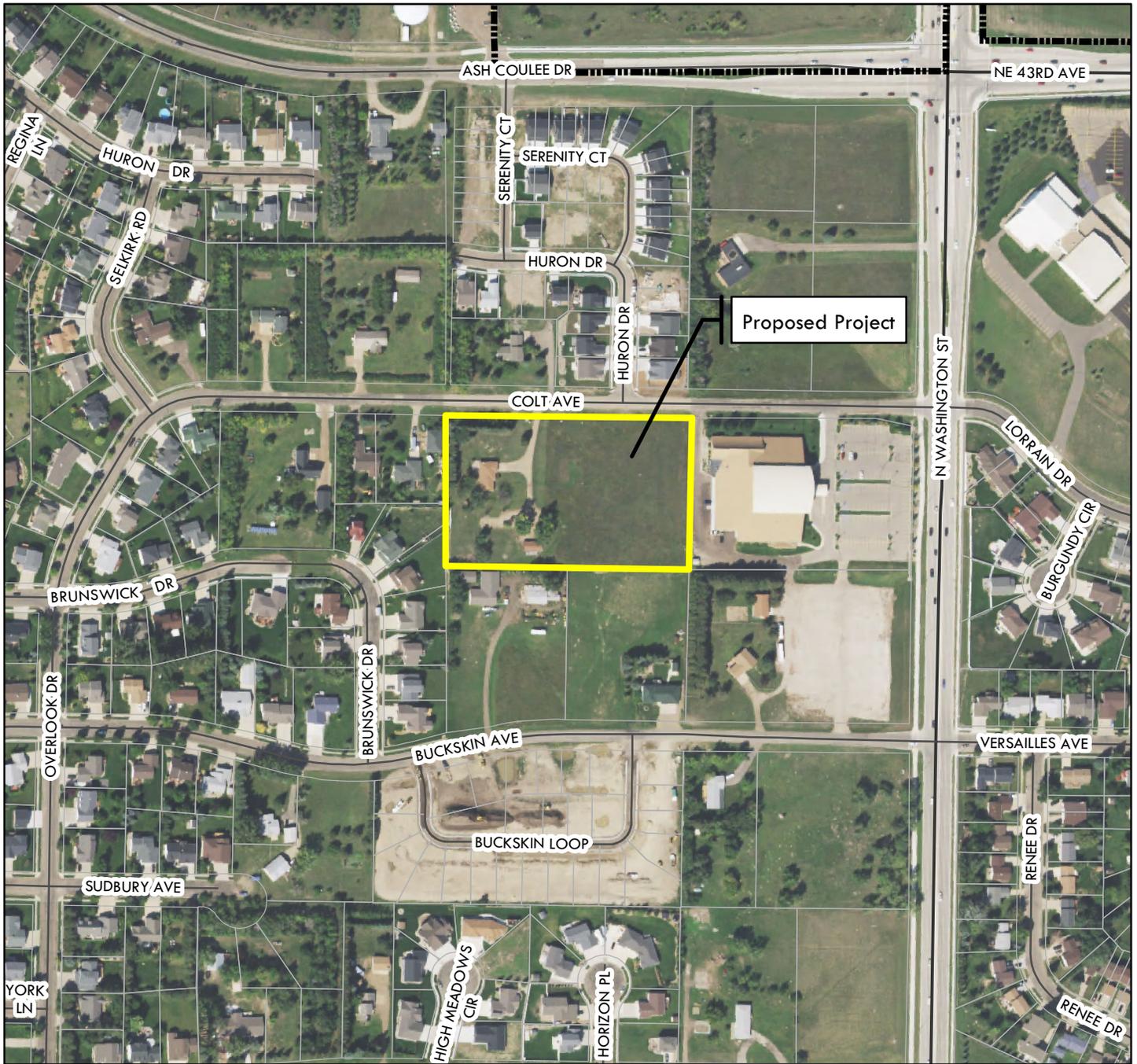
City of Bismarck
Community Development Department
Planning Division
January 27, 2020 (HLB)

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
Huntington Cottages Second Addition

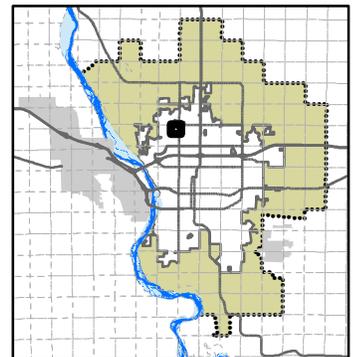
MPLT2020-002
ZC2020-001



City Limits Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
February 20, 2020



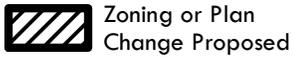
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Zoning and Plan Reference Map

Huntington Cottages Second Addition

MPLT2020-002
ZC2020-001



Zoning Districts

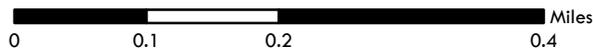
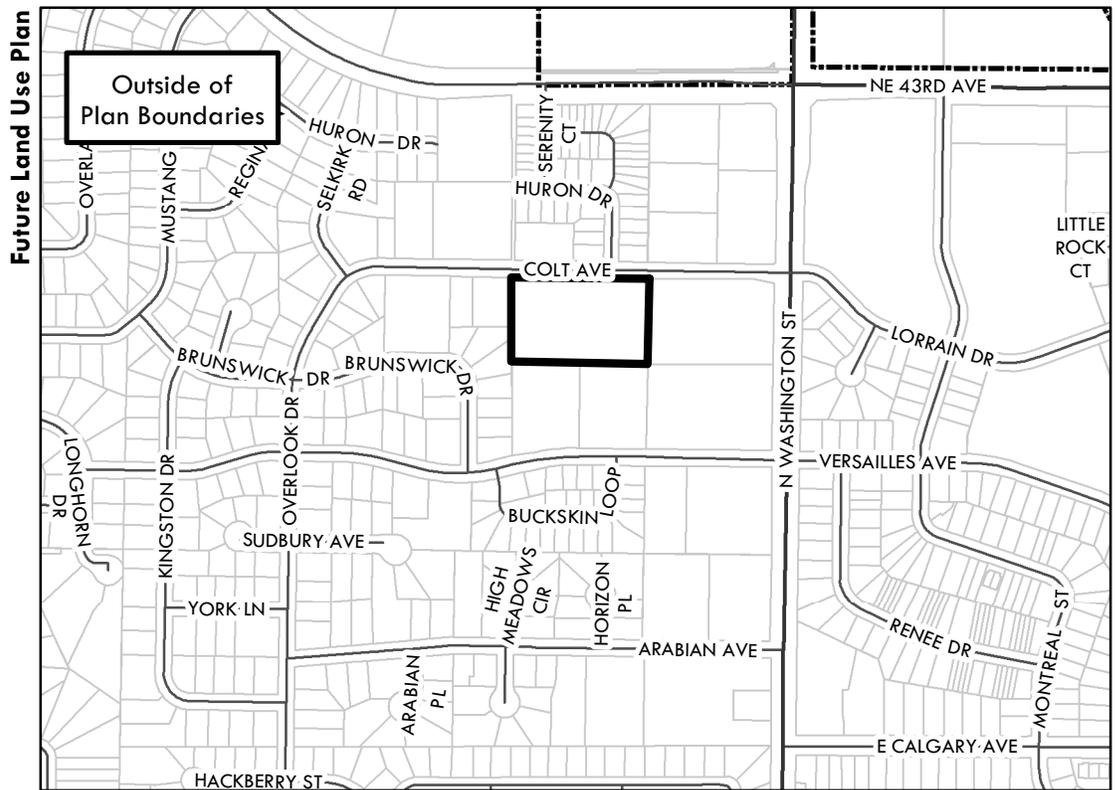
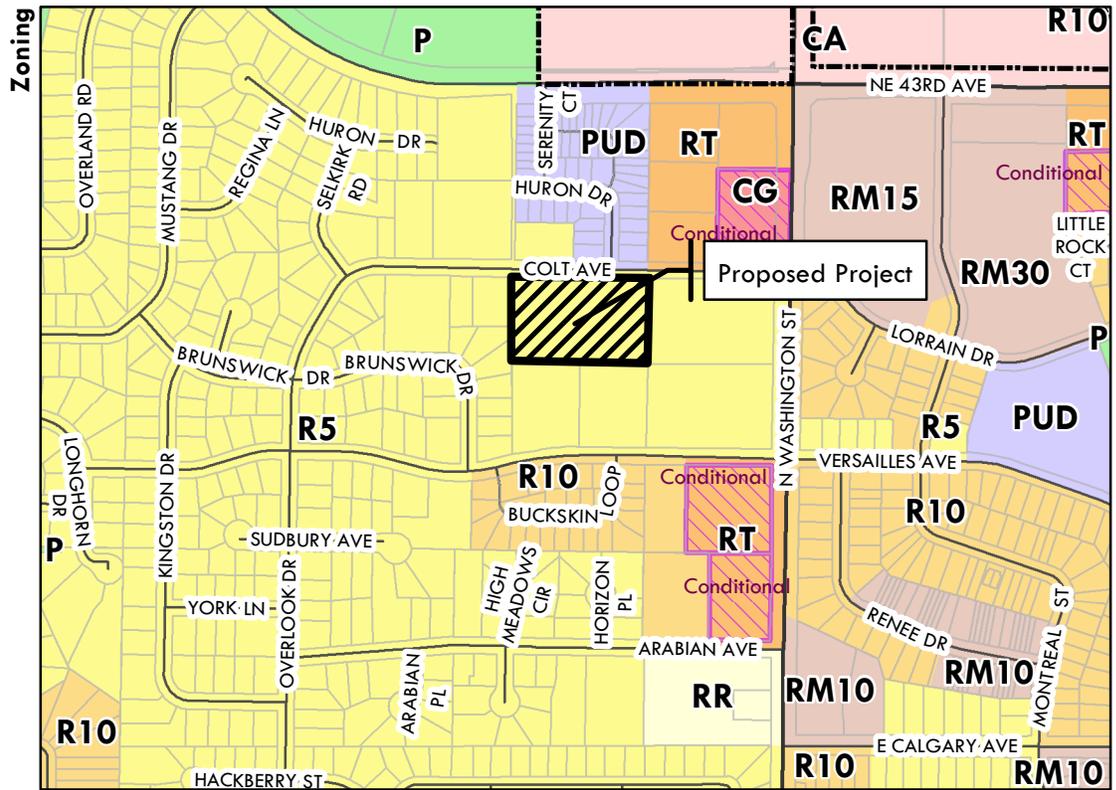
- A** Agriculture
- RR** Rural Residential
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily (Offices)
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned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



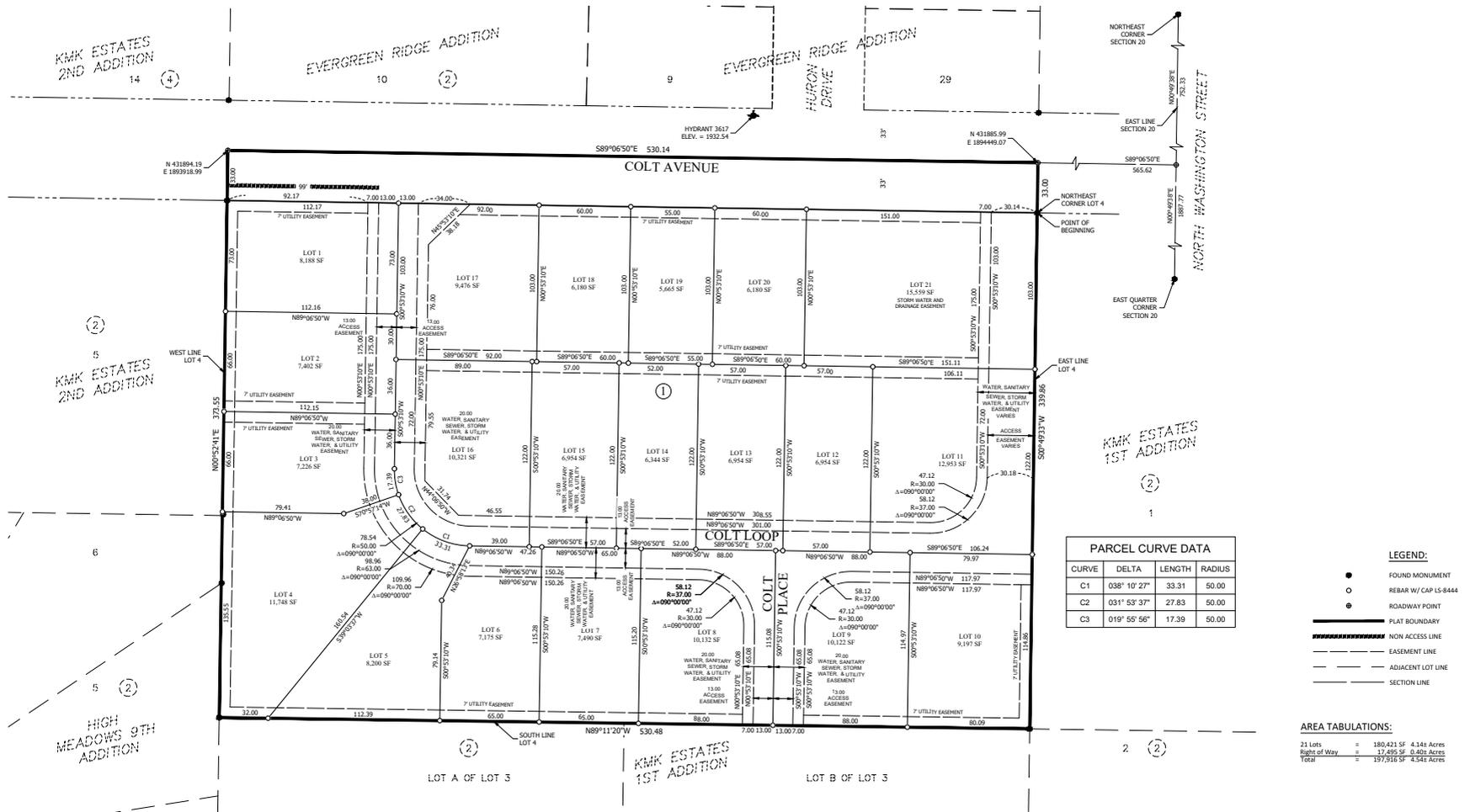
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
February 20, 2020

HUNTINGTON COTTAGES SECOND ADDITION

Being a replat of Lot 4, Block 2, KMK ESTATES and adjacent south half of the Colt Avenue Right of Way in the Northeast Quarter of Section 20, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota



OWNER'S CERTIFICATE AND DEDICATION

Christopher K. Wentz, being all the owner of the lands plated herein, do hereby voluntarily consent to the execution of this plat titled HUNTINGTON COTTAGES SECOND ADDITION, and dedicate and rededicate all rights of way 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, above or under those certain strips of land.

We also dedicate for public use all easements as shown on this plat "Access, Water, Sanitary Sewer, Stormwater & Drainage Easements" to run with the land for the purpose of allowing the free and unobstructed flow of water under and/or over those areas including the construction and maintenance of storm water facilities together with necessary appurtenances.

We further dedicate any other easements or servitudes as shown and those that are recorded but not shown.

Christopher K. Wentz
STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

Be it known on this _____ day of _____, 2020, before me personally appeared Christopher K. Wentz, known to me to be the person described in and who executed the within certificate and he acknowledged to me that he executed the same.

Notary Public, Burleigh County, North Dakota
My Commission Expires: _____

SURVEYOR'S CERTIFICATE:

I, Robert M. Ilig, a Registered Professional Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and completed on January 22nd, 2020, that all distances are correct, that the outside boundary lines are correctly designated herein, that all dimensional and geodetic details shown hereon are true and correct to the best of my knowledge and belief and that all required monuments are placed in the ground as shown.

Robert M. Ilig
Registered Professional Land Surveyor
License No. LS-8444

APPROVAL OF CITY ENGINEER

I, Gabriel J. Schell, City Engineer of the City of Bismarck, North Dakota, hereby approve "HUNTINGTON COTTAGES SECOND ADDITION" Bismarck, North Dakota, as shown hereon.

Gabriel J. Schell - City Engineer



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.

Mike Schwartz
Chairman

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 on the plat as an amendment to the Master Plan for 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 _____ day of _____, 2020.

Attest
Keith J. Huske, City Administrator

DESCRIPTION:

A replat of Lot 4, Block 2, KMK ESTATES and adjacent south half of the Colt Avenue Right of Way, in the Northeast Quarter of Section 20, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota, and being more particularly described as follows:

Beginning at the Northeast Corner of said Lot 4; thence South 00 degrees 49 minutes 33 seconds West along the east line of said Lot 4, a distance of 339.86 feet to the southeast corner of said Lot 4; thence North 89 degrees 11 minutes 20 seconds West along the south line of said Lot 4, a distance of 530.48 feet to southwest corner of said Lot 4; thence North 00 degrees 52 minutes 41 seconds East along the west line of said Lot 4 and its northerly extension 373.55 feet to the centerline of Colt Avenue; thence South 89 degrees 06 minutes 50 seconds East along said centerline 530.14 feet to its intersection with the northerly extension of the east line of said Lot 4; thence South 00 degrees 49 minutes 33 seconds West along the northerly extension of the east line of said Lot 4 a distance of 33.00 feet to the Point of Beginning.

Containing 4.54 acres, more or less.

BASIS OF BEARING:
Derived from State Plane coordinates.

COORDINATE DATUM:
NAD 83 North Zone 3302 (Adjusted 84)
International Units

VERTICAL DATUM:
National Geodetic Vertical Datum 29
City Hydrant 3627
Colt Avenue and Huron Drive
Elevation = 1532.54

OWNER:
Christopher K. Wentz
2748 Essex Loop
Bismarck, ND 58504

SURVEYOR:
SEH / Robert M. Ilig, PLS
4715 Shelburne St.
Bismarck, ND 58503

SURVEYED:
1/22/2020



SEH
PHONE: 701.354.7121
4719 SHELBOURNE ST. SUITE 6
BISMARCK, ND 58503-9577
www.sehinc.com

DATE: 5/11/20

DEVELOPMENT AGREEMENT

The City of Bismarck (the City) and Huntington Enterprises, Inc. (the Owner) make this Development Agreement with regard to the development of a plat (the Plat) located in Bismarck, North Dakota and described as follows:

Block 1, Lots 1-17 and 21, Huntington Cottages Second Addition to the City of Bismarck, Burleigh County, North Dakota

Owner desires to develop this Plat for residential use. The Plat is located on the south side of Colt Avenue west of Washington Street. The city would normally require the improvement of Colt Avenue adjacent to the Plat at the time of the development of the Plat. The parties are in agreement that the improvement of Colt Avenue adjacent to the Plat is not necessary for the development of the Plat at this time and can be delayed until such time as the City receives a petition to improve Colt Avenue from any parcel located on Colt Avenue between Washington Street and 1620' west of Washington Street.

In exchange for the City's agreement to delay the requirement of the improvement of Colt Avenue, between Washington Street and 1620' west of Washington Street, the parties agree as follows:

1. The City will approve the Plat and issue building permits in its normal course of business. Prior to such approvals or permits being issued, Owner will execute and deliver a petition for the improvement of Colt Avenue for that portion adjacent to the Plat. The petition will be conditioned that it will be deemed to be submitted upon the receipt of another valid petition for improvement of any portion of Colt Avenue between Washington Street and 1620' west of Washington Street. By entering into this Agreement, **Owner** also agrees to waive their right to protest a special assessment district formed to improve Colt Avenue that includes the roadway between Washington Street and 1620' west of Washington Street. This agreement will be placed of record in the title for the Plat, and all successors in interest agree to waive their right to protest the special assessment district under N.D.C.C. Ch 40-22 by accepting delivery of title. The City also agrees that in order to activate the petition, any project for the improvement of Colt Avenue between Washington Street and 1620' west of Washington Street must include the entire width of the roadway.
2. It is the intention of the parties that this Agreement will run with the land as to the parcels within the Plat and that Owner will have the obligation to inform any successor in interest of the terms of this Agreement and the successor's obligation to abide by this Agreement and include compliance with this Agreement as a condition in any written instrument of conveyance of real property within Huntington Cottages Second Addition.
3. The terms of this agreement shall be considered a covenant running with the land and bind all future owners in the same manner as if they had personally entered this agreement.

This Agreement shall bind the parties, their successors, assigns and heirs.

Dated this _____ day of _____, 2020

Huntington Enterprises, Inc.
Hunt Boustead, Its

STATE OF NORTH DAKOTA)

) ss.

COUNTY OF BURLEIGH)

On this _____ day of _____, 2019, before me personally appeared Hunt Boustead, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that s/he executed the same.

Notary Public
State of North Dakota

(SEAL)

Dated this _____ day of _____, 2019

Steve Bakken
President, Board of City Commissioners

Attest: _____

Keith J. Hunke
City Administrator

STATE OF NORTH DAKOTA)

) ss.

COUNTY OF BURLEIGH)

On this _____ day of _____, 2019, before me personally appeared _____, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that s/he executed the same.

Notary Public
State of North Dakota

(SEAL)

PETITION FOR PERMANENT STREET IMPROVEMENT

DATE: _____

To the Honorable Board of City Commissioners
Bismarck, North Dakota
Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent street improvements completed on:

Colt Avenue – from Washington Street to 1620’ west of Washington Street

It is agreed that the necessary permanent street improvements be completed following the installation of the necessary water and sewer service line stubouts by the abutting property owner(s) and that 100% of the paving cost of said permanent street improvements be assessed to or other funding arrangements made by the benefitted property according to the Current Development Costs Policy. For parcels not zoned residential, 40% of the permanent street improvement cost will be prepaid by the benefitted petitioned property. It is agreed that 100% of any temporary street improvements shall be prepaid by the benefitted petitioned property.

PROPERTY DESCRIPTION

**SIGNATURE and ADDRESS
(Property Owner/s)**

Lot 1-21, Block 1
Huntington Cottages Second Addition

Hunt Boustead
Huntington Enterprises, Inc.

For City Engineer Use Only

Approved by Gabe J. Schell, PE
City Engineer, Bismarck, ND

Date

PRIVATE DRIVE AND PRIVATE UTILITY AGREEMENT

The City of Bismarck (the "City") and Huntington Enterprises, Inc (the "Owner") make this Development Agreement with regard to the development of the property located in Bismarck, North Dakota and with the property ("the Property") described as follows:

Block 1, Lots 1-17 and 21, Huntington Cottages Second Addition to the City of Bismarck, Burleigh County, North Dakota

The Owner desires to develop the Property for residential use and is requesting utilizing a private drive(s), road(s) or access easement(s) (the "Private Drive") to provide access and services to the parcels platted within the Property and identified above. The Property is located south of Colt Drive and west of N Washington Street.

