



## Board of City Commissioners

The Board of City Commissioners is scheduled to meet on Tuesday, January 23, 2024, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

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

The City of Bismarck encourages citizens to provide their comments for public hearing items on the Bismarck City Commission agenda via email to [bismarckadmin@bismarcknd.gov](mailto:bismarckadmin@bismarcknd.gov). Please include the item number that your comment references. The comments will be sent to the members and placed with the minutes.

To ensure your comments are received before the meeting, please submit them by 3:30 PM on the day of the meeting and reference the item your comments address. If you would like to appear via video or audio link for a 3-5 minute comment on a regular agenda public hearing item, please provide your email address and contact information to the above email at least one business day before the meeting.

Live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM Radio, or streaming on multiple platforms, including [FreeTV.org](https://www.freeTV.org) and [Facebook LIVE](https://www.facebook.com/bismarckndgov). Agenda items can be found online at [www.bismarcknd.gov/agendacenter](http://www.bismarcknd.gov/agendacenter).

Call to Order

### FUTURE COMMISSION MEETINGS

- February 13, 2024 & February 27, 2024
- March 12, 2024 & March 26, 2024
- April 9, 2024 & April 23, 2024

### 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. CONSENT AGENDA
  - A. Consider approval of minutes

Documents:

[January 9, 2024 - Minutes.pdf](#)

B. Consider approval of personnel actions

Documents:

[HR Personnel Action Items.pdf](#)

C. Consider approval of expenditures

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

1. Introduction of and call for a public hearing on the request to have the Class E - Sale At Retail of Beer Only alcohol license located at 619 Memorial Hwy transferred from 3 Fat Boys, LLC. to BHB, LLC.

Documents:

[C\) ADMIN - Liquor License Transfer.pdf](#)

E. Consider the request for approval from Bismarck Airport for the following:

1. Actions for the Hangar 5 Demolition and GA Apron Phase 5 Project.
2. Permission to sell the 2005 Ford Expedition at a public marketplace.
3. Amendment 1 to the Architectural Agreement with Ubl Design Group for the Snow Removal Equipment (SRE) Building Project.
4. \$1,500 sponsorship to the North Dakota Aviation Association (NDAA) for the 2024 Conference and Expo.

Documents:

[C\) AIR - Hangar 5 Demolition and GA Apron Phase 5.pdf](#)

[C\) AIR - Request to Sell 2005 Ford Expedition.pdf](#)

[C\) AIR - Snow Removal Equipment Building Project.pdf](#)

[C\) AIR - Sponsorship to NDAA for 2024 Conference.pdf](#)

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

1. Authorizing Resolution to allow Bis-Man Transit to make application through the North Dakota Department of

Transportation.

2. Permission for the Historic Preservation Commission to apply for the 2024 Historic Preservation Fund Grant.

Documents:

- [C\) CD - Bis-Man Transit Grant Filing.pdf](#)
- [C\) CD - HPC Grant Application.pdf](#)

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

1. Street closure for BisMarket.
2. North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for I-94 Exit 161 Interchange Reconstruction Project IM-NHU-1-094(212)161, PCN 22648; City project HC 132.
3. Request for Resolution Approving the Revised Preliminary Engineering Report and Approving Plans and Specifications, Resolution Approving Plans and Specifications, and Resolution Directing the Advertisement of Bids and Receive Bids for Sewer Improvement SE 582.
4. Consider Request for Resolution Approving Plans and Specifications and Request for Resolution Directing the Advertisement for Bids and Receive Bids for Street Improvement District SI 577 Part A and Part B.
5. Development Agreement with COM Properties, LLC.
6. Encroachment Agreement - 205 N 2nd St - Shelter Partners, LLP.

Documents:

- [C\) ENG - BisMarket Street Closure.pdf](#)
- [C\) ENG - HC 132.pdf](#)
- [C\) ENG - SE 582.pdf](#)
- [C\) ENG - SI 577.pdf](#)
- [C\) ENG - Development Agreement with COM Properties, LLC.pdf](#)
- [C\) ENG - Encroachment Agreement-Shelter Partners, LLP.pdf](#)

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

1. Continue participation in the Community Rating System (CRS) program and submit annual recertification documentation.
2. Permission to purchase Rapid Intervention Packs from Grand Forks Fire and Equipment.
3. Change order for the Fire Station 1 Remodel.

Documents:

- [C\) FIRE - CRS Program Annual Re-Certification.pdf](#)

- C) [FIRE - Rapid Intervention Packs.pdf](#)
- C) [FIRE - Station 1 Remodel Change Order.pdf](#)

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

1. Permission to accept grant funds from the Law Enforcement Resiliency Grant Award.

Documents:

- C) [PD - Law Enforcement Resiliency Grant Award.pdf](#)

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

1. Award bid for Bismarck Expressway Warranty LED Replacement Project.

Documents:

- C) [PW SO - LED Warranty Replacment Project.pdf](#)

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

1. Permission to accept wastewater flows from the University of Mary.

Documents:

- C) [PW UO - Wastewater Flows from the University of Mary.pdf](#)

### 3. REGULAR AGENDA

A. Public Hearing on the application for a new Class F2: Restaurant Beer and Wine Liquor license for Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro at 1825 N 13th Street.

Documents:

- R) [ADMIN - Liquor License Application.pdf](#)

B. Public Hearing on Taxi License Application for Bismarck Transportation Services, Co.

Documents:

- R) [ADMIN - BTS Taxi Application.pdf](#)

C. Public Hearing on Taxi License Application for Dakota Transportation

Services, LLC.

Documents:

[R\) ADMIN - DTS Taxi Application.pdf](#)

- D. Public hearing to amend the dimensional requirements for residential accessory buildings – Zoning Ordinance Text Amendment.

Documents:

[R\) CD - Public Hearing Zoning Ordinance Text Amendment.pdf](#)

- E. Consider the abatement application requested by Harbor Properties LLC for the 2023 assessment year.

Documents:

[R\) FIN - Application for Abatement.pdf](#)

- F. Consider the request for the New Extraterritorial Area (ETA) Agreement with Apple Creek Township.

Documents:

[R\) CD - Applecreek Township ETA Agreement.pdf](#)

- G. Consider the request by the Community Development Department to provide an update on the status of the FEMA Risk MAP Project for Burleigh County.

Documents:

[R\) CD - FEMA Risk Map Update.pdf](#)

- H. Consider the request to authorize the renewal of Bismarck's Renaissance Zone Program.

Documents:

[R\) CD - Renaissance Zone Program.pdf](#)

- I. Consider request to pursue NDDOT Urban Road and Urban Regional program projects.

Documents:

[R\) ENG - NDDOT Urban Program Solicitation.pdf](#)

- J. Consider discussion and approval of department director employment and performance processes.

Documents:

[R\) ADMIN - Director Policy.pdf](#)

#### 4. Other Business

Adjourn

Phone: 701-355-1300 | 221 North 5th Street | P.O. Box 5503 | Bismarck, ND 58501  
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## MEETING OF THE BOARD OF CITY COMMISSIONERS

1/9/2024 - Minutes

### Call to Order

The Board of City Commissioners met on January 9, 2024, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioner Cleary, Commissioner Connelly, Commissioner Marquardt, Commissioner Zenker, and Mayor Schmitz were present.

### FUTURE COMMISSION MEETINGS:

- January 23, 2024
- February 13, 2024 & February 27, 2024
- March 12, 2024 & March 26, 2024

### 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)

No public comment was received.

2. CONSENT AGENDA

Commissioner Zenker motioned to approve as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted, aye. M/C.

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

Vouchers: #1115346-1115544

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

1. Taxi License Application - Bismarck Transportation Services, Co.
2. Taxi License Application - Dakota Transportation Services, LLC.
3. Gaming Site Authorization for Bismarck Youth Baseball, LLC. to conduct gaming at the Scheels Youth Baseball Complex, 2000 Shiloh Drive.
4. Introduction of and call for a public hearing on a request for a new Class F2: Restaurant Beer and Wine Liquor license for Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro at 1825 N 13th Street.

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

1. Introduction of and call for public hearing on Ordinance 6570, the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township where the Planning and Zoning Commission recommends approval.
2. Request of Donald and Cynthia Klym for approval of a minor subdivision final plat titled Centennial First Addition First Replat where the Planning and Zoning Commission recommends conditional approval.
3. Introduction of and call for public hearing on a zoning ordinance text amendment, requested by the City of Bismarck, to amend certain dimensional requirements for residential accessory structures where the Planning and Zoning Commission recommends approval.
4. Consider the 2021 Annual Action Plan for CDBG – Substantial Amendment.
5. Request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, to approve the Updated Designation of Signature Authority for TrAMS and Authorization of User Manager Privileges for MPO staff.

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

1. Encroachment agreement with Charity Lutheran Church.
2. Encroachment agreement with Hope Manor Foundation, Inc.
3. Resolution of necessity for Street Improvement District SI 578.
4. Resolution approving preliminary report and directing preparation of plans and specifications and resolution of necessity for Street Improvement District SI 579.

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

1. Applications for Abatement
2. Receive, consider, and award bid for actuarial services.
3. Public Depositories for City Funds



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

1. Permission to sell two decommissioned Police patrol vehicles at auction.
2. Permission to sell a 2015 Chevrolet Equinox at auction and replace it with a forfeited 2015 GMC Sierra.

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

1. Time extension change orders for PKG Contracting and Edling Electric for the Water Treatment Plant High Lift No. 5 project.

### 3. REGULAR AGENDA

A. Public hearing on a request for a new Class G: Catered Retail Beer, Wine, & Liquor license for Thomas & Moriarty's LLC (dba) Thomas & Moriarty's at 200 West Main Street, Mandan.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

Commissioner Marquardt motioned to approve as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

B. Public hearing on a request for a new Class C-2: Hotel or Motel Liquor license for NHS, LLC. (dba) Wingate by Wyndham Bismarck at 1421 Skyline Blvd.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

Commissioner Zenker motioned to approve as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

C. Public hearing on Ordinance 6567 to amend portions of Title 9 - Personnel Regulations.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

The Commission discussed the proposed ordinance amendments and sought feedback from Roger Krueger, Civil Service Commission Chairman, on appropriate changes to the ordinance. Mr. Krueger stated that it is his opinion the ordinance should be adopted as written, which would allow the City Administrator to hire and terminate directors. Mr. Krueger noted that the City Commission always has the authority to review personnel actions as part of each regular Commission meeting Consent Agenda. Mr. Krueger suggested that the Commission develop a procedural process to help guide the hiring and termination process for department directors, which the City Administrator would use in those situations. Mr. Krueger closed by offering his perspective relating to civil service protection, which he believes each department director deserves.

Commissioner Zenker stated that he is comfortable with most of the changes and reaffirmed his position that the City Commission should have the appointing and termination authority of department directors. Commissioner Zenker noted he had

communications with multiple department directors, all of whom expressed support for upholding civil service protection for department directors and staff.

The general consensus of the Commission is to preserve the civil service protection for department directors and to develop procedures that will help define the roles for hiring, terminating, and performance evaluations for department directors.

Commissioner Cleary motioned to approve the ordinance as amended and start the process to create procedures, determine termination, and performance review of department directors, and Commissioner Marquardt seconded. Upon a roll call vote, Commissioners Marquardt, Connelly, Cleary, and Mayor Schmitz voted aye. Commissioner Zenker voted nay. M/C.

<https://bismarcknd.gov/DocumentCenter/View/44623/Item-3C-PDF>

D. Public hearing on Ordinance 6568 to amend the city pension.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

Commissioner Marquardt motioned to approve as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

E. Public hearing on Ordinance 6569 to amend the city police pension.

Mayor Schmitz opened the public hearing. No member of the public appeared for comment.

Commissioner Zenker motioned to approve as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

F. Consider approval of amendment 1 with Apex Engineering Group, Inc for design engineering services related to FEMA South Bismarck Flood Control Project.

Gabe Schell, City Engineer, provided information relating to amendment 1 with Apex Engineering Group, Inc. for design engineering services related to the FEMA South Bismarck Flood Control Project. The City of Bismarck has been awarded \$50,000,000 in Hazardous Mitigation Assistance (HMA) funding from the Federal Emergency Management Agency (FEMA) to address flood mitigation in south Bismarck.

Commissioner Marquardt motioned to Approve amendment 1 with Apex Engineering Group, Inc. for design engineering services related to FEMA South Bismarck Flood Control Project and grant permission for City Engineering to engage with stakeholders on potential impacts this project may cause, including but not limited to Bismarck Parks and Recreation District, Dakota Zoo, and ND Department of Transportation and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

G. Receive an update from the City Commission Fact Finding Subcommittee.

Commissioner Cleary provided an update on the progress of the Fact-Finding Subcommittee. The Subcommittee has been researching and investigating the processes relating to contracts for events and alcohol sales by the third-party vendor. Commissioner Cleary noted that the Subcommittee expressed concerns with the cash-

only alcohol sales and the inability to verify quantities without cash register receipts or other electronic means of inventory. Commissioner Cleary suggested the implementation of cash registers or electronic payment methods for the alcohol vendor. Commissioner Zenker shared with the Commission potential hurdles to overcome for the successful implementation of an electronic payment system, which would include investments in IT and cybersecurity to ensure adequate coverage and a safe network capable of financial transactions and large-scale events. Commissioner Connelly reported the Subcommittee had discussed a potential recommendation to consider a third-party management company to support operations at the Event Center and noted that the Subcommittee will continue exploring this option. Commissioner Connelly closed by informing the Commission that the Subcommittee's work will continue and will include reviewing contracts and interviews with vendors who have worked with the Event Center in the past. The Subcommittee's goal is to report back to the Commission at the February 27, 2024, City Commission meeting.

#### 4. Other Business

Mayor Schmitz asked Leanne Schmidt to reengage the hiring process for the vacant City Administrator position.

Adjourn

There being no further business to discuss, the meeting adjourned at 6:49 PM.

*Phone: 701-355-1300 | 221 North 5th Street | P.O. Box 5503 | Bismarck, ND 58501  
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## PERSONNEL ACTIONS FOR THE MEETING ON January 23, 2024

### Full-Time and Part-Time Appointments

Senger, Sheila Records Technician	Polie	FT Appointment @\$ 20.15/hr 1/8/24
Allex, Michelle Community Health Nurse-NFP	Public Health	PT Appointment @\$33/hr 1/8/24
Utter, LaRae Medical Billing Technician	Public Health	FT Appointment @\$23/hr 1/22/24
Moszer, Terry Building Service Worker	PW-Services	FT Appointment @\$20.47/hr 1/8/24

### Separations

Hunke, Keith City Administrator	Admin	Resigned 1/2/24
Carlson, Allison Office Assistant II	Comm Development	Resigned 1/4/24
Klatte, Timothy Firefighter	Fire	Terminated 1/4/24
Langerud, Clinton Firefighter	Fire	Resigned 1/2/24
Bratsch, Jacob Police Officer	Police	Resigned 1/1/24
Frank, Jacob Police Officer	Police	Resigned 12/31/23
Lahr, Jonathen Master Police Officer	Police	Resigned 1/1/24
Fix, Steffanie Community Health Nurse	Public Health	Resigned 1/1/24
Hursman, Ruth Community Health Nurse	Public Health	Resigned 1/1/24

**Others**

Tomanek, Jason  
Asst. City Administrator

Admin

Acting City Admin  
@\$81.41/hr 1/3/24

Moe, Erik  
Communications Supervisor

CenCom

Promotion  
@\$31.13/hr 1/7/24

Gilgallon, Paige  
Accountant

Fiscal

Leave w/out Pay  
1/6/24

Blotske, Jordan  
WWTP Operator

PW-Utilities

Promotion  
@\$27.88/hr 1/7/24



## Administration Department

**DATE:** January 23, 2024

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

**ITEM:** Application to transfer the Class E - Sale At Retail of Beer Only alcohol license, located at 619 Memorial Hwy, from 3 Fat Boys, LLC. to BHB, LLC

**REQUEST:**

Introduction of and call for a public hearing on the request to have the Class E - Sale At Retail of Beer Only alcohol license located at 619 Memorial Hwy transferred from 3 Fat Boys, LLC. to BHB, LLC.

**BACKGROUND INFORMATION:**

BHB, LLC. is requesting to have the Class E - Sale at Retail of Beer Only alcohol license located at 619 Memorial Hwy transferred from 3 Fat Boys, LLC.

Class E.

To any applicant for the sale at retail of beer only. The total number of Class E licenses issued in any year may not exceed sixteen plus one additional license for each 2,500 people in excess of 60,000 people, as shown by the most recent official estimated census. New Class E licenses or Class E licenses revoked or not renewed may be issued only pursuant to section 5-01-06

**RECOMMENDED CITY COMMISSION ACTION:**

Staff recommends approval of the introduction of and call for a public hearing on the request to have the Class E - Sale At Retail of Beer Only alcohol license located at 619 Memorial Hwy transferred from 3 Fat Boys, LLC. to BHB, LLC., with the public hearing scheduled for Tuesday, February 13, 2024.

Staff also recommends approval of the Class E - Sale at Retail of Beer Only alcohol license transfer.

**STAFF CONTACT INFORMATION:**

Whitnie Olsen, Senior Administrative Assistant, [wolsen@bismarcknd.gov](mailto:wolsen@bismarcknd.gov)

**ATTACHMENTS:**

1. Application
2. Site Diagram





## APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

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

LAST REVISED: 5/15/2023

License Type:				
	<input type="checkbox"/> New Application	<input type="checkbox"/> Renewal	<input checked="" type="checkbox"/> Transfer	<input type="checkbox"/> Relocation
Class A: Nationally Organized Fraternal Order or Club <input type="checkbox"/> \$3,700	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building <input type="checkbox"/> \$650	Class B-2: Concession at the Bismarck Municipal Country Club <input type="checkbox"/> \$650	Class B-3: Commercial passenger vessels on the Missouri River <input type="checkbox"/> \$650	Class B-4: Sale of Beer & Wine at the Bismarck Event Center <input type="checkbox"/> \$650
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations <input type="checkbox"/> \$650	Class B-6: Commercial Airline <input type="checkbox"/> \$650	Class C-1: Hotel or Motel Full Service <input type="checkbox"/> \$3,800	Class C-2: Hotel or Motel <input type="checkbox"/> \$1,000	Class D: Sale at Retail of Alcoholic Beverages <input type="checkbox"/> \$4,100
Class E: Sale at Retail of Beer Only <input checked="" type="checkbox"/> \$800	Class F-1: Restaurant - Alcoholic Beverages <input type="checkbox"/> \$3,500	Class F-2: Restaurant - Beer & Wine Only <input type="checkbox"/> \$1,100	Class G: Catered Retail Beer, Wine, & Liquor <input type="checkbox"/> \$650	Class H: Domestic Brewery / Distillery / Winery <input type="checkbox"/> \$800
Class I: Senior Living Community / Complimentary <input type="checkbox"/> \$350	All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.			

<b>Location Information:</b>				
Legal Business Name: <b>BHB, LLC</b>		Date of Incorporation: <b>12/14/2023</b>	State Business ID Number: <b>0006528396</b>	
Doing Business As (DBA) Name, if Applicable: <b>The Tap-In Tavern</b>		If out of state corporation, is corporation registered in North Dakota? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Location Address: 619 Memorial Highway	City: <b>Bismarck</b>	State: <b>ND</b>	Zip: <b>58504</b>	Phone Number:
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): <b>Kyle Leftwich - BHB, LLC Board Member</b>				

<b>Contact Information (Where correspondence is to be sent):</b>				
Primary Contact: <b>Kyle Leftwich</b>		Phone Number: <b>701-226-4487</b>	Email Address: <b>president@bismarckhockey.com</b>	
Mailing Address: <b>1504 Wichita Dr</b>		City: <b>Bismarck</b>	State: <b>ND</b>	Zip: <b>58504</b>

Manager's Name: <b>Kyle Leftwich</b>		Date of Birth: <b>08/07/1983</b>	Percentage of Ownership: <b>0%</b>	
Driver's License Number: <b>LEF-83-S631</b>		State Issued: <b>ND</b>	Gender: <b>M</b>	Race: <b>Caucasian</b>
Home Address: <b>4443 Glenwood Dr</b>		City: <b>Bismarck</b>	State: <b>ND</b>	Zip: <b>58504</b>
Occupation: <b>Pharmacist</b>	Phone Number: <b>701-226-4487</b>	Title: <b>Board Member</b>	Email Address: <b>president@bismarckhockey.com</b>	



List all officers or directors of corporation or partners and percentage of ownership:

Name: Brad Thompson		Date of Birth: 2-3-70	Percentage of Ownership: 0%
Driver's License Number: Tho - 70 - 7426	State Issued: ND	Gender: Male	Race: caucasian
Home Address: 6222 Fox Meadow Place	City: Bismarck	State: ND	Zip: 58503
Occupation: Banking	Phone Number: 701-391-1009	Title: Branch President	Email Address: Bthompson@Fibt.com

Name: Matt Power		Date of Birth: 3-5-83	Percentage of Ownership: 0%
Driver's License Number: POW-83-3509	State Issued: ND	Gender: Male	Race: caucasian
Home Address: 1240 W Coulee Rd	City: Bismarck	State: ND	Zip: 58501
Occupation: Banking	Phone Number: 701-527-9900	Title: Private Banking	Email Address: mpower3230@gmail.com

Name: Layne Sedevic		Date of Birth: 4-8-83	Percentage of Ownership: 0%
Driver's License Number: SED-83-7436	State Issued: ND	Gender: Male	Race: caucasian
Home Address: 1422 Harmon AVE	City: Bismarck	State: ND	Zip: 58501
Occupation: Hockey Coach	Phone Number: 701-204-5678	Title: Head Coach GM	Email Address: lynesedevic@gmail.com

Name: Jackie Ressler		Date of Birth: 5-3-87	Percentage of Ownership: 0%
Driver's License Number: RES-87-3204	State Issued: ND	Gender: Female	Race: caucasian
Home Address: 4910 Mellowson Dr.	City: Bismarck	State: ND	Zip: 58503
Occupation: Accountant	Phone Number: 701-391-9786	Title: Audit Manager	Email Address: jackiecastleberry@gmail.com

List all officers or directors of corporation or partners and percentage of ownership:

<b>Name:</b> Bismarck Hockey Boosters		Date of Birth:	Percentage of Ownership: 100 %
Driver's License Number:	State Issued:	Gender:	Race:
Home Address: 1504 Wichita Dr.	City: Bismarck	State: ND	Zip: 58504
Occupation: NON-Profit	Phone Number: 701-712-8914	Title:	Email Address:

<b>Name:</b> Ian MacDonald		Date of Birth: 11-18-93	Percentage of Ownership: 0 %
Driver's License Number: MAC-93-1118	State Issued: ND	Gender: Male	Race: Caucasian
Home Address: 916 Buffn Loop, Bismarck ND 58503	City: Bismarck	State: ND	Zip: 58503
Occupation: Board Member	Phone Number: 701-500-2162	Title: Treasurer	Email Address: treasurer@bismarckhockey.com

<b>Name:</b> Kyle Leftwich		Date of Birth: 8-7-83	Percentage of Ownership: 0 %
Driver's License Number: LEF-83-5631	State Issued: ND	Gender: Male	Race: Caucasian
Home Address: 4443 Glenwood Dr.	City: Bismarck	State: ND	Zip: 58504
Occupation: Pharmacist	Phone Number: 701-226-4487	Title: Pharmacist	Email Address: president@bismarckhockey.com

<b>Name:</b> Mikayla Jablonski Lehner		Date of Birth: 5-4-84	Percentage of Ownership: 0 %
Driver's License Number: SAB-84-2316	State Issued: ND	Gender: Female	Race: Caucasian
Home Address: 525 Live Oak Ln	City: Bismarck	State: ND	Zip: 58504
Occupation: Albrey	Phone Number: 701-426-6681	Title: Executive Director	Email Address: executivedirector@Bismarckhockey.com

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

1. Are the manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, please explain:
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2. Have any of the persons listed above been convicted of any crime within the past five years?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, list all convictions and the dates, locations and sentence of disposition of each:
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3. Does the building meet all state and local sanitation and safety requirements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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5. If a new application, has the applicant or any of the persons listed above engaged in the sale or transportation of alcoholic beverages previously?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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6. Has the applicant, or any of the persons listed above, within the past five years, had an application for any federal or state, or local license of any type rejected or denied?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
--	------------------------------

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
--	------------------------------

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other licensed liquor establishment within or without the State of North Dakota?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
---	------------------------------

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
--	------------------------------

11. Have all property taxes and special assessments currently due been paid?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, please give details:
---	-----------------------------

**Signature:**

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

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

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



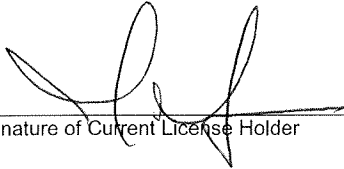
Signature of Applicant

12/29/23  
Date

Kyle Lettwich / Board member  
Print Name / Title of Officer

**Liquor License Transfers (only use if license is being transferred):**

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



Signature of Current License Holder

James Masser  
Print Name



Signature of New Applicant

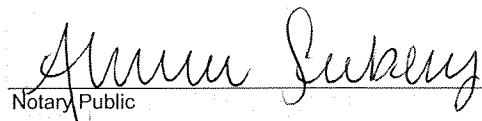
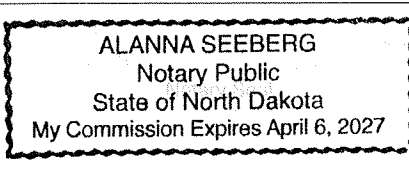
Kyle Lettwich  
Print Name

North Dakota  
State of

Burleigh  
County of

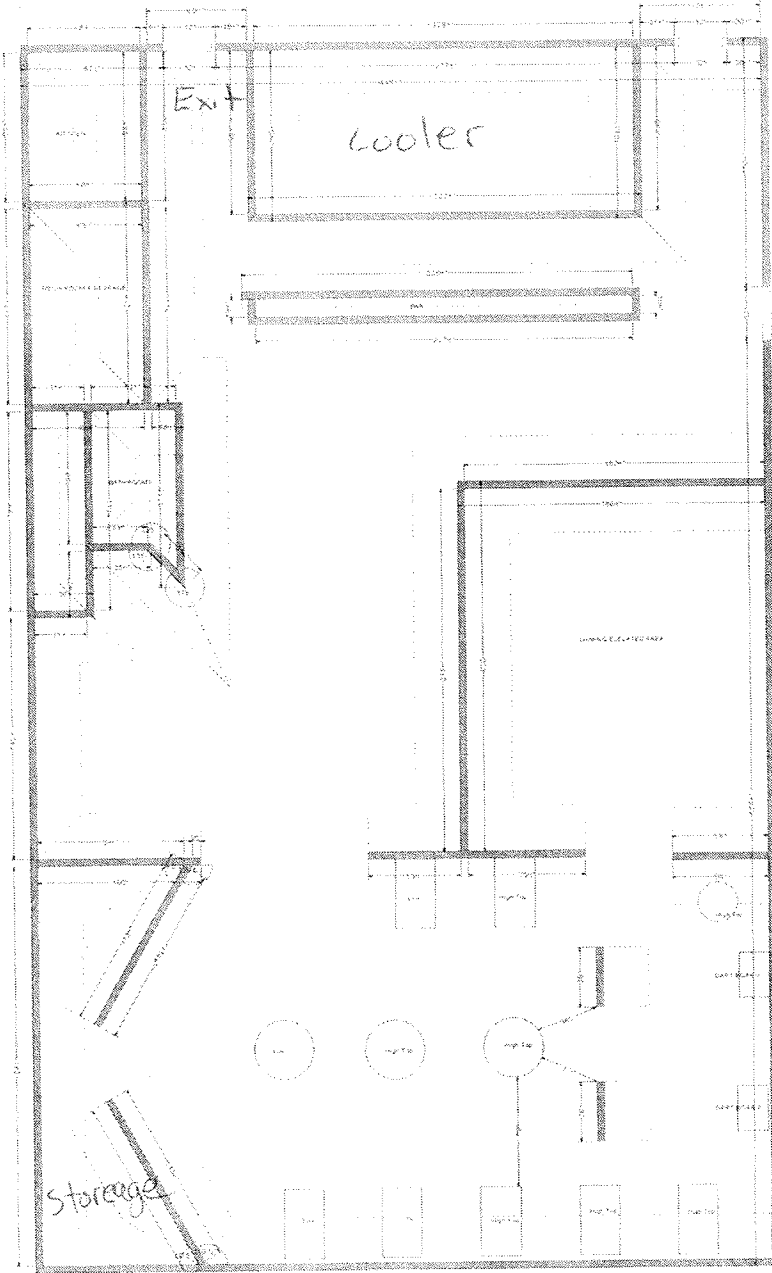
Subscribed and sworn to before me this 29th

day of December



Notary Public

April 6, 2027  
My Commission Expires



N ↑

BHB LLC

Exit 601 MEMORI  
Bismarck, ND

All dimensions & size designations given are subject to verification on job site and adjustment to fit job conditions.

2020

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

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Pri



## Airport

**DATE:** January 23, 2024

**FROM:** Tim Thorsen, Assistant Airport Director

**ITEM:** Actions for the Hangar 5 Demolition and GA Apron Phase 5 Project.

**REQUEST:**

Consider Actions for the Hangar 5 Demolition and GA Apron Phase 5 Project

**BACKGROUND INFORMATION:**

Bismarck Airport has been working on incremental actions over the last 20 years to set the conditions for future development in the north General Aviation (GA) area. Previous related implementation actions approved by the Board were on June 28, 2022, the Board approved a Development Agreement with Simson Investment Corp on October 11, 2022, the Board approved a Development Agreement with Executive Air Taxi Corporation (EATC), and on March 23, 2023, the Board approved actions for GA Apron Phase 4. Simson's two 115-foot x 100-foot hangars are nearly completed and GA Apron Phase 4 (apron and associated work) is completed except for warranty items.

On May 23, 2023, the Board approved an engineering agreement with KLJ for Hangar 5 Demolition and design and construction of GA Apron Phase 5 and other ancillary items to further prepare the North GA area for development and to meet City/Airport obligations in the development agreements. At that May meeting, Bismarck Airport staff said we would bring bids to the Board in the Fall of 2023.

The design was completed, and the project was advertised (Enclosure 1). During the design, staff worked with Federal Aviation Administration (FAA) Project Managers to approve the apron use plan and coordinate funding. The bids were opened on Monday, December 11, 2023 (Enclosure 2). Northern Improvement Company (NIC) and Strata Corporation bid on the project. NIC is the apparent low bidder with a total bid of \$4,837,409.00. NIC's total bid was 5% higher than the Engineer's Opinion of Probable Construction Cost of \$4,594,680.00.

With engineering and other costs added, the total project cost is \$5,759,717.40. To fund the project, Airport staff will initially pay for the project from Airport cash reserves, then later reimburse the project at 90% for eligible items through BIL entitlement funding earmarked for Bismarck Airport (approximately \$1.4 Million from FY 2025 BIL and approximately \$2.6 Million from FY 2026 BIL). Bismarck Aero Center is obligated to participate in 50% of the 43 feet of ineligible apron in front of the planned Fixed Base Operator (FBO) facilities (approximately \$130,992.90) (see Division Z or Enclosure 1). Executive Air Taxi Corporation is obligated to

participate in 50% of the 43 feet of ineligible apron in front of their planned new hangar buildings (approximately \$167,865.80) (see Division 8 or Enclosure 1). Additionally, Bismarck Airport staff will apply for reimbursement of 5% of the BIL eligible portions of the project and 90% of the FAA ineligible project work from the ND State Aeronautics Commission. Staff will plan to recover the "Eligible Sponsor Share" in the Passenger Facility Charge (PFC) collection. The budget is at Enclosure 3. With Board approval to proceed, this project will be completed by Fall 2024.

**RECOMMENDED CITY COMMISSION ACTION:**

1. Receive bids and award to Northern Improvement Company for \$4,837,409.00, subject to review and checking.
2. Approve receiving additional future FAA BIL grant funds for this project.
3. Approve the project budget.

**STAFF CONTACT INFORMATION:**

Greg Haug, Airport Director, 701-355-1805, ghaug@bismarcknd.gov

**ATTACHMENTS:**

1. Supporting Documents



NO.	DATE	REVISION

HANGAR 5 DEMOLITION AND GA APRON PHASE 5  
 BISMARCK AIRPORT - CITY OF BISMARCK  
 BISMARCK, NORTH DAKOTA  
 PROJECT WORK DESCRIPTION & BASIS OF ESTIMATE

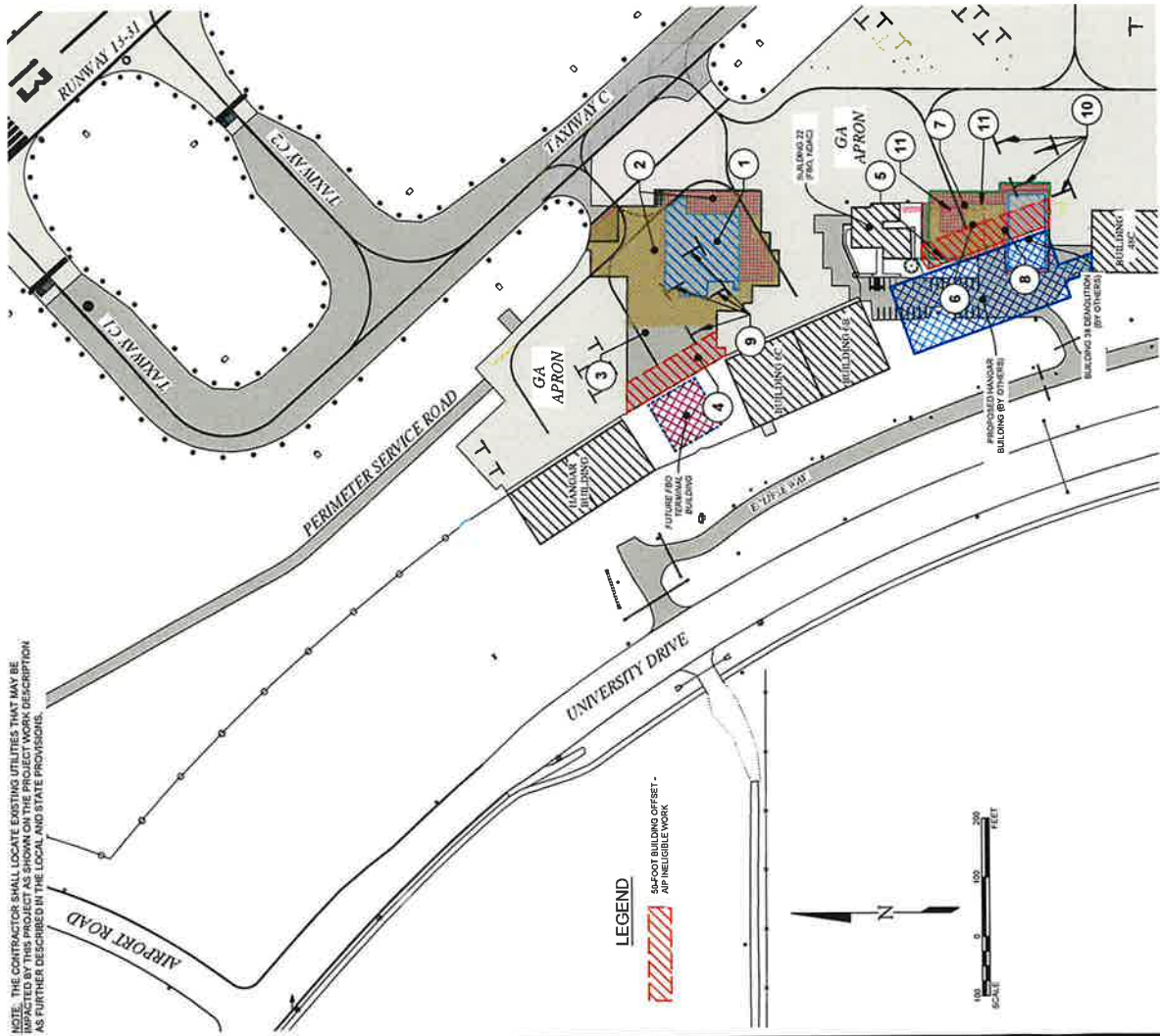
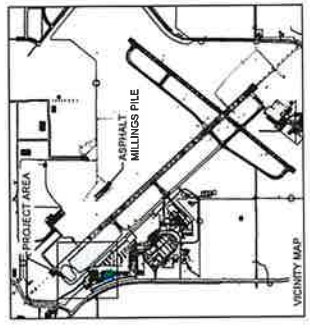
SHEET 4

**PROJECT WORK DESCRIPTION**

BID ITEMS	PROJECT WORK DESCRIPTION
DIVISION 3	HANGAR 5 BUILDING DEMOLITION (APPROXIMATELY 1,500 S.Y.)
DIVISION 1	REMOVE EXISTING ASPHALT (APPROXIMATELY 3,175 S.Y. OF ASPHALT AND 1,238 S.Y. OF CONCRETE)
DIVISION 1	CONSTRUCT GENERAL AVIATION (GA) APRON - AP ELIGIBLE (APPROXIMATELY 2,274 S.Y.)
DIVISION 2	CONSTRUCT GENERAL AVIATION (GA) APRON - AP INELIGIBLE (APPROXIMATELY 861 S.Y.)
DIVISION 4	REMOVE AND DISPOSE OF CHAINLINK SECURITY FENCE (APPROXIMATELY 228 L.F.)
DIVISION 4	REMOVE EXISTING APRON (APPROXIMATELY 493 S.Y. OF ASPHALT AND 873 S.Y. OF CONCRETE)
DIVISION 4	CONSTRUCT GENERAL AVIATION (GA) APRON - AP ELIGIBLE (APPROXIMATELY 1,198 S.Y.)
DIVISION 5	REMOVE EXISTING APRON (APPROXIMATELY 818 S.Y. OF ASPHALT AND 27 S.Y. OF CONCRETE)
DIVISION 1	CONSTRUCT GENERAL AVIATION (GA) APRON (APPROXIMATELY 1,088 S.Y.) - AP INELIGIBLE
DIVISION 4	INSTALL AIRCRAFT PARKING FORTHWITH MARKINGS WITH THE COORNS
DIVISION 4	INSTALL AIRCRAFT PARKING FORTHWITH MARKINGS
DIVISION 4	REMOVE AND DISPOSE OF EXISTING CHAINLINK SECURITY FENCE, GATE 2N WITH OPERATION GATE 2S, AND MISCELLANEOUS STRUCTURES

**BASIS OF ESTIMATE**

- PAVEMENT REMOVAL (P-101) -
- TOPSOIL REMOVAL (P-101) -
- EMBANKMENT (P-101) -
- GEORGE (P-101) -
- RECYCLED ASPHALT PAVEMENT (P-102) -
- SEPARATION GEOTEXTILE (P-209) -
- GRAVEL AGGREGATE BASE COURSE (P-209) -
- ASPHALT PAVEMENT (P-401) -
- EMULSIFIED ASPHALT JACK COAT (P-401) -
- TOPSOIL REPLACEMENT (P-400) -
- S.Y. PAVERIES REQUIRED
- AVERAGE DEPTH OF CONCRETE IS 4"
- STOP FOR ALL EXCAVATION OR EMBANKMENT AREAS (INCLUDED IN UNCLASSIFIED EXCAVATION QUANTITY FOR PAYMENT)
- 40% ADDITIONAL VOLUME HAS BEEN ALLOWED FOR ANTICIPATED MATERIAL SHRINKAGE
- ACTUAL S.Y. IN PLACE, NO OVERLAP INCLUDED
- COMPACTED VOLUME IN PLACE
- ACTUAL S.Y. IN PLACE, NO OVERLAP INCLUDED
- COMPACTED VOLUME IN PLACE
- TONS OF MATERIAL IN PLACE (2 TONS / CY)
- ACTUAL S.Y. IN PLACE
- 0.05 GAL/S.Y.
- MEASURED IN STOCKPILES BY AVERAGE END AREAS OR PRISMICAL METHOD (PAID FOR AS TOPSOILING)



NOTE: THE CONTRACTOR SHALL LOCATE EXISTING UTILITIES THAT MAY BE AFFECTED BY THE PROJECT WORK DESCRIPTION AS FURTHER DESCRIBED IN THE LOCAL AND STATE PROVISIONS.

**LEGEND**







## Bismarck Airport

Hangar 5 Demolition and General Aviation Apron Construction Phase 5

AIP: TBD; KLJ #2205-01910

Monday, December 11, 2023; 4:00 P.M. CT

Bidder	Total Cost Divisions 1, 3, and 4 (AIP Eligible)	Total Cost Divisions 2 and 5 (AIP Ineligible)
Northern Improvement Company Bismarck, ND	\$ 4,239,691.60	\$ 597,717.40
Strata Corporation Grand Forks, ND	\$ 5,105,405.90	\$ 693,048.10
<b>Engineer's Opinion of Construction Cost</b>	<b>\$ 4,041,923.00</b>	<b>\$ 552,757.00</b>

Costs shown are AS READ from the bid opening.

## AIRPORT PROJECT BUDGET

Date: December 22, 2023

<b>Number</b>	AIP TBD	<b>Description</b>	GA Apron (Phase 5) / Hangar 5 Demolition
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<b>Scheduled Start</b>	NTP	<b>Scheduled End</b>	December 6, 2024
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### Project Construction Contracts

<u>Project Construction Contracts</u>	<u>Amount</u>
1. Northern Improvement Company (General)	\$ 4,837,409.00
<b>Total Construction Contracts</b>	<b>\$ 4,837,409.00</b>

<u>Engineer, Testing and Misc. Contracts</u>	<u>Amount</u>
1. KLJ - Construction Observation, Administration, Close Out, and Testing (Phase 5)	\$ 887,271.78
2. Utility Relocation (Estimated - If Needed)	\$ 20,000.00
<b>Total Engineer, Testing and Misc. Contracts</b>	<b>\$ 907,271.78</b>

<b>Administration</b>	<b>\$ 15,036.62</b>
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<b>Sub Total</b>	<b>\$ 5,759,717.40</b>
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<u>Project Funding</u>	<u>Amount</u>
FAA Grant:	
BIL FY 2025	\$1,418,389.00
BIL FY 2026	\$2,600,060.00
State Grant 5% BIL Eligible	\$ 258,100.00
BAC 50% Apron Share	\$ 130,992.90
EATC 50% Apron Share	\$ 167,865.80
Airport Funds	
5% BIL Eligible	\$ 258,100.00
BAC 50% Apron Share	\$ 130,992.90
EATC 50% Apron Share	\$ 167,865.80
Costs Eligible for Federal Funding but not Identified	\$ 627,351.00
<b>Total Funding (without contingencies)</b>	<b>\$ 5,759,717.40</b>

CONTINGENCIES	10%	\$575,971.74
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OTHER COSTS	0
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<b>TOTAL PROJECT COST</b>	<b>\$6,335,689.14</b>
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Enclosure 3



## Airport

**DATE:** January 23, 2024

**FROM:** Greg Haug, Airport Director

**ITEM:** Request to sell the 2005 Ford Expedition at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05.

**REQUEST:**

Request to sell the 2005 Ford Expedition at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05.

**BACKGROUND INFORMATION:**

2005 Ford Expedition, mileage:106,335, VIN: 1FMFV16535LA65322 has reached the end of the service life.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve sale or disposal of the 2005 Ford Expedition at a public marketplace commonly used for the sale of motor vehicles as described in City Ordinance 7-01-05.

**STAFF CONTACT INFORMATION:**

Greg Haug, Airport Director, 701-355-1805, ghaug@bismarcknd.gov

**ATTACHMENTS:**

None



## Airport

**DATE:** January 23, 2024

**FROM:** Tim Thorsen, Assistant Airport Director

**ITEM:** Amendment 1 to the Architectural Agreement with Ubl Design Group for the Snow Removal Equipment (SRE) Building Project.

**REQUEST:**

Consider Amendment 1 to the Architectural Agreement with Ubl Design Group for the Snow Removal Equipment (SRE) Building Project.

**BACKGROUND INFORMATION:**

On February 8, 2022, the Board of City Commissioners approved an Architectural Agreement with Ubl Design Group for an SRE building. This is a no cost time only Change Order to align the Civil Engineer and Architect contract completion dates for the SRE building project. The Ubl Design Group completion date was originally set at 12/23/2023. The date should have been set later. The Civil Engineer consultant agreed completion date is six months from the contractor prerequisites to final acceptance date of February 24, 2024 making the Civil Consultant completion date August 24, 2024. Adjusting the Ubl completion date will allow time for inspection activities needed prior to the prime contraction(s) final acceptance and will allow time for necessary project closeout activities.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve Amendment to the Architectural Agreement with Ubl Design Group for SRE Building at Enclosure 1

**STAFF CONTACT INFORMATION:**

Greg Haug, Airport Director, 701-355-1805, ghaug@bismarcknd.gov

**ATTACHMENTS:**

1. AIA Document



# AIA® Document G802® – 2017

## Amendment to the Professional Services Agreement

**PROJECT:** *(name and address)*  
Bismarck Airport | Snow Removal  
Equipment Facility  
Bismarck, North Dakota

**AGREEMENT INFORMATION:**  
Date: 8 February 2021

**AMENDMENT INFORMATION:**  
Amendment Number: 001  
Date: 11 January 2024

**OWNER:** *(name and address)*  
City of Bismarck  
221 North 5th Street  
P.O. Box 5503  
Bismarck, ND 58506-5503

**ARCHITECT:** *(name and address)*  
Ubl Design Group, P.C.  
210 South 12th Street  
Bismarck, ND 58504

The Owner and Architect amend the Agreement as follows:  
This is a **NO COST** Amendment to extend the Professional Services Agreement end date to align with the Airport engineering agreement and allow adequate time to complete all Project closeout procedures.

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:  
\$0.00

Schedule Adjustment:  
New date: August 24, 2024

**SIGNATURES:**

Ubl Design Group, P.C.  
ARCHITECT *(Firm name)*

City of Bismarck  
OWNER *(Firm name)*

SIGNATURE

SIGNATURE

Jeffrey J. Ubl, President  
PRINTED NAME AND TITLE

Michael T. Schmitz, President Board  
of City Commissioners  
PRINTED NAME AND TITLE

JANUARY 11, 2024  
DATE

DATE



## Airport

**DATE:** January 23, 2024

**FROM:** Greg Haug, Airport Director

**ITEM:** Consider a \$1,500 sponsorship to the North Dakota Aviation Association (NDAA) for the 2024 Conference and Expo.

**REQUEST:**

Consider a \$1,500 sponsorship to the North Dakota Aviation Association (NDAA) for the 2024 Fly-ND Conference and Expo.

**BACKGROUND INFORMATION:**

Airport Staff requests the Board consider a \$1,500 sponsorship to the North Dakota Aviation Association (NDAA) for the 2024 Fly-ND Conference and Expo on March 3-5, 2024. The 2024 Fly-ND Conference will be held in Grand Forks at the Alerus Center. Bismarck Airport staff has participated in and sponsored the conference for many years. The conference promotes staff professional development and fosters the aviation industry in the State of North Dakota.

Airport staff actively supports the professional development activities of the NDAA and our member organization, the Airport Association of North Dakota (AAND). AAND conducts the majority of the professional development offered to airports at the symposium. Airport staff has supported these efforts over the years by participating in presentations, organizing, and acting as representatives or officers of NDAC and AAND. Our Marketing and Operations Manager, Matthew Remyense, currently serves as past President and Board member of AAND.

In the past, the hosting community airport generally sponsors the conference with \$5,000. The other large commercial service airports also support the conference with \$1,500 sponsorships. For this sponsorship, Bismarck Airport will get its name and logo displayed in various locations on site, on brochures, and on the website and conference platform.

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

**RECOMMENDED CITY COMMISSION ACTION:**

Approve the \$1,500 sponsorship for the 2024 Fly-ND Conference and Expo.

**STAFF CONTACT INFORMATION:**

Tim Thorsen, Assistant Airport Director, 701-355-1806, [tthorsen@bismarcknd.gov](mailto:tthorsen@bismarcknd.gov)

**ATTACHMENTS:**  
None



## Community Development Department

**DATE:** January 23, 2024

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

**ITEM:** Authorizing Resolution for Bis-Man Transit Grant Filing

**REQUEST:**

The Bismarck-Mandan Metropolitan Planning Organization (MPO), on behalf of Bis-Man Transit, requests approval of an Authorizing Resolution to allow Bis-Man Transit to make application through the North Dakota Department of Transportation for Section 5310 and Section 5339 funding to support capital assistance projects.

**BACKGROUND INFORMATION:**

Bis-Man Transit buses and service vehicles are assigned by title to the City of Bismarck. It is understood that such vehicles purchased by Bis-Man Transit through state or federal funding programs will be assigned and titled to the City of Bismarck with the grant funds for the purchase of such vehicles passing through the City of Bismarck (grantee) to Bis-Man Transit (subrecipient) for reimbursement.

North Dakota Department of Transportation has set forth specific requirements regarding the pass-through grant process pertaining specifically to the relationship of grantee/subrecipient of the City of Bismarck and Bis-Man Transit, respectively. One of these requirements is the authorization of Bis-Man Transit, by the City of Bismarck, to make application for Section 5310 and Section 5339 capital assistance through the North Dakota Department of Transportation. The authorization is provided by resolution, as attached, and is updated on an annual basis.

**RECOMMENDED CITY COMMISSION ACTION:**

Staff recommends approval of the Authorizing Resolution to be signed by the President of the Bismarck City Commission.

**STAFF CONTACT INFORMATION:**

Stephen Larson, Transportation Specialist, 701-355-1848, slarson@bismarcknd.gov

**ATTACHMENTS:**

1. Authorizing Resolution





## Authorizing Resolution

This resolution authorizes the filing of an application for a grant under 49 U.S.C. Sections 5310 and 5339, as amended by The Infrastructure Investment and Jobs Act (IIJA), Public Law No. 117-58, November 15, 2021, and other authorizing legislation to be enacted,

WHEREAS, the U.S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration (FTA) to support capital assistance projects for non-urbanized area public transportation systems under Sections 5310 and 5339 of The Infrastructure Investment and Jobs Act (IIJA), Public Law No. 117-58, November 15, 2021, as amended; and

WHEREAS, the North Dakota Department of Transportation has been designated by the Governor to administer Sections 5310 and 5339; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including provisions for the local share of project costs;

THEREFORE, BE IT RESOLVED on behalf of the City of Bismarck that Bis-Man Transit is authorized to execute and file an application with the North Dakota Department of Transportation to aid the financing of capital assistance for projects pursuant to Sections 5310 and 5339 of The Infrastructure Investment and Jobs Act (IIJA), Public Law No. 117-58, November 15, 2021, as amended;

That Bis-Man Transit is authorized to furnish such additional information as the North Dakota Department of Transportation may require in connection with the application of the project.

The undersigned duly qualified and acting President of the Bismarck Board of City Commissioners certifies that the foregoing is a true and correct statement.

\_\_\_\_\_

(Date)

\_\_\_\_\_

(Signature of Officer)

President, Bismarck Board of City Commissioners

(Title of Officer)



## Community Development Department

**DATE:** January 23, 2024

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

**ITEM:** Request of the Historic Preservation Commission to apply for the 2024 Historic Preservation Fund Grant.

**REQUEST:**

The Historic Preservation Commission is requesting permission to apply for the 2024 Historic Preservation Fund Grant.

**BACKGROUND INFORMATION:**

The Historic Preservation Commission, at their regular meeting on January 17, 2024, recommended approval of a Historic Preservation Fund Grant application. The Historic Preservation Fund grant is available to Certified Local Governments (CLG) through funds provided by the National Park Service and administered through the State Historic Preservation Office (SHPO). The funding can be used for a wide range of CLG supportive activities including administration, National Register nominations, historic property surveys, promotion of history and historic districts, and planning projects.

The total federal grant funding request for the 2024 grant application is \$21,990. The required 40% match will be 100% provided by donated labor calculated for staff and Historic Preservation Commission activities. No city funds will be requested for the grant match.

As proposed, the awarded funding would be used for the three proposed projects:

- Creation of a Bismarck local history education resource kit
- Survey and promote a 6th Street Cultural Trail
- Attend and potentially host the 2024 CLG conference which is being held in conjunction with the Mountain Plains Museum Association conference in Bismarck.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve the request of the Historic Preservation Commission to apply for the attached 2024 Historic Preservation Fund grant and increase budget authority for government grants by \$21,990.

**STAFF CONTACT INFORMATION:**

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov

Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov  
Lauren Oster, Planner, 701-355-1846, laoster@bismarcknd.gov

**ATTACHMENTS:**

1. 2024 HPF Grant Application

## HISTORIC PRESERVATION FUND GRANT APPLICATION FORM

CLG NAME: **City of Bismarck**  
MAILING ADDRESS: **P.O. Box 5503**  
CITY, STATE, ZIP: **Bismarck, ND 58506-5503**  
CONTACT PERSON: **Lauren Oster**  
TITLE: **Planner**  
PHONE: **701-355-1846** E-MAIL: [laoster@bismarcknd.gov](mailto:laoster@bismarcknd.gov)  
ADDRESS: **221 North 5<sup>th</sup> Street, Bismarck, ND 58501**

### PROJECT PERIOD

Start Date: **March 1, 2024** End Date: **February 29, 2025**

### PROJECTS

Project 1: **Administrative Budget**  
Project 2: **Local History School Education Resources**  
Project 3: **Survey and Promote a 6<sup>th</sup> Street Cultural Trail**  
Project 4: **2024 CLG/MPMA Conference**

### FEDERAL FUNDS and MATCHING SHARE:

FEDERAL FUNDS	<b>\$ 21,990</b>
MATCHING SHARE	<b>\$ 14,929</b>
TOTAL PROJECT COST	<b>\$ 36,919</b>

I certify that I understand the terms and conditions relating to the use of HPF grant funds. I understand that I may not proceed with any project work for which reimbursement is expected until I receive written notification from the State Historical Society of North Dakota that the project has been approved. I also certify that the organization I represent has sufficient resources to satisfy the proposed matching share.

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

**2024 HPF Grant Application Comprehensive Budget**

<b>Project 1:</b>					
<b>Administrative Budget</b>	<b>Qty</b>	<b>Each</b>	<b>HPF Request</b>	<b>Match Amount (Donated Labor)</b>	<b>Project Total</b>
Administrative Salary and Benefits	1	\$3,929	\$0	\$3,929	\$3,929
HPC Donated Labor					
		<b>Total:</b>	<b>\$0</b>	<b>\$3,929</b>	<b>\$3,929</b>
<b>Project 2:</b>					
<b>Local History School Education Resources</b>	<b>Qty</b>	<b>Each</b>	<b>HPF Request</b>	<b>Match Amount (Donated Labor)</b>	<b>Project Total</b>
Metal Trunk/Container	1	\$450	\$450	\$0	\$450
Objects	20	\$75	\$1,500	\$0	\$1,500
Worksheets	4	\$10	\$40	\$500	\$540
Activities	10	\$100	\$1,000	\$1,800	\$2,800
Teacher Guide/Topic Report	1	\$500	\$500	\$2,000	\$2,500
		<b>Total:</b>	<b>\$3,490</b>	<b>\$4,300</b>	<b>\$7,790</b>
<b>Project 3:</b>					
<b>Survey and Promote a 6th Street Cultural Trail</b>	<b>Qty</b>	<b>Each</b>	<b>HPF Request</b>	<b>Match Amount (Donated Labor)</b>	<b>Project Total</b>
Consultant	1	\$15,000	\$15,000	\$0	\$15,000
HPC Donated Labor	1	\$3,500	\$0	\$4,500	\$4,500
Online StoryMaps Walking Tour	1	\$2,000	\$0	\$1,000	\$1,000
		<b>Total:</b>	<b>\$15,000</b>	<b>\$5,500</b>	<b>\$20,500</b>
<b>Project 4:</b>					
<b>2024 CLG/MPMA Conference</b>	<b>Qty</b>	<b>Each</b>	<b>HPF Request</b>	<b>Match Amount (Donated Labor)</b>	<b>Project Total</b>
Conference Expenses	1	\$3,500	\$3,500	\$0	\$3,500
HPC & Staff Donated Labor	1	\$1,200	\$0	\$1,200	\$1,200
		<b>Total:</b>	<b>\$3,500</b>	<b>\$1,200</b>	<b>\$4,700</b>
<b>BUDGET SUMMARY</b>					
				<b>FEDERAL FUNDS</b>	<b>\$21,990</b>
				<b>MATCHING SHARE</b>	<b>\$14,929</b>
				<b>TOTAL PROJECT COST</b>	<b>\$36,919</b>

# Priority 1: Administrative Budget

**NARRATIVE**

Administrative support for the Bismarck Historic Preservation Commission is provided by Lauren Oster, Planner for the City of Bismarck’s Community Development Department, Planning Division. The coordinator’s typical Historic Preservation Commission duties include:

- Preparation of Historic Preservation Commission meeting packets
- Staffing Commission meetings
- Organizing work tasks and tracking associated donated labor
- Developing and/or administering Historic Preservation Commission work products
- Identification of future Historic Preservation Commission initiatives
- Coordination between citizens, historic preservation professionals/cultural resource firms, the Historic Preservation Commission and other City of Bismarck staff, boards and commissions on matters related to historic preservation
- Supervision of subcontractors and oversight/review of subcontracted projects
- Applicable grant administration, record keeping, and reporting in accordance with local, state and federal requirements
- Maintenance of applicable records pertaining to current activities of the Historic Preservation Commission and potential historically significant local events

**PRODUCTS**

**TIMELINE** (for submittal of products to the

State)

Monthly reports	Last day of the month
Expense and match reports	Throughout the grant cycle
Grant Year 1 Report	November 1, 2024
Grant Year 2 Report	November 1, 2025
Grant Year 3 Report	November 1, 2026
Historic Preservation Commission meeting minutes	Within 30 days after the meeting
Agendas	5 days before meeting

**ADMINISTRATIVE BUDGET**

	<b>MATCH</b>	<b>HPF FUNDS</b>	<b>TOTAL</b>
Coordinator's Salary and Benefits (See breakdown on next page)	\$ 3,929.00	\$0	\$ 3,929.00
<b>TOTAL</b>	<b>\$ 3,929.00</b>	<b>\$0</b>	<b>\$ 3,929.00</b>

**Budget Notes:**

**Coordinator:** The coordinator’s 2024 annual salary and fringe/benefit calculations are as follows:

Salary	\$65,800.02	per year
FICA/Medicare	\$5,033.70	per year
Health and Life Insurance	\$19.50	per year
Pension	\$6,843.20	per year
Workers Comp	\$50.35	per year
Disability	\$82.25	per year
Sick Leave	96 hours	per year
Annual Leave	96 hours	per year
Discretionary Leave	40 hours	per year

The coordinator’s benefit and salary cost per hour is estimated at \$37.42.

The Bismarck Historic Preservation Commission coordinator’s grant cycle salary for submitted grant related activities are as follows:

	<b>GRANT CYCLE EVENTS</b>	<b>HOURS</b>	<b>TOTAL SALARY &amp; BENEFIT COST / HOUR*</b>	<b>SUBTOTAL</b>
Monthly Reporting	12	1	\$37.42	\$449
Reimbursement Processing	1	3	\$37.42	\$112
Project Administration	12	3	\$37.42	\$1,347
HPC Agenda Packet Prep	12	3	\$37.42	\$1,347
HPC Meeting & Discussion	12	1.5	\$37.42	\$674
			<b>TOTAL</b>	<b>\$3,929.00</b>

**\*Administrative Budget Note - Historic Preservation Commission, other staff and volunteers:** The Bismarck Historic Preservation Commission is anticipated to provide reviews of subcontracted work products. Since the amount of donated time each professional member may provide is unknown, estimates are not included in this grant application. Other City of Bismarck staff, including the City Attorney, Community Development Director, Planning Manager and Administrative Assistant donated labor is also tracked.



## **Priority 2: Local History School Education Resources**

The City of Bismarck is seeking project funding assistance to create K-12 education resources that promote Bismarck's local history.

### **NARRATIVE**

Grant funds are sought to assist with associated costs to create K-12 education resources that promote Bismarck's local history. The education resources would be developed as part of a Suitcase Education for North Dakota (S.E.N.D.) kit matched to a specific topic within North Dakota Studies Units. Currently, there are no specific local education kits in the State Historic Society of North Dakota's (SHSND) collection. Bismarck, as the state capital of North Dakota, has played an important role in shaping the historic landscape of North Dakota. Its history should be a prominent focus for the historic education programs within North Dakota.

This proposed S.E.N.D. kit will provide teachers and students with hands-on objects, worksheets, and activities to facilitate memorable learning experiences and promote important aspects of Bismarck's local history. A teacher guide, including a short report on the topic, will also be included in the kit. The goal of this short report is to provide an overview of the topic for the teacher to reference when delivering the lesson.

As the North Dakota State Capital, Bismarck's local history is an important facet to the overall understanding of North Dakota's history. Many important people and groups shaped Bismarck into what it is today. The proposed time period for the topic will mirror the 8<sup>th</sup> grade North Dakota Studies Unit III: Waves of Development (1861-1920). This time period allows for the presentation of a multitude of potential topics including conflicts between tribal groups and the U.S. Army, North Dakota's statehood, and the suffrage movement.

A topic has not been established at this time. The potential topic will dictate the exact amount of the associated resources in the kit (i.e., objects and activities). The topic and all resources from the kit will also reflect relevant education benchmarks ND.6\_12.1.1 through ND.6\_12.4.6 of the 6-12 North Dakota Social Studies Content Standards. Bismarck Public Schools and the Bismarck Historical Society will be consulted during the creation of the activities and procurement of the objects.

All the objects within the kit will be utilized in the activities, providing a tactile learning experience for students. The worksheets will offer a lighter form of learning while still highlighting important aspects of the potential topic. The teacher guide/topic report will include a lesson plan for the teacher and provide a brief background on the topic. This allows the teacher to deliver the lesson with little to no prior knowledge of the subject. The report will also be cited accordingly and will provide additional resources for reference.

### **PRODUCTS**

- 1 S.E.N.D. kit including the following:
  - 1 metal trunk/container
  - 15-20 topic-specific objects
  - 3-4 Worksheets
  - 8-10 Activities
  - Teacher Guide/Topic Report

**TIMELINE**

Determine Content for Kit.....April 2024  
S.E.N.D. Kit Content Creation.....May-July 2024  
Approval by HPC.....August 2024  
Approval by SHPO.....October 2024  
Distribute (as needed) .....November 2024

**BUDGET**

	<b>MATCH</b>	<b>HPF FUNDS</b>	<b>TOTAL</b>
Metal trunk/container	\$0	\$450	\$450
Objects	\$0	\$1,500	\$1,500
Worksheets	\$500	\$40	\$540
Activities	\$1,800	\$1,000	\$2,800
Teacher Guide/Topic Report	\$2,000	\$500	\$2,500
<b>TOTAL</b>	<b>\$4,300</b>	<b>\$3,490</b>	<b>\$7,790</b>

Cost estimates were obtained by contacting both the Education Supervisor at the SHSND as well as the Curator of Interpretation at the SDSHS about their education kits. The Bismarck HPC will investigate all options for procurement of objects or replicas for the kit at low or reasonable prices. City staff will provide project management and coordinate with any necessary consultants. There was a variety of estimates based on the topic of the kit, so an average was used to establish the requested grant funding with a 10% contingency added. City staff and the Historic Preservation Commission will provide donated labor as a match.

## **Priority 3: Survey and Promote a 6<sup>th</sup> Street Cultural Trail**

The Bismarck Historic Preservation Commission is seeking project funding assistance for a qualified consultant(s) to complete an in-depth architectural/historic survey/evaluation of the 6<sup>th</sup> Street corridor between the capitol grounds and downtown Bismarck and an online StoryMap walking/driving tour identifying and promoting notable structures along this route.

### **NARRATIVE**

The Bismarck Historic Preservation Commission (HPC) is seeking project funding assistance for a qualified consultant(s) to complete an in-depth architectural/historic survey/evaluation of the 6<sup>th</sup> Street corridor between the capitol grounds (E Boulevard Ave) and downtown Bismarck (E Main Ave), to determine whether properties in this area are eligible for nomination to the National Register of Historic Places (NRHP). This corridor's proximity and roadway connection to the state capitol is important for understanding the development of this area and past residents' connections with North Dakota's state government.

The City of Bismarck recently adopted its Comprehensive Plan in 2022. Goal T6(c) of this plan states: "Develop and promote a 6<sup>th</sup> Street Cultural Trail connecting downtown with the Capitol Grounds using wayfinding and improved bicycle and pedestrian infrastructure." This is part of T6's broader goal: "Preserve buildings and sites of architectural significance to the history of Bismarck." Completing a survey along this corridor will ensure that the historic significance and development of this corridor is preserved.

The potential project area would encompass a total of 90 properties. This area has not been previously adequately surveyed or systematically inventoried. The area consists of single-family and multi-family homes, commercial buildings, and health and municipal facilities. Of the 90 buildings, 77 in this survey area were built between from 1882 and the 1980s. Five sites in this potential survey area are currently individually listed on the NRHP or are contributing to the Bismarck Downtown Historic District. Eleven architectural sites along this corridor have been previously surveyed; however, five are over 20 years old and will likely need to be updated. By having a larger survey area encompassing more properties, there is a greater chance for identifying significant historical resources as well as expanding the Bismarck HPC's current inventory of historic properties.

In 2007, a survey of the 4<sup>th</sup> Street corridor was conducted. It was concluded that areas to the east and west of 4<sup>th</sup> Street (i.e., 6<sup>th</sup> Street) should be evaluated for comparative purposes to determine if these corridors are individually distinct and significant or if they would contribute to a larger potential NRHP district. If enough properties in these surrounding areas, including 6<sup>th</sup> Street, were identified as eligible for nomination to the NRHP, there would be significant potential for the creation of another historic district in Bismarck.

The creation of an online StoryMap promoting unique buildings identified along this corridor, in conjunction with the survey, helps promote cultural stability, stimulate tourism, and safeguard the heritage of the community. A goal of the Bismarck HPC is to develop resources that will support and provide avenues that encourage self-exploration of our history and heritage. This online resource, created in conjunction with the survey, benefits the community immediately by promoting knowledge and understanding of the City's heritage, our historic properties, and the past endeavors of our residents.

A draft of all site forms and survey reports will be subject to review by members of the HPC prior to submission to the State Historic Preservation Office. The HPC is fully capable of providing such review in-house, based on the relevant professional experience of current board members who meet the Secretary of the Interior’s Professional Qualifications Standards for History (Commissioner Nodland, Swanson, Jackson, and Sakariassen), Archaeology (Commissioner Nodland and Engel), and Architecture (Commissioner Swanson), and those who have experience serving on the State Review Board (Commissioner Sakariassen).

**PRODUCTS**

- Scope of Work
- Chosen Proposal
- Contract
- Site Forms
- Draft Survey to Commission
- Draft of Survey to State Historic Preservation Office
- Final Survey Report
- Online StoryMap

**TIMELINE**

- Scope of Work/RFP.....March 2024
- Chosen Proposal.....May 2024
- Contract Review/Awarded.....May 2024
- Consultant Starts Survey Work.....June 2024
- Site Forms for Review.....August 2024
- Draft Survey to Commission.....December 2024\*
- Draft of Survey to Historic Preservation Office.....January 2025\*
- Final Survey Report.....February 2025\*

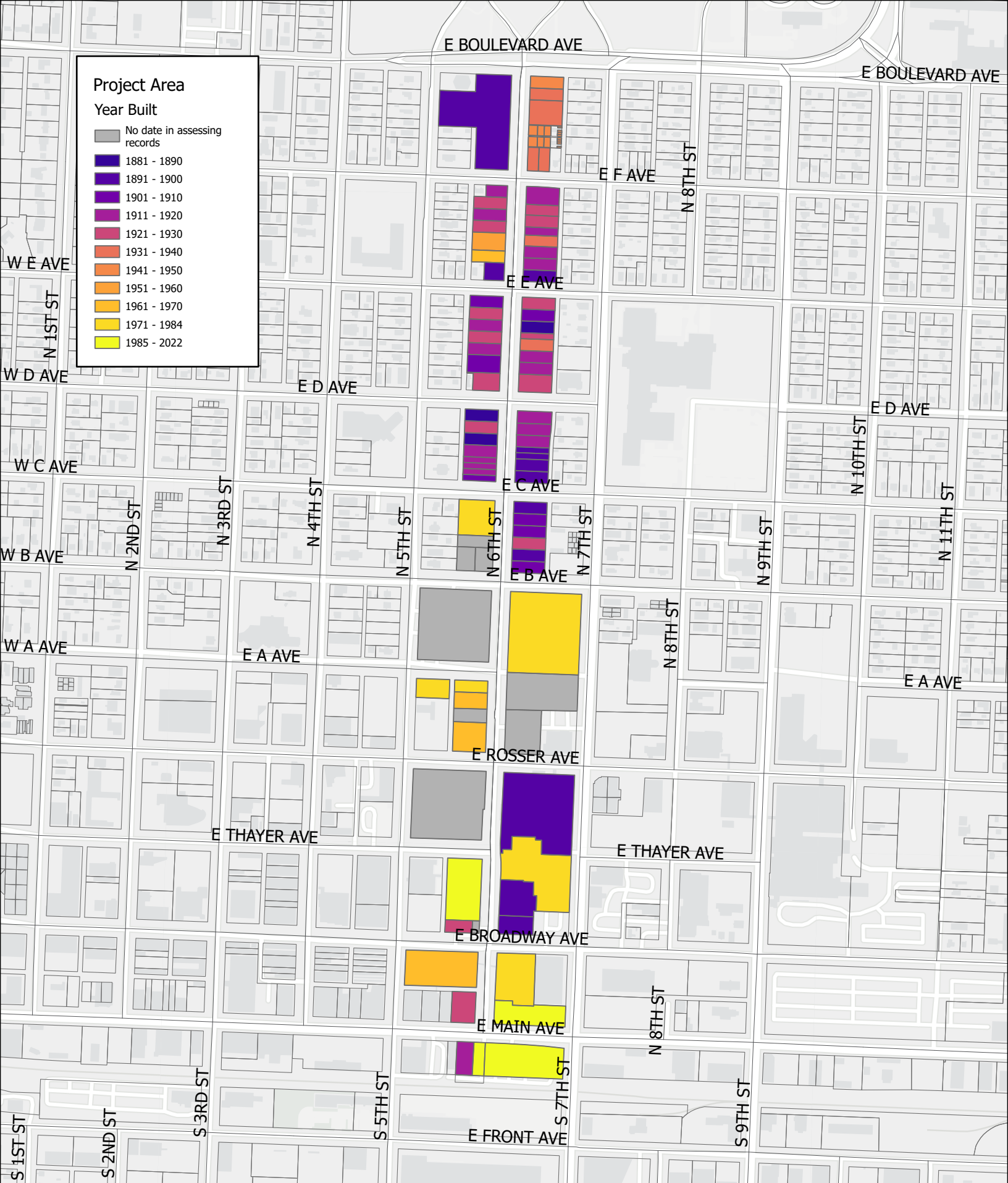
*\*This will include submittal of the online StoryMap.*

**BUDGET**

	MATCH	HPF FUNDS	TOTAL
Consultant	\$ 0	\$15,000	\$15,000
HPC Donated Labor	\$4,500	\$ 0	\$4,500
Online StoryMap Walking Tour	\$1,000	\$0	\$1,000
<b>TOTAL</b>	<b>\$5,500</b>	<b>\$15,000</b>	<b>\$20,500</b>

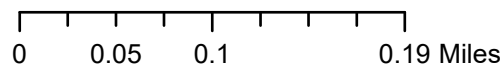
Cost estimates for the architectural survey were obtained from contacting local contractors who specialize in architectural history, evaluating past associated costs from the Highland Acres Historic District survey, and reviewing peer North Dakota Certified Local Government survey

projects. Match funds will be provided as donated labor from City of Bismarck staff for grant and project administration, creation of an online StoryMaps walking tour, and HPC members' time spent reviewing work products. All estimates include an additional 25% contingency.



**Bismarck Community Development Department 1/2024**

This map is for reference purposes only and is not intended as a survey or accurate representation of all map features.



## **Priority 4: 2024 CLG/MPMA Conference**

The Bismarck Historic Preservation Commission is seeking funding assistance to potentially host the 2024 Annual North Dakota Certified Local Government (CLG) conference which will be held in conjunction with the 2024 Mountain Plains Museum Association (MPMA) conference. As the capital of North Dakota, Bismarck's history is rich and full of a multitude of important people, places, and events.

The host community for the CLG annual conference has traditionally cycled between each of the North Dakota CLGs. Bismarck hosted the last CLG conference in Bismarck in 2022. No CLG conference was held in 2023. Normally, the honor of hosting this conference would cycle through other CLGs; however, it has been decided that the 2024 CLG conference will be held in conjunction with the MPMA conference from October 6-8 in Bismarck, North Dakota. As such, it makes sense that the Bismarck CLG would host the CLG conference, as it will already be in Bismarck.

It is anticipated that there will be cost associated with hosting the 2024 CLG conference, despite it being held in conjunction with the MPMA conference. The previous CLG conference included breakfast, lunch, snacks, presentations, and a mobile tour of Highland Acres. There were over 30 people who attended, both in-person and online. If chosen to host, the Bismarck HPC would like to include food, presentations, and a group activity as part of the conference program structure. The MPMA is already asking for presentation proposals, so this item could potentially be appeased here. However, the Bismarck HPC would like to focus the conference sessions on areas specific to preservation and its value and importance in communities and can look for additional presentations, as or if needed.

At the last conference, a mobile tour of Highland Acres was offered as an activity. The Bismarck HPC would like to provide a similar activity to in-person conference attendees as this is a great way to showcase and immerse individuals in Bismarck's historic landscape. Utilization of the walking/driving tour maps of our three historic districts will also be incorporated into the activity.

Discussion with the MPMA coordinators will need to happen before the logistics are set. However, the following is a rough layout of the logistics for the CLG conference. The conference will be free to any staff or local city elected/appointed commissioner of a CLG as well as those from the State Historic Preservation Office and State Historical Society of North Dakota. Registration will include free snacks and lunch for participants. Additional expenses may include procurement and booking of an adequately sized venue, potential keynote speaker fees, online conference participation platform fees, printed material, and other miscellaneous conference related expenses.

### **PRODUCTS**

2024 CLG Conference (3 days)

Venue (If not already chosen by MPMA)

Lunch Meal and Snacks

Remote Online Platform

Printed Agendas and Material

3-5 Local/State Sessions on Historic Topics

North Dakota CLG Coordinators Presentation (showcasing recent and current projects)

**TIMELINE**

Establishment of CLG Conference Planning Committee.....February 2024  
Planning Committee\* .....March to May 2024  
Presentations/Speaker Identification and Confirmation.....*Before* August 2024  
Conference Registration..... *Before* September 2024  
2024 CLG/MPMA Conference.....October 6-8, 2024

*\*Discussion with MPMA conference coordinators will take place during this planning period*

**BUDGET**

	MATCH	HPF FUNDS	TOTAL
Conference Expenses	\$0	\$3,500	\$3,500
HPC & Staff Donated Labor	\$1,200	\$0	\$1,200
<b>TOTAL</b>	<b>\$1,200</b>	<b>\$3,500</b>	<b>\$4,700</b>

This budget is based on the 2022 CLG conference with a 25% contingency buffer. Although this conference is set to last two days longer than the 2022 conference, it is anticipated that a portion of the cost will be handled by the MPMA. City staff, Historic Preservation Commission, and community volunteers will provide donated labor as a match.



**Bismarck Historic Preservation Commission**

<b>NAME</b>	<b>POSITION*</b>	<b>ADDRESS</b>	<b>PHONE</b>	<b>EMAIL</b>	<b>DONATED TIME RATE</b>
<b>Michael Connelly</b>	Commissioner & City Commissioner	221 North 5th Street, Bismarck ND 58506	701-355-1300	<a href="mailto:mconnelly@bismarcknd.gov">mconnelly@bismarcknd.gov</a>	\$15.00
<b>Currently Vacant</b>	Commissioner	221 North 5th Street, Bismarck ND 58506	701-355-1840	on file	
<b>John Swanson</b>	Commissioner	221 North 5th Street, Bismarck ND 58506	701-355-1840	on file	\$34.00
<b>Damita Engel</b>	Commissioner	221 North 5th Street, Bismarck ND 58506	701-355-1840	on file	\$33.88
<b>Tory Jackson</b>	Commissioner	221 North 5th Street, Bismarck ND 58506	701-355-1840	on file	\$25.13
<b>Beth Nodland</b>	Vice-Chair	221 North 5th Street, Bismarck ND 58506	701-355-1840	on file	\$33.88
<b>Amy Sakariassen</b>	Chair	221 North 5th Street, Bismarck ND 58506	701-355-1840	on file	\$25.13
<b>Lauren Oster</b>	Staff	221 North 5th Street, Bismarck ND 58506	701-355-1846	<a href="mailto:laoster@bismarcknd.gov">laoster@bismarcknd.gov</a>	\$37.42

\* As of January 10, 2024

## Bismarck City Commission\*

<b>Name</b>	<b>Position</b>	<b>Contact</b>
<b>Michael Schmitz</b>	Mayor	<a href="mailto:mschmitz@bismarcknd.gov">mschmitz@bismarcknd.gov</a>
<b>Anne Cleary</b>	Commissioner	<a href="mailto:acleary@bismarcknd.gov">acleary@bismarcknd.gov</a>
<b>Steve Marquardt</b>	Commissioner	<a href="mailto:smarquardt@bismarcknd.gov">smarquardt@bismarcknd.gov</a>
<b>Michael Connelly</b>	Commissioner	<a href="mailto:mconnelly@bismarcknd.gov">mconnelly@bismarcknd.gov</a>
<b>Greg Zenker</b>	Commissioner	<a href="mailto:gzenker@bismarcknd.gov">gzenker@bismarcknd.gov</a>

*\* As of January 1, 2024*

**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93- 205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED



## Engineering Department

**DATE:** January 23, 2024

**FROM:** Gabe Schell, City Engineer

**ITEM:** BisMarket Street Closure

**REQUEST:**

Consider approval of a street closure for BisMarket.

**BACKGROUND INFORMATION:**

BisMarket is scheduled to occur on Sweet Avenue between Hannifin St and Washington St on Saturdays from June 1, 2024, to October 19, 2024. See attached request and map from BisMarket.

**RECOMMENDED CITY COMMISSION ACTION:**

Approval of the BisMarket Street Closure Request

**STAFF CONTACT INFORMATION:**

Gabe Schell, City Engineer, 701-355-1507, [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

**ATTACHMENTS:**

1. Request Letter
2. Market Layout Map

Mark Berg  
Bismarck Engineering Department  
221 5<sup>th</sup> St.  
Bismarck, ND 58506

### Greetings

As BisMarket moves into its 12<sup>th</sup> season, we are planning to set up the Saturday market in Kiwanis Park and along Sweet Avenue for the 2024 market season. BisMarket and the Bismarck Parks and Recreation District continue to work together to coordinate these events.

BisMarket would like to request the City of Bismarck to close a portion of Sweet Avenue between Kiwanis Park and the Municipal Ballpark for these regular community markets. The proposed road closure would be Sweet Avenue from Hannifin St. to Washington St. BisMarket is scheduled to be held from 10:00 am – 1:00 pm event Saturday morning from June 1 through October 19, 2024 (weather and vendor availability permitting). Vendor setup begins at 8:00 am.

Closing this portion of the road will allow the event to be safer for everyone, vendors and customers alike. Participants will be able to safely walk, bike, shop, and eat along Sweet Avenue between the park and the ballpark. Please see our attached proposed layout, which maintains the required 20' drive-through path for EMS vehicles.

We plan to use the barricades provided by BPRD at the intersections of Sweet Avenue any questions about this event, please contact me at 701-946-1079

Thank you for your consideration,

### **Robert Massie**

BisMarket Board President

P.O. Box 3112 | Bismarck, ND 58502 [info@bismarket.com](mailto:info@bismarket.com) | [bismarket.com](http://bismarket.com) Follow us: Facebook | Instagram

# CUSTOMER PARKING

Customers Enter via Hannifin St

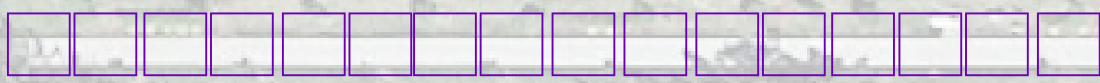
North



Municipal Ballpark

15 Art/Craft 10x10' (no vehicle)

4 Ag 10x10' (no vehicle)



(Sweet Ave is closed to traffic)

W Sweet Ave

W Sw

12 Ag 20x20' (with vehicle)

7 RTE Food 20x20'



E



## LEGEND:

Barricade and/or cones

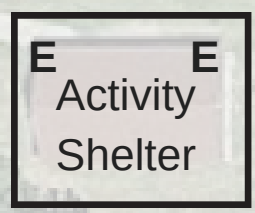
Customer traffic

Tobacco free signage

Imagination Playground

Shelter 1 in Kiwanis Park

Electricity source = E



Yoga (9-10 am)



## Engineering Department

**DATE:** January 23, 2024

**FROM:** Gabe Schell, City Engineer

**ITEM:** NDDOT Exit 161 Interchange Reconstruction - HC132

**REQUEST:**

Consider approval of North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for I-94 Exit 161 Interchange Reconstruction Project IM-NHU-1-094(212)161, PCN 22648; City project HC 132

**BACKGROUND INFORMATION:**

The NDDOT is proposing to reconstruct the I-94 Exit 161 Interchange. This multi-year construction project is scheduled for bid in the spring of 2024 with construction anticipated primarily in the 2024 and 2025 construction seasons. The NDDOT is requesting the City of Bismarck enter into a Cost Participation and Maintenance (CPM) agreement for the project. This agreement assigns the respective responsibilities of the NDDOT and the City of Bismarck including the financial responsibility of each party.

The City will be responsible for 10% of costs associated with project elements south of Interstate 94, 19.07% for project elements north of Interstate 94 and 0% for the interstate right of way related costs. The agreement indicates an estimated cost share of \$792,649 for the \$53,869,707 project. The City will also initiate a separate project to connect the traffic signals installed as part of the NDDOT's project to our traffic signal network by pulling a fiber optic communication line into the Miriam Fire Station.

The City funding source of sales tax was identified in the 2023 and 2024 budget. However, cumulatively, only \$625,000 has been appropriated. A budget request will be presented when the project is bid and NDDOT asks for concurrence in the award. This request will account for any deficit between the appropriated amount and the estimated cost share.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve North Dakota Department of Transportation (NDDOT) Cost Participation and Maintenance Agreement for I-94 Exit 161 Interchange Reconstruction Project IM-NHU-1-094(212)161, PCN 22648; City project HC 132

**STAFF CONTACT INFORMATION:**

Gabe Schell, City Engineer, 701-355-1507, [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)



**ATTACHMENTS:**

1. Cost Participation and Maintenance Agreement

**MEMO TO:** Ronald J. Henke  
Director

**FROM:** Johnson, Michael E.

**DATE:** 12/19/2023

**SUBJECT:** CPM Agreement - IM-NHU-1-094(212)161, PCN 22648

This is the Cost Participation and Maintenance agreement between NDDOT and the city of Bismarck for the reconstruction of the Exit 161 interchange. Work outside Interstate right of way requires a local match by the City and maintenance responsibilities are shared by the two entities.