The City agrees to the proposed use of a Private Drive provided the utilities listed below ("Private Utilities") which serve the individual parcels within the Property are also privately owned, except where the City has agreed in writing to own Utilities.

The Private Drive and Private Utilities will include but not be limited to the following:

Private Drive: The paved roadway or access from the City right-of-way, including all curb and gutter, pavement surface, subgrade and drain tile, driveway approaches and all signage including the private drive name and no parking fire lane signage if required by emergency services.

Water: The water main from the city main, all curb stops between the City main and individual properties being served, water hydrants and valves and all equipment needed to operate the private water system in accordance with state and local requirements.

Sanitary Sewer: The sewer main from the city sewer main, including the Y-connection at the city main, the Y-connections and manholes between the city main and individual

properties and all equipment needed to operate the private sanitary sewer system in accordance with state and local requirements.

Street Lighting: Streetlight poles, streetlight fixtures, electrical conduit and conductor, equipment needed to power and control the streetlights and all equipment needed to operate the private streetlighting system.

Storm Water Facilities: Storm sewer from the City storm system, inlets, manholes, detention ponds, water quality control systems, pump stations and all other equipment and facilities needed to operate the private storm sewer system in compliance with federal, state and local storm water requirements.

The construction, maintenance, operation and replacement of the Private Drive and Private Utilities located with the Property, or located outside the Property but serving exclusively the Property, are all entirely the responsibility of the Owner and its assigns, and the City shall have no responsibility with regard thereto, except that the City will maintain and repair utilities owned by the City.

The installation and use of the Private Drive and Private Utilities does not relieve the Owner from participating in the construction, maintenance, operation and replacement of City facilities as it relates to City funding methods and policies to fund City improvements.

A non-exclusive easement in favor of the City and any other applicable government authority or agency who has jurisdiction over the Property, is granted by this document upon and across the Property for purposes of performing such duties related to law enforcement, fire protection, life safety, health, sanitation and other matters as shall be required from time to time for the purpose of performing their authorized duties.

The Owner has the authority to grant an Easement to the City for purposes of servicing the Private Utilities within the Property and has the authority to expand such grant as deemed appropriate by the Owner.

The City, and the Owner, for good and valuable consideration hereby acknowledged, agree to the following terms and conditions:

1. The Owner agrees to submit a site plan for approval which demonstrates the location and dimension of the Private Drive in relation to the intended structures. The site plan will also show the location, size and material of the Private Utilities along with the required storm water submittals.

2. The Owner agrees to grant the City access over, across and on the Property to permit the City to accomplish the purpose as stated in this agreement.
3. The Owner agrees and understands that the City has no obligation to perform any maintenance or repair of any of the Private Utilities on the Property.
4. The City agrees to provide the following services:
 - Scheduled yearly fire hydrant flushing.
 - Technical assistance in the event a water main break or sewer failure should it occur.
 - Locating and providing curb stop shut-offs such that the Owner can service the Private Utilities
5. The City agrees to provide solid waste collection service consistent with the zoning and use of the Property during the normal course and operation of this service within the City.
6. The City agrees to exercise reasonable care when performing the maintenance described herein. Further, the City agrees to perform all services in a workmanlike manner, and to schedule the maintenance by the City Public Works Department in a manner which will provide efficiency and economy consistent with timeliness.
7. The Owner agrees to hold the City harmless from any and all damages that may occur due to the process and actions taken during or following any and all of services provided herein. The Owner will release, defend, indemnify, protect, and hold harmless the CITY and City officers, agents, representatives, employees, and contractors from and against any and all claims of personal injury, property damage or any other actions, administrative proceedings, judgments, damages, penalties, fines, costs, liabilities, interests, or losses, including costs, expenses, and attorneys' fees, arising out of the services provided under this agreement.
8. This Agreement will run with the land as to the parcels within the Property and that the Owner will have the obligation to inform any successor in interest of the terms of this Agreement and the successor's obligation to abide by this Agreement and include compliance with this Agreement as a condition in any written instrument of conveyance of real property within the Property, as well as record this Agreement with the Burleigh County Recorder. The terms of this agreement shall be considered a covenant running with the land and bind all future owners in the same manner as if they had personally entered this agreement.



Community Development Department

DATE: June 2, 2020
FROM: Ben Ehreth, AICP, Community Development Director
ITEM: Heritage Ridge Second Addition – Annexation

REQUEST

Benchmark Developments, LLC is requesting approval of the annexation of Heritage Ridge Second Addition. The proposed annexation would not include the right-of-way for 15th Street NW along the western edge of the plat. This action, combined with the previously approved zoning change and major subdivision final plat, would allow the development of 53 lots for single-family homes, future office or multi-family residential development, including a small lot that would be combined with the adjacent lot in Heritage Ridge Addition.

The property is located in northwest Bismarck, north of 57th Avenue NW and east of 15th Street NW (part of the SW¼ of Section 8, T139N-R80W/Hay Creek Township).

Please place this item on the June 9, 2020 and June 23, 2020 City Commission meeting agendas.

BACKGROUND INFORMATION

The Planning and Zoning Commission held final consideration of this item on May 27, 2020.

At the conclusion of final consideration, and based on the findings contained in the staff report, the Planning & Zoning Commission recommended approval of the annexation of Heritage Ridge Second Addition, less the 15th Street NW right-of-way

RECOMMENDED CITY COMMISSION ACTION

June 9th meeting of the Board of City Commissioners – consider the annexation as outlined in Ordinance 6426 and call for a public hearing on this item for the June 23rd meeting of the Board of City Commissioners.

June 23rd meeting of the Board of City Commissioners – hold a public hearing on the annexation as outlined in Ordinance 6426 and take final action on the request.

STAFF CONTACT INFORMATION

Ben Ehreth, AICP | Community Development Director, 355-1842 or behreth@bismarcknd.gov

Kim L. Lee, AICP | Planning Manager, 355-1846 or klee@bismarcknd.gov

Daniel Nairn, AICP | Planner, 355-1854 or dnairn@bismarcknd.gov

ORDINANCE NO. 6426

<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, BURLEIGH COUNTY, 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, BURLEIGH COUNTY, 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, Burleigh County, North Dakota, as follows:

Lots 1-16, Block 1, Lots 1-21, Block 2, Lot 1, Block 3, Lots 1-8, Block 4, and Lots 1-7, Block 5, Heritage Ridge Second Addition, less the 15th Street NW right-of-way along the western edge of the plat.

The above described tract of land contains 40.52 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, Burleigh County, North Dakota.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

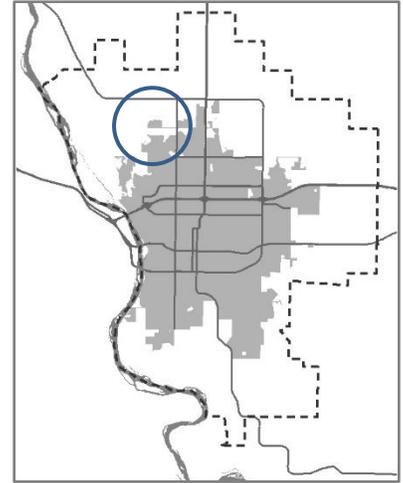
May 27, 2020

Application for: Annexation

TRAKiT Project ID: ANN2020-004

Project Summary

Title:	Heritage Ridge Second Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	Benchmark Developments, LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In northwest Bismarck, north of 57 th Avenue NW and east of 15 th Street NW (part of the SW ¹ / ₄ of Section 8, T139N-R80W/Hay Creek Township)
Project Size:	40.22 Acres
Request:	Annex property for 51 single-family residential lots and two office or multifamily residential lots for future development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Unplatted Tract	Number of Lots:	53 lots in 5 blocks
Land Use:	Undeveloped	Land Use:	Single-family and multi-family residential and offices
Designated GMP Future Land Use:	Low Density Residential	Designated GMP Future Land Use:	Low Density Residential
Zoning:	A – Agricultural	Zoning:	R5 – Residential Conditional RT – Residential
Uses Allowed:	A – Agriculture	Uses Allowed:	R5 – Single-family residential Conditional RT – Offices and multi-family residential
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	R5 – 5 units / acre Conditional RT – 10 units/acre

Property History

Zoned:	Pending	Platted:	Pending	Annexed:	N/A
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(continued)

Staff Analysis

Benchmark Developments, LLC is requesting approval of the annexation of all of Heritage Ridge Second Addition, except for the 15th Street NW right-of-way along the western edge of the plat.

Adjacent uses include developing residential uses of a similar character to the south, rural residential uses to the north, and undeveloped land to the east and west. The land to the east is proposed for single-family and two-family residential uses.

This request is associated with a major subdivision final plat and rezoning, which were recommended for approval by the Planning and Zoning Commission on April 22, 2020. The City Commission will take action on these request on May 26. The proposed plat would include 56 single-family residential lots, along with two office or multifamily lots, which would be accessed directly from 15th Street NE.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to utility capital charges for municipal utilities. The Public Works Department – Utility Operation Division has determined that utility capital charges will be due prior to annexation or establishment of the street improvement district for this subdivision, whichever is initiated last.

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 all of Heritage Ridge Second Addition, except for the 15th Street NW right-of-way along the western edge of the plat.

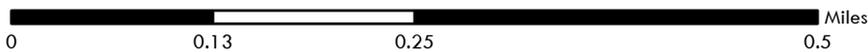
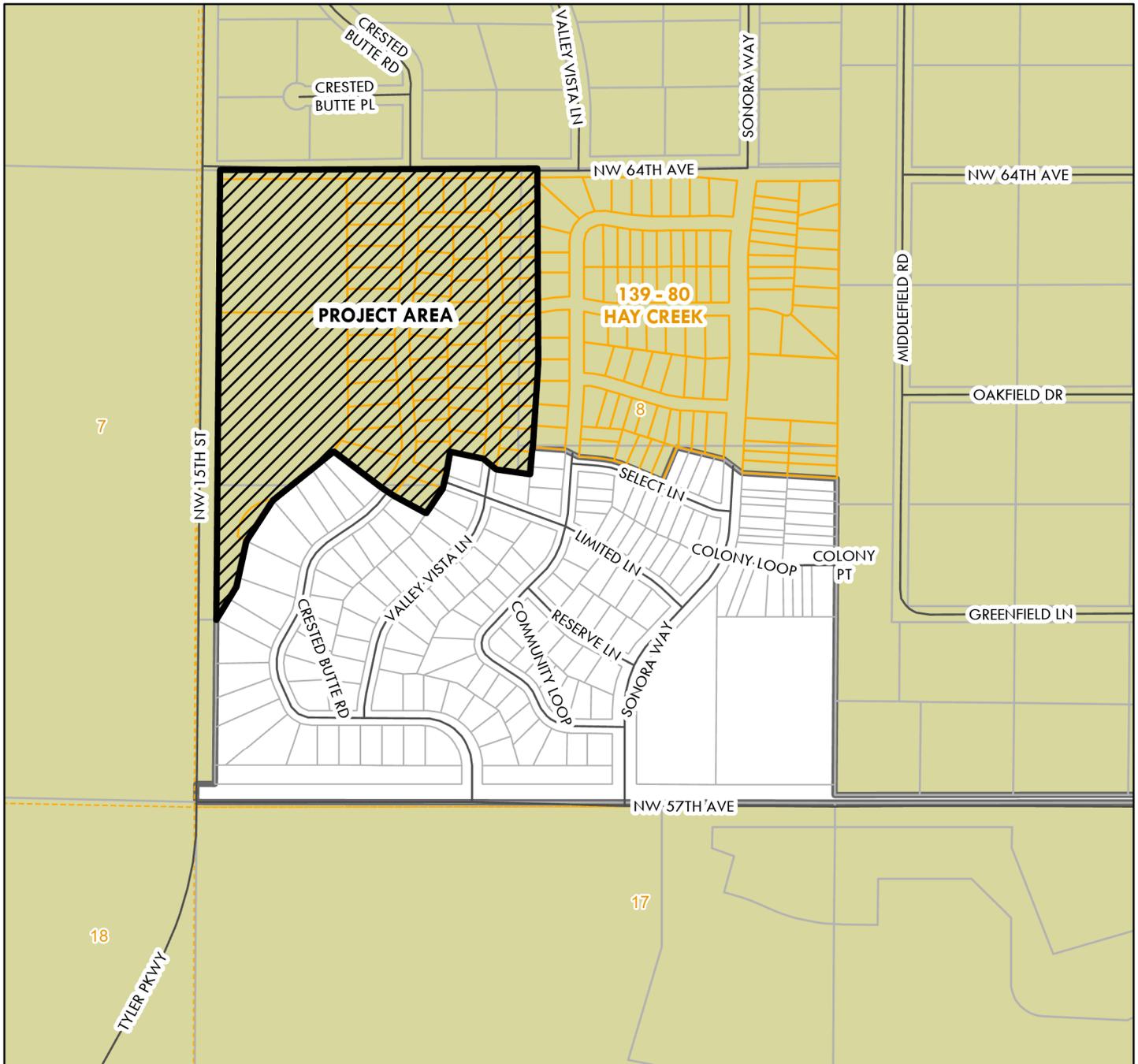
Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map



Location Map
HERITAGE RIDGE SECOND ADDITION

ANNX2020-004

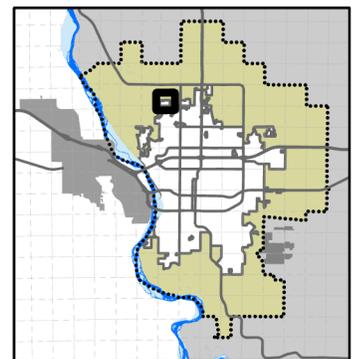


- Bismarck ETA Jurisdiction
- Lots Pending Approval
- County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
May 22, 2020 (HLB)

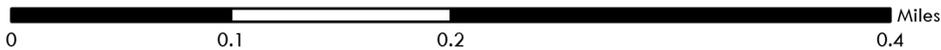
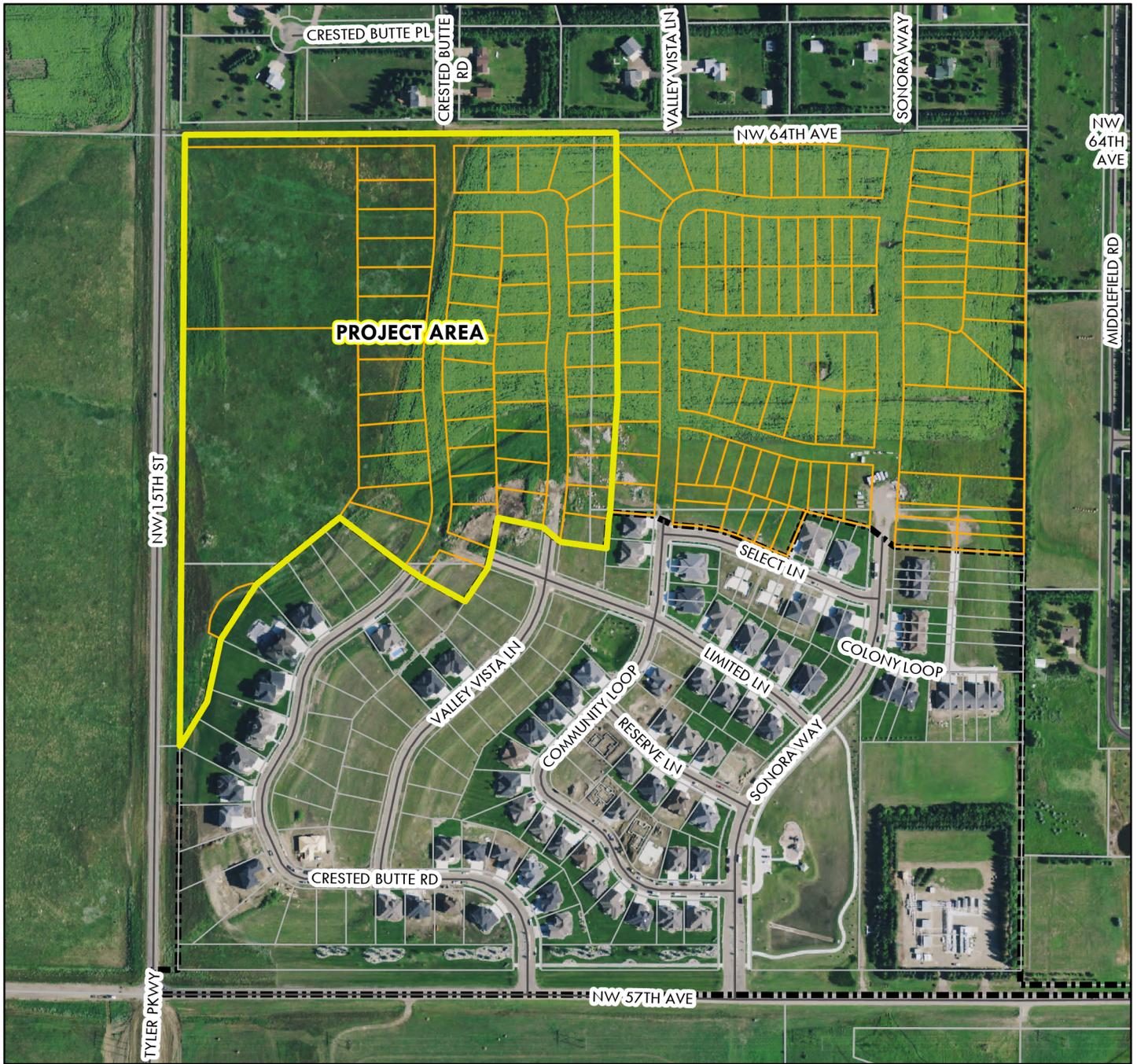
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Aerial Map
HERITAGE RIDGE SECOND ADDITION

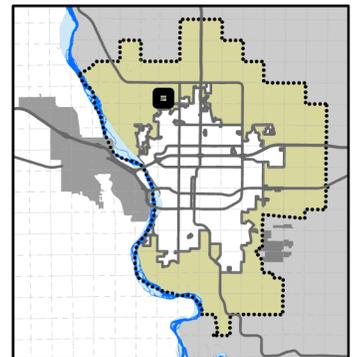
ANNX2020-004



City Limits

Bismarck ETA Jurisdiction

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Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
May 22, 2020



Zoning and Plan Reference Map

ANNX2020-004

HERITAGE RIDGE SECOND ADDITION

Zoning Districts

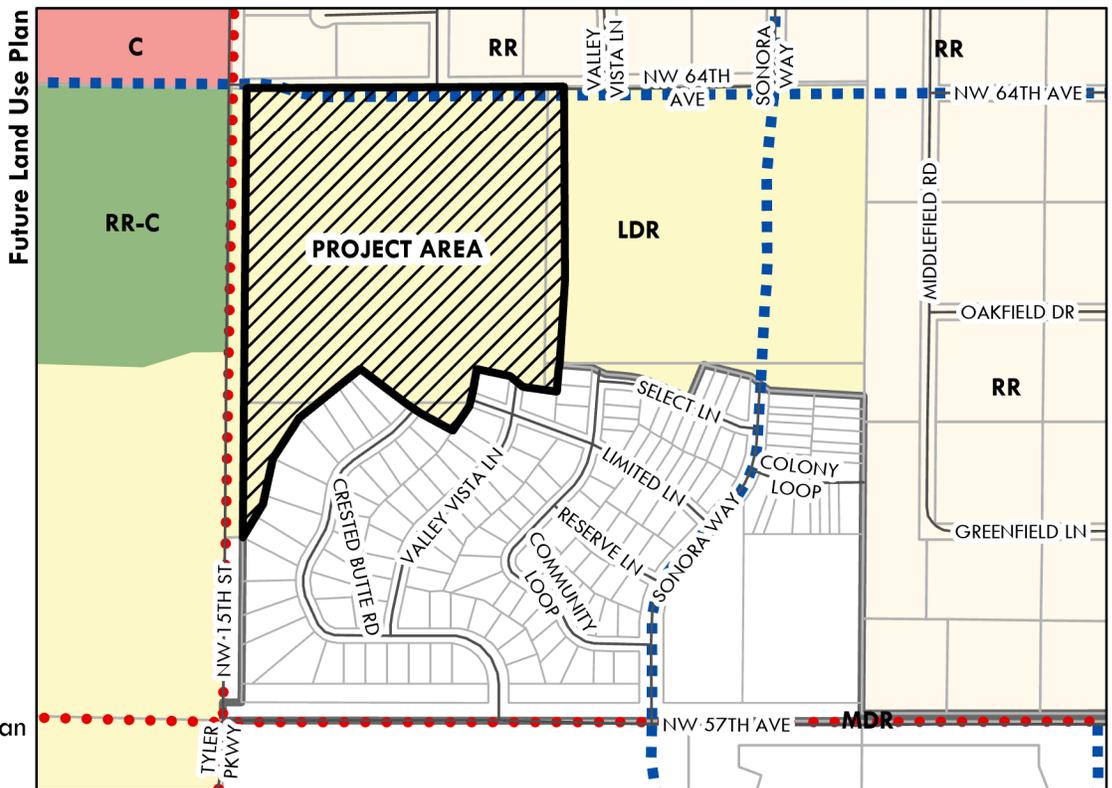
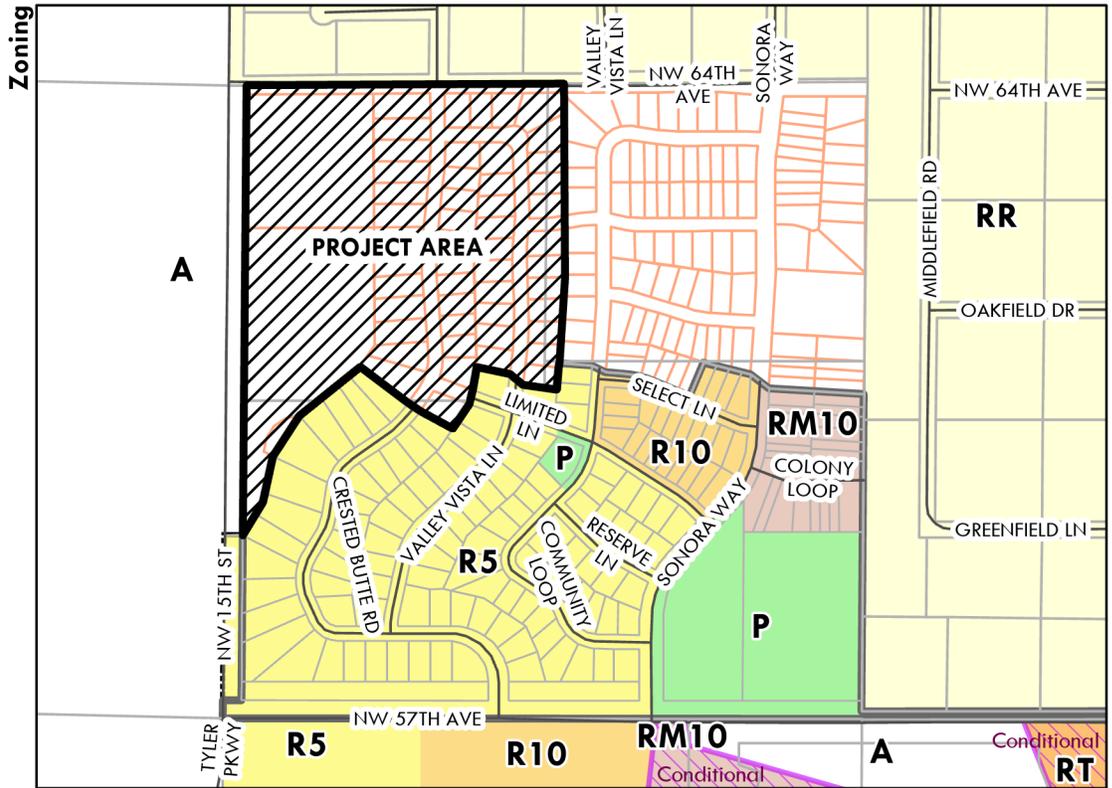
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RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
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MA	Industrial
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PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

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

- Future Arterial Road
- ■ ■ Future Collector Road



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City of Bismarck
Community Development Dept.
Planning Division
May 22, 2020



Engineering Department

DATE: June 2, 2020
FROM: Gabe Schell, City Engineer
ITEM: Approval of 2020 Contracts and Bonds

REQUEST

Consider approval of contracts and bonds for previously awarded special assessed projects.