Please contact Michael Johnson at 701-328-2118 if there are any questions on this agreement.

38/mej

DocuSign Workflow:  
Stacey Hanson, LGD Review  
Paul Benning, LGD Signature  
Shannon Sauer, Finance  
Gabe Schell, City Engineer  
City Attorney  
City Auditor  
Mayor or President of Commission  
Michael Johnson, LGD Review  
Clint Morgenstern, Legal  
Chad Orn, DDP

**North Dakota Department of Transportation  
COST PARTICIPATION AND MAINTENANCE AGREEMENT**

**Federal Award Information – to be provided by NDDOT**

Assistance Listing No: 20.205

Assistance Listing Title: Highway Planning & Construction

Award Name: Federal Aid Highway Program

Awarding Fed. Agency: Federal Highway Admin

NDDOT Program Mgr: Johnson, Michael E.

Telephone: 701-328-2118

**Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.**

**Project No.**IM-NHU-1-094(212)161      **PCN:** 22648

**Location:** CENTENNIAL RD/BIS EXP INTERCHANGE

**Type of Improvement:** Grading, Aggregate Base, PCC Pavement, HMA Pavement, Structure Removal and Replacement, Sidewalk, Retaining Wall, Storm Sewer, Culverts, Signing, Pavement Marking, Traffic Signals, Lighting, Guardrail

**Point of Beginning:** Sta 2+56.69

**Point of Ending:** Sta 31+27.44

In consideration of the mutual benefits to be derived therefrom, it is agreed between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the Local Public Agency (LPA) of city of Bismarck, North Dakota, hereinafter referred to as the LPA, the project will be constructed in accordance with the current edition of NDDOT's *Standard Specifications for Road and Bridge Construction* and with the plans incorporated into this agreement by reference.

The LPA

- a. Will pay 0 percent of the total actual cost of right of way acquired for the project which are determined eligible for funding participation; and
- b. Will pay 0 percent of the total actual cost of utility relocations required for the project which are determined eligible for funding participation; and
- c. Will pay 10 percent of the total actual construction cost of all items which are determined eligible for funding participation for the NHU portion of the project south of Interstate 94; and
- d. Will pay 0 percent of the total actual preliminary engineering cost of all items which are determined eligible for funding participation; and
- e. Will pay 10 percent of the total actual construction engineering cost of all items which are determined eligible for funding participation for the NHU portion of the project south of Interstate 94; and
- f. Will pay 100 percent of the actual construction, preliminary engineering, construction engineering, utility relocation, right of way, and any other costs incurred of all items as requested by the LPA and determined to be non-participating or ineligible for federal aid.
- g. Will pay 19.07 percent of the total actual construction costs of all items which are determined eligible for funding participation for the NHU portion of the project north of Interstate 94; and



- h. Will pay 19.07 percent of the total actual construction engineering costs of all items which are determined eligible for funding participation for the NHU portion of the project north of Interstate 94.

**Additional Funding Clause:**

The IM portion of the project will be funded at 90 percent federal and 10 percent state.

**PART I**

**LPA Obligation:**

1. The LPA will pay to NDDOT as the work progresses or when completed its share of the total cost of the project as defined above.
2. It is specifically agreed that if at any time the LPA fails to pay the amount billed to NDDOT within 60 days after billings, this document shall constitute an assignment of funds derived from the State Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the LPA, and the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the LPA until the total thereof equals the sum billed pursuant to this agreement. The preliminary cost estimate of the project is \$53,869,707, with the LPA's estimated share being \$792,649.
3. All existing LPA right of way within the project limits will be provided by the LPA with clear title and available for use in the project.

**PART II**

**Post Construction**

After the project is completed the LPA agrees to:

1. The LPA will control the length and location of curb openings for future entrances and will not permit the length of curb openings for entrances to exceed the length shown on the plans or as shown on a sketch of typical entrances for similar entrances; and will prohibit the construction or use of any entrances along the project within the LPA other than those shown on the plans, without prior approval of NDDOT.
2. The LPA will not change any speed limit signs as shown on the plans without prior approval of NDDOT.
3. The LPA will prohibit double and diagonal parking and will control all parallel parking where allowed within the limits of the project in a manner satisfactory to NDDOT and to the Federal Highway Administration (FHWA), or both.
4. All signs, signals, markings, and other protective structures erected on or in connection with the project, including those installed at the sole cost and expense of the LPA or by others, shall be approved by NDDOT. All traffic control devices will be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.
5. All right of way for the project will be maintained free of all encroachments except utilities and others in accordance with the current edition of NDDOT's "A Policy for Accommodation of Utilities on State Highway Right-of-Way". All obstructions to, interference with, or hazards to traffic flow will



be removed by the LPA at the request of NDDOT. The LPA will be responsible for any consideration, avoidance, and minimization of impacts upon real property related to this project, such as changes in the grades of the streets, inconveniences to property or business, and any loss of light, air, view, access, egress, drainage, support, or nuisance.

### **PART III**

#### Maintenance

The LPA will, at its own expense, maintain or cause to be maintained, all portions of the project outside the Interstate right of way, unless otherwise noted. NDDOT will, at its own expense, maintain or cause to be maintained, all portions of the project within Interstate right of way. The maintenance will be in a manner satisfactory to NDDOT and FHWA. Exact limits of the project are shown on the attached map.

LPA agrees to the following maintenance items in addition to the above:

The LPA will maintain the roadway outside Interstate right of way, the pavement marking on the roadway, all 40-foot light standards outside Interstate right of way and all signals and signal mounted luminaire extensions which are outside Interstate right of way, pedestrian bridge lighting and underpass lighting. The LPA will provide snow plowing on the bridge, but not snow removal, and pedestrian paths.

NDDOT agrees to the following maintenance items in addition to the above:

NDDOT will maintain Interstate 94, the bridge, the ramps, the structure lighting, signals, and roadway within Interstate right of way, pavement marking on Interstate, bridge and the ramps, high mast lighting, and road closure gates and lights. NDDOT will provide snow removal on the Interstate, bridge and ramps.

### **PART IV**

#### General:

1. Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.
2. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
3. Entities that receive federal funds through NDDOT may be required to obtain an audit in accordance with 2 C.F.R. Part 200, Subpart F. A copy of such audit shall be submitted to NDDOT. Entities that spend less than \$750,000 of federal funds from all sources may be subject to reviews by NDDOT at its discretion. Additionally, all entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non profit businesses.
4. The LPA is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.



5. NDDOT is not responsible for any Property Taxes or Special Assessments on property which has been acquired as part of the roadway reconstruction project. The LPA is responsible to make arrangements for deferral or payment of such Taxes and/or Special Assessments.

Paul Benning

Chad Orn  
For the

12/19/23

ATTORNEY GENERAL

APPROVED as to

Special Asst Attorney General



Executed by the LPA of \_\_\_\_\_, at \_\_\_\_\_,  
North Dakota, the last date below signed.

APPROVED:

LPA of \_\_\_\_\_

\_\_\_\_\_  
LPA ATTORNEY (TYPE OR PRINT)

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\*  
\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
AUDITOR (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota,  
the last date below signed.

APPROVED as to substance by:

NORTH DAKOTA DEPARTMENT OF  
TRANSPORTATION

\_\_\_\_\_  
DIVISION DIRECTOR(TYPE OR PRINT) *SA*

\_\_\_\_\_  
DIRECTOR (TYPE OR PRINT) *SS*

*Paul Bunning*  
\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

\*Mayor or President of Commission

CLA 17058 (Div. 38)  
L.D. Approved 10-17, 1-23; C.M. 12/14/2023



### CERTIFICATION OF LOCAL MATCH

It is hereby certified that the LPA of \_\_\_\_\_ will provide non-federal funds, whose source is identified below, as match for the amount the LPA is obligated to pay under the terms of the attached agreement with the North Dakota Department of Transportation. The certified amount does not duplicate any federal claims for reimbursement, nor are the funds used to match other federal funds, unless expressly allowed by federal regulation.

**Non-Federal Match Funds provided by LPA.** Please designate the source(s) of funds in the LPA budget that will be used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

**Source:**

\_\_\_\_\_  
\_\_\_\_\_

Executed at \_\_\_\_\_, North Dakota, the last date below signed.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
AUDITOR (TYPE OR PRINT)

LPA of \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME (TYPE OR PRINT )

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\*  
\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

\*Mayor or President of Commission

CLA 17058 (Div. 38)  
L.D. Approved 02-18; Rev. 09-22; C.M. 12/14/2023





**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX E OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

**Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).



## Risk Management Appendix

### **Routine\* Service Agreements with Sovereign Entities and Political Subdivisions of the State of North Dakota:**

**Parties:** **State** – State of North Dakota, its agencies, officers and employees

**Governmental Entity** – The Governmental Entity executing the attached document, its agencies, officers and employees

**Governments** – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability** insurance – minimum limits of liability required of the Governmental Entity are **\$500,000 per person** and **\$2,000,000 per occurrence**. The minimum limits of liability required of the State are **\$500,000 per person** and **\$2,000,000 per occurrence**.
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

**The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.**

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$500,000 per person and \$2,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. The Governments shall have all the benefits, rights and coverages of an additional insured under these policies that shall not be limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of the Contractor. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

\*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007  
Revised 07-23



**Funding Split for Bismarck Exit 161 Interchange Reconstruction**  
**Project: IM-NHU-1-094(212)161, PCN 22648**

Description of Cost	Engineering Estimate	Engineering Cost (10%)	Total Estimate	Federal Funds	State Funds	Local Funds	Total
Preliminary Engineering	\$ 450,000		\$ 450,000	\$ 405,000	\$ 45,000	\$ -	\$ 450,000
Right of way and Easement	\$ 1,890,000		\$ 1,890,000	\$ 1,701,000	\$ 189,000	\$ -	\$ 1,890,000
Utilities	\$ 470,000		\$ 470,000	\$ 423,000	\$ 47,000	\$ -	\$ 470,000
Construction Cost - Interchange	\$ 41,664,727	\$ 4,166,473	\$ 45,831,199	\$ 41,248,080	\$ 4,583,120	\$ -	\$ 45,831,199
Construction Cost - North of I-94 (Urban Roads)	\$ 2,565,279	\$ 256,528	\$ 2,821,807	\$ 2,283,688	\$ -	\$ 538,119	\$ 2,821,807
Construction Cost - South of I-94 (Urban Regional)	\$ 2,173,910	\$ 217,391	\$ 2,391,300	\$ 1,935,279	\$ 216,891	\$ 239,130	\$ 2,391,300
Construction Cost - City 100%	\$ 14,000	\$ 1,400	\$ 15,400	\$ -	\$ -	\$ 15,400	\$ 15,400
<b>Totals</b>	<b>\$ 49,227,915</b>	<b>\$ 4,641,792</b>	<b>\$ 53,869,707</b>	<b>\$ 47,996,047</b>	<b>\$ 5,081,011</b>	<b>\$ 792,649</b>	<b>\$ 53,869,707</b>

Local Government Division: December 11, 2023

These costs are an estimate at the time of final plan completion, they may vary between now and final voucher.

DESIGN DATA - INTERSTATE 94 WB/EB (RP 161.00)				
Traffic		Average Daily		
Current 2021	Pass: 8,020	Trucks: 1,415	Total: 9,435	
Forecast 2041	Pass: 11,470	Trucks: 1,910	Total: 13,380	
Clear Zone Dist. 30 ft		Design Speed: 75 mph		
Minimum Sight Dist. for Stopping: 820 ft		Bridges: HL-93		
Full Control of Access, No Point of Access Other Than at Interchange Ramps				
Pavement Design Life: 20 (years)				
Design Accumulated One-way Flexible ESALs (I-94): 12,449,204				
Design Accumulated One-way Heavy Trucks (I-94 Ramps): 6,360,830				
DESIGN DATA - CENTENNIAL RD / BIS EXP INTERCHANGE				
Traffic		Average Daily		
Current 2020	Pass: 23,445	Trucks: 2,275	Total: 25,720	
Forecast 2040	Pass: 30,245	Trucks: 3,075	Total: 33,320	
Clear Zone Distance: 18 ft		Design Speed: 40 mph		
Minimum Sight Dist. for Stopping: 305 ft		Bridges:		
Limited Access Control				
Pavement Design Life 30 (years)				
Design Accumulated One-way Heavy Trucks (North of Structure): 12,371,800				
Design Accumulated One-way Heavy Trucks (South of Structure): 14,820,200				

STATE	PROJECT NO.	PCN	SECTION NO.	SHEET NO.
ND	IM-NHU-1-094(212)161	22648	1	1

# NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

IM-NHU-1-094(212)161

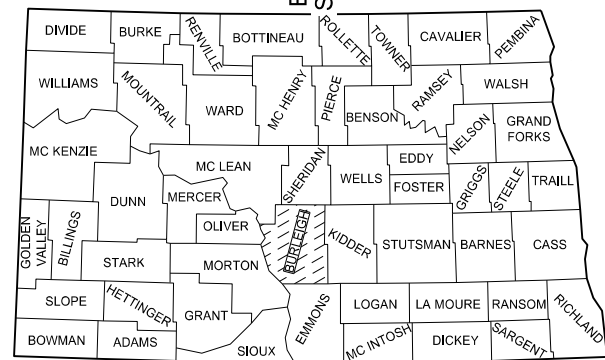
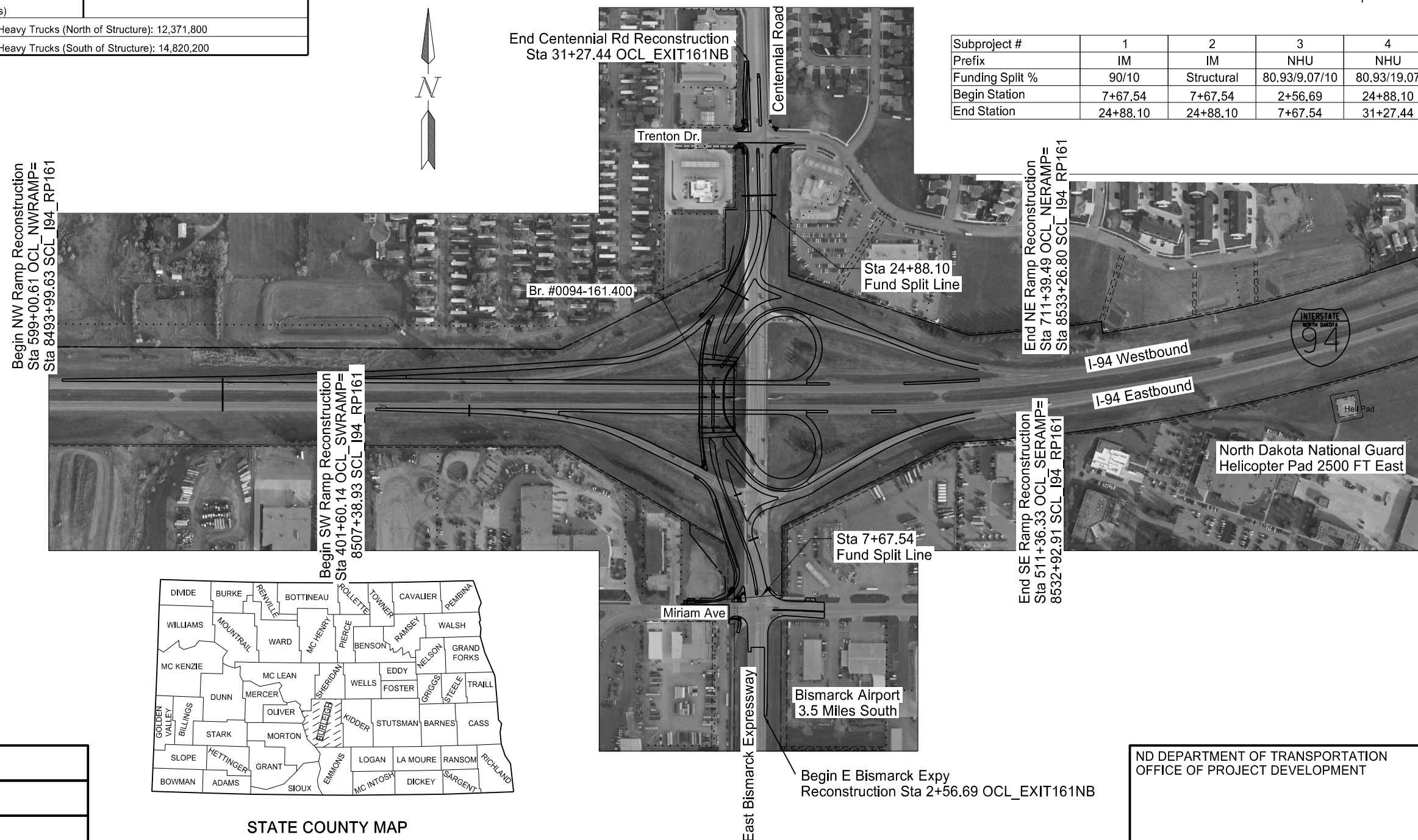
Burleigh County  
Centennial Road/Bismarck Expressway Interchange  
(I-94 Exit 161)

Grading, Aggregate Base, PCC Pavement, HMA Pavement,  
Structure Removal and Replacement, Sidewalk, Retaining Wall, Storm Sewer, Culverts,  
Signing, Pavement Marking, Traffic Signals, Lighting, Guardrail, and Incidentals

GOVERNING SPECIFICATIONS	Date Published and Adopted by the North Dakota Department of Transportation
Standard Specifications	04/1/2023
Supplemental Specifications	NONE

PROJECT NUMBER \ DESCRIPTION	NET MILES	GROSS MILES
Interstate 94 EB	0.484 Mi	0.484 Mi
Interstate 94 WB	0.744 Mi	0.744 Mi
Centennial Rd/Bismarck Exp	0.544 Mi	0.544 Mi

Subproject #	1	2	3	4	5
Prefix	IM	IM	NHU	NHU	NHU
Funding Split %	90/10	Structural	80,93/9,07/10	80,93/19,07	100 city
Begin Station	7+67.54	7+67.54	2+56.69	24+88.10	2+56.69
End Station	24+88.10	24+88.10	7+67.54	31+27.44	7+67.54



DESIGNER Darell Arne P.E.
DESIGNER Aaron Derman P.E.
DESIGNER Sam Welch P.E.

ND DEPARTMENT OF TRANSPORTATION  
OFFICE OF PROJECT DEVELOPMENT

NDDOT DESIGN DIVISION

This document  
is preliminary  
and not for  
construction or  
implementation  
purposes.

PRELIMINARY



## Engineering Department

**DATE:** January 23, 2024

**FROM:** Gabe Schell, City Engineer

**ITEM:** Sewer Improvement District SE 582

**REQUEST:**

Request for Resolution Approving the Revised Preliminary Engineering Report and Approving Plans and Specifications, Resolution Approving Plans and Specifications, and Resolution Directing the Advertisement of Bids and Receive Bids for Sewer Improvement SE 582.

**BACKGROUND INFORMATION:**

Sewer Improvement District SE 582 was created at the Board of City Commissioner March 23, 2023 meeting. Bids were received on May 15, 2023 and exceeded the limits of Chapter 40-22 of North Dakota Century Code. On June 13, 2023 the Board of City Commissioners rejected all bids and allowed city staff and the developer's consultants to explore other options related to timeline, project size and project scope.

SE 582 will still consist of one unit of new storm sewer and related work. There is still a mutual benefit to construct the storm sewer at the same time and under the same contract as the water and sanitary sewer installation.

On November 28, 2023 the board of City Commissioner approved the revised development agreement with MBR Properties, LLC. As part of this development agreement with MBR Properties, LLC, Water and Sewer Improvement Project WPSP 392 will be bid with SE 582. The scope and size of projects SE 582 and WPSP 392 have changed. Unit 1 of SE 582 includes approximately 7,900 LF of new storm sewer ranging in size from 12" to 60", 700 LF of 14" stormwater force main, a stormwater lift station, and related appurtenances in Paradise Valley Addition and Paradise Valley Second Addition.

The Revised Preliminary Engineering Report is attached and will be posted to the city website upon City Commission approval at [www.bismarcknd.gov/Streets](http://www.bismarcknd.gov/Streets).

Revised Project Schedule

Authorization to Advertise  
Receipt and Opening of Bids  
Award of Bid  
Project Completion

January 23, 2024  
February 22, 2024  
February 27, 2024  
Fall 2024

**RECOMMENDED CITY COMMISSION ACTION:**

Approval of Resolution Approving the Revised Preliminary Engineering Report and Approving Plans and Specifications

Approval of Resolution Approving Plans and Specifications

Approval of Resolution Directing the Advertisement of Bids and Receive Bids

**STAFF CONTACT INFORMATION:**

Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

**ATTACHMENTS:**

1. Revised Engineering Report - SE 582

**ENGINEER'S REPORT**  
**Sewer Improvement District Number Five Hundred Eighty-Two (582)**

**General Nature, Purpose and Benefit**

Sewer Improvement District SE 582 consists of one unit of new storm sewer and related work. Unit 1 includes approximately 7,900 LF of new storm sewer ranging in size from 12" to 60", 700 LF of 14" stormwater forcemain, a stormwater lift station, and related appurtenances in Paradise Valley Addition and Paradise Valley Second Addition.

The storm sewer will be installed to manage storm water runoff within this district and will facilitate the extension of the City's roadway network as requested by the majority landowner for the continued growth of the City of Bismarck

The boundary of the district was drawn to include the parcels which receive a benefit from the improvements of this district as per the current special assessment policy approved by the City Commission. Please see attached maps.

**Cost Feasibility**

Schedule A - Project Costs included as set out in Section 40-22-01 of the NDCC and as advertised under section 40-22-19 of the NDCC.

New Storm Sewer And Lift Station	\$	4,097,213.00
New Lift Station Electrical Only	\$	115,000.00
Subtotal	\$	4,212,213.00
10% Contingency	\$	421,221.30
Total Schedule A Cost	\$	4,633,434.30

Schedule B - Other Project Costs not otherwise included above.

Engineering Fees	\$	231,671.72
Administration Fees	\$	231,671.72
Interest During Construction	\$	139,003.03
Advertising and Legal	\$	92,668.69
Total Schedule B Cost	\$	695,015.15

**Project Cost Summary**

Schedule A Costs	\$	4,633,434.30
Schedule B Costs	\$	695,015.15
Total Estimated Improvement Cost	\$	5,328,449.45




Funding Summary

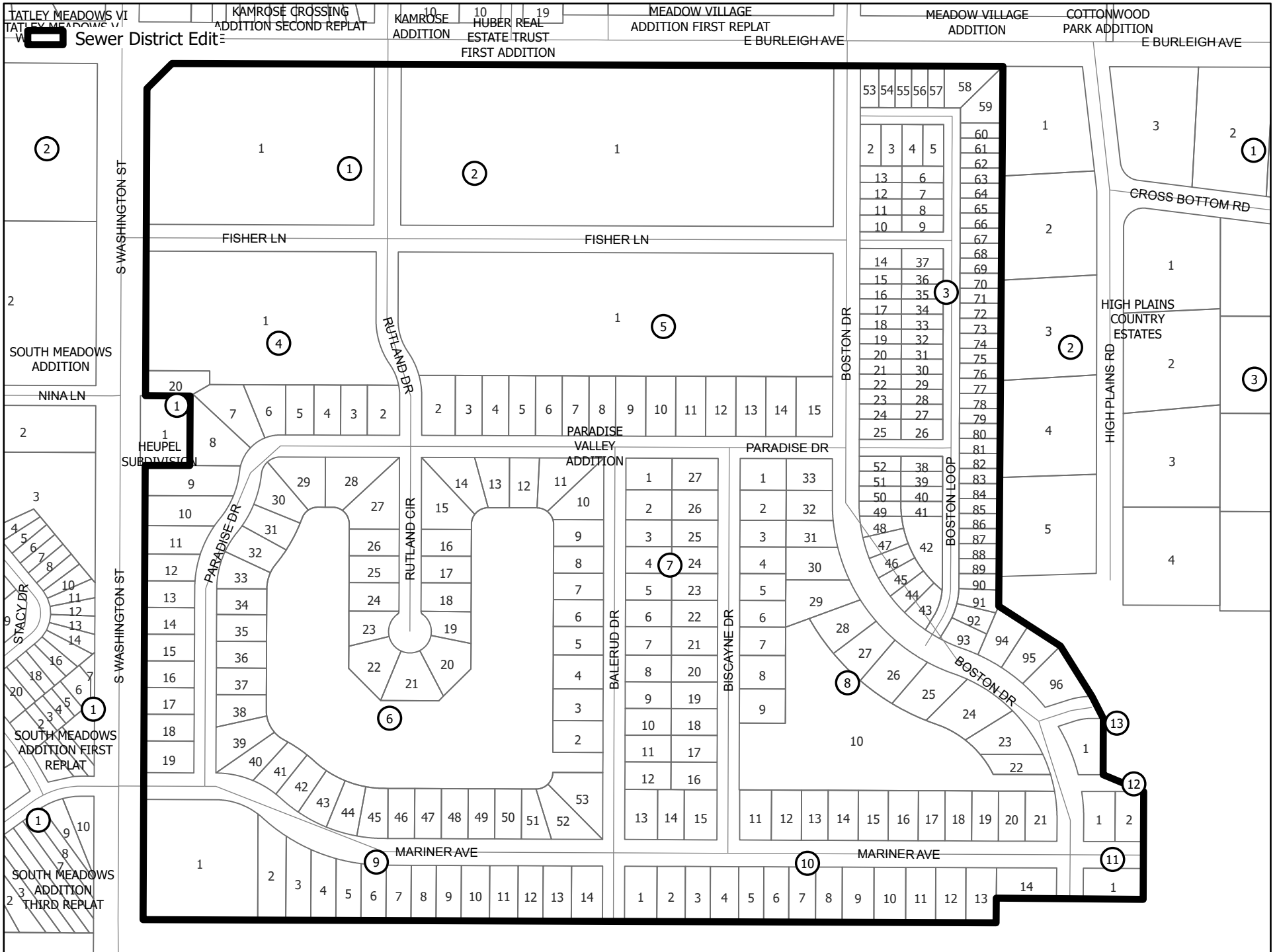
Special Assessments	\$	5,328,449.45
Total Funding	\$	5,328,449.45

This work was prepared by me or under my direct supervision. We believe this project to be cost effective and reflects our best information at this time.



  
Linda J, Oster, P.E.  
Assistant City Engineer

# SE 582 - Unit 1





## Engineering Department

**DATE:** January 23, 2024

**FROM:** Gabe Schell, City Engineer

**ITEM:** Street Improvement District SI 577.

**REQUEST:**

Consider Request for Resolution Approving Plans and Specifications and Request for Resolution Directing the Advertisement for Bids and Receive Bids for Street Improvement District SI 577 Part A and Part B.

**BACKGROUND INFORMATION:**

Street Improvement District 577 consists of seven units (153 blocks) of street maintenance. Street maintenance would contain areas of resurfacing and reconstruction. Resurfacing would include patching, leveling, milling, overlay, chip seal, curb repair, and related items; reconstruction would include curb repair, full-depth pavement removal and replacement, subgrade modification, stormwater and groundwater improvements, and related items.

The Engineering Report along with the district boundary maps have been posted to the city website under Special Assessment District Information at [www.bismarcknd.gov/streets](http://www.bismarcknd.gov/streets). Letters were sent to property owners notifying them of this project along with their estimated special assessment cost and their right to protest this improvement per NDCC Chapter 40-22.

Given the size of the district, it will be bid in two parts, Part A and Part B, to allow for two separate contracts.

Unit No. 1 (Part A)

Driftwood Lane – Medora Avenue to 330' north  
Medora Avenue – Autumn Blaze Way to Mellowsun Drive  
Medora Avenue – Amberglow Drive to Washington Street

Unit No. 2 (Part A)

Brome Avenue – Coleman Street to 130' west of Brome Loop  
Coleman Court – Coleman Street to Cul-De-Sac  
Coleman Drive – Brome Avenue to Calgary Avenue  
Walter Way – Brome Avenue to 135' north

Unit No. 3 (Part A)

14th Street – Calgary Avenue to Harvest Lane

19th Street – 760’ north of Koch Drive to 100’ north of Century Avenue  
Harvest Lane – 150’ east of State Street to 14th Street  
Idaho Drive – 19th Street to 285’ west  
Oregon Drive – 19th Street to 240’ west

Unit No. 4 (Part A)

Boulevard Avenue – Washington Street to 4th Street

Unit No. 5 (Part B)

Divide Avenue – 5th Street to 11th Street

Unit No. 6 (Part B)

12th Street – Broadway Avenue to Main Avenue  
17th Street – Broadway Avenue to Main Avenue  
Broadway Avenue – 7th Street to 17th Street

Unit No. 7 (Part B)

Fraine Barracks Road – River Road to 150’ north of Main Avenue  
Griffin Street – Memorial Highway to Sweet Avenue  
Hannifin Street – Memorial Highway to 265’ south  
Memorial Highway – 200’ south of Main Avenue to Hannifin Street  
River Road – 1180’ north of Fraine Barracks Road to Memorial Highway

**Project Schedule**

Letters to Property Owners Sent:	January 9, 2024
Authorization to Advertise	January 23, 2024
Protest Period Ends:	February 2, 2024
Public Reading of Sufficiency of Protest:	February 13, 2024
Receipt and Opening of Bids (Part A)	February 20, 2024
Receipt and Opening of Bids (Part B)	February 22, 2024
Award of Bids (Part A and Part B)	February 27, 2024
Project Completion	Fall 2025

**RECOMMENDED CITY COMMISSION ACTION:**

Approval of Resolution Approving Plans and Specifications and Request for Resolution Directing the Advertisement for Bids and Receive Bids for Street Improvement District SI 577, Part A and Part B.

**STAFF CONTACT INFORMATION:**

Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

**ATTACHMENTS:**

None



## Engineering Department

**DATE:** January 23, 2024

**FROM:** Gabe Schell, City Engineer

**ITEM:** Approval of the Development Agreement with COM Properties, LLC.

**REQUEST:**

Consider approval of Development Agreement with COM Properties, LLC.

**BACKGROUND INFORMATION:**

COM Properties, LLC is expanding their existing commercial property (Plant Perfect) on a single parcel in north Bismarck located on the east side of Ottawa Street. There are approximately 2,650 feet of Ottawa Street that are currently constructed as a ditch section of roadway, of which approximately 470 feet are adjacent to the COM Properties site. See attached Exhibit 1.

The City of Bismarck's development policy would require that Ottawa Street adjacent to COM Properties site be constructed to the current City standard as part of this development. However, without adequate petitions for the remainder of Ottawa Street, the reconstruction would not take place at this time.

This development agreement, along with a companion petition for street improvements, allows the developer to forego the improvement of Ottawa Street at this time until such time that the City receives additional petitions from other properties adjacent to the unimproved Ottawa Street.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve the Development Agreement with COM Properties, LLC

**STAFF CONTACT INFORMATION:**

Gabe Schell, City Engineer, 701-355-1507, [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

**ATTACHMENTS:**

1. Agreement and Location Map - COM Properties LLC

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Above this line used for recordation purposes only.

## DEVELOPMENT AGREEMENT

The City of Bismarck (the "City") and COM Properties LLC (the "Owner") make this Development Agreement with regard to the development of a parcel (the Property) located in Bismarck, North Dakota and described as follows:

Lot 1 & east 35' of vacated Ottawa St. adjacent to Wutzkes Subdivision and the west 68' of lot 1 less east 15' of north 63.2', west 68' of lots 2-3, Addition to the City of Bismarck, Burleigh County, North Dakota

The Owner desires to develop this Property for commercial use. The Property is located on the east side of Ottawa Street north of 43<sup>rd</sup> Avenue. The city would normally require the improvement of Ottawa Street adjacent to the site at the time of the development of the parcel. The parties are in agreement that the improvement of Ottawa Street adjacent to the parcel is not necessary for the further development of the site at this time and can be delayed until such time as the City receives a petition to improve Ottawa Street from any parcel located on Ottawa Street between 43<sup>rd</sup> Avenue and Canada Avenue.

In exchange for the City's agreement to delay the requirement of the improvement of Ottawa Street between 43<sup>rd</sup> Avenue and Canada Avenue, the parties agree as follows:

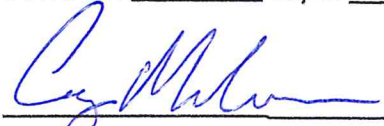
1. The City will approve the site plan and issue building permits in its normal course of business. Prior to such approvals or permits being issued, the Owner will execute and deliver a petition for the improvement of Ottawa Street for that portion adjacent to the parcel. The petition will be conditioned that it will be deemed to be submitted upon the receipt of another valid petition for improvement of any portion of Ottawa Street between 43<sup>rd</sup> Avenue and Canada Avenue. By entering into this Agreement, the Owner also agrees to waive their right to protest a special assessment district formed to improve Ottawa Street that includes the roadway between 43<sup>rd</sup> Avenue and Canada Avenue. This agreement will be placed of record in the title for the Property, 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 Ottawa Street between 43<sup>rd</sup> Avenue and Canada Avenue must include the entire width of the roadway.

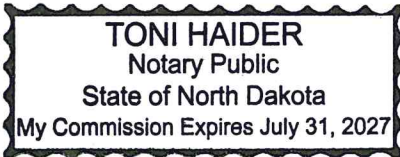
- 2. It is the intention of the parties that this Agreement will run with the land as to the parcels within the plat and that the Owner will have the obligation to inform any successor in interest of the terms of this Agreement and the successor's obligation to abide by this Agreement and include compliance with this Agreement as a condition in any written instrument of conveyance of real property for the site.
- 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.

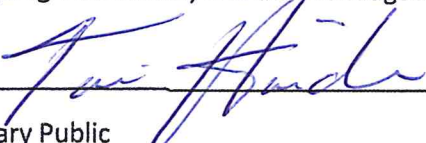
Dated this 22 day of Dec, 2023

  
Casey McCollum  
Owner  
COM Properties, LLC

STATE OF NORTH DAKOTA    )  
  ) ss.  
COUNTY OF BURLEIGH     )



On this 22 day of December, 2023, before me personally appeared Casey McCollum, 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 \_\_\_\_\_, 2024

\_\_\_\_\_  
Michael T. Schmitz  
President, Board of City Commissioners

Attest: \_\_\_\_\_  
Jason Tomanek  
Acting City Administrator

STATE OF NORTH DAKOTA        )

) ss.

COUNTY OF BURLEIGH         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, 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:

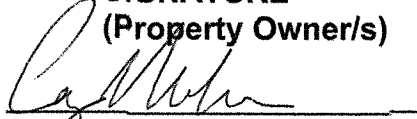
Ottawa Street between 43<sup>rd</sup> Avenue and Canada Avenue

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 benefited petitioned property.

**PROPERTY DESCRIPTION**

Lot 1 & east 35' of vacated Ottawa St.  
Adjacent to Wutzkes Subdivision and the  
west 68' of lot 1 less east 15' of north 63.2',  
west 68' of lots 2-3, Addition to the City of  
Bismarck, Burleigh County, North Dakota

**SIGNATURE  
(Property Owner/s)**



Casey McCollum  
Owner  
COM Properties, LLC

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For City Engineer Use Only

\_\_\_\_\_  
Approved by Gabe J. Schell, PE  
City Engineer, Bismarck, ND

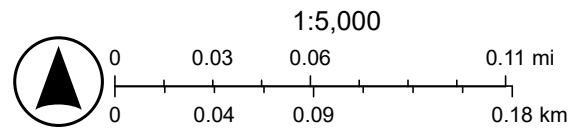
\_\_\_\_\_  
Date

# COM Properties, LLC



1/17/2024

## Exhibit 1





## Engineering Department

**DATE:** January 23, 2024

**FROM:** Gabe Schell, City Engineer

**ITEM:** Encroachment Agreement - 205 N 2nd St - Shelter Partners, LLP

**REQUEST:**

Consider approval of an encroachment agreement with Shelter Partners, LLP.

**BACKGROUND INFORMATION:**

Shelter Partners LLP is requesting to replace awnings overhanging the right of way on the building located at 205 N 2nd Street. The awnings would have the same projection from the building face and the same clearance from the sidewalk as the existing awnings. Staff has reviewed and approved the encroachment agreement.

**RECOMMENDED CITY COMMISSION ACTION:**

Approval of encroachment agreement with Shelter Partners, LLP.

**STAFF CONTACT INFORMATION:**

Gabe Schell, City Engineer, 701-355-1507, [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

**ATTACHMENTS:**

1. Agreement - Shelter Partners Awnings
2. Awning Exhibit

## **ENCROACHMENT AGREEMENT AND WAIVER**

The City of Bismarck hereby grants Shelter Partners, LLP (Grantee) the right to install and maintain privately-owned awnings & hardware (Encroachments) attached to the building face overhanging the right-of-way at 205 N 2nd Street, Bismarck, Burleigh County, North Dakota 58501, as shown on the attached exhibit. Exhibit will be stored with the original signed document in the Engineering Department, subject to the following conditions:

1. The Grantee shall maintain the Encroachment and comply with all rules regarding maintenance of the Encroachment in the public right of way as set by the City Engineer.
2. The term of this grant shall be for Five (5) years and shall continue thereafter from year to year. The City may cancel this grant at any time after the initial five-year term upon six months' written notice to the Grantee.
3. The Grantee shall maintain a minimum of seven (7) feet or eighty-four (84") inches of unobstructed space between the lowest point of the encroachments and the top of the highest point in the sidewalk below the encroachment.
4. Upon the end of the term or prior abandonment of the Encroachment by the Grantee, the Grantee shall, at its own expense, remove the Encroachment and restore the right of way to its original condition, if so required by the City.
5. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, in exchange for the City's permission to operate and encroachments in the right-of-way, Grantee agrees to release the City, its assigns, or other franchised utilities from and waive any and all claims relating to signs, but not limited to, damages arising from damage to the encroachments, loss of business, or other personal injury or property damage resulting from damage to the signs by the City, its assigns, or other franchised utilities. Grantee agrees that it is using the public right-of-way at its own risk. Grantee shall not look to the City, its assigns, or other franchised utilities to pay for any expense or damage to the encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it will hold harmless and indemnify the City, its assigns, or other franchised utilities from any and all claims in any way resulting from the placement of the encroachments in the public right-of-way. In the event the City is required to perform maintenance or construction on the right-of-way at the location of the encroachments, Grantee shall cooperate with the City in temporarily protecting the signs and accommodating the City's project, at Grantee's sole expense.
6. In the event of the commission of any breach of the terms of this Agreement by a party, the non-breaching party may cause this Agreement to be terminated on ten (10) days written notice. All obligations contained in paragraphs 4 and 5 will survive the termination of this Agreement, including but not limited to, the restoration of the property to the original condition.

---

Print Name & Title  
Shelter Partners

---

Signature

---

Address

---

Date

---

Gabe Schell, P.E.  
City Engineer

---

Date

---

Keith Hunke  
City Administrator  
Bismarck

---

Michael T. Schmitz, President  
Bismarck City Commission

---

Date

\* 5 New aluminum awnings to replace the existing awnings on the building. 4 awnings on the south elevation, 1 awning on the west elevation



12' 41" tall x 6" projection  
 36'-6" (+/-) 41" tall x 5' projection  
 37'-8" (+/-) 41" tall x 5' projection  
 17'-6" (+/-) 41" tall x 5' projection  
 37' (+/-) 41" tall x 5' projection

**BROADWAY STOREFRONT  
 RENOVATIONS**

**OPTION B  
 REVISED**

- ADD BACK AWNING. CLERE STORY WINDOWS COULD BE ADDED OR NOT
- ADD CHANNEL SIGN, WINDOW SIGNAGE
- ADD BUILDING LIGHTING
- ADD 'MASON' OR OTHER BUILDING NAME SIGNAGE
- ADD METAL BASE BELOW WINDOWS

PROS: CLEAN LOOK. THE BLACK MAKES THE BUILDING STAND OUT. LEAST EXPENSIVE, GOOD SUN CONTROL.

CONS: NO ADDITIONAL GLASS/LIGHT IN SPACES.

END/a



## Fire Department

**DATE:** January 23, 2024

**FROM:** Gary Stockert, Emergency Manager

**ITEM:** CRS Program - Annual Re-certification.

**REQUEST:**

Continue participation in the Community Rating System (CRS) program and submit annual re-certification documentation. Request to provide the City Commission and the public with the attached information regarding the status (continuation) of CRS activities. The attached documentation is requested by the ISO/CRS Specialist for purposes of re-certification.

**BACKGROUND INFORMATION:**

The required annual CRS re-certification documentation (attached) has been completed and is due for submission by February 1, 2024. As part of the annual re-certification process, attached is the annual progress report regarding the status of flood mitigation action items as outlined in the city's 2020 Multi-Hazard Mitigation Plan. Information regarding the CRS program and availability of the flood mitigation progress report is made available through a news release as well as the city's website to provide for public awareness of the CRS program, including the opportunity for a 15% discount on flood insurance premiums for Bismarck residents and those within the ETA.

**RECOMMENDED CITY COMMISSION ACTION:**

Receive and accept the CRS program re-certification documentation attached, including the annual progress report, and provide the required signature on the CC-213 Community Rating System Annual Re-Certification form.

**STAFF CONTACT INFORMATION:**

Joel Boespflug, Fire Chief, 701-355-1423, [jboespflug@bismarcknd.gov](mailto:jboespflug@bismarcknd.gov)

**ATTACHMENTS:**

1. CRS Recertification - Signature Required
2. Program Data Table - CRS
3. CRS Community Certifications
4. CRS Activity 310 - 2023 Elevation Certificates Summary
5. CRS Activities 540 CDR and 540 SBM
6. Annual Flood Mitigation Progress Report





DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency

**CRS COMMUNITY CERTIFICATIONS**

OMB Control Number: 1660-0022  
Expiration: 10/31/2023

Community \_\_\_\_\_ State \_\_\_\_\_ CID \_\_\_\_\_  
(6-digit NFIP Community Identification Number)

**Note:** Please cross out any incorrect items, below, as needed, and insert the updated information.

**CC-213 Recertification**

Recertification due date \_\_\_\_\_

Chief Executive Officer

CRS Coordinator

Name

Title

Address

Phone number

E-mail address

I hereby certify that \_\_\_\_\_ [community name] is implementing the following activities on the attached pages as credited under the Community Rating System and described in our original application to the CRS and subsequent modifications.

I hereby certify that, to the best of my knowledge and belief, we are in full compliance with the minimum requirements of the NFIP and we understand that we must remain in full compliance with the minimum requirements of the NFIP. We understand that at any time we are not to be in full compliance, we will retrograde to a CRS Class 10.

I hereby certify that we will continue to maintain FEMA Elevation Certificates on all new buildings and substantial improvements constructed in the Special Flood Hazard Area following the date at which we joined the CRS.

I hereby certify that if there are one or more repetitive loss properties in our community that we must take certain actions that include reviewing and updating the list of repetitive loss properties, mapping repetitive loss areas, describing the cause of the losses, and sending an outreach project to those areas each year, and if we have fifty (50) or more unmitigated repetitive loss properties we must earn credit under Activity 510 (Floodplain Management Planning) for either a repetitive loss area analysis (RLAA) or a floodplain management plan (FMP).

I hereby certify that, to the best of my knowledge and belief, we are maintaining in force flood insurance policies for insurable buildings owned by us and located in the Special Flood Hazard Area (SFHA) shown on our Flood Insurance Rate Map. I further understand that disaster assistance for any community-owned building located in the SFHA is reduced by the amount of National Flood Insurance Program (NFIP) flood insurance coverage (structure and contents) that a community should be carrying on the building, regardless of whether the community is carrying a policy.

Signature \_\_\_\_\_ (Chief Executive Officer)

Date \_\_\_\_\_

CC-213-1

*[continued on next page]*

Community \_\_\_\_\_ State \_\_\_\_\_ CID \_\_\_\_\_  
 (6-digit NFIP Community Identification Number)

<b>CRS Program Data Table</b>	A. In the SFHA	B. In a regulated floodplain outside the SFHA	C. In the rest of the community
1. Last report's number of buildings in the SFHA (bSF) (line 6, last report)			
2. Number of new buildings constructed since last report	+		
3. Number of buildings removed/demolished since last report	-		
4. Number of buildings affected by map revisions since last report (+ or -)			
5. Number of buildings affected by corporate limits changes (+ or -)			
6. Current total number of buildings in the SFHA (bSF) (total lines 1-5)			
7. Number of substantial improvement/damage projects since last report			
8. Number of repetitive loss properties mitigated since last report			
9. Number of LOMRs and map revisions (not LOMAs) since last report			
10. Acreage of the SFHA (aSFHA) as of the last report (line 13, last report)			
11. Acreage of area(s) affected by map revisions since last report (+ or -)			
12. Acreage of area(s) affected by corporate limits changes (+ or -)			
13. Current acreage of the SFHA (total lines 10-12)			
14. Primary source for building data:			
15. Primary source for area data:			
16. Period covered:		Current FIRM date	
<i>If available, the following data would be useful:</i>			
17. Number of new manufactured homes installed since last report			
18. Number of other new 1 -4 family buildings constructed since last report			
19. Number of all other buildings constructed/installed since last report			

Comments:

*(Please note the number of the line to which the comment refers.)*

COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION

Your community has been verified as receiving CRS credit for the following Activities.

- If your community is still implementing these activities the CRS coordinator is required to put his or her initials in the blank (do not use a checkmark or an "X") and **attach** the appropriate items. A blank with no initials indicates you are not implementing that Activity anymore, and will result in loss of points (and possible CRS Class).
- If the word "**attached**" is used you must provide the requested documentation for that Activity. If no documentation has been acquired for that Activity, please explain why there is no documentation from the past year.



310 EC: We are maintaining Elevation Certificates, Floodproofing Certificates, Basement Floodproofing Certificates, V Zone design certificates and engineered opening certificates on all new construction and substantially improved buildings in our Special Flood Hazard Area (SFHA) and make copies of all Certificates available at our present office location.      *Initial here is you have had no new construction or substantial improvement in the SFHA in the last year.*



310 EC: **Attached is the permit list for only new or substantially improved structures in the SFHA that have been completed in the last year.** We have permitted 5 new building and substantial improvements in the SFHA during this reporting period.



310 EC: **Attached are all the Certificates for new or substantially improved structures that have been completed during this reporting period that are included on the above permit list.** (Note: The total number of Elevation and Floodproofing certificates should match the number of permits issued and completed within the reporting period defined above. All permits issued for new construction or substantial improvement within the V zone should have both an Elevation Certificate and a V Zone Certificate, and all buildings with basements within the basement exemption communities should have both an Elevation Certificate and a Basement Floodproofing Certificate).



310 CCMP: We continue to follow our Construction Certificate Management Procedures and update them when needed.



350 LIB/LPD: Our public library continues to maintain flood protection materials.



350 WEB: We continue to conduct an annual review and update of the information and links in our flood protection website.



420 OSP: We continue to preserve our open space in the floodplain.

COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION

*[Handwritten initials]*

430: We continue to enforce the floodplain management provisions of our zoning, subdivision and building code ordinances for which we are receiving credit.  Initial here if you have amended your floodplain regulations. **Attach a copy of the amended regulations, provide a summary of the changes and mark up the regulations indicating what's been changed.**

*[Handwritten initials]*

430 RA: We continue to enforce our procedures for administering our floodplain management regulations. If applicable, we also continue to employ CFMs and staff who took credited training courses. We currently have 2 CFMs on staff.

*[Handwritten initials]*

440 AMD: We continue to use and update our flood data maintenance system on an annual basis as needed.

*[Handwritten initials]*

450 SMR: We continue to enforce the stormwater management provisions of our zoning, subdivision and building code ordinances for new developments in the watershed.  Initial here if you have amended your stormwater management regulations that will impact your CRS program. **Attach a copy of the amended regulations, provide a summary of the changes and mark up the regulations indicating what's been changed.**

*[Handwritten initials]*

450 ESC: We continue to enforce the provisions of our stormwater or other codes as they pertain to erosion and sediment control.

*[Handwritten initials]*

450 WQ: We continue to enforce the provisions of our stormwater or other codes as they pertain to water quality.

*[Handwritten initials]*

510 FMP: **Attached is a copy of our floodplain management plan's annual progress report for the action items contained in the plan.** We have included a progress report template for you to use (in the email notification) if you don't have one of your own.

*[Handwritten initials]*

510 FMP: We have provided copies of the progress report for our floodplain management plan to our governing board and local media.

*[Handwritten initials]*

540 CDR: We continue to implement our drainage system maintenance program.

*[Handwritten initials]*

540 CDR: **Attached is one completed copy of a typical inspection report and one completed copy of the record that shows that any needed maintenance was performed on the credited components of our natural drainage system.**

*[Handwritten initials]*

540 SBM: We continue to implement our storage basin maintenance program.

*[Handwritten initials]*

540 SBM: **Attached is a copy of a typical storage basin inspection report and a copy of the record that shows that any needed maintenance was performed.**



January 8, 2024

## CRS ACTIVITY 310 (ELEVATION CERTIFICATES)

### **Building Permit Summary**

As of the date of this report, five (5) building permits for new construction projects located in the special flood hazard area, AE zone were closed within the (2/01/2023 - 2/01/2024) reporting period. Attached are copies of the finished construction elevation certificates and applicable Review-Correction Memos for each of the building permits listed below.

### **Building Permit List**

<u>Permit Number</u>	<u>Address</u>	<u>Building Type</u>	<u>Issued</u>	<u>Closed</u>
BRES2022-0394	6927 Horseshoe Bend	Residential	7/20/22	8/25/23
BRES2022-0469	3127 Gallatin Dr	Residential	8/25/22	4/27/23
BCOM2022-0259	4101 Hagen Ave	Non-Residential	11/03/22	12/26/23
BRES2021-0504	5223 Fernwood Dr	Residential	7/01/21	3/08/23
BRES2022-0511	3485 Gallatin Dr	Residential	8/09/22	9/20/23

### **Attachments:**

- Elevation Certificate and Review-Correction Memo\_6927 Horseshoe Bend
- Elevation Certificate\_3127 Gallatin Dr
- Elevation Certificate\_ and Review-Correction Memo 4101 Hagen Ave
- Elevation Certificate and Review-Correction Memo\_5223 Fernwood Dr
- Elevation Certificate\_3485 Gallatin Dr



City of Bismarck. CID 380149. **540 CDR and 540 SBM**. Screenshot of Inspection form used for drainage systems and basins. The inspection form is online via GIS. The screenshot of the form itself, within GIS (left side of screen), is based on the location with the arrow. This particular location, along with the photos, is included in the list of the repaired sites. Each location (green dot) was inspected. Those that required maintenance/repair are noted on the next page.

Outfall Inspections






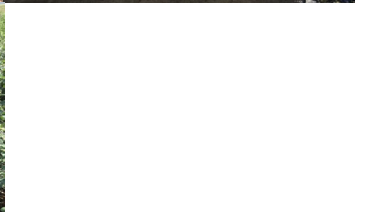









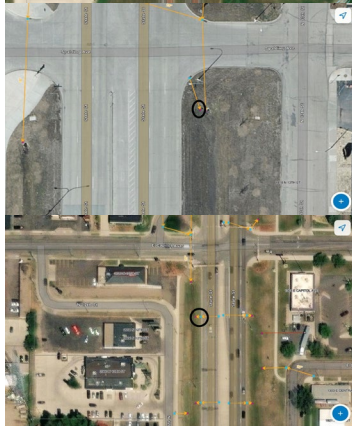


Open in Map Viewer Classic

Scott Wieser  
swieser@bismarcknd.gov

DATE	9/6/2023 2:45 PM
LOCATION	
INSPECTOR	Scott
PIPE_SIZE	18
CRACKS	NO
EROSION	NO
ENERGY_DIS	NO
PLUGGED	NO
SETTUNG	NO
TRASH_RACK	NO
RP_RAP	NO
TREES	NO
GRASS	YES
ANIMALS	NO
OBSTRUCTION	YES
PONDING	YES
WATER_COLOR	NO
COMMENTS	End is crushed.
RECOMMEND	Repair.
SEDIMENT_ACCUMULATION	NO
ALGAE_GROWTH	NO
WATER_ODOR	NO
POLLUTION	NO
YEAR	2023

Map labels: Brookside Ln, Canada Ave, Madison Ln, Oakes Dr, E Louise Dr, E Louise Dr, E Louise Dr, E Louise Dr, N Elm St.

Powered by Esri

Location	Description	Gis Location Map	Before Repairs	After Repairs
Ash Coulee Dr	Moderate upstream erosion with shrub and tree overgrowth. Outfall replaced with catch basin.			
4019 Platinum St	Erosion has undercut concrete swale. Rock has been added.			
4102 Nebraska Dr. First outfall north of E Calgary Ave.	Excessive sediment buildup. Sediment has been removed.			
Hwy 83, south of Brookside Ln in median.	Top of CMP crushed and flows were restricted. Top of pipe was removed.			
State St/Spalding Ave	Flared end and pipe obstructed by sediment. Sediment has been removed.			
State St/ N 12th St	Outfall was covered with dirt by landscaping crews during State St reconstruction. Dirt has been removed.			

## Community Rating System (CRS) Activity 510

### Progress Report on Implementation of Credited Plan

Credited Plan: Hazard Mitigation Plan

Date this Report was Prepared: January 9, 2024

Name of Community: City of Bismarck, ND CID: 380149

Name of Plan: Bismarck Multi-Hazard Mitigation Plan

Date of Adoption of Plan: January 12, 2021.

*5 Year CRS Expiration Date: February 1, 2027*

#### **Bismarck Multi-Hazard Mitigation Plan Availability:**

The 2020 Bismarck Multi-Hazard Mitigation Plan, addressing the flood hazard and other hazards, is available on the city's website located on the Emergency Management "Get Prepared" page at <https://www.bismarcknd.gov/DocumentCenter/View/22621/Bismarck-MHMP-2020-Public?bidId=>

The 2020 Bismarck Multi-Hazard Mitigation Plan is also made available to the public via the City of Bismarck website at [www.bismarcknd.gov](http://www.bismarcknd.gov) on the home page within **Services, Flood Resources**. Also, citizens or other interested parties may contact the Bismarck Emergency Management office at 701-222-6727 to obtain a copy.

#### **1. CRS 510 Progress Report Development and Dissemination:**

This CRS Activity 510 flood mitigation progress report (Progress Report) is developed by Gary Stockert, City Emergency Manager (and CRS Program Coordinator) in cooperation with representatives from other city departments including Administration, Community Development, and Public Works. This Progress Report is made available to the city commission, media and general public via news release and media advisory to inform of the CRS Activity 510 progress report agenda item placed on the January 23, 2024 City Commission Meeting. The commission meeting minutes remain available via the city's website within the "Agenda Center" and "Archive Center" permanently. The flood mitigation annual Progress Report is also made available to the public via the City of Bismarck website at [www.bismarcknd.gov](http://www.bismarcknd.gov) on the home page within **Services, Flood Resources**. It is also published for a period of time within the **News** on the homepage.



## 2. Implementation Status of Flood Hazard Mitigation Action Items:

Status of Flood Mitigation Action Items as identified in the 2020 Bismarck Multi-Hazard Mitigation Plan	Status
1. Apply to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS).	Completed. Approved as Class 8 initially. Upgraded to Class 7 in 2023. Effective Date (flood policy insurance reductions) is October 1, 2017.
2. Apex Engineering has been contracted to conduct a preliminary investigation into solutions to reduce urban flooding in south Bismarck in the Expressway and South 12 <sup>th</sup> Street areas.	Completed. Identified infrastructure project solutions were completed in 2017 to reduce flooding in this area. This project addresses those vulnerable areas as identified in the mitigation plan including 12 <sup>th</sup> street (University Drive to Bismarck Expressway) and Bismarck Expressway from 7 <sup>th</sup> Street to 12 <sup>th</sup> Street.
3. Continue Watershed master planning and updating as an on-going mitigation activity conducted jointly by Engineering, Public Works, and Community Development.	Completed and on-going. Annual funds are allocated within the budget (approx. 60K) for continuous updating of the master plan.
4. Develop an Emergency Action Plan for Jackman Coulee Dam #2. (Tom O’Leary Golf Course)	Completed in 2020.
5. Conduct maintenance activities at Jackman Coulee Dam #2 (Tom O’Leary Golf Course) as recommended by the State Water Commission and/or annual inspections conducted by Bismarck Public Works.	Complete and On-Going. Annual inspections are completed for all outfalls, dam, and ponds related to the Jackman Coulee Dam #2 located at the Tom O’Leary Golf Course.
6. Maintain existing flood protective measures to minimize vulnerability as a result of ice jams as well as 100-year and 500-year flood events. Note: Refers to maps (Figures 1 thru 5) within “existing mitigation”	Complete and On-Going. All flood gate structures are exercised and maintained annually.
<p>Public Education Topics:</p> <p>7. Coordinate and/or support NFIP flood insurance promotional efforts including the availability of flood insurance for community residents and businesses.</p> <p>8. Conduct Flood Mitigation and Preparedness Public Education efforts for local citizens and businesses.</p>	<p>- Flood preparedness and mitigation public education materials are maintained within the city’s website as well informational materials readily available at various locations including the Bismarck Library and 2<sup>nd</sup> Floor of City County Building (Community Development).</p> <p>March 15, 2023: News Release disseminated to local media regarding availability of flood insurance, including discount available due to CRS Class 7 rating. Also noted availability of the flood mitigation plan and flood progress report.</p> <p>March 15, 2023: Same as above shared via Facebook and Twitter.</p> <p>Feb thru May, 2023: FEMA Flood Insurance Preliminary Rate Map 90-Day Appeal Period notice via website.</p> <p>March 24, 2023: Share NWS flood outlook information via Facebook.</p>

	<p>December 7, 2023: Repetitive Loss Area Outreach letter sent to applicable residents.</p> <p>January 23, 2024: Inform public of flood progress report availability via media news release and posting the progress report to the city's website.</p>
<b>New Flood Mitigation Action Items Identified in the 2020 Bismarck Multi-Hazard Mitigation Plan.</b>	<b>Status</b>
Pursue CRS Class 7 rating (increase from class 8).	The City of Bismarck completed the CRS application process as part of the standard 5-Year cycle in 2023. FEMA informed the City of Bismarck of the increase to a Class 7 for the CRS program based on the verification report provided by the Insurance Services Office (ISO).
Provide protection to the wastewater treatment plant outfall: Place control structures along the wastewater treatment plant outfall near the Tavis structure and the river to protect the wastewater treatment plant from inundation when river levels at Bismarck gage station rise to 13'.	The project is currently under design. Project construction is anticipated to occur throughout 2024.

### 3. Additional Planned, Recommended, or Mitigation Project Revisions:

- To address flood hazard vulnerability as identified in the previous and current Multi-Hazard Mitigation plan, Public Works has enhanced the pumping capabilities at the 7<sup>th</sup> and 9<sup>th</sup> Street underpasses to alleviate urban flooding impact during major rain events. Pumping equipment at the 7<sup>th</sup> street location was replaced in 2019.
- ND State Water Commission is coordinating with FEMA and Burleigh County to conduct a review of the Burleigh County FEMA Flood Insurance Rate Maps. Bismarck will be supporting that project as necessary. The review process itself and completion of an updated flood risk map will inform applicable future mitigation action items. Adoption of the preliminary Flood Insurance Rate Maps is anticipated to occur in 2024.
- The City of Bismarck (Engineering), with the assistance of hazard mitigation grant funding, has conducted preliminary planning and design of flood damage reduction solutions for the South Washington Street Closure/Wachter Drainage Channel area. A number of structures are expected to be added to the Special Flood Hazard Area (100-Year Floodplain) as a result of the ongoing FEMA RiskMAP Project for Burleigh County, including the City of Bismarck.
- FEMA announced Bismarck is a recipient of Hazard Mitigation Assistance grant funding to construct improvements that will mitigate the risk of flooding within Bismarck. Preliminary design and securing additional funding is anticipated to occur in 2024.



## Fire Department

**DATE:** January 23, 2024

**FROM:** Joel Boespflug, Fire Chief

**ITEM:** Purchase of Rapid Intervention Packs

**REQUEST:**

Allow the Fire Department to purchase Rapid Intervention Packs from Grand Forks Fire and Equipment.

**BACKGROUND INFORMATION:**

Our current Rapid Intervention packs are at the end of life, and we are having difficulty getting parts. These are critical safety equipment needed if a firefighter gets trapped or runs out of air in a fire. This request was approved in the 2024 budget. Grand Forks Fire and Equipment is the only authorized MSA dealer in the state of ND. The RIT packs need to be compatible with our current Air Packs, (MSA). In order for us to utilize a different brand we would need to do a full department overhaul or replacement of current Air Pack inventory. These RIT packs are just a piece of our entire system.

**RECOMMENDED CITY COMMISSION ACTION:**

Allow the Fire Department to purchase Rapid Intervention packs from Grand Forks Fire and Equipment.

**STAFF CONTACT INFORMATION:**

Brooks Martin, Deputy Fire Chief, 701-355-1865, [bmartin@bismarcknd.gov](mailto:bmartin@bismarcknd.gov)

**ATTACHMENTS:**

1. RIT Grand Forks Fire and Equipment



February 28, 2022

**MSA Corporate Center**  
1000 Cranberry Woods Drive  
Cranberry Township, PA 16066  
800.MSA.2222  
[www.MSAnet.com](http://www.MSAnet.com)

To Whom It May Concern:

This letter confirms that Grand Forks Fire Equipment Co is the sole authorized distributor of MSA SCBA, Thermal Imaging Cameras, SCBA accessories, and TIC accessories for the Municipal Fire Service Market for the State of North Dakota. In addition, Grand Forks Fire Equipment Co is the only CARE certified MSA SCBA Repair Center for the Municipal Fire Service Market for the State of North Dakota.

By way of background, in the fire service / first responder markets, MSA imposes specific requirements upon our distributors, which can result in a small number of distributors authorized to call upon a particular region. We impose these requirements because the equipment we manufacture and sell requires the involvement of partners with special knowledge, training and experience. Accordingly MSA's distributors are obligated to acquire and maintain extensive knowledge, training, and experience necessary to properly educate, assist and service our end user customers before, during and after the sale. MSA's fire service / first responder distributor qualification requirements are likewise intended to ensure the highest possible end user customer experience.

If you desire additional information about MSA, its product lines, or channel partners, please do not hesitate to contact me. Thank you for your interest in our products.

Sincerely,

A handwritten signature in blue ink that reads "Scott McGuire". The signature is written in a cursive, flowing style.

Scott McGuire  
North American Sales Channels Specialist  
Phone: 724-742-8028  
Email: [scott.mcguire@MSAsafety.com](mailto:scott.mcguire@MSAsafety.com)

Grand Forks Fire Equipment LLC

[fax] 701-746-6464  
921 N 3rd St  
Grand Forks ND 58203



# Estimate

Date	Estimate #
1/3/2024	4259

Name / Address
BISMARCK FIRE DEPT 1020 EAST CENTRAL BISMARCK, ND 58501

Description	Qty	Rep	Project
		SEA	
		Cost	Total
G1 RIT System 2018 Ed, 10206313	3	5,386.87	16,160.61
<b>Total</b>			\$16,160.61

Customer Signature \_\_\_\_\_



## Fire Department

**DATE:** January 23, 2024

**FROM:** Chad Gee, Deputy Fire Chief

**ITEM:** Fire Station 1 Remodel Change Order

**REQUEST:**

EAPC is requesting an increase to the design fee due to an increase in total project cost as well as a time extension to the contract.

**BACKGROUND INFORMATION:**

EAPC is requesting an increase to the design fee as the project came in higher than the original bid amount. They are also requesting a time extension until March 31<sup>st</sup> 2024.

**RECOMMENDED CITY COMMISSION ACTION:**

To grant changes in the contract amount and to add the needed days to project

**STAFF CONTACT INFORMATION:**

Joel Boespflug, Fire Chief, 701-355-1423, [jboespflug@bismarcknd.gov](mailto:jboespflug@bismarcknd.gov)

**ATTACHMENTS:**

1. EAPC Contract-Change-Order-Form 1
2. EAPC Change Order Amendment No 1

# CONTRACT CHANGE ORDER FORM

**DEPARTMENT**

City Department	Fire		
Contractor	EAPC		
Contract Number	2023-0026	Change Order Number	1
Project Number	see project desc	Change Order Date	1/2/2024
Project Description	BLDCONST.BLDG.FIRESTAT1REMODEL		
Original Contract Amount	\$ 35,779.03	Approved Contract Budget	
Previous Contract Amount	\$ 35,779.03		
Change Order Amount	\$ 40,739.87		<b>ACTION REQUIRED (SEE BELOW)</b>
Proposed Contract Amount	\$ 76,518.90		
Within Project Scope	YES	Within Project Funding	YES
Completion Date	10/30/2023	Change in Completion Date	YES
Revised Completion Date*	3/31/2024	<b>REV COMP DATE REQ'D</b>	<i>*If completion date changed on this Change Order</i>
Type of Change Order	Non Design-related	Work Order No(s).	

Description:

New design fee due to increase in total cost of project as well as a contract extension.

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) \_\_\_\_\_ **SIGN HERE**  
Add to Commission Agenda Date

**COMMISSION APPROVAL**

Commission Approval Date \_\_\_\_\_ **COMMISSION APPROVAL  
REQUIRED**  
Attach Commission approval memo and send to Fiscal

**FISCAL**

*\*If not within project scope or funding, attach revised description and/or revised Project Budget for Board Approval*

**CONTRACT CHANGE ORDER FORM**

Comments

*\*If not within project scope or funding, attach revised description and/or revised Project Budget for Board Approval*





Architecture

Engineering

Interior Design

Industrial Services

**AMENDMENT 1**

<b>Amendment No.</b>	1	<b>Date</b>	1.2.2023
<b>Project Name   Job #</b>	Bismarck Fire Station #1 Remodel		20222150
<b>Reference</b>	AIA Document B101 – 2017 Standard Form of Agreement Between Owner & Architect		
<b>Owner</b>	City of Bismarck	<b>Architect</b>	Engineers-Architects, P.C. (herein known as EAPC Architects Engineers)
	601 South 26 <sup>th</sup> Street		116 W Main Avenue, Suite A
	Bismarck, ND 58506		Bismarck, ND 58501

This document amends and becomes part of the above referenced Contract.

Change Article 11.3 Compensation Fee increased by \$1,951.30, to reflect 8% of total owner initiated Change Order costs.

New total design services Fee amount \$76,518.90

Extend design services contract to March 31<sup>st</sup>, 2024.

This Agreement entered into as of the day and year first written above.

**OWNER**

\_\_\_\_\_  
Jason Tomanek, City Administrator

**ARCHITECT**

\_\_\_\_\_  
Alan Dostert AIA, President/CEO

## 20222150 BISMARCK FIRE STATION #1 REMODEL PROJECT FEE BREAKDOWN

### EAPC FEE BREAKDOWN

Construction Cost Bid Amount	\$ 886,470.00	Total 3 prime contractor Cost	\$ 984,522.05
Original Fee, 8% of construction	\$ 70,917.60		
Owner initiated change order total cost	\$ 24,391.29		
8% of owner initiated Change Orders	\$ 1,951.30		
Design team change orders	\$ 73,660.76		
8% of Design Team Change Orders	\$ -		
Measured Drawings (as-builts) per Fee Proposal 2/23/22022	\$ 2,500.00		
Direct Reimbursables per Fee Proposal 2/23/22022	\$ 1,150.00		
Revised total fee	\$ 76,518.90		

### EAPC BILLING BREAKDOWN

Total paid to date	\$ 30,659.43
Total remaining billing	\$ 45,859.47

### REIMBURSABLES BILLING BREAKDOWN

Direct Reimbursables allowance per Fee Proposal 2/23/22022	\$ 1,150.00
Reimbursables amount billed Invoice no: 53603 March 23, 2023	\$ 3,659.43
EAPC reimbursables balance contribution	\$ 2,509.43

### EAPC CONTRIBUTIONS

CO G08 50% of office furniture cost	\$ 7,187.57
CO G11 door 121 lockset	\$ 841.00
Reimbursable overage	\$ 2,509.43
Total EAPC contributions	\$ 10,538.00

**Total remaining billing minus EAPC Contributions** \$ **35,321.47**



**Architectural/Engineering Fee Proposal -Bismarck Station #1 Remodel**  
2/23/2022

This fee proposal is based upon delivery of the services as noted in the Request for Qualifications:

**Full Professional Services Fee including Architectural, Interiors, Structural, Mechanical, and Electrical.**  
Fee is based upon an 8% Percentage of Construction Costs.

**A. Project Budget:**

Total Budget	\$ 450,000.00
--------------	---------------

**B. Budget Breakdown:**

Owners Soft Costs	
Advertisement (Bidding)	\$ 600.00
FFE	\$ 10,000.00

#

<b>A/E Fees (Standard Basic Services)</b>	<b>\$ 32,129.03</b>
<b>A/E Fees (Additional Services)</b>	
Measured Drawings (as-builts)	\$ 2,500.00

Construction Cost (Including Contingency)	\$ 401,612.90
---	---------------

**C. Direct Reimbursables**

Exterior 3-D Rendering (optional)	\$ 2,500.00	(Optional)
Prints, Etc.	\$ 750.00	
Postage, Delivery, Misc. Office Expense	\$ 400.00	
<b>Total Reimbursables</b>	<b>\$ 1,150.00</b>	

<b>TOTAL DESIGN FEE (w/o Rendering)</b>	<b>\$ 35,779.03</b>
---	---------------------

EAPC Architects Engineers  
116 W Main Ave  
Suite A  
Bismarck, ND 58501

Prepared by:  
Alan D. Dostert, AIA  
[alan.dostert@eapc.net](mailto:alan.dostert@eapc.net)

March 08, 2023  
 Invoice No: 53603  
 Due Date: March 23, 2023

Bismarck Fire & Inspections Department  
 1020 E Central Ave  
 Bismarck, ND 58501

Project 20222150 BSMK Fire Station 1 Remodel  
 Attn: Brooks Martin

**Professional Services from January 29, 2023 to February 25, 2023**

**Fee**

Estimated Construction Cost	450,000.00
Fee Percentage	8.00
<b>Total Fee</b>	<b>36,000.00</b>

<b>Billing Phase</b>	<b>Percent of Fee</b>	<b>Fee</b>	<b>Percent Complete</b>	<b>Earned</b>
Schematic Design	10.00	3,600.00	100.00	3,600.00
Design Development	20.00	7,200.00	100.00	7,200.00
Construction Documents	40.00	14,400.00	100.00	14,400.00
Bidding / Award	5.00	1,800.00	100.00	1,800.00
Construction Administration	25.00	9,000.00	0.00	0.00

Total Earned	<b>27,000.00</b>
Previous Fee Billing	10,800.00
Current Fee Billing	16,200.00

**Total Fee 16,200.00**

**Reimbursable Expenses**

Proj Repro - Printing			
2/15/2023	Bismarck Printing	Printing	2,269.90
	<b>Total Reimbursables</b>		<b>2,269.90</b>

**2,269.90**

**Total this Invoice \$18,469.90**

**Outstanding Invoices**

<b>Number</b>	<b>Date</b>	<b>Balance</b>
50958	4/7/2022	900.00

Approved By: \_\_\_\_\_

Please Remit to:

EAPC Architects Engineers  
 3100 DeMers Ave.  
 Grand Forks, ND 58201

Project	20222150	BSMK Fire Station 1 Remodel	Invoice	53603
	53303	2/9/2023		
	<b>Total</b>			
		5,400.00		
		<b>6,300.00</b>	<b>Total Now Due</b>	<b>\$24,769.90</b>

**Billings to Date**

	<b>Current Month</b>	<b>Prior Months</b>	<b>Total Billed</b>
Fee	16,200.00	10,800.00	27,000.00
Expense	2,269.90	1,389.53	3,659.43
<b>Totals</b>	<b>18,469.90</b>	<b>12,189.53</b>	<b>30,659.43</b>

Approved By: \_\_\_\_\_

Please Remit to:

EAPC Architects Engineers  
 3100 DeMers Ave.  
 Grand Forks, ND 58201



## Police Department

**DATE:** January 23, 2024

**FROM:** Randy Ziegler, Deputy Police Chief-Field Services

**ITEM:** Law Enforcement Resiliency Grant Award – Office of Attorney General

**REQUEST:**

Permission to accept grant funds from the Law Enforcement Resiliency Grant Award.

**BACKGROUND INFORMATION:**

Grant funds for the Law Enforcement Resiliency Grant have been awarded from the Office of Attorney General to promote exercise/training equipment to enhance a holistic approach for health and fitness to the Bismarck Police Department.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve the Police Department to accept the award of \$53,805 from the Office of Attorney General.

**STAFF CONTACT INFORMATION:**

Randy Ziegler, Deputy Police Chief-Field Services, 701-355-1869, rziegler@bismarcknd.gov

**ATTACHMENTS:**

None



## Public Works Service Operations

**DATE:** January 23, 2024

**FROM:** Steve Salwei, Director Public Works Services

**ITEM:** Award Bismarck Expressway Warranty LED Replacement Project to Fetzer Electric, LLC.

**REQUEST:**

Award bid for Bismarck Expressway Warranty LED Replacement Project to Fetzer Electric, LLC for Public Works Service Operations Electrical Division.

**BACKGROUND INFORMATION:**

The Public Works Service Operations Electrical Division accepted quotes until 10:00 am CT on Friday, January 5, 2024, for warranty work for the replacement of LED fixtures that were installed in 2017 as part of an LED Replacement Project along the E Bismarck Expressway. Three quotes were received and our recommendation is to award to the low bidder, Fetzer Electric, LLC, for \$32,340. The bid tabulation and RFQ are attached.

**RECOMMENDED CITY COMMISSION ACTION:**

Award bid to Fetzer Electric, LLC., for the Bismarck Expressway Warranty LED Replacement Project in the amount of \$32,340.

**STAFF CONTACT INFORMATION:**

Steve Salwei, Director Public Works Services, 701-355-1705, [ssalwei@bismarcknd.gov](mailto:ssalwei@bismarcknd.gov)

**ATTACHMENTS:**

1. BID TAB 2024 Bis Exp LED Warranty Luminaires
2. 2024 Bis Expy LED Warranty RFQ

**CITY OF BISMARCK**  
**Public Works Service Operations Department**  
**Bismarck Expressway Warranty LED Replacement**  
**QUOTES Received Until: 10:00 a.m. CT on January 5, 2024**

VENDORS:			FETZER ELECTRIC LLC		EDLING ELECTRIC INC		STRATA CORPORATION	
ITEM	UNIT	QUANTITY (each)	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
LED Fixture Replacements on E Bismarck Expressway	Each	132	\$ 245.00	<b>\$ 32,340.00</b>	\$ 264.00	<b>\$ 34,848.00</b>	\$ 531.00	<b>\$ 70,092.00</b>

**Note:** This is warranty work for the replacement of approximately 132 LED fixtures that were installed in 2017 as part of an LED Replacement Project along the E Bismarck Expressway from approximately 4,200 feet west of Washington Street to 250' east of Yegen Road. Replacement luminaires will be provided by the Public Works Electrical Department.





Date: December 14, 2023

To: Edling Electric  
Strata Corporation  
Fetzer Electric

From: City of Bismarck Public Works  
Electrical Department

Re: Informal Quotes  
Bismarck Expressway Warranty LED Replacement

The City of Bismarck Public Works Electrical Department is requesting informal quotes for all labor, equipment, and traffic control required to replace malfunctioning LED fixtures along Bismarck Expressway.

This is warranty work for the replacement of approximately 132 LED fixtures that were installed in 2017 as part of an LED Replacement Project along the E Bismarck Expressway from approximately 4,200 feet west of Washington Street to 250' east of Yegen Road. Replacement luminaires will be provided by the Public Works Electrical Department.

Work shall consist of removal of the existing LED luminaires, installing City-provided replacement LED luminaires on existing streetlight poles, traffic control, and related items. See the Scope of Work below for a detailed list of the work to be completed.

All quotes must be e-mailed back to me by 10:00 a.m., Central Standard Time, Wednesday, January 5, 2024. Any quotes received after the deadline will not be considered. Quotes shall be valid for 45 days and made on the basis of cash payment for the work to be done.

The basis of award will be the lowest and best quote submitted. There is no guarantee that the work will be awarded.

Quotes must include a breakdown of the following:

1. number of workers,
2. hourly cost of each worker,
3. hours to be worked,
4. quantity of fixtures to be replaced,
5. an itemized list of planned rental/owned equipment to be used, and
6. any other charges or itemized costs.

Quotes shall be made on the attached proposal form.

The Contractor shall have all work fully completed no later than June 14, 2024, weather conditions permitting, and the Contractor shall fully complete the work once started. If the Contractor fails to complete all the work within this time or such additional time as has been granted for excusable delays, there shall be deducted from any money due the Contractor the sum of Fifty Dollars (\$50.00) for each calendar day that the completion of the work is delayed. Such deducted amounts shall be charged as liquidated damages and not as a penalty.

It is the policy of the City of Bismarck to comply with all laws, rules, regulations and orders with respect to local preference, non-discrimination, wages and hours and all other applicable laws, rules, regulations and orders. All suppliers, contractors, and service providers doing business with the City of Bismarck must certify that they are in compliance with all federal, state and local laws, regulations and orders including but not limited to those regarding non-discrimination, wages and hours, worker's compensation and immigration. Failure of compliance may result in the cancellation of any City of Bismarck contract and exclusion from consideration for future contracts.

### **SCOPE OF WORK**

The Contractor shall remove existing LED luminaires from existing 40' mounting height streetlight poles and replace with City-provided LED luminaires. The locations and quantities are identified on the attached maps. The removal of existing luminaires and installation of new luminaires will be in accordance with manufacturer's recommendations and the City of Bismarck Standard Specifications, unless otherwise directed by the City of Bismarck Public Works Electrical Department. Access to circuitry layouts can be provided to the Contractor.

There are two different types of existing luminaires currently in place. The Contractor shall salvage 10 existing luminaires of each type totaling 20 salvaged luminaires. Salvaged luminaires shall be removed as a complete unit without any modifications or splicing of wires, organized neatly, and delivered undamaged to Public Works Electrical Department at 601 S. 26<sup>th</sup> Street. Coordinate delivery of salvaged equipment with Paul Lies at the City of Bismarck Electrical department, 701-355-1700. The non-salvaged luminaires shall be disposed of off-site at the Contractor's expense. The Contractor shall protect all existing equipment during construction and repair or replace any damaged equipment at the Contractor's expense.

The Contractor shall energize and test the lighting systems that are to receive replacement luminaires and verify that the newly installed LED luminaires operate normally. The Contractor shall be responsible for repairing or replacing any defective work. It is strongly recommended to energize the existing lighting systems prior to the work taking place to determine if the lighting systems operate as intended.

The CONTRACTOR shall provide traffic control for the work per Section 1211 of the City of Bismarck Construction Specifications. Full or partial lane closures are anticipated for the work along with other traffic control requirements.

Costs associated with the above listed items shall be included in the quote.



# PROPOSAL

Bidder: \_\_\_\_\_  
 Date: \_\_\_\_\_

We the undersigned agree to furnish all labor, materials, and equipment necessary to complete the work as directed by the City of Bismarck in accordance with the Scope of Work and the City of Bismarck Construction Specifications at prices listed below:

Item	Unit	Quantity	Unit Cost	Total Cost
<b>Bismarck Expressway</b>	Each	132	\$	\$
			TOTAL SUM	\$

**Information breakdown:**

Labor  
 Number of workers \_\_\_\_\_  
 Hourly rate \_\_\_\_\_  
 Hours \_\_\_\_\_

Number of fixtures \_\_\_\_\_

Equipment \_\_\_\_\_

Subcontractors (ex. traffic control) \_\_\_\_\_

Other (ex. sales tax) \_\_\_\_\_

Total \_\_\_\_\_



Name (Printed)

---

Signature

---

Company Name

---

Mailing Address

---

---

E-mail Address

---

Business Phone

---

Cell Phone

---

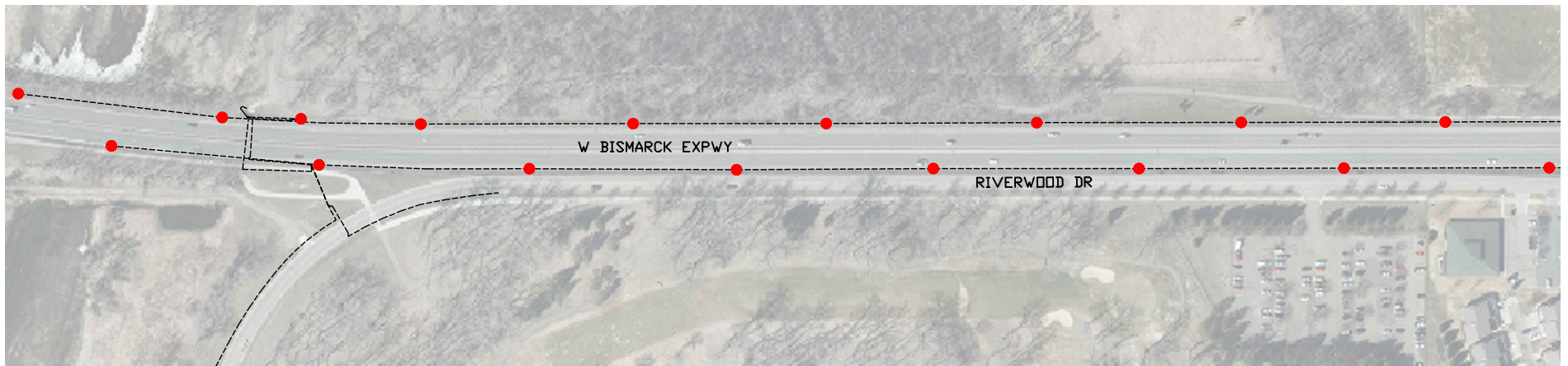


LEGEND

- REPLACE 60BLED WITH ATB2 P601
- REPLACE 80BLED WITH ATB2 P603
- STREETLIGHT CONDUCTOR



1" = 300'

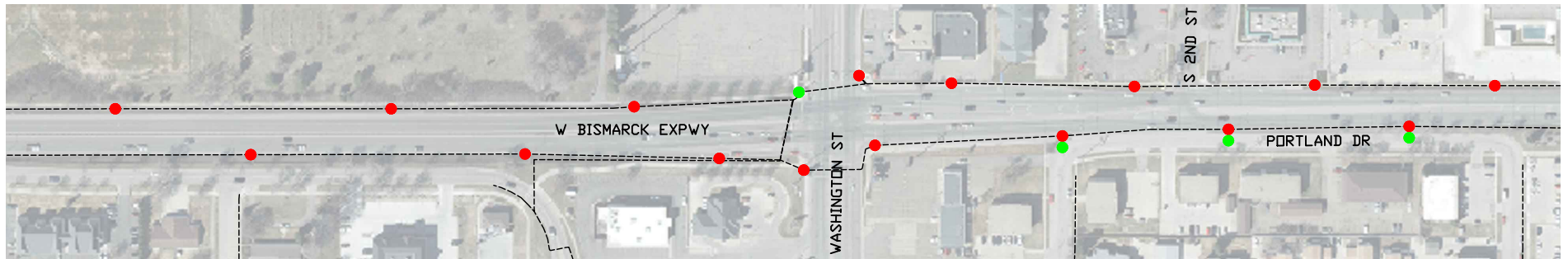


LEGEND

- REPLACE 60BLED WITH ATB2 P601
- REPLACE 80BLED WITH ATB2 P603
- STREETLIGHT CONDUCTOR



1" = 300'



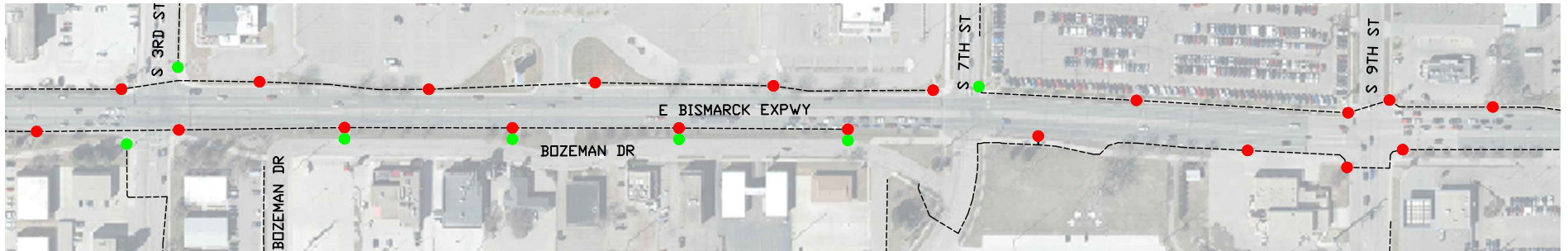
NOTE:  
FIXTURES AT SIGNALIZED INTERSECTIONS ARE  
MOUNTED ON COMBO SIGNAL STANDARDS.