Please place this item on the 6/9/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Board of City Commissioners had previously approved the award of these projects. The contracts and bonds for each project have been reviewed by Engineering, Attorney, and Finance and signed by the Mayor and City Administrator. Approval of the contracts and bonds is required for assessed projects in order for the City to bond these projects upon completion.

Award Date	Project	Description	Contractor
2/11/2020	Sewer Improvement Dist. 573	Cottonwood Parkview & Meadow Village Storm Lift Sta.	Weisz & Sons
4/14/2020	City Concrete Contract A-1	New Sidewalks/Driveways	Strata Corp.
4/14/2020	City Concrete Contract A-2	Gap Sidewalks	Knife River Corp.
4/14/2020	City Concrete Contract B-1	Hazardous Sidewalk Repair	Brandoz Concrete, Inc.
4/14/2020	Street Improvement Dist. 530	Clear Sky Addition	Strata Corp.
4/14/2020	Street Improvement Dist. 531A	2020 Pavement Maintenance Units 1-5	Strata Corp.
4/14/2020	Street Improvement Dist. 531B	2019 Pavement Maintenance Units 6, 7, 9 & 10	Northern Improvement
4/14/2020	Street Improvement Dist. 532	2020 Scrub Seal Project	Strata Corp.

4/14/2020	Street Improvement Dist. 533	2020 Concrete Pavement Rep.	Knife River Corp.
4/28/2020	Street Improvement Dist. 534	Yegan Road Maintenance Proj.	Northern Improvement

RECOMMENDED CITY COMMISSION ACTION

Approval of contracts and bonds for the above 2020 projects.

STAFF CONTACT INFORMATION

Gabe Schell, PE | City Engineer, 355-1505 or gschell@bismarcknd.gov



Engineering Department

DATE: June 2, 2020

FROM: Gabe Schell, City Engineer

ITEM: Memorandum of Understanding - US Fish and Wildlife Service

REQUEST

Consider approval of Memorandum of Understanding (MOU) with US Fish and Wildlife Service (USFWS) for certain project scopes receiving state and federal funding.

Please place this item on the 6/9/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

As a requirement to receive funding from the North Dakota Clean Drinking Water State Revolving Fund in association with the Public Work's Cast Iron Watermain and Lead Service Line Replacement project, City Engineering sent out a solicitation of views letter regarding the project. The response from the USFWS proposed entering into an MOU valid until December 31, 2025 for certain project scopes and funding sources, stating that actions under said projects were of "no effect". This MOU would satisfy future solicitation from USFWS under the terms of the agreement.

RECOMMENDED CITY COMMISSION ACTION

Approval of the Memorandum of Understanding with USFWS.

STAFF CONTACT INFORMATION

Gabe Schell, PE | City Engineer, 355-1505 or gschell@bismarcknd.gov

2020 MEMORANDUM OF UNDERSTANDING

BETWEEN THE CITY OF BISMARCK AND THE U.S. FISH AND WILDLIFE SERVICE, NORTH DAKOTA FIELD OFFICE FOR CERTAIN ACTIVITIES

The following activities conducted by the City of Bismarck for actions using Community Development Block Grant (CDBG), Neighborhood Stabilization Program (NSP) and HOME funding from the Department of Housing and Urban Development, and State of North Dakota Clean Drinking Water State Revolving Fund have been determined to have “no effect” on endangered, threatened, or candidate species or their habitats and do not require further consultation with the U.S. Fish and Wildlife Service (Service).

1. Watermain replacement, including small excavations for service reinstatement.
2. Lead service line replacement between City watermains and water meters.
3. Interior or exterior rehabilitation and renovations of existing residential, commercial buildings, and public facilities. These activities may involve exterior painting, replacement of doors, windows, siding, or roofing.
4. Additions onto an existing structure.
5. Renting or purchasing existing buildings.
6. Demolition of structures within Bismarck city limits.
7. Repair or replacement of parking lots, sidewalks, roads, or other paved or graveled surfaces. Replacement or upgrading playground equipment.
8. Work done within the existing footprint of a building such as electrical, heating, plumbing, basement, and foundation repairs.

Coordination with the Service is required for the following activities:

1. Projects that remove trees between June 1st and July 31st that could provide potential roosting habitat for the Northern long-eared bat (*Myotis septentrionalis*). Trees that provide potential roosting habitat are typically greater than 3 inches diameter at breast height.
2. Projects outside of Bismarck city limits.

This Memorandum of Understanding will remain in effect from the date it is executed until December 31, 2025. Should additional species be listed during the effective dates of this Agreement, the Service will notify the City of Bismarck and any activities with the potential to impact those species will be reviewed individually by the Service.

I concur that the activities described above are not expected to have significant impact on fish and wildlife resources and individual review of the impacts to threatened or endangered species by the Service is not required.

North Dakota Ecological Services Office Supervisor
US Fish and Wildlife Services

Date

City of Bismarck

Steve Bakken, President,
Board of City Commissioners

Date

Attest: _____
Keith J. Hunke,
City Administrator



Engineering Department

DATE: June 2, 2020

FROM: Gabe Schell, City Engineer

ITEM: Release of Access, Sanitary Sewer, Watermain Easement

REQUEST

Request approval to release an existing access, sanitary sewer, watermain easement.

Please place this item on the 6/9/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The public was granted an easement for access, sanitary sewer and watermain across portions of Block 4, Southbay Fifth Addition. The Commission approved a Minor Subdivision Final Plat known as Southbay Fifth Addition First Replat on May 26, 2020 with the condition that the underlying easement is released. The replat would include all necessary easements and the previously dedicated easement recorded as document 891593 is recommended to be released prior to plat recordation. The original easement is included as a reference in this agenda item.

RECOMMENDED CITY COMMISSION ACTION

Approval of release of existing access, sanitary sewer, watermain easement 891593

STAFF CONTACT INFORMATION

Gabe Schell, PE | City Engineer, 355-1505 or gschell@bismarcknd.gov

RELEASE OF EASEMENT

This RELEASE OF EASEMENT is executed by the City of Bismarck, Bismarck, ND whose post office address is PO Box 5503, Bismarck, ND 58506-5503:

WHEREAS, the City of Bismarck is the owner of an Access, Sanitary Sewer, and Watermain easement by virtue of a Grant of Easement from Southbay Development, LLC, to the Public over Lots 16,19, 20, and 21, Block 4 Southbay Fifth Addition, dated September 10, 2019, filed with the Burleigh County Recorder as Document Number 891593 and described as follows:

Easement No.1

All that part of Lots 16, 19, 20 and 21 Block 4 of Southbay Fifth Addition of the Southwest 1/4 of Section 20, Township 138 North, Range 80 West of the Fifth Principal Meridian, Bismarck, Burleigh County, North Dakota described as follows

Commencing at the northeast corner of Lot 20, Block 4, Southbay Fifth Addition; Thence South 89 degrees 54 minutes 53 seconds East, along the north line of said Lot 20, a distance of 3.13 feet to THE POINT OF THE BEGINNING; thence South 00 degrees 05 minutes 07 seconds West, parallel with the east line of said Lot 20 and Lot 19, Block 4, Southbay Fifth Addition, a distance of 207.00 feet; thence South 89 degrees 54 minutes 53 seconds East, perpendicular to said east line, a distance of 20.00 feet; thence South 00 degrees 05 minutes 07 seconds West, parallel with said east line, a distance of 20.00 feet to the north line of Lot 17, Block 4, Southbay Fifth Addition; thence North 89 degrees 54 minutes 53 seconds West, along said north line and the north line of Lot 18, Block 4, Southbay Fifth Addition, a distance of 56.37 feet; thence North 00 degrees 05 minutes 07 seconds East, parallel with the east line of Lot 19, Block 4, Southbay Fifth Addition, a distance of 86.59 feet; thence Northeasterly and to the right, on a 100.00 foot radius curve, an arc length of 40.74 feet; thence Northeasterly and to the left, on a 100.00 foot radius curve, an arc length of 40.74 feet; thence North 00 degrees 05 minutes 17 seconds East, parallel with the east line of said Lot 20, a distance of 61.16 feet to the north line of said Lot 20; thence South 89 degrees 54 minutes 53 seconds East, along said north line

and the north line of Lot 21, Block 4, Southbay Fifth Addition, a distance of 20.00 feet to THE POINT OF THE BEGINNING.

The above described tract contains 7,006.5 sf or 0.16 acres more or less.

See Exhibit #1

The City of Bismarck, in consideration of the sum of One Dollar (\$1.00) and the dedication of easements and right of way to the City of Bismarck within and the recordation of Southbay Fifth Addition First Replat to the City of Bismarck and other valuable consideration paid to the City of Bismarck, the receipt of which is hereby acknowledged, hereby completely and irrevocably releases and extinguishes the above described Access, Sanitary Sewer, and Watermain Easement in its entirety for itself and for its successors and assigns and thereby relinquishes any and all interest in the Access, Sanitary Sewer and Watermain Easement recorded as Document Number 891593.

Dated this ____ day of _____, 2020.

Attest: _____
Keith Hunke
City Administrator

Steve Bakken, President,
Bismarck City Commission

STATE OF NORTH DAKOTA)
)ss
COUNTY OF BURLEIGH)

On this ____ day of June, 2020, before me personally appeared Keith Hunke and Steve Bakken, 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.

(SEAL)

Notary Public, Burleigh County,
North Dakota.

The legal description was prepared by Cleary Johs, PLS, City of Bismarck, PO Box 5503, Bismarck, North Dakota 58506-5503, or obtained from a previously recorded instrument.

EASEMENT NO. 1

ALL THAT PART OF LOTS 16, 19, 20, AND 21 BLOCK 4 OF SOUTH BAY FIFTH ADDITION OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 20 BLOCK 4 SOUTH BAY FIFTH ADDITION; THENCE SOUTH 89 DEGREES 54 MINUTES 53 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 20, A DISTANCE OF 3.13 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 05 MINUTES 07 SECONDS WEST, PARALLEL WITH THE EAST LINE OF SAID LOT 20 AND LOT 19 BLOCK 4 SOUTH BAY FIFTH ADDITION, A DISTANCE OF 207.00 FEET; THENCE SOUTH 89 DEGREES 54 MINUTES 53 SECONDS EAST, PERPENDICULAR TO SAID EAST LINE, A DISTANCE OF 20.00 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 07 SECONDS WEST, PARALLEL WITH SAID EAST LINE, A DISTANCE OF 20.00 FEET TO THE NORTH LINE OF LOT 17 BLOCK 4 SOUTH BAY FIFTH ADDITION; THENCE NORTH 89 DEGREES 54 MINUTES 53 SECONDS WEST, ALONG SAID NORTH LINE AND THE NORTH LINE OF LOT 18 BLOCK 4 SOUTH BAY FIFTH ADDITION, A DISTANCE OF 56.37 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 07 SECONDS EAST, PARALLEL WITH THE EAST LINE OF LOT 19 BLOCK 4 SOUTH BAY FIFTH ADDITION, A DISTANCE OF 86.59 FEET; THENCE NORTHEASTERLY AND TO THE RIGHT, ON A 100.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 40.74 FEET; THENCE NORTHEASTERLY AND TO THE LEFT, ON A 100.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 40.74 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 17 SECONDS EAST, PARALLEL WITH THE EAST LINE OF SAID LOT 20, A DISTANCE OF 61.16 FEET TO THE NORTH LINE OF SAID LOT 20; THENCE SOUTH 89 DEGREES 54 MINUTES 53 SECONDS EAST, ALONG SAID NORTH LINE AND THE NORTH LINE OF LOT 21 BLOCK 4 SOUTH BAY FIFTH ADDITION, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 7006.5 SF OR 0.16 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.

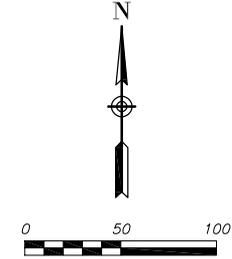
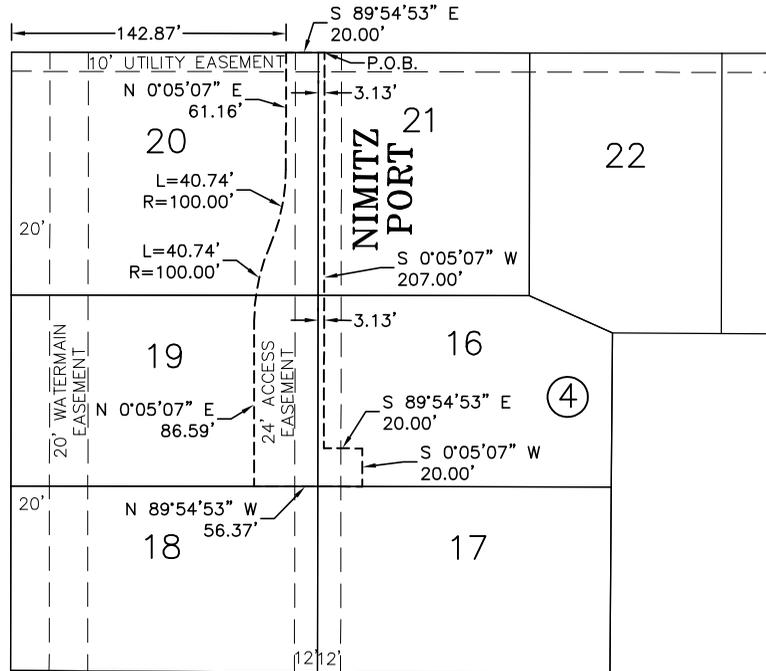
CLEARY JOHS, NDPLS 5288
CITY OF BISMARCK
221 N. 5TH STREET
BISMARCK, ND 58501

RELEASE OF EASEMENT

ALL THAT PART OF LOTS 16, 19, 20, AND 21 BLOCK 4 OF SOUTH BAY 5TH ADDITION OF THE SW 1/4 OF SEC. 20; T138N R80W OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA
MAY 27, 2020
EXHIBIT #1



WEST GLENWOOD DRIVE



Bismarck Engineering Department

RELEASE OF EASEMENT

EASEMENT 1

BISMARCK, N.D.

DATE: 5/27/2020



SWENSON & HAGEN

ESMT

891593

\$20.00
Page 3 of 3
10/1/2019 10:11 AM
Burleigh County

Debbie Krohn





Engineering Department

DATE: June 2, 2020
FROM: Gabe Schell, City Engineer
ITEM: Street Improvement District No. 532

REQUEST

Consider approval of Contract Change Order No. 1

Please place this item on the 6/9/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Street Improvement District No. 532 consists of 2 units (70 blocks) of roadway maintenance with work consisting of scrub seal. Unit 1 includes 13,735 LF of sealed roadway. Unit 2 includes 9,665 LF of sealed roadway.

Prior to construction, it was found that significant portions of the asphalt in Unit 1 of this project, specifically on Remington and Browning Avenues, had deteriorated over the winter and were no longer suitable for rehabilitation via scrub seal alone. These areas were identified as good candidates for a scrub seal rehabilitation in the fall of 2019, however, due to wet field conditions in the fall and further deterioration during the winter these areas will require additional asphalt patching prior to the scrub seal to provide the desired street conditions to maintain the level of service for the time projected for a scrub seal rehabilitation (3-5 years).

An additional 2500 SY (approximately) of asphalt patching will be required to rehabilitate these areas resulting in the project exceeding bid quantities of several items including asphalt patching, blended base, excavation, and geotextile fabric. The total additional cost to the project is estimated at \$96,000. See attached Contract Change Order Form.

Change Order No. 1, for \$96,000, is 19.8% above the original contract and exceeds the approved contract budget of \$556,275.08. The overall cost does fall below the amount included in the letter sent to property owners.

Enclosed is a revised project budget including Change Order 1. No additional contingency is requested at this time.

RECOMMENDED CITY COMMISSION ACTION

Approve Change Order No. 1 for SI 532 in the amount of \$96,000 and the revised project budget.

STAFF CONTACT INFORMATION

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

CONTRACT CHANGE ORDER FORM

DEPARTMENT

City Department	<u>Engineering</u>		
Contractor	<u>Strata Corporation</u>		
Contract Number	<u>20-30</u>	Change Order Number	<u>1</u>
Project Number	<u>SI 532</u>	Change Order Date	<u>6/1/2020</u>
Project Description	<u>2020 Scrub Seal Project</u>		
Original Contract Amount	<u>\$ 484,504.62</u>	Approved Contract Budget	<u>\$ 556,275.08</u>
Previous Contract Amount	<u>\$ 484,504.62</u>		
Change Order Amount	<u>\$ 96,000.00</u>		ACTION REQUIRED (SEE BELOW)
Proposed Contract Amount	<u>\$ 580,504.62</u>	EXCEEDS APPROVED CONTRACT	
Within Project Scope	NO	COMMISSION APPROVAL	Within Project Funding
Original Completion Date	<u>10/1/2020</u>	Change in Completion Date	NO
Revised Completion Date*		<small>*If completion date changed on this Change Order</small>	
Type of Change Order	Design-related	Work Order No(s).	

Description:

Prior to construction, it was found that significant portions of the asphalt in Unit 1 of this project, specifically on Remington and Browing Avenues, had deteriorated over the winter and were no longer suitable to be rehabilitation via scrub seal. These areas would require full depth asphalt patching prior to the scrub seal. An additional 2500 SY (approximately) of asphalt patching will be required to rehabilitate these areas resulting in the project exceeding bid quantities of several items by the following approximate amounts: 500 tons of asphalt patching, 430 tons of blended base, 220 CY of excavation, 2300 SY of geotextile fabric. There will also be other minor related quantity overruns along with reduced quantities of several bid items. See spreadsheet "SI532 CO1 Patching Overage" for complete breakdown. The total additional cost to the project is estimated at approximately \$96,000

Project Manager Signature (≤\$15,000) _____ **SIGN HERE**
Date

Department Head Signature (≤\$25,000) _____ **SIGN HERE**
Date

ADMINISTRATION

City Administrator Signature (≤\$50,000) _____
 Add to Commission Agenda Date

COMMISSION APPROVAL

Commission Approval Date _____ **COMMISSION APPROVAL
REQUIRED**
 Attach minutes for Commission Approval

FISCAL

Comments

*If not within project scope or funding, attach revised description and/or revised Project Budget for Board Approval

REVISED PROJECT BUDGET

Number	SI 532	Description	SI 532 Scrub Seal
---------------	--------	--------------------	-------------------

Scheduled Start	5/1/2020	Scheduled End	10/1/2020
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Project Contracts

<u>Project Construction Contracts</u>	<u>Amount</u>
Strata Corporation -----	484,504.62
Change Order 1 -----	96,000.00
Subtotal	580,504.62
Contingencies	-
Total Construction Contracts	580,504.62

<u>Other Contracts, Land Purchases, Etc. Contract No.</u>	<u>Amount</u>
NA	
Subtotal	-
*Contingencies 10%	
Total Other Contracts	-

<u>Work by Other City Departments</u>	<u>Amount</u>
Signs*	21,200.00
Subtotal	21,200.00
*Contingencies 10%	
Total Work by Other City Departments	23,320.00

SUMMARY

Construction Cost - No Contingencies **601,704.62**

TOTAL CONSTRUCTION COST WITH CONTINGENCIES **603,824.62**

Engineering -----	60,170.05
Administration -----	6,017.00
Advertising and Legal -----	12,034.01
Interest During Construction -----	18,051.01

SI 532 TOTAL PROJECT COST **700,096.69**

<u>Project Funding</u>	<u>Amount</u>
Special Assessments -----	551,198.35
Sales Tax & Spec Def -----	148,898.34
Total Funding	700,096.69

Date 6/2/2020



Engineering Department

DATE: June 1, 2020
FROM: Gabe Schell, City Engineer
ITEM: Street Improvement District No. 540

REQUEST

Request for Resolution Declaring Petitions for Improvements Has been Received.

Request for Resolution Creating District SI 540 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 6/9/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Street Improvement District No. 540 consists of 1 unit of new asphalt roadway in Sonnet Heights Subdivision connecting Yukon Drive to 57th Avenue. Unit 1 includes approximately 425 LF of street improvements with new asphalt pavement, curb and gutter and related items (see attached map).

The street improvement district was petitioned by the adjoining landowners.

Unit No. 1 (100% Petitioned)

Yukon Drive – 57th Avenue to 425' south of 57th Avenue

Project Schedule

Authorization to Advertise:	June 23, 2020
Receipt and Opening of Bids:	July 20, 2020
Award of Bid:	July 28, 2020
Project Completion:	August 1, 2021

RECOMMENDED CITY COMMISSION ACTION

Consider request Creating Street Improvement District SI 540, Ordering Preparation of the Preliminary Report, Approving Preliminary Report, and Directing Preparation of Plans and Specifications.