LEGEND

- REPLACE 60BLED WITH ATB2 P601
- REPLACE 80BLED WITH ATB2 P603
- STREETLIGHT CONDUCTOR



1" = 300'



NOTE:  
FIXTURES AT SIGNALIZED INTERSECTIONS ARE  
MOUNTED ON COMBO SIGNAL STANDARDS.

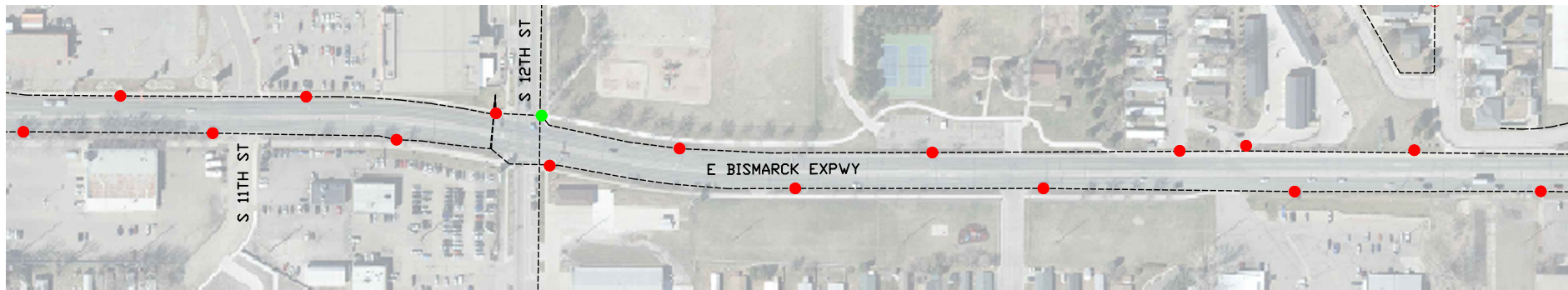


LEGEND

- REPLACE 60BLED WITH ATB2 P601
- REPLACE 80BLED WITH ATB2 P603
- STREETLIGHT CONDUCTOR



1" = 300'



NOTE:  
FIXTURES AT SIGNALIZED INTERSECTIONS ARE  
MOUNTED ON COMBO SIGNAL STANDARDS.

LEGEND

- REPLACE 60BLED WITH ATB2 P601
- REPLACE 80BLED WITH ATB2 P603
- STREETLIGHT CONDUCTOR



1" = 300'



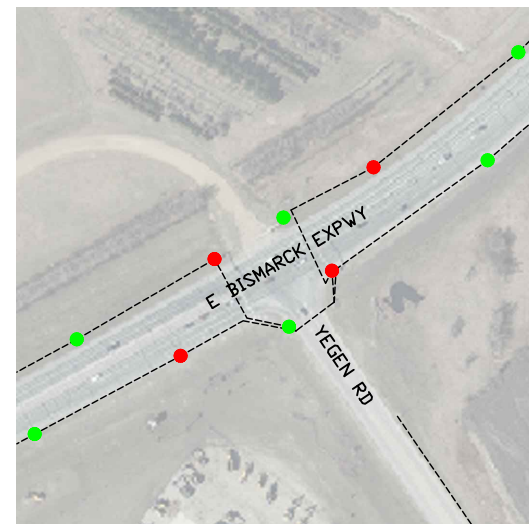
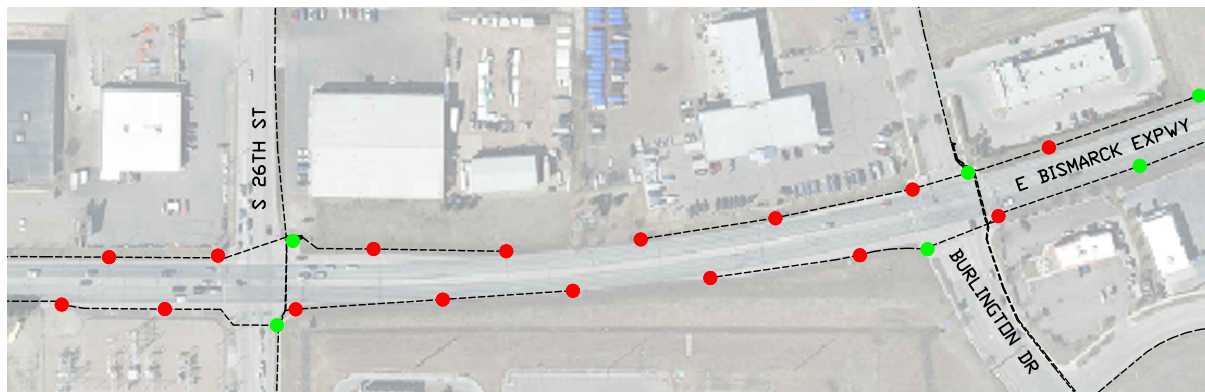
NOTE:  
FIXTURES AT SIGNALIZED INTERSECTIONS ARE  
MOUNTED ON COMBO SIGNAL STANDARDS.

LEGEND

- REPLACE 60BLED WITH ATB2 P601
- REPLACE 80BLED WITH ATB2 P603
- STREETLIGHT CONDUCTOR



1" = 300'



NOTE:  
FIXTURES AT SIGNALIZED INTERSECTIONS ARE  
MOUNTED ON COMBO SIGNAL STANDARDS.



## Public Works Utility Operations

**DATE:** January 23, 2024

**FROM:** Michelle Klose, Director Public Works Utilities

**ITEM:** Approval to Accept Wastewater Flows from the University of Mary

**REQUEST:**

Approval to accept wastewater flows from the University of Mary.

**BACKGROUND INFORMATION:**

The City of Bismarck, North Dakota, has been approached by the University of Mary in Bismarck, North Dakota, to regionalize its wastewater treatment system. The University of Mary is pursuing grant funding through FEMA's Fiscal Year 2023 Building Resilient Infrastructure and Communities (BRIC) grant program. The University of Mary is seeking formal support and recognition of being a partner in this project. The University of Mary's connection is mainly residential service and Bismarck's Master Planning for the wastewater treatment plant has accounted for connection with the University of Mary. The existing treatment facilities are able to handle the flow and loading and this will benefit the system in balancing the City's commercial flows. We are requesting approval to accept wastewater flows from the university to support their federal funding.

If approved, grant funding would not be awarded until early 2025. In the event of an award, the City of Bismarck has no financial responsibility towards this project. The grant cost share is 75% federal/25% local, with the local share being paid in full by the University of Mary.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve to accept wastewater flows from the University of Mary.

**STAFF CONTACT INFORMATION:**

Amber Araujo, Executive Assistant, 701-355-1739, [aaaraujo@bismarcknd.gov](mailto:aaaraujo@bismarcknd.gov)

**ATTACHMENTS:**

None



## Administration Department

**DATE:** January 23, 2024

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

**ITEM:** Public Hearing on the application for a new Class F2: Restaurant Beer and Wine Liquor license for Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro at 1825 N 13th Street.

**REQUEST:**

Public hearing on a request for a new Class F2: Restaurant Beer and Wine Liquor license for Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro at 1825 N 13th Street.

**BACKGROUND INFORMATION:**

Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro is requesting the issuance of a new Class F2: Restaurant Beer and Wine Liquor license at 1825 N 13th Street.

Class F. To any restaurant applicant for a food and beverage license to sell at retail, subject to the following:

Class F-2 - Beer and wine only.

1. Gross sales of alcoholic beverages may not be greater than 45 percent of total gross sales of food and alcoholic beverages. All Class F license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The board of city commissioners may, in its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary. All sales of alcoholic beverages by Class F licensees must be separately receipted to the customer by cash register receipt and clearly identified as sales of liquor, beer or wine on all receipts.
2. The restaurant complies with state law regarding minors in licensed premises as listed in North Dakota Century Code Title 5.
3. The license is for on-sale only, and off-sale is not permitted. A cessation of business at a licensed location for a period of ninety days or longer shall constitute cause to revoke such license pursuant to section 5- 01-09.
4. Once a license has been established at a particular location, the license may not be transferred to another location.

5. Minors are allowed on the licensed premises only as permitted by NDCC Section 5-02-06

**RECOMMENDED CITY COMMISSION ACTION:**

Staff recommends approval of the request for a new Class F2: Restaurant Beer and Wine Liquor license for Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro at 1825 N 13th Street.

**STAFF CONTACT INFORMATION:**

Whitnie Olsen, Senior Administrative Assistant, wolsen@bismarcknd.gov

**ATTACHMENTS:**

1. Ichiban Ramen Japanese & Asian Bistro Application
2. Ichiban Ramen Japanese & Asian Bistro Site Diagram



## APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

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

LAST REVISED: 5/15/2023

License Type:	<input checked="" type="checkbox"/> New Application	<input type="checkbox"/> Renewal	<input type="checkbox"/> Transfer	<input type="checkbox"/> Relocation
Class A: Nationally Organized Fraternal Order or Club <span style="float: right;">□ \$3,700</span>	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building <span style="float: right;">□ \$650</span>	Class B-2: Concession at the Bismarck Municipal Country Club <span style="float: right;">□ \$650</span>	Class B-3: Commercial passenger vessels on the Missouri River <span style="float: right;">□ \$650</span>	Class B-4: Sale of Beer & Wine at the Bismarck Event Center <span style="float: right;">□ \$650</span>
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations <span style="float: right;">□ \$650</span>	Class B-6: Commercial Airline <span style="float: right;">□ \$650</span>	Class C-1: Hotel or Motel Full Service <span style="float: right;">□ \$3,800</span>	Class C-2: Hotel or Motel <span style="float: right;">□ \$1,000</span>	Class D: Sale at Retail of Alcoholic Beverages <span style="float: right;">□ \$4,100</span>
Class E: Sale at Retail of Beer Only <span style="float: right;">□ \$800</span>	Class F-1: Restaurant - Alcoholic Beverages <span style="float: right;">□ \$3,500</span>	Class F-2: Restaurant - Beer & Wine Only <span style="float: right;"><input checked="" type="checkbox"/> \$1,100</span>	Class G: Catered Retail Beer, Wine, & Liquor <span style="float: right;">□ \$650</span>	Class H: Domestic Brewery / Distillery / Winery <span style="float: right;">□ \$800</span>
Class I: Senior Living Community / Complimentary <span style="float: right;">□ \$350</span>	All Class <b>F-1, F-2, C-2, &amp; G</b> license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.			

Location Information:				
Legal Business Name: <b>DAKOTA ASIAN FUSION CUISINE</b>		Date of Incorporation: <b>08/25/2023</b>	State Business ID Number: <b>0006358747</b>	
Doing Business As (DBA) Name, if Applicable: <b>ICHIBAN RAMEN JAPANESE &amp; ASIAN BISTRO</b>		If out of state corporation, is corporation registered in North Dakota? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>		
Location Address: <b>1825 N 13th ST</b>	City: <b>Bismarck</b>	State: <b>ND</b>	Zip: <b>58501</b>	Phone Number: <b>626-376-0633</b>
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): <b>Lifang Lin Manager</b>				

Contact Information (Where correspondence is to be sent):			
Primary Contact: <b>YiWu Xie</b>	Phone Number: <b>701-800-3188</b>	Email Address: <b>ryanxie55@gmail.com</b>	
Mailing Address: <b>1116 Ranch Loop</b>	City: <b>Bismarck</b>	State: <b>ND</b>	Zip: <b>58503</b>

Manager's Name: <b>Lifang Lin</b>		Date of Birth: <b>01/09/1988</b>	Percentage of Ownership:
Driver's License Number: <b>LN-88-3540</b>	State Issued: <b>ND</b>	Gender: <b>Female</b>	Race: <b>Asian</b>
Home Address: <b>1116 Ranch Loop</b>	City: <b>Bismarck</b>	State: <b>ND</b>	Zip: <b>58503</b>
Occupation: <b>Manager</b>	Phone Number: <b>626-376-0633</b>	Title:	Email Address: <b>lifang.lin669@gmail.com</b>

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

<b>Name:</b> Yi Xu Xie		<b>Date of Birth:</b> 10/19/1986	<b>Percentage of Ownership:</b> 100%
<b>Driver's License Number:</b> X1B-86-9382	<b>State Issued:</b> ND	<b>Gender:</b> Male	<b>Race:</b> Asian
<b>Home Address:</b> 1116 Ranch Loop	<b>City:</b> Bismarck	<b>State:</b> ND	<b>Zip:</b> 58503
<b>Occupation:</b> Owner	<b>Phone Number:</b> 701-800-3188	<b>Title:</b>	<b>Email Address:</b> ryanxie55@gmail.com

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

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

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



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

1. Are the manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, please explain:
--	------------------------

2. Have any of the persons listed above been convicted of any crime within the past five years?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, list all convictions and the dates, locations and sentence of disposition of each:
--	--

3. Does the building meet all state and local sanitation and safety requirements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
--	------------------------------

5. If a new application, has the applicant or any of the persons listed above engaged in the sale or transportation of alcoholic beverages previously?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
---	------------------------------

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

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
--	------------------------------

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
---	------------------------------

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other licensed liquor establishment within or without the State of North Dakota?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
---	------------------------------

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
--	------------------------------

11. Have all property taxes and special assessments currently due been paid?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, please give details:
---	-----------------------------

**Signature:**

- I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances.
  
- I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.
  
- I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

*Yi Wu Xie*

Signature of Applicant

*12/20/2023*  
Date

*Yi Wu Xie*

Print Name / Title of Officer

**Liquor License Transfers (only use if license is being transferred):**

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

Signature of Current License Holder

Signature of New Applicant

Print Name

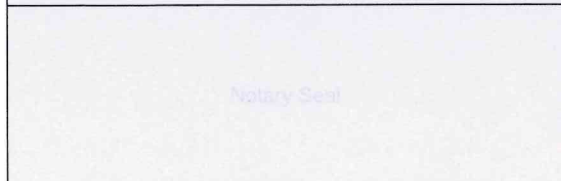
Print Name

State of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_

County of \_\_\_\_\_

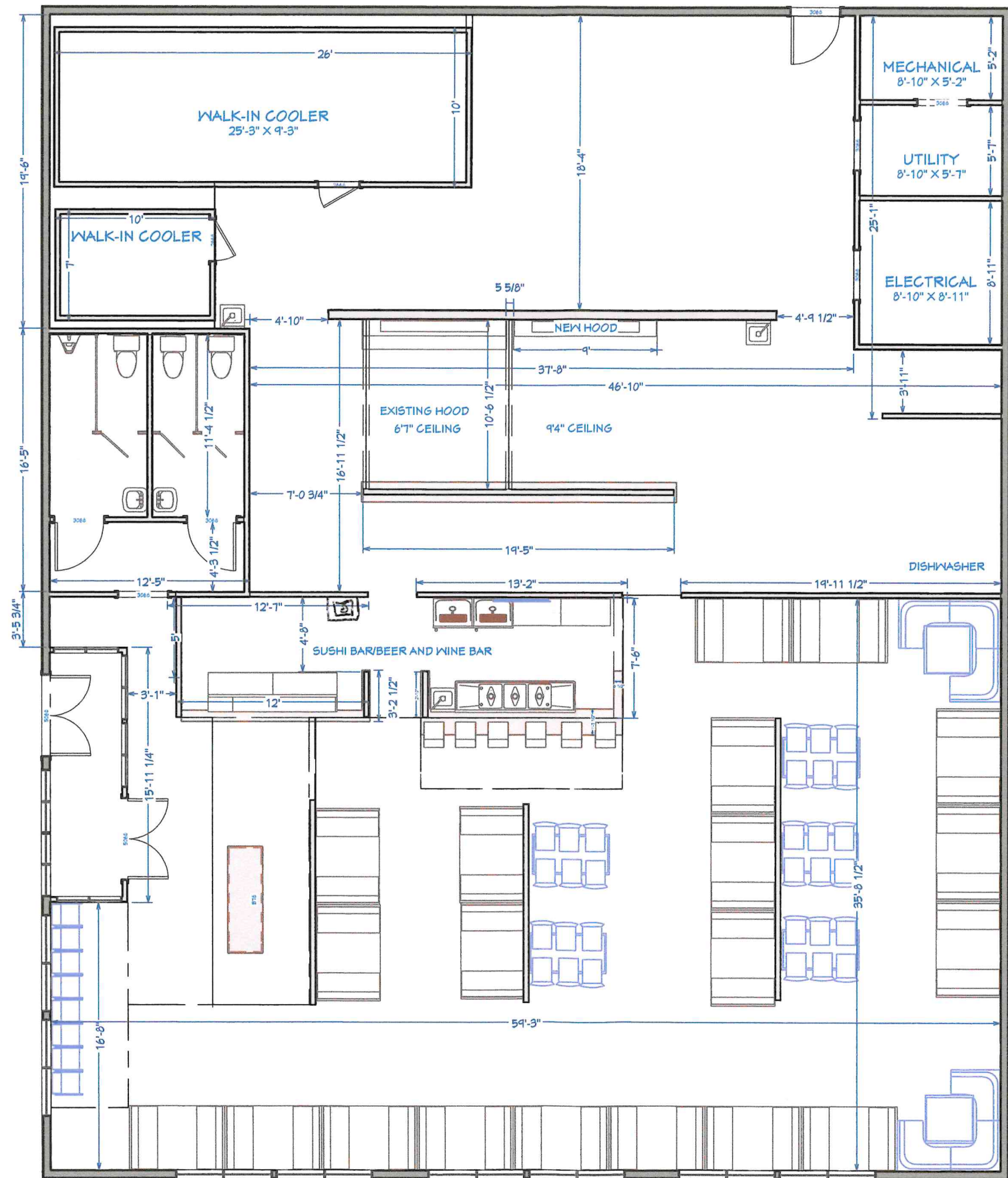
day of \_\_\_\_\_



Notary Seal

Notary Public

My Commission Expires



GROSS LEASABLE  
4398 SQ FT

REVISION TABLE	NUMBER	DATE	REVISED BY	DESCRIPTION

ICHIBAN RESTAURANT REMODEL  
1823 N. 13TH ST.  
BISMARCK, ND 58501

DRAWINGS PROVIDED BY:  
TOBIAS MARMAN  
CONSTRUCTION

DATE:

11/9/2023

SCALE:

1/8"=1'

SHEET:



## Administration Department

**DATE:** January 23, 2024

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

**ITEM:** Public Hearing on Taxi License Application for Bismarck Transportation Services, Co.

**REQUEST:**

Public Hearing regarding the license for a new taxi company, Bismarck Transportation Services, Co.

**BACKGROUND INFORMATION:**

Bismarck Transportation Services has submitted the necessary paperwork and documentation to consider the application for the license to operate a taxi service in Bismarck.

**RECOMMENDED CITY COMMISSION ACTION:**

Staff recommends holding a public hearing and approval of the taxicab license application for Bismarck Transportation Services, Co.

**STAFF CONTACT INFORMATION:**

Whitnie Olsen, Senior Administrative Assistant, [wolsen@bismarcknd.gov](mailto:wolsen@bismarcknd.gov)

**ATTACHMENTS:**

1. BTS Taxi Application



CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT

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

TAXI CAB  
LICENSE APPLICATION

LAST REVISED: 5/25/2023

Chapter 5-05-03 of the Code of Ordinances of the city of Bismarck requires that "a person may not operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without obtaining a license pursuant to this chapter."

Name of Applicant (Individual or Business): <i>Bismarck Transportation services</i>		Email Address: <i>bismarcktransportationservices@gmail.com</i>		
Business Address: <i>4326 Trenton Dr</i>	City: <i>Bis</i>	State: <i>ND</i>	Zip: <i>58503</i>	Business Phone Number: <i>7019550729</i>
Mailing Address: <i>4326 Trenton Dr</i>	City: <i>Bis</i>	State: <i>ND</i>	Zip: <i>58503</i>	After Hours Phone Number: <i>7013080718</i>
Applicant's experience in the transportation of passengers: <i>5 years</i>			Number of Vehicles to be operated or controlled by the applicant: <i>10</i>	

Location of proposed depots and terminals:  
*1513 South 12th St - Bismarck ND 58504*

Color scheme of insignia to be used to designate the motor vehicle(s) of the applicant:  
*Red and Black design on the sides of the vehicle*

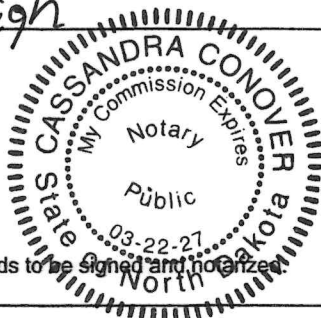
Make	Model	Vehicle ID Number	Capacity of Passengers
TOYOTA	PRIUS	JTDKN3DU5A5223	3
DODGE	CARAVAN	2C7WDG6BGXER162283	5
NISSAN	QUEST	JN8AE2KP9F9121259	6
NISSAN	QUEST	JN8AE2KP9F9128791	6
DODGE	CARAVAN	2D4RN4DE9AR265242	6
CHRYSLER	TOWN & COUNTRY	2C4RC1BG7FR562149	6
DODGE	CARAVAN	2C4RDG6G3ER122992	6
CHRYSLER	TOWN COUNTRY	2A4RR5DX5AR152004	6
DODGE	CARAVAN	2C7WDG6BG7ER162273	5
CHEVROLET	UPLANDER	1GBDV13W08D163684	6

The following must accompany this application:

<input checked="" type="checkbox"/> Photo of Cab/Logo	<input checked="" type="checkbox"/> Vehicle Title(s)	<input type="checkbox"/> Rate Fare Chart	<input checked="" type="checkbox"/> Payment of \$25.00 per vehicle
<input checked="" type="checkbox"/> \$100.00 Application Fee	<input type="checkbox"/> Vehicle Inspection report for each vehicle	<input checked="" type="checkbox"/> Certificate of Liability Insurance	

State of North Dakota  
County of Burleigh

*[Signature]*  
Applicant's Signature  
Isaac Afoakwa  
Print Name



Subscribed and sworn to before me this 16<sup>th</sup>  
day of October, 2023  
*[Signature]*  
Notary Public

Note: Each application needs to be signed and notarized.

9/22/2023

**BTS**  
**BISMARCK**  
**TRANSPORTATION**  
**SERVICES**





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

01/02/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER <b>FARMERS INSURANCE</b> 1022 E DIVIDE AVE #3B BISMARCK, ND 58501	CONTACT NAME: <b>Northern States Agency, Inc.</b>		
	PHONE (A/C. No. Ext):	FAX (A/C. No):	
	E-MAIL ADDRESS:		
INSURED <b>BISMARCK TRANSPORTATION SERVICES INC DBA: BISMARCK TRANSPORTATIONS SERVICES</b> 1513 S 12TH ST BISMARCK, ND 58504	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A:	<b>NATIONAL INDEMNITY COMPANY</b>	<b>20087</b>
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		

COVERAGES CERTIFICATE NUMBER: 581,828 REVISION NUMBER:


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	\$ \$ \$ \$ \$ \$
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY			70APS115741-01	12/28/2023 5:28 PM	12/28/2024 12:01 AM	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	\$ 2,000,000 \$ N/A \$ N/A \$ N/A
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED   RETENTION \$						EACH OCCURRENCE AGGREGATE	\$ \$ \$
			N/A				PER STATUTE   OTH-ER E. L. EACH ACCIDENT E. L. DISEASE - EA EMPLOYEE E. L. DISEASE - POLICY LIMIT	\$ \$ \$
								\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder will be given thirty (30) days notice of cancellation.

Vehicle Schedule: see attached

CERTIFICATE HOLDER CITY OF BISMARCK PO BOX 5503 BISMARCK, ND 58506	CANCELLATION
	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 

## Vehicle Schedule

Year, Make, Model, VIN	Collision	Comp or Spec. Caus.	Stated Amount	Phys. Dam. Deductible	In-Tow Limit	Cargo Limit
2015 CHRYSLER TOWN & COUNTRY 2C4RC1BG7FR562149	Covered	Comp	N/A	N/A	N/A	N/A
2014 DODGE GRAND CARAVAN 2C7WDGBG7ER162273	Covered	Comp	N/A	N/A	N/A	N/A
2015 NISSAN QUEST JN8AE2KP9F9129259	Covered	Comp	N/A	N/A	N/A	N/A
2014 DODGE GRAND CARAVAN 2C7WDGBGXER162283	Covered	Comp	N/A	N/A	N/A	N/A
2015 NISSAN QUEST JN8AE2KP0F0128791	Covered	Comp	N/A	N/A	N/A	N/A
2010 DODGE GRAND CARAVAN 2D4RN4DE9AR265242	Covered	Comp	N/A	N/A	N/A	N/A
2010 CHRYSLER TOWN & COUNTRY 2A4RR5DX5AR152004	Covered	Comp	N/A	N/A	N/A	N/A
2011 CHRYSLER TOWN & COUNTRY 2A4RR6DG3BR698453	Covered	Comp	N/A	N/A	N/A	N/A





CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB  
CERTIFICATE OF VEHICLE  
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 1GBDV13W08D 163684	Make: CHEVROLET	Model: UPLANDER	Year: 2008	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following? (See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Repets	Signature <i>[Signature]</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr	City BTS
	State ND	Zip 58503
		Phone Number 701 955 0729

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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**CERTIFICATE OF TITLE FOR A VEHICLE**  
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION  
 MOTOR VEHICLE DIVISION  
 608 E BOULEVARD AVE  
 BISMARCK ND 58505-0780  
 Telephone: (701) 328-2725

VIN 1GBDV13W08D163684	YEAR MODEL 2008	YEAR REGISTERED 2008	MAKE CHEVROLET	BODY STYLE VAN CARGO	MODEL UPLANDER
OWNER(S) NAME VIVIAN AGYEMANG OWUSU	TITLE NUMBER ND268714496	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4570	DATE ISSUED 9/15/2022	ODOMETER READING ODOMETER STATUS EXEMPT

MAIL VIVIAN AGYEMANG OWUSU  
 TO: 2700 HAWKEN ST APT 209  
 BISMARCK ND 58503-1363



**PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)**

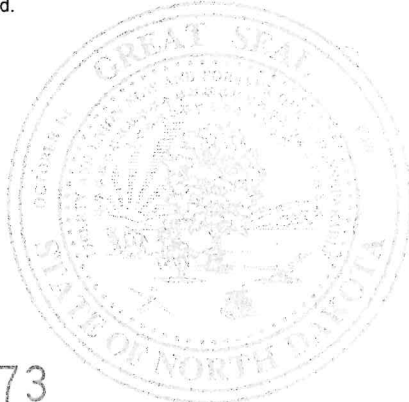
Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price

**Odometer Disclosure:** Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:  Mileage stated is in excess of its mechanical limits.  Odometer reading is not the actual mileage (**warning \*odometer discrepancy**)

Odometer Reading	NO TENTHS
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Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

**LEGAL TITLE OWNER (LIENHOLDER)**  
 Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



R857273

I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

*Robert Rehberg*

Deputy Director for Driver Safety

**LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.**

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

**THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF THE CERTIFICATE OF TITLE.**  
 SFN 2875 (7-2021)



CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB  
CERTIFICATE OF VEHICLE  
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 2ARRR5DXSAR 152004	Make: CHRYSLER	Model: TOWN COUNTRY	Year: 2010	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?  
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield - Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
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Business Name B.T.S.	Mailing Address 4326 Trenton Dr.	City BIS	State ND	Zip 58503	Phone Number 7019550729
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This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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**CERTIFICATE OF TITLE FOR A VEHICLE**  
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION  
 MOTOR VEHICLE DIVISION  
 608 E BOULEVARD AVE  
 BISMARCK ND 58505-0780  
 Telephone: (701) 328-2725

VIN ✓ 2A4RR5DX5AR152004	YEAR MODEL 2010	YEAR REGISTERED 2010	MAKE CHRYSLER	BODY STYLE VAN PASSENGER	MODEL TOWN & COUNTRY
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND1965691392	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4507	DATE ISSUED 2/7/2023	ODOMETER READING ODOMETER STATUS EXEMPT

MAIL BISMARCK TRANSPORTATION SERVICES  
 TO: 4326 TRENTON DR  
 BISMARCK ND 58503-1167

**PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)**

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price

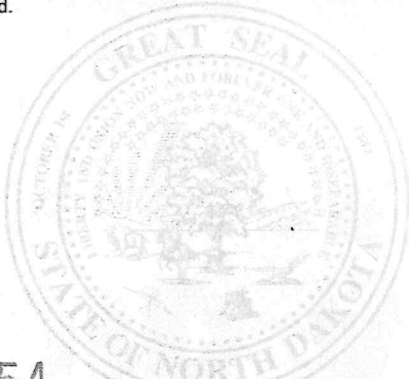
**Odometer Disclosure:** Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:  Mileage stated is in excess of its mechanical limits.  Odometer reading is not the actual mileage (warning \*odometer discrepancy)

Odometer Reading	NO TENTHS
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Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

**LEGAL TITLE OWNER (LIENHOLDER)**

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

*Robert Rehberg*

Deputy Director for Driver Safety

**LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.**

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

**THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF**

0000051



**CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT**

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

LAST REVISED: 5/25/2023

**TAXI CAB  
CERTIFICATE OF VEHICLE  
INSPECTION**

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 2C4RC1B G7FR 562149	Make: CHRYSLER	Model: TOLON & COUNTRY	Year: 2015	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?  
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield - Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
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Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS	State ND	Zip 58503	Phone Number 701 955 0729
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This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
----------------------------------	---	--------------------

**CERTIFICATE OF TITLE FOR A VEHICLE**  
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION  
 MOTOR VEHICLE DIVISION  
 608 E BOULEVARD AVE  
 BISMARCK ND 58505-0780  
 Telephone: (701) 328-2725

VIN 2C4RC1BG7FR562149	YEAR MODEL 2015	YEAR REGISTERED 2015	MAKE CHRYSLER	BODY STYLE VAN PASSENGER	MODEL TOWN & COUNTRY
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND458621440	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4463	DATE ISSUED 8/5/2022	ODOMETER READING 181205 MI
				ODOMETER STATUS ACTUAL	

MAIL BISMARCK TRANSPORTATION SERVICES  
 TO: 4626 TRENTON DR  
 BISMARCK ND 58503-7899

**PREVIOUSLY SALVAGED**

THIS VEHICLE HAS BEEN PREVIOUSLY DAMAGED. IF YOU REQUIRE FURTHER INFORMATION, PLEASE CONTACT THE D.O.T.

**PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)**

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One: <input type="checkbox"/> Or <input type="checkbox"/> And <input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)	Purchase Price		

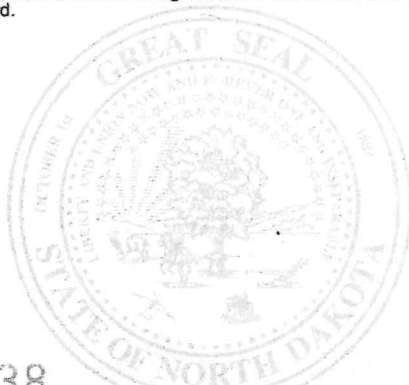
**Odometer Disclosure:** Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:  Mileage stated is in excess of its mechanical limits.  Odometer reading is not the actual mileage (warning \*odometer discrepancy)

Odometer Reading NO TENTHS

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

**LEGAL TITLE OWNER (LIENHOLDER)**

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

*Robert Rehberg*

Deputy Director for Driver Safety

**LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.**

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

**THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF**

R758032



**CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT**

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

LAST REVISED: 5/25/2023

**TAXI CAB  
CERTIFICATE OF VEHICLE  
INSPECTION**

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 2C4RDGC63ER 122992	Make: DODGE	Model: CARAVAN	Year: 2014	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following? (See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS
	State ND	Zip 58503
	Phone Number 701 985 0729	

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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**CERTIFICATE OF TITLE FOR A VEHICLE**  
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION  
 MOTOR VEHICLE DIVISION  
 608 E BOULEVARD AVE  
 BISMARCK ND 58505-0780  
 Telephone: (701) 328-2725

VIN ✓ 2C4RDGCG3ER122992	YEAR MODEL 2014	YEAR REGISTERED 2014	MAKE DODGE	BODY STYLE VAN PASSENGER	MODEL CARAVAN/GRAND
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND1236406784	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4483	DATE ISSUED 2/1/2023	ODOMETER READING 232985 MI
				ODOMETER STATUS ACTUAL	

MAIL BISMARCK TRANSPORTATION SERVICES  
 TO: 4326 TRENTON DR  
 BISMARCK ND 58503-1167

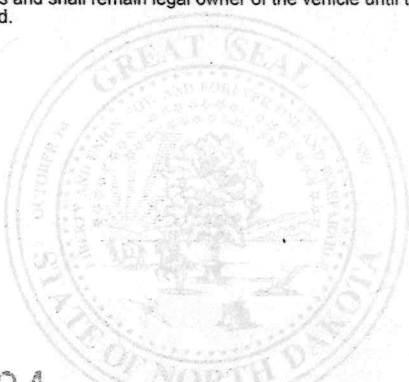
**PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)**

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price

**Odometer Disclosure:** Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:  Mileage stated is in excess of its mechanical limits.  Odometer reading is not the actual mileage (warning \*odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

**LEGAL TITLE OWNER (LIENHOLDER)**  
 Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

*Robert Rehberg*  
 Deputy Director for Driver Safety

**LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.**

Lienholder Name

Signature of Agent

Date (Mo., Day, Year)

**THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF**

RRR0001





**CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT**

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

LAST REVISED: 5/25/2023

**TAXI CAB  
CERTIFICATE OF VEHICLE  
INSPECTION**

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 2C7WDCBG7EK 162273	Make: DODGE	Model: GRAND CARAVAN	Year: 2014	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?  
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>Roman Kupets</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS
	State ND	Zip 58503
		Phone Number 701 955 0729

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>Carrie Lopez</i>	Date 10-17-2023
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**CERTIFICATE OF TITLE FOR A VEHICLE**  
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION  
 MOTOR VEHICLE DIVISION  
 608 E BOULEVARD AVE  
 BISMARCK ND 58505-0780  
 Telephone: (701) 328-2725

VIN 2C7WDGBG7ER162273	YEAR MODEL 2014	YEAR REGISTERED 2014	MAKE DODGE	BODY STYLE VAN PASSENGER	MODEL GRAND CARAVAN
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND985279488	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4321	DATE ISSUED 8/31/2021	
	ODOMETER READING 270325 MI	ODOMETER STATUS ACTUAL			

MAIL BISMARCK TRANSPORTATION SERVICES  
 TO: 4326 TRENTON DR  
 BISMARCK ND 58503-1167

**PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)**

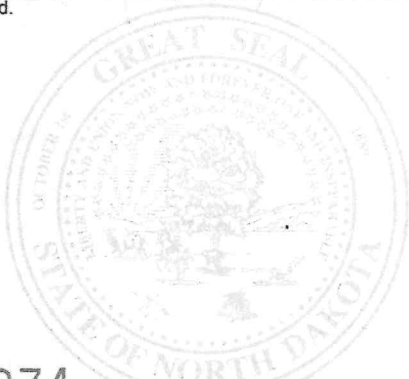
Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One: <input type="checkbox"/> Or <input type="checkbox"/> And <input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)	Purchase Price		

**Odometer Disclosure:** Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:  Mileage stated is in excess of its mechanical limits.  Odometer reading is not the actual mileage (warning \*odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

**LEGAL TITLE OWNER (LIENHOLDER)**

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

*Robin Rehberg*

Deputy Director for Driver Safety

**LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.**

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

**THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF**



CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB  
CERTIFICATE OF VEHICLE  
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 2C7WDGBGXE B162283	Make: DODGE	Model: GRAND CARAVAN	Year: 2014	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?  
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature 	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS
	State ND	Zip 58503
	Phone Number 7019550729	

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature 	Date 10-17-2023
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**CERTIFICATE OF TITLE FOR A VEHICLE**  
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION  
 MOTOR VEHICLE DIVISION  
 608 E BOULEVARD AVE  
 BISMARCK ND 58505-0780  
 Telephone: (701) 328-2725

VIN ✓ 2C7WDGGBXER162283	YEAR MODEL 2014	YEAR REGISTERED 2014	MAKE DODGE	BODY STYLE VAN PASSENGER	MODEL GRAND CARAVAN
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND465218560	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4321	DATE ISSUED 8/31/2021	ODOMETER READING 279317 MI
				ODOMETER STATUS ACTUAL	

MAIL BISMARCK TRANSPORTATION SERVICES  
 TO: 4326 TRENTON DR  
 BISMARCK ND 58503-1167

**PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)**

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License <input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License <input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code County
Check One: <input type="checkbox"/> Or <input type="checkbox"/> And <input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)	Purchase Price	

**Odometer Disclosure:** Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:  Mileage stated is in excess of its mechanical limits.  Odometer reading is not the actual mileage (warning \*odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

**LEGAL TITLE OWNER (LIENHOLDER)**

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

*Robert Rehberg*

Deputy Director for Driver Safety

**LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.**

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

**THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF**



CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB  
CERTIFICATE OF VEHICLE  
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 204RN4DE9AR 265242	Make: DODGE	Model: GRAND CARAVAN	Year: 2010	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?  
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr Bis	City ND
	State ND	Zip 58503
	Phone Number 7019550729	

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Cooper	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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**CERTIFICATE OF TITLE FOR A VEHICLE**  
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION  
 MOTOR VEHICLE DIVISION  
 608 E BOULEVARD AVE  
 BISMARCK ND 58505-0780  
 Telephone: (701) 328-2725

VIN ✓ 2D4RN4DE9AR265242	YEAR MODEL 2010	YEAR REGISTERED 2010	MAKE DODGE	BODY STYLE VAN PASSENGER	MODEL CARAVAN/GRAND
OWNER(S) NAME GRACE ACTION CHAPEL INT	TITLE NUMBER ND543023616	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4321	DATE ISSUED 2/1/2023	ODOMETER READING ODOMETER STATUS EXEMPT

MAIL GRACE ACTION CHAPEL INT  
 TO: 4326 TRENTON DR  
 BISMARCK ND 58503-1167

**PREVIOUSLY SALVAGED**

THIS VEHICLE HAS BEEN PREVIOUSLY  
 DAMAGED. IF YOU REQUIRE FURTHER  
 INFORMATION, PLEASE CONTACT THE  
 D.O.T.

**PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)**

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price

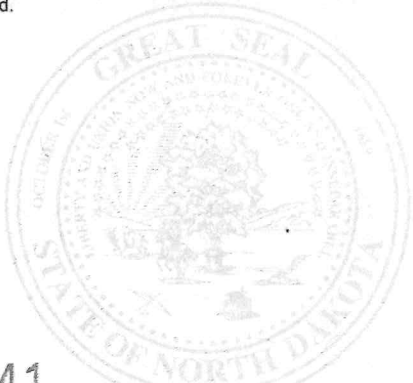
**Odometer Disclosure:** Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:  Mileage stated is in excess of its mechanical limits.  Odometer reading is not the actual mileage (warning \*odometer discrepancy)

Odometer Reading  
NO TENTHS

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

**LEGAL TITLE OWNER (LIENHOLDER)**

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I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

*Robert Rehberg*

Deputy Director for Driver Safety

**LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.**

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

**THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF**



**CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT**

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

LAST REVISED: 5/25/2023

**TAXI CAB  
CERTIFICATE OF VEHICLE  
INSPECTION**

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Vehicle ID Number: 0TV8AE2K P9F912 8791	Make: NISSAN	Model: QUEST	Year: 2015	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?  
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
--------------------------------------	---------------------------------	--------------------

Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS	State ND	Zip 58503	Phone Number 7019550729
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This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
----------------------------------	---	--------------------

**CERTIFICATE OF TITLE FOR A VEHICLE**  
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION  
 MOTOR VEHICLE DIVISION  
 608 E BOULEVARD AVE  
 BISMARCK ND 58505-0780  
 Telephone: (701) 328-2725

VIN ✓ JN8AE2KP9F9128791	YEAR MODEL 2015	YEAR REGISTERED 2015	MAKE NISSAN	BODY STYLE VAN PASSENGER	MODEL QUEST
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND154459136	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4349	DATE ISSUED 4/4/2022	
	ODOMETER READING 262956 MI	ODOMETER STATUS ACTUAL			

MAIL BISMARCK TRANSPORTATION SERVICES  
 TO: 4326 TRENTON DR  
 BISMARCK ND 58503-1167

**PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)**

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or <input type="checkbox"/> And <input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)	Purchase Price	

**Odometer Disclosure:** Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.  
 I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:  Mileage stated is in excess of its mechanical limits.  Odometer reading is not the actual mileage (warning \*odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

**LEGAL TITLE OWNER (LIENHOLDER)**  
 Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

*Robert Rehberg*  
 Deputy Director for Driver Safety

**LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.**

Lienholder Name

Signature of Agent

Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF





CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB  
CERTIFICATE OF VEHICLE  
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: JN8AE2KP9F9 1292859	Make: NISSAN	Model: QUEST	Year: 2015	Body Style: VAN
--	-----------------	-----------------	---------------	--------------------

Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following? (See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield - Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Keepets	Signature <i>[Signature]</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr.	City Bis State ND Zip 58503 Phone Number 7019850729

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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**CERTIFICATE OF TITLE FOR A VEHICLE**

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION  
 MOTOR VEHICLE DIVISION  
 608 E BOULEVARD AVE  
 BISMARCK ND 58505-0780  
 Telephone: (701) 328-2725

VIN ✓ JN8AE2KP9F9129259	YEAR MODEL 2015	YEAR REGISTERED	MAKE NISSAN	BODY STYLE VAN PASSENGER	MODEL QUEST
OWNER(S) NAME GRACE ACTION CHAPEL INT	TITLE NUMBER ND1196018688	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4349	DATE ISSUED 7/20/2021	ODOMETER READING 281476 MI
				ODOMETER STATUS ACTUAL	

MAIL GRACE ACTION CHAPEL INT  
 TO: 2700 HAWKEN ST  
 BISMARCK ND 58503-1361

**PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)**

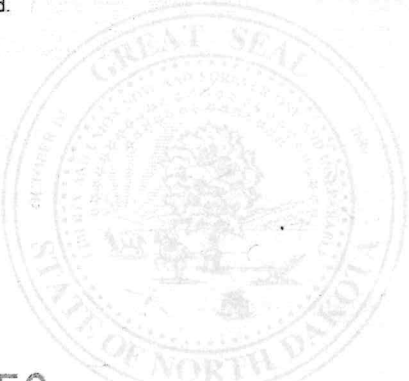
Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price

**Odometer Disclosure:** Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:  Mileage stated is in excess of its mechanical limits.  Odometer reading is not the actual mileage (warning \*odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

**LEGAL TITLE OWNER (LIENHOLDER)**

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

*Robert Rehberg*  
 Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF



CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB  
CERTIFICATE OF VEHICLE  
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: JTIDKN3DU5A 5223275	Make: TOYOTA	Model: PRIUS	Year: 2010	Body Style: Salon
--	-----------------	-----------------	---------------	----------------------

Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following? (See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield - Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS
	State ND	Zip 58503
		Phone Number 7019550729

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

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Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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**CERTIFICATE OF TITLE FOR A VEHICLE**  
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION  
 MOTOR VEHICLE DIVISION  
 608 E BOULEVARD AVE  
 BISMARCK ND 58505-0780  
 Telephone: (701) 328-2725

VIN ✓ JTDKN3DU5A5223275	YEAR MODEL 2010	YEAR REGISTERED 2010	MAKE TOYOTA	BODY STYLE HATCHBACK/FASTBACK	MODEL PRIUS
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND2138853888	VEHICLE TYPE PASSENGER	SHIPPING WEIGHT 3042	DATE ISSUED 4/14/2023	ODOMETER READING ODOMETER STATUS EXEMPT

MAIL BISMARCK TRANSPORTATION SERVICES  
 TO: 4326 TRENTON DR  
 BISMARCK ND 58503-1167

**PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)**

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):	<input type="checkbox"/> Driver's License <input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State ZIP Code County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):	<input type="checkbox"/> Driver's License <input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State ZIP Code County
Check One: <input type="checkbox"/> Or <input type="checkbox"/> And <input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)	Purchase Price

**Odometer Disclosure:** Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.  
 I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:  Mileage stated is in excess of its mechanical limits.  Odometer reading is not the actual mileage (warning \*odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

**LEGAL TITLE OWNER (LIENHOLDER)**

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*Robert Rehberg*

Deputy Director for Driver Safety

**LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.**

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

**THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF**



## Administration Department

**DATE:** January 23, 2024

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

**ITEM:** Public Hearing on Taxi License Application for Dakota Transportation Services, LLC.

**REQUEST:**

Public Hearing regarding the license for a new taxi company, Dakota Transportation Services, LLC.

**BACKGROUND INFORMATION:**

Dakota Transportation Services has submitted the necessary paperwork and documentation to consider the application for the license to operate a taxi service in Bismarck.

**RECOMMENDED CITY COMMISSION ACTION:**

Staff recommends holding a public hearing and approval of the taxicab license application for Dakota Transportation Services, LLC.

**STAFF CONTACT INFORMATION:**

Whitnie Olsen, Senior Administrative Assistant, [wolsen@bismarcknd.gov](mailto:wolsen@bismarcknd.gov)

**ATTACHMENTS:**

1. DTS Taxi Application



CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT

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

TAXI CAB  
LICENSE APPLICATION

LAST REVISED: 5/25/2023

Chapter 5-05-03 of the Code of Ordinances of the city of Bismarck requires that "a person may not operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without obtaining a license pursuant to this chapter."

Name of Applicant (Individual or Business): DAKOTA TRANSPORTATION SERVICES LLC Email Address: bookings@dakotatransportationservices.com

Business Address: 1634 MAPLETON AVE #4 City: Bismarck State: ND Zip: 58503 Business Phone Number: 701-400-8428

Mailing Address: 1634 MAPLETON AVE #4 City: Bismarck State: ND Zip: 58503 After Hours Phone Number: 701-590-6189

Applicant's experience in the transportation of passengers: Six YEARS Number of Vehicles to be operated or controlled by the applicant: ONE

Location of proposed depots and terminals:  
Bismarck

Color scheme of insignia to be used to designate the motor vehicle(s) of the applicant:  
GOLD

Make	Model	Vehicle ID Number	Capacity of Passengers:
<u>CHRYSLER</u>	<u>TOWN &amp; COUNTRY</u>	<u>812 DVZ</u>	<u>SEVEN</u>

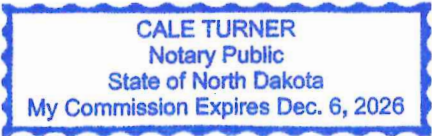
The following **must** accompany this application:

Photo of Cab/Logo     Vehicle Title(s)     Rate Fare Chart     Payment of \$25.00 per vehicle

\$100.00 Application Fee     Vehicle Inspection report for each vehicle     Certificate of Liability Insurance

State of NORTH DAKOTA  
County of BURLINGHAM

Augustine  
Applicant's Signature  
AUGUSTINE ULLIOME  
Print Name



Subscribed and sworn to before me this 1st  
day of December, 2023  
Cale Turner  
Notary Public

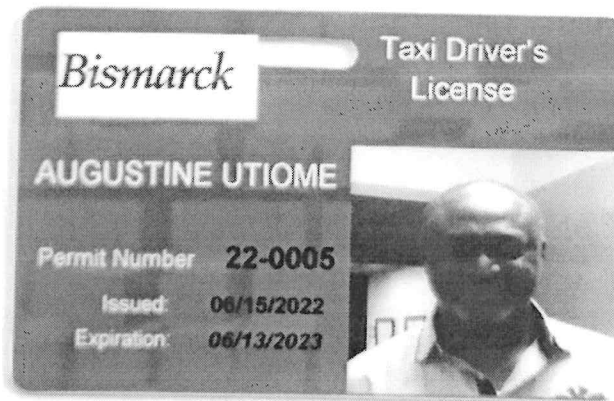
Note: Each application needs to be signed and notarized.

PAYMENT DATE  
12/01/2023  
COLLECTION STATION  
Police Reception/Records N  
RECEIVED FROM  
AUGUSTINE E UTIOME  
DESCRIPTION  
Taxi Permit- New

City of Bismarck  
PO Box 5503  
Bismarck, ND 58506-5503

BATCH NO.  
2023-12006724  
RECEIPT NO.  
2023-00216797  
CASHIER  
Kaitlyn K

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
LTAX	License-Taxi Drivers	\$60.00
	Taxi Permit- New	
	Total Cash	\$0.00
	Total Check	\$0.00
	Total Charge	\$60.00
	Total Wire	\$0.00
	Total Other	\$0.00
	Total Remitted	\$60.00
	Change	\$0.00
	Total Received	\$60.00



Total Amount: \$60.00

Customer Copy



Dakota Transportation  
Services LLC  
701-400-8128





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/15/2023

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

<b>PRODUCER</b> Western Frontier Insurance Agency, Inc PO BOX 184, BOWMAN, ND 58623	<b>CONTACT</b> NAME: Progressive Commercial Lines Customer and Agent Servicing PHONE (A/C, No, Ext): 1-800-444-4487      FAX (A/C, No): E-MAIL ADDRESS: progressivecommercial@email.progressive.com																		
<b>INSURER(S) AFFORDING COVERAGE</b>																			
<b>INSURED</b> Dakota Transportation Services, LLC 1634 MAPLETON AVE APT 4 Bismarck, ND 58503	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>INSURER A :</b></td> <td style="text-align: center;">United Financial Casualty Company</td> <td style="text-align: center;">11770</td> </tr> <tr> <td style="text-align: center;"><b>INSURER B :</b></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;"><b>INSURER C :</b></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;"><b>INSURER D :</b></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;"><b>INSURER E :</b></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;"><b>INSURER F :</b></td> <td></td> <td></td> </tr> </table>	<b>INSURER A :</b>	United Financial Casualty Company	11770	<b>INSURER B :</b>			<b>INSURER C :</b>			<b>INSURER D :</b>			<b>INSURER E :</b>			<b>INSURER F :</b>		
<b>INSURER A :</b>	United Financial Casualty Company	11770																	
<b>INSURER B :</b>																			
<b>INSURER C :</b>																			
<b>INSURER D :</b>																			
<b>INSURER E :</b>																			
<b>INSURER F :</b>																			

**COVERAGES      CERTIFICATE NUMBER:** 975070145127238152D121523T213123      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> OTHER:	Y	N	975349648	12/01/2023	12/01/2024	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	See ACORD 101 for additional coverage details.	Y	N	975349648	12/01/2023	12/01/2024	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER**

City of Bismarck  
221 N 5th St  
Bismarck, ND 58501

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



## ADDITIONAL REMARKS SCHEDULE

<b>AGENCY</b> Western Frontier Insurance Agency, Inc		<b>NAMED INSURED</b> Dakota Transportation Services, LLC 1634 MAPLETON AVE APT 4 Bismarck, ND 58503	
<b>POLICY NUMBER</b> 975349648		<b>EFFECTIVE DATE:</b> 12/01/2023	
<b>CARRIER</b> United Financial Casualty Company	<b>NAIC CODE</b> 11770		

**ADDITIONAL REMARKS**

**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,**  
**FORM NUMBER:** 25     **FORM TITLE:** Certificate of Liability Insurance

**Additional Coverages**

Insurance coverage(s)	Limits
Personal Injury Protection	Basic PIP \$30,000
Uninsured Motorist Bodily Injury	\$500,000 Combined Single Limit
Underinsured Motorist Bodily Injury	\$500,000 Combined Single Limit

**Description of Location/Vehicles/Special Items**

**Scheduled autos only**

2013 CHRYSLER TOWN & COUNTRY 2C4RC1CG9DR559314	
Comprehensive	\$1,000 Ded
Collision	\$1,000 Ded
Rental Reimbursement	\$40 Per Day (\$1,200 Max)
Roadside Assistance	Selected w/\$0 Ded

Liability coverage may not apply to all scheduled vehicles.

**Additional Information**

We will endeavor to provide 30 days notice of cancellation to the certificate holder, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

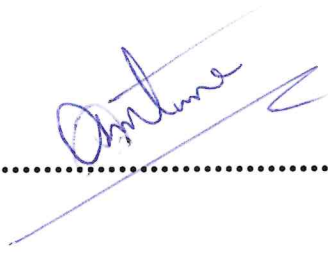
# Dakota Transportation Services LLC

1634 Mapleton Ave #4  
Bismark, ND, 58503

## RATE FARE CHART

- \$4.00 INITIAL CHARGE AND \$3.00 PER MILES  
OR
- AGREED FLAT RATE AS AGREED WITH THE RIDER.

Signature.....

A handwritten signature in blue ink, appearing to read "Antone", is written over a dotted line. The signature is written in a cursive style and extends above and below the dotted line.



CITY OF BISMARCK  
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB  
CERTIFICATE OF VEHICLE  
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: <b>7C4RC1CG9DR559314</b>	Make: <b>Chrysler</b>	Model: <b>Town &amp; Country</b>	Year: <b>2013</b>	Body Style: <b>Van</b>
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?  
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By <b>Joe Glas</b>	Signature <i>Joe Glas</i>	Date <b>11-27-23</b>
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Business Name <b>1 Stop Repair LLC.</b>	Mailing Address <b>1309 S 22nd St</b>	City <b>Bismarck</b>	State <b>ND</b>	Zip <b>58503</b>	Phone Number <b>701-527-4240</b>
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This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent <b>Kasey Glas</b>	Agent's Signature <i>Kasey Glas</i>	Date <b>11-27-23</b>
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**CERTIFICATE OF TITLE FOR A VEHICLE**

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
SFN 2875



ND DEPT. OF TRANSPORTATION  
MOTOR VEHICLE DIVISION  
608 E BOULEVARD AVE  
BISMARCK ND 58505-0780  
Telephone: (701) 328-2725

VIN 2C4RC1CG9DR559314	YEAR MODEL 2013	YEAR REGISTERED 2013	MAKE CHRYSLER	BODY STYLE VAN PASSENGER	MODEL TOWN & COUNTRY
OWNER(S) NAME AUGUSTINE ENERIAKPOZE UTIOME	TITLE NUMBER ND1103907328	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4652	DATE ISSUED 10/9/2023	ODOMETER READING 154097 MI
				ODOMETER STATUS ACTUAL	

MAIL AUGUSTINE ENERIAKPOZE UTIOME  
TO: 1634 MAPLETON AVE APT 4  
BISMARCK ND 58503-5365

**PREVIOUSLY SALVAGED**

THIS VEHICLE HAS BEEN PREVIOUSLY  
DAMAGED. IF YOU REQUIRE FURTHER  
INFORMATION, PLEASE CONTACT THE  
D.O.T.

**PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)**

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price
<b>Odometer Disclosure:</b> Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: <input type="checkbox"/> Mileage stated is in excess of its mechanical limits. <input type="checkbox"/> Odometer reading is not the actual mileage (warning *odometer discrepancy)				Odometer Reading <small>NO TENTHS</small>
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)	
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)	
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)		

**LEGAL TITLE OWNER (LIENHOLDER)**

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.

I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Deputy Director for Driver Safety

**LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.**

Lienholder Name

Signature of Agent

Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR  
FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF  
THE CERTIFICATE OF TITLE.

SFN 2875 (7-2021)

S209787





## Community Development Department

**DATE:** January 23, 2024

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

**ITEM:** Public hearing to amend the dimensional requirements for residential accessory buildings – Zoning Ordinance Text Amendment.

**REQUEST:**

Planning staff are requesting approval of a zoning ordinance text amendment to amend certain dimensional requirements for residential accessory structures. The purpose of this text amendment is to clarify sections of Title 14 of the City Code of Ordinances pertaining to residential accessory structures to help address commonly asked questions from the public and reduce potential points of conflict during the review process by city staff. This item includes a public hearing.

**BACKGROUND INFORMATION:**

The Board of City Commissioners considered this request at their January 9, 2024, meeting and called for a public hearing. Areas of clarification that this text amendment addresses include:

- The definition of building height, and how height is measured, for all buildings.
- The height of residential accessory structures including accessory dwelling units (ADUs).
- Where accessory structures can be placed on a property in relation to the principal structure, other accessory structures, and property line setbacks.
- And other minor clarifications connected to residential accessory structures when relevant.

The attached staff report contains a complete review of the request, according to the standards of the Comprehensive Plan, city ordinances, and other relevant laws. Additionally, the staff report contains an overview of past public engagement related to this request. A public hearing at the Planning and Zoning Commission meeting was held on December 20, 2023. No public comments were submitted before the hearing and no members of the public spoke at the hearing. At the end of the public hearing, the Planning and Zoning Commission approved the draft zoning ordinance text amendment as it is presented here in a five to three vote (5-3).

**RECOMMENDED CITY COMMISSION ACTION:**

Consider the request for Ordinance 6570 to amend certain dimensional requirements of residential accessory structures and take final action.

**STAFF CONTACT INFORMATION:**

Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

Isak Johnson, Planner, 701-355-1850, ijohnson@bismarcknd.gov

**ATTACHMENTS:**

1. Accessory Structures ZOTA

# STAFF REPORT

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2023-002**

## Project Summary

<i>Title:</i>	Dimensional Requirements for Residential Accessory Buildings
<i>Status:</i>	Board of City Commissioners – Public Hearing
<i>Project Contact:</i>	Isak Johnson, Planner
<i>Request:</i>	Amend dimensional requirements for residential accessory buildings
<i>Staff Recommendation:</i>	Approve

## Project Narrative

Accessory structures are allowed throughout the City of Bismarck as well as in the Extraterritorial Area for a variety of uses and purposes in conjunction with the principal use of a given parcel. Commonly asked questions from the public, or potential points of conflict during the review process by City staff related to accessory structures, include aspects of building height, size, and placement.

In order to reduce any confusion surrounding the regulations of accessory structure dimensional requirements, Planning and Building Inspections staff aim to clarify sections of Title 14 of the City of Bismarck Code of Ordinances. This ordinance amendment addresses sections with the intent to increase public understanding and improve City processes related to approval of accessory structures throughout the City and the ETA.

Areas of clarification addressed by this zoning ordinance text amendment include:

- Definition of building height, and how height is measured, for all buildings.
- Height of residential accessory structures, including accessory dwelling units (ADUs).
- Placement of residential accessory structures in relation to principal

structures, other accessory structures, and property line setbacks.

- Other minor clarifications connected to residential accessory structures.

Of these four areas, the first two contain the most notable changes. These changes for the height of residential accessory structures are summarized in the tables below.

### Urban (Corporate Limits)

	Current	Proposed
Height limit (no ADU)	25ft	20ft
Height limit (with ADU)	20ft	25ft
Wall height limit	12ft	No limit
How it is measured (pitched roofs)	To the peak*	To the mean of the wall and peak

### Rural (ETA)

	Current	Proposed
Height limit (no ADU)	25ft	25ft
Height limit (with ADU)	20ft	25ft
Wall height limit	16.5ft	No limit
How it is measured (pitched roofs)	To the peak*	To the mean of the wall and peak

(continued)



*\*Note: This interpretation has been debated within the Community Development Department over the course of previous ordinance amendments throughout the years, and this debate is part of the reason for this proposed amendment.*

The proposed changes are the result of research of peer cities throughout the region in North Dakota, Montana, South Dakota, and Minnesota, as well as numerous conversations between Planning Division staff and Building Inspections Division staff. Ultimately, the proposed changes would place Bismarck's accessory structure height regulations in a similar vein as most of our peer cities, while being slightly more flexible than a majority of our peer cities.

For reference, most of the researched cities did not have a wall height limit for residential accessory structures but had a lower overall height limit than the proposed twenty feet for Bismarck. Most peer cities had an overall height limit between fifteen and seventeen feet, when using a similar definition of height as Bismarck.

### Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on January 12 and January 19, 2024.

All written comments received by staff prior to the public hearing will be distributed to the Board of City Commissioners and summarized by staff during the oral presentation.

At the Planning and Zoning Commission level, the public was duly notified of this request prior to their public hearing. A notice was published in the Bismarck Tribune on December 8 and December 15, 2023.

Staff received no written comments prior to the public hearing at the Planning and Zoning Commission. Any public comments received prior to the public hearing at the Board of City

Commissioners will be summarized in the staff report.

### Review Standards and Findings of Fact

*The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.*

*The goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment ([Comprehensive Plan](#))*

**Yes.** The following objectives of the plan would be advanced through the proposed amendment.

*S3(e): Encourage accessory buildings to be compatible in design with, and subordinate in scale to, the principal buildings on the property.*

*S4(a): Increase efficiency of urban land use to maximize public investment in infrastructure and services thereby reducing cost for tax and ratepayers.*

The proposed ordinance amendment will continue to improve how Bismarck residents use their land as efficiently as possible, while streamlining understandings of the appropriate regulations.

*The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance ([Goal S9-e](#), [G10-g](#))*

**Yes.** This section of the zoning ordinance has been amended many times, most recently in 2017. The purpose of the proposed zoning ordinance text amendment is to clarify this provision to ensure that the original intent is met.

*The general intent and purpose of the zoning ordinance would be adhered to with the proposed amendment ([Section 14-02-01](#); [NDCC 40-47-03](#))*

(continued)

**Yes.** The proposed zoning ordinance text amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

*The proposed text amendment will preserve the overall integrity and coherence of the zoning ordinance ([Goal G10](#))*

**Yes.** All sections of the zoning ordinance containing any references to or potential conflicts with the proposed zoning ordinance text amendment have been reviewed and corrected, as needed.

Section 14-02-03 clarifies the definition of accessory structures (and related items) used throughout this text amendment. Sections 14-03-05, 14-03-06, and 14-03-08 address the primary issues of residential accessory structure placement and height. Then Sections 14-04-01, 14-04-01.1, 14-04-03, 14-04-06 clarify several reiterations of previously addressed items to ensure consistency.

*Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))*

**Yes.** All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The zoning ordinance text amendment has been initiated by staff from the Community Development Department, on behalf of the Planning and Zoning Commission. A preliminary draft was attached to the staff report for the public hearing by the Planning and Zoning Commission.

At the conclusion of the public hearing, the Planning and Zoning Commission approved the preliminary draft, without making any changes, by a vote of five to three (5-3).

There was discussion by the commission on how the proposed height limits were chosen and whether the proposed regulations were more

restrictive than existing regulations. The draft language does not change the allowable square footage of residential accessory structures and primarily focuses on clarifying allowable height. Currently, the wall height limits act as a strong regulating factor for overall building height, particularly within City limits where the wall height limit is twelve (12) feet.

While the overall height limit, without accessory dwelling units, is lower than current regulations (twenty [20] versus twenty-five [25] feet), this is being measured to the mean of the wall height and the peak for pitched roofs. The tallest point of a structure with a pitched roof could still be above the height limit, in theory, so long as the average height of the top of the wall and the top of a pitched roof is at or below twenty (20) feet.

The proposed language of removing wall height limits while reducing overall height limit is similar to the existing regulations of many of our peer communities throughout the region. Most peer communities to Bismarck do not have a wall height limit and have a lower overall height limit than twenty (20) feet – usually around fifteen (15) to seventeen (17) feet. The proposed language therefore places Bismarck more closely to other cities in the region, while allowing more flexibility in height than those same peers.

The purpose to allow a taller height limit if a structure includes an ADU is to allow increased flexibility if someone were to build an ADU above a detached garage. Additionally, single-family homes as principal structures in residential districts currently have height limits of forty (40) feet, so if someone were to build a new principal structure (or an addition to an existing one) they would be allowed to go higher than either proposed height limits for accessory buildings.

The same preliminary draft is included for the consideration of the Board of City Commissioners.

*(continued)*

*The public health, safety and general welfare will not be adversely impacted by the proposed zoning text amendment ([Goal S10-a](#))*

**Yes.** As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning ordinance text amendment would not adversely impact the public health, safety, and general welfare.

### **Staff Recommendation**

Based on the above findings, staff recommends approval of the zoning ordinance text amendment on dimensional requirements for residential accessory structures.

### **Attachments**

1. Draft zoning ordinance text amendment
2. Examples of accessory structure placement areas
3. Examples of accessory structure height by roof type

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*Staff report prepared by:* Isak Johnson, Planner

701-355-1850 | [ijohnson@bismarcknd.gov](mailto:ijohnson@bismarcknd.gov)

# CITY OF BISMARCK

## ORDINANCE NO. 6570

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03, 14-03-05, 14-03-06, 14-03-08, 14-04-01, 14-04-01.1, 14-04-03, 14-04-06, OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE DIMENSIONAL REQUIREMENTS FOR ACCESSORY BUILDINGS.

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

Section 1. Amend. Sections 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

\* \* \* \* \*

Accessory Dwelling Unit: A separate and complete dwelling unit established in conjunction with, ~~but clearly subordinate to,~~ and ancillary to, the principal single family dwelling unit, whether within the same structure as the principal unit or within a detached accessory structure on the same lot or parcel. An accessory dwelling unit contains one bedroom, kitchen and bathroom facilities, and a separate exterior entrance.

Accessory Use: A use or structure that is clearly incidental to and customarily found in connection with a principal structure or use; is ~~subordinate in area, extent and~~ ancillary in purpose to the principal building or uses; contributes to the comfort, convenience or necessity of occupants of the principal use; and is located on the same lot and in the same zoning district as the principal use.

\* \* \* \* \*

~~Building-Accessory: A subordinate~~ A permanent, or semi-permanent, ancillary building or structure, the use of which is customarily incidental to that of a principal building on the same lot, including, without limitation, garages, storage sheds, playhouses, kennels, ~~statuary, trellises, barbecue stoves,~~ residential greenhouses, tent-like structures, or similar structures, storm or civil defense shelter, radio towers, satellite receiving or transmitting stations or antennas, and other structures, towers, antenna, ornaments or devices.

\* \* \* \* \*

Height of Building: The vertical distance measured from ~~the highest of the following three levels:~~

- ~~(a) The street curb level;~~
- ~~(b) The established or mean street grade in case the curb has not been constructed; or~~
- ~~(c) The average finished ground level adjoining the building if it sets back from the street line~~

The average finished ground level adjoining the building at all exterior walls (measured at fixed intervals around the base of the structure)

To:

- ~~(a) the level of the highest point at the roof beams of flat roofs, or roofs including not more than one (1) inch of vertical rise to the one (1) foot of horizontal travel, and;~~
- ~~(b) the deck line of mansard roofs; or~~
- ~~(c) to the mean height level of the top of the main plate and highest ridge for other roofs. And when a building has multiple roofs, use the roof with the tallest ridge/height to calculate total building height.~~

\* \* \* \* \*

Section 2. Amend. Sections 14-03-05 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-03-05. Supplementary Provisions. The regulations specified in this title shall be subject to the following provisions and interpretations:

\* \* \* \* \*

- 4. Location of residential accessory buildings.

- a. In any residential zoning district except RR and RR5 (see the RR or RR5 district for accessory building regulations specific to that district), all accessory buildings ~~except garages~~ shall be located ~~in the rear yard~~ ten (10) feet from the principal structure, shall be located behind the line created by the front wall of the principle structure, and shall not be less than three (3) feet from the rear or side lot line while noting that structures less than five (5) feet from the side or rear lot line may require fire separation precautions in accordance with City of Bismarck Buiding Code when located at least ten feet behind the rear wall of the principal building.
1. For lots situated directly between two roadways, the yard adjacent to the roadway which provides access to the property's principal structure (such as by means of a doorway or driveway) is the front yard.
  2. ~~If the ten-foot distance behind the rear wall of~~ from the principal building cannot be maintained, the structure must be built in accordance with the appropriate fire protection features as determined by the City of Bismarck Building Code and the same setbacks shall be maintained as is required for the principal building.
  3. Any uncovered deck, patio or porch shall not be considered as part of the principal building for purposes of this subsection.
- b. A garage located in a rear yard and ~~approached from an~~ with an approach perpendicular to an alley must be set back from the alley line at least twenty (20) feet to allow for an additional parking space without obstructing the alley. When the approach to the garage is parallel to the alley and the car maneuvers on private property, the distance from the alley and side lot lines to the garage may be not less than three (3) feet.
- c. Accessory buildings, including garages, located on a corner lot in a residential district shall be ~~located not less than twenty feet from the lot line of the side street and in no case shall be set back less than the setback distance required for the principal building.~~ set back from the side street no less than the principal structure setback requirements for the district. For the purpose of this section, the side street is the street that does not provide access to the house by means of a door or driveway. The minimum setback from the adjacent lot line of the lot also facing the side street shall be ~~the same as required for the principal building.~~ no less than three (3) feet and be in accordance with the City of Bismarck Building Code when relevant.

~~d. In a residential district any garage on an inside lot may be located with the same setback from the street as required for the principal building providing that such setback is at least twenty feet and that such garage does not violate the side yard requirements for a principal building for the district in which it is located. If such detached garage is located at least ten feet behind the rear wall of the principal building, such garage may be located not less than three feet from the side lot line.~~

d. All setback measurements for accessory buildings shall be made from the ~~eaves rather than the wall or foundation walls, or the outermost exterior structurally supporting features (such as columns), and the structures must be built in accordance with the City of Bismarck Building Codes with regards to projections from the walls such as eaves.~~

e. No accessory building shall be allowed on any utility easement.

\* \* \* \* \*

Section 3. Amend. Sections 14-03-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

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

1. Accessory Uses and Buildings.

a. General Requirements. Accessory uses and buildings shall comply with the following standards and all other applicable regulations of this chapter:

1. The accessory use or building shall be incidental and customarily associated with the principal use or structure.

~~2. Except for accessory buildings for one and two family residential uses constructed in accordance with the provisions of Section 14-03-06(1)(b), the accessory use or building shall be subordinate in area, extent, and purpose to the principal use or building served.~~

- ~~3. The accessory use or building shall contribute to the comfort, convenience and necessity of the occupants of the principal use or building served.~~
2. The accessory use or building shall be located on the same zoning lot as the principal use or building.
3. The accessory use or building shall not be injurious to the use and enjoyment of surrounding properties.
4. No accessory building shall be located within any recorded public easement or over any known public utility.

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

\* \* \* \* \*

4. All allowable accessory buildings for a one or two-family residence in an urban residential zoning district (R5, R10, RM, RMH & RT) shall be limited to a maximum area of twelve hundred (1,200) square feet, ~~a maximum wall height of twelve (12) feet~~ and a maximum building height of ~~twenty-five (25) feet~~ twenty (20) feet, except for accessory dwelling units which are allowed a maximum height of twenty-five (25) feet as described in Section 14-03-08.4(y).

\* \* \* \* \*

5. All allowable accessory buildings for a single-family rural residence in a rural residential zoning district (RR & RR5) shall be limited to a maximum area of fourteen hundred (1,400) square feet for lots of ~~40,000~~ forty thousand (40,000) square feet or less; to a maximum area of eighteen hundred (1,800) square feet for lots between ~~40,000~~ forty thousand (40,000) square feet and ~~64,999~~ sixty-five thousand (65,000) square feet; to a maximum area of twenty-four hundred (2,400) square feet for lots over ~~65,000~~ sixty-five thousand (65,000) square feet, except as provided for herein. The ~~maximum wall height shall be limited to sixteen and one-half (16.5) feet~~ and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with ~~40,000~~ forty thousand (40,000) to ~~64,999~~ sixty-five thousand (65,000) square feet in



area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than ~~65,000~~ sixty-five thousand (65,000) square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

\* \* \* \* \*

6. All allowable accessory buildings for a single-family rural residence in the agricultural zoning district (A) shall be limited to a maximum area of one (1) percent of the total lot area up to a maximum of five thousand (5,000) square feet. The ~~maximum wall height shall be limited to sixteen and one half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.~~

\* \* \* \* \*

- e. Non-residential accessory uses and buildings in all other zoning districts.

\* \* \* \* \*

- ~~9. Except for agricultural buildings located in the agricultural zoning district, no accessory building shall exceed the height or floor area of the principal building.~~
9. Manufacturing and repair facilities incidental to the principal use subject to the following limitations:

\* \* \* \* \*

Section 4. Amend. Sections 14-03-08 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the Board of City Commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to granting of such permit or certificate.

\* \* \* \* \*

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

\* \* \* \* \*

y. Accessory Dwelling Units

\* \* \* \* \*

3. Requirements for All Accessory Dwelling Units. Prior to receiving a special use permit an applicant shall demonstrate that the following requirements will be met:

- a. No more than one accessory dwelling unit may be permitted on each lot or parcel.
- b. An accessory dwelling unit must be contained completely within the principal structure on the lot or parcel, or contained within an accessory structure that meets all requirements of this Code, including size and setback requirements of the underlying zoning district. However, the height of any accessory dwelling unit may be up to ~~twenty (20)~~ twenty-five (25) feet ~~or the height of the principal structure on the lot, whichever is less.~~

\* \* \* \* \*

- ~~g. No part of any rooftop deck or balcony on an accessory dwelling unit may be located within twenty five (25) feet of a side or rear property line.~~

- g. An accessory dwelling unit must be connected to public utilities if available on the lot or parcel. If the lot is serviced by an on-site sewage treatment facility, the applicant must show that sufficient sewage treatment capacity will be available to meet anticipated needs.
- h. An accessory dwelling unit must comply with all residential building code requirements outlined in Title 4 of the Bismarck Code of Ordinances.
- i. An accessory dwelling unit may be occupied by no more than one family, as defined by Title 14 of the Bismarck Code of Ordinances.

\* \* \* \* \*

Section 5. Amend. Sections 14-04-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-04-01. RR Residential District. In any RR residential district, the following regulations shall apply:

\* \* \* \* \*

10. Accessory Buildings. All allowable accessory buildings for a single-family residence shall be limited to a maximum of fourteen hundred (1,400) square feet for lots of ~~40,000~~ forty thousand (40,000) square feet or less; to a maximum of eighteen hundred (1,800) square feet for lots between ~~40,000~~ forty thousand (40,000) square feet and ~~64,999~~ sixty-five thousand (65,000) square feet; and to a maximum of twenty-four hundred (2,400) square feet for lots over ~~65,000~~ sixty-five thousand (65,000) square feet, except as provided herein. ~~The maximum wall height shall be limited to sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.~~

The allowable accessory buildings for a single-family rural residence on a lot with ~~40,000~~ forty thousand (40,000) to ~~64,999~~ sixty-five thousand (65,000) square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot with more than ~~65,000~~ sixty-five thousand (65,000) square feet in area may be increased to a maximum of thirty-two hundred

(3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

\* \* \* \* \*

Section 6. Amend. Sections 14-04-01.1 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-04-01.1. RR5 Residential District. In any RR5 residential district, the following regulations shall apply:

\* \* \* \* \*

11. Accessory Buildings. All allowable accessory buildings for a single-family rural residence shall be limited to a maximum of thirty-two hundred (3,200) square feet. ~~The maximum wall height shall be limited to sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.~~

\* \* \* \* \*

Section 7. Amend. Sections 14-04-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-04-03. R5 Residential District. In any R5 residential district, the following regulations shall apply:

\* \* \* \* \*

10. Height limits. No single-family dwelling shall exceed forty (40) feet in height. No principal building for any other permitted use shall exceed fifty (50) feet in height. No accessory building shall exceed ~~twenty-five (25)~~ twenty (20) feet in height, except for accessory dwelling units which are allowed a maximum height of twenty-five (25) feet.

\* \* \* \* \*

Section 8. Amend. Sections 14-04-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows.

14-04-06. R10 Residential District. In any R10 residential district, the following regulations shall apply:

\* \* \* \* \*

10. Height limits. No single-family dwelling and no two-family dwelling shall exceed forty (40) feet in height. No principal building for any other permitted use shall exceed fifty (50) feet in height. No accessory buildings shall exceed ~~twenty-five (25)~~ twenty (20) feet in height, except for accessory dwelling units which are allowed a maximum height of twenty-five (25) feet.

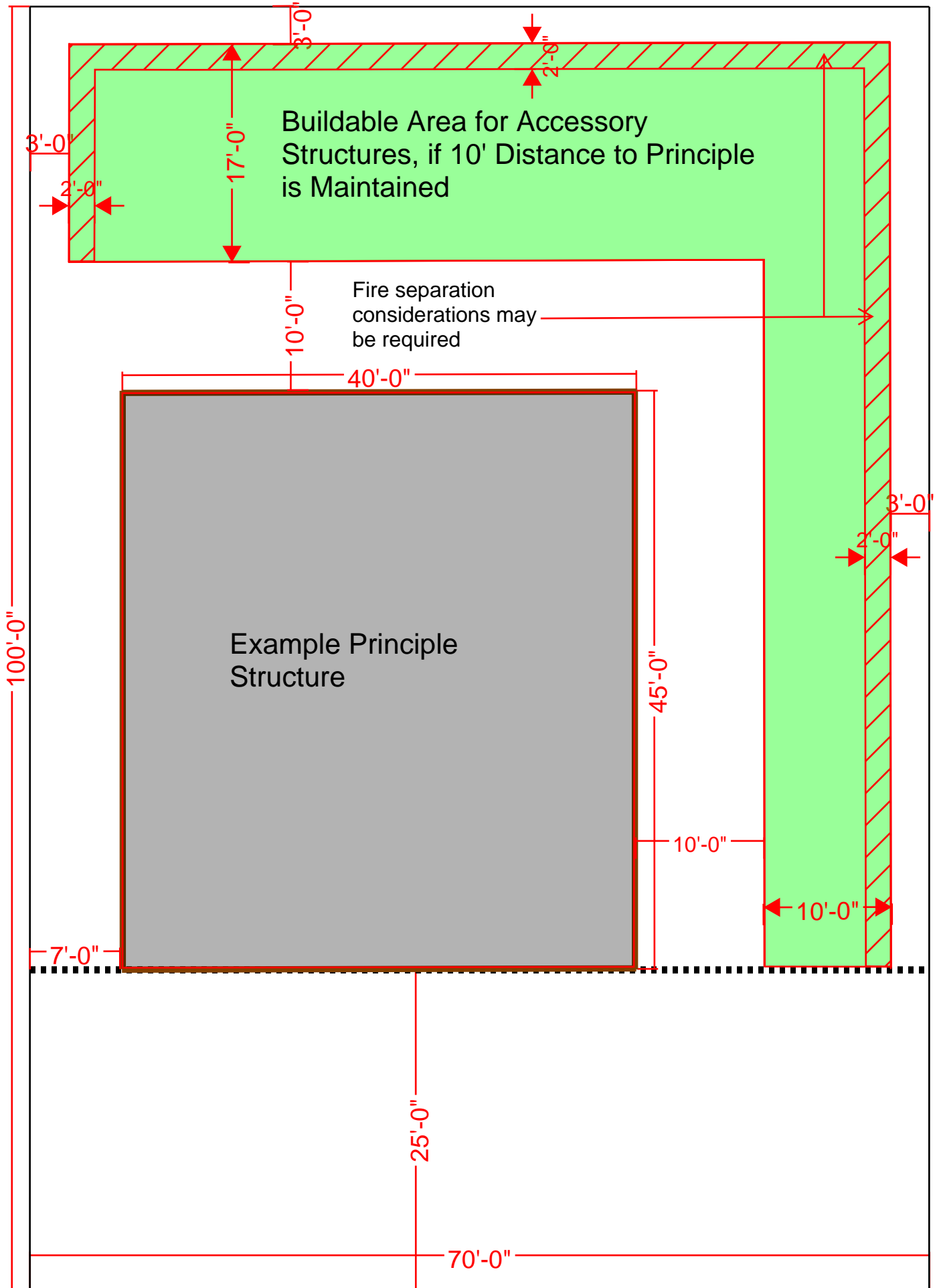
\* \* \* \* \*

Section 9. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

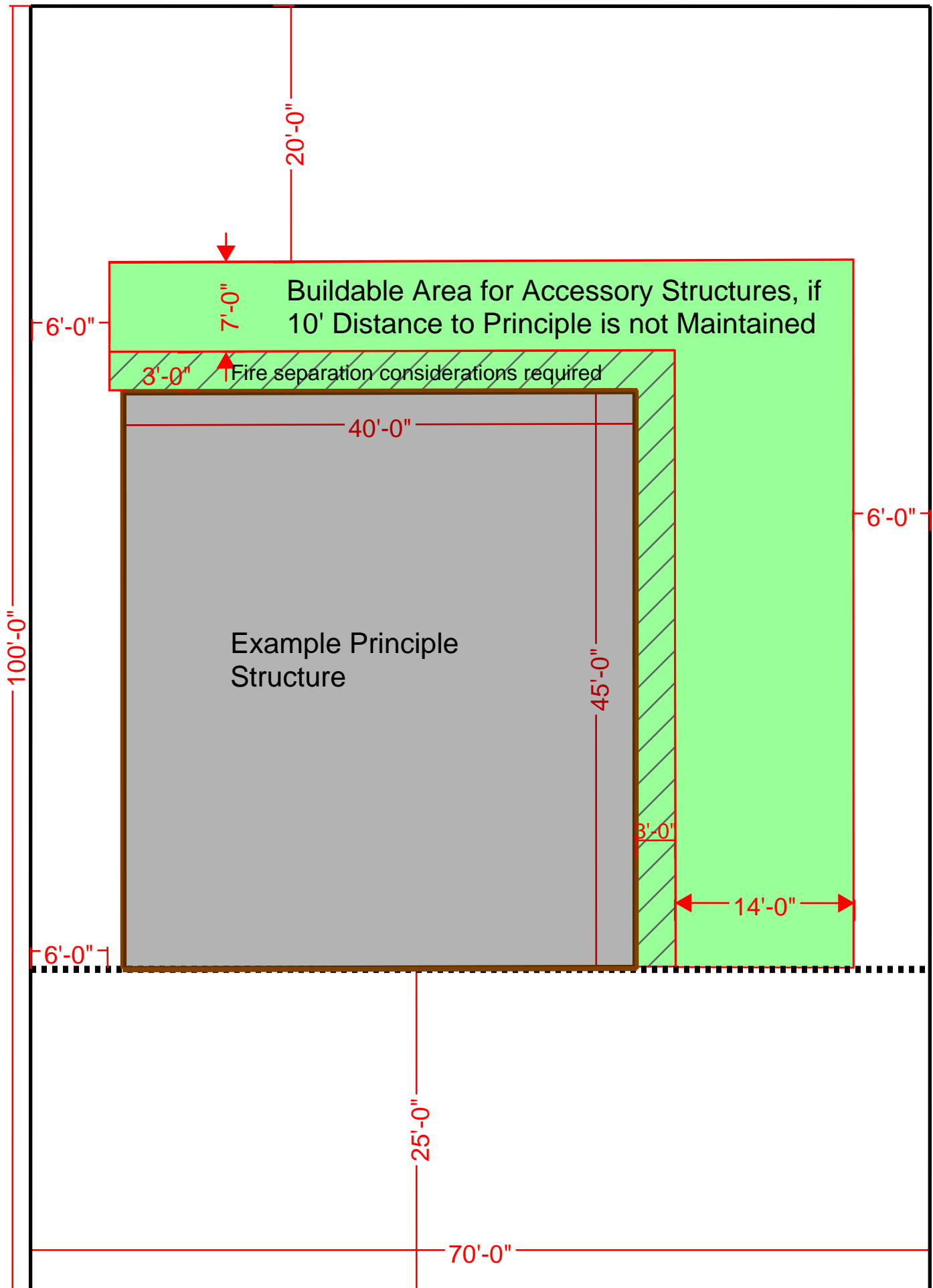
Section 10. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 11. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

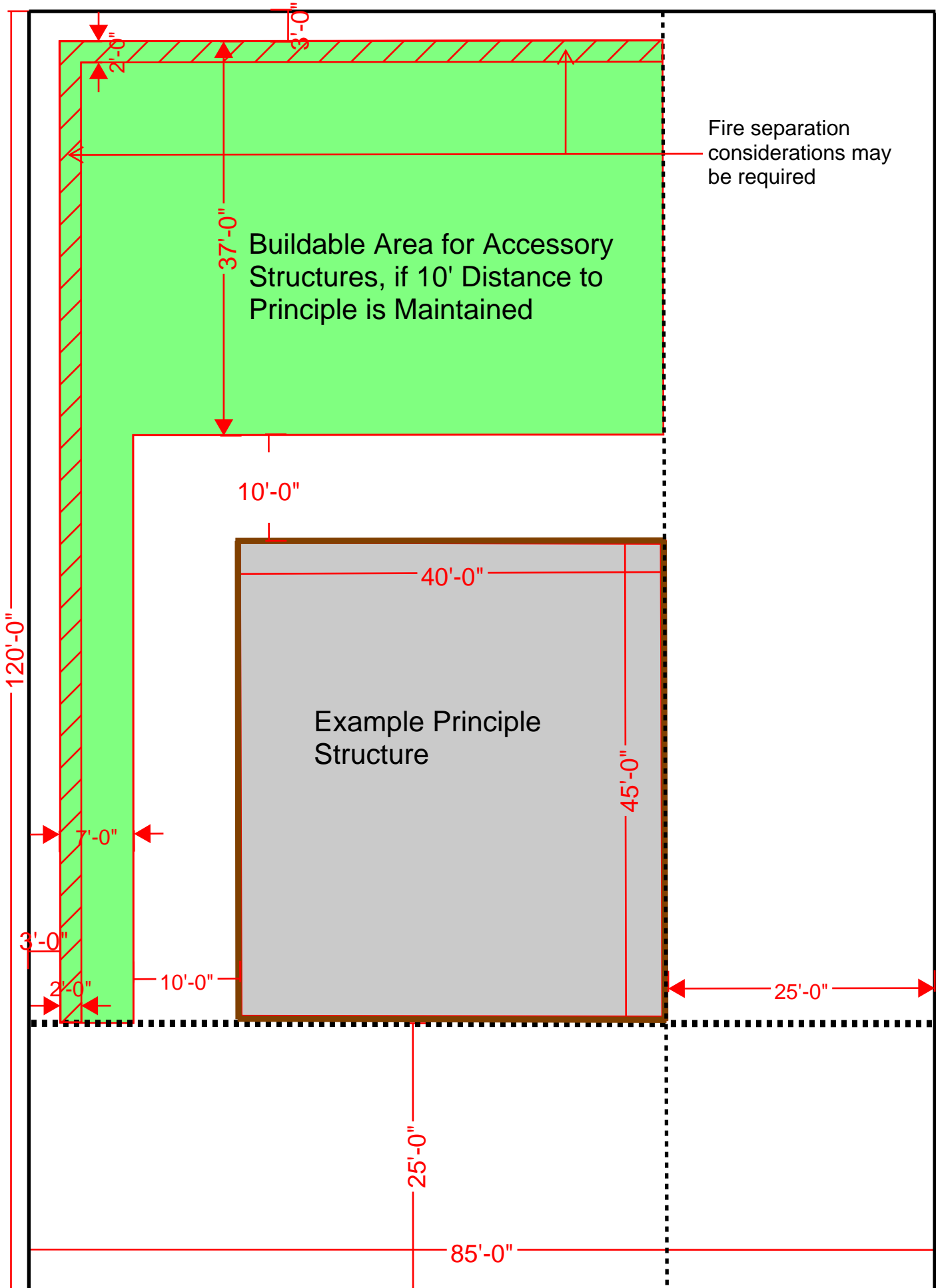
# Accessory Structures on an Interior Lot (1"=10')



# Accessory Structures on an Interior Lot (1"=10'), cont.

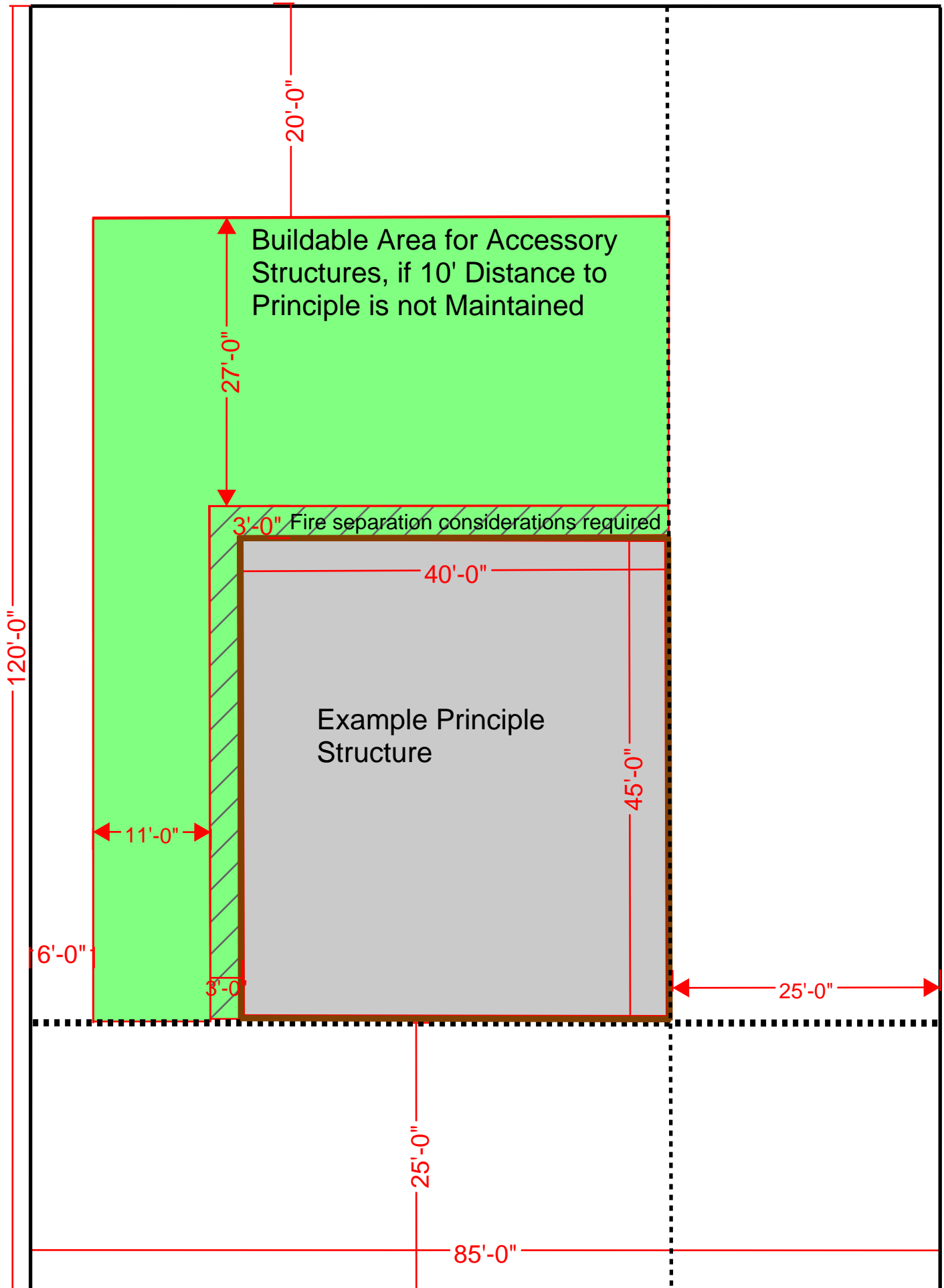


# Accessory Structures on a Corner Lot (1"=12')

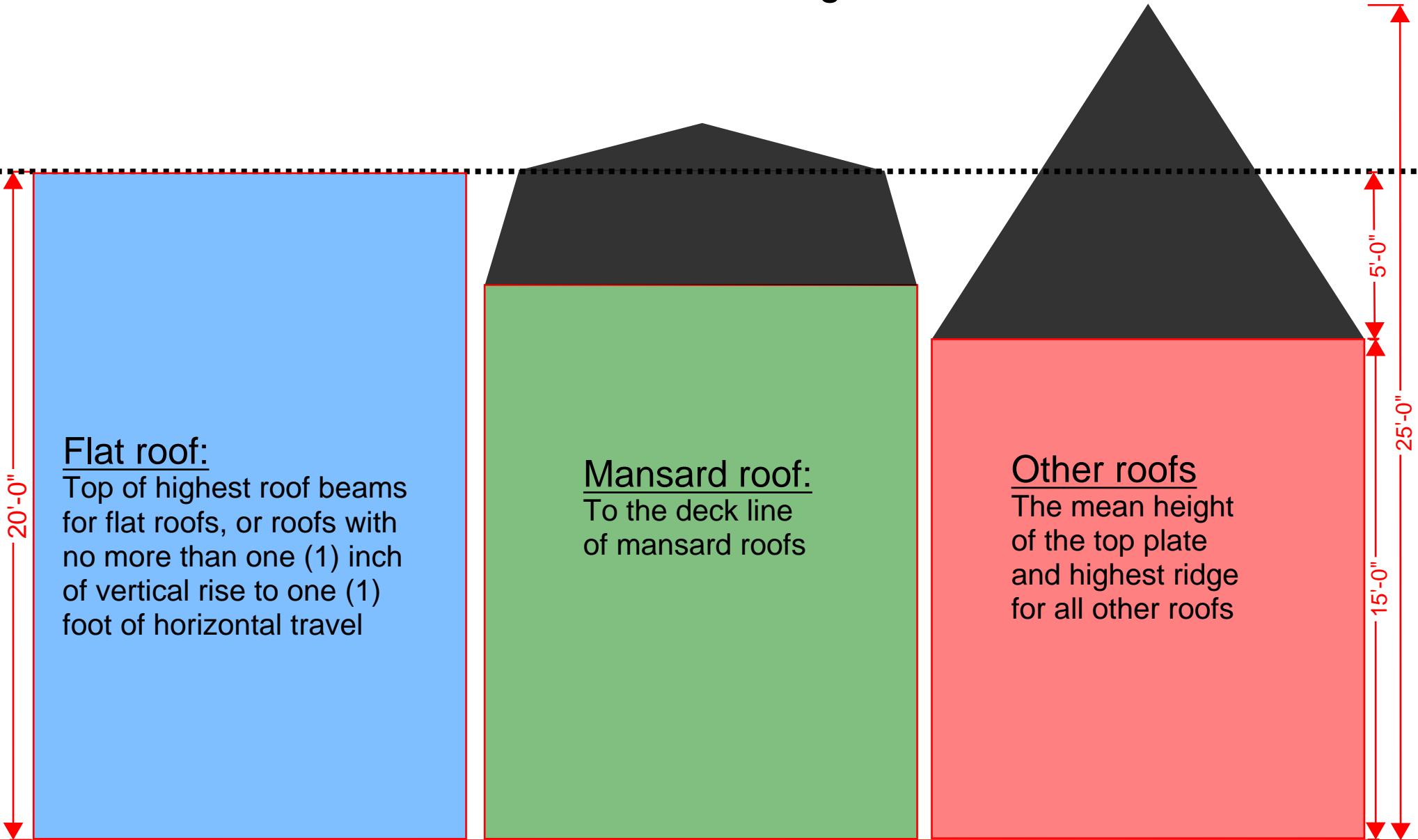




# Accessory Structures on a Corner Lot (1"=12'), cont.

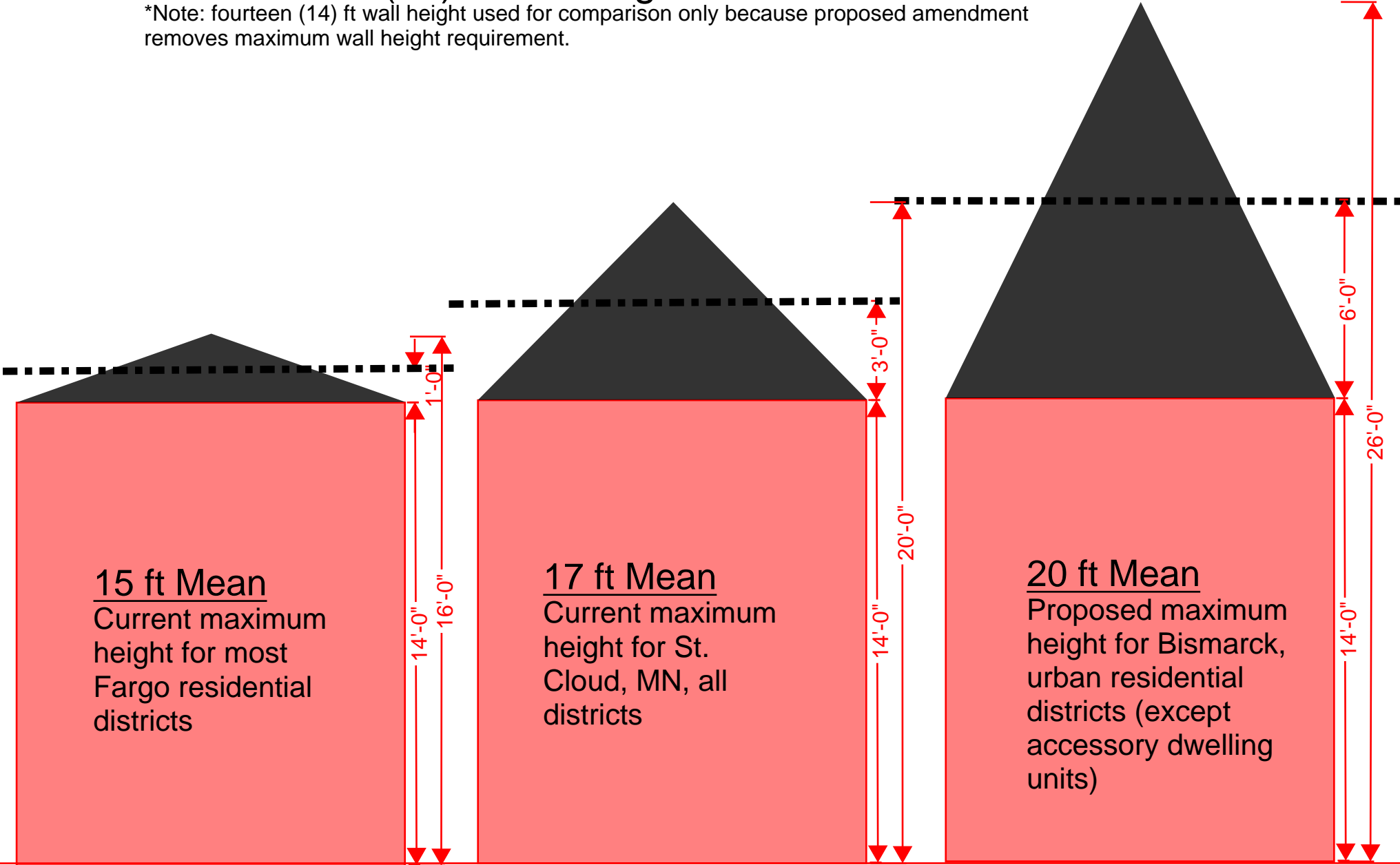


Example maximum heights of different roof types, assuming measurements from level ground



# Example maximum mean heights of pitched roof types, assuming measurements from level ground and fourteen (14) ft wall height\*

\*Note: fourteen (14) ft wall height used for comparison only because proposed amendment removes maximum wall height requirement.





## Finance Department

**DATE:** January 23, 2024

**FROM:** Allison Jensen, City Assessor

**ITEM:** Consider the abatement application requested by Harbor Properties LLC for the 2023 assessment year.

**REQUEST:**

Consider the application for abatement requested by Harbor Properties LLC for the 2023 assessment year, where the Assessing Division recommends denial of the request but recommends approval of a reduced amount.

**BACKGROUND INFORMATION:**

The above application for tax abatement was submitted by James Lobeck, registered agent for Harbor Properties LLC for the 2023 assessment year. Mr. Lobeck requests you to reduce the value from \$1,053,700 to \$804,000. Please see the attached abatement form and property record sheets.

Mr. Lobeck shared his concern about the valuation of this property compared to the market report on multifamily properties received from a local realtor. The market report indicates an average price of \$63,888 for the 23 units sold in 2022. The information does not share what 23 units were sold or how they would compare to the subject property. Mr. Lobeck did share two specific properties to support his value request. 1830 Allison Dr and 2723 Hawken St. Specific information on how these two properties compare to the subject is included in this packet.

Assessing made a review of the property and is recommending the valuation be lowered from \$1,053,700 to \$924,900. Included in this packet is a list of comparable sales from 2022 and 2021. The price per unit is calculated by subtracting the land value from the sales price and dividing by the number of units. These sales support Assessing's recommended value adjustment.

**RECOMMENDED CITY COMMISSION ACTION:**

The Assessing Division recommends denial of the abatement application but approval of a reduction to our 2023 certified value of:

**Land:** \$91,800

**Improvements:** \$833,100

**Total:** \$924,900

**STAFF CONTACT INFORMATION:**

Allison Jensen, City Assessor, 701-355-1621, [ajensen@bismarcknd.gov](mailto:ajensen@bismarcknd.gov)

**ATTACHMENTS:**

1. Abatement Harbor Properties

# Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District 1  
County of BURLEIGH Property I.D. No. 0486-016-001  
Name HARBOR PROPERTIES LLC Telephone No. \_\_\_\_\_  
Address 4718 HARBOR TRL SE, MANDAN, ND 58554-7950

Legal description of the property involved in this application:

REPLAT TIBESAR'S 1ST SUB Block: 16 LOTS 1-2, LESS S 5' OF LOT 2

Property Address: 1941 N 11th St

Total true and full value of the property described above for the year 2023 is:

Land \$ 91,800  
Improvements \$ 961,900  
Total \$ 1,053,700  
(1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 70,000  
Improvements \$ 734,000  
Total \$ 804,000  
(2)

The difference of \$ 249,700.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

Applicant asks that Abatement be approved as submitted.

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

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

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

James T Lobeck  
12-27-23

Date

**Recommendation of the Governing Body of the City or Township**

Recommendation of the governing board of \_\_\_\_\_

On \_\_\_\_\_, \_\_\_\_\_, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
 City Auditor or Township Clerk

**Action by the Board of County Commissioners**

Application was \_\_\_\_\_ by action of \_\_\_\_\_ County Board of Commissioners.  
 Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ \_\_\_\_\_. The Board accepts \$ \_\_\_\_\_ in full settlement of taxes for the tax year \_\_\_\_\_.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated \_\_\_\_\_, \_\_\_\_\_  
 \_\_\_\_\_  
 County Auditor Chairperson

**Certification of County Auditor**

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

\_\_\_\_\_  
 County Auditor Date

**Application For Abatement  
 Or Refund Of Taxes**

Name of Applicant Herber Properties LLC

County Auditor's File No. 24-011

Date Application Was Filed With The County Auditor 1/2/2024

Date County Auditor Mailed Application to Township Clerk or City Auditor \_\_\_\_\_  
(must be within five business days of filing date)

*Made Splenskowski*  
*MP*

# MULTIFAMILY QUARTERLY UPDATE

FEBRUARY 2023



## Bismarck

Year	# Sales	Avg Price/Apt.
2018	15	\$69,399
2019	3	\$66,025
2020	33	\$65,201
2021	35	\$75,408
2022	23	\$63,888

## Mandan

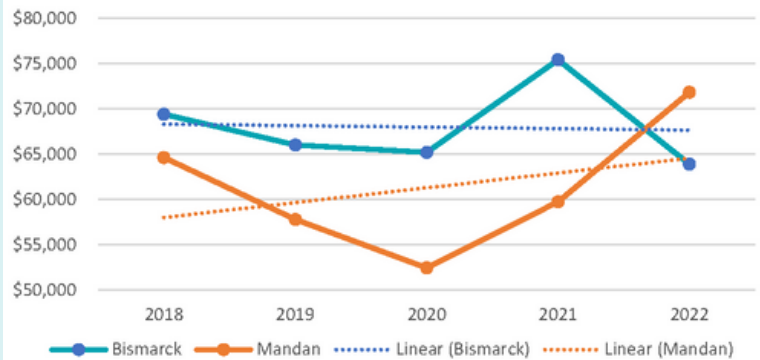
Year	# Sales	Avg Price/Apt.
'17 & '18	8	\$64,624
2019	5	\$57,817
2020	5	\$52,458
2021	5	\$59,740
2022	6	\$71,831

**Bismarck/Mandan Apartment Data:** At the start of 2023, I wanted to look back at the last five-six years to see how these markets have performed and if any observable trends exist.

Both communities had decreasing sale prices from 2018-2020. The large influx of government money pumped into the economy post Covid drove up the prices in 2021 as there was a surplus of available capital and many investors were willing to pay higher prices to secure investments. Now that most of that capital has been spent and interest rates are rising, many investors are pulling back, resulting in lowered prices. Mandan's 2022 increase in price/apartment is a result of two of the six sales achieving what appear to be above market pricing. Even so, when looking at the trend lines for the last five years, Bismarck's market has remained relatively stable and Mandan has seen a steady increase in apartment pricing.

**Bismarck-Mandan Market Outlook:** The Federal Reserve still plans 0.25% rate increases in March and in May, though some economists are also anticipating a June rate increase. The current inflation rate is around 6.5% and the FED would like to see it around 2.0%. It is coming down as inflation was 9.1% last June, but not as quickly as they would like. Rising interest rates erode buying power and slow down spending, which is the FED's goal. This will likely result in lower sale prices as the price will need to come down to meet demand. However, it is not all doom and gloom. Many of the same factors limiting peoples' buying power will also help with Tenant retention. High interest rates and construction prices limit affordability for people looking to transition from renting to owning. Whether this translates into increased rents is yet to be seen.

Average Price/Apartment



## Market Research/Analysis:

[02 06 23 February FED Meeting CRE Implications - YouTube](#)

**Is Seller Financing a Good Idea?:** I have been asked by about 80% of investors if the Sellers I am working with would consider Seller Financing. If you have your property paid off or are close to doing so and have considered selling, this may be a good strategy. In this scenario the Seller acts as a bank and they receive a down payment, monthly payments at a predetermined interest rate, and a balloon payment. This can be a way that you still make money from the property, but don't have the hassle of managing the day-to-day operations. If this strategy interests you, please reach out to discuss further.



## Multifamily properties currently listed by Brett:

817 N 26th Street: [Webpage](#)

1100 Pleasant Street: [Webpage](#)

229 E Bismarck Expy: [Webpage](#)

325 Eastdale Drive (Pending): [Webpage](#)

1106 Bozeman Drive (Pending): [Webpage](#)

### How can a Broker's Price Opinion help you?

- Determine supportable sale and asking prices.
- Help with accounting, taxation, and estate planning decisions.
- Assist with potential sale negotiations or partnership buyouts.




What is your property worth? [» LEARN MORE](#)

### List with Brett!

- Numerous multifamily and investment property transactions closed.
- Works with a growing list of multifamily real estate investors.
- Completes behind the scenes research and analysis to understand current market conditions and help forecast future trends.



Let's connect!

-  701-527-9101
-  [brett@thecragroup.com](mailto:brett@thecragroup.com)
-  [TheCRAGroup.com](http://TheCRAGroup.com)



BRETT BINA, COMMERCIAL REALTOR®  
Advisor

<u>Subject Location</u>	<u>SF</u>	<u>Assessment Year</u>	<u>Value</u>	<u>Value/Unit</u>	<u>Year Built</u>	<u>Photo</u>	<u>Comments</u>
1941N 11th St 0486-016-001	13,800	2023	\$1,053,700	\$80,158	1974		12 unit, 3 Story building, all units 2 bed 1 bath with laundry in unit, property has detached single car garage
			\$924,900	\$69,425			2023 value recommendation
<b><u>Comparable Property Information</u></b>							
<u>Location</u>	<u>SF</u>	<u>Assessment Year</u>	<u>Value</u>	<u>Value/Unit</u>	<u>Year Built</u>	<u>Photo</u>	
0705-005-045 1830 Allison Dr	7,178	2023	\$511,600	\$58,663	1977		8 unit, 2 story building, all 2 bed 1 bath units, shared laundry in building, no garage
0565-001-300 2723 Hawken St	24,012	2023	\$1,618,200	\$59,375	1983		24 unit, 3 story building, 2-2 bed 1 bath, 22-3 bed 1 bath units, shared laundry, detached single car garage - 12 units

<u>Subject Location</u>	<u>SF</u>	<u>Assessment Year</u>	<u>Value</u>	<u>Value/Unit</u>	<u>Year Built</u>	<u>Photo</u>	<u>Comments</u>
1941N 11th St 0486-016-001	13,800	2023	\$1,053,700	\$80,158	1974		12 unit, 3 Story building, all units 2 bed 1 bath with laundry in unit, property has detached single car garage
			\$924,900	\$69,425			2023 value recommendation
<b>Comparable Sales Information</b>							
<u>Location</u>	<u>SF</u>	<u>Date of Sale</u>	<u>Sale Price</u>	<u>Value/Unit</u>	<u>Year Built</u>	<u>Photo</u>	
0175-001-080 1103 N 3rd St	4,500	8/1/2022	\$555,000	\$56,111	1952		9 unit, 2 Story building, 7 efficiency, 1-2 bed, 1-1 bed, with 1 bath, shared laundry in building, no garage
1336-004-001 1621 N 35th St	15,168	9/20/2021	\$1,525,000	\$113,658	2008		12 unit, 3 Story building, all units 3 bed, 2 bath, with laundry in unit and detached double car garage

<u>Comparable Sales Information</u>							
<u>Location</u>	<u>SF</u>	<u>Date of Sale</u>	<u>Sale Price</u>	<u>Value/Unit</u>	<u>Year Built</u>	<u>Photo</u>	
1172-003-001 645 Bridgeport Dr	15,084	8/26/2021	\$1,375,000	\$101,925	1994		12 unit, 2 Story building, all 2 bed 2 bath with laundry in unit and detached double car garage
0705-005-065 1827 E Capitol Ave	7,424	9/28/2021	\$650,000	\$72,563	1976		8 unit, 2 Story building, all 2 bed 1 bath units, shared laundry in building, no garage
0705-004-025 1825 Allison Dr	7,178	12/8/2021	\$640,000	\$73,088	1975		8 unit, 2 story building, all 2 bed 1 bath units, shared laundry in building, no garage
0486-018-045 1010 E Owens Ave	8,004	6/7/2021	\$675,000	\$95,800	1972		6 unit, 3 story building, all 3 bed 1 bath units, shared laundry in building, detached single car garage

1941 N 11TH ST, BISMARCK

Deed: HARBOR PROPERTIES LLC

Map Area: APARTMENT 11-19 UNIT

Checks/Tags:

Contract:

Route: 000-000-000

Lister/Date: JB, 08/25/2023

CID#:

Tax Dist: 01-01

Review/Date: JB, 12/29/2022

DBA:

Plat Page:

Entry Status: Exterior Only

MLS:

Subdiv: 0486-REPLAT TIBESAR'S 1ST SUB

Urban / Commercial

Legal: REPLAT TIBESAR'S 1ST SUB

Block: 16

LOTS 1-2, LESS S 5' OF LOT 2

**Land**

Land Basis	Front	Rear	Side 1	Side 2	R. Lot	SF	Acres								
<b>Lump Sum</b>						20,532.00	0.471								
<b>FF Main</b>	132.00	138.00	150.00	0.00	0.00										
Sub Total															
<b>SqFt X Rate</b>															
Subtotal															
<b>Grand Total</b>															

**Street**

**Utilities**

**Zoning**

**Land Use**

<b>Lump Sum</b>	None	City	Commercial	Apartment
<b>FF Main</b>	None	None	Not Applicable	Not Applicable
<b>SqFt X Rate</b>	None	UPDATED LAND	Not Applicable	Not Applicable

**Sales**

**Building Permits**

**Values**

Date	\$ Amount	NUTC	Recording	Date	Number	Tag	\$ Amount	Reason	Type	Appraised		Pr Yr: 2023
02/14/2006	\$891,000	D093	650654	11/1/2012	BL20122271	N	\$60,000	Building	Land	\$91,800		\$91,800
				10/17/2012	EL20121369	N	\$0	Electrical	Dwlg			
									Impr	\$961,900		\$961,900
									Total	\$1,053,700		\$1,053,700

Precomputed Structure		Verticals						Plumbing		
Occ. Code	702	Ftg & Fdtn	einforced Concrete w/o Bsmt	8"				Sink-Kitchen	B	Ext
Occ. Descr.	Apartment	Exterior wall	Wood - Frame	0				3-Fixture Bathroom	12	
		Interior wall	Drywall or Equiv.	0						
		Pilasters								
		Wall facing								
Year Built	1974	Windows	Incl. w / Base	3						
EFF Age/Yr	50/ 1974	Fronts/Doors	Incl. w / Base							
Condition	NML	Horizontals						Adjustments		
Description	B1 3S FR	Basement						Apt - A/C deduct wall u	13,800	AVG
Style	Frame - Wood	Roof	3-Ply Compo/ Wood Deck					Apt - Hot water or stea	13,800	AVG
Stories	3	Ceiling	Drywall	3	Wd Deck on Wood Joist	3				
Base	4,600	Struct. Floor	R'Concrete	3	Vinyl Sheet	3				
Basement	0	Floor Cover	Carpet	3						
Basement Parking	No	Partitions	Drywall	3						
Av SF/Unit	0	Framing	Wood - Average	3						
1st Flr Inset Adj	0	HVAC	Hot Water	3						
Calc Ave. SF/Unit	1,150	Electrical	Apartment	3						
GBA	13800	Sprinkler								

Bldg / Addn	Description	Units	Year							
Bldg	O 702 — Apartment									
Pre	P 702 — Apartment	4,600								
	Uppers Adjustment	9,200								
V	Ftg & Fdtn									
	Reinforced Concrete w/o Bsmt - 8"									
V	Exterior Wall									
	Wood - Frame - 0									
V	Interior Wall									
	Drywall or Equiv. - 0									
V	Windows									
	Incl. w / Base - 3	3								
V	Fronts/Doors									
	Incl. w / Base									
H	Roof									
	3-Ply Compo/ Wood Deck	4,600								
H	Ceiling									
	Drywall - 3	4,600								
H	Struct. Floor									
	R'Concrete - 3	4,600								
	Wd Deck on Wood Joist - 3	3								
H	Floor Cover									
	Carpet - 3	4,600								
	Vinyl Sheet - 3	3								
H	Partitions									
	Drywall - 3	4,600								
H	Framing									
	Wood - Average - 3	4,600								
H	HVAC									
	Hot Water - 3	4,600								
H	Electrical									
	Apartment - 3	4,600								
Plmb	Sink-Kitchen - Base	12								
Plmb	3-Fixture Bathroom - Base	12								
Adj	Apt - A/C deduct wall units - AVG	13,800								
Adj	Apt - Hot water or steam heat - AVG	13,800								
Ex	Porches,Decks,Patios,etc. 35 SF, Wood Deck, Average Pricing	8					1974			





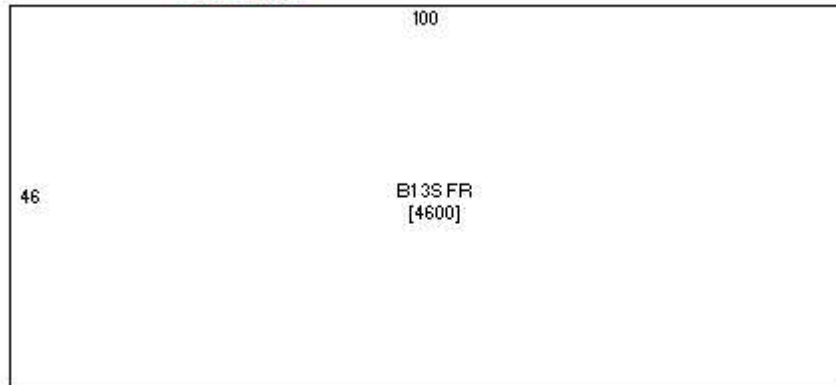
Prior Year	Comment	Value Type	Location	Class	Land Value	Dwelling Value	Improvement Value	M & E Value	Total Value
2023	ABATE F-01/02/2024	BofR	Urban	Comm	\$91,800	\$0	\$961,900	\$0	\$1,053,700
2022	02/07/23 APPR; ERROR IN PROPERTY DE	Abateme	Urban	Comm	\$91,800	\$0	\$757,500	\$0	\$849,300
2022	01/09/2023 ABATEMENT FILED	Appr	Urban	Comm	\$91,800	\$0	\$874,900	\$0	\$966,700
2021		Appr	Urban	Comm	\$91,800	\$0	\$744,900	\$0	\$836,700
2020		Appr	Urban	Comm	\$91,800	\$0	\$763,700	\$0	\$855,500

0486-016-001 1941-1943 N 11TH ST

12 UNIT



8-5X7 W/D OK



Sketch 1 of 1



0486-016-001

Photo 1 of 3 08/26/2023



0486-016-001

Photo 2 of 3 08/26/2023



0486-016-001

Photo 3 of 3 08/26/2023



## Community Development Department

**DATE:** January 23, 2024

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

**ITEM:** Consider the request for the New Extraterritorial Area (ETA) Agreement with Apple Creek Township.

**REQUEST:**

The Community Development Department requests for the City of Bismarck to enter into a new ETA agreement with Apple Creek Township to address actions in the existing agreement that are no longer current.

**BACKGROUND INFORMATION:**

North Dakota Century Code allows for cities to extend zoning, subdivision, building inspections, floodplain, and stormwater management authority into unincorporated areas within a certain distance of a city's corporate limits. The purpose of the ETA is to ensure the orderly outward expansion of North Dakota's communities. There are two options allowed by North Dakota Century Code for establishing an extraterritorial boundary. One option is population-based, and for communities 25,000 or larger, the community has sole authority from the corporate limits to two miles out, and from two to four miles there is joint authority between the city and the other jurisdiction. The second option allows for a negotiated boundary agreed upon by the city and the other jurisdiction, which would allow the city to retain all permitting authority within the negotiated ETA. Bismarck presently utilizes a series of negotiated agreements between five different jurisdictions including: Missouri Township; Apple Creek Township; Naughton Township; the City of Lincoln; and Burleigh County. The majority of these agreements are 10 or more years old. There is no statutory requirement to update or amend these agreements. Updates or changes have historically been initiated by one of the jurisdictions involved in the agreement.

The Bismarck Together 2045 Plan recommended meeting periodically to determine if the agreements continue to be appropriate or if changes may be necessary. Additionally, the Bismarck-Burleigh Commission Committee directed staff to meet with all the jurisdictions involved in an ETA agreement with the City of Bismarck. Representatives from all the jurisdictions involved with an ETA agreement met in October 2023 to be informed of the existing agreements and discuss if any changes were necessary. Additionally, representatives agreed to meet on regular two-year intervals as a group to continue to evaluate the current ETA agreements.

Through the course of discussion, it was determined that Apple Creek Township's map

associated with the agreement, as well as language within the agreement, no longer aligned with current practices. Primarily, Bismarck staff are no longer conducting floodplain administration duties within the entirety of Apple Creek Township as the original agreement indicated. Rather, these duties, along with building inspections and permitting services, are conducted through an agreement with Burleigh County. The corresponding map also contained outdated boundaries which have also been suggested for update.

Representatives from the City of Bismarck, Apple Creek Township, and Burleigh County met jointly to discuss proposed changes and all appeared in agreement. The new agreement was approved and signed by Apple Creek Township and is included in Attachment A. For a point of reference, the existing agreement is also included in Attachment B.

Through the course of discussion, it was also discovered that a signed ETA agreement between the City of Bismarck and Missouri Township could not be produced by either party. A potential agreement with Missouri Township may also be forthcoming, pending Missouri Township's action on the item.

**RECOMMENDED CITY COMMISSION ACTION:**

Consider the request and adopt the proposed Apple Creek Township and City of Bismarck ETA agreement as reflected in Attachment A.

**STAFF CONTACT INFORMATION:**

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov

**ATTACHMENTS:**

1. Attachment A - ETA Agreement
2. Attachment B - ETA Agreement

**APPLE CREEK TOWNSHIP AND BISMARCK  
EXTRATERRITORIAL JURISDICTION AGREEMENT - 2024**

This AGREEMENT, hereinafter referred to as "2024 Agreement", is between THE CITY OF BISMARCK, a Municipal Corporation, hereinafter referred to as "Bismarck", and APPLE CREEK TOWNSHIP, an organized township, hereinafter referred to as "Apple Creek".

WHEREAS, Section 40-47-01.1 North Dakota Century Code (NDCC), Section 40-48-18 NDCC, and Section 58-03-11 NDCC provide for the jurisdiction of Bismarck and Apple Creek over the zoning of land and generally provide: that Bismarck would have sole extraterritorial authority within two miles of its corporate limits in any direction, that Bismarck and Apple Creek would have joint jurisdiction with the area from two miles and four miles of Bismarck's corporate limits in any direction in Apple Creek Township, and that Apple Creek would have sole jurisdiction within the remainder of the township beyond four miles of Bismarck's corporate limits, and

WHEREAS, Title 14, Section 14-04-19 and Section 14-05-07 of the Code of Ordinances of the City of Bismarck further provide for the jurisdiction of Bismarck over the issuance of building permits and the administration of flood plain regulations and generally provide that Bismarck would have sole extraterritorial authority for such activities within four miles of its corporate limits in any direction in Apple Creek Township, and

WHEREAS Bismarck and Apple Creek previously agreed to the extraterritorial boundaries by Agreement dated January 4, 2010 by Apple Creek Township and January 12, 2010 by the City of Bismarck, hereinafter referred to as "2010 Agreement", and now the parties terminate the 2010 Agreement and contemporaneously modify the extraterritorial boundary between the two political subdivisions under this 2024 Agreement as delineated below, and

WHEREAS, Section 40-47-01.1 NDCC provide that two subdivisions may control authority pursuant to a written agreement and that Bismarck and Apple Creek have reached such an agreement,

NOW THEREFORE, IT IS AGREED, between Bismarck and Apple Creek that Bismarck shall have sole extraterritorial zoning, building permit, and floodplain administration authority and Apple Creek shall have sole zoning, building permit, and floodplain administration authority as shown in Exhibit "A" hereto and by reference made a part hereof.

**ATTACHMENT A**

IT IS FURTHER AGREED that upon the written request of either party, the terms of the agreement shall be reviewed. Any amendments to the agreement shall be mutually approved by both parties.

IT IS FURTHER AGREED that the term of the agreement shall be for a period of five years from the date of approval of the last signature of a party noted below and shall automatically renew for successive five-year terms unless terminated in writing by notice to the other party at least six (6) months prior to the renewal date.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year written below.