STAFF CONTACT INFORMATION

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

SI 540 - Unit 1

-  Street Improvement District
-  Street Improvement





Public Works Service Operations Department

DATE: June 4, 2020

FROM: Jeff Heintz, Service Operations Director

A handwritten signature in blue ink, appearing to read "JH", is written over the "FROM:" line.

ITEM: Approve Change Order 2 to the Agreement with Custom Aire, Inc. for the HVAC renovation project at the Library

REQUEST

Approval to accept change order 2 to the contract with Custom Aire, Inc. for the Library HVAC renovation project.

Please place this item on the 6/9/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Change Order 2 with Custom Aire, Inc. furnishes and replaces 1300 feet of pipe and fittings that are externally rusting due to condensation between the outdated insulation and pipes at the Library. This rusting was not identified or inspected due to being wrapped in insulation when the project was being designed. The contractor is able to put the current project on hold and remove and replace the rusty piping and fittings, but a three-week extension of the project will be required. It would be beneficial to have this work complete before the Library reaches its Phase 2 re-opening in July. Change Order 2 is not to exceed \$110,017.10.

RECOMMENDED CITY COMMISSION ACTION

Approve Change Order 2 in the amount of \$110,017.10 and a three-week extension of the contract term with Custom Aire, Inc. for the Library HVAC renovation project.

STAFF CONTACT INFORMATION

Jeff Heintz | Service Operations Director, 355-1700 or jheintz@bismarcknd.gov

CONTRACT CHANGE ORDER FORM

DEPARTMENT

City Department	<u>Public Works - Service</u>		
Contractor	<u>Custom Aire, Inc.</u>		
Contract Number	<u>2020-014</u>	Change Order Number	<u>2</u>
Project Number	<u></u>	Change Order Date	<u>6/3/2020</u>
Project Description	<u>BLDGCONST.BLDGI.LIBRARYHVAC2019</u>		
Original Contract Amount	<u>\$ 535,500.00</u>	Approved Contract Budget	<u>\$ 535,500.00</u>
Previous Contract Amount	<u>\$ 538,534.86</u>		
Change Order Amount	<u>\$110,017</u>		ACTION REQUIRED (SEE BELOW)
Proposed Contract Amount	<u>\$ 648,551.96</u>		
Within Project Scope	<u>YES</u>	Within Project Funding	<u>YES</u>
Completion Date	<u>7/1/2020</u>	Change in Completion Date	<u>Yes</u>
Revised Completion Date*	<u>7/22/2020</u>	REV COMP DATE REQ'D	<i>*If completion date changed on this Change Order</i>
Type of Change Order	<u>Non Design-related</u>	Work Order No(s).	<u></u>

Description:

Furnish and install replacement chilled water piping throughout the building, due to condensation between the outdated insulation and pipes.

Project Manager Signature (≤\$15,000) _____ **SIGN HERE**
Send to Fiscal if change is ≤\$15,000, completion date ≤5 days, no scope change or no revised budget Date

Department Head Signature (≤\$25,000) _____ **SIGN HERE**
Send to Fiscal if change is ≤\$25,000, completion date ≤15 days, no scope change or no revised budget Date

ADMINISTRATION

City Administrator Signature (≤\$50,000) _____
Add to Commission Agenda Date

COMMISSION APPROVAL

Commission Approval Date _____
Attach Commission approval memo and send to Fiscal

**COMMISSION APPROVAL
REQUIRED**

**If not within project scope or funding, attach revised description and/or revised Project Budget for Board Approval*

CHANGE PROPOSAL 2

DATE: JUNE 3, 2020

ATTN: BLAKE WAGNER

COMPANY: PRAIRIE ENGINEERING, P.C.

RE: VETERANS MEMORIAL LIBRARY HVAC UPGRADE

CC: EPR M-1

Custom Aire, Inc. proposes to furnish and install replacement Chilled Water Piping throughout the building per EPR-M-1. Initial proposal is based on Steel Pipe. Work will require a 3 week time extension.

Includes: Demo, 1,300 feet of pipe & fittings, Pipe Insulation, Ceiling Removal and Re-Installation, Removal & Reinstallation of Fluids

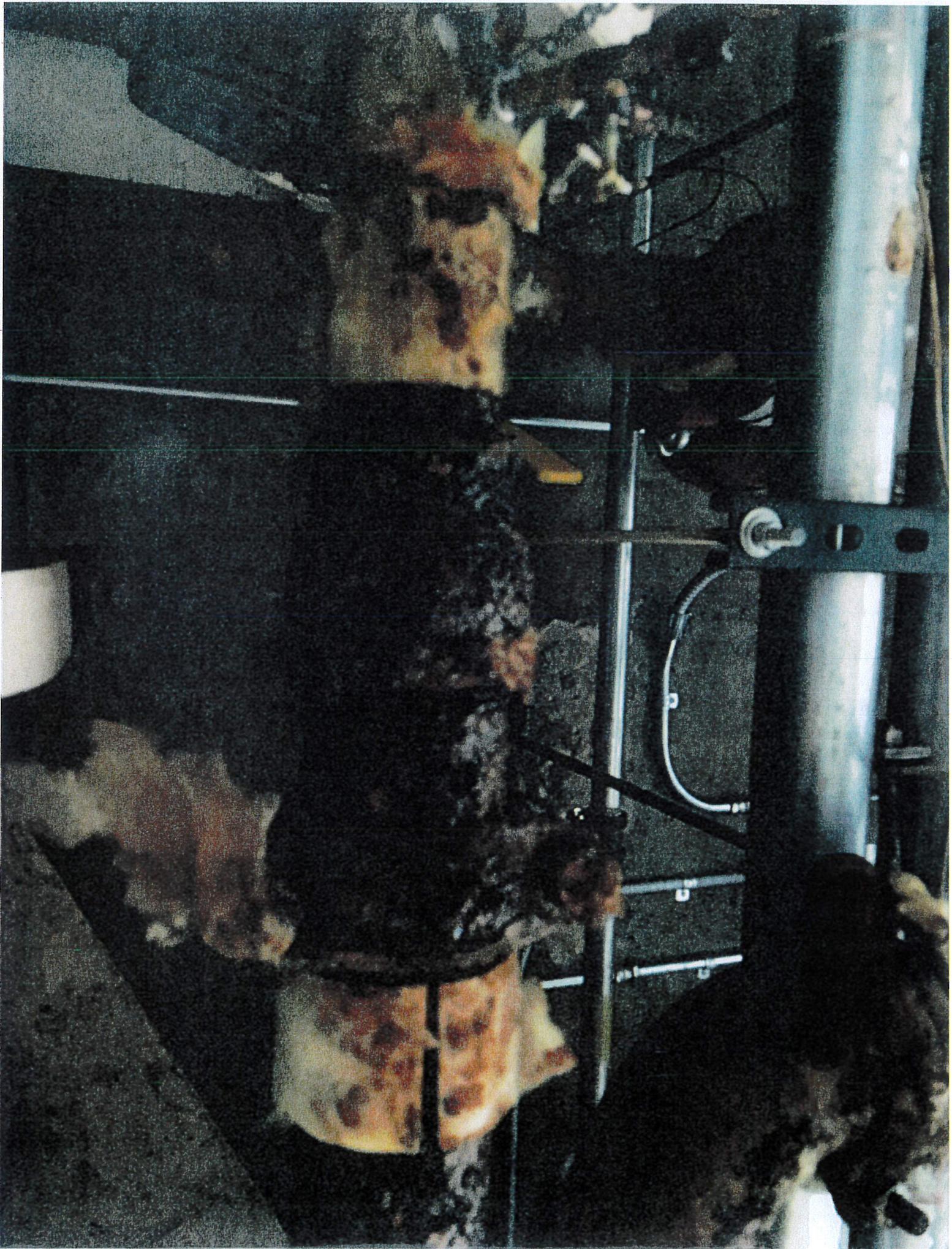
EPR M-1		Subcontractors	
Breakdown	Cost	Breakdown	Cost
Office Administration - 10 hours @ \$100 hr	\$ 1,000.00	Insulation - Material	\$ -
Demo - 164 hours @ \$80.00 hr	\$ 13,120.00	Insulation - Labor (Remove and Install New)	\$ 17,775.00
Install - 360 hours @ \$80.00 hr	\$ 28,800.00	Temp. Controls - Parts & Materials	
Material - Pipe, Fittings, Hangers, Dumpster, Misc.	\$ 35,900.50	Temp. Controls - Labor & Elec. Sub	
Tax	\$ 2,427.30	Temp. Controls - Total	\$ -
Profit Margin 15%	\$ 6,763.73	General Construction - Ceiling Work	\$ 1,935.00
Plumbing Total	\$ 88,011.53	Test & Balance - Labor	\$ -
Subcontractor Total	\$ 19,710.00	Subcontractor Total	\$ 19,710.00
Subcontractor Mark-Up (5%)	\$ 985.50		
Bond	\$ 1,310.07		
Total Amount	\$ 110,017.10		

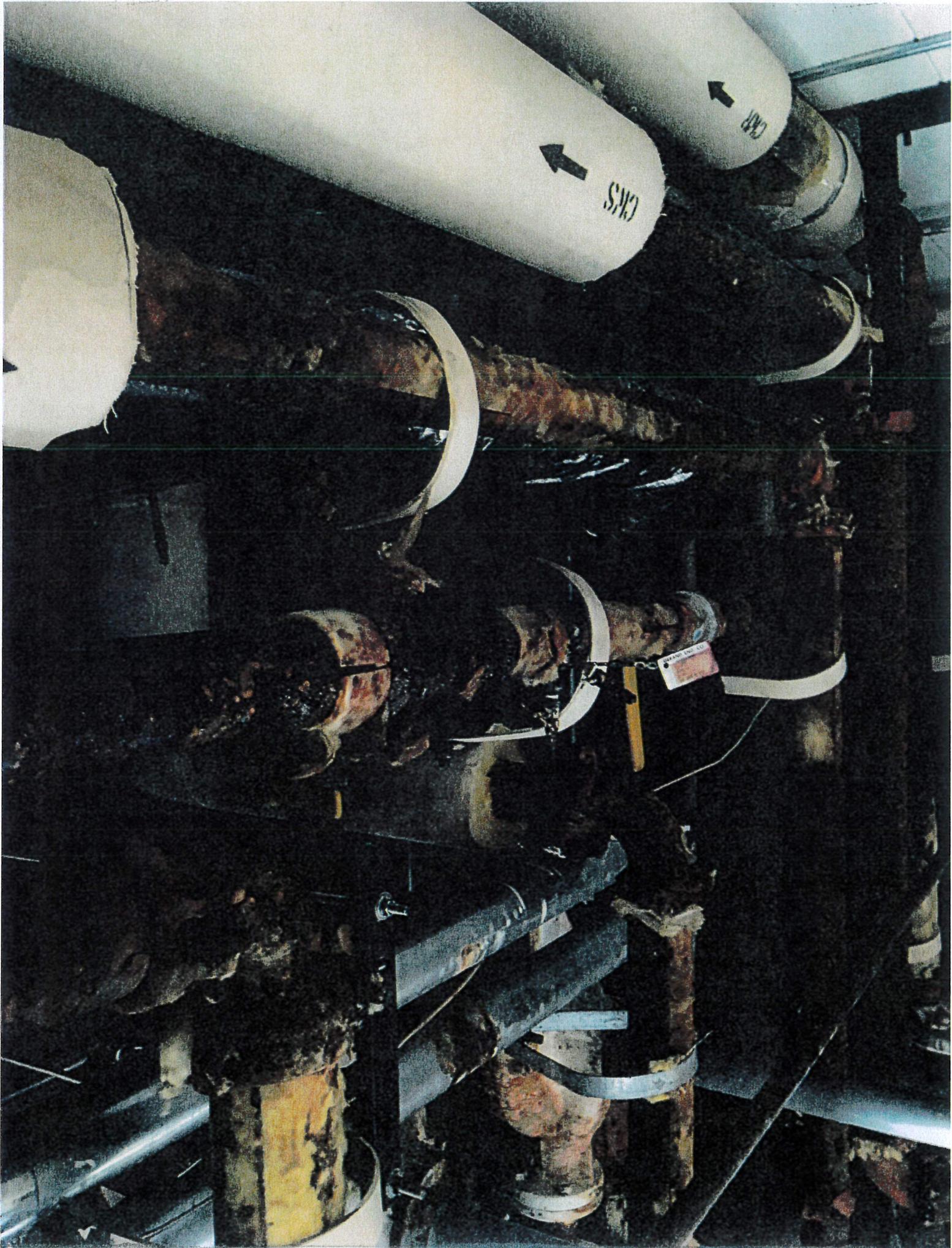
Steel Piping Add: \$110,020.00

Aquatherm Piping Add: \$520.00

PVC Piping Deduct: (\$19,970.00)

Sincerely,
Vince Stroh
Custom Aire, Inc.







Public Works Service Operations Department

DATE: December 11, 2019
FROM: Jeff Heintz, Service Operations Director
ITEM: Bid Award for Library HVAC Upgrade

REQUEST

Award the bid for the Library HVAC Upgrade.

Please place this item on the 12/17/2019 City Commission meeting agenda.

BACKGROUND INFORMATION

Bids were received on December 11, 2019 for the mechanical base bid and alternate M-1 and the electrical base bid for the Library HVAC Upgrade project. The bid tabulation is attached for your review. Recommendation is to award the mechanical construction base bid and alternate M-1 to Custom Aire for \$535,500.00 and the electrical construction base bid to Skeels Electric for \$33,640.00.

RECOMMENDED CITY COMMISSION ACTION

Award the Library HVAC Upgrade mechanical base bid and alternate M-1 bid to Custom Aire for \$535,500.00 and the electrical base bid to Skeels Electric for \$33,640.00.

STAFF CONTACT INFORMATION

Jeff Heintz | Service Operations Director, 355-1700 or jheintz@bismarcknd.gov



Tel: 701. 255. 3057
Fax: 701. 255. 3062
email: rbohrer@acind.net
122 East Main Avenue, Suite 202
Bismarck, North Dakota 58501



ARCHITECTURAL CONCEPTS, INC.

December 11, 2019

Mr. Keith Hunke
City Administrator
City of Bismarck
221 North 5th Street
Bismarck, ND 58501

Veterans Memorial Public Library HVAC Upgrade
515 North 5th Street
Bismarck, ND
Project #1914

Dear Mr. Hunke,

Upon review of the bids received on December 11, 2019 and confirmation from the low bidders, Custom Aire and Skeels Electric, we would recommend awarding the Base Bids for both Mechanical and Electrical Construction and Alternate M-1 for the following amounts:

Base Bid and Alternates:

Mechanical Construction -- Custom Aire	\$ 528,510.00
Alternate M-1: Boiler Venting	\$ 6,990.00
Electrical Construction -- Skeels Electric	\$ 33,640.00
Total Base Bids Mechanical, Electrical and Alternate M-1	\$ 569,140.00

Please note that the engineers estimate for this project was \$900,000.00 and the owner's budget including A&E fees was \$ 1,000,000.00

Please contact our office if you have any questions or if we can be of any further assistance. It has been a pleasure working with you.

Sincerely,

Richard Bohrer
Architect



ARCHITECTURAL CONCEPTS, INC.

Phone: 701-255-3057
 Fax: 701-255-3062
 email: rbohrer@acind.net
 122 East Main Avenue, Suite 202
 Bismarck, ND 58501

BID TABULATION RESULTS

**BISMARCK VETERANS MEMORIAL PUBLIC LIBRARY HVAC UPGRADE
 515 NORTH 5TH STREET
 BISMARCK, NORTH DAKOTA
 ARCHITECT'S PROJECT NUMBER #1914**

BIDS DUE: DECEMBER 11TH – 1:00 PM Central Standard Time

BIDS OPEN: DECEMBER 11TH – 2:00 PM Central Standard Time

<u>MECHANICAL CONSTRUCTION</u>	<u>Bid Bond</u>	<u>License</u>	<u>Addendum 1</u>	<u>Addendum 2</u>	<u>BASE BID</u>	<u>ALTERNATE M-1</u>	<u>TOTAL</u>
						Boiler Venting Add	
Central Mechanical	X	X	X	X	\$ 587,300.00	\$ 3,500.00	\$590,800.00
Custom Aire *	X	X	X	X	\$ 528,510.00	\$ 6,990.00	\$ 535,500.00
H.A. Thompson & Sons	X	X	X	X	\$ 679,700.00	\$ 4,700.00	\$684,400.00
Northern Plains Plumbing & Htg	X	X	X	X	\$ 557,054.00	\$ 5,400.00	\$ 562,454.00

<u>ELECTRICAL CONSTRUCTION</u>	<u>Bid Bond</u>	<u>License</u>	<u>Addendum 1</u>	<u>Addendum 2</u>	<u>BASE BID</u>
Edling Electric	X	X	X	X	\$ 58,800.00
Fetzer Electric	X	X	X	X	\$ 51,300.00
Skeels Electric *	X	X	X	X	\$ 33,640.00

* Apparent Low Bidder



PUBLIC WORKS – UTILITY OPERATIONS

DATE: June 1, 2020
FROM: Michelle Klose, Director of Utility Operations
ITEM: Approve the Stonecrest Development Agreement with Liechty Homes Inc.

REQUEST

Request for approval to enter into the Stonecrest Development Agreement with Liechty Homes Inc.

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Liechty Homes Inc. desires to develop parcels as an area for residential modular housing. Through this agreement, the set of available credits for Utility capital charges for the individual parcels will be combined and will be allowed to be used across all the parcels. The agreement is attached for your review.

RECOMMENDED CITY COMMISSION ACTION

Approve the Stonecrest Development Agreement with Liechty Homes Inc.

STAFF CONTACT INFORMATION

Michelle Klose, Director of Utility Operations, 355-1700, mklose@bismarcknd.gov.

DEVELOPMENT AGREEMENT

The City of Bismarck (the "City") and Liechty Homes Inc. (the Owner) make this Development Agreement with regard to the development of Parcels of land (the Parcels) located in Bismarck, North Dakota and described as follows:

Block 1, Lot 1; Block 2, Lot 1; Block 3 Lots 1-3 Stonecrest Second Addition to the City of Bismarck, Burleigh County, North Dakota.

The Owner desires to develop the Parcels as an area for residential manufactured housing. Through this agreement the set of available credits for Utility capital charges for the individual parcels will be combined and will be allowed to be used across all the Parcels.

These Parcels were annexed and developed prior to February 1, 2019 where water and sewer trunkline fees were assessed in accordance with the policies at that time. These Parcels as currently developed have a remaining vested capacity comparable to two 2" water meters which equals \$49,464.00 worth of capital charge credits.

The capital charge credits will offset the cost of capital charges for new meters installed following the date of this agreement. The amount of the capital charges will follow the Utility fee schedule. Following the depletion of the capital charge credits on these Parcels, the capital charge payment will be required with the purchase of future meters.

In exchange for the City's agreement to allow for the shared capacity charge of the Parcels, the parties agree as follows:

1. The City will issue building permits and certificates of occupancy in its normal course of business.
2. The Parcels must remain as a group under one Owner until the Owner completes full build out of the 33 additional homes. If the owner pursues any individual sale or split of parcels, prior to full build out of the 33 additional homes, there is a required payment of the 2-inch water meter Utility capital charge for each individual parcel sold or split.
3. It is the intention of the parties that this Agreement will run with the land as to the parcels within the Plat and that the Owner will have the obligation to inform any successor in interest of the terms of this Agreement and the successor's obligation to abide by this Agreement and include compliance with this Agreement as a condition in any written instrument of conveyance of real property within the Parcel.



City of Bismarck

Budget Committee Update

June 9, 2020

City of Bismarck CARES Act – Request for Reimbursement

- OMB requested all local governments to submit requests for reimbursement from OMB and FEMA at the same time on May 22, 2020 with a due date of June 3, 2020
- Finance Department submitted the request for reimbursement to the State of North Dakota Office of Management and Budget (OMB) and FEMA, as requested by the OMB
- City established and followed procedures and protocols for managing COVID-19 related expenses to make sure that internal controls and proper documentation was available for these requests for reimbursement
- Accounting and payroll records were properly maintained in the City's accounting and time-tracking software
- Thank you to all department directors and all City staff for following protocols and internal controls established due to COVID-19!

City of Bismarck CARES Act – Request for Reimbursement

ENTITY	PROJECT DESCRIPTION	EXPENSES
FEMA AND OMB REQUEST FOR REIMBURSEMENT (Incurred costs as of May 31, 2020)		
	Building Maintenance	\$ 15,295.49
	Emergency Operations Center (EOC) - Personnel	\$ 180,257.44
	Emergency Operations Center (EOC) - Non-Personnel	\$ 23,324.85
	Event Center	\$ 10,850.02
	Finance Department	\$ 4,512.83
	Fire Department	\$ 8,973.80
	Public Health Department - Personnel	\$ 97,174.09
	Public Health Department - Non-Personnel	\$ 20,125.90
	Employee Telecommuting	\$ 33,502.22
	Other Departments' Costs - Non-Personnel	\$ 7,727.86
	Other Departments' Costs - Personnel	\$ 156,987.57
	TOTAL	\$ 558,732.07

City of Bismarck CARES Act – Request for Reimbursement

<u>ENTITY</u>	<u>PROJECT DESCRIPTION</u>	<u>EXPENSES</u>
REQUEST TO STATE OMB FOR BUDGET APPROPRIATION		
	COVID Leave and E-Pay	\$ 389,393.19
	Modifications to Bismarck Event Center	\$ 231,988.85
	Facility Cleaning	<u>\$ 299,600.00</u>
	Total Request to State OMB	\$ 920,982.04
	TOTAL FEMA AND CARES RELIEF FUND	<u><u>\$ 1,479,714.11</u></u>

2020 BUDGET UPDATE

Open Positions

- Landfill Scale Operator – Solid Waste Disposal (Enterprise Fund)
 - Replacement position
 - Budget Committee and Vacancy Committee determined that the position is essential and needs to be filled
 - Filled as a result of multiple turnovers, potential burn out, and backup as a result of COVID-19
- Accounting Technician II – Finance Department (General Fund)
 - Replacement position
 - Budget Committee and Vacancy Committee determined that the position is essential and needs to be filled
 - Filled as a result of multiple open positions in the Finance Department
- Building Service Worker – Airport (Enterprise Fund)
 - Replacement position
 - Budget Committee and Vacancy Committee determined that the position is essential and needs to be filled
 - Filled primarily because, if not filled, leaves the building unattended by a custodian for 8+ hours

2020 BUDGET UPDATE

- Un-Paused CIP Projects by Budget Committee
 - Public Health, Police, and Public Works Building – Space Study (Various Funds)
 - Water Treatment Plant – Evaluation and Rehabilitation Study (Water Fund)
 - Hay Creek Lift Station (Sanitary Sewer Fund)
 - Storm Sewer Repairs – Jack Coulee Dam (Storm Water Fund)
 - Storm Sewer Master Plan (Storm Water Fund)
- Un-paused primarily due to:
 - City's immediate needs
 - Evident stability of the City's Enterprise Funds

2021 BUDGET UPCOMING KEY DATES:

- June 22nd – June 26th
 - Budget Committee meetings with departments
- June 23rd
 - Commission considers 2021 'call for projects'
- Late June or Early July
 - Send Budget Committee recommendations to City Commissioners
- July 14th (Regular City Commission)
 - Budget Committee presents recommendations for 2021 budget to City Commission
 - City Commission discusses 2021 budget recommendations and provides guidance
- July 15th – July 24th
 - Meet with directors, finance director, and respective Commissioner for additional recommendations, as needed
- July 28th (Regular City Commission)
 - Budget Committee provides follow-up 2021 budget adjustments / new recommendations
 - City Commission discusses 2021 budget updated recommendations
 - Final guidance to Budget Committee for 2021 budget recommendations



OTHER UPDATES

- April 2020 results should be available by the next City Commission meeting (June 23, 2020)
 - Provide data for the low point in the economy
- May 2020 results should be known by mid-July 2020
 - Provide data for the beginning of recovery from COVID-19
- Anticipate 2021 budget changes will occur as more information becomes available
- Status of stimulus from the federal government for revenue recovery assistance to local governments – Unknown at this time



Questions?



Community Development Department

DATE: June 2, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Carols Addition – Minor Subdivision Final Plat, Development Agreement and Private Drive and Private Utility Agreement

REQUEST

PACES Lodging Corporation, Larry Benzinger and Vivian Lang are requesting approval of a minor subdivision final plat for Carols Addition. This action would split a property for future office or multi-family residential development. Because this project will require a petition for improvements for Buckskin Avenue, approval of a Development Agreement is required. In addition, because this project includes a private roadway with private utilities, approval of a Private Drive and Private Utility Agreement is also required.

The property is located in northwest Bismarck, north of Arabian Avenue, west of North Washington Street, along the south side of Buckskin Avenue (a replat of the east 340 feet of Lot 1, Block 3, KMK Estates).

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Planning and Zoning Commission held a public hearing on this item on April 22, 2020.

No residents spoke at the public hearing and no written comments were received prior to the 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 minor subdivision final plat for Carols Addition, with the following condition: 1) The exact location and width of the required NuStar gas line easement is identified and accepted by the easement holder prior the forwarding the proposed plat to the Bismarck City Commission for final action.

NuStar has provided documentation on the exact width and location of the gas line easement required in this area, which has been incorporated into a revised version of the final plat.

RECOMMENDED CITY COMMISSION ACTION

Consider the request for approval of the minor subdivision final plat for Carols Addition, the Development Agreement, and the Private Drive and Private Utility Agreement, and take final action on the three related items.

STAFF CONTACT INFORMATION - PLAT

Ben Ehreth, AICP | Community Development Director, 355-1842 or behreth@bismarcknd.gov

Kim L. Lee, AICP | Planning Manager, 355-1846 or klee@bismarcknd.gov

Jenny Wollmuth, AICP, CFM | Planner, 355-1845 or jwollmuth@bismarcknd.gov

STAFF CONTACT INFORMATION – DEVELOPMENT AGREEMENT and PRIVATE DRIVE AND PRIVATE UTILITY AGREEMENT

Gabe Schell, PE | City Engineer, 355-1505 or gschell@bismarcknd.gov



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

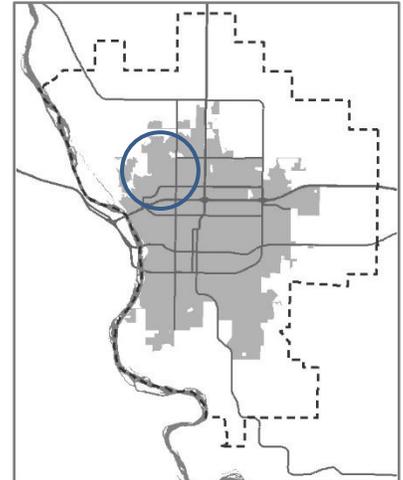
April 22, 2020

Application for: Minor Subdivision Final Plat

TRAKiT Project ID: MPLT2020-006

Project Summary

<i>Title:</i>	Carols Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Larry Benzinger and Vivian Lang (owners) PACES Lodging Corporation (applicant)
<i>Project Contact:</i>	Rob Illg, RLS, SEH
<i>Location:</i>	In northwest Bismarck, north of Arabian Avenue, west of North Washington Street, along the south side of Buckskin Avenue (a replat of the East 340 feet of Lot 1, Block 3, KMK Estates)
<i>Project Size:</i>	3.51 acres
<i>Request:</i>	Replat property for future development



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 parcel	<i>Number of Lots:</i>	2 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Office and multi-family residential
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	Conditional RT – Residential	<i>Zoning:</i>	Conditional RT – Residential
<i>Uses Allowed:</i>	RT – Offices and multi-family residential with a building height limit of two-stories	<i>Uses Allowed:</i>	RT – Offices and multi-family residential with a building height limit of two-stories
<i>Max Density Allowed:</i>	Conditional RT – 30 units / acre	<i>Max Density Allowed:</i>	Conditional RT – 30 units / acre

Property History

<i>Zoned:</i>	08/2015	<i>Platted:</i>	Pre-1980	<i>Annexed:</i>	09/2014
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Staff Analysis

(continued)

PACES Lodging Corporation, Larry Benzinger and Vivian Lang are requesting approval of a minor subdivision final plat titled Carols Addition. Approval of the proposed plat would allow for future development of the property. The property is currently zoned Conditional RT – Residential, which would allow for the development of offices and multifamily residential buildings with a condition that all buildings on the property are limited to two stories in height.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 10, 2020 and April 17, 2020 and 36 letters were mailed to the owners of nearby properties on April 9, 2020.

Adjacent uses include two single-family dwellings owned and operated by Century Baptist Church to the north across Buckskin Avenue, existing single and two-family dwellings to the east across North Washington Street, undeveloped Conditional RT – Residential property and a single-family dwelling to the south, and an existing single-family dwelling to the west.

There is an existing gas line easement located along the southern portion of the proposed plat. The applicant has indicated they are working with the easement holder NuStar to verify the width of the easement and exact location of the gas line, and are requesting that the easement holder reduce the width to 50 feet on either side of the underground gas line. The proposed plat will not be forwarded to the City Commission for final action until the exact location and width of the required easement is identified and accepted by the easement holder.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to utility capital charges. The Public Works Department – Utility Operation Division has determined that utility capital charges will be due prior to the recordation of the proposed plat.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with the understanding that prior to any development, site plan, or additional division of the proposed two-lot subdivision, an approved stormwater management plan will be required. Additionally, future development is required to maintain current overall drainage patterns and adhere to the 2014 North Washington Street Stormwater Management Plan.
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. 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 minor subdivision final plat for Carols Addition, with the following condition:

1. The exact location and width of the required NuStar gas line easement is identified and accepted by the easement holder prior to forwarding the proposed plat to the Bismarck City Commission for final action.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Original Plat with Replatted Area Highlighted

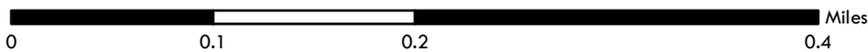
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Location Map

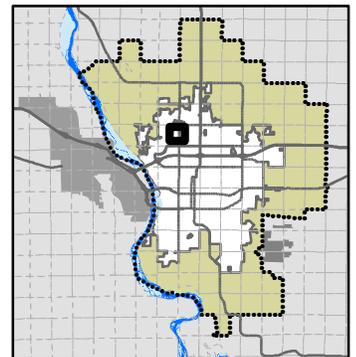
Carols Addition

MPLT2020-006



- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 21, 2020 (HLB)

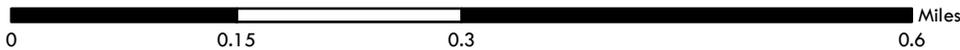
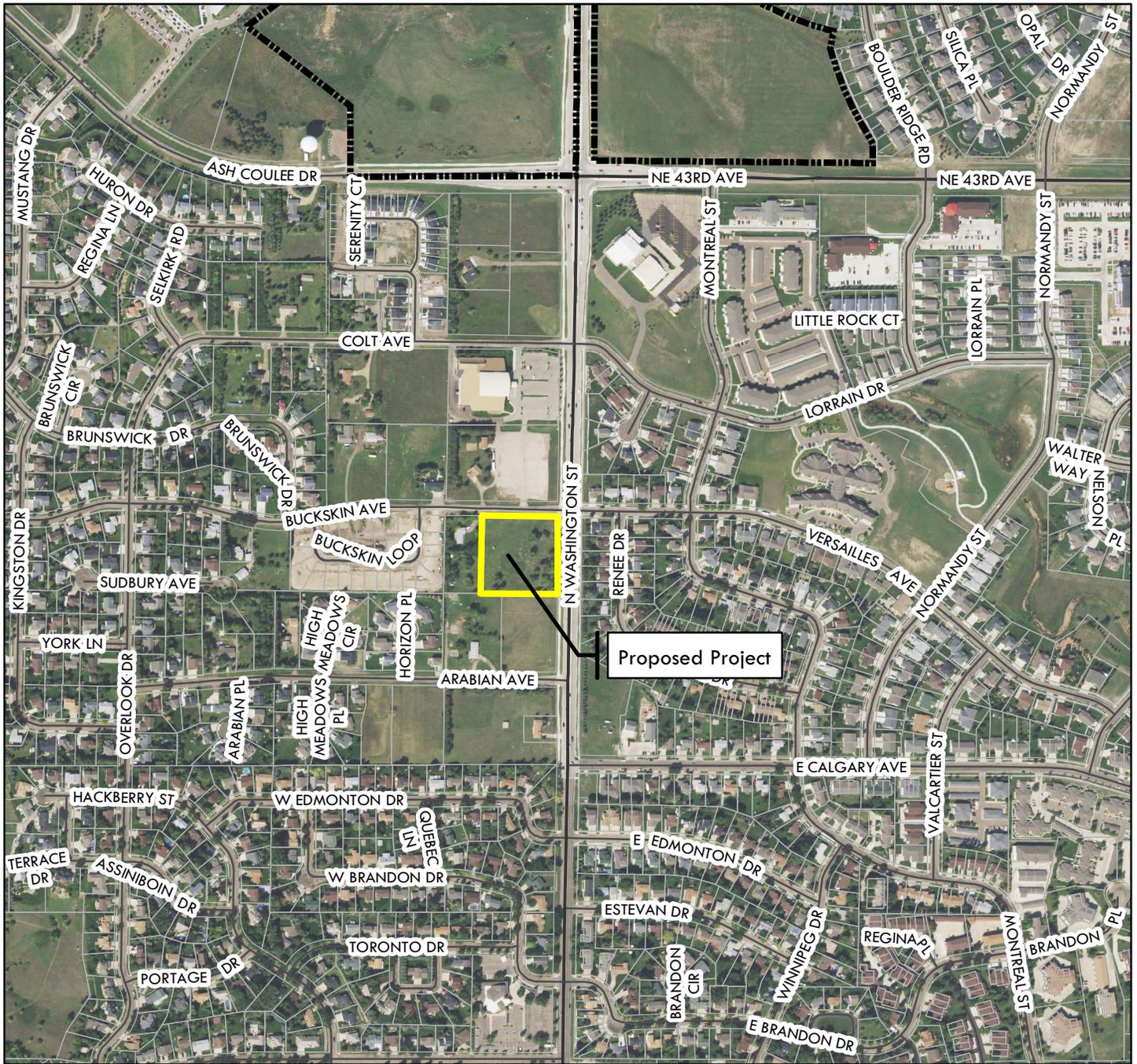
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Aerial Map

MPLT2020-006

Carols Addition

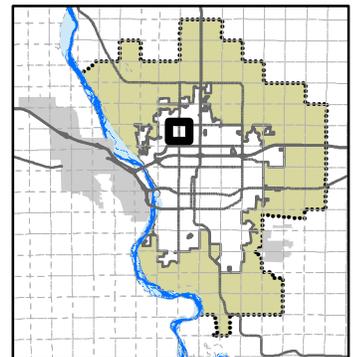


 City Limits
  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
 Community Development Department
 Planning Division
 April 8, 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

Carols Addition

MPLT2020-006

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

Zoning Districts

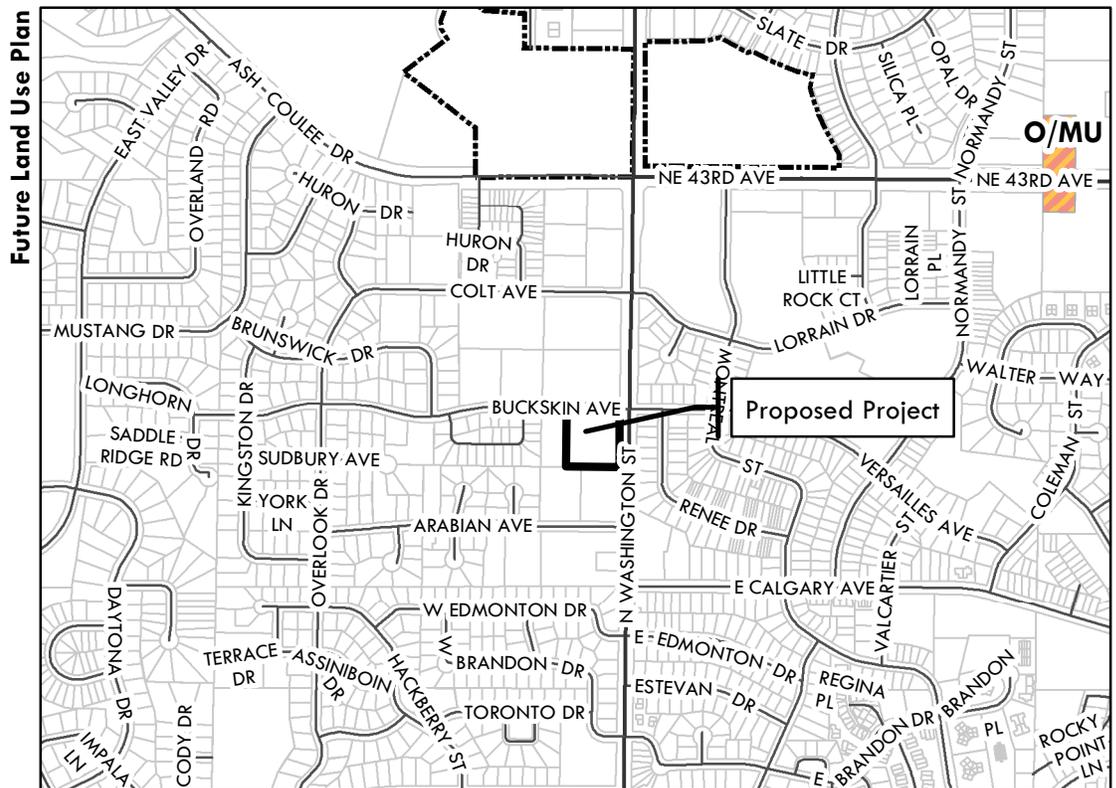
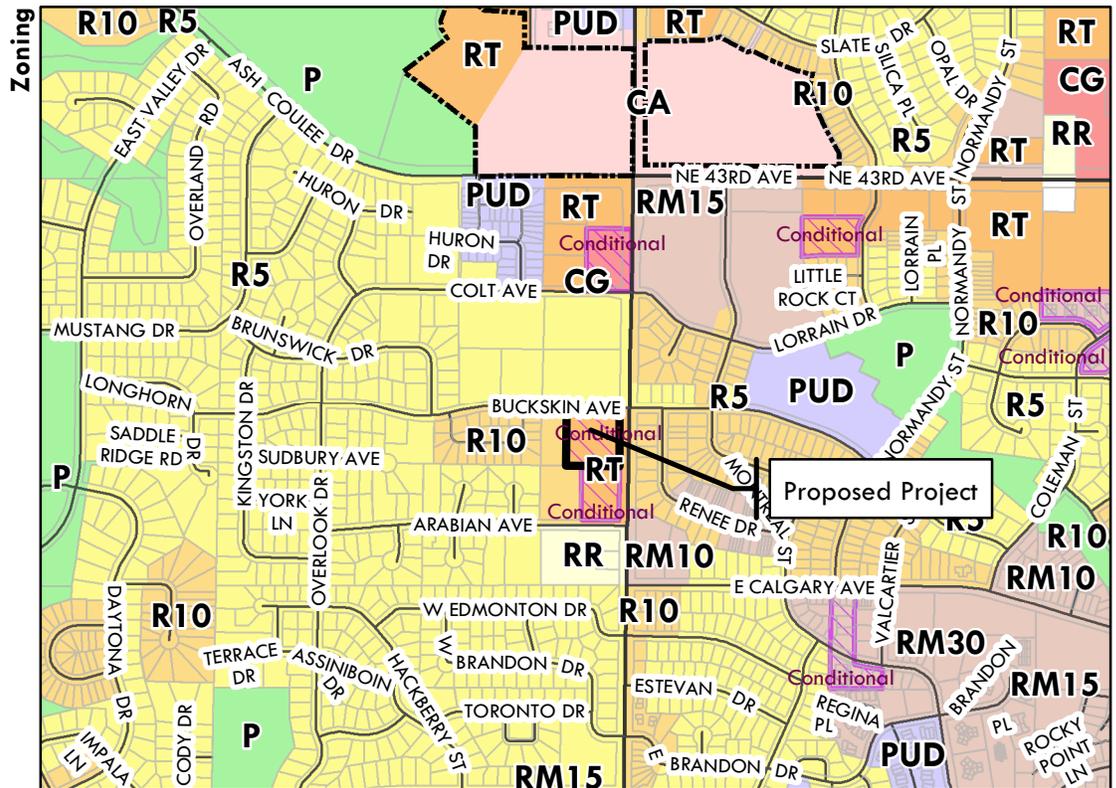
- A** Agriculture
- RR** Rural Residential
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development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



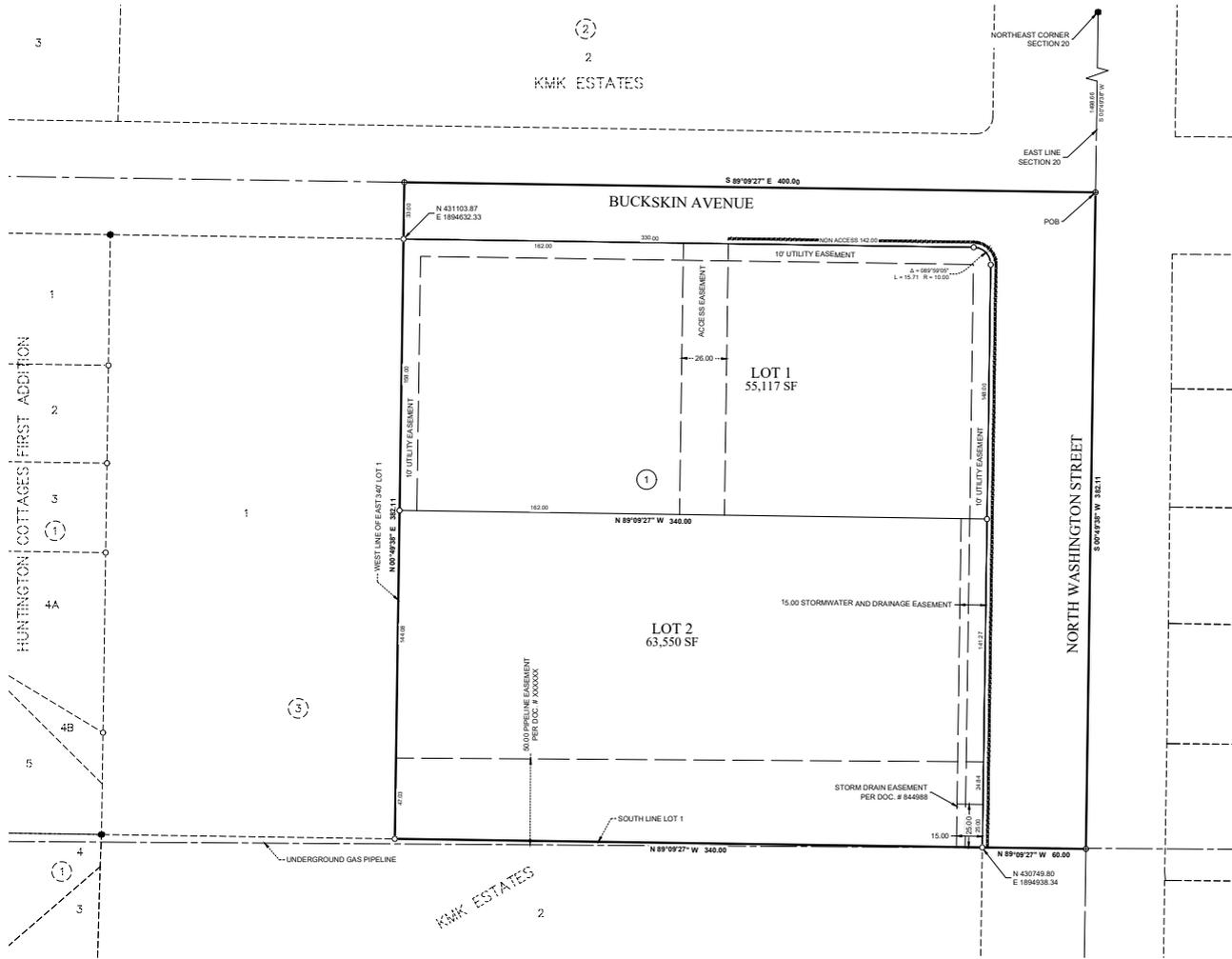
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
 Community Development Dept.
 Planning Division
 April 8, 2020

CAROLS ADDITION

Being a Replat of the East 340 feet of Lot 1, Block 3, KMK ESTATES and adjoining part of North Washington Street and the South Half of Buckskin Avenue right of ways in the Northeast Quarter of Section 20, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota



DESCRIPTION:
 A Replat of the East 340 feet of Lot 1, Block 3, KMK ESTATES and adjoining part of North Washington Street and the South Half of Buckskin Avenue right of ways, in the Northeast Quarter of Section 20, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota, and being more particularly described as follows:
 Commencing at the northeast corner of said Section 20; thence South 00 degrees 49 minutes 38 seconds West along the east line of said Section 20 a distance of 1498.66 feet to it's intersection with the centerline of Buckskin Avenue at the point of beginning; thence continuing South 00 degrees 49 minutes 38 seconds West along said east line 382.11 feet to the easterly extension of the south line of said Lot 1; thence North 89 degrees 09 minutes 27 seconds West along said extension 60.00 feet to the Southeast Corner of said Lot 1; thence continuing North 89 degrees 09 minutes 27 seconds West along the south line of said Lot 1, a distance of 340.00 feet; thence North 00 degrees 49 minutes 38 seconds East along the west line of the East 340 feet of said Lot 1 and its northerly extension, a distance of 382.11 feet to centerline of Buckskin Avenue; thence North 89 degrees 09 minutes 27 seconds East along the centerline of Buckskin Avenue 400.00 feet to the point of beginning.
 Containing 3.51 acres, more or less.

OWNER'S CERTIFICATE AND DEDICATION
 We, Lary Benzinger and Vivian Lang being all the owners of the lands plated herein, do hereby voluntarily consent to the execution of this plat titled CAROLS ADDITION, and dedicate and rededicate all rights of way to the City of Bismarck 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, above or under those certain strips of land.
 We also dedicate to the City of Bismarck for public use all easements as shown on this plat as "stormwater & drainage easements" to run with the land for the purpose 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 necessary appurtenances.
 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, it's officers 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 property in the subdivision.
 We further dedicate any other easements or servitudes as shown and those that are recorded but not shown.

Lary Benzinger
 Vivian Lang
 STATE OF NORTH DAKOTA }
 COUNTY OF BURLEIGH } ss
 Be it known on this _____ day of _____, 20____, before me personally appeared Lary Benzinger and Vivian Lang, known to me to be the persons described in and who executed the within certificate and he acknowledged to me that he executed the same.
 Notary Public, Burleigh County, North Dakota
 My Commission Expires: _____

SURVEYOR'S CERTIFICATE:
 I, Robert M. Illg, a Registered Professional Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and completed on March 28, 2020, that all distances are correct, that the outside boundary lines are correctly designated hereon, that all dimensional and geodetic details shown hereon are true and correct to the best of my knowledge and belief and that all required monuments are placed in the ground as shown.
 Robert M. Illg
 Registered Professional Land Surveyor
 License No. LS-8444

APPROVAL OF CITY PLANNING AND ZONING COMMISSION
 The subdivision of land as shown hereon has been approved by the Planning and Zoning Commission of the City of Bismarck, North Dakota, on the _____ day of _____, 20____, in accordance with the laws of the State of North Dakota and ordinances of the City of Bismarck.
 Mike Schwartz
 Chairman
 Ben J. Ebreth
 Secretary

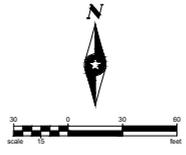
APPROVAL OF BOARD OF CITY COMMISSIONERS
 The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on this plat, has approved the grounds as shown on the plat as an amendment to the master plan of the City of Bismarck, North Dakota, has accepted the rededication of all rights of way and public easements shown hereon, 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 _____, 20____.
 Attest
 Keith J. Hunke - City Administrator

APPROVAL OF CITY ENGINEER
 I, Gabriel J. Schell, City Engineer of the City of Bismarck, North Dakota, hereby approve "CAROLS ADDITION" Bismarck, North Dakota, as shown hereon.
 Gabriel J. Schell - City Engineer

- LEGEND:**
- FOUND MONUMENT
 - REBAR W/ CAP LS 8444
 - PLAT BOUNDARY
 - NON ACCESS LINE
 - - - UTILITY EASEMENT
 - - - ADJACENT LOT LINE
 - - - SECTION LINE

AREA TABULATIONS:

2 Lots	=	118,676 SF	2.72± Acres
Right of Way	=	34,168 SF	0.78± Acres
Total	=	152,844 SF	3.51± Acres



BASIS OF BEARING:
 Derived from state plane coordinates.
COORDINATE DATUM:
 North Dakota State Plane Coordinate System
 NAD 83 South Zone 3302 (Adjusted 86)
 International Units
VERTICAL DATUM:
 National Geodetic Vertical Datum 29
 City Hydrant 1800
 BUCKSKIN AVENUE AND BRUNSWICK DRIVE
 Elevation = 1938.48
OWNERS:
 Lary Benzinger and Vivian Lang
 125 Buckskin Avenue
 Bismarck, ND 58503
SURVEYOR:
 SEB / Robert M. Illg PLS
 4719 Shelburne St.
 Bismarck, ND 58503
SURVEYED:
 10/18/2020



DEVELOPMENT AGREEMENT

The City of Bismarck (the "City) and PACES Lodging, (the Owner) make this Development Agreement with regard to the development of a plat (the Plat) located in Bismarck, North Dakota and described as follows:

Lots 1-2, Block 1, Carols Addition (previously the east 340' of Lot 1 of Block 3, KMK Estates), an addition to the City of Bismarck, Burleigh County, North Dakota

The Owner desires to develop this Plat for commercial use. The Plat is located on the south side of Buckskin Avenue. The city would normally require the improvement of Buckskin Avenue adjacent to the Plat at the time of the development of the Plat. The parties are in agreement that the improvement of Buckskin Avenue adjacent to the Plat is not necessary for the development of the Plat at this time and can be delayed until such time as the City receives a petition to improve Buckskin Avenue from any parcel located on Buckskin Avenue between Washington Street and 1100 feet west of Washington Street.

In exchange for the City's agreement to delay the requirement of the improvement of Buckskin Avenue, between Washington Street and 1100 feet west of Washington Street, the parties agree as follows:

1. The City will approve the Plat in its normal course of business. Prior to such approvals, the Owner will execute and deliver a petition for the improvement of Buckskin Avenue for that portion adjacent to the Plat. The petition will be conditioned that it will be deemed to be submitted upon the receipt of another valid petition for improvement of any portion of Buckskin Avenue between Washington Street and 1100 feet west of Washington Street. By entering into this Agreement, the Owner also agrees to waive their right to protest a special assessment district formed to improve Buckskin Avenue that includes the roadway between Washington Street and 1100 feet west of Washington Street. This agreement will be placed of record in the title for the Plat, and all successors in interest agree to waive their right to protest the special assessment district under N.D.C.C. Ch 40-22 by accepting delivery of title. The City also agrees that in order to activate the petition, any project for the improvement of Buckskin Avenue between Washington Street and 1100 feet west of Washington Street.
2. It is the intention of the parties that this Agreement will run with the land as to the parcels within the Plat and that the Owner will have the obligation to inform any successor in interest of the terms of this Agreement and the successor's obligation to abide by this Agreement and include compliance with this Agreement as a condition in any written instrument of conveyance of real property within Carol's Addition.
3. The terms of this agreement shall be considered a covenant running with the land and bind all future owners in the same manner as if they had personally entered this agreement.

Dated this _____ day of _____, 2020

Steve Bakken
President, Board of 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 _____, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that s/he executed the same.

Notary Public
State of North Dakota

(SEAL)

PETITION FOR PERMANENT STREET IMPROVEMENT

DATE: _____

To the Honorable Board of City Commissioners
Bismarck, North Dakota
Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent street improvements completed on:

Buckskin Avenue – Washington Street to 340 feet west of Washington Street

It is agreed that the necessary permanent street improvements be completed following the installation of the necessary water and sewer service line stubouts by the abutting property owner(s) and that 100% of the paving cost of said permanent street improvements be assessed to or other funding arrangements made by the benefitted property according to the Current Development Costs Policy. For parcels not zoned residential, 40% of the permanent street improvement cost will be prepaid by the benefitted petitioned property. It is agreed that 100% of any temporary street improvements shall be prepaid by the benefitted petitioned property.

PROPERTY DESCRIPTION

**SIGNATURE and ADDRESS
(Property Owner/s)**

Lot 1-2, Block 1
Carols Addition
(previously the east 340'
of Lot 1 of Block 3, KMK Estates)

For City Engineer Use Only

Approved by Gabe J. Schell, PE
City Engineer, Bismarck, ND

Date

PRIVATE DRIVE AND PRIVATE UTILITY AGREEMENT

The City of Bismarck (the "City") and PACES Lodging, (the "Owner") make this Development Agreement with regard to the development of the property located in Bismarck, North Dakota and with the property ("the Property") described as follows:

Lots 1-2, Block 1, Carols Addition (previously the east 340' of Lot 1 of Block 3, KMK Estates), an addition to the City of Bismarck, Burleigh County, North Dakota

The Owner desires to develop the Property for commercial use and is requesting utilizing a private drive(s), road(s) or access easement(s) (the "Private Drive") to provide access and services to the parcels platted within the Property and identified above. The Property is located south side of Buckskin Avenue, west of Washington Street

The City agrees to the proposed use of a Private Drive provided the utilities listed below ("Private Utilities") which serve the individual parcels within the Property are also privately owned, except where the City has agreed in writing to own Utilities.

The Private Drive and Private Utilities will include but not be limited to the following:

Private Drive: The paved roadway or access from the City right-of-way, including all curb and gutter, pavement surface, subgrade and drain tile, driveway approaches and all signage including the private drive name and no parking fire lane signage if required by emergency services.

Water: The water main from the city main, all curb stops between the City main and individual properties being served, water hydrants and valves and all equipment needed to operate the private water system in accordance with state and local requirements.

Sanitary Sewer: The sewer main from the city sewer main, including the Y-connection at the city main, the Y-connections and manholes between the city main and individual

properties and all equipment needed to operate the private sanitary sewer system in accordance with state and local requirements.

Street Lighting: Streetlight poles, streetlight fixtures, electrical conduit and conductor, equipment needed to power and control the streetlights and all equipment needed to operate the private streetlighting system.

Storm Water Facilities: Storm sewer from the City storm system, inlets, manholes, detention ponds, water quality control systems, pump stations and all other equipment and facilities needed to operate the private storm sewer system in compliance with federal, state and local storm water requirements.

The construction, maintenance, operation and replacement of the Private Drive and Private Utilities located with the Property, or located outside the Property but serving exclusively the Property, are all entirely the responsibility of the Owner and its assigns, and the City shall have no responsibility with regard thereto, except that the City will maintain and repair utilities owned by the City.

The installation and use of the Private Drive and Private Utilities does not relieve the Owner from participating in the construction, maintenance, operation and replacement of City facilities as it relates to City funding methods and policies to fund City improvements.

A non-exclusive easement in favor of the City and any other applicable government authority or agency who has jurisdiction over the Property, is granted by this document upon and across the Property for purposes of performing such duties related to law enforcement, fire protection, life safety, health, sanitation and other matters as shall be required from time to time for the purpose of performing their authorized duties.

The Owner has the authority to grant an Easement to the City for purposes of servicing the Private Utilities within the Property and has the authority to expand such grant as deemed appropriate by the Owner.

The City, and the Owner, for good and valuable consideration hereby acknowledged, agree to the following terms and conditions:

1. The Owner agrees to submit a site plan for approval which demonstrates the location and dimension of the Private Drive in relation to the intended structures. The site plan will also show the location, size and material of the Private Utilities along with the required storm water submittals.

2. The Owner agrees to grant the City access over, across and on the Property to permit the City to accomplish the purpose as stated in this agreement.
3. The Owner agrees and understands that the City has no obligation to perform any maintenance or repair of any of the Private Utilities on the Property.
4. The City agrees to provide the following services:
 - Scheduled yearly fire hydrant flushing.
 - Technical assistance in the event a water main break or sewer failure should it occur.
 - Locating and providing curb stop shut-offs such that the Owner can service the Private Utilities
5. The City agrees to provide solid waste collection service consistent with the zoning and use of the Property during the normal course and operation of this service within the City.
6. The City agrees to exercise reasonable care when performing the services described herein. Further, the City agrees to perform all services in a workmanlike manner, and to schedule the maintenance by the City Public Works Department in a manner which will provide efficiency and economy consistent with timeliness.
7. The Owner agrees to hold the City harmless from any and all damages that may occur due to the process and actions taken during or following any and all of services provided herein. The Owner will release, defend, indemnify, protect, and hold harmless the CITY and City officers, agents, representatives, employees, and contractors from and against any and all claims of personal injury, property damage or any other actions, administrative proceedings, judgments, damages, penalties, fines, costs, liabilities, interests, or losses, including costs, expenses, and attorneys' fees, arising out of the services provided under this agreement.
8. This Agreement will run with the land as to the parcels within the Property and that the Owner will have the obligation to inform any successor in interest of the terms of this Agreement and the successor's obligation to abide by this Agreement and include compliance with this Agreement as a condition in any written instrument of conveyance of real property within the Property, as well as record this Agreement with the Burleigh County Recorder. The terms of this agreement shall be considered a covenant running with the land and bind all future owners in the same manner as if they had personally entered this agreement.
9. This Agreement may not be modified, except in writing and signed by both parties.

10. This Agreement shall be controlled by the laws of the State of North Dakota, and any action brought as a result of any claim, demand or cause of action arising under the terms of this Agreement shall be brought in an appropriate venue in the State of North Dakota.

This Agreement shall bind the parties, their successors, assigns and heirs.

Dated this _____ day of _____, 20__

Kevin Christianson, President
PACES Lodging Corp.

STATE OF NORTH DAKOTA)
) ss:
COUNTY OF BURLEIGH)

On this _____ day of _____, 20__, before me personally appeared _____, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that s/he executed the same.

Notary Public
State of North Dakota

(SEAL)



Engineering Department

DATE: June 1, 2020
FROM: Gabe Schell, City Engineer
ITEM: Street Improvement District No. 535

REQUEST

Request for Resolution Receiving Bids and ordering Preparation of the Engineer's Statement for SI 535.

Request for Resolution Awarding Contract for SI 535.

Please place this item on the 6/9/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Street Improvement District No. 535 consisted of nine units of new roadway lighting and appurtenances throughout Bismarck (see attached maps). All street lighting improvements will be funded through special assessments except for Unit 5.

In Unit 5, a portion of the improvement will be pre-paid by the developer per Amendment 2 of the Memory First Addition Development Agreement, approved by the Board November 12, 2019. Additionally, the assessed cost for the one unannexed parcel will be held in abeyance with the assessment paid by Rural Road Fund until the parcel is annexed into the City. Costs for all other parcels in the district will be special assessed.

Letters were sent to property owners notifying them of this project. The insufficiency of protests was presented at the May 6, 2020 commission meeting.

Bids will be received on June 9, 2020. The engineer's estimate is \$ 340,900. A bid summary and project budget will be distributed prior to the commission meeting.

Unit No. 1

Crest Road – 120' West of High Creek Road to 160' West of Crest Place
Crest Place – Crest Road to Cul-De-Sac

Unit No. 2

Harp Hawk Drive – 125’ East of Grey Hawk Lane to Marsh Hawk Drive
Talon Road – Marsh Hawk Drive to 150’ East
Prairie Hawk Drive – 135’ East of Grey Hawk Lane to Marsh Hawk Drive
Marsh Hawk Drive – Harp Hawk Drive to Prairie Hawk Drive

Unit No. 3

Greenfield Lane –Washington Street to Saints Drive

Unit No. 4

Mica Drive – 110’ East of Basalt Drive to Flint Drive
Jasper Drive – Mica Drive to 250’ South
Flint Drive – 225’ North of Mica Drive to Normandy Street
Normandy Street – 150’ South of Flint Drive to 250’ North of Flint Drive

Unit No. 5

57th Avenue NE – 135’ East of US Highway 83 to 19th Street
19th Street – 57th Avenue NE to 50’ South of Elbowoods Lane

Unit No. 6

Shiloh Drive – 670’ East of 19th Street to 940’ East of 19th Street

Unit No. 7

Revere Drive –Bismarck Express way to 230’ West of Hancock Drive

Unit No. 8

Miriam Avenue – 420’ East of Channel Drive to Channel Drive
Channel Drive – Miriam Avenue to Global Drive

Unit No. 9

Cessna Avenue – Piper Street to Airport Road
Piper Street – 190’ South of Continental Avenue to Basin Avenue

Project Schedule

Receipt and Opening of Bids:	June 9, 2020
Award of Bid:	June 9, 2020
Project Completion:	August 1, 2020

RECOMMENDED CITY COMMISSION ACTION

Resolution Receiving Bids and Ordering Preparation of the Engineer’s Statement for SI 535.

Resolution Awarding Contract for SI 535.

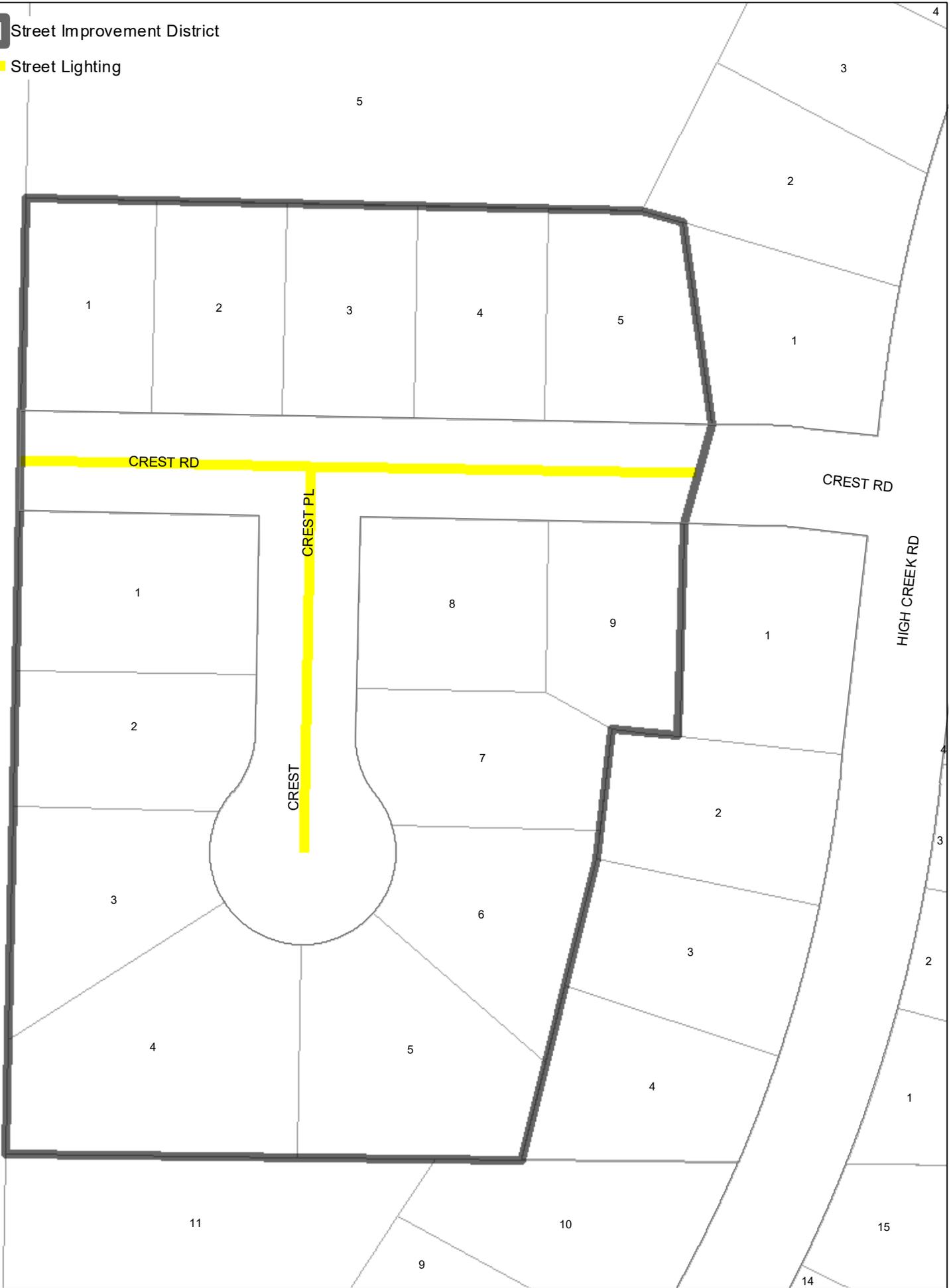
STAFF CONTACT INFORMATION

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

SI 535 - Unit 1

 Street Improvement District

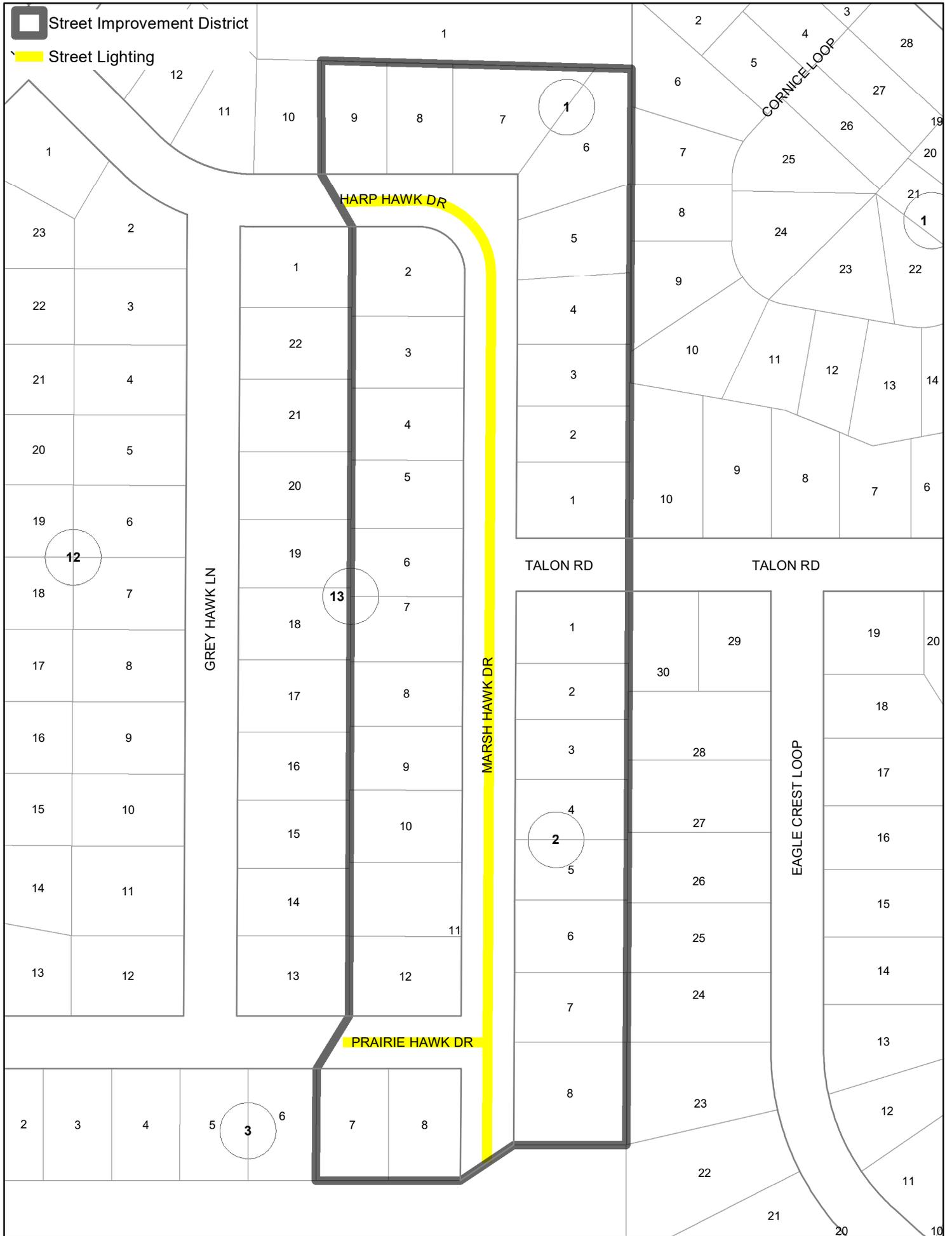
 Street Lighting



SI 535 - Unit 2

 Street Improvement District

 Street Lighting



SI 535 - Unit 3



Street Improvement District

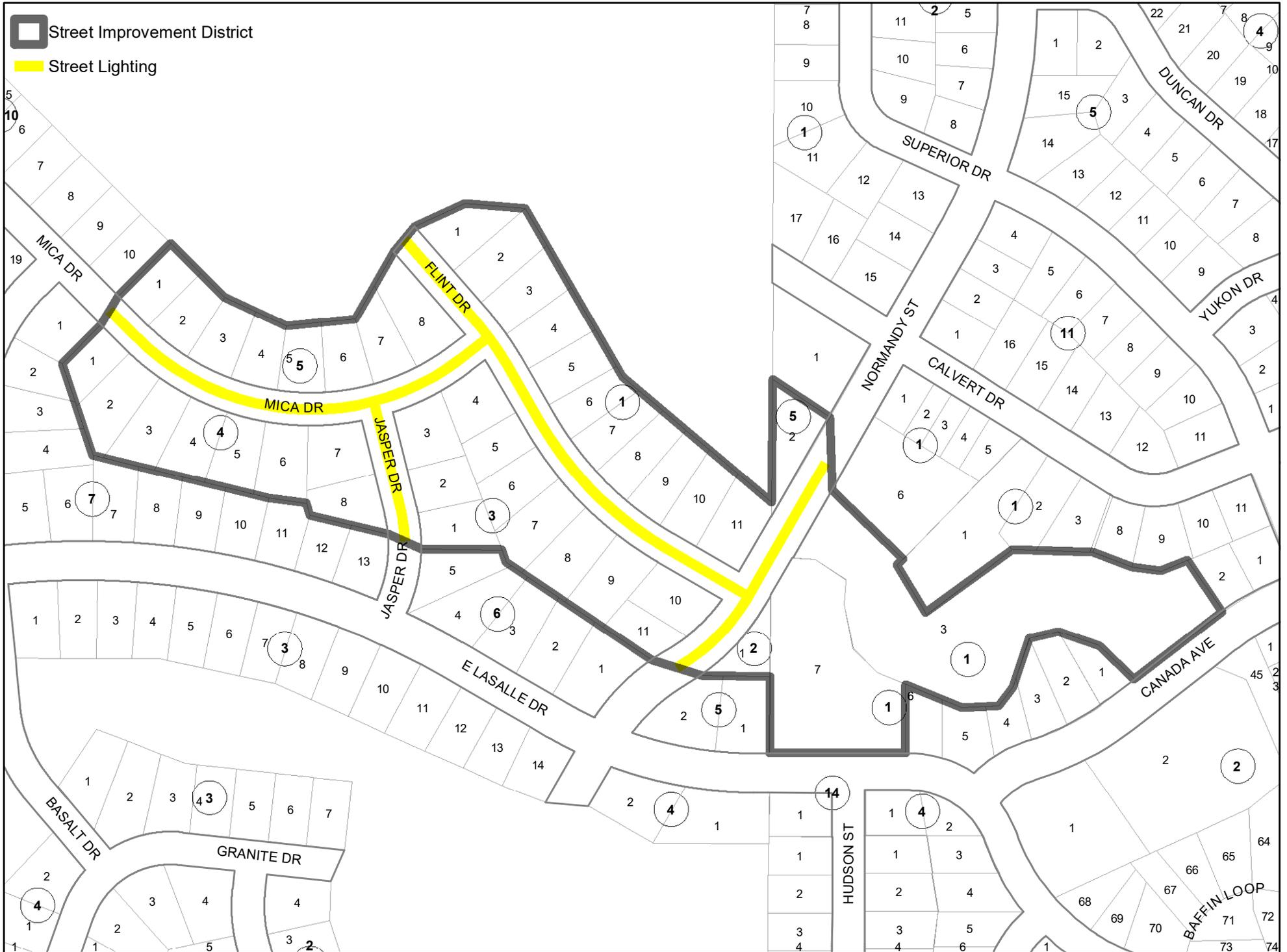


Street Lighting



SI 535 - Unit 4

-  Street Improvement District
-  Street Lighting

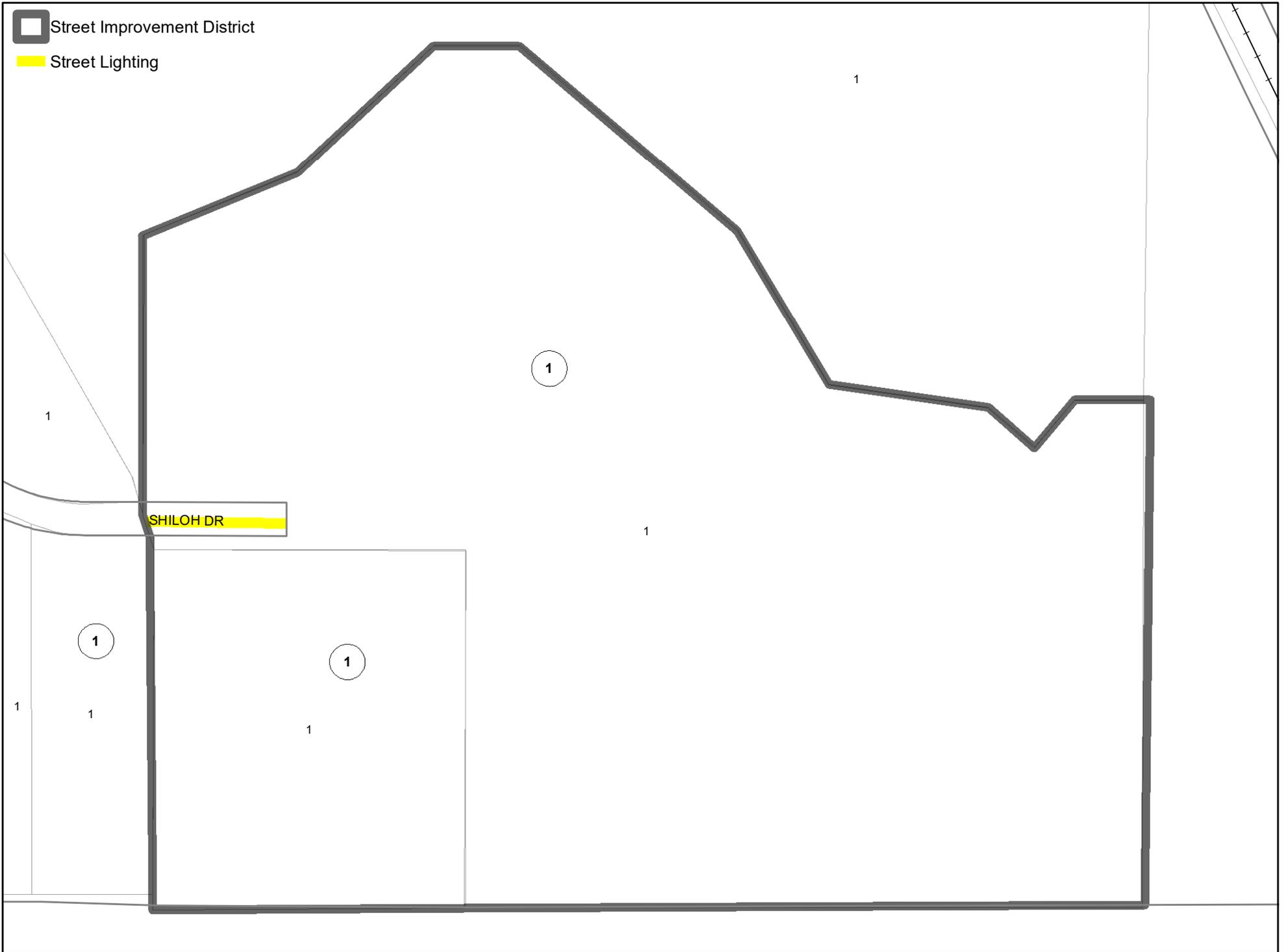


SI 535 - Unit 5



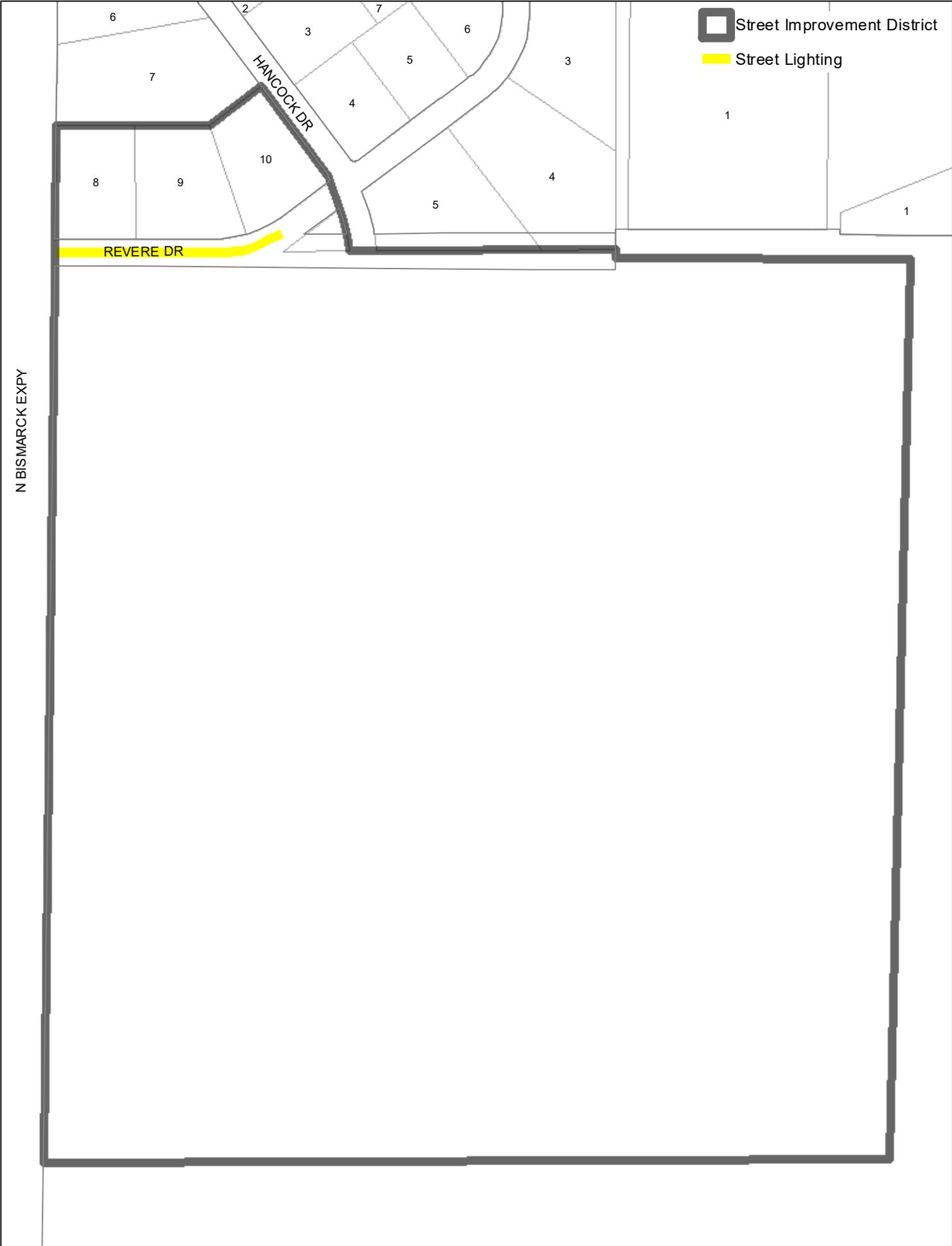
SI 535 - Unit 6

- Street Improvement District
- Street Lighting



SI 535 - Unit 7

- Street Improvement District
- Street Lighting



SI 535 - Unit 8

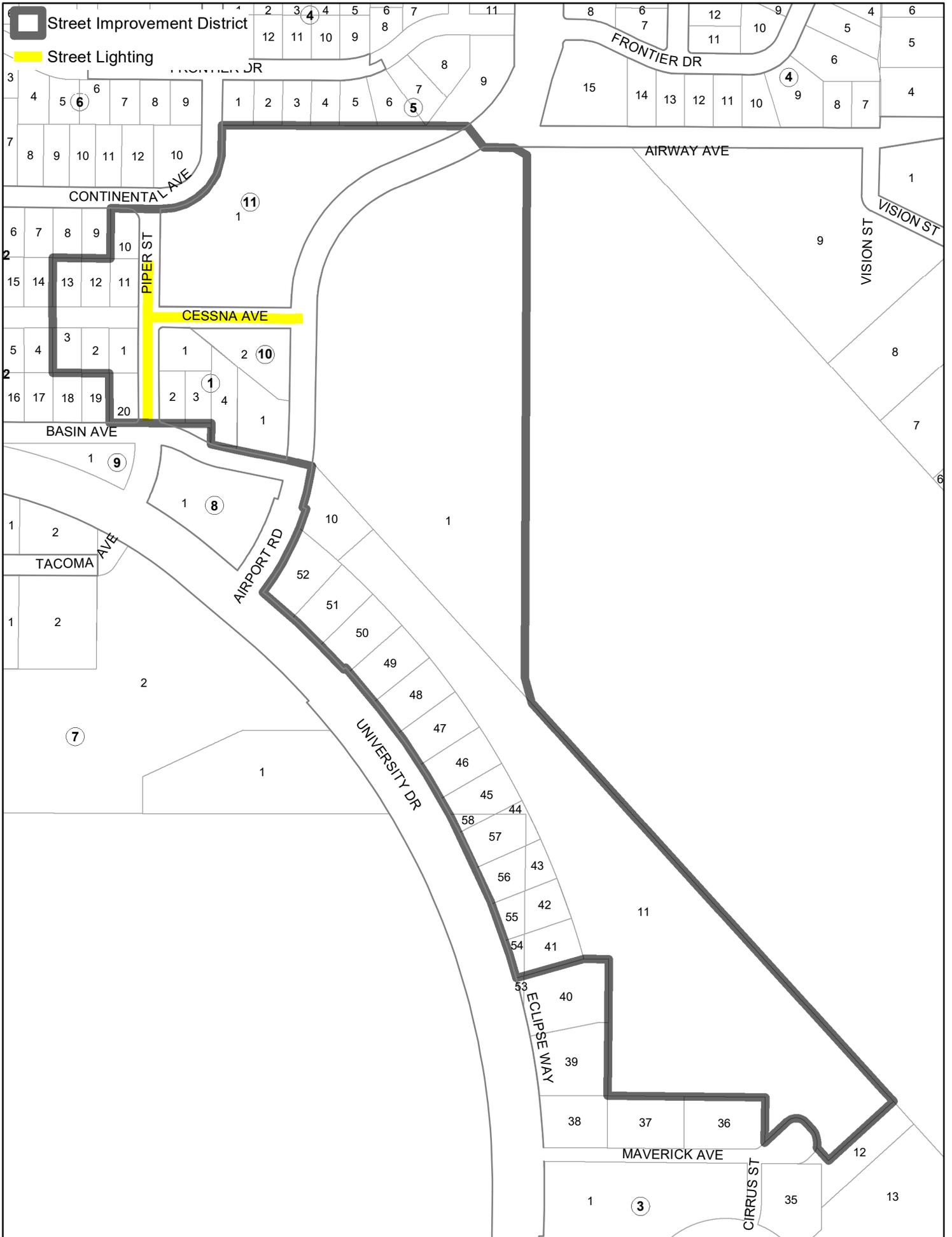
INTERSTATE 94

Street Improvement District

Street Lighting



SI 535 - Unit 9





Engineering Department

DATE: June 1, 2020
FROM: Gabe Schell, City Engineer
ITEM: Street Utility Project SV 53

REQUEST

Request to Receive Bids and Award Contract for SV 53

Please place this item on the 6/9/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Street utility project SV 53 consists of ten units of streetlight feedpoint replacements and related items throughout Bismarck. The streetlight feedpoint replacement project was included in the 2020 Budget--CIP.

The engineer's estimate for SV 53 is \$142,500. Bids will be received on June 8, 2020. The bid summary and project budget will be distributed prior to the commission meeting.

RECOMMENDED CITY COMMISSION ACTION

Receive Bids and Award Contract for SV 53.

STAFF CONTACT INFORMATION

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

**BID TABULATION
FOR
STREET UTILITY PROJECT NO. 53**

June 8, 2020

ENGINEER'S ESTIMATE: \$142,489.80

BIDDER	BOND	LICENSE	SIGNATURE	AMOUNT
Edling Electric	<u> X </u>	<u> X </u>	<u> X </u>	<u>\$133,850.00</u>
Fetzer <u>Electric</u>	<u> X </u>	<u> X </u>	<u> X </u>	<u>\$128,872.90</u>
Denny's Electric	<u> X </u>	<u> X </u>	<u> X </u>	<u>\$103,913.40</u>
Strata Corporation	<u> </u>	<u> </u>	<u> </u>	<u> </u>

All Units - less Units 3 & 10

	Denny's Electric	Fetzer Electric	Edling Electric
Unit 1	10,840.00	13,535.00	13,986.00
Unit 2	9,603.60	11,652.40	12,004.00
Unit 3			
Unit 4	10,470.00	12,785.00	13,056.00
Unit 5	10,535.00	16,185.00	13,246.00
Unit 6	12,087.20	12,103.80	13,214.00
Unit 7	8,946.00	11,199.00	10,926.00
Unit 8	9,876.60	11,831.20	12,070.00
Unit 9	9,250.00	11,180.00	12,261.00
Unit 10			
Total	81,608.40	100,471.40	100,763.00

PROJECT BUDGET

Number	SV 53	Description	2020 Street Lighting Feedpoint Replacement Proj.
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Scheduled Start	6/16/2020	Scheduled End	11/13/2020
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Project Contracts

<u>Project Construction Contracts</u>	<u>Amount</u>
Denny's Electric (less Units 3 & 10) -----	81,608.40
Subtotal	81,608.40
Contingencies 10%	8,160.84
Total Construction Contracts	89,769.24

<u>Other Contracts, Land Purchases, Etc.</u>	<u>Contract No.</u>	<u>Amount</u>
NA		
Subtotal		-
*Contingencies 10%		-
Total Other Contracts		-

<u>Work by Other City Departments</u>	<u>Amount</u>
NA	
Subtotal	-
*Contingencies 10%	-
Total Work by Other City Departments	-

SUMMARY

Construction Cost - No Contingencies	81,608.40
TOTAL CONSTRUCTION COST WITH CONTINGENCIES	89,769.24
Engineering 10% -----	8,976.92
Administration -----	-
Advertising and Legal -----	-
Interest During Construction -----	-
SV 53 TOTAL PROJECT COST -----	98,746.16

<u>Project Funding</u>	<u>Amount</u>
Streetlight Utility Fund ----- (2020 CIP - \$100,644.00)	89,746.16
Total Funding	98,746.16



Fire Department

DATE: June 4, 2020
FROM: Gary Stockert
ITEM: Siren Activation System - Update

REQUEST

Bismarck Emergency Management is requesting General Fund budget appropriations via a budget amendment for 2020 calendar year, per the recommendation of the Budget Committee. Bismarck Emergency Management would like to present and explain the options for a one-way activation system and a two-way activation system to ensure reliability of our city's outdoor warning siren system.

Please place this item on the 6/9/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

This request is due to an extensive number of system-wide failures and other numerous site-specific activation failures which have occurred since January 2019. Emergency Management has worked with the local vendor to repair the radio receivers and activation controller system of the outdoor warning siren system in Bismarck. However, we have experienced several delays with the vendor responsible to make the needed repairs. The sirens themselves operate as designed, but not without the activation system. The estimated cost of a one-way activation system is \$97,000.00. The estimated cost of a two-way activation system is \$194,000.00. We currently have 24 sirens in the Bismarck and surrounding area.

RECOMMENDED CITY COMMISSION ACTION

Approve General Fund budget appropriations via a budget amendment for 2020 calendar year, per the recommendation of the Budget Committee and allow Bismarck Emergency Management to coordinate the required RFP process in order to procure and install an updated activation system as soon as possible this year to ensure activation of our outdoor warning siren system is reliable.

STAFF CONTACT INFORMATION

Gary Stockert | City Emergency Manager, 222-6727 or gstockert@bismarcknd.gov



City Administration

DATE: June 4, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Alcohol License Renewal Process

REQUEST

Consider discussion regarding the annual alcohol license renewal process.

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Budget Committee met on Wednesday, June 4, 2020 to discuss the impacts of a prorated alcohol license renewal on the City's 2020 general fund budget. The general consensus of the Budget Committee is to continue to pause on a decision until August, 2020 to allow for more data collection and a better understanding of the potential COVID-related impacts to local businesses. Consideration was given to a prorated alcohol renewal fee; however, given the significant number of differences in how some businesses were impacted compared to others, it would be difficult to discern how each of the 120+ businesses in Bismarck that hold a liquor license were individually impacted. If a prorated renewal fee is desired by the Commission, the general consensus of the Budget Committee would be to consider prorating the fee based on the number of days businesses were ordered to be closed due to the executive orders of Governor Burgum. Bars and restaurants were ordered to be closed from 12PM Friday, March 20, 2020 and allowed to reopen at 8AM on May 1, 2020- 42 calendar days (Executive Order 2020.06 and EO 202.06.4).

RECOMMENDED CITY COMMISSION ACTION

Consider discussion regarding the annual alcohol renewal process and direct staff how to move forward with renewals and the annual fee for each license.

STAFF CONTACT INFORMATION

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov



City Administration

DATE: June 2, 2020
FROM: Jason Tomanek, Assistant City Administrator
ITEM: Fireworks Discussion

REQUEST

Consider information relating to the fireworks discussion.

Please place this item on the June 9, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

In discussions with the Fire Chief, Police Chief, Director of CenCom, and Director of Public Works – Service Operations, potential impacts of fireworks in City limits are listed below:

Fire – It is the general expectation that with fireworks activity, there is an increase in fires and injuries resulting in increased calls for emergency service. If permitted, extensive public safety information will be necessary. Additional precautions would need to be exercised during adverse weather conditions. The Fire Chief did express concerns with where fireworks could be sold as building and fire code regulations govern the storage of explosives.

Police – Increased calls for service and complaints. The Police Chief stated that given the fact fireworks have been prohibited in City limits for over 30 years, there would need to be an extensive education campaign developed to help the public understand any new rules and enforcement. Chief Draovitch stated that during his more than 30 years with the BPD, calls for service are typically centered around noise complaints and reports of fireworks being discharged in City limits.

CenCom – Because CenCom provides service to Mandan, Burleigh County, Metro Area Ambulance, and other agencies in addition to the City of Bismarck, increased calls for service is common during the time fireworks are allowed. In 2019 there were 146 calls relating to fireworks in a one-week timespan. Director Dannenfelzer noted that many of the calls relate to individuals shooting them off in closed parking lots, outside of

permitted hours and general noise complaints.

Public Works | Service Operations – Director Heintz noted that there would be limited impact to the workload other than typical trash collection during a holiday week.

The Information Services department of the Bismarck Veterans Memorial Public Library was a wonderful source of historical information for how the law came into place. While we were close in determining the result, there were actually two votes of the people that enacted the Bismarck fireworks ordinance. In June 1988, a vote was taken whether to ban personal fireworks displays in Bismarck. It passed. When the ordinance was enacted by the City Commission after that vote, a referral petition was circulated and on June 6, 1989, that election was held. The vote was in favor of keeping the ban. I have attached several articles that demonstrated the fire and police call volume change as well as other information.

In regards to how other entities are handling private displays of fireworks, the counties must follow state law unless they have a home rule charter allowing them to limit fireworks. State law is in NDCC Chapter 23-15 and allows use of fireworks from midnight June 27th to midnight July 6th each year. This is what Burleigh and Morton County follow.

Mandan allows small firework devices as on the attached document. Lincoln allows personal use for those over 8 years old from July 1 to July 5 each year from 12:00pm to 10:00pm except for July 4 when it is allowed until 1am. West Fargo allows 12 and older to use them from 8am on July 4 until 11:59pm and on December 31 at 8pm ending on January 1 at 1am. Dickinson, Grand Forks, Minot and Fargo ban personal displays. All of the texts of the ordinances are attached.

RECOMMENDED CITY COMMISSION ACTION

Consider the information to facilitate discussion on the current fireworks ban in City limits.

STAFF CONTACT INFORMATION

Jason Tomanek | Assistant City Administrator, 355-1300 or jtomanek@bismarcknd.gov

Vote likely on fireworks in Bismarck

An explosive issue, a citywide fireworks ban, may be on the June 6 ballot.

By KATHLEEN DONAHUE, Tribune Staff Writer

The Bismarck City Commission decided Tuesday that voters will have their say during that election on whether the city should remain in the aviation fuel business.

But the commission will hold a special meeting later this week to decide whether a referral of the city fireworks ban also will be on that ballot.

City Auditor Grant Bergquist must first verify the 1,600 signatures on the petitions that were presented to him at the commission meeting by Robert Knutson of Bismarck. Voters last year approved a citywide fireworks ban.

No date for the special meeting had been set late Tuesday. Bergquist said he should have completed his work with the petitions by this afternoon.

Last week, petitions with 1,831 signatures requesting the city stay in the fuel business were turned in to city officials. Dann Stuart, an organizer of the protest, said protesters want the city to compete with private industry. Executive Air Taxi and Capital Aviation Corp. received fuel franchises after the commission voted last December to get out of the fuel business and open it to private enterprise.

The cost of placing the ordinance

on the ballot is \$2,000 to \$3,000.

City, school officials and parents will meet next Monday to discuss traffic plans at Centennial Elementary School.

Dale Niezwaag, the school traffic committee chairman, asked the commission to consider constructing a paved walkway along the south side of Century Avenue for children from the Country West subdivision and another paved walkway on Hackberry Street for children from the Pinehurst subdivision.

At Tuesday's meeting, the commission bestowed honorary citizenship on WBA boxing champion Virgil Hill. Mayor Marlan Haakenson today will present Gov. George Sinner with proclamations from about 65 cities asking that Hill receive the Theodore Roosevelt Roughrider Award.

In other action, the commission: ■ Considered transferring Haakenson's Class D liquor license to Mark McMorrow of Fargo.

■ Approved an ordinance establishing a 35 mph speed limit for trains traveling through the city. City Attorney Charles Whitman said Burlington Northern Railroad asked that the ordinance be adopted.

Bismarck Tribune, 5-10-1989, p12

Clipped By:



dakotagirl74

Fri, May 29, 2020

Fireworks ban up to voters

By KATHLEEN DONAHUE
Tribune Staff Writer

Voters will decide Tuesday whether private fireworks displays in Bismarck to celebrate the Fourth of July will be lawful.

Last year, voters passed a city-wide ban on private use of fireworks after the Bismarck Safety Council pointed out the number of fireworks-related injuries.

But protesters last month scurried to get enough signatures to place a referral of the ban on Tuesday's ballot.

Private fireworks will be allowed

for the centennial celebration and other July Fourth festivities in coming years if voters say "yes" to the ordinance. The ban will continue if they cast a "no" vote.

"I think it is a family activity and it's been around since our country has been a nation," said Robert Knutson, a fireworks vendor who helped the petition drive. "It's a recreational thing that children look forward to. It's a Christmas in July. It's a summer event."

But Fire Chief Jack Hegedus is worried that his department, which already will be taxed by the 50,000-plus people expected for the Cen-

tennial, will have more than it can handle.

Mayor Marlan Haakenson said, "Our fire department has to be against anything that causes a fire and that includes smoking. I don't think they're going to have a rash of fires."

Gary Berube, Safety Council president, said the ban has had a positive effect in its first year compared to 1987. Police calls in 1987 were 425, but fell to 19 in 1988. There were 16 fire calls in 1987 compared to none last year. Hegedus said one home sustained \$350,000 worth of damage.

WOOD 'N KNOT

BEHIND

Bismarck Tribune, June 5, 1989, p8

Clipped By:



dakotagirl74

Fri, May 29, 2020

Congratulations, Bismarck. The 1988 Fireworks Ban was a tremendous success.

The facts speak for themselves.

Whether you compare police calls, fire calls or hospital calls during the 4th of July celebrations in 1987 (no ban) and 1988 (with the ban), the difference is dramatic.

POLICE CALLS

	1987 (425)
1988	(19)

FIRE CALLS

1987	(16)
1988	(0)

HOSPITAL CALLS

1987	(11)
1988	(0)

The June 6, 1989 election will decide if the fireworks ban is to remain in effect.

Remember, the people who are opposed to the ban will be out in full force; they probably hope that the people who are happy with the results of the ban will stay at home and not vote.

Let's continue to give Bismarck safe 4th's of July by voting No to keep the ban in effect.

•(P.S.-Supervised fireworks, such as the KX Extravaganza planned for the 4th will always be allowed and encouraged).

Vote No to Continue the Fireworks Ban in Bismarck

Sponsored and paid by the Bismarck Safety Council

Bismarck Tribune, June 5, 1989, p6

Clipped By:



dakotagirl74
Fri, May 29, 2020

By ROBERT G. CUNNINGHAM
Driscoll

The FBI has recently announced an ongoing, in-depth investigation in the Minot area into the improper sale and use of certain microwave dishes that apparently contain an illegal computer chip. The use of these illegal dishes may be depriving the cable providers a few customers.

Ironically, during the same week the FBI announced in Washington that they did not have enough agents to look fully into the scandalous, multi-billion dollar savings and loan ripoff which is going to cost the taxpayers as much as \$100 billion.

One can't help but wonder where their priorities lie.

Mandan can ban public fireworks

By GARY E. BERUBE
Bismarck

On April 3, Mandan voters will have the opportunity to add Mandan to the list of aggressive and progressive cities in North Dakota by voting in favor of the ban on the sale and use of private fireworks within the city limits. Public displays will still be permissible in the city limits. If the voters approve the ban on fireworks, Mandan will proudly join Fargo, Minot, Dickinson, Grand Forks and Bismarck which currently ban the sale and use of private fireworks within their city limits.

Bismarck's fireworks ban went into effect in 1988. The following facts clearly demonstrate that having the fireworks ban in 1988 had a very positive effect as compared to 1987 without the ban: Police calls: 1987, 425; 1988, 19. Fire calls: 1987, 16; 1988, 0. Hospital calls: 1987, 11; 1988, 0.

Three persons from outside Bismarck required treatment for fireworks-related injuries.

In 1989, Bismarck voted overwhelmingly to keep the ban on the sale and use of private fireworks in effect. The number of fireworks-related calls in 1989 were similar to 1988.

In 1988 Mandan allowed the sale and use of private fireworks in the city limits and was unable to record all the fireworks-related police calls. There were 20 reported fireworks-related firecalls, but no fireworks-related hospital calls.

We can be very thankful there were no serious personal injuries and no one was blinded or crippled.

On behalf of the Bismarck Safety Council we are proud that our sister city, Mandan, places such a high priority on the safety and well-being of its citizens by putting the fireworks issue before the people on April 3.

(The writer is president of the Bismarck Safety Council.)

Why didn't retail price of milk drop?

By ADELINE MILLER
Huff

Yesterday while grocery shopping, I overheard a woman talking about the price of a gallon of milk, saying the dairy farmers have it made.

I immediately got riled. But after I thought about it for a while, I realized that the general public probably doesn't know the whole story.

Sure we got a raise in December from \$14 to 14.60 a hundred-weight. The higher price was great, but short-lived.

The talk was that a big shortage was why the price came up, but why then in January did

Bismarck Tribune, March 27, 1990, p4

Clipped By:



dakotagirl74

Fri, May 29, 2020

OUR VIEW

Keep the ban on fireworks

Bismarck voters who go to the polls in Tuesday's school and city elections will find a referral on the ballot to lift the year-old ban on fireworks within the city limits. Referral backers are banking on a flush of centennial patriotism and the customary low voter turnout in off-year elections.

They're pursuing this change even though Bismarck will have a spectacular public fireworks display at the State Capitol.

For what it's worth, shooting off fireworks has been a family tradition in North Dakota, and when handled carefully and wisely, fireworks can be fun.

If having fun and being patriotic were the only issues, Bismarck voters wouldn't have banned fireworks in the first place.

But before the ban, the city was stricken with violations and injuries during the Fourth of July celebrations. We'd all like to think people could behave themselves — but a mindless minority blasts away, failing to recognize that fireworks are explosives, and explosives can maim or kill. And too many families leave their children absolutely unsupervised.

In 1987, before the ban, Bismarck had 425 fireworks-related police calls; last year, under the ban, 19. Fire calls dropped from 16 to 0; hospital calls from 11 to 0.

Lifting the ban is a bad idea anytime, but in a centennial year with an estimated 100,000 people coming to Bismarck for the Party of the Century, lifting the ban is irresponsible.

Let's enjoy the centennial the smart way. Vote to keep the ban in place.

Bismarck Tribune 6-4-1989, p38

Clipped By:



dakotagirl74

Fri, May 29, 2020

City bans fireworks, keeps fuel business

By MAUREEN WILLENBRING, Tribune Staff Writer

Bismarck voters overwhelmingly decided Tuesday to keep the city in the airport fuel business and to keep fireworks outside city limits.

The approval of the airport fuel initiated measure means the city will continue to sell and store airplane fuel for commercial and private planes.

The fireworks ban was upheld by almost 70 percent of the voters. Large, public fireworks displays still will be allowed in city limits.

On the airport fuels issue, over 80 percent of the voters sided with

sales earlier this year, said he expected the landslide support for the city-owned fuel business because of the proponents' intense campaign.

"It was one of the grossest misrepresentations I've ever seen," Keiser said, referring to the proponents' advertising that the airport could return to tax rolls.

But former City Commissioner

Bismarck Tribune, June 7, 1989, p1

Clipped By:



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MANDAN:

Section 202 General Definitions, is amended as follows:

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Fireworks, 1.4G is deleted in its entirety and replaced with the following:

Small **fireworks** devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion or deflagration that complies with the construction, chemical composition and labeling regulations of the DOTn for **Fireworks**, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR Parts 1500 and 1507, or otherwise listed and defined in NDCC 23-15-01.

LINCOLN:

CHAPTER 3-05 FIREWORKS

3-05-01 Fireworks Defined

The term “fireworks” shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which an explosive other than toy paper caps are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, bottle rockets, daygo bombs, sparklers, or other fireworks of like construction, any item containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. Nothing in this chapter shall be construed as applying to toy paper caps containing not more than twenty-five hundredths of a grain (16.20 milligrams) of explosive composition per cap.

3-05-04. Use of Fireworks Within the City Limits. The use of fireworks within the corporate limits of the City shall be allowed only from July 1 through July 5 of each year. Time of use shall be limited to between the hours of 12:00 p.m. until 10:00 p.m. on July 1, 2, 3 and 5, and from 12:00 p.m. until 1:00 a.m. on July 4. A law enforcement officer may take into their possession any fireworks found in violation of this section.

3-05-05. Age of Use of Fireworks. No child under the age of eight (8) shall use any fireworks as defined above that require a match or lighter or punk or ignition that produces a flame in order to be activated, without the direct supervision of another person sixteen (16) years of age or older.

3-05-06. Penalty. Violation of any of the provisions of this chapter shall be considered an offense, for which a fine of not more than one thousand dollars (\$1,000.00), or imprisonment not to exceed thirty (30) days, or both, may be imposed.

DICKINSON:

Section 25.16.04025 Discharging Fireworks A person may not, with intent to harass, annoy or alarm another person or in reckless disregard of the fact that another is harassed, annoyed or alarmed by his behavior, discharge, ignite, or otherwise engage in the use of fireworks within the City of Dickinson. See Section 13.08.100(a) for definition of fireworks. Any person who violates this section must be assessed an administrative fine of one hundred fifty dollars. (Ord. No. 1680 § 3.)

WEST FARGO:

12-0711. FIREWORKS.) 1. The Definition of “fireworks” for the purposes of this chapter means any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by explosion or detonation as defined by the North Dakota State Fire Marshall as 1.4G fireworks, including but not limited to: Star Light, helicopter flyers, cylindrical fountains, cone fountains, wheels, torches, colored fire, sparkler, dipped sticks, comets, shells, soft shell firecrackers not to exceed 1 ½” in length and ½" in diameter total pyrotechnic composition not to exceed 50 mg. each. 2. Except as otherwise provided in herein, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, use, explode or possess any fireworks within the limits of the City of West Fargo. The Chief of the West Fargo Fire Department may grant permits for the sale of fireworks outside of the limits of the City of West Fargo, but within the City of West Fargo’s extra-territorial zoning authority. 3. This section shall not prohibit supervised public displays of fireworks by any person, organization or association within the City for which a permit shall have been first obtained from the City Commission. The application for such permit, in such form as may be required by

the City Commission, shall be filed with the City Administrator and referred to the Chief of the Fire Department for investigation to determine whether the operator of the display is competent and whether the display is of such character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The Chief of the Fire Department shall report the results of his investigation 12-7-5 to the City Commission who shall determine whether such permit shall be issued or the application rejected. Nothing in this ordinance shall be construed to prohibit the use of fireworks by airplanes and railroads or other transportation agencies for signal purposes or illumination or the sale or use of blank cartridges or pyrotechnic special effects for a motion picture, television, show or theater, or sale or possession of powder for reloading cartridges or firearms used for hunting or trap shooting, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. 4. Any individual who is at least 12 years of age may use, explode or possess any retail fireworks within the limits of the City of West Fargo, commencing July 4 at 8:00 a.m. CST, and ending on July 4 at 11:59 p.m. CST, and commencing on December 31 at 8:00 p.m. CST, and ending on January 1 at 1:00 a.m. CST. The individual use, explosion, or possession of fireworks at any other time during the year is prohibited. 5. No person shall ignite, discharge or use fireworks on publicly owned or controlled property, including but not limited to, park property, city or county property, school property or federally owned property without prior written authorization from the governing board or authorized representative of the public entity, which owns or controls the property. 6. No person shall ignite, discharge or use fireworks on any property owned or controlled by another person or entity without the express permission of the owner or person or entity in control of the property. 7. The exception set forth in subsection 4 of this section, providing for use and possession of fireworks during specified dates and times may be suspended by the Chief of the West Fargo Fire Department when a burning ban has been issued for either the State of North Dakota, Cass County or the City of West Fargo. In the event, the Chief of West Fargo Fire Department suspends the use of fireworks, he shall notify the West Fargo Police Department and the Public. The purpose of this subsection is to protect the property and provide for the safety and well-being of the residents of West Fargo. 8. In addition to the penalty provided by section 01-0211, any violation of this section may result in the seizure or removal by the state fire marshal, sheriff, police officer, or local fire marshal, at the expense of the owner, of all fireworks or combustibles offered or exposed for sale, stored, or held.

FARGO:

10-0316. - Sale and use of fireworks in the city.

As used in this section the term "fireworks" means any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sky rockets, Roman candles, daygo bombs, sparklers, or other fireworks containing any explosive or inflammable compound, or any tablets or other devices containing any explosive substance and commonly known as fireworks. The term "fireworks" shall not include toy paper caps containing not more than .25 of a grain of explosive composition per cap.

Except as otherwise provided in this ordinance, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, use, explode or possess any fireworks within the limits of the city of Fargo.

In the event an existing location for the retail or wholesale sale of fireworks becomes annexed into the city of Fargo, the chief of the fire department shall be authorized to grant a permit to possess and sell at retail or wholesale fireworks within the limits of the city of Fargo provided the following are met:

A. The permit may only be granted for the next period for sale of fireworks of June twenty-seventh through July fifth as defined in N.D.C.C. Section 23-15-01.

B. Any enclosure in which fireworks are stored or from which fireworks are sold must be at least 1,000 feet from the nearest single or multiple residential (SR or MR) zoning district.

C. Any enclosure in which fireworks are stored or from which fireworks are sold must be at least 1,000 feet from the nearest residential building.

D. In order to qualify for such permit, the said person, firm or other entity requesting the permit shall have obtained a Temporary Use Permit, under [Section 20-0404](#) of the Land Development Code, for the prior period for sale of fireworks of June twenty-seventh through July fifth as defined in N.D.C.C. Section 23-15-01.

E. The said person, firm or other entity requesting the permit shall obtain a Temporary Use Permit, under [Section 20-0404](#) of the Land Development Code for the next and upcoming period for sale of fireworks of June twenty-seventh

through July fifth as defined in N.D.C.C. Section 23-15-01. The zoning administrator shall be authorized to issue a Temporary Use Permit, under [Section 20-0404](#), as though said person, firm or other entity were still located outside city limits..

F. The applicant shall display a sign at each check-out stand where retail fireworks are sold indicating that possession of fireworks within Fargo city limits is unlawful and that purchases of fireworks from the applicant must be removed from city limits within one hour of purchase. Such sign shall be displayed in a location which may be viewed and easily read by any customer purchasing fireworks.

G. Any person in possession of fireworks purchased at a fireworks stand within Fargo city limits which has obtained permission from the fire chief, as described herein, shall not be in violation of this ordinance prohibiting such possession during a period of one hour from the time such purchase is made.

This ordinance shall not prohibit supervised public displays of fireworks by any organization or association within the city for which a permit shall have been first obtained from the Fargo fire department. The application for such permit shall be made with the fire department for investigation to determine whether the operator of the display is competent and whether the display is of such character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The chief of the fire department shall determine whether such permit shall be issued or the application rejected. In issuing such permit, the city assumes no liability for any damage to persons or property resulting from such displays.

Nothing in this section shall be construed to prohibit the use of fireworks by airplanes and railroads or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

GRAND FORKS:

9-0208. - Fireworks prohibited.

(1) As used in this article the term "fireworks" means any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation and includes toy cannons, and toy canes in which explosives are used, the type of

balloons which require fire underneath to propel them, blank cartridges, firecrackers, torpedoes, sky rockets, Roman candles, Day-Glo bombs, sparklers or other fireworks containing any explosive or inflammable compound, or any tablets or other devices containing any explosive substance and commonly known as fireworks. The term "fireworks" shall not include toy paper caps containing not more than twenty-five hundredths (0.25) of a grain of explosive composition per cap.

(2) Except as otherwise provided in this article, it is unlawful for any person to offer for sale, expose for sale, sell, at retail or wholesale, use, explode, manufacture or possess any fireworks within the zoning jurisdiction of the city as defined in [section 18-0202](#).

(3) This article shall not prohibit supervised public displays of fireworks by any organization or association within the jurisdiction limits of the city for which a permit has been issued. Said permit will be issued by the chief of the fire department following an investigation to determine whether the operator of the display is competent, whether the operator is properly insured, and whether the display is of such character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. In issuing each permit, the city assumes no liability for any damage to persons or property resulting from such displays.

(4) Nothing in this section shall be construed to prohibit the use of fireworks by airplanes and railroads or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by a military organization.

MINOT:

Sec. 13-41. - Restrictions on the storage of explosive and flammable materials and the use of fireworks.

To the extent that the IFC refers to geographical limits—which limits are specified or established outside the IFC—within which the storage of flammable cryogenic fluids, Class I and Class II liquids, and liquefied petroleum gas is either prohibited or restricted (depending, at times, upon the amount of such materials involved or other circumstances specified in the IFC), such geographic limits shall be deemed to be the entire territorial jurisdiction to which the IFC applies, except to the extent that such activity is specifically allowed in a conditional use permit issued by the city council under the zoning ordinance.