BY: \_\_\_\_\_  
President, Board of City Commissioners

BY: Mont Sill  
Chair, Township Board of Supervisors

ATTEST: \_\_\_\_\_  
City Administrator

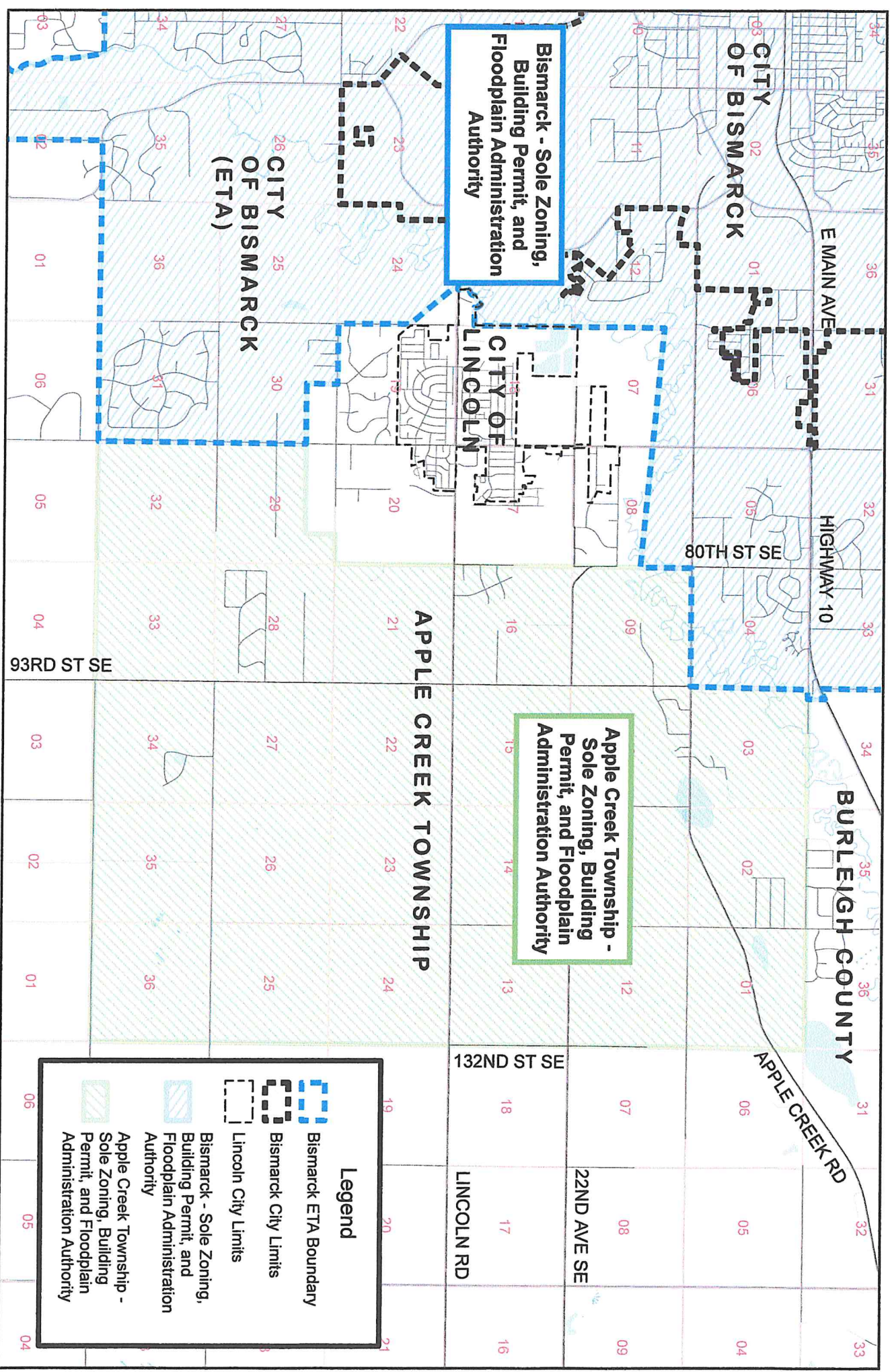
ATTEST: Stephen Schnaible  
Township Secretary

DATE: \_\_\_\_\_

DATE: 8 Jan 2024

# EXHIBIT A

December 2023



This map is for reference only and is not intended as a survey. No liability is assumed as to the accuracy of the data delineated hereon.

**APPLE CREEK TOWNSHIP AND BISMARCK**  
**2010 EXTRATERRITORIAL JURISDICTION AGREEMENT**

AGREEMENT between THE CITY OF BISMARCK, a Municipal Corporation, hereinafter referred to as "Bismarck", and APPLE CREEK TOWNSHIP, an organized township, hereinafter referred to as "Apple Creek".

WHEREAS, Section 40-47-01.1 North Dakota Century Code (NDCC), Section 40-48-18 NDCC, and Section 58-03-11 NDCC provide for the jurisdiction of Bismarck and Apple Creek over the zoning of land and generally provide: that Bismarck would have sole extraterritorial authority within two miles of its corporate limits in any direction, that Bismarck and Apple Creek would have joint jurisdiction within the area from two miles and four miles of Bismarck's corporate limits in any direction in Apple Creek Township, and that Apple Creek would have sole jurisdiction within the remainder of the township beyond four miles of Bismarck's corporate limits, and

WHEREAS, Title 14, Section 14-04-19 and Section 14-05-07 of the Code of Ordinances of the City of Bismarck further provide for the jurisdiction of Bismarck over the issuance of building permits and the administration of flood plain regulations and generally provide that Bismarck would have sole extraterritorial authority for such activities within four miles of its corporate limits in any direction in Apple Creek Township, and

WHEREAS, Bismarck and Apple Creek wish to modify the extraterritorial boundary between the two political subdivisions, and

WHEREAS, Section 40-47-01.1 NDCC provides that the two subdivisions may control their authority pursuant to a written agreement and that Bismarck and Apple Creek have reached such an agreement,

NOW THEREFORE, IT IS AGREED, between Bismarck and Apple Creek that Bismarck shall have sole extraterritorial zoning and building permit jurisdiction in Sections 4-8 and Sections 30 and 31, and Apple Creek shall have sole zoning and building permit jurisdiction in Sections 1-3 and 9-16 ; the E½ of Section 17; the E½ and the SE¼ of the SW¼ of Section 20; all of Sections 21-29; and all of Sections 32-36 as shown in Exhibit "A" attached hereto and by reference made a part hereof.

**ATTACHMENT B**



IT IS FURTHER AGREED between Bismarck and Apple Creek that the area of sole floodplain administration jurisdiction of Bismarck (all of Apple Creek Township except for the area under the jurisdiction of the City of Lincoln) shall be as shown in Exhibit "B" attached hereto and by reference made a part hereof.


IT IS FURTHER AGREED between Bismarck and Apple Creek that Apple Creek will notify the Bismarck Flood Plain Administrator prior to issuing any building permits within or adjacent to the 100 year flood plain as shown in Exhibit "A" attached hereto and by reference made a part hereof.

IT IS FURTHER AGREED between Bismarck and Apple Creek that it is the intent of Apple Creek to have on staff a fully certified Building Inspector to provide inspection services for the township.


IT IS FURTHER AGREED that upon the written request of either party, the terms of the agreement shall be reviewed. Any amendments to the agreement shall be mutually approved by both parties.

IT IS FURTHER AGREED that the term of the agreement shall be for a period of five years from the date of approval noted below and shall automatically renew for successive five-year terms.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year written below.

BY:  \_\_\_\_\_  
President, Board of City Commissioners

BY:  \_\_\_\_\_  
Chair, Township Board of Supervisors

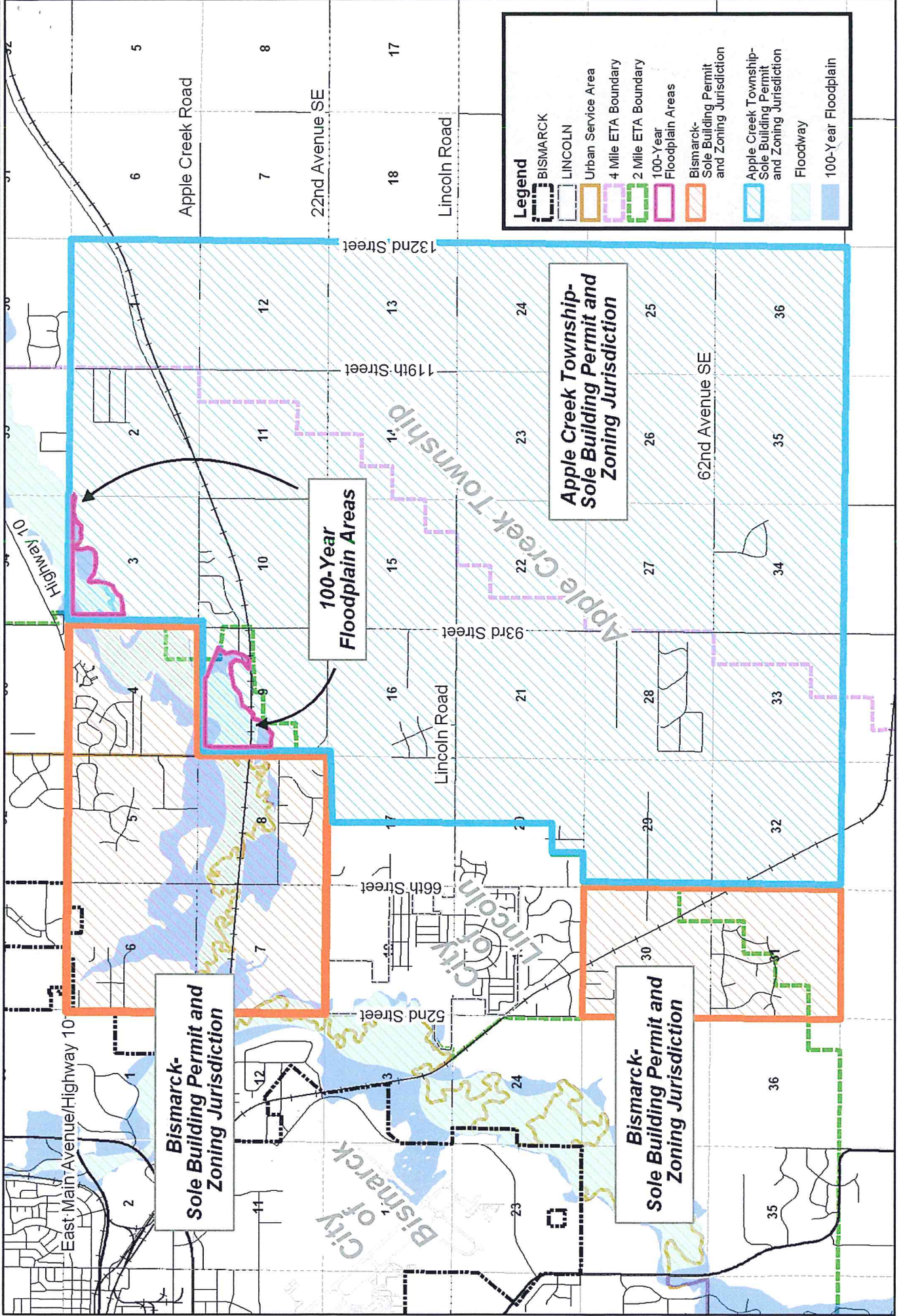
ATTEST:  \_\_\_\_\_  
City Administrator

ATTEST:  \_\_\_\_\_  
Township Secretary

DATE: 1/12/10 \_\_\_\_\_

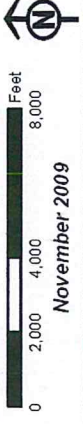
DATE: 1/4/10 \_\_\_\_\_

# Exhibit A



**Legend**

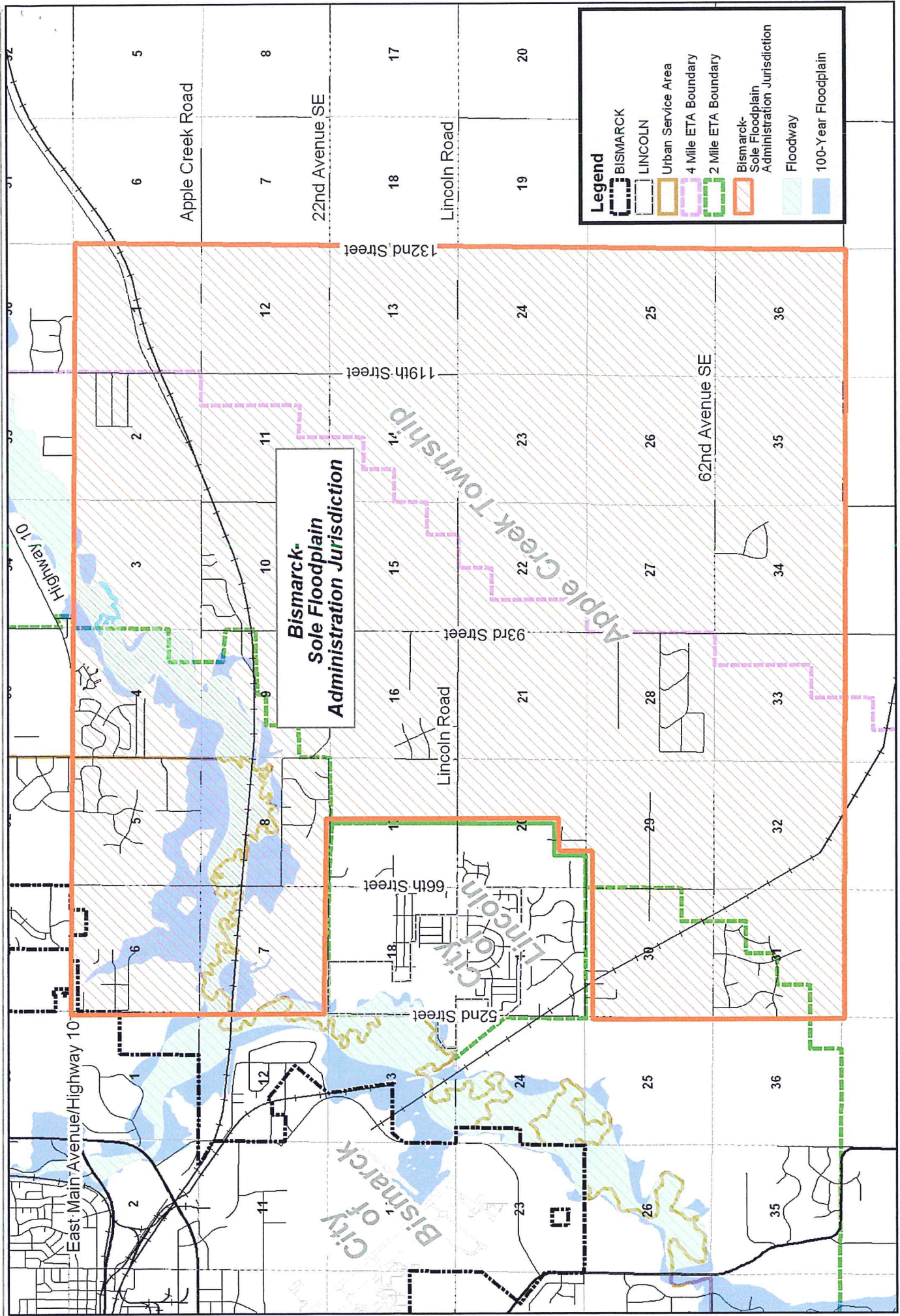
- BISMARCK
- LINCOLN
- Urban Service Area
- 4 Mile ETA Boundary
- 2 Mile ETA Boundary
- 100-Year Floodplain Areas
- Bismarck-Sole Building Permit and Zoning Jurisdiction
- Apple Creek Township-Sole Building Permit and Zoning Jurisdiction
- Floodway
- 100-Year Floodplain



November 2009

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.

# Exhibit B





## Community Development Department

**DATE:** January 23, 2024

**FROM:** Brady Blaskowski, Building Official

**ITEM:** Consider the request by the Community Development Department to provide an update on the status of the FEMA Risk MAP Project for Burleigh County.

**REQUEST:**

Consider the request by the Community Development Department to provide an update on the status of the FEMA Risk MAP Project for Burleigh County.

**BACKGROUND INFORMATION:**

The last FEMA Risk Map update provided to the City Commission was prior to the 90-day appeal and comment period phase of the project, which lapsed on May 18, 2023. FEMA has recently issued Letters of Final Determination to the City of Bismarck and Burleigh County. The Letter of Final Determination (LFD) is a letter sent to a community stating that the flood hazard determinations are considered final and a new or updated Flood Insurance Rate Map (FIRM) will become effective on a certain date and that the community is required to adopt a compliant floodplain management ordinance by that date to remain eligible for participation in the National Flood Insurance Program (NFIP).

According to the Letter of Final Determination received by the City of Bismarck, the new Flood Insurance Study (FIS) Report and Flood Insurance Rate Map (FIRM) for the City of Bismarck and Burleigh County will become effective on June 6, 2024. City of Bismarck staff is in the process of reviewing the current floodplain management ordinance with a stakeholder group to determine if any modifications to the ordinance are necessary. An updated floodplain management ordinance will be provided to the City of Bismarck Board of Commissioners for consideration prior to the June 6, 2024, effective date.

**RECOMMENDED CITY COMMISSION ACTION:**

Receive an update and discuss any questions related to this item.

**STAFF CONTACT INFORMATION:**

Brady Blaskowski, Building Official, 701-355-1467, [bblaskowski@bismarcknd.gov](mailto:bblaskowski@bismarcknd.gov)

**ATTACHMENTS:**

None





## Community Development Department

**DATE:** January 23, 2024

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

**ITEM:** Authorize the renewal of Bismarck's Renaissance Zone program.

**REQUEST:**

Authorize the renewal of Bismarck's Renaissance Zone program by issuing a resolution and entering into a Memorandum of Agreement with the North Dakota Division of Community Services to continue the Renaissance Zone program for a period of one year.

**BACKGROUND INFORMATION:**

The Bismarck Board of City Commissioners directed staff to pursue renewal of the Renaissance Zone Program during the April 25, 2023, regular meeting. The necessary community support to renew the program has been obtained, and the North Dakota Division of Community Services has approved Bismarck's request to renew the project, subject to taking the requested actions. The resolution and agreement are attached to this memo.

**RECOMMENDED CITY COMMISSION ACTION:**

Adopt the attached resolution for the re-establishment of a Renaissance Zone in the City of Bismarck and enter into the related Memorandum of Agreement.

**STAFF CONTACT INFORMATION:**

Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

**ATTACHMENTS:**

1. Renaissance MOA and Resolution

**RENAISSANCE ZONE  
MEMORANDUM OF AGREEMENT**

Between  
The North Dakota Division of Community Services  
and  
The City of Bismarck

This Memorandum of Agreement between the North Dakota Division of Community Services (DCS) and the City of Bismarck, effective January 4, 2024, continues a Renaissance Zone for the City (see attached map) pursuant to N.D.C.C. ch. 40-63, for a period of one year. The Renaissance Zone Program Guidelines and the City’s Development Plan as submitted and approved by DCS are binding as if those items were set out at length in this Memorandum of Agreement.

The City agrees that it will fulfill its responsibilities under the Renaissance Zone Program Guidelines. The City further agrees that it will follow its Development Plan as submitted to DCS, that it will provide all requested information to DCS, and that it will meet its obligations under N.D.C.C. ch. 40-63. If the City does not fulfill these requirements, or if the City fails to make adequate progress after the DCS provides 90 days written notice that its progress has been inadequate, then DCS may take action against the City. This action may include canceling Renaissance Zone approval for future projects as outlined in Part X, Paragraph 16, of the Program Guidelines.

If N.D.C.C. ch. 40-63 is amended or repealed by the Legislative Assembly, all changes will apply to the Renaissance zone or to this Memorandum of Agreement automatically on the effective date of the legislation. Any changes to the Development Plan, or to any other matter, required by any legislative changes, must be made in writing signed by both parties. The failure of the parties to agree to any changes required by legislation before the effective date of the legislation will automatically terminate Renaissance Zone approval without further action by DCS, unless DCS waives the termination in writing. Any project or investment completed before the effective date of any legislative changes is grandfathered under the prior law unless the new law requires otherwise.

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Maria Effertz, Director  
Division of Community Services

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Mike Schmitz, Mayor  
City of Bismarck

---

Date

---

Date

**A RESOLUTION FOR THE RE-ESTABLISHMENT OF A RENAISSANCE ZONE IN THE CITY OF BISMARCK**

WHEREAS, the City of Bismarck recognizes the need to encourage investment within a defined geographic area of its jurisdiction that needs to be revitalized, and

WHEREAS, the Renaissance Zone Act (North Dakota Century Code (N.D.C.C.) ch. 40-63 authorizes cities to apply to the Division of Community Services (DCS) for the designation of an area within their respective political boundaries as a Renaissance Zone and, as a precondition of such application, to enact a resolution that provides within the designated and approved Renaissance Zone state income tax and local property tax exemptions, historical tax credits, and, if applicable, reinstatement of a previously expired or terminated Renaissance Zone, which resolution will be contingent upon DCS approval of the application, and

WHEREAS, enactment of such exemptions and credits will result in improving the economic, physical, and social conditions with the proposed Renaissance Zone, and

NOW, THEREFORE, BE IT RESOLVED by the City of Bismarck, that, contingent upon DCS approval of the city's Renaissance Zone application, the city will approve the tax exemptions and credits provided for in the Renaissance Zone Act.

ENACTED by the City Commission of the City of Bismarck, North Dakota, this day of \_\_\_\_\_ 2023.

ATTEST: \_\_\_\_\_

BY: \_\_\_\_\_





## Engineering Department

**DATE:** January 23, 2024

**FROM:** Gabe Schell, City Engineer

**ITEM:** NDDOT Urban Program Solicitation

**REQUEST:**

Consider request to pursue NDDOT Urban Road and Urban Regional program projects

**BACKGROUND INFORMATION:**

The North Dakota Department of Transportation (NDDOT) is soliciting local public agencies for projects for the Urban Road and Urban Regional programs. Project applications are due on February 2, 2024, to the Bismarck-Mandan Metropolitan Planning Organization (MPO) where they will be ranked and prioritized before sending to the NDDOT for review and potential award.

**Urban Roads Program**

The Urban Road program is for functionally classified roadways within the Bismarck-Mandan Metropolitan Planning Organization's urbanized boundary. Projects within Morton County, Mandan, Burleigh County, Lincoln or Bismarck are eligible for funding as long as they are functionally classified roadways and are programmed by the MPO policy board which has representation from each political subdivision. An upcoming project programmed and its year of federal funding is the City of Bismarck's S Washington Street project from Burleigh Ave to the south Bismarck drainage ditch in 2026 (but advanced constructed in 2024). The NDDOT has indicated there is approximately \$5.5 million available for FY28 funding.

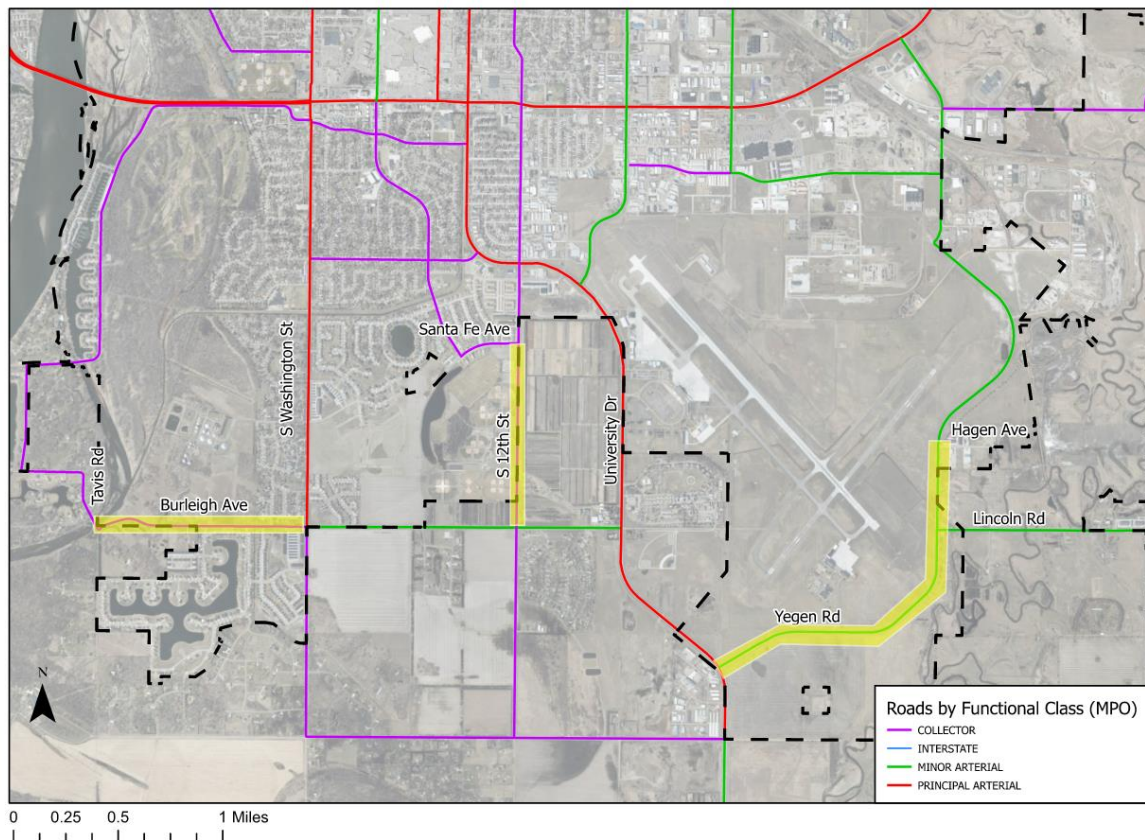
The MPO's Arrive 2045 Metropolitan Transportation Plan ([MTP](#)) developed a short-range project list that is intended to be used as the basis for identifying projects for the Urban Road program. The list is fiscally constrained using anticipated federal revenue but also recognizes that Bismarck has an additional ½ cent sales tax revenue that could be applied to these types of projects. The additional sales tax revenue would allow the short-range project lists to fund more projects from this list than if it was constrained only through federal funds. Six of the top projects have been programmed or constructed and are attached for your reference.

The 2023 solicitation for FY2027 projects netted the MPO no new projects in this program. Therefore, the primary request will be utilizing previously requested, but not awarded projects. The MPO Policy Board previously promoted a Mandan 8<sup>th</sup> Avenue NW/27<sup>th</sup> Street NW reconstruction project and a series of Bismarck mill and overlay projects. Mandan has indicated they would apply for their project again.

On occasion, Urban Roads funding has become available earlier than the original year designated due to other project's development delays or through additional federal aid distribution. The pavement rehab projects listed below would be prepared in advance and shelf-ready should additional funding become available. I would like to submit the following project to the NDDOT for consideration:

- Burleigh Avenue – Tavis Road to Washington Street, South 12th Street – Santa Fe Avenue to Burleigh Avenue and Yegen Road – University Drive to Hagen Avenue – mill and overlay

### Proposed Urban Roads Pavement Rehab Projects



### Urban Regional Program

The Urban Regional program is for roadways on the NDDOT's regional system within a community. For Bismarck, these roadways are State Street, 7<sup>th</sup> Street, 9<sup>th</sup> Street, University Drive, and Bismarck Expressway. Projects for this program are coordinated with the NDDOT's Bismarck District and are selected by the NDDOT. The NDDOT has programmed upcoming pavement rehabilitation projects on 9<sup>th</sup> Street from Main Avenue to Boulevard Avenue, 7<sup>th</sup> Street from Bismarck Expressway to Boulevard Avenue, and State Street/Boulevard Avenue from 6<sup>th</sup> Street to Divide Avenue. They have also programmed a traffic signal replacement project on Bismarck Expressway from N Washington Street to Burlington Drive. The 7<sup>th</sup> Street and 9<sup>th</sup> Street pavement rehab projects will be constructed in 2024 with the remaining projects

scheduled for 2025-2027. The project funding year for consideration for this solicitation is 2028 if the project(s) is selected to move forward.

The projects that I would recommend to NDDOT are the following:

- 1. Regional roadway sign replacement project (previously applied)
- 2. 7<sup>th</sup> St. and 9<sup>th</sup> St. underpass stormwater improvements (previously applied)
- 3. 7<sup>th</sup> Street and Boulevard Avenue and 9<sup>th</sup> Street and Boulevard Avenue traffic signal improvements
- 4. Tyler Parkway and Westbound off ramp I-94 Ramp traffic signal improvements
- 5. Regional roadway microsurface pavement preservation
- 6. State Street Trail Rehabilitation – Divide Avenue to Calgary Avenue

*Regional roadway sign replacement project (previously applied)*



On the regional highway system, the NDDOT does not include the replacement of signs on pavement rehabilitation projects. The proposed signing project would evaluate the condition of signs throughout Bismarck on the urban regional system and ensure appropriate messaging and retro-reflectivity are provided. This could result in the removal of overhead mounted signs on Main Avenue (previously a regional system roadway) and 7<sup>th</sup> Street.

*7<sup>th</sup> St and 9<sup>th</sup> St stormwater evaluation (previously applied)*



This request is for NDDOT to perform preliminary engineering to evaluate the 7<sup>th</sup> Street and 9<sup>th</sup> Street railroad underpasses relating to stormwater events. During high-intensity rain events, the underpasses fill with water until the existing pumps can draw down the water. During this time, the underpasses are impassible. Possible results of this analysis could be increased pump capacity to decrease the frequency of flooding, automatic gate closures to close off access to the underpasses during inundation periods or dynamic signs informing drivers of the roadway.

*7<sup>th</sup> St. & Boulevard Ave and 9<sup>th</sup> St. & Boulevard Ave Traffic Signal Replacement*



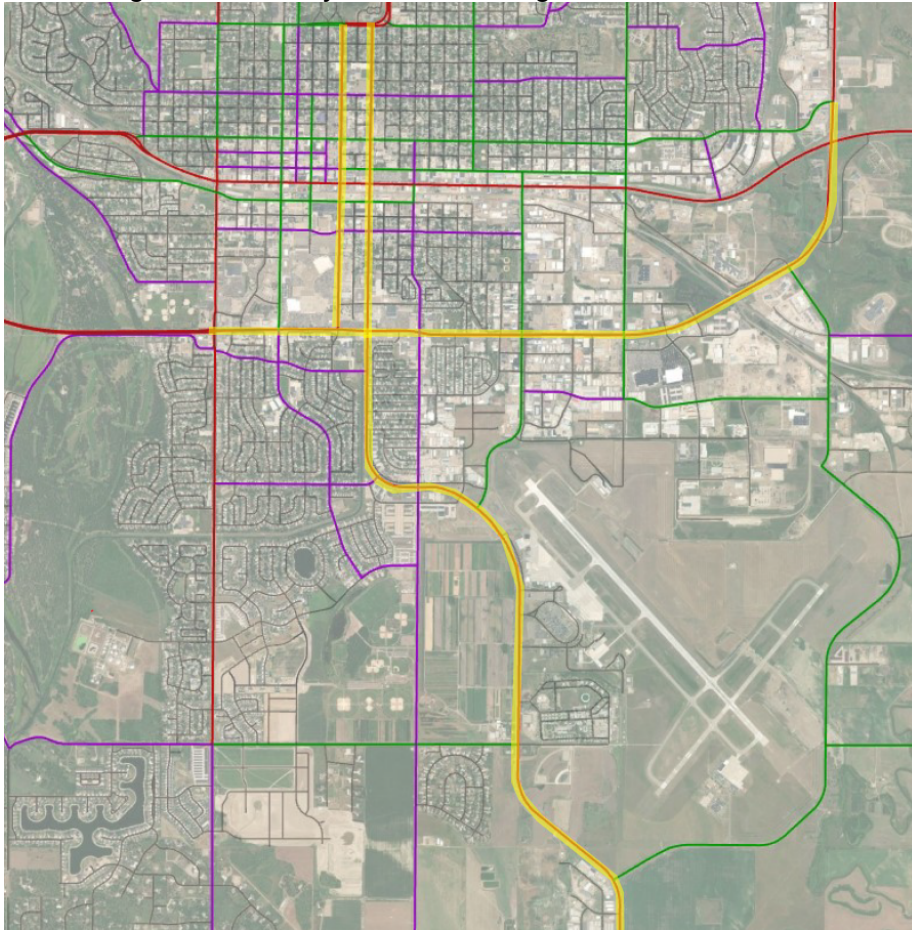
This request is for a project to remove the existing traffic signal systems and replace with a new system at each intersection. The existing systems were installed as part of the 2002/2003 State Street reconstruction project and have exceeded the expected 20-year service life. The control equipment is not compatible with the new “Centrac” operating system that is being implemented and the signal standards are showing deterioration and rust.

*Tyler Parkway and I-94 Westbound Off Ramp Traffic Signal Replacement*



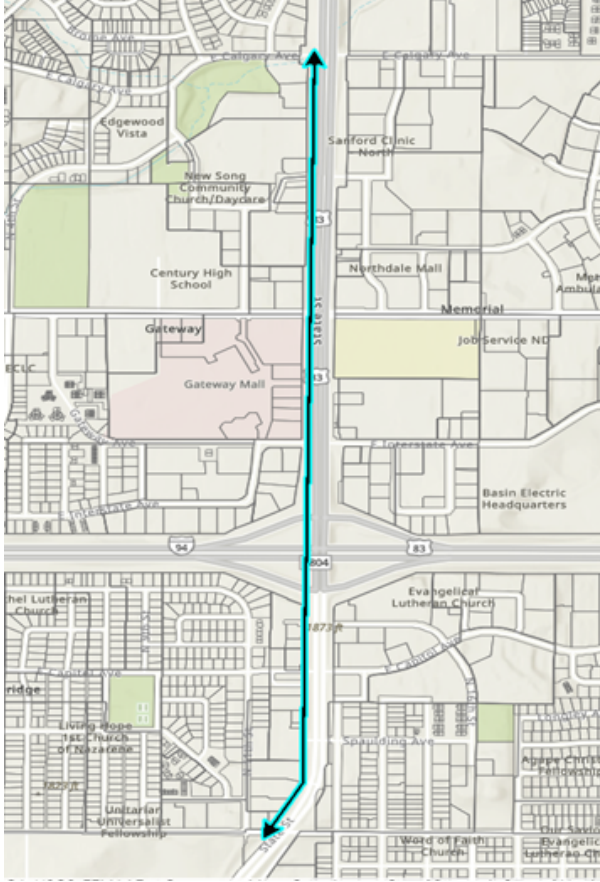
This traffic signal system was installed in 1995 as part of the Exit 157 Reconstruction project. The traffic signal structures are well beyond their service life. In 2023, a crack in one of the welds on a mast arm joint was discovered. Public Works hired a certified welder to make a temporary repair weld on the mast arm joint.

*Urban Regional Roadways Microsurfacing*



This project would place a microsurface application on the asphalt roadways NDDOT most recently overlaid or plans to overlay in the immediate future (7<sup>th</sup> Street, 9<sup>th</sup> Street, Bismarck Expressway, University Dr). Typical City of Bismarck pavement management treatment include a chipseal/fogcoat in the subsequent construction season but NDDOT does not program their projects similarly. This project would place a thin wearing course on these roadways.

## State Street Trail Rehabilitation – Divide Avenue to Calgary Avenue



This section was originally constructed in 2003 from Divide Avenue to Calgary Avenue as part of the State Street reconstruction project. The multi-use trail is located along the west side of State Street. During the 2023 State Street safety improvement and concrete pavement repair project, the intersection ramps were brought up to current ADA standards. The multi-use trail is approximately 1.5 miles in length and 10 feet in width. Two alternatives will be researched, one for an asphalt overlay and the other for a reconstruction in concrete, based on life cycle cost analysis. This project was also requested under the NDDOT's Transportation Alternatives program solicitation.

### **RECOMMENDED CITY COMMISSION ACTION:**

Recommend approval of pursuing the following projects for NDDOT federal aid:

#### Urban Roads –

Burleigh Avenue – Tavis Road to Washington Street, South 12th Street – Santa Fe Avenue to Burleigh Avenue and Yegen Road – University Drive to Hagen Avenue – mill and overlay

#### Urban Regional –

1. Regional roadway sign replacement project (previously applied)
2. 7th St. and 9th St. underpass stormwater improvements (previously applied)
3. 7th Street and Boulevard Avenue and 9th Street and Boulevard Avenue traffic signal improvements
4. Tyler Parkway and Westbound off ramp I-94 Ramp traffic signal improvements



5. Regional roadway microsurface pavement preservation
6. State Street Trail Rehabilitation – Divide Avenue to Calgary Avenue

**STAFF CONTACT INFORMATION:**

Gabe Schell, City Engineer, 701-355-1507, [gschell@bismarcknd.gov](mailto:gschell@bismarcknd.gov)

**ATTACHMENTS:**

1. MTP Short Range Project List

Table 9.4: Short-Range Project List

ID	Location	Termini	Termini	Description	Phase	Cost	Year of Expenditure [YOE]	Program	Urban Program Priority
6	Old Red Trail	56th Avenue	40th Avenue NW	Reconstruct as 3-lane urban section.	Short	\$8,400,000	\$9,826,812	Urban	2
18	Old Red Trail	Sunset Drive	ND 1806 / Collins Avenue	Restripe for 3-lane urban section.	Short	\$39,500	\$46,209	Safety	
21	Division Street	Sunset Drive	ND 1806 / Collins Avenue	Reconstruction.	Short	\$2,500,000	\$2,924,646	Urban	5
22	3rd Avenue NE	Main Street	5th Street	Reconstruction.	Short	\$2,500,000	\$2,924,646	Urban (P&M)	7
23	Division Street	8th Avenue E	Mandan Avenue	Construct as 2-lane urban section.	Short	\$2,880,000	\$3,369,193	Urban	
27	Highway 1806	19th Street	Heart River Bridge	Pavement preservation project, including addition of turn lanes and signals at 8th Avenue and 19th Street.	Short	\$1,750,000	\$2,047,252	Regional	
30	McKenzie Road	Highway 1806	39th Avenue E	Construct as 2-lane rural section. Include new bridge across Heart River. Add signals at McKenzie Drive/ Bismarck Expressway ramps and at McKenzie Drive/40th Avenue.	Short	\$15,650,000	\$18,308,286	Urban	
31	McKenzie Road	46th Avenue SE		Intersection capacity improvement	Short	\$2,500,000	\$2,924,646	Urban	
32	Washington Street	Burleigh Avenue	Drainage Channel	Reconstruct as 3-lane urban arterial.	Short	\$8,720,000	\$10,201,167	Urban	3
33	Washington Street	Drainage Channel	Denver Avenue	Turn lane improvements including restripe south of Reno Avenue as 3-lane section.	Short	\$39,000	\$45,624	Safety	
34	Bismarck Expressway	Washington Street	12th Street	Safety improvements.	Short	\$5,000,000	\$5,849,293	Safety	
45	Main Avenue	Bismarck Expressway	66th Street	Widen from 2-lane to 3-lane section (including intersection improvement at 52nd Street).	Short	\$10,020,000	\$11,721,983	Urban	6
49	Bismarck Expressway / Centennial Road	Divide Avenue	Century Avenue	Widen from 5-lane to 6-lane section.	Short	\$3,960,000	\$4,632,640	Mix	
50	Bismarck Expressway / Centennial Road	I-94		Interchange reconstruction.	Short	\$25,000,000	\$29,246,464	Interstate	
52	Divide Avenue	Turnpike Avenue	26th Street	Restripe as 3-lane urban section.	Short	\$143,500	\$167,875	Safety	
54	Rosser Avenue	Main Avenue	10th Street	Restripe as 3-lane urban section.	Short	\$62,000	\$72,531	Safety	
59	Century Avenue	Tyler Parkway		Intersection capacity improvement.	Short	\$2,500,000	\$2,924,646	Urban	
62	Tyler Parkway	Valley Drive	43rd Avenue	Construct as 2-lane urban section.	Short	\$4,260,000	\$4,983,597	Urban	
64	Tyler Parkway	43rd Avenue	57th Avenue	Overlay existing roadway to 2-lane rural section.	Short	\$500,000	\$584,929	Urban	8
65	Ash Coulee Drive	Tyler Parkway	Washington Street	Widen from 2-lane to 3-lane urban section.	Short	\$5,240,000	\$6,130,059	Urban	4
78	State Street	Calgary Avenue	43rd Avenue	At grade improvements: Calgary Avenue and 43rd Avenue; widening to 6-lane urban section from Calgary Avenue through 43rd Ave intersection.	Short	\$15,185,000	\$17,764,302	Regional	
78i	State Street	43rd Avenue		Grade separation.	Short	\$30,000,000	\$35,095,757	Regional	
81	43rd Avenue	State Street	26th Street	Construct 3-lane or 5-lane urban section.	Short	\$10,000,000	\$11,698,586	Urban	1
82	19th Street	North Valley Loop/Yucca Avenue	43rd Avenue	Reconstruct as 3-lane urban section.	Short	\$1,380,000	\$1,614,405	Urban	1
87	71st Avenue	Centennial Road		Intersection capacity improvement.	Short	\$2,500,000	\$2,924,646	Safety	
TBD	State Street	Calgary Avenue	43rd Avenue	Shared use path.	Short	\$1,000,000	\$1,169,859	Regional	



## Administration Department

**DATE:** January 23, 2024

**FROM:** Michael Schmitz, Mayor

**ITEM:** Consider discussion and approval of department director employment and performance processes.

**REQUEST:**

Consider discussion and approval of department director employment and performance processes.

**BACKGROUND INFORMATION:**

At the January 9, 2024, City Commission meeting, the Board voted to amend the Personnel Regulations. At that meeting, the Commission directed staff to draft a policy regarding how the City Administrator interacts with the City Commission regarding supervision of department directors. The attached policy is a draft to start the conversation with the Commission.

**RECOMMENDED CITY COMMISSION ACTION:**

Approve a department director employment and performance process policy.

**STAFF CONTACT INFORMATION:**

Michael Schmitz, Mayor, [mschmitz@bismarcknd.gov](mailto:mschmitz@bismarcknd.gov)

**ATTACHMENTS:**

1. Director policy

## **DEPARTMENT DIRECTOR EMPLOYMENT AND PERFORMANCE PROCESSES**

For all department directors protected by civil service protection, the following additional steps are required with their employment:

1. When a vacancy occurs in a department director position, the Human Resources Director shall consult with the City Administrator and portfolio holders affected to develop a plan for filling the vacancy to be presented to the City Commission for approval. That plan will detail the types of examinations, composition of interview panel(s) and proposed timeline for the process.
2. For every probationary and annual performance evaluations for a department director, the City Administrator shall provide the draft evaluation to the portfolio holder(s) for review and input at least five days prior to the scheduled time for meeting with the department director.
3. Prior to any adverse employment action, the City Administrator will inform the portfolio holder of the plan for such action. Adverse employment action will include, but not be limited to, a disciplinary warning, performance improvement plan, suspension or termination. If a department director is placed on paid administrative leave, the City Administrator will notify the portfolio holder as soon as practicable, recognizing that placing an employee on paid administrative leave may require immediate action to protect the City. All civil service processes and protections remain for department directors.

Approval Date: