April 14, 2020

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, April 14, 2020 at 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

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

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

**Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments for consent agenda, and regular agenda items on the Bismarck City Commission agenda via email to bismarckadmin@bismarcknd.gov.**

**Please include the agenda item number your comment references. The comments will be sent to the Commissioners, as well as placed with the minutes. To ensure your comments are received prior to the meeting, please submit them by 3:30 p.m. on the day of the meeting and reference the agenda item your comment addresses. For more information visit: https://bismarcknd.gov/CivicAlerts.aspx?AID=6615**

Future City Commission meetings are scheduled as follows:

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

MISSION STATEMENT

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

MEETING WITH THE BOARD OF EQUALIZATION

1. Call to Order
2. Director's Report - Dmitriy Chernyak, Finance Director
   a. Presentation of the 2020 Annual Report
3. Adjourn

Documents:

FIN - 2020 Annual Report for BOE.pdf

MEETING OF THE BOARD OF CITY COMMISSION

1. Proclamation recognizing the week of April 12 - April 18, 2020 as National Public Safety Telecommunications Week.

Documents:

National Public Safety Telecommunications Week.pdf

2. Consider the approval of the minutes.

   Documents:

   MN032420.pdf
   SM031720.pdf
   SM031820.pdf
   SM032020.pdf
   SM032820.pdf

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

4. CONSENT AGENDA

   A. Consider approval of expenditures.

   B. Consider approval of personnel actions.

      Documents:

      (C) HR Personnel Report.pdf

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

      1. Appoint Kollie Flomo and Annette Martel to the Bismarck Human Relations Committee.
      2. Introduction of and call for a public hearing on a new Class I-2 Restaurant Beer and Wine Only Liquor License for JET Enterprises, Inc., Amici Pizza Company, located at 3001 Yorktown Dr.

      Documents:

      (C) ADMIN - HRC New Members.pdf
      (C) ADMIN - Amici Pizza Company New Liquor License.pdf

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

      1. Approve sale of surplus/obsolete items at the annual Police Auction.
      2. Approve deferral of the Airport's rent and fees.

      Documents:

      (C) AIR - Police Auction Sales.pdf
      (C) AIR - Deferral of Airport Rent and Fees.pdf

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

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

      Documents:

      (C) ATTY - City of Bismarck COVID 19 Declaration.pdf

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

      1. Apply for Section 5310 Funding for Mobility Manager position.
      2. Apply for Section 5310 Funding for Night Time Demand Response Service.
      3. Apply for Section 5310 Funding for Sunday Service for the Disabled and Elderly.
      4. Approve Glenn Lauinger as a TrAMS User and a National Transit Database User Manager.

      Documents:

      (C) CD - Mobility Manager Position.pdf
      (C) CD - Night Time Demand Response Service.pdf
      (C) CD - Sunday Service.pdf
      (C) CD - TrAMS User Manager and User Role Designations.pdf

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

1. Approve the North Dakota Department of Transportation Construction and Maintenance Agreement and the Companion Agreement with Bismarck Parks and Recreation District.
2. Construction of Sidewalk, Curb and Gutter and Driveways 2020 - Request for Resolution Receiving Bids. Request for Resolution Awarding Contracts for Parts A-1, A-2, B-1 and B-2.
3. Street Improvement District No. 530 - Request for Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for SI 530. Request for Resolution Awarding Contract for SI 530.
4. Street Improvement District No. 532 - Request for Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for SI 532. Request for Resolution Awarding Contract for SI 532.
5. Street Improvement District No. 535 - Request for Resolution Approving Plans and Specifications. Request for Resolution Directing the Advertisement of Bids and Receive Bids.
6. Street Improvement District No. 536 - Request for Resolution Approving Plans and Specifications. Request for Resolution Directing the Advertisement of Bids and Receive Bids.
7. Street Improvement District No. 537 - Request for Resolution Approving Plans and Specifications. Request for Resolution Directing the Advertisement of Bids and Receive Bids.
8. Street Improvement District No. 538 - Request for Resolution Declaring Petitions for Improvements have been Received. Request for Resolution Creating District SI 538 and Ordering Preparation of Preliminary Report. Request for Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.
9. Water Utility Project WU 130 - Request and Receive Bids and Award Contract for WU 130.
10. Water Utility Project WU 132 - Request to Receive and Reject Bids for WU 132.

Documents:

(C) ENG - NDDOT and BPRD Agreements.pdf
(C) ENG - Sidewalk, Curb, Gutter and Driveway Construction.pdf
(C) ENG - SI 530.pdf
(C) ENG - SI 532.pdf
(C) ENG - SI 535.pdf
(C) ENG - SI 536.pdf
(C) ENG - SI 537.pdf
(C) ENG - SI 538.pdf
(C) ENG - WU 130.pdf
(C) ENG - WU 132.pdf

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

1. Application for Abatement for 2019, Deferred Maintenance, at 323 S. 9th St.
2. Approve Travel Policy revisions.

Documents:

(C) FIN - Abatement.pdf
(C) FIN - Travel Policy Revisions.pdf

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

1. Permission to accept donated sanitizing supplies for first responders.

Documents:

(C) FIR - Donated Items for First Responders.pdf

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

1. Allow the transfer of possession of a motorcycle to a salvage yard or equivalent for scrap.
2. Accept donations to help department personnel during the COVID-19 Pandemic.

Documents:

(C) PD - Salvage Motorcycle.pdf
(C) PD - Approval of Donations.pdf

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

1. Award contract for the Spring and Fall cankerworm control aerial spraying to Airborne Custom Spraying, Inc.
2. Award bid for one or more model side discharge slinger style spreaders for the Waste Water Treatment Plant to Duppong's, Inc.
3. Reallocate funds for purchase of a Forestry chipper truck using Forestry and Roads & Street 2020 operating budget.
4. Apply for America the Beautiful, a Tree Planting Grant, through the North Dakota Forest Service.
5. Cancel Spring Clean-Up Week and allow free disposal at the landfill April 20-25, 2020.
6. Approve the revised Fleet Services Fueling Services Policy regarding fuel purchases.
7. Approve Change Order 3 with Edling Electric for Street Utility Project No. 52.

Documents:

(C) PW-SO - Award Spring and Fall Spraying Contract.pdf
(C) PW-SO - WWTP Tow Model Slinger Bid.pdf
(C) PW-SO - Purchase Chipper Truck.pdf
(C) PW-SO - Tree Planting Grant.pdf
(C) PW-SO - Cancel Spring Clean-Up Week.pdf
(C) PW-SO - Fleet Services Revised Fueling Policy.pdf
(C) PW-SO - Change Order 3.pdf

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

1. Approve additional state funding for $500,000 and approval of lead service line replacement cost share policy.
2. Approve the purchase of Wonderware software and hardware upgrades for SCADA system at the Waste Water Treatment Plant.
3. Approve Task Order No. 15 to the agreement with AE2S for 2020 Water Distribution Upgrade I&C Commissioning Services.
4. Submit planning level flood protection information to the State Water Commission.

Documents:

(C) PW-UO - Approval of Cost Share Increase.pdf
(C) PW-UO - SCADA Wonderware Software Upgrade.pdf
(C) PW-UO - Task Order 15.pdf
(C) PW-UO - State Water Commission Flood Protection Information.pdf

5. REGULAR AGENDA

6. Receive COVID-19 update from Keith Hunke, City Administrator.

7. Receive COVID-19 update from Dmitriy Chermyak, Finance Director.

8. Consider the request from the Community Development Department, regarding the Apple Meadows Third Subdivision, requested by Sattler Family, LLLP, for the following:

1. Continued Public Hearing on Ordinance 6413, a request for a zoning change from the A-Agriculture zoning district to the RR-Residential Zoning District for Apple Meadows Third Subdivision.
2. Final plat of Apple Meadows Third Subdivision.

Documents:

(R) CD - Apple Meadows Final Plat.pdf

9. Consider the request from the Engineering Department for Street Improvement District No. 531 - Request for resolution determining insufficiency of protests on resolution of necessity. Request for resolution receiving bids and ordering preparation of the Engineer's Statement for SI 531A and SI 531B. Request for resolution awarding contracts for SI 531A and SI 531B.

Documents:

(R) ENG - SI 531.pdf
Protest Summary.pdf

10. Consider the request from the Engineering Department for Street Improvement District No. 533 - Request for resolution determining insufficiency of protests on resolution of necessity. Request for resolution receiving bids and ordering preparation of the Engineer's Statement.

    Documents:

    (C) ENG - SI 533.pdf

11. Consider the request from the Administration Department to hold a discussion regarding the retail sale of alcoholic beverages.

    Documents:

    (R) ADMIN - Alcohol Licenses Discussion.pdf
    (R) ADMIN - Restaurant and Bar Owner Responses.pdf

12. Receive an update from the City Attorney regarding the efforts and successes for mitigation strategies due to COVID-19.

    Documents:

    (R) ATTY - Risk Mitigation.pdf

Other Business

Adjourn

Bismarck

# Finance Department

**DATE:** April 7, 2020

**FROM:** Dmitriy Chernyak, Finance Director DC by aj

**ITEM:** City Board of Equalization

## REQUEST

Please place the City Board of Equalization on the agenda as a public hearing.

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

Attached you will find a copy of the 2020 Annual Report. This is a summary of the 2020 assessment roll.

## RECOMMENDED CITY COMMISSION ACTION

The Assessing Division recommends the approval of the annual assessment roll as presented.

## STAFF CONTACT INFORMATION

Allison Jensen | City Assessor, 355-1621 or ajensen@bismarcknd.gov

# 2020 ANNUAL REPORT

APRIL 14, 2020

CITY OF BISMARCK
ASSESSING DIVISION
FINANCE DEPARTMENT

# 2020 ANNUAL REPORT

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*Assessing Division*

April 7, 2020

Honorable Board of City Commissioners:

The City of Bismarck (the City) Assessing Division 2020 Annual Report is a summary of the 2020 assessment roll and a review of the 2019 real estate value and appraisal activity of the City. The market value of taxable real property, property sales, new construction, and annexations all combine to provide a tax base for the City's 2020 property tax to be collected in 2021. Any changes in value that the City, Burleigh County, or State of North Dakota Boards of Equalization may make will be reflected in the final assessment.

The 2020 total market value assessment is $8,607,847,400. This is an increase of $224,765,900, or 2.68%, from the 2019 assessment roll total. Of this increase, new construction contributed $124,912,100; market value contributed $94,181,400; and the remaining balance is attributed to additional changes in assessment. We performed an extensive review to accurately reflect the City's market and to comply with the North Dakota Century Code and Office of State Tax Commissioner guidelines. The overall market value in the existing property showed an increase of 1.42% in residential property and an increase of 0.64% in commercial property.

Procedures of assessment and appraisal are conducted under guidance from the North Dakota Tax Commissioner's Office, the North Dakota Century Code, and nationally recognized standards of mass appraisal of real property.

Respectfully Submitted,

Allison Jensen

Allison Jensen
City Assessor

# THE CITY OF BISMARCK ASSESSING DIVISION

The City of Bismarck's (the City) Assessing Division is committed to development and use of processes that support integrated data management, providing the City with the most current and accurate source of property information.

Throughout the year, City staff are processing property transfers and analyzing property sales to ensure market value is established. Physical inspections are made for those sales along with building permits and reappraisal areas to verify data accuracy when setting values.

It is the goal for the City's Assessing Division to continue to meet the guidelines set forth by the State of North Dakota to have all property properly and professionally assessed.

Assessing Division Personnel:

- Karla Mittleider, Office Assistant II
- Becky Fairbanks, Real Property Tech
- Dawn Wetzstein, Real Property Tech
- Casey Patzner, Real Property Appraiser
- Justine Thompson, Real Property Appraiser
- Tracy DeForest, Real Property Appraiser
- Brenda Johnson, Senior Real Property Appraiser
- Ross Dettmann, Senior Real Property Appraiser
- Allison Jensen, City Assessor

## MARKET VALUATION COMPARISON

| Market Values | 2019 [1] | 2020 | $ Change | % Change |
|---|---|---|---|---|
| Commercial Land | $ 805,207,700 | $ 832,233,700 | $ 27,026,000 | |
| Commercial Bldg. | $ 2,349,975,100 | $ 2,382,368,500 | $ 32,393,400 | |
| **Total Commercial** | **$ 3,155,182,800** | **$ 3,214,602,200** | **$ 59,419,400** | **1.88%** |
| Residential Land | $ 1,048,561,600 | $ 1,085,135,000 | $ 36,573,400 | |
| Residential Bldg. | $ 4,178,461,900 | $ 4,307,283,500 | $ 128,821,600 | |
| **Total Residential** | **$ 5,227,023,500** | **$ 5,392,418,500** | **$ 65,395,000** | **3.16%** |
| **Agricultural** | **$ 875,200** | **$ 826,700** | **$ (48,500)** | **-5.54%** |
| **Total All Property** | **$ 8,383,081,500** | **$ 8,607,847,400** | **$ 24,765,900** | **2.68%** |

[1] The 2019 assessment roll totals reflect values that were certified to the North Dakota State Tax Department. These values have been changed during the year of 2019 due to abatements and prorations.

## TAXABLE VALUATION COMPARISON

| Taxable Values | 2019 | 2020 | $ Change | % Change |
|---|---|---|---|---|
| Commercial Land | $ 40,260,385 | $ 41,611,685 | $ 1,351,300 | |
| Commercial Bldg. | $ 117,498,755 | $ 119,118,425 | $ 1,619,670 | |
| **Total Commercial** | **$ 157,759,140** | **$ 160,730,110** | **$ 2,970,970** | **1.88%** |
| Residential Land | $ 47,185,272 | $ 48,831,075 | $ 1,645,803 | |
| Residential Bldg. | $ 188,030,786 | $ 193,827,758 | $ 5,796,972 | |
| **Total Residential** | **$ 235,216,058** | **$ 242,658,833** | **$ 7,442,775** | **3.16%** |
| **Agricultural** | **$ 43,760** | **$ 41,335** | **$ (2,425)** | **-5.54%** |
| **Total All Property** | **$ 393,018,958** | **$ 403,430,278** | **$ 10,411,320** | **2.65%** |

Taxable value is 5% of assessed value for commercial and agricultural property and 4.5% for residential property.

## EXISTING PROPERTY MARKET VALUE CHANGE COMPARISON

| | 2019 [1] | 2020 [2] | $ Change | % Change |
|---|---|---|---|---|
| Commercial | $ 3,127,318,000 | $ 3,147,266,600 | $ 19,948,600 | 0.64% |
| Residential | $ 5,223,798,200 | $ 5,298,092,200 | $ 74,294,000 | 1.42% |
| Agricultural | $ 875,200 | $ 814,000 | $ (61,200) | -6.99% |
| **Total** | **$ 8,351,991,400** | **$ 8,446,172,800** | **$ 94,181,400** | **1.13%** |

[1] The 2019 totals after adjustments have been made for changes in class and for property that was included on the 2019 assessment roll but was not assessed in 2020 due to demolition, local to state assessed, taxable to non-taxable, abatements, corrections, adjustments, and exemptions.

[2] The 2020 totals after adjustments have been made for changes in class and for property that was not included in the 2019 assessment roll but assessed for 2020 due to new construction, off-site improvements, annexations, non-taxable to taxable, and state to local assessed.

## NORTH DAKOTA CITIES MILL LEVY COMPARISON 2019

| Cities Compared | Total Mill Levy [3] | Tax on $100,000 Residential | Tax on $100,000 Commercial | 2019 Taxable Value [3] |
|---|---|---|---|---|
| **Williston** | 199.72 | $ 899 | $ 999 | $ 140,070,882 |
| **Bismarck** | 236.59 | $ 1,065 | $ 1,183 | $ 393,005,243 |
| **Dickinson** | 244.63 | $ 1,101 | $ 1,223 | $ 118,942,471 |
| **Mandan** | 265.49 | $ 1,195 | $ 1,327 | $ 96,220,609 |
| **Fargo** (School Dist. #1) | 292.44 | $ 1,316 | $ 1,462 | $ 594,010,112 |
| **West Fargo** | 300.09 | $ 1,350 | $ 1,500 | $ 173,565,972 |
| **Valley City** | 317.76 | $ 1,430 | $ 1,589 | $ 18,751,063 |
| **Grand Forks** | 320.87 | $ 1,444 | $ 1,604 | $ 221,320,080 |
| **Jamestown** | 328.11 | $ 1,476 | $ 1,641 | $ 46,206,841 |
| **Minot** | 337.70 | $ 1,520 | $ 1,689 | $ 211,078,110 |
| **Wahpeton** | 365.61 | $ 1,645 | $ 1,828 | $ 18,816,775 |

[3] The total levy includes the levy for the City, School District, County, Parks, etc. Source is Fargo City Assessor's office.

# 2020 MARKET VALUE GAINS COMPARISON

2020 Market Value increase due to New Construction, Off-site Improvements, Annexation, Non-Taxable to Taxable, and State to Local Assessed Property.

| | 2019 | 2020 | $ Change |
|---|---|---|---|
| **New Construction** | | | |
| Commercial | $ 58,173,400 | $ 39,042,900 | $ (19,130,500) |
| Residential | $ 81,974,100 | $ 85,869,200 | $ 3,895,100 |
| **Total** | **$ 140,147,500** | **$ 124,912,100** | **$ (15,235,400)** |
| **Off-Site Improvement** | | | |
| Commercial | $ 5,550,500 | $ 2,008,800 | $ (3,541,700) |
| Residential | $ 630,100 | $ 355,500 | $ (274,600) |
| **Total** | **$ 6,180,600** | **$ 2,364,300** | **$ (3,816,300)** |
| **Annexation** | | | |
| Commercial | $ 6,135,200 | $ 7,347,600 | $ 1,212,400 |
| Residential | $ - | $ - | $ - |
| Agricultural | $ - | $ - | $ - |
| **Total** | **$ 6,135,200** | **$ 7,347,600** | **$ 1,212,400** |
| **Non-Taxable to Taxable [1]** | | | |
| Commercial | $ 20,686,000 | $ 18,840,600 | $ (1,845,400) |
| Residential | $ 2,094,300 | $ 1,250,300 | $ (844,000) |
| Agricultural | $ - | $ 12,700 | $ 12,700 |
| **Total** | **$ 22,780,300** | **$ 20,103,600** | **$ (2,676,700)** |
| **State to Local Assessment [2]** | | | |
| Commercial | $ - | $ - | $ - |
| Residential | $ - | $ - | $ - |
| Agricultural | $ - | $ - | $ - |
| **Total** | **$ -** | **$ -** | **$ -** |
| **Prorations/Abatements/Errors** | | | |
| Commercial | $ - | $ - | $ - |
| Residential | $ - | $ 62,400 | $ 62,400 |
| Agricultural | $ - | $ - | $ - |
| **Total** | **$ -** | **$ 62,400** | **$ 62,400** |

[1] **Non-Taxable to Taxable –** Includes property exempt in 2019 but is taxable for 2020

[2] **State to Local Assessment –** Includes property assessed by the State Board of Equalization in 2019 but has been locally assessed in 2020.

# 2020 MARKET VALUE REDUCTION COMPARISON

2020 Market Value Decreases Due to Demolition/Abatement, Taxable to Non-Taxable, and Local to State Assessed Property.

| | 2019 | 2020 | $ Change |
|---|---|---|---|
| **Demolition** [1] | | | |
| Commercial | $ 1,963,700 | $ 8,233,600 | $ 6,269,900 |
| Residential | $ 1,186,000 | $ 548,100 | $ (637,900) |
| Agricultural | $ - | $ - | $ - |
| **Total** | **$ 3,149,700** | **$ 8,781,700** | **$ 5,632,000** |
| **Taxable to Non-Taxable** [2] | | | |
| Commercial | $ 12,814,300 | $ 12,728,600 | $ (85,700) |
| Residential | $ 681,200 | $ 1,982,900 | $ 1,301,700 |
| Agricultural | $ - | $ - | $ - |
| **Total** | **$ 13,495,500** | **$ 14,711,500** | **$ 1,216,000** |
| **Local to State Assessed** [3] | | | |
| Commercial | $ - | $ - | $ - |
| Residential | $ - | $ - | $ - |
| Agricultural | $ - | $ - | $ - |
| **Total** | **$ -** | **$ -** | **$ -** |
| **Deannexation** | | | |
| Agricultural | $ - | $ - | $ - |
| **Total** | **$ -** | **$ -** | **$ -** |

[1] **Demolition –** Includes property that was assessed in 2019 but is demolished for 2020.

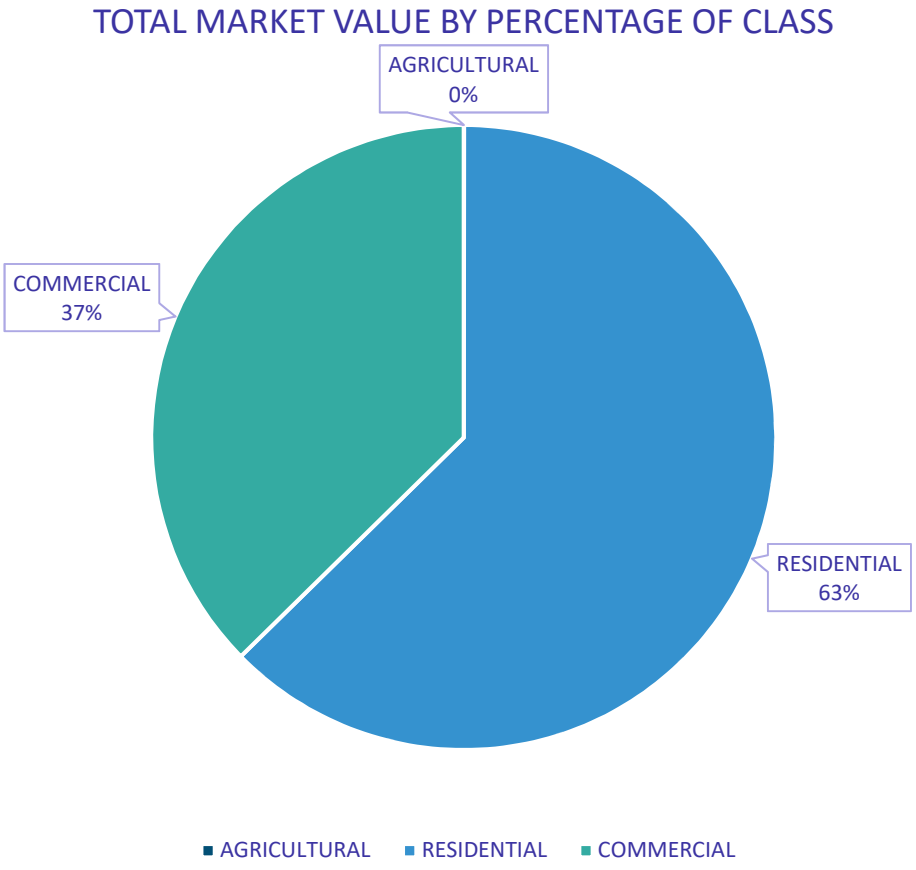
[2] **Taxable to Non-Taxable –** Includes property that was assessed in 2019 but is exempt for 2020.

[3] **Local to State Assessed –** Includes property that was assessed locally in 2019 but will be assessed by the State Board of Equalization for 2020.

| | 2019 | 2020 | $ Change |
|---|---|---|---|
| **Prorations/Abatements/Errors** | | | |
| Commercial | $ 104,200 | $ 160,900 | $ 56,700 |
| Residential | $ 476,900 | $ 551,400 | $ 74,500 |
| Agricultural | $ - | $ - | $ - |
| **Total** | **$ 581,100** | **$ 712,300** | **$ 131,200** |

# 2020 MARKET VALUE BY PERCENTAGE OF CLASS

| | | | |
|---|---|---|---|
| Commercial Land | $ | 832,233,700 | |
| Commercial Building | $ | 2,382,368,500 | |
| **Total Commercial Property** | **$** | **3,214,602,200** | **37.35%** |
| | | | |
| Residential Land | $ | 1,085,135,000 | |
| Residential Building | $ | 4,307,283,500 | |
| **Total Residential Property** | **$** | **5,392,418,500** | **62.65%** |
| | | | |
| **Agricultural Property** | **$** | **826,700** | **0.00%** |
| | | | |
| **Total Market Values** | **$** | **8,607,847,400** | **100%** |



# EXEMPT PROPERTY MARKET VALUE COMPARISON

Details the market values of various exempt properties the Legislature has required local assessing districts to value.

| Payment in Lieu | 2019 | 2020 | $ Change |
|---|---|---|---|
| Edwinton Place | $ 1,097,800 | $ 4,494,000 | $ 3,396,200 |
| Century Cottages | $ - | $ 704,800 | $ 704,800 |
| WSI | $ 17,544,400 | $ 17,350,100 | $ (194,300) |
| Independence Pt | $ 1,912,100 | $ 2,197,100 | $ 285,000 |
| **Total** | **$ 20,554,300** | **$ 24,746,000** | **$ 4,191,700** |

The City receives a portion of revenue from the Payment in Lieu of properties based on a set payment schedule.

**New Business Exemption**

The New Business Exemption, NDCC 40-57.1, exempts improvements, not land.

No new Business Exemptions in effect for 2020.

| Remodeling Exemption | 2019 | 2020 | $ Change |
|---|---|---|---|
| NDCC 57-02.2 | | | |
| Commercial | $ - | $ - | $ - |
| Residential | $ 71,900 | $ 71,900 | $ - |
| **Total** | **$ 71,900** | **$ 71,900** | **$ -** |

The Remodeling Exemption, NDCC 57-02.2, exempts the value added to existing improvements plus additions to existing improvements and not the land. 1 residential and 0 commercial remodeling exemptions, totaling 1 for 2020.

| Charitable Exemption | 2019 | 2020 | $ Change |
|---|---|---|---|
| NDCC 57-02-08(8) | | | |
| Commercial | $ 433,935,900 | $ 439,153,900 | $ 5,218,000 |
| Residential | $ 8,509,800 | $ 8,416,500 | $ (93,300) |
| **Total** | **$ 442,445,700** | **$ 447,570,400** | **$ 5,124,700** |

The Charitable Exemption, NDCC 57-02-08(8), exempts both the land and the improvements of charitable institutions.

Total of 145 charitable exemptions for 2020.

| Renaissance Zone | 2019 | 2020 | $ Change |
|---|---|---|---|
| NDCC 40-63-05 | | | |
| Commercial | $ 20,648,800 | $ 9,996,500 | $ (10,652,300) |
| Residential | $ 3,792,600 | $ 3,838,100 | $ 45,500 |
| **Total** | **$ 24,441,400** | **$ 13,834,600** | **$ (10,606,800)** |

145 Renaissance Zone tax exemptions approved to date with 17 property tax exemptions approved for 2020.

| | 2019 | 2020 | $ Change |
|---|---|---|---|
| **Total All Exemptions** | **$ 487,513,300** | **$ 486,222,900** | **$ (1,290,400)** |

# ASSESSMENT DATA

| Homestead Credit [1] | 2018 | 2019 | Change |
|---|---|---|---|
| Applications Approved | 801 | 796 | (5) |
| Total Market Value Credit | $ 70,763,178 | $ 70,418,156 | $ (345,022) |

[1] The State Treasurer reimburses the City for revenue that is not collected due to this credit. Information is year-to-date totals from Burleigh County.

| Disabled Veteran Credit [2] | 2018 | 2019 | Change |
|---|---|---|---|
| Applications Approved | 350 | 378 | 28 |
| Total Market Value Credit | $ 40,455,112 | $ 43,746,867 | $ 3,291,755 |

[2] The State Treasurer reimburses the City for revenue that is not collected due to this credit. Above information is year-to-date totals from Burleigh County.

| Applications for Abatement | 2018 | 2019 |
|---|---|---|
| State Assessed | 0 | 0 |
| Blind Exemption | 2 | 2 |
| Disabled Veteran | 14 | 20 |
| Wheelchair Exemption | 0 | 3 |
| Taxable to Non-Taxable | 2 | 4 |
| Fire Damage | 2 | 0 |
| Deferred Maintenance | 4 | 0 |
| Error in Calculations | 0 | 2 |
| Value too High | 0 | 8 |
| Functional Obsolescence | 1 | 0 |
| Physical Obsolescence | 1 | 0 |
| **Total Abatements Reviewed** | **26** | **39** |

| Parcels | 2019 | 2020 | Change |
|---|---|---|---|
| Commercial | 2,876 | 2,899 | 23 |
| Residential | 20,485 | 20,678 | 193 |
| Agricultural | 36 | 36 | 0 |
| Vacant | 2,110 | 2,119 | 9 |
| **Total Parcels** | **25,507** | **25,732** | **225** |

# BUILDING PERMITS ISSUED

## JANUARY TO DECEMBER 2018 AND JANUARY TO DECEMBER 2019

| | 2018 | | 2019 | |
|---|---|---|---|---|
| **Building Permits Issued** | **Count** | **Total Value** | **Number** | **Total Value** |
| New Residential Structures | 169 | $ 36,771,534 | 201 | $ 45,706,597 |
| Alter Residential Structures | 328 | $ 2,798,793 | 341 | $ 5,709,254 |
| Private Garages | 67 | $ 858,632 | 28 | $ 341,910 |
| New and Alter Commercial Structures | 232 | $ 109,338,375 | 175 | $ 127,870,814 |
| New and Alter Public Structures | 9 | $ 37,832,616 | 0 | $ - |
| **Total Building Permits** | **805** | **$ 187,599,950** | **745** | **$ 179,628,575** |

| | 2018 | 2019 |
|---|---|---|
| **Miscellaneous Permits** | **Count** | **Count** |
| Plumbing | 343 | 301 |
| Electrical | 930 | 837 |
| Mechanical | 1,396 | 1,197 |
| **Total Miscellaneous Permits** | **2,669** | **2,335** |
| **Total Building and Misc. Permits** | **3,474** | **3,080** |

This information comes from the City TRAKiT system.

# MAJOR COMMERCIAL CONSTRUCTION PROJECTS

## STARTED IN 2019

| | | 2020 | |
|---|---|---|---|
| | | Building Value | % Completion |
| GREENFIELD COMMONS LLC | 202 E GREENFIELD LN | $ 1,832,600 | 20% |
| JAXSON-JAEGER RENTAL LLC | 5216 OTTAWA ST | $ 1,065,000 | 100% |
| SUNRISE SQUARE LLLP | 3001 YORKTOWN DR | $ 864,700 | 60% |
| AUTOZONE PARTS INC | 2031 E BISMARCK EXPY | $ 702,700 | 100% |
| VHN PROPERTIES LLC | 2909 MORRISON AVE | $ 467,700 | 60% |
| TRACI PROPERTIES LLP | 1713 E BISMARCK EXPY | $ 408,300 | 100% |
| DAKOTA CARRIER NETWORK | 4202 COLEMAN ST | $ 357,500 | 25% |
| **Total** | | **$ 5,698,500** | |

The above list highlights major commercial construction projects that are reflected in the 2020 assessment roll. The values include projects that were started in 2019.

## STARTED IN 2018 AND COMPLETED FOR 2020 ASSESSMENT ROLL

| | | 2020 |
|---|---|---|
| | | Building Value |
| 57 NORTH INVESTORS LLP | 106 GREENFIELD LN | $ 6,802,300 |
| VETTER & WALD LLLP | 900 YEGEN RD | $ 2,201,300 |
| DLAH PROPERTIES LLC | 1165 W TURNPIKE AVE | $ 2,212,900 |
| WILMENT PROPERTIES LLC | 4530 NORTHERN SKY DR | $ 923,000 |
| CHANNEL PROPERTIES LLP | 2005 CHANNEL DR | $ 866,100 |
| TORGY'S LLC | 2121 E BISMARCK EXPY | $ 497,700 |
| PAUL & TERRY JOHNSON | 2913 MORRISON AVE | $ 364,900 |
| **Total** | | **$ 13,868,200** |

The above list highlights major commercial construction projects that were started in 2018 but completed in 2019. The values listed above for these projects reflect only the portion of the project that is added in the 2020 assessment roll.

# STATISTICAL ANALYSIS OF THE 2019 SALES RATIO

The following information is a summary of the report and a statistical analysis of the 2019 Assessment Ratio study for the City of Bismarck (the City). The report is based on 2019 qualified sales, of which 894 are residential and 31 are commercial.

The performance tests completed to compare assessments to market value are the following measures of central tendency[1]:

Median: The median is the middle ratio when the ratios are arrayed in order of magnitude. If there is an even number of ratios, the median is the average of the middle two ratios. The median is less affected by extreme ratios than other measures of central tendency, because of this it is generally the preferred measure. This is used by the State Board of Equalization when equalizing residential and commercial property assessments.

Arithmetic Mean (aka mean or average): The mean is the average of the ratios. It is calculated by summing the ratios and dividing by the total number of ratios. The mean is affected more by extreme ratios than the median.

Weighted Mean: The weighted mean is the value-weighted average of the ratios in which the weights are proportional to the sales prices. Derived by dividing the total assessed values by the total sale prices of the properties.

Price Related Differential (PRD): A measure of uniformity between high and low value properties. Derived by the arithmetic mean ratio by the weighted mean ratio. If the PRD is 1.00, there is no bias in the assessments of high-value properties in comparison to those of low-value properties. If the PRD is greater than 1.03, then low-value properties pay a greater amount of tax in relation to value than the owner of a high-value property, indicating assessment regressivity. If the PRD is lower than 0.98, the opposite is true, indicating assessment progressivity.

[1] International Association of Assessing Officers, 314 W 10 St., Kansas City, MO 64105-1616, Section 5.3, Page 13, and Definitions Page 42, Standard on Ratio Studies-2013.

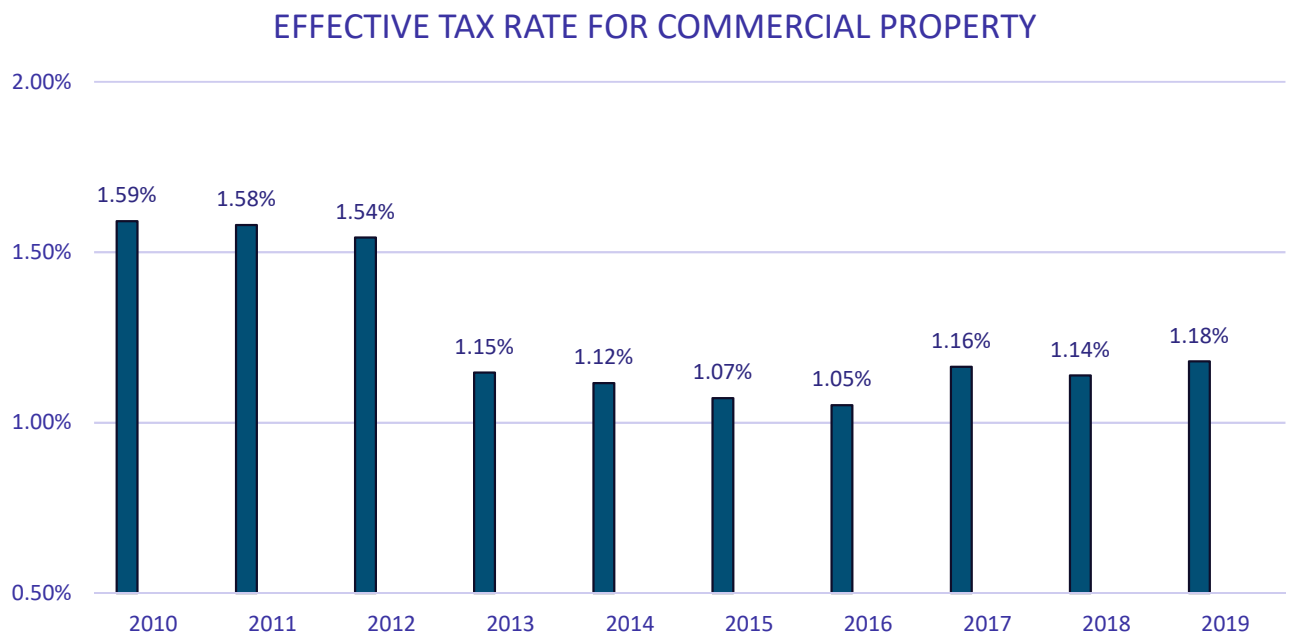
# STATISTICAL ANALYSIS OF THE 2019 SALES RATIO (CONTINUED)

| | 2019 Measurements | | |
|---|---|---|---|
| | **Residential** | **Commercial** | **Recommended Tolerance** |
| Median Ratio | 0.9544 | 0.9329 | 0.90 to 1.00 |
| Price Related Differential (PRD) | 1.0100 | 1.0500 | 0.98 to 1.03 |
| Coefficient of Dispersion (COD) | 1.0594 | 1.0718 | 1.20 or Less |

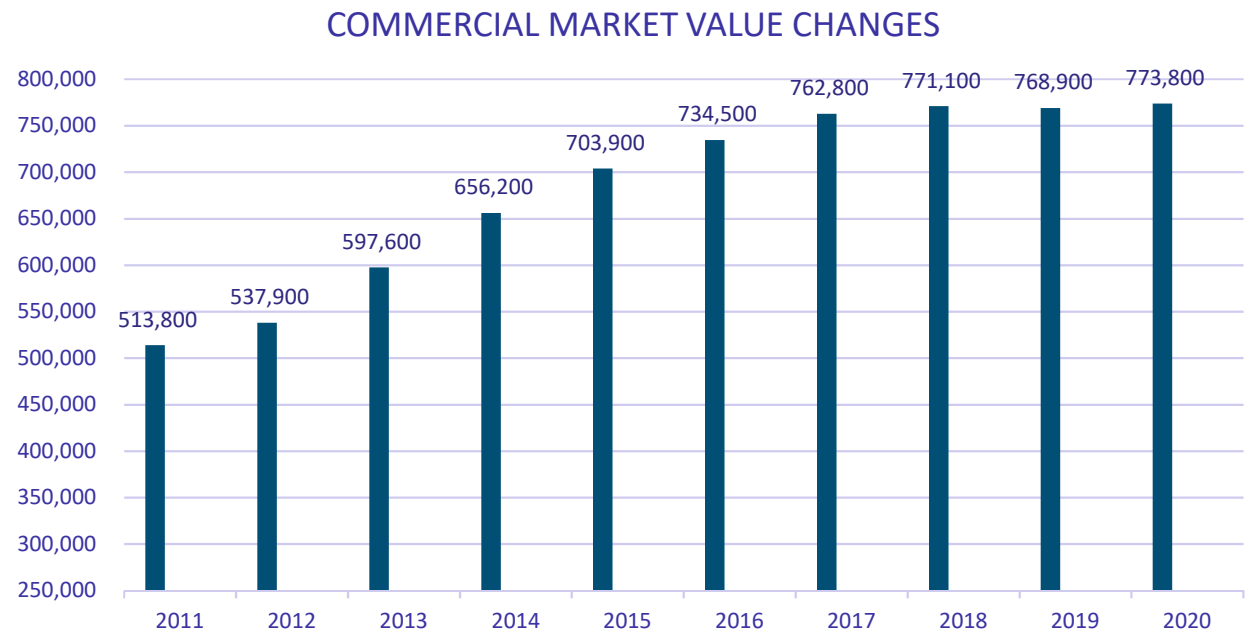
Per the guidelines and performance measures as set forth by the State of North Dakota Tax Commissioner's Office, the level of assessment should be near 100% using the median; however, the State Board of Equalization has traditionally allowed a 10% tolerance below 100%. The PRD should be between 0.98 and 1.03 to avoid bias in the assessments of high-value properties in comparison to low-value properties. A COD between 1.00 and 1.20 shows the quality of the assessments is acceptable. Dispersions over 1.20 would indicate the assessments are not uniform and, therefore, need investigation.

The 2019 median was calculated after 2018 market values were updated. Updates to market values were applied in compliance with North Dakota State guidelines and professional practices to reflect market conditions. The 2019 measurements as set forth by the State of North Dakota guidelines and professional practices indicate that the City is within guidelines for measures of central tendency. The measures of relationships between the ratios of high-valued properties and low-valued properties indicate that residential properties are within the recommended tolerance, however, the commercial PRD measurement of 1.05 indicates that lower value properties were valued closer to 100% of the market than the higher valued properties.

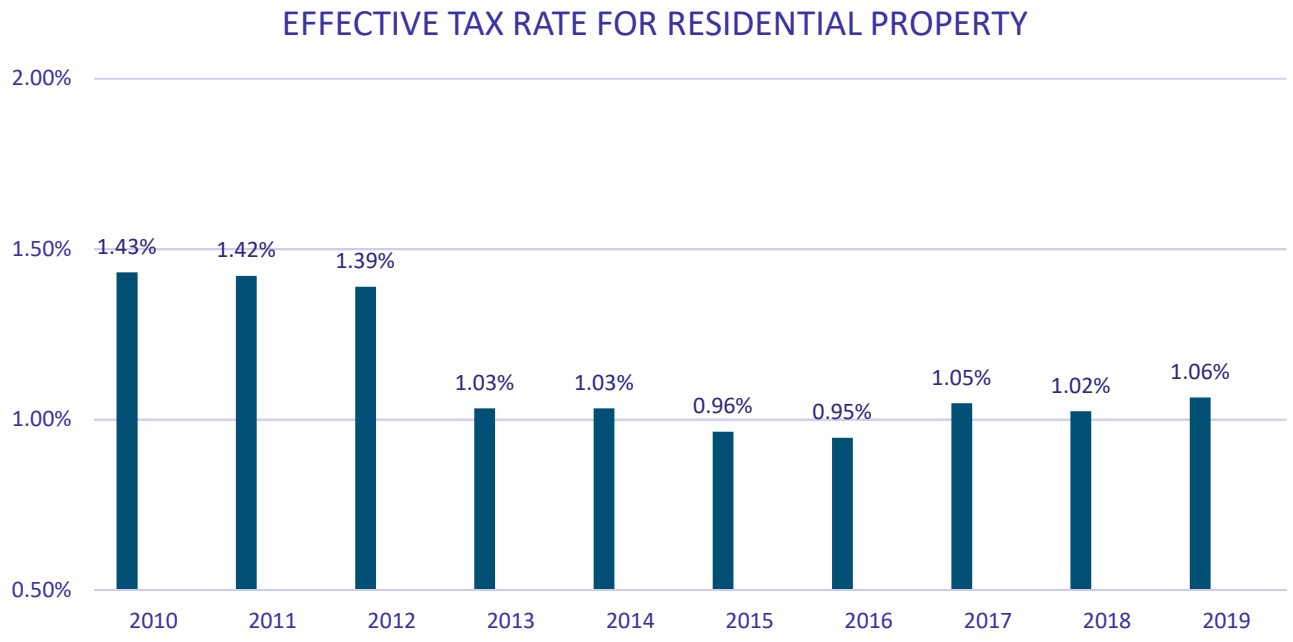
# HISTORICAL GRAPHS



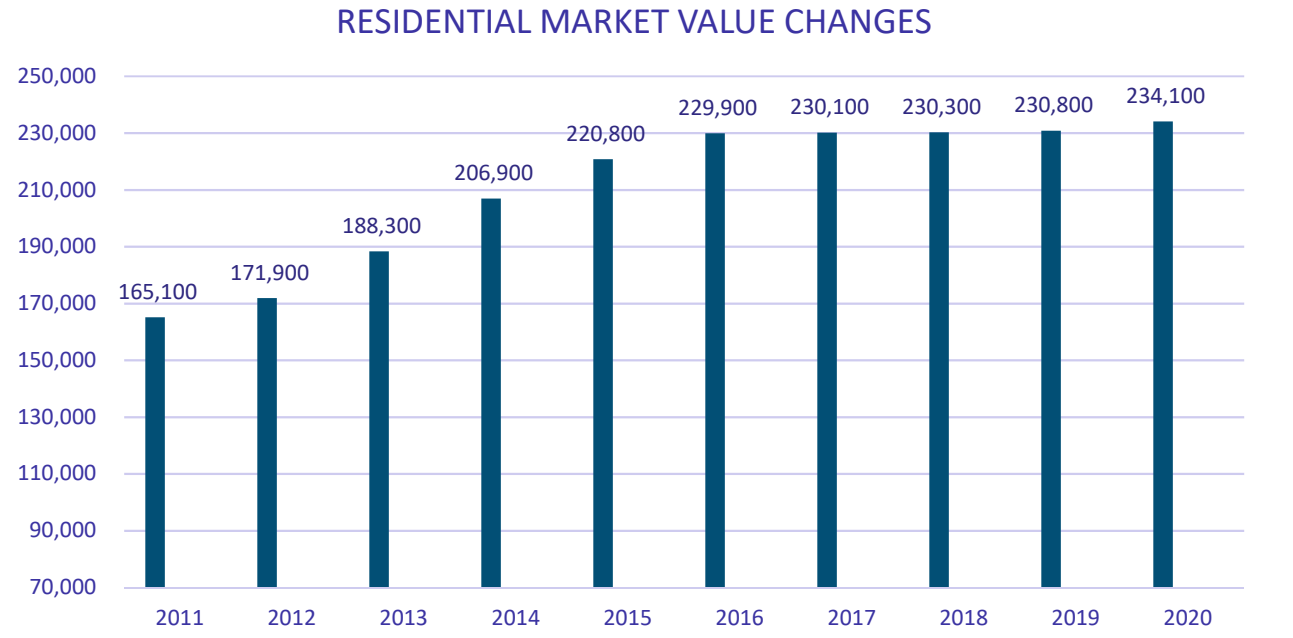

Effective Tax Rate (ETR) is the ratio between the property value and the current real estate taxes. This represents how much tax is paid per $1,000 of market value (i.e. for 2019 the commercial ETR equals a $11.83 tax per $1,000 of market value). This includes the 12% the State of North Dakota paid reduction for 2013, 2014, 2015, and 2016.




The Commercial Market Value Changes Graph represents the changes in market value from 2011 to 2020 of a property currently valued at $773,800.




Effective Tax Rate (ETR) is the ratio between the property value and the current real estate taxes. This represents how much tax is paid per $1,000 of market value (i.e. for 2019 the RESIDENTIAL ETR equals a $10.65 tax per $1,000 of market value). This includes the 12% the State of North Dakota paid reduction for 2013, 2014, 2015, and 2016.




The Residential Market Value Graph represents the changes in market value from 2011 to 2020 of a property currently valued at $234,100.

## ASSESSING STATISTICAL INFORMATION

Facts concerning single family properties, not including condominiums, townhomes, duplexes, or triplexes, in the City are as follows:

- Assessor records indicate the average sale price of single family residences was $304,614 in 2019 on 879 sales, an increase from $265,000 on 827 sales in 2018 or about an 14.9% increase in the average selling price as compared to the prior year.

- Multiple Listing Service reported that 695 single family homes sold through a realty company.

- Multiple Listing Service records indicated, as of April 1, 2020:
  13 homes listed for sale under $150,000
  93 listings between $150,001 and $315,000
  93 homes listed for sale between $315,001 and $485,000
  31 listings between $485,001 and $700,000
  6 listings between $700,001 and $999,999
  1 listing over $1,000,000.

- Multiple Listing Service records indicate a median sale price for single family homes that were listed with MLS in Bismarck was $274,000 for 2019, which is an increase from $260,000 for 2018.

- The average number of days on the market for a home listed by Multiple Listing Service was 67 days in 2019, which was lower than the 69 days listed last year.

- The highest residential sale price on record for 2019 was $1,225,000 as compared to $1,204,000 in 2018.

- The median assessment of single family residences is $250,600 in 2020 as compared to $242,800 in 2019.

- 882 homes valued greater than $500,000 for 2020 and 58 of those homes valued greater than $1,000,000. In 2019, 811 homes valued greater than $500,000 with 43 of those homes being valued greater than $1,000,000.

# PROCLAMATION

**WHEREAS,** emergencies can occur at any time that require law enforcement, fire, or emergency medical services; and

**WHEREAS,** when an emergency occurs, the prompt response of law enforcement officers, firefighters, and emergency medical personnel is critical to the protection of life and preservation of property; and

**WHEREAS,** the safety of our law enforcement officers, firefighters, and emergency medical personnel is dependent upon the quality and accuracy of information obtained from citizens who call the Central Dakota Communications Center; and

**WHEREAS,** Public Safety Communications Specialists are the first, first responders, delivering essential prearrival instructions, and providing the most critical link that our citizens have with emergency services; and

**WHEREAS,** Public Safety Communications Specialists are the single vital link for our law enforcement officers, firefighters, and emergency medical personnel by monitoring their activities by radio, providing them information and ensuring their safety; and

**WHEREAS,** Public Safety Communications Specialists of the Central Dakota Communications Center have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

**WHEREAS,** each Communications Specialist has exhibited compassion, understanding and professionalism during the performance of their duties in the past year; and

**WHEREAS,** the Central Dakota Communications Center Board of Directors has declared April 12th – 18th, 2020 as National Public Safety Telecommunications to honor the men and women of the Central Dakota Communications Center who dedicate themselves to helping keep our communities and our citizens safe;

**THEREFORE, BE IT RESOLVED,** that I, Steve Bakken, Mayor of the City of Bismarck, on behalf of this Commission, do hereby joins the Central Dakota Communications Center Board of Directors and declares April 12th – 18th, 2020 as **NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK** in the City of Bismarck.

Signed this 14th day of April 2020.

_____

Steve Bakken, Mayor
Bismarck Board of City Commissioners

Bismarck

# 3/24/2020 - Minutes

MEETING OF THE BOARD OF CITY COMMISSION

1. Proclamation recognizing April as Fair Housing Month.
   Mayor Bakken signed the proclamation and declared April as Fair Housing Month in the City of Bismarck.

2. Main Street Initiative Proclamation
   Mayor Bakken signed the proclamation and declared that the City of Bismarck shall join the Governor's Main Street ND initiative and be known as a Main Street ND Community.

3. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items).
   No member of the public appeared for comment.

4. Consider approval of minutes.
   Commissioner Oban moved to approve the minutes of the March 10, 2020 Regular Commission meeting. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

5. CONSENT AGENDA
   Commissioner Marquardt moved to approve the consent agenda. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

   A. Consider approval of expenditures.
      Vouchers: 1092196-1092426.

   B. Consider approval of personnel actions.

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

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

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

      1. Amended consultant agreement with Terracon Consultants, Inc (Terracon) relating to Geotechnical Services associated with River Road slope stability.
      2. Acceptance of the award of North Dakota Department of Transportation (NDDOT) Urban Grant Program funding for a 2022 Downtown Street Improvement Project Phase 2.

3. Water Main Easement at 1819 Michigan Avenue from Robert and Denise Schuh of RDS Properties, LLC.
4. Revised project budget on Sewer Improvement District 563.
5. Resolutions for Park Improvement District PI 003. Request for Resolution Receiving Bids and Ordering the Preparation of the Engineer's Statement for PI 003. Request for Resolution for Awarding Contract for PI 003.
6. Request for Resolution of Necessity for Street Improvement District SI 534.
7. Resolutions for Street Improvement District SI 536. Request for Resolution Declaring Petitions for Improvements Has been Received. Request for Resolution Creating District SI 536 and Ordering Preparation of the Preliminary Report. Request for Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.
8. Resolutions for Street Improvement District SI 537. Request for Resolution Declaring Petitions for Improvements Has been Received. Request for Resolution Creating District SI 537 and Ordering Preparation of the Preliminary Report. Request for Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.
9. Landscaping area encroachment agreement and waiver for 518 North 13th Street.
10. Encroachment agreement and waiver for 420 East Main Avenue.
11. Removable fence and seating area encroachment agreement and waiver for 107 North 5th Street.
12. Outdoor seating area encroachment agreement and waiver for 112 North 4th Street.

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

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

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

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

6. REGULAR AGENDA

7. Receive COVID 19 briefing from Renae Moch, Bismarck Burleigh Public HealthDirector.
Renae Moch, Bismarck Burleigh Public Health Director, provided a briefing on COVID-19.

8. Receive COVID 19 workforce update from Keith Hunke, Bismarck City Administrator.

Keith Hunke, Bismarck City Administrator provided a workforce update and Human Resources report on COVID-19.

Commissioner Marquardt moved to approve the COVID-19 response protocol for building inspection services, to approve the suspension of residential charges for items brought to the landfill and to approve the COVID-19 temporary policy changes as outlined in the human resource director's communication, with the plan to be fully functioning as of Monday, March 30, 2020, as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C

9. Receive Human Resources report from Robert McConnell, City of Bismarck Human Resources Director.
   Human resources report was provided by Keith Hunke, Bismarck City Administrator.

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

    No members of the public appeared for comment.

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

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

    No members of the public appeared for comment.

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

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

    No members of the public appeared for comment.

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

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

    Ben Ehreth, Community Development Director, presented a notation of the ordinance number change from 6411 to 6416.

    No members of the public appeared for comment.

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

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

    Ben Ehreth, Community Development Director, presented the request to the commission.

    No members of the public appeared for comment.

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

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

    Ben Ehreth, Community Development Director, presented the request to the commission.

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

16. Ratify the March 15, 2020, state of emergency declaration relating to COVID-19 by the President of City Commission and extend its effect to April 14, 2020.
Commissioner Marquardt moved to approve the request to ratify the Mayor's state of emergency and extend it to April 14, 2020 as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C

Other Business
The next regular commission meeting is April 14, 2020.

Adjourn

Meeting adjourned at 6:30 p.m.

MEETING OF THE BOARD OF CITY COMMISSIONERS

March 17, 2020

On March 17, 2020 at 5:30PM the Board of City Commissioners met via telephone, with Commissioner Marquardt present in the Mayor's Conference Room of the City/County Office Building, located at 221 North 5th Street. The purpose of the special meeting was to discuss impacts to the organization relating to the COVID-19 pandemic.

Those present included: Mayor Bakken (telephone), Commissioner Marquardt, Commissioner Zenker (telephone), Commissioner Guy (telephone), and Commissioner Oban (telephone).

Renae Moch provided an update to the Commission on the activities occurring within Bismarck-Burleigh Public Health (BBPH) beginning with March 13, 2020. Activities include the Department of Operations Center located at the BBPH building, daily briefings with staff and the North Dakota Department of Health officials, and communication efforts to share with local media and the community.

Robert McConnell provided an update on guidelines for City of Bismarck employees. The guidelines include information on personal hygiene, travel guidance, and links to the CDC website and the North Dakota Department of Health website.

Discussion was held regarding part-time employees within the organization and what factors will be evaluated to determine if these employees will be paid during interruptions in their regular work routines. Keith Hunke indicated it is too early to determine the outcome and it will need to be adjusted in the future. Mr. Hunke noted there are too many variables to determine when this issue will be addressed again; he added that information changes daily, as more is learned about the impacts of the COVID-19 virus.

Commissioner Guy questioned what will happen to employees who become ill and if the city can allow for a negative leave balance. Jannelle Combs, City Attorney, informed everyone that the City can allow for a negative leave balance, but overtime is not allowed to recoup the leave. Attorney Combs noted there is a need for guidance on how far to allow the leave balance to be below zero. Commissioner Guy directed staff to provide information on what other cities are doing and options to consider at the March 24th regular meeting.

An update was provided by Keith Hunke on how upcoming meetings will be handled. All advisory board meetings have been postponed at this time. There will only be 10 people allowed in meetings at this time, staff will be asked to help with the flow of meetings.

Department directors have been advised to attend City Commission Meetings if their department has an item on the regular agenda. In addition, for those with items on the consent agenda, they are to contact the Commissioner holding the portfolio prior to the meeting to address any questions relating to those items. Janelle Combs informed the Commission that the North Dakota League of Cities is working to coordinate with larger cities to determine guidance for public meetings. The public cannot be stopped from attending these meetings.

Commissioner Oban inquired in City Commission meetings can be cancelled. He noted, it might send a wrong message to the [public by meeting. Jannelle Combs informed the Commission that meetings can be cancelled and meetings can be held to address priority business. Commissioner Oban thinks it would be logical to cancel the March 24, 2020 meeting. It would allow for a pause until the meeting on April 14, 2020. Attorney Combs noted these are public hearings salted for the March 24, meeting which will need to be held.

With no other business the meeting adjourned at 6:55 p.m.

MEETING OF THE BOARD OF CITY COMMISSIONERS

March 18, 2020

On March 18, 2020 at 5:30 p.m. the Board of City Commissioners met via telephone, with Mayor Bakken present in the Mayor's Conference Room of the City/County Office Building, located at 221 N. 5th St. The purpose of the special meeting was to discuss impacts on the organization relating to the COVID-19 pandemic.

Those present included: Mayor Bakken, Commissioner Marquardt (telephone), Commissioner Zenker (telephone), Commissioner Guy (telephone) and Commissioner Oban (telephone).

Renae Moch updated the Commission on what is happening with the COVID-19 pandemic. Burleigh County had its first positive test on March, 17, 2020. There were two other positive tests on the same day. Morton County had two positive tests confirmed on March 18, 2020. The North Dakota Department of Health (NDDOH) is doing contract tracing work to help identify others that may be at risk of being infected with COVID-19. Bismarck-Burleigh Public Health (BBPH) is helping to support this effort. Staff will get a daily briefing from the NDDOH. Department of Operations Center through BBPH is working with the Assistant City Administrator, Jason Tomanek and Emergency Manager Gary Stockert to support messaging and operations.

Ms. Moch has been in contact with Sanford to share information and to be on the same page. She will also be reaching out to other medical providers in the community. The Board of City Commissioners will receive daily briefing from Moch. The briefing will typically take place at the end of the business day. The briefing will come after Governor Burgum's briefing at 4 p.m.

City Attorney Jannelle Combs informed the Board of City Commissioners about locking the City of Bismarck's buildings with screening for visitors coming in for business. The screening will be on a building-to-building basis. The Veterans Memorial Public Library closed Monday. A unique screening protocol will need to be developed for each building's needs.

A motion was made by Commissioner Marquardt and seconded by Commissioner Guy to approve locking the City buildings to the general public, but allowing the public to enter after screening. Upon a roll call vote, all voted aye, M/C.

The City Attorney noted that there is a need for staff to have the ability to make decisions and develop protocols, including working remotely from home to help limit the potential number of employees from becoming infected.

Attorney Combs briefed the commissioners on the task to each department director to develop plans for operations as follows:

1. Non-essential to COVID-19 operation employees to work from home.
2. Secondment of non-essential to COVID-19 operation employees to essential divisions.
3. Modify workflows and levels of service (calls going to voicemail, extending deadlines) based on staffing needs as well as prioritizing COVID-19 needs.

A motion was made by Commissioner Oban and seconded by Commissioner Zenker to give temporary authority to staff with the understanding that the portfolio holder will be notified when decisions are made and if the portfolio holder is not available, the mayor, and then the vice mayor, in that order. Upon a roll call vote, all voted aye, M/C.

The meeting was adjourned at 6:25 p.m.

MEETING OF THE BOARD OF CITY COMMISSIONERS

March 20, 2020

On March 20, 2020 at 3:30 p.m. the Board of City Commissioners met via telephone, with Mayor Bakken present in the Mayor's Conference Room of the City/County Office Building, located at 221 N. 5th St. The purpose of the special meeting was to discuss the closing of the City of Bismarck offices.

Those present included: Mayor Bakken, Commissioner Marquardt (telephone), Commissioner Zenker (telephone), Commissioner Guy (telephone) and Commissioner Oban (telephone).

Commissioner Zenker expressed his concerns about building inspectors not working and inspection services being compromised.

City Attorney Jannelle Combs provided the Commission with Bismarck-Burleigh Public Health (BBPH) requirements for anyone experiencing symptoms of the virus. The person will need to be isolated for seven days along with anyone else living in the household. After the ill person has recovered, everyone in the home will need to be quarantined for 14 days. She stated with these new guidelines, City staff could experience issues.

City Administrator Keith Hunke stated they were looking at possibly closing all City offices for one week, March 20-27, 2020. He stated they planned to reevaluate the situation on March 26, 2020.

Commissioner Guy asked if they planned on stopping government services during the proposed time.

Administrator Hunke identified the essential services that would not stop during the closure. These departments included: Fire, Police, the Central Dakota Communications Center (CenCom) and all sections of Public Works. Administrator Hunke stated there would not be a total halt of work, and that some employees will be sent home, some will work from home and some will be reassigned to other job duties.

Attorney Combs stated this plan would affect everyone working for the City and any employee could be asked to perform essential services outside of

their daily tasks. She stated that these suggestions are based on the guidelines set by the CDC to limit contamination.

Commissioner Marquardt made a motion to move forward with the recommendations provided by the Administration Department to close all City offices for one week to determine COVID-19 tasks and to re-evaluate the situation on March 26, 2020.

Commissioner Oban seconded the motion and requested there be more clarity on what staff is doing at the next commission meeting on March 24, 2020. Upon a roll call vote, all voted aye. M/C.

Administrator Hunke advised the Commission that special meetings would take place in the future if needed.

With no other business, the meeting was adjourned at 6:27 p.m.

# MEETING OF THE BOARD OF CITY COMMISSIONERS

March 28, 2020

On 3/28/20 at 11:00 a.m., the Board of City Commissioners met in the Mayor's Conference room, located at 221 N. 5th St. in Bismarck, N.D. This special meeting was held to participate in a conference call with Governor Burgum and members of the ND League of Cities regarding COVID 19 updates.

Those present included: Mayor Bakken and City Administrator Keith Hunke. Commissioner Marquardt, Commissioner Zenker, and Commissioner Guy participated via telephone. Commissioner Oban did not participate.

Governor Burgum provided introductory remarks including updated numbers regarding COVID 19 testing results, importance of social/personal distancing, and then opened the call for questions.
Questions included: request to consider relaxing some open meeting requirements in particularly that a physical location is necessary for a public meeting; request to suspend rental housing evictions; request for location information for persons testing positive to the COVID 19 virus; request for assistance for housing for homeless who are exposed/test positive to the COVID 19 virus and require isolation and/or quarantine. There was also discussion regarding the importance of keeping public transportation services running so persons could get to grocery store, pharmacy, and health care service appointments.

The conference call ended at 12:03pm.

# PERSONNEL ACTIONS FOR THE MEETING ON Apr 14, 2020

**Full-Time and Part-Time Appointments**

| | | |
|---|---|---|
| Sharp, Thomas<br>Airport Mechanic | Airport | Probationary appointment<br>@ $22.68/hr. 3/23/2020 |
| Smith, Krystal<br>Building Service Worker | Airport | Probationary appointment<br>@ $16.81/hr. 4/20/2020 |
| Bohl, Tyler<br>Engineering Technician II | Engineering | Probationary appointment<br>@ $22.51/hr. 4/1/2020 |
| Schmidt, Aaron<br>Project Engineer | Engineering | Probationary appointment<br>@ $37.03/hr. 4/6/2020 |
| Staiger, Ron<br>Doorguard/Ticket Taker/Usher | Event Center | Part time appointment<br>@ $14.00/hr. 3/8/2020 |
| Hulm, Andrew<br>Police Officer | Police | Probationary appointment<br>@ $24.24/hr. 4/13/2020 |
| Kupper, Benjamin<br>Police Officer | Police | Probationary appointment<br>@ $24.24/hr. 4/13/2020 |
| Lebeau, Briar<br>Police Officer | Police | Probationary appointment<br>@ $24.24/hr. 4/13/2020 |
| Long, Brandon<br>Police Officer | Police | Probationary appointment<br>@ $24.24/hr. 4/13/2020 |
| Pynnonen, Nickolas<br>Police Officer | Police | Probationary appointment<br>@ $28.85/hr. 4/13/2020 |
| Racciato, Riley<br>Police Officer | Police | Probationary appointment<br>@ $24.24/hr. 4/13/2020 |
| Schneider, David<br>Police Officer | Police | Probationary appointment<br>@ $24.24/hr. 4/13/2020 |
| Tokach, Tristan<br>Police Officer | Police | Probationary appointment<br>@ $25.30/hr. 4/13/2020 |

**Separations**

| | | |
|---|---|---|
| Clagett, Levi<br>Engineering Intern | Engineering | Resigned. 3/28/2020 |
| Shoyo, Chardell<br>Scanning Clerk | Finance/Assessing | Resigned. 3/16/2020 |
| Brand, Scott<br>Quartermaster | Police | Retired. 4/17/2020 |
| Klabo, Steven<br>Police Officer | Police | Retired. 4/11/2020 |
| Kraft, Isabella<br>General Laborer | Public Works | Resigned. 3/22/2020 |
| Krom, Rocky<br>Forestry Laborer | Public Works | Resigned. 3/22/2020 |
| MacDonald, Luke<br>Forestry Tech | Public Works | Resigned. 3/22/2020 |
| Markham, Gale<br>Forestry Tech | Public Works | Resigned. 3/22/2020 |

**Others**

| | | |
|---|---|---|
| Neary, Dane<br>Airport Operations Agent | Airport | Leave w/out pay<br>4/3/2020 pay period |
| Miller, Anja<br>Legal Assistant | Attorney | Withdrew from position<br>4/6/2020 |
| Decoteau, Samuel<br>Waste Service Worker | Public Works | Leave w/out pay<br>4/3/2020 pay period |
| Rohde, Elliott<br>Seasonal Waste Collector | Public Works | Salary adjustment<br>@ $15.27/hr. 4/2/2020 |

# City Administration

**DATE:** April 2, 2020

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

**ITEM:** Bismarck Human Relations Committee Appointments

**REQUEST:**

Consider appointing Kollie Flomo and Annette Martel to the Bismarck Human Relations Committee.

Please place this item on the April 14, 2020 City Commission meeting agenda.

**BACKGROUND INFORMATION:**

If confirmed by the Board of City Commissioners, Kollie Flomo's term will expire January of 2022 and Annette Martel's term will expire January of 2023.

**RECOMMENDED CITY COMMISSION ACTION:**

Mayor Bakken recommends approval of the appointment of Kollie Flomo and Annette Martel to the Bismarck Human Relations Committee for the terms specified.

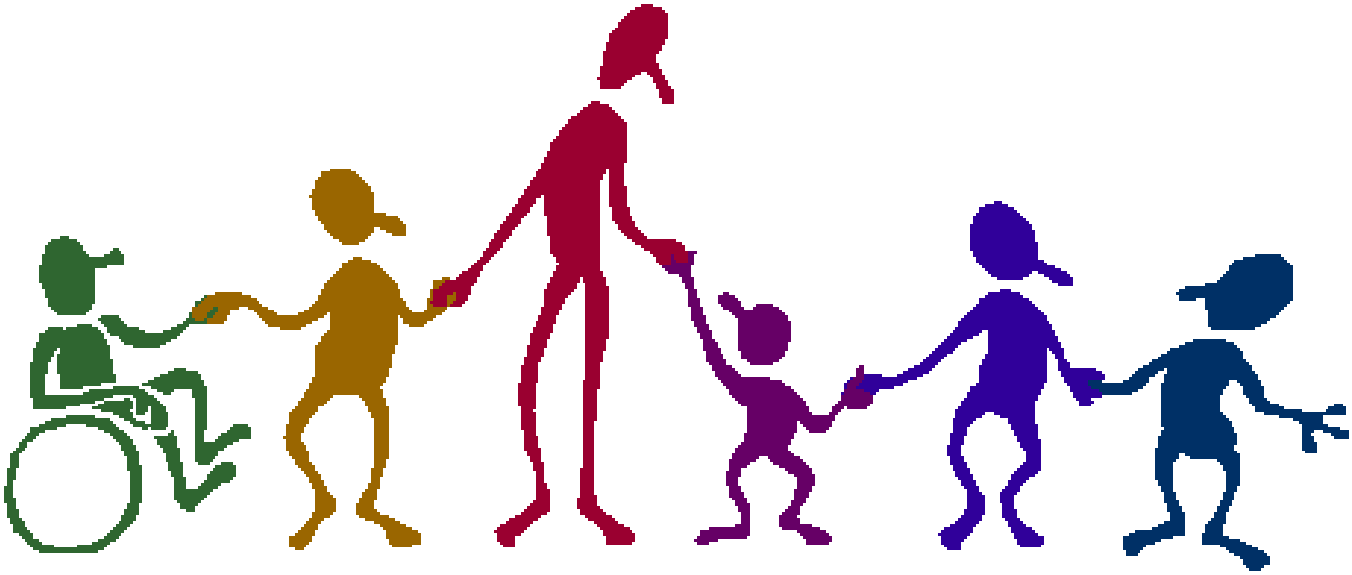
**STAFF CONTACT INFORMATION:**

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

Print

## Bismarck Human Relations Committee Application - Submission #8130

**Date Submitted: 2/15/2020**



**Name***

Kollie Flomo

**Address1**

402 West Arbor Ave. Apt #12

**City***

Bismarck

**State**

ND

**Zip***

58504

**Email**

kollieflomo97@gmail.com

**Phone***

7013908667

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**Why do you wish to serve on the Bismarck Human Relations Committee?**

I wish to serve on the Bismarck Human Relations Committee to help in executing the mandates of this committee and as well utilizing my skills and experience that will help in serving our wonderful citizens of Bismarck.

**Please tell us about yourself.**

I’m passionate about Human Relations and cultural integration for the purpose of social functionalism.
I pay key interest in constructing a holistic environment where everyone feels a part of their community and are treated with equality and fairness.

**The Bismarck Human Relations Committee meets the third Monday of each month and each member is expected to attend. Committee members are also encouraged to participate in community events. ***

By checking this box you agree to meet the attendance expectations.

☑

Print

## Bismarck Human Relations Committee Application - Submission #8067

**Date Submitted: 1/29/2020**

**Name***

Annette Martel

**Address1**

3425 Frost Ln

**City***

Bismarck

**State**

North Dakota

**Zip***

58503

**Email**

annette.martel@gmail.com

**Phone***

7015951948

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**Why do you wish to serve on the Bismarck Human Relations Committee?**

I want to be the change I wish to see in the world. Bismarck has changed a great deal in the 15 years since I moved here and it will likely continue to change. A strong and caring community is important to me and I believe that there is always more work to be done in the area of human relations. Diversity is such an all-encompassing word and I believe that diversity should be acknowledged and celebrated in all of its forms. I am lucky enough to have training and education specifically in human relations from my time in graduate school. I would like to share the insights that I have learned in a way that honors the culture and values of Bismarck.

**Please tell us about yourself.**

I have worked in higher education for about 20 years, with 15 of those years in Bismarck. My career has included work at United Tribes Technical College, Bismarck State College, University of Mary, and currently Dickinson State University's Bismarck site. My work has included a great deal of interaction with students and colleagues from diverse backgrounds. I have training as a Human Relations Facilitator from Oregon State University. My career also includes work in the non-profit sector, where I worked for Habitat for Humanity International both at its international headquarters and its midwest regional offices. During my time with Habitat for Humanity, I also served one year as an AmeriCorps volunteer. My career also includes work in professional communication, including work in the news room at the Grand Forks Herald, which was awarded the Pulitzer Prize for Public Service while I worked there. During my first several years in Bismarck, I was a member of the performance art group, Dragon Jane, whose focus was peace theatre and women's empowerment. I am currently serving my second term on the North Dakota State Commission for National and Community Service.

**The Bismarck Human Relations Committee meets the third Monday of each month and each member is expected to attend. Committee members are also encouraged to participate in community events. ***

By checking this box you agree to meet the attendance expectations.

☑

# City Administration

**DATE:** March 3, 2020

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

**ITEM:** JET Enterprises, Inc. (dba) Amici Pizza Company Application for a New Class I-2 Restaurant Beer and Wine Only Liquor License.

**REQUEST**

Introduction of and call for a public hearing on a request for a new Class I-2 Restaurant Beer and Wine Only liquor license for JET Enterprises, Inc. (dba) Amici Pizza Company.

Please place this item on the April 14, 2020 City Commission meeting agenda.

**BACKGROUND INFORMATION:**

JET Enterprises, Inc. (dba) Amici Pizza Company is applying for a Class I-2 Restaurant Beer and Wine Only Liquor License for address, 3001 Yorktown Drive.

Class I-To any restaurant applicant for a food and beverage license to sell at retail subject to the following:

Class I-2-Beer and wine only.

1. Gross sales of alcoholic beverages may not be greater than 30% of total gross sales. All Class I license holders shall file with the application for license renewal a sworn statement executed by the licensee and a certified public accountant retained by the licensee certifying that gross food sales and gross liquor sales for the previous calendar year meet the requirements of this section. The board of city commissioners may, in its discretion, 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 I 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 license is for on-sale only, and no off-sale is permitted.

3. The restaurant serves, at a tabletop, food that is prepared in a kitchen with at least an indoor grill.

4. Once a license has been established at a particular location, the license may not be transferred to another location.

5. The licensee may not permit public dances or dancing of any kind. Minors are allowed on the licensed premises only as permitted by NDCC Section 5-02-06.

6. Alcoholic beverages may be sold or served only during such times that full menu service is available.

7. For a Class I-1 that has a minimum seating capacity of 100 seats, gross sales of alcoholic beverages may not be greater than 40 percent of total gross sales of food and alcoholic beverages.

## RECOMMENDED CITY COMMISSION ACTION

Staff recommends approval of the introduction of and call for a public hearing on the request from JET Enterprises, Inc. (dba) Amici Pizza Company with the public hearing scheduled for Tuesday, April 28, 2020. Staff also recommends approval of the new Class I-2 Restaurant Beer and Wine Only Liquor License.

## STAFF CONTACT INFORMATION

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

CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/1/2019

# APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

**License Type:** Individual ☐ Corporation ☑ Partnership ☐

New Application ☑ Renewal ☐ Transfer ☐ Relocation ☐

| | | | | |
|---|---|---|---|---|
| **A**-Nationally Organized Fraternal Order or Club ☐ | **E**-Sale at Retail of Beer Only ☐ | **H**-Commercial vessels on the Missouri River ☐ | **K**-Beer and Wine at the Bismarck Event Center ☐ | **P**-Event Site ☐ |
| **B**-Airport Terminal Building ☐ | **F1**-Restaurant - Alcoholic Beverages - 55/45 Split ☐ | **I1**-Restaurant - Alcoholic Beverages - 70/30 Split ☐ | **L**-Beer & Wine at Parks & Recreation Locations ☐ | **Q**-Restaurant On-Sale and Off-Sale Wine ☐ |
| **C**-Hotel or Motel Full Service ☐ | **F2**-Restaurant - Beer/Wine Only - 55/45 Split ☐ | **I2**-Restaurant - Beer and Wine Only - 70/30 Split ☑ | **M**-Catered Retail Beer, Wine, & Liquor ☐ | **R**-Commercial Airline ☐ |
| **C2**-Hotel or Motel ☐ | **F3**-Restaurant - Beer Only - 55/45 Split ☐ | **I3**-Restaurant - Beer Only - 70/30 Split ☐ | **N**-Domestic Winery ☐ | **S**-Beer Arcade ☐ |
| **D**-Sale at Retail of Alcoholic Beverages ☐ | **G**-Concession Bismarck Municipal Country Club ☐ | **J**-Non-profit Organization Club or Establishment ☐ | **O**-Microbrewery ☐ | **T**-Senior Living Community ☐ |

**Location Information:**

| | | | | |
|---|---|---|---|---|
| Name of Partnership or Corporation: JET Enterprises | | | Date of Incorporation: August 29, 2018 | State Business ID Number: 45.790.400 |
| Name of business for which license is requested (DBA): Amici Pizza Company | | | If out of state corporation, is corporation registered in North Dakota? Yes ☑ No ☐ | |
| Location Address: 3001 Yorktown Dr S | City: Bismarck | State: ND | Zip: 58503 | Phone Number: (701) 516-3585 |
| Owner of Building or Premises: Sam and Ben Turnbow | | | | |

**Correspondence Information (Where correspondence is to be sent):**

| | | | |
|---|---|---|---|
| Primary Contact: Jeffrey Buchholtz | Phone Number: 701 516-3585 | Email Address: jpbuchholtz@q.com | |
| Mailing Address: 1735 North 7th Street | City: Bicmarck | State: ND | Zip: 58501 |

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

| | | | | |
|---|---|---|---|---|
| **Manager's Name:** Todd Surdez | | | Date of Birth: 10/20/1967 | Race: Caucasion |
| Driver's License Number: SUR-67-3637 | | | State Issued: ND | Gender: Male |
| Home Address: 6926 Horseshoe Bend | | City: Bismarck | State: ND | Zip: 58503 |
| Occupation: Owner/Manager | Phone Number: 605-295-2442 | Title: COO | Email Address: todd.amici@gmail.com | |

| | | | | |
|---|---|---|---|---|
| **Name:** Jeffrey Buchholtz | | | Date of Birth: 10/29/1969 | Race: Caucasion |
| Driver's License Number: BUC-69-5633 | | | State Issued: ND | Gender: Male |
| Home Address: 1735 North 7th Street | | City: Bismarck | State: ND | Zip: 58501 |
| Occupation: Sales | Phone Number: 701-516-3585 | Title: CFO | Email Address: jpbuchholtz@q.com | |

| | | | | |
|---|---|---|---|---|
| **Name:** Eric Ahmann | | | Date of Birth: 7/27/1978 | Race: Caucasion |
| Driver's License Number: AHM-78-9172 | | | State Issued: ND | Gender: Male |
| Home Address: 2212 LaCorte Loop | | City: Bismarck | State: ND | Zip: 58503 |
| Occupation: Sales | Phone Number: 701-204-8324 | Title: CEO | Email Address: eahmann@hotmail.com | |

| | | | | |
|---|---|---|---|---|
| **Name:** | | | Date of Birth: | Race: |
| Driver's License Number: | | | State Issued: | Gender: |
| Home Address: | | City: | State: | Zip: |
| Occupation: | Phone Number: | Title: | Email Address: | |

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

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents o the United States? Yes ☑ No ☐ If not, please explain:

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

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

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

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

Eric Ahmann and Todd Surdez have managed restaurants which sold alcoholic beverages. Jeff Buchholtz managed off-sale liquor store previously

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

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another? Yes ☐ No ☑ If yes, please give details:

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

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

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?
Yes ☐ No ☑ If yes, please give details:

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

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

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

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

North Dakota
State of

Burleigh
County of

Signature of Applicant

JEFFREY PAUL BUCHHOLTZ
Print Name

**License transfers require signatures from both parties.**

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

Signature of Current Owner of Liquor License

Signature of Applicant

KRYSTALL ATKINSON
Notary Public
State of North Dakota
My Commission Expires Dec 12, 2021

Subscribed and sworn to before me this 26th

day of March, 2020

Krystall Atkinson
Notary Public

Note: Each application needs to be signed and notarized.

## Restaurant Requirements:

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

## Liquor License Site Diagram Requirements:

□ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size. There shall be one-inch margin left clear on all edges of the diagram.

□ The licensed area shall be identified within the margins.

□ The agency name shall be included on the diagram.

□ The direction "North" shall be included on the diagram.

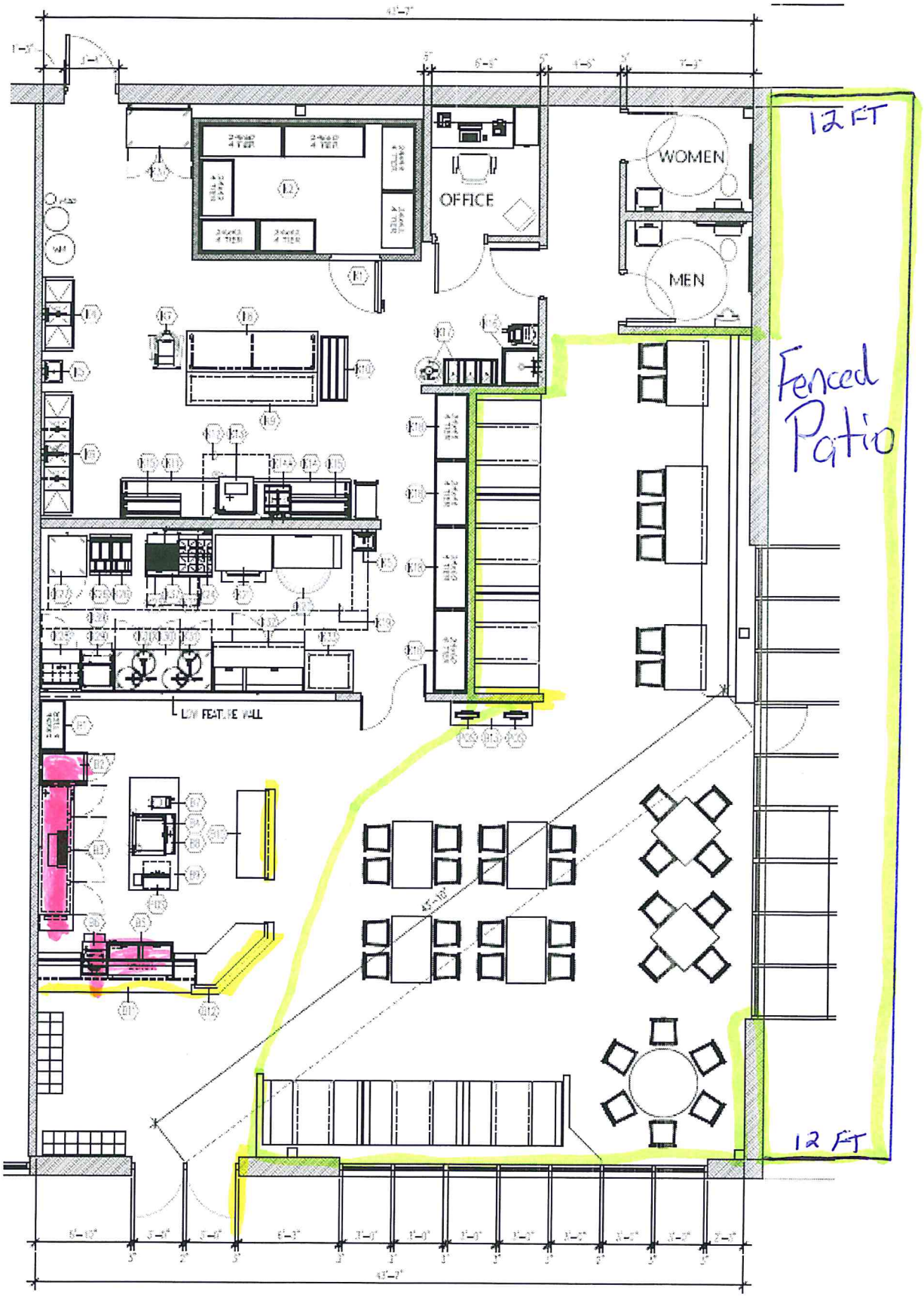
□ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.

□ The diagram may be hand drawn, but it must be neat and reasonably accurate. Do not submit copies of construction blueprints.

□ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

□ Do not use reference or hi-lite markers to identify areas as they do not reproduce when copied.

Alcohol SERVING AREA (Seating)
Alcohol STORAGE and Dispensing Area
SOLID HALF WALLS




TENANT SPACE

← Z

Bismarck

# Airport

**DATE:** April 1, 2020

**FROM:** Gregory B. Haug, Airport Director

**ITEM:** Consider request for sale of surplus/obsolete items at Police Auction.

**REQUEST**

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

The surplus/obsolete items list is at Enclosure 1.

**RECOMMENDED CITY COMMISSION ACTION**

Approve sale of surplus/obsolete items at Police Auction at Enclosure 1.

**STAFF CONTACT INFORMATION**

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

Enclosure

1. List of surplus/obsolete items

Airport

# 2020 City Auction Item List (no vehicles)

Section (if applicable):

| Auction Tag # | Quantity | Property Description | Serial # | License # | City ID # | Amount Paid | Bidder # |
|---|---|---|---|---|---|---|---|
| 2500 | 5ea | 275 gal totes | | | | | |
| 2501 | 5ea | 275 gal totes | | | | | |
| 2502 | 5ea | 275 gal totes | | | | | |
| 2503 | 5ea | 275 gal totes | | | | | |
| 2504 | 5ea | 275 gal totes | | | | | |
| 2505 | 10ea | 8ft misc length rolls chain link fence | | | | | |
| 2506 | 10 ea | 8ft misc length rolls chain link fence | | | | | |
| 2507 | 1 | Air compressor model 2475, 80 gal tank, manf. All Equipment | | | | | |
| 2508 | 1 | Booth with tables 2 back to back, 2 singles | | | | | |
| 2509 | 1 | All purpose beverage cooler model CTF2-1 | | | | | |
| 2510 | 1 | electronic cash register SAMS model ER-5215M | | | | | |
| 2511 | 1 | Turbo Air cooler Model TGM-5R | | | | | |
| 2512 | 1 | Minuteman Porta Scrub Model M12110 | | | | | |
| 2513 | 1 | Aeroprint Time clock Model 150 ER3 | | | | | |
| 2514 | 1 | Walmart microwave Model EM720CGA-PMR | | | | | |

ENCL 1

Contact Person:

Bismarck

Airport

**DATE:** April 8, 2020

**FROM:** Gregory B. Haug, Airport Director

**ITEM:** Consider deferral of airport rents and fees.

**REQUEST**

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

Bismarck Airport has received numerous requests from airlines and tenants for abatement and/or deferral of rents and fees. The Federal Aviation Administration (FAA) has released guidance related to deferral of rental payments or other fees (Enclosure 1). FAA guidance generally states that deferral of rental payments and or fees if adequately justified, is not likely to violate FAA's Grant Assurances.

Like all commercial airports in the United States the major sources of revenue that sustain Bismarck Airport dwindled because of the effects of COVID 19 pandemic. Bismarck airline activity has leveled out at about 5-10% of the passenger activity as compared to last year (Enclosure 2). Airlines continue to serve BIS, but with a daily flight schedule that is less than 30% compared to last year and the number of flights changes daily. The parking lot stands nearly empty and rental car companies are renting only 2-3 cars per day. The economic relief package passed recently by Congress, the CARES ACT, will provide airports with some grant funding to maintain a revenue stream needed to continue operations. One grant will be based on our 2018 passenger enplanements and is estimated to be $4.10 - $4.20 per passenger. We are estimating this amount at approximately $1.2 million. These funds can be used by the airport sponsor "for any purpose for which airport revenues may be lawfully used". Another grant will be increasing the federal share of our 2020 FAA Airport Improvement project funding from 90 to 100%. FAA is working to distribute the funds by the end of April. Similarly, airlines are being provided with federal grants and loans as relief to allow them to continue operations. We just don't know as much about this program at this point in time.

Below we'll describe to you the tenants and concessionaires that have been hit the hardest by the lack of passenger activity due to COVID 19 Pandemic and share their requests and our recommendations for some temporary relief from rents, fees and charges.

Airline rent and fee deferral:
Airlines have requested deferral of rents and other fees. Each airline request has its own specifics but the theme has been deferral of rents to help them retain cash needed to operate. This subject has been discussed numerous times on our daily American Association of Airport Executives (AAAE) conference calls as well as conference calls with the 8 commercial airports in North Dakota. We learned that Fargo, has deferred three months of fees (April-June 2020) and will begin collecting fees again in July and will add 1/6 of the deferred amount to their airlines monthly bill for the remaining 6 months of 2020 so they pay off the deferral balance by the end of the year. We understand this was well received by the airlines as their immediate issue is cash flow. We believe this is a good model to follow as it provides our airline partners with the requested relief, meets FAA guidance and collects the deferred fees within the City fiscal year.

We recommend a three-month deferral of airline fees and charges for April, May & June, with a repayment of 1/6 of the total deferred amount each month starting in July 2020 and continuing until the end of the year.

FBO rent and fees:
Most tenants pay rent on an annual basis and will not pay rent again until September. However, the Fixed Base Operators (FBOs) pay parcel rent monthly for their buildings and fuel farm. FBOs also pay the airport a flowage fee of $0.03-$0.05 per gallon for fuel uplifted into aircraft. FBO income has also dropped dramatically. We have heard from one FBO who said they would be appreciative of a temporary deferral. Staff believes it may behoove us to consider a similar plan of deferral of rents similar to what we are proposing to do for airlines with our two FBO's to help them get through their cashflow difficulties.

We recommend a deferral of FBO parcel rent for three months (April, May & June) with payback of 1/6 of the total deferred amount each month starting in July 2020 until the end of the year. No deferral of flowage fees is recommended since payment is only required for fuel that is sold.

Concessionaires:

Faber – The Junction
Even with a 90 – 95% reduction in passenger activity (less than 100 each day) our Food and Beverage concessionaire is still staying open, providing service in the boarding area but making very little revenue. Faber sent a letter "requesting consideration of a temporary cessation of Minimum Annual Guarantee (MAG) until our industry can return to normalcy."

Staff recommends affirming Faber's request for discontinuing the Minimum Annual Guarantee (MAG) for four months; March, April, May & June, 2020. Faber will still pay its percentage rent for all sales in the three distinct areas (food, retail & beer/wine).

Clear Channel (Airport Advertising):
Clear Channel sent a letter stating, "we respectfully request eliminating any contractual minimum annual guarantee (MAG) effective March 1, 2020, continuing on a month-to-month basis until such time as the national emergency is lifted and passenger traffic volume normalizes. Any MAG amounts previously paid for March or April 2020 will be offset against future percentage rent payments." Staff recommends approving Clear Channel's request and discontinuing the Minimum Annual Guarantee (MAG) for four months; March, April, May & June, 2020.

Corner Cafe
The Coffee Kiosk on the first floor has closed for two weeks until early April. They are concerned about bringing the virus into the home where they have high risk category family members. They had virtually no sales prior to closing which contributed to the decision to close. Corner Café pays a $50 minimum rent each month and a percentage of sales. Staff recommends the minimum rent be suspended and only percentage of sales is paid through June, 2020.

Reef Parking (formerly Republic Parking)
The parking lot occupancy has dwindled over the last several weeks to a point where we are only carrying about 100 cars in the lot on a daily basis. The Normal daily car count is 800 to 900 during this time of year but can peak out at over 1,100 on any one day. This is severely degrading their daily and monthly cash flow. Don Barrett from Reef Parking sent a letter requesting relief from the monthly payment of the Minimum Annual Guarantee (MAG) in their contract so they would just pay the percentage fees on actual parking activity until the situation recovers. Staff recommends approving Reef Parking's request and discontinue the Minimum Annual Guarantee (MAG) for four months; March, April, May & June, 2020.

Car Rental Concessionaires
The car rental agencies are different in that their agreements have specific terms addressing a decline in passenger activity. We are following this language directly IAW the agreement. Article 4.B.3.a states: "Decline in Passenger Count. If, for any reason, the number of passengers deplaning on scheduled airline flights at the Airport during any monthly period (the "Passenger Count") shall be lower than 85% of the Passenger Count for the same month of the immediately preceding contract year (for the first contract year, 85% of the Passenger Count for the same month of the year immediately preceding the first contract year), the Minimum Annual Guarantee shall be abated and only the Concession Fee of 11.5% will be due during the period of abatement;"

The Car Rental MAG has suspended IAW their agreements until passenger enplanements reach the contract threshold. We recommend no deferral of other fees.

The Airport is recommending deferment rather than abatement/forgiveness of airline rents and fees because the airline industry was included in the CARES Act relief package passed by congress where airlines can receive grants and loans to help them through their financial hardship. Both the airlines and the airports are still waiting for

the final rules of implementation on these relief programs. As for the FBO's we're recommending rent deferment at this time because we do not know if they will get included in a future relief package. The concessionaire are a little different because they pay a percentage of their gross sales as rent, so deferring the MAG payments just gives them a financial break during the worst of the downturn in activity. When the activity comes back, their payments to the airport will go up with the increases in activity and their overall sales. We also understand that currently the concessionaires only federal relief is set and in the form of low interest loans from the Small Business Administration. We do not know of any direct monetary relief going to them right now, as compared to the airlines, so we are recommending one extra month of MAG relief for the concessionaires. These recommendations provide some financial relief to the airport tenants that have direct ties to aeronautical activity.

## RECOMMENDED CITY COMMISSION ACTION

Approve the following actions:

1. Airlines: Defer three months of rent and fees (April-June 2020) and begin collecting fees again in July and add 1/6 of the total deferred amount for each airline to their monthly bill for the remaining 6 months of calendar year 2020.

2. FBO's: Defer three months of parcel rent (April-June 2020) and begin collecting rent again in July and add 1/6 of the total deferred amount for each FBO to their monthly bill for the remaining 6 months of calendar year 2020.

3. Food and Beverage Concessionaire (Faber): Approve suspension of Minimum Annual Guarantee requirements for four months; March through June, 2020.

4. Clear Channel Airports: Approve suspension of Minimum Annual Guarantee requirements for four months; March through June, 2020.

5. Corner Café: Approve suspension of $50 monthly minimum and apply only percentage of sales through June 30, 2020.

6. Reef Parking: Approve suspension of Minimum Annual Guarantee (MAG) requirements for four months; March through June, 2020.

7. Car Rental's: Affirm Airport Administrations suspension of the Minimum Annual Guarantee (MAG) in accordance with their lease agreement language.

## STAFF CONTACT INFORMATION

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

Enclosure

1. FAA guidance letter dated April 4, 2020.
2. Graph of passenger decline.

April 4, 2020

# Federal Aviation Administration

## Information for Airport Sponsors Considering COVID-19 Restrictions or Accommodations

### PURPOSE

This document addresses common issues that have arisen or may arise for airport sponsors during the response to the COVID-19 public health emergency. The Federal Aviation Administration (FAA) Office of Airports will evaluate specific requests regarding restrictions or accommodations on a case-by-case basis. The FAA retains maximum flexibility to consider unique circumstances during this public health emergency.

The FAA separately has published frequently asked questions (FAQs) related to the approximately $10 billion in grants for airports under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

### BACKGROUND

The FAA has been receiving inquiries from airport operators about their authority to implement a range of restrictions, changes in operations, terminal service consolidations, and other responses to the COVID-19 public health emergency. Many of these inquiries reflect interest in facilitating social distancing or adapting to a reduced level of activity at the airport.

The FAA's primary concern is that federally obligated airports remain safe and open to the traveling public and aircraft. Particularly during this public health emergency, airports play an essential role in transporting medical and emergency equipment and personnel. The FAA continues to expect all airports to operate safely and stay open.

### APPLICABILITY

The guidance here is not legally binding in its own right and will not be relied upon by the FAA as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with this guidance, as distinct from existing statutes, regulations, and grant assurances, is voluntary only, and nonconformity will not affect existing rights and obligations.

### ISSUES

**Closing airports**: All proposed closing of airport access (i.e., passenger and aircraft access) must be approved in advance by the FAA. As noted in Compliance Guidance Letter, 2020-01, in general, the FAA does not permit temporary closure or restriction of federally obligated airports for non-aeronautical purposes. An airport sponsor must obtain FAA approval to allow airport closure for a non-aeronautical purpose. (Grant Assurance 19 and 49 U.S.C. § 47107(a)(8)). Grant Assurance 19



Enclosure 1.

further requires that airport sponsors will not cause or permit any activity or action on the airport that would interfere with its use for airport purposes. This includes all airport structures and operational areas. If a proposed action suspends or closes an international Port of Entry, then the sponsor may also need approval from Customs and Border Protection (CBP).

**Prohibiting certain flights (e.g., certain locations, types of aircraft, and types of operations)**: As is normally the case, actions such as these may violate Federal law and the airport's grant assurances, unless approved in advance by the FAA (and, in some cases, the Office of the Secretary of Transportation (OST) as well). To seek such approval, the airport sponsor should contact the applicable FAA Airports District Office to discuss the matter.

**Requiring flights to land at certain airports for screening**: All such requests would ordinarily require prior FAA approval under Grant Assurances 19 and 22 and related statutes. Usually, these restrictions would likely constitute an unreasonable restriction on access; however, FAA has discretion to consider such requests and recognizes the exceptional situation presented by this public health emergency. Depending on the circumstances, such requests might be deemed as reasonable restrictions on access. However, even where FAA is amenable to such a temporary condition, the airport will need to coordinate with OST with regard to requiring route changes, and with CBP if the action appears to suspend or close an international Port of Entry.

**Closing of sections of the airfield to allow for aircraft parking**: Airports should avoid overflow parking of aircraft on runways except as a last resort. If overflow parking of aircraft is needed, airports should first consider using gates, aprons, and non-movement areas. Airports should also consider suggesting that aircraft owners contact other nearby airports where there may be additional aircraft parking capacity. Based on the location(s) selected, the sponsor must be able to respond with aircraft rescue and firefighting (ARFF) capability and provide required notice. In all cases, operators of airports in the National Plan of Integrated Airport Systems should work with local air traffic facilities (if present) to develop a safe and reasonable parking plan and share that information with their servicing FAA Airports District Office, local FAA Air Traffic Manager, and FAA's Flight Standards Service. For part 139 certificated airports, see Cert Alert 20-02 – Temporary Parking of Overflow Aircraft (updated March 24, 2020).

**Closing restaurants or other retail activities in the terminal**: From FAA's perspective, the closing of restaurants, retail stores, or other non-aeronautical functions in a terminal is not likely to violate FAA grant assurances, particularly if driven by public health measures or reduced clientele, and especially if based upon restrictions applicable to all business entities within the jurisdiction. However, airports should coordinate with the FAA Office of Civil Rights with regard to Airport Concession Disadvantaged Business Enterprise regulations.

**Closing gates or sections of terminals**: In coordination with airport sponsors, airlines, the Transportation Security Administration (TSA), and other entities, closing gates or sections of terminals is likely to be acceptable if the closure is executed in response to reduced passenger volumes and operations, is not discriminatory, and does not provide an unfair competitive advantage to one operator. For example, TSA has reduced lanes or consolidated passenger screening checkpoint operations in numerous airports in response to the reduction in originating passenger volume.

**Allowing terminals to be used for sheltering of people**: This is likely to be acceptable if it does not interfere with necessary airport access and security for the traveling public and aircraft operations.

**Screening or quarantining passengers boarding or exiting planes**: State, local, or territorial public health officials may want to screen or quarantine passengers. In most cases, this is likely to be acceptable as long as passengers are not being categorically refused access to air transportation (e.g., through unapproved blanket closures). Airlines may refuse transportation to a passenger because of a communicable disease if the passenger's condition poses a direct threat to the health or safety of others. Care must also be taken in coordinating with airport sponsors, airlines, TSA, airport law enforcement, and other entities on when, where, and how your government conducts this screening and quarantining, with a goal of minimizing burden and maximizing flexibility for operations. Effort also should be made to minimize undesirable queueing or the formation of large groups of passengers.

**Rent abatement / minimum annual guarantee**: A decision to abate rent (including "minimum annual guarantees" and also encompassing fees) is a local decision. Rent abatement should be tied to the changed circumstances caused by the public health emergency, and done in accordance with Grant Assurances 22 and 24, as well as related statutes. Where abatement results in shifting costs between various classes of airport tenants and users, the airport sponsor is encouraged to consult with all affected parties and implement a consensus approach if possible.

If a sponsor (or airport tenant, whether aeronautical or non-aeronautical) desires to renegotiate rent, a reasonable basis for such an action might be established if the underlying basis for such rent has temporarily declined or materially altered due to COVID-19. In such circumstances, the offer of accommodation in the form of rent abatement is not barred by the grant assurances as long as it is reasonable under the circumstances and reflects the decline in fair market value, loss of services, and/or changes to volume of traffic and economy of collection.

Sponsors considering such relief are encouraged to consider the business situation of the tenant; the changed circumstances created by the public health emergency; the desirability of having solvent tenants that can resume normal operations when the emergency ends; the availability of other governmental or insurance relief that such entities have or may receive; an appropriate term for such relief; and possible subsequent conditions that, if triggered, would end the abatement. Such a condition could be the receipt of other governmental forms of relief; insurance recovery, if any; or an end to the emergency.

As noted above, where sponsors have residual lease arrangements with aeronautical users, the reduction of rent for certain non-aeronautical entities may shift costs to the aeronautical users such as airlines. Achieving the appropriate balance between these users is a local responsibility that should be managed in consultation with all affected parties. If rent abatement to non-aeronautical users results in an increase to aeronautical rates, that is not necessarily an impediment from a grant assurance perspective, but the aeronautical rates must remain reasonable. For any actions that reallocate costs, FAA encourages sponsors to carefully balance and consider the equities between all airport users. Additionally, the sponsor is encouraged to consult with all affected parties before making its decision and reach a consensus where possible.

Apart from any Federal obligations, the FAA also recommends that airport sponsors consult their lease agreements to understand their discretion to act, particularly in a residual methodology context. Airport sponsors should also examine any bond covenants to identify any potential restrictions that may exist.

**Deferral of rental payments or other fees**: In cases where bond restrictions or other conditions may prevent airports from offering rent abatements, the deferrals of rents and/or fees may be possible. The terms and interest rates applied should be reasonable and applied fairly to similarly situated businesses. Deferral of rental payments and or fees, if adequately justified, is not likely to violate FAA's grant assurances. A primary goal of the statutory sustainability principle is to keep the airport solvent to ensure that the airport can remain open and operate safely. If a deferral exceeds an annual reporting period, interest should be charged based on Treasury note interest rates beginning the date of the deferral and reported on FAA Form 127. FAA anticipates issuing guidance regarding how such interest should be reported on Form 127. Neither airports nor the FAA have the legal authority, however, to allow air carriers to defer the remittance of collected Passenger Facility Charge (PFC) revenues.

**Sponsor's request for reducing hours of operation**: If contemplated, it is important that any such proposed action be part of implementing a legitimate public health initiative related to COVID-19. At a minimum, to the extent considered, such an action would require FAA to examine whether it would result in an undue hardship on emergency response or otherwise unjustly discriminate against a specific user of the airport. Finally, FAA is unlikely to approve any such reductions that would restrict either government or emergency operations.

**Sheltering-in-place impacts on airport personnel**: Because airports are essential in transporting emergency and medical supplies and personnel during emergencies, a critical number of airport and Federal employees should be designated as essential to ensure the continuity, safety, and security of airport operations. Also, airport law enforcement should be informed to facilitate their access to airport and airport facilities. This is particularly true for part 139 certificated airports, which require minimum personnel to meet requirements of the regulation. In addition, the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency has issued guidance that specifically identifies airport operations personnel as part of the "Essential Critical Infrastructure Workforce" who should not be impeded from their efforts to keep airports safe and operational.

**Recreational aeronautical restrictions**: Certain States have issued COVID-19 restrictions on activities they deem "non-essential," including certain aeronautical activities such as flight schools and sky diving. With the goal of keeping airports open to ensure access for the traveling public, emergency and medical equipment and supplies, and emergency transportation, FAA does not object to *temporarily* limiting recreational aeronautical activities that are covered by such restrictions. However, the activities limited by a sponsor should be limited to those falling within the scope of a public health measure by an authority whose jurisdiction covers the airport's geographic area (e.g., a State or local government).

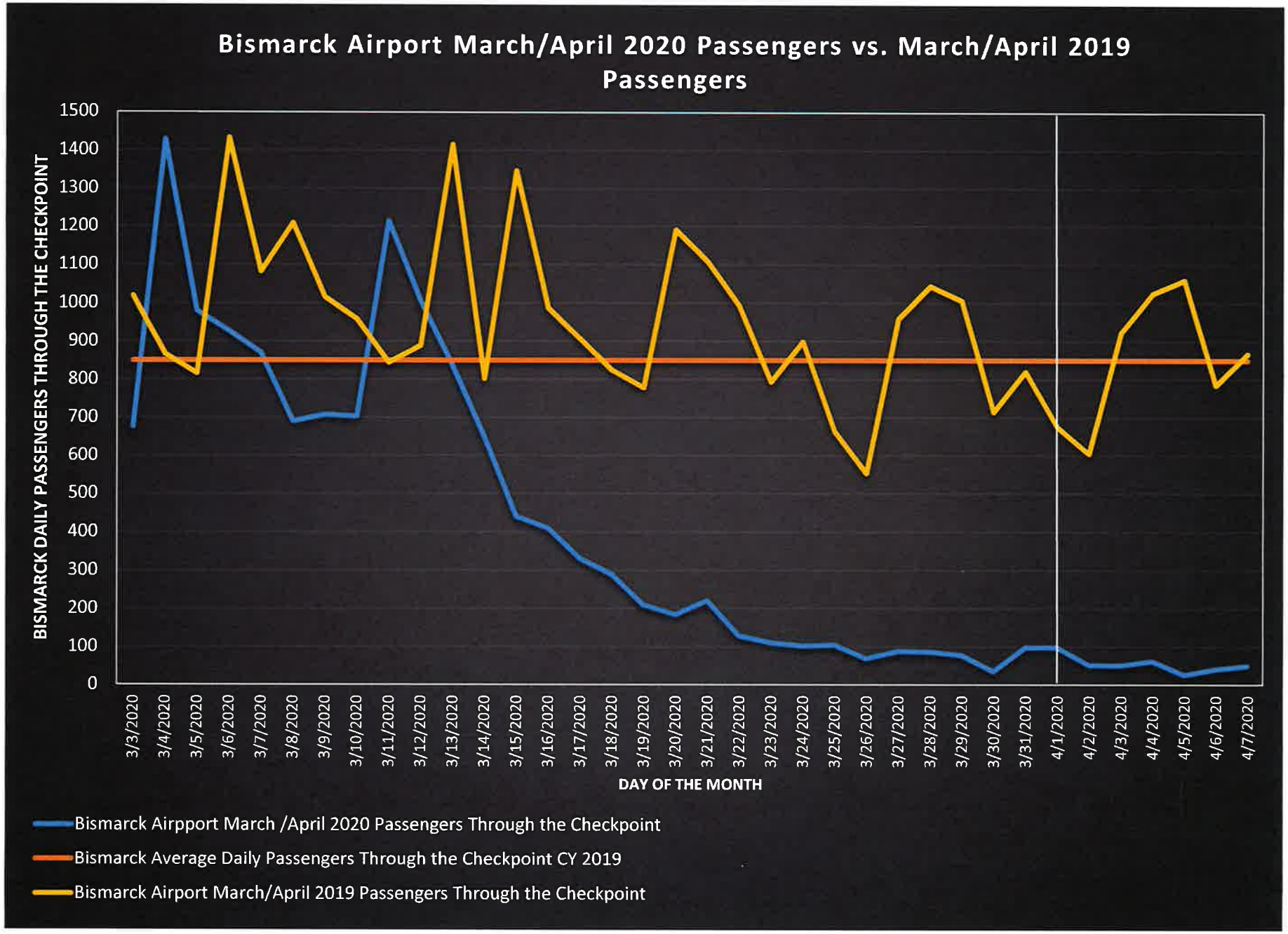
**Prohibiting flights from "hotspot" areas**: Prohibiting flights from "hotspots" or areas of high levels of contagion generally is not acceptable. However, a jurisdiction may choose to consider its authority to impose public health screening or quarantine for passengers entering the jurisdiction.

The FAA has published guidance for consideration when implementing quarantine, screening, or movement restrictions that impact air transportation.

**Sponsor's use of airport employees for public health screening**: The use of airport employees for public health screening is generally not considered a proper use of airport revenue. Federal law requires that airport revenues be used for capital or operating costs of the airport. The FAA defines airport revenue broadly to include those revenues paid to or due to the airport proprietor for use of airport property by aeronautical and non-aeronautical users of the airport. It also includes revenue from the sale of airport property and resources and revenue from State and local taxes on aviation fuel. In the context of this emergency, it is generally permissible for airports to allocate terminal or office space for public health screening, follow-up screening, retention, and storage space for medical supplies, since these uses support services that relate to air transportation.

## CONCLUSION

Airports should be cognizant of, and assume the responsibility for, the implications of their proposed actions in response to COVID-19. Considerations include, among others: (1) coordination with the FAA, (2) coordination with other Federal, State, or local agencies as needed, including airport law enforcement or local law enforcement entities serving the airport; (3) understanding of applicable Federal obligations, (4) impacts on aeronautical use and airport infrastructure; (5) impact on the safe and efficient functioning of air traffic and the National Airspace System; (6) communications and notice requirements; (7) evolving safety and security requirements; (8) the need to document actions; (9) plans for following up on or amending actions as the situation evolves; and (10) the impact to emergency services that rely on air transportation.


Bismarck Airport March/April 2020 Passengers vs. March/April 2019 Passengers
BISMARCK DAILY PASSENGERS THROUGH THE CHECKPOINT
1500
1400
1300
1200
1100
1000
900
800
700
600
500
400
300
200
100
0
3/3/2020
3/4/2020
3/5/2020
3/6/2020
3/7/2020
3/8/2020
3/9/2020
3/10/2020
3/11/2020
3/12/2020
3/13/2020
3/14/2020
3/15/2020
3/16/2020
3/17/2020
3/18/2020
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3/24/2020
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3/26/2020
3/27/2020
3/28/2020
3/29/2020
3/30/2020
3/31/2020
4/1/2020
4/2/2020
4/3/2020
4/4/2020
4/5/2020
4/6/2020
4/7/2020
DAY OF THE MONTH
Bismarck Airpport March /April 2020 Passengers Through the Checkpoint
Bismarck Average Daily Passengers Through the Checkpoint CY 2019
Bismarck Airport March/April 2019 Passengers Through the Checkpoint

Enclosure 2

# City Attorney

**DATE:** April 6, 2020

**FROM:** Jannelle Combs, City Attorney

**ITEM:** State of Emergency Declaration ratification

## REQUEST

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

Please place this item on the 4/14/2020 City Commission consent meeting agenda.

## BACKGROUND INFORMATION

The March 15, 2020, emergency declaration lapses April 14, 2020. I believe that the COVID-19 emergency will remain, and Mayor Bakken will sign a new declaration April 14, 2020. Bismarck City ordinance 2-08-03 provides that the President of the City Commission can declare a local state of emergency. The emergency declaration will exist for a period not to exceed 15 days, unless the City Commission ratifies the declaration within the 15-day period. If it is ratified, it is then valid for another 15 days. The declaration must be provided to all of the Commissioners and media upon signature on April 14th.

## RECOMMENDED CITY COMMISSION ACTION

Ratify the April 14, 2020 state of emergency declaration relating to COVID-19 by President Bakken and extend its effect to May 14, 2020.

## STAFF CONTACT INFORMATION

Jannelle Combs | City Attorney, 355-1340 or jcombs@bismarcknd.gov

# NEWS RELEASE

**For Immediate Release:**
April 14, 2020

**For More Information, Contact:**
Gloria David
Public Information Officer
Phone: 701.355.1306
E-mail: gdavid@nd.gov

**COVID-19 EMERGENCY DECLARATION,**
**CITY OF BISMARCK, NORTH DAKOTA**

Bismarck, N.D.

WHEREAS, COVID-19 is a severe respiratory illness, caused by the SARS-CoV-2 virus, a new strain of coronavirus that is spread from person to person, posing a threat to the health and safety of the residents of the City of Bismarck; and

WHEREAS, no drug or vaccine is currently available to treat or prevent COVID-19; and

WHEREAS, United States Department of Health and Human Services Secretary Alex Azar declared a national public health emergency for COVID-19 on January 27, 2020; and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of a national emergency due to the growing COVID-19 crisis in the United States; and

WHEREAS, on March 13, 2020, Governor Doug Burgum issued a declaration of a state emergency in response to the public health crisis resulting from the novel coronavirus (COVID-19);

WHEREAS, on March 15, 2020, the City of Bismarck declared a disaster emergency, which was ratified by the City Commission and extended to April 14, 2020, but such emergency still exists,

WHEREAS, Bismarck City Ordinance 2-08-03 provides that the President of the Commission has the power to declare a local disaster emergency, and

WHEREAS, preparedness, response and recovery from the COVID-19 virus requires a whole-of-government and whole-of-community approach across all governments as well as private and nonprofit sectors, and the virus has the risk of substantially endangering the health, safety and property of the citizens of Bismarck.

NOW, THEREFORE, BE IT RESOLVED, that the President of the Board of City Commissioners does declare a state of disaster emergency exists in the City of Bismarck, North Dakota in response to the public health crisis resulting from the novel coronavirus (COVID-19).

DATED at Bismarck, North Dakota this 14th day of April, 2020.

_____

Steve Bakken, President
City of Bismarck Commission

Bismarck

# Community Development Department

**DATE:** April 7, 2020

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

**ITEM:** FY2021 Section 5310 Grant Application – Mobility Manager

## REQUEST

The Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, requests approval to submit a FY2021 Section 5310 Grant application. The Federal Transit Administration funding is administered by North Dakota Department of Transportation (NDDOT), Transit Division, and is being made available to urban and rural transit providers. The deadline for application submittals to NDDOT is May 1, 2020.

The total grant amount requested is $17,824 with a local match of $4,456 to be provided by Bis-Man Transit. The application is requesting Mobility Manager funding to help cover the expense of marketing the transportation options to the community, train potential riders and agencies on the use of the services and cover the eligibility paperwork that is involved in the process. This is an existing position. The total local match amount for the project will be provided solely by Bis-Man Transit derived from local funding obtained from local mill levies.

Please place this item on the April 14, 2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

Section 5310, Enhanced Mobility of Seniors & Individuals with Disabilities Program, provides financial assistance for capital purchases and operating assistance for transportation services planned, designed and carried out to meet the special transportation needs of the elderly and persons with disabilities. The Section 5310 program defines Mobility Manager salary as a capital project expense.

## RECOMMENDED CITY COMMISSION ACTION

Consider and approve the request to submit a FY2021 Section 5310 grant application to North Dakota Department of Transportation.

## STAFF CONTACT INFORMATION

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

Steve Saunders | MPO Executive Director, 355-1848 or ssaunders@bismarcknd.gov

Kim Riepl | Transportation Specialist, 355-1844 or kriepl@bismarcknd.gov

NORTH Dakota | Transportation

Be Legendary.™

| FY2021 - Section 5310 – Enhanced Mobility of Seniors & Individuals with Disabilities | | |
|---|---|---|
| Agency Name | **Bis-Man Transit Board** | |
| Agency Contact | **Roy Rickert** | Phone: **701-258-6817** |
| DUNS # | **83-441-0987** | |

Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities Program goal is to ***improve mobility for older adults and persons with disabilities throughout the country.*** Under 49 U.S.C. 5310 funding provides financial assistance for capital purchases and operating assistance for transportation services planned, designed and carried out to meet the special transportation needs of older adults and persons with disabilities in all small urban and rural areas. The program requires coordination of federally assisted programs and community services in order to make the most efficient use of federal resources.

The entire Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program is further explained in FTA Circular 9070.1G, located on the FTA website at:

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/C9070_1G_FINAL_circular_4-20-15%281%29.pdf

**Please Note:**

- Capital project requests will require a minimum of **20% Local Match**.
- Mobility Manager salary is a capital project expense and requires a minimum of **20% Local Match.**
- Assets purchased with Federal Funds must be maintained and inventoried through a Transit Asset Management (TAM) Plan.
- Public transportation: the term 'public transportation' means regular, continuing shared–ride surface transportation services that are open to the general public or are open to a segment of the general public defined by age, disability, or low income; and does not include: intercity bus service; charter bus service; school bus service; sightseeing service; courtesy shuttle service for patrons of one or more specific establishments; or intra-terminal or intra-facility shuttle service.
- As with most Federal Assistance Programs, Section 5310 is designed as a reimbursement program. Your agency should be prepared to pay for your expenses upon delivery/acceptance and then request reimbursement from NDDOT.
- If you are awarded a Section 5310 project, your agency will be required to report a number of performance measures, at least annually, to NDDOT. Information required to report may include, but not limited to the following:

- The number of 5310 one-way trips;
- The number of 5310 vehicles you have in service; and
- 5310 ridership demographics.

- If requesting a replacement vehicle, the vehicle listed must have met FTA/NDDOT Useful Life. However, regardless of useful life having been met, federal interest remains until the value of the vehicle or equipment falls below $5,000.
- If you receive $750,000 from any federal source, you are required to have a Single Audit per 2 CFR 200 Subpart F.
- Vehicles may be used to provide meal delivery service for homebound persons on a regular basis in conjunction with passenger transportation. Delivery service **must not** conflict with the provision of transit services or result in reduced service to transit passengers.
- Federal Funds will only be awarded for ADA vehicle requests.
- All applications are due **May 1, 2020, 12:00pm CDT**. Late and/or incomplete applications may be subject to a penalty percentage reduction of requested amount or may be eliminated from funding consideration.
- The NDDOT Transit Staff is available to provide guidance and answer any questions on the application process. E-mail: bhanson@nd.gov, dkarel@nd.gov, jsmall@nd.gov or conelson@nd.gov.

## General Information

1. Provide a detailed description of the transportation services your agency currently provides and any plans for increasing services, expanding service area and increasing ridership. (include days and hours of service, fare structure, total vehicles in service, type of service being provided, transportation provided to what counties and communities in your service area, etc.).

Bis-Man Transit currently provides fixed route service to the cities of Bismarck and Mandan, and complementary paratransit service, with demand response available for senior and disabled passengers including those in the City of Lincoln. Our current focus is to transition more riders from the demand response service to fixed route. A complete route restructure, and allowing ADA eligible riders and Senior riders age 65 and older ride free, is expected to increase fixed route ridership by 15% over the next three years.

Fixed Route service is provided on six routes from 6:30 a.m. - 7:00 p.m. Monday through Friday and 8:00 a.m.- 7:00 p.m. on Saturday. All 9 vehicles in the fleet are ADA accessible and service is provided to the cities of Bismarck and Mandan. Regular fares are: $1.50 for a one-way trip, $6.00 1 day pass, $36.00 for a 30 day pass. Fare for those who are ADA eligible disabled riders or over the age of 65 ride free and reduced fares for students K-college, veterans and those on Medicare is $.75 for a one-way trip, $3.00 1 day pass, $24.00 for a 30 day pass. In 2018, 107,172 unlinked passenger trips were provided.

Paratransit/Demand response service is provided with a fleet of 17 cutaway buses and two minivans, to individuals with disabilities and seniors over the age of 70. The service area covers the city limits of Bismarck and Mandan, the city of Lincoln and within ¾ mile of any fixed route. A one-way fare is $3.00. Services are provided from 5:30 am – 12:00 am, Mon-Sat and 7:30-2:30 on Sunday. In 2018, 121,520 unlinked passenger trips were provided.

| 2. Explain where in your current 3-5 Year Plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources. |
|---|
| Page 57 of the current Transit Development plan describes the possibility of eliminating this evening service if enough funds are not able to be obtained to keep the system running under its current design. |
| 3. What percentage of change in ridership has your agency experienced in the SFY2020 reporting period? Provide a brief explanation of the reason for the change in ridership. |
| ☐ Increase<br>☒ Decrease We have experienced a slight decrease in ridership in light of lower fuel costs but expect ridership to remain relatively flat in the coming year. We will be looking at ways to increase ridership through increased marketing efforts and a review of fixed route locations. |
| 4. Do you share resources in any significant amount with other agencies? (e.g. maintenance, mechanics, marketing, dispatching or scheduling, training, vehicles, etc.) Briefly describe how you share resources and with whom, and any measurable savings to your program. |
| ☐ **Yes**<br>☒ **No** |
| 5. List all existing public transportation providers operating in your service area. *See definition of public transportation under the Notes on Page 1 of this application.* |
| N/A |
| 6. Are you the lead transit provider in your area? If not, what is the relationship of your program(s) to other transportation providers? |
| ☒ **Yes**<br>☐ **No** |
| 7. Please describe the need for transit service in your area? Why does this need exist? How have you determined this need? How will the proposed project address this need for service? Is this need addressed in your Human Service Coordination Plan? |
| In Bismarck/Mandan, we have a large elderly and disabled population that require public transportation to take them to doctors, work, recreation and other destinations. The need for these trips extends into the evening hours. From 7:00 PM until 12:00 AM we transport approximately 8,700 on an annual basis which demonstrates that rides are needed in the community. Maintaining this service will address the needs of these individuals. Discussion of the need for evening and weekend service is on page 8 of the Human Service Coordination Plan |
| 8. Do you market or promote your service? If yes, please provide a description of how you market the program and to whom in the box below. |
| ☒ **Yes** We place ads in community publications and through online social media as well as attend local events where we allow the public to board buses and ask questions about the service.<br>☐ **No** |

| 9. Did your agency receive any requests from an organization in your community/service area for FTA funding through this grant? If Yes, you must provide this organization(s) with the Preliminary Assessment/Application for Capital Assistance, Section 5310 Grant FY2021 to complete. |
|---|
| ☐ **Yes**<br>☒ **No** |
| 10**.** If Yes to question 9, please explain and include a completed Preliminary Assessment/Application for Capital Assistance, Section 5310 Grant SFY2021 for each response where applicable. All completed Preliminary Assessment/Applications received will need to be ranked by your agency/board of directors/MPO. Any funds received will be awarded to your agency and you will monitor the funds for your subrecipient. |
| N/A |

## Ridership and Fleet Information

***Report actual ridership numbers, miles and hours for SFY2020 – Qtrs 1 - 3 and estimate Qtr 4.**

***Report actual ridership numbers, miles and hours for SFY2019**

***Enter current fleet information below.**

***Current fleet and mile information MUST be also be updated in BlackCat Inventory.**

| | **SFY2020 - Ridership and Fleet Information** | **SFY2019 - Ridership and Fleet Information** |
|---|---|---|
| Number of Annual Ridership (Trips) Provided | 214,117 | 219,884 |
| Number of Annual Revenue Hours | 59,978 | 60,246 |
| Number of Annual Revenue Miles | 881,041 | 891,272 |
| Number of Vehicles in Fleet | 31 | 31 |

| 11. What is the purpose of the three most commonly requested trips that your clients require? (e.g. medical, shopping, employment, education, social, etc.) |
|---|
| **1.** Employment |
| **2.** Medical |
| **3.** Social Services |

## Coordinated Public Transit Human Services Transportation Plan

**Applicants must be part of a locally derived Coordinated Public Transit Human Services Transportation Plan approved by North Dakota Department of Transportation (NDDOT) prior to submission of this application.**

!

12. When was your Coordinated Public Transit Human Services Transportation Plan approved by the NDDOT Transit Section? Has it been uploaded into BlackCat Resources? Since submitting your plan describe any additional efforts made to coordinate service.

The Coordinated Public Transit Human Services Plan was approved on May1, 2017 and has been ploaded into BlackCat. Since the creation of the plan we have developed a Transit Development plan which ncluded public input and discussions with human services providers. We have also created a community ransportation advisory group to discuss the mobility needs of the community.

13. Describe any potential opportunities for additional coordination. (include social service agencies, county social services, community actions, educational institutions, youth groups, veteran services, religious organizations, other transportation services, etc.) that may address unmet transit needs in your service area.

Areas in which we are increasing coordination is with educational institutions and the local hospitals to neet their transportation requirements.

14. Is the requested project(s) part of a Coordinated Public Transit Human Services Transportation Plan?

☒ **Yes**

☐ **No**

15. If you marked Yes above, indicate the page number where this project is listed.

If you marked No above, explain why this project is not part of your current plan.

Discussion of the need for evening and weekend service is on page 8 of the Human Service Coordination Plan.

## Non-Vehicle Project Request

**There is space provided below to request a project. NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each request.**

16. Please describe in detail your proposed project. Be specific and include a description of what you would like to purchase and how it benefits your transportation program.

This project will help cover the expense of maintaining night time services for those passengers who are elderly and disabled. With funding sources on the decline, it is becoming increasingly difficult to maintain demand response services for the special needs community outside of the required ADA times.

17. If this is a request for Mobility Manager funding, a current job description, including goals and achievements from the previous year, must be attached. Have you attached these documents to this application?

☐ **Yes**

☒ **No**

18. Are you the lead transit provider in your area? If not, what is the relationship of your program to other transportation providers?

☒ **Yes**

☐ **No**

19. Total cost of this project.

Federal Funds Requested: $66,156
Local Match Amount: $66,156 Source(s) of Local Match: Local Mill Revenue

## Non-Vehicle Project Request

**There is space provided below to request a project. NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each request.**

16. Please describe in detail your proposed project. Be specific and include a description of what you would like to purchase and how it benefits your transportation program.

This mobility management project will help cover the expense of marketing the transportation options to the community, train potential riders and agencies on the use of the services, and cover the eligibility paperwork that is involved in the process. The project will also entail meeting with agencies on the best way to meet the mobility needs of their clientele.

17. If this is a request for Mobility Manager funding, a current job description, including goals and achievements from the previous year, must be attached. Have you attached these documents to this application?

☒ **Yes**

☐ **No**

18. Are you the lead transit provider in your area? If not, what is the relationship of your program to other transportation providers?

☒ **Yes**

☐ **No**

19. Total cost of this project.

Federal Funds Requested: $17,824
Local Match Amount: $4,456 Source(s) of Local Match: Local Mill Revenue

## Non-Vehicle Project Request

**There is space provided below to request a project. NOTE: This request MUST first be created as a**

**project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each request.**

16. Please describe in detail your proposed project. Be specific and include a description of what you would like to purchase and how it benefits your transportation program.

This project will help cover the expense of maintaining Sunday services for those passengers who are elderly and disabled. With funding sources on the decline, it is becoming increasingly difficult to maintain demand response services for the special needs community outside of the required ADA times.

17. If this is a request for Mobility Manager funding, a current job description, including goals and achievements from the previous year, must be attached. Have you attached these documents to this application?

☐ **Yes**

☒ **No**

18. Are you the lead transit provider in your area? If not, what is the relationship of your program to other transportation providers?

☒ **Yes**

☐ **No**

19. Total cost of this project.

Federal Funds Requested: $47,307
Local Match Amount: $47,307 Source(s) of Local Match: Local Mill Revenue

## Vehicle Project Request

**There is space provided below to request a project. NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than vehicle, please attach additional sheets and create a separate project for each vehicle request.**

20. Provide a description of the vehicle you are requesting. (include: Year, Make, ADA qualified, and seating capacity)

Year:
Make/Model:
Seating Capacity:
Lift/Ramp: ☐ Yes ☐ No
Gas/Diesel/Other:

21. Describe in detail which programs and services the requested vehicle will be utilized in and how it will enhance or maintain your service?

| 22. What type of vehicle are you requesting? |
|---|
| ☐ Replacement Vehicle<br>☐ Expansion Vehicle |
| 23. If requesting a replacement, which vehicle in your fleet are you replacing? |
| a. Vehicle Information Number (VIN): |
| b. Vehicle Year: |
| c. Make/Model: |
| d. Current Mileage: |
| e. Vehicle In Service Date: |
| f. Has this vehicle information been updated in BlackCat Inventory? ☐ Yes ☐ No |
| 24. If requesting an expansion vehicle, list the agency/community/county to be served (include hours and days of service and estimated ridership). |
| |
| 25. If operating a fixed route, what are the paratransit eligibility criteria for people to ride your service? |
| |
| 26. Provide an estimated timeline for the purchase of this vehicle. Provide a separate timeline if you are applying for different types of vehicles. ***See sample timeline below, add or remove lines as needed.*** |
| Request For Proposal (RFP)/Invitation For Bid (IFB) Issue Date: |
| Contract Award Date: |
| Initial Vehicle Delivery Date: |
| Final Vehicle Deliver Date: |
| Contract Completion: |
| Final Payment Submitted to DOT: |
| 27. Estimate the total cost of vehicle. |
| Federal Funds Requested:<br>Local Match Amount: Source(s) of Local Match: |

| Following are suggested price requests for vehicles based on current state bid quotes. Keep in mind if you intend to order vehicles with additional options, prices will vary accordingly. See the State Bid website at https://apps.nd.gov/csd/spo/services/bidder/listCurrentContracts.htm | | Expected Delivery time (in months) |
|---|---|---|
| 15 Passenger or 12 + 2 Passenger Cutaway/Bus NDDOT Term Contract No. 300 | Base Price - $63,000 - $78,300 | 6 - 9 |
| Rear Lift ADA Transit Vehicle NDDOT Term Contract No. 301 & 301B | Base price - $47,083 – $61,780 | 3 - 6 |
| Frontrunner – Low Floor Vehicle – New England Wheels NDDOT Term Contract No. 381 | Base Price - $107,000 – 109,000 | 6 - 9 |
| ADA Low Floor Mini Van NDDOT Term Contract No. 382 | Base Price - $38,045 - $38,125 | 1 - 4 |
| Low-Floor Paratransit Ramp Buses NDDOT Term Contract No. 383 | Base Price - $96,720 - $109,410 | 6 - 9 |
| **FTA Useful Life Standards** | | |
| Mini-Vans/Modified Vans – 3-14 passenger | 4 years or 100,000 miles | |
| Med-Size Light Duty Cutaway – 8-16 passenger | 5 years or 150,000 miles | |
| Med-Size Med Duty Cutaway/Bus – 16-30 passenger | 7 years or 200,000 miles | |
| Med-Size Heavy Duty Bus – 24-25 passenger | 10 years or 350,000 miles | |
| Large Heavy-Duty Bus – 35-40+ passenger | 12 years or 500,000 miles | |

## Equipment & Miscellaneous Capital Projects

Fill in the requested information below regarding your Equipment and Miscellaneous Capital Project(s). These projects must directly relate to your transportation program. Any equipment purchased with these funds must be required for, and used for, public transportation.

**NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each.**

| |
|---|
| 28. Describe your proposed project(s) in detail (detail MUST include: type, quantity, cost, purpose of equipment being requested). |
| Type:<br>Quantity:<br>Purpose: |
| 29. How does this project enhance your transportation program? |
| |
| 30. Have you completed an Independent Cost Estimate document to show that the price is fair and reasonable? Provide this documentation. |
| ☐ Yes ☐ No (Applicant must provide an explanation) |
| 31. Is an ITS Project/Architecture Checklist required for this project? Review (23 CFR 940.13), see SFN 60212 located in the BlackCat Global Resources. |
| ☐ Yes<br>☐ No (Applicant must provide an explanation) |
| 32. Has the NDDOT ITS Project/Architecture Checklist been completed and submitted with this application for review? |
| ☐ Yes<br>☐ No (Applicant must provide an explanation) |
| 33. Provide an estimated timeline for the purchase of this equipment. Provide a separate timeline if you are applying for different types of equipment. ***See sample timeline below, add or remove lines as needed.*** |
| Request For Proposal (RFP)/Invitation For Bid (IFB) Issue Date: |
| Contract Award Date: |
| Deliver/Installation Date: |
| Contract Completion: |
| Final Payment Submitted to DOT: |
| 34. Estimated cost for the project? |

| |
|---|
| Federal Funds Requested:<br>Local Match Amount: Source(s) of Local Match: |

| Travel & Training |
|---|
| 35. List the training the Director attended in the past year. Included dates and conference/training name, including the DOT meetings. |
| Total amount reimbursed for travel in FY2020: |
| 36. Provide the conferences and meetings you will be requesting to attend this year and include an estimated RTAP Travel Budget to be requested. |
| Total estimated travel budget for FY2021: |

## Local Match & Total Funding Request

In the table below, list requested projects by priority, and specify in detail the sources and dollar amounts of Local Match funding (State Aid, Mill Levy, Other Directly Generated Funds etc.) that are available to be used towards each project (Vehicle, Facility Rehabilitation & Construction, and/or Equipment/Miscellaneous Capital).

**Local match listed here cannot be already targeted as match for a FY2021 5339 or 5311 applications.**

**Farebox revenue cannot be used as Local Match**.

**<u>Documentation of sources of Local Match (including State Aid) MUST be attached or it will not be considered.</u>**

**This project ranking should match your prioritization in BlackCat.**

| Ranking | Project | Federal Cost of Project | Local Match Needed | Sources of Local Match* |
|---|---|---|---|---|
| **1** | Nighttime Demand Response Service for Elderly and Disabled | $66,156 | $66,156 | Local Mill Revenue |

| | | | | |
|---|---|---|---|---|
| **2** | Mobility Manager | $17,824 | $4,456 | Local Mill Revenue |
| **3** | Sunday Service | $47,307 | $47,307 | Local Mill Revenue |
| **4** | | | | |
| **5** | | | | |

The goal of the Bis-Man Transit Board, Mobility manager is to increase awareness of mobility options throughout the community on both fixed route and demand response modes of service. These goals are to be met through marketing efforts, discussions with human services providers, community leaders, and other transportation service providers that touch the community

**Mobility Management 2019 Achievements**

- Updated website to be more user friendly (easier to find applications and information about complaint process)
- Began process of transitioning to IVR alerts for paratransit riders
- Creation of College Focus Group – not me but I think it would apply to mobility tasks.
- Attend Table Day/Expo event at Burleigh County Senior Center – educate seniors on the certification process for paratransit as well as how to ride CAT bus.
- Spoke at TEACH parent night
- Attended Band Night Parade with CAT bus to promote public transportation in community
- Dump the Pump 2020 – Provided all riders with a voucher for one free additional ride for either mode of transportation.
- Attended CTAA to increase knowledge of marketing/increasing ridership for transit
- Attended multiple SOAR events at U-Mary to education incoming students and parents about public transportation opportunities within the community.
- Partnered with Sarah Erble at U-Mary to promote green route with incoming students. Brought CAT bus to campus as well as engineering building to educate students. Assisted with monthly "Walmart" runs for students at U-Mary.
- Attended student orientation table days at U-Mary, Bismarck State College, and United Tribes to answer questions and provide trip planners for CAT bus.
- Participated in BisMarket (Farmer's Market) event with CAT Bus. Provided trip planners and answered all public transportation questions. Recorded "How To" video for CAT bus bike rack use.
- Attended all Citizen Transportation Advocacy Group meetings resulting in improved communication with senior centers and nursing homes for certification process and ride scheduling.
- Began the process of Google Map Transit integration for CAT Bus.
- Updated Rider Guides. Photos and verbiage.
- Organized 2nd Stuff the Bus event to promote public transit throughout the community.
- Attended public high school table event to educate and promote both modes of services.
- CAT Bus Travel training (Oct 2nd)
- Promoted phone system update that makes it easier for riders to check on service changes and closures.
- Contacted homeless shelters and rehabilitation centers about ability to schedule travel training and public transportation presentations.

**Position:** Marketing / Mobility Manager

**Supervision Received From:** Administrative Manager, Executive Director

**FLSA Status:** Non-Exempt

**Salary Range:** $2,900 - $3,750 per month

**SUMMARY:**
Plans, organizes and manages the marketing activities of the Bis-Man Transit Board and provides mobility training for the public.

**DISTINGUISHING CHARACTERISTICS:**
The Marketing/Mobility Manager reports directly to the Administrative Manager and serves as a member of the Senior Management Team. As a manager, this position is responsible for administering a major line of business for Bis-Man Transit.

The Marketing/Mobility Manager plans, organizes, manages and controls the agency's marketing activities with the goal of increasing community awareness of the services that are provided by Bis-Man Transit.

Develop a yearly marketing plan for Bis-Man Transit detailing activities and events.

Plan, implement and publicize/promote public and internal events.

Create printed materials consistent with the Bis-Man Transit branding elements.

Develop and maintain a public website for Bis-Man Transit.

Develop and cultivate relationships with members of the news media. Author and distribute press releases as needed. Organize press conferences as necessary.

Provide transportation resources and training to direct community service providers in an effort to educate our target audience through community channels.

Develop and maintain working relationships with businesses, colleges, schools and other public transit stakeholders.

Serve as staff liaison to the Downtowner's Association, the Chamber of Commerce the United Way and other organizations as directed.

Provide instruction on how to use the fixed route bus system to our customers.

Plan "Train-the Trainer" sessions to teach community service providers on the use of the fixed route system so they can instruct their clients.

Teach community service providers how to develop transportation plans for their clients.

Assist with research to determine needs of current and potential riders in the Bismarck and Mandan communities and identify areas of improvement.

Lead in the evaluation and management of paratransit eligibility applications.

Serves as a member of the Senior Management Team and participates in Agency policy development; assures departmental conformance to the Agency's vision, goals and objectives.

Performs the preparation, maintenance and distribution of records, reports, statistics and other materials for Agency use and for Local, State and Federal agencies as required.

Attends, chairs, and conducts a variety of meetings with the Agency and outside entities; serves on committees as requested; represents the Agency and makes oral presentations at meetings, conferences and other events.

Performs other duties of a similar nature or level.

Must meet regular time and attendance standards.

**Knowledge Desired**:

• Marketing concepts;
• Website development and management;
• Development of training plans;

• Public Transit agency programs;
• Management principles and practices;
• ADA regulations as applicable to public transportation;
• Risk management principles and practices;
• Applicable Federal, State, and Local laws, rules, and regulations;

**Skills Desired**

• Development of marketing campaigns;
• Reading, analyzing, and interpreting general business periodicals, professional journals, technical procedures, or governmental regulations;
• Handling multiple tasks simultaneously;
• Patience and understanding in dealing with special needs customers;
• Writing press releases, business correspondence, and advertisement scripts;
• Presenting information and responding to questions from groups of managers, clients, customers, and the general public;
• Development of marketing campaigns;

• Defining problems, collecting data, establishing facts, and drawing valid conclusions;
• Public speaking;
• Communication, interpersonal skills as applied to interaction with coworkers, supervisor, elected officials, and the general public sufficient to exchange or convey information and to receive work direction.
• The use of photo editing software;

**Training and Experience** (position requirements at entry):
Associates Degree in marketing, communication, administration, journalism or a related field. or an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed above.

**Licensing Requirements**:

N/A

Must submit to criminal background check the results of which must meet hiring criteria for the role.

Immediate Full-Time Opening for a Marketing Director/Mobility Manager

**Qualifications:**

Strong organizational and communication skills (oral, written, and visual). Proficiency with computers, design programs and Microsoft programs a must. Must have excellent skills in writing and ability to think creatively. A working knowledge of marketing and fundraising techniques and principles. Ability to work closely with community leaders, business professionals, volunteers, agency personnel, and members of the media. Patience and understanding in training situations. Prefer knowledge of web pages and some exposure to accounting.

CAT
CAPITAL AREA TRANSIT

BIS-MAN TRANSIT

March 27, 2020

North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Office of Transportation Program Services,

The local matching funds to be used for vehicles purchased under the FY20 5310 grant will be derived from local funding reserved in Bis-Man Transit savings derived from local mil levies and the state grant.

Roy Rickert
Executive Director

5/27/2020
Date

C

March 26, 2020

**TO**: Bis-Man Transit Board of Directors

**FROM:** Roy Rickert, Executive Director

**SUBJECT:** FY21-5310 Grant

**RECOMENDATION:** Staff recommends approval of this grant application for submittal to the City of Bismarck and the State of North Dakota.

**BACKGROUND:** The FTA 5310 grant is designed to fund Enhanced Mobility of Seniors & Individuals with Disabilities.

**DISCUSSION:** This application is being made to request funds to assist with the costs of mobility management tasks, and ensure that we have funds available for nighttime and Sunday demand response service for seniors and those with disabilities.

**FINANCIAL IMPACT:** The Mobility Management project portion of this grant allows federal funding at 80% of the overall project cost and the nighttime and sundy services grant award would cover 50% of operational costs. If awarded the requested funds, we would receive $131,287 without being required to take any additional funds from our reserves as these are services that we are currently operating.

# 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 Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, 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 Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, 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 _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 Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, 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 Bismarck City Commission certifies that the foregoing is a true and correct statement.

1-21-20
(Date)

(Signature of Officer)

President, Bismarck City Commission
(Title of Officer)

# Community Development Department

**DATE:** April 7, 2020

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

**ITEM:** FY2021 Section 5310 Grant Application - Night Time Demand Response Service for Elderly and Disabled

## REQUEST

Bis-Man Transit requests approval to submit a FY2021 Section 5310 Grant application. The Federal Transit Administration funding is administered by North Dakota Department of Transportation (NDDOT), Transit Division, and is being made available to urban and rural transit providers. The deadline for application submittals to NDDOT is May 1, 2020.

The total grant amount requested is $66,156 with a local match of $66,156 provided solely by Bis-Man Transit. The application is requesting funding to help cover the expense of maintaining the existing night time services for those passengers who are elderly and disabled. With funding sources on the decline, it is becoming increasingly difficult to maintain demand response services for the special needs community outside of the required ADA times.

Please place this item on the April 14, 2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

Section 5310, Enhanced Mobility of Seniors & Individuals with Disabilities Program, provides financial assistance for capital purchases and operating assistance for transportation services planned, designed and carried out to meet the special transportation needs of the elderly and persons with disabilities.

## RECOMMENDED CITY COMMISSION ACTION

Consider and approve the request to submit a FY2021 Section 5310 grant application to North Dakota Department of Transportation.

## STAFF CONTACT INFORMATION

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

Steve Saunders | MPO Executive Director, 355-1848 or ssaunders@bismarcknd.gov

Kim Riepl | Transportation Specialist, 355-1844 or kriepl@bismarcknd.gov

NORTH Dakota | Transportation

Be Legendary.™

| FY2021 - Section 5310 – Enhanced Mobility of Seniors & Individuals with Disabilities | | |
|---|---|---|
| Agency Name | **Bis-Man Transit Board** | |
| Agency Contact | **Roy Rickert** | Phone: **701-258-6817** |
| DUNS # | **83-441-0987** | |

Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities Program goal is to ***improve mobility for older adults and persons with disabilities throughout the country.*** Under 49 U.S.C. 5310 funding provides financial assistance for capital purchases and operating assistance for transportation services planned, designed and carried out to meet the special transportation needs of older adults and persons with disabilities in all small urban and rural areas. The program requires coordination of federally assisted programs and community services in order to make the most efficient use of federal resources.

The entire Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program is further explained in FTA Circular 9070.1G, located on the FTA website at:

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/C9070_1G_FINAL_circular_4-20-15%281%29.pdf

**Please Note:**

- Capital project requests will require a minimum of **20% Local Match**.
- Mobility Manager salary is a capital project expense and requires a minimum of **20% Local Match.**
- Assets purchased with Federal Funds must be maintained and inventoried through a Transit Asset Management (TAM) Plan.
- Public transportation: the term 'public transportation' means regular, continuing shared–ride surface transportation services that are open to the general public or are open to a segment of the general public defined by age, disability, or low income; and does not include: intercity bus service; charter bus service; school bus service; sightseeing service; courtesy shuttle service for patrons of one or more specific establishments; or intra-terminal or intra-facility shuttle service.
- As with most Federal Assistance Programs, Section 5310 is designed as a reimbursement program. Your agency should be prepared to pay for your expenses upon delivery/acceptance and then request reimbursement from NDDOT.
- If you are awarded a Section 5310 project, your agency will be required to report a number of performance measures, at least annually, to NDDOT. Information required to report may include, but not limited to the following:

- The number of 5310 one-way trips;
- The number of 5310 vehicles you have in service; and
- 5310 ridership demographics.

- If requesting a replacement vehicle, the vehicle listed must have met FTA/NDDOT Useful Life. However, regardless of useful life having been met, federal interest remains until the value of the vehicle or equipment falls below $5,000.
- If you receive $750,000 from any federal source, you are required to have a Single Audit per 2 CFR 200 Subpart F.
- Vehicles may be used to provide meal delivery service for homebound persons on a regular basis in conjunction with passenger transportation. Delivery service **must not** conflict with the provision of transit services or result in reduced service to transit passengers.
- Federal Funds will only be awarded for ADA vehicle requests.
- All applications are due **May 1, 2020, 12:00pm CDT**. Late and/or incomplete applications may be subject to a penalty percentage reduction of requested amount or may be eliminated from funding consideration.
- The NDDOT Transit Staff is available to provide guidance and answer any questions on the application process. E-mail: bhanson@nd.gov, dkarel@nd.gov, jsmall@nd.gov or conelson@nd.gov.

## General Information

1. Provide a detailed description of the transportation services your agency currently provides and any plans for increasing services, expanding service area and increasing ridership. (include days and hours of service, fare structure, total vehicles in service, type of service being provided, transportation provided to what counties and communities in your service area, etc.).

Bis-Man Transit currently provides fixed route service to the cities of Bismarck and Mandan, and complementary paratransit service, with demand response available for senior and disabled passengers including those in the City of Lincoln. Our current focus is to transition more riders from the demand response service to fixed route. A complete route restructure, and allowing ADA eligible riders and Senior riders age 65 and older ride free, is expected to increase fixed route ridership by 15% over the next three years.

Fixed Route service is provided on six routes from 6:30 a.m. - 7:00 p.m. Monday through Friday and 8:00 a.m.- 7:00 p.m. on Saturday. All 9 vehicles in the fleet are ADA accessible and service is provided to the cities of Bismarck and Mandan. Regular fares are: $1.50 for a one-way trip, $6.00 1 day pass, $36.00 for a 30 day pass. Fare for those who are ADA eligible disabled riders or over the age of 65 ride free and reduced fares for students K-college, veterans and those on Medicare is $.75 for a one-way trip, $3.00 1 day pass, $24.00 for a 30 day pass. In 2018, 107,172 unlinked passenger trips were provided.

Paratransit/Demand response service is provided with a fleet of 17 cutaway buses and two minivans, to individuals with disabilities and seniors over the age of 70. The service area covers the city limits of Bismarck and Mandan, the city of Lincoln and within ¾ mile of any fixed route. A one-way fare is $3.00. Services are provided from 5:30 am – 12:00 am, Mon-Sat and 7:30-2:30 on Sunday. In 2018, 121,520 unlinked passenger trips were provided.

| 2. Explain where in your current 3-5 Year Plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources. |
|---|
| Page 57 of the current Transit Development plan describes the possibility of eliminating this evening service if enough funds are not able to be obtained to keep the system running under its current design. |
| 3. What percentage of change in ridership has your agency experienced in the SFY2020 reporting period? Provide a brief explanation of the reason for the change in ridership. |
| ☐ Increase<br>☒ Decrease We have experienced a slight decrease in ridership in light of lower fuel costs but expect ridership to remain relatively flat in the coming year. We will be looking at ways to increase ridership through increased marketing efforts and a review of fixed route locations. |
| 4. Do you share resources in any significant amount with other agencies? (e.g. maintenance, mechanics, marketing, dispatching or scheduling, training, vehicles, etc.) Briefly describe how you share resources and with whom, and any measurable savings to your program. |
| ☐ **Yes**<br>☒ **No** |
| 5. List all existing public transportation providers operating in your service area. *See definition of public transportation under the Notes on Page 1 of this application.* |
| N/A |
| 6. Are you the lead transit provider in your area? If not, what is the relationship of your program(s) to other transportation providers? |
| ☒ **Yes**<br>☐ **No** |
| 7. Please describe the need for transit service in your area? Why does this need exist? How have you determined this need? How will the proposed project address this need for service? Is this need addressed in your Human Service Coordination Plan? |
| In Bismarck/Mandan, we have a large elderly and disabled population that require public transportation to take them to doctors, work, recreation and other destinations. The need for these trips extends into the evening hours. From 7:00 PM until 12:00 AM we transport approximately 8,700 on an annual basis which demonstrates that rides are needed in the community. Maintaining this service will address the needs of these individuals. Discussion of the need for evening and weekend service is on page 8 of the Human Service Coordination Plan |
| 8. Do you market or promote your service? If yes, please provide a description of how you market the program and to whom in the box below. |
| ☒ **Yes** We place ads in community publications and through online social media as well as attend local events where we allow the public to board buses and ask questions about the service.<br>☐ **No** |

| 9. Did your agency receive any requests from an organization in your community/service area for FTA funding through this grant? If Yes, you must provide this organization(s) with the Preliminary Assessment/Application for Capital Assistance, Section 5310 Grant FY2021 to complete. |
|---|
| ☐ **Yes**<br>☒ **No** |
| 10**.** If Yes to question 9, please explain and include a completed Preliminary Assessment/Application for Capital Assistance, Section 5310 Grant SFY2021 for each response where applicable. All completed Preliminary Assessment/Applications received will need to be ranked by your agency/board of directors/MPO. Any funds received will be awarded to your agency and you will monitor the funds for your subrecipient. |
| N/A |

## Ridership and Fleet Information

***Report actual ridership numbers, miles and hours for SFY2020 – Qtrs 1 - 3 and estimate Qtr 4.**

***Report actual ridership numbers, miles and hours for SFY2019**

***Enter current fleet information below.**

***Current fleet and mile information MUST be also be updated in BlackCat Inventory.**

| | **SFY2020 - Ridership and Fleet Information** | **SFY2019 - Ridership and Fleet Information** |
|---|---|---|
| Number of Annual Ridership (Trips) Provided | 214,117 | 219,884 |
| Number of Annual Revenue Hours | 59,978 | 60,246 |
| Number of Annual Revenue Miles | 881,041 | 891,272 |
| Number of Vehicles in Fleet | 31 | 31 |

| 11. What is the purpose of the three most commonly requested trips that your clients require? (e.g. medical, shopping, employment, education, social, etc.) |
|---|
| **1.** Employment |
| **2.** Medical |
| **3.** Social Services |

## Coordinated Public Transit Human Services Transportation Plan

**Applicants must be part of a locally derived Coordinated Public Transit Human Services Transportation Plan approved by North Dakota Department of Transportation (NDDOT) prior to submission of this application.**

!

12. When was your Coordinated Public Transit Human Services Transportation Plan approved by the NDDOT Transit Section? Has it been uploaded into BlackCat Resources? Since submitting your plan describe any additional efforts made to coordinate service.

The Coordinated Public Transit Human Services Plan was approved on May1, 2017 and has been ploaded into BlackCat. Since the creation of the plan we have developed a Transit Development plan which ncluded public input and discussions with human services providers. We have also created a community ransportation advisory group to discuss the mobility needs of the community.

13. Describe any potential opportunities for additional coordination. (include social service agencies, county social services, community actions, educational institutions, youth groups, veteran services, religious organizations, other transportation services, etc.) that may address unmet transit needs in your service area.

Areas in which we are increasing coordination is with educational institutions and the local hospitals to neet their transportation requirements.

14. Is the requested project(s) part of a Coordinated Public Transit Human Services Transportation Plan?

☒ **Yes**

☐ **No**

15. If you marked Yes above, indicate the page number where this project is listed.

If you marked No above, explain why this project is not part of your current plan.

Discussion of the need for evening and weekend service is on page 8 of the Human Service Coordination Plan.

## Non-Vehicle Project Request

**There is space provided below to request a project. NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each request.**

16. Please describe in detail your proposed project. Be specific and include a description of what you would like to purchase and how it benefits your transportation program.

This project will help cover the expense of maintaining night time services for those passengers who are elderly and disabled. With funding sources on the decline, it is becoming increasingly difficult to maintain demand response services for the special needs community outside of the required ADA times.

17. If this is a request for Mobility Manager funding, a current job description, including goals and achievements from the previous year, must be attached. Have you attached these documents to this application?

☐ **Yes**

☒ **No**

18. Are you the lead transit provider in your area? If not, what is the relationship of your program to other transportation providers?

☒ **Yes**

☐ **No**

19. Total cost of this project.

Federal Funds Requested: $66,156
Local Match Amount: $66,156 Source(s) of Local Match: Local Mill Revenue

## Non-Vehicle Project Request

**There is space provided below to request a project. NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each request.**

16. Please describe in detail your proposed project. Be specific and include a description of what you would like to purchase and how it benefits your transportation program.

This mobility management project will help cover the expense of marketing the transportation options to the community, train potential riders and agencies on the use of the services, and cover the eligibility paperwork that is involved in the process. The project will also entail meeting with agencies on the best way to meet the mobility needs of their clientele.

17. If this is a request for Mobility Manager funding, a current job description, including goals and achievements from the previous year, must be attached. Have you attached these documents to this application?

☒ **Yes**

☐ **No**

18. Are you the lead transit provider in your area? If not, what is the relationship of your program to other transportation providers?

☒ **Yes**

☐ **No**

19. Total cost of this project.

Federal Funds Requested: $17,824
Local Match Amount: $4,456 Source(s) of Local Match: Local Mill Revenue

## Non-Vehicle Project Request

**There is space provided below to request a project. NOTE: This request MUST first be created as a**

**project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each request.**

16. Please describe in detail your proposed project. Be specific and include a description of what you would like to purchase and how it benefits your transportation program.

This project will help cover the expense of maintaining Sunday services for those passengers who are elderly and disabled. With funding sources on the decline, it is becoming increasingly difficult to maintain demand response services for the special needs community outside of the required ADA times.

17. If this is a request for Mobility Manager funding, a current job description, including goals and achievements from the previous year, must be attached. Have you attached these documents to this application?

☐ **Yes**

☒ **No**

18. Are you the lead transit provider in your area? If not, what is the relationship of your program to other transportation providers?

☒ **Yes**

☐ **No**

19. Total cost of this project.

Federal Funds Requested: $47,307
Local Match Amount: $47,307 Source(s) of Local Match: Local Mill Revenue

## Vehicle Project Request

**There is space provided below to request a project. NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than vehicle, please attach additional sheets and create a separate project for each vehicle request.**

20. Provide a description of the vehicle you are requesting. (include: Year, Make, ADA qualified, and seating capacity)

Year:
Make/Model:
Seating Capacity:
Lift/Ramp: ☐ Yes ☐ No
Gas/Diesel/Other:

21. Describe in detail which programs and services the requested vehicle will be utilized in and how it will enhance or maintain your service?

| 22. What type of vehicle are you requesting? |
|---|
| ☐ Replacement Vehicle<br>☐ Expansion Vehicle |
| 23. If requesting a replacement, which vehicle in your fleet are you replacing? |
| a. Vehicle Information Number (VIN): |
| b. Vehicle Year: |
| c. Make/Model: |
| d. Current Mileage: |
| e. Vehicle In Service Date: |
| f. Has this vehicle information been updated in BlackCat Inventory? ☐ Yes ☐ No |
| 24. If requesting an expansion vehicle, list the agency/community/county to be served (include hours and days of service and estimated ridership). |
| |
| 25. If operating a fixed route, what are the paratransit eligibility criteria for people to ride your service? |
| |
| 26. Provide an estimated timeline for the purchase of this vehicle. Provide a separate timeline if you are applying for different types of vehicles. ***See sample timeline below, add or remove lines as needed.*** |
| Request For Proposal (RFP)/Invitation For Bid (IFB) Issue Date: |
| Contract Award Date: |
| Initial Vehicle Delivery Date: |
| Final Vehicle Deliver Date: |
| Contract Completion: |
| Final Payment Submitted to DOT: |
| 27. Estimate the total cost of vehicle. |
| Federal Funds Requested:<br>Local Match Amount: Source(s) of Local Match: |

| Following are suggested price requests for vehicles based on current state bid quotes. Keep in mind if you intend to order vehicles with additional options, prices will vary accordingly. See the State Bid website at https://apps.nd.gov/csd/spo/services/bidder/listCurrentContracts.htm | | Expected Delivery time (in months) |
|---|---|---|
| 15 Passenger or 12 + 2 Passenger Cutaway/Bus NDDOT Term Contract No. 300 | Base Price - $63,000 - $78,300 | 6 - 9 |
| Rear Lift ADA Transit Vehicle NDDOT Term Contract No. 301 & 301B | Base price - $47,083 – $61,780 | 3 - 6 |
| Frontrunner – Low Floor Vehicle – New England Wheels NDDOT Term Contract No. 381 | Base Price - $107,000 – 109,000 | 6 - 9 |
| ADA Low Floor Mini Van NDDOT Term Contract No. 382 | Base Price - $38,045 - $38,125 | 1 - 4 |
| Low-Floor Paratransit Ramp Buses NDDOT Term Contract No. 383 | Base Price - $96,720 - $109,410 | 6 - 9 |
| **FTA Useful Life Standards** | | |
| Mini-Vans/Modified Vans – 3-14 passenger | 4 years or 100,000 miles | |
| Med-Size Light Duty Cutaway – 8-16 passenger | 5 years or 150,000 miles | |
| Med-Size Med Duty Cutaway/Bus – 16-30 passenger | 7 years or 200,000 miles | |
| Med-Size Heavy Duty Bus – 24-25 passenger | 10 years or 350,000 miles | |
| Large Heavy-Duty Bus – 35-40+ passenger | 12 years or 500,000 miles | |

## Equipment & Miscellaneous Capital Projects

Fill in the requested information below regarding your Equipment and Miscellaneous Capital Project(s). These projects must directly relate to your transportation program. Any equipment purchased with these funds must be required for, and used for, public transportation.

**NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each.**

| |
|---|
| 28. Describe your proposed project(s) in detail (detail MUST include: type, quantity, cost, purpose of equipment being requested). |
| Type:<br>Quantity:<br>Purpose: |
| 29. How does this project enhance your transportation program? |
| |
| 30. Have you completed an Independent Cost Estimate document to show that the price is fair and reasonable? Provide this documentation. |
| ☐ Yes ☐ No (Applicant must provide an explanation) |
| 31. Is an ITS Project/Architecture Checklist required for this project? Review (23 CFR 940.13), see SFN 60212 located in the BlackCat Global Resources. |
| ☐ Yes<br>☐ No (Applicant must provide an explanation) |
| 32. Has the NDDOT ITS Project/Architecture Checklist been completed and submitted with this application for review? |
| ☐ Yes<br>☐ No (Applicant must provide an explanation) |
| 33. Provide an estimated timeline for the purchase of this equipment. Provide a separate timeline if you are applying for different types of equipment. ***See sample timeline below, add or remove lines as needed.*** |
| Request For Proposal (RFP)/Invitation For Bid (IFB) Issue Date: |
| Contract Award Date: |
| Deliver/Installation Date: |
| Contract Completion: |
| Final Payment Submitted to DOT: |
| 34. Estimated cost for the project? |

| |
|---|
| Federal Funds Requested:<br>Local Match Amount: Source(s) of Local Match: |

| Travel & Training |
|---|
| 35. List the training the Director attended in the past year. Included dates and conference/training name, including the DOT meetings. |
| Total amount reimbursed for travel in FY2020: |
| 36. Provide the conferences and meetings you will be requesting to attend this year and include an estimated RTAP Travel Budget to be requested. |
| Total estimated travel budget for FY2021: |

## Local Match & Total Funding Request

In the table below, list requested projects by priority, and specify in detail the sources and dollar amounts of Local Match funding (State Aid, Mill Levy, Other Directly Generated Funds etc.) that are available to be used towards each project (Vehicle, Facility Rehabilitation & Construction, and/or Equipment/Miscellaneous Capital).

**Local match listed here cannot be already targeted as match for a FY2021 5339 or 5311 applications.**

**Farebox revenue cannot be used as Local Match**.

**<u>Documentation of sources of Local Match (including State Aid) MUST be attached or it will not be considered.</u>**

**This project ranking should match your prioritization in BlackCat.**

| Ranking | Project | Federal Cost of Project | Local Match Needed | Sources of Local Match* |
|---|---|---|---|---|
| **1** | Nighttime Demand Response Service for Elderly and Disabled | $66,156 | $66,156 | Local Mill Revenue |

| | | | | |
|---|---|---|---|---|
| **2** | Mobility Manager | $17,824 | $4,456 | Local Mill Revenue |
| **3** | Sunday Service | $47,307 | $47,307 | Local Mill Revenue |
| **4** | | | | |
| **5** | | | | |

CAT
CAPITAL AREA TRANSIT

BIS-MAN TRANSIT

March 27, 2020

North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Office of Transportation Program Services,

The local matching funds to be used for vehicles purchased under the FY20 5310 grant will be derived from local funding reserved in Bis-Man Transit savings derived from local mil levies and the state grant.

Roy Rickert
Executive Director

5/27/2020
Date

C

March 26, 2020

**TO**: Bis-Man Transit Board of Directors

**FROM:** Roy Rickert, Executive Director

**SUBJECT:** FY21-5310 Grant

**RECOMENDATION:** Staff recommends approval of this grant application for submittal to the City of Bismarck and the State of North Dakota.

**BACKGROUND:** The FTA 5310 grant is designed to fund Enhanced Mobility of Seniors & Individuals with Disabilities.

**DISCUSSION:** This application is being made to request funds to assist with the costs of mobility management tasks, and ensure that we have funds available for nighttime and Sunday demand response service for seniors and those with disabilities.

**FINANCIAL IMPACT:** The Mobility Management project portion of this grant allows federal funding at 80% of the overall project cost and the nighttime and sundy services grant award would cover 50% of operational costs. If awarded the requested funds, we would receive $131,287 without being required to take any additional funds from our reserves as these are services that we are currently operating.

# 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 Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, 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 Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, 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 _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 Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, 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 Bismarck City Commission certifies that the foregoing is a true and correct statement.

1-21-20
(Date)

(Signature of Officer)

President, Bismarck City Commission
(Title of Officer)

# Community Development Department

**DATE:** April 7, 2020

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

**ITEM:** FY2021 Section 5310 Grant Application - Sunday Service for the Elderly and Disabled

## REQUEST

Bis-Man Transit requests approval to submit a FY2021 Section 5310 Grant application. The Federal Transit Administration funding is administered by North Dakota Department of Transportation (NDDOT), Transit Division, and is being made available to urban and rural transit providers. The deadline for application submittals to NDDOT is May 1, 2020.

The total grant amount requested is $47,307 with a local match of $47,307 provided solely by Bis-Man Transit. The application is requesting funding to help cover the expense of maintaining existing Sunday services for those passengers who are elderly and disabled. With funding sources on the decline, it is becoming increasingly difficult to maintain Sunday services for the special needs community outside of the required ADA times.

Please place this item on the April 14, 2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

Section 5310, Enhanced Mobility of Seniors & Individuals with Disabilities Program, provides financial assistance for capital purchases and operating assistance for transportation services planned, designed and carried out to meet the special transportation needs of the elderly and persons with disabilities.

## RECOMMENDED CITY COMMISSION ACTION

Consider and approve the request to submit a FY2021 Section 5310 grant application to North Dakota Department of Transportation.

## STAFF CONTACT INFORMATION

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

Steve Saunders | MPO Executive Director, 355-1848 or ssaunders@bismarcknd.gov

Kim Riepl | Transportation Specialist, 355-1844 or kriepl@bismarcknd.gov

NORTH Dakota | Transportation

Be Legendary.™

| FY2021 - Section 5310 – Enhanced Mobility of Seniors & Individuals with Disabilities | | |
|---|---|---|
| Agency Name | **Bis-Man Transit Board** | |
| Agency Contact | **Roy Rickert** | Phone: **701-258-6817** |
| DUNS # | **83-441-0987** | |

Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities Program goal is to ***improve mobility for older adults and persons with disabilities throughout the country.*** Under 49 U.S.C. 5310 funding provides financial assistance for capital purchases and operating assistance for transportation services planned, designed and carried out to meet the special transportation needs of older adults and persons with disabilities in all small urban and rural areas. The program requires coordination of federally assisted programs and community services in order to make the most efficient use of federal resources.

The entire Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program is further explained in FTA Circular 9070.1G, located on the FTA website at:

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/C9070_1G_FINAL_circular_4-20-15%281%29.pdf

**Please Note:**

- Capital project requests will require a minimum of **20% Local Match**.
- Mobility Manager salary is a capital project expense and requires a minimum of **20% Local Match.**
- Assets purchased with Federal Funds must be maintained and inventoried through a Transit Asset Management (TAM) Plan.
- Public transportation: the term 'public transportation' means regular, continuing shared–ride surface transportation services that are open to the general public or are open to a segment of the general public defined by age, disability, or low income; and does not include: intercity bus service; charter bus service; school bus service; sightseeing service; courtesy shuttle service for patrons of one or more specific establishments; or intra-terminal or intra-facility shuttle service.
- As with most Federal Assistance Programs, Section 5310 is designed as a reimbursement program. Your agency should be prepared to pay for your expenses upon delivery/acceptance and then request reimbursement from NDDOT.
- If you are awarded a Section 5310 project, your agency will be required to report a number of performance measures, at least annually, to NDDOT. Information required to report may include, but not limited to the following:

- The number of 5310 one-way trips;
- The number of 5310 vehicles you have in service; and
- 5310 ridership demographics.

- If requesting a replacement vehicle, the vehicle listed must have met FTA/NDDOT Useful Life. However, regardless of useful life having been met, federal interest remains until the value of the vehicle or equipment falls below $5,000.
- If you receive $750,000 from any federal source, you are required to have a Single Audit per 2 CFR 200 Subpart F.
- Vehicles may be used to provide meal delivery service for homebound persons on a regular basis in conjunction with passenger transportation. Delivery service **must not** conflict with the provision of transit services or result in reduced service to transit passengers.
- Federal Funds will only be awarded for ADA vehicle requests.
- All applications are due **May 1, 2020, 12:00pm CDT**. Late and/or incomplete applications may be subject to a penalty percentage reduction of requested amount or may be eliminated from funding consideration.
- The NDDOT Transit Staff is available to provide guidance and answer any questions on the application process. E-mail: bhanson@nd.gov, dkarel@nd.gov, jsmall@nd.gov or conelson@nd.gov.

## General Information

1. Provide a detailed description of the transportation services your agency currently provides and any plans for increasing services, expanding service area and increasing ridership. (include days and hours of service, fare structure, total vehicles in service, type of service being provided, transportation provided to what counties and communities in your service area, etc.).

Bis-Man Transit currently provides fixed route service to the cities of Bismarck and Mandan, and complementary paratransit service, with demand response available for senior and disabled passengers including those in the City of Lincoln. Our current focus is to transition more riders from the demand response service to fixed route. A complete route restructure, and allowing ADA eligible riders and Senior riders age 65 and older ride free, is expected to increase fixed route ridership by 15% over the next three years.

Fixed Route service is provided on six routes from 6:30 a.m. - 7:00 p.m. Monday through Friday and 8:00 a.m.- 7:00 p.m. on Saturday. All 9 vehicles in the fleet are ADA accessible and service is provided to the cities of Bismarck and Mandan. Regular fares are: $1.50 for a one-way trip, $6.00 1 day pass, $36.00 for a 30 day pass. Fare for those who are ADA eligible disabled riders or over the age of 65 ride free and reduced fares for students K-college, veterans and those on Medicare is $.75 for a one-way trip, $3.00 1 day pass, $24.00 for a 30 day pass. In 2018, 107,172 unlinked passenger trips were provided.

Paratransit/Demand response service is provided with a fleet of 17 cutaway buses and two minivans, to individuals with disabilities and seniors over the age of 70. The service area covers the city limits of Bismarck and Mandan, the city of Lincoln and within ¾ mile of any fixed route. A one-way fare is $3.00. Services are provided from 5:30 am – 12:00 am, Mon-Sat and 7:30-2:30 on Sunday. In 2018, 121,520 unlinked passenger trips were provided.

| 2. Explain where in your current 3-5 Year Plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources. |
|---|
| Page 57 of the current Transit Development plan describes the possibility of eliminating this evening service if enough funds are not able to be obtained to keep the system running under its current design. |
| 3. What percentage of change in ridership has your agency experienced in the SFY2020 reporting period? Provide a brief explanation of the reason for the change in ridership. |
| ☐ Increase<br>☒ Decrease We have experienced a slight decrease in ridership in light of lower fuel costs but expect ridership to remain relatively flat in the coming year. We will be looking at ways to increase ridership through increased marketing efforts and a review of fixed route locations. |
| 4. Do you share resources in any significant amount with other agencies? (e.g. maintenance, mechanics, marketing, dispatching or scheduling, training, vehicles, etc.) Briefly describe how you share resources and with whom, and any measurable savings to your program. |
| ☐ **Yes**<br>☒ **No** |
| 5. List all existing public transportation providers operating in your service area. *See definition of public transportation under the Notes on Page 1 of this application.* |
| N/A |
| 6. Are you the lead transit provider in your area? If not, what is the relationship of your program(s) to other transportation providers? |
| ☒ **Yes**<br>☐ **No** |
| 7. Please describe the need for transit service in your area? Why does this need exist? How have you determined this need? How will the proposed project address this need for service? Is this need addressed in your Human Service Coordination Plan? |
| In Bismarck/Mandan, we have a large elderly and disabled population that require public transportation to take them to doctors, work, recreation and other destinations. The need for these trips extends into the evening hours. From 7:00 PM until 12:00 AM we transport approximately 8,700 on an annual basis which demonstrates that rides are needed in the community. Maintaining this service will address the needs of these individuals. Discussion of the need for evening and weekend service is on page 8 of the Human Service Coordination Plan |
| 8. Do you market or promote your service? If yes, please provide a description of how you market the program and to whom in the box below. |
| ☒ **Yes** We place ads in community publications and through online social media as well as attend local events where we allow the public to board buses and ask questions about the service.<br>☐ **No** |

| 9. Did your agency receive any requests from an organization in your community/service area for FTA funding through this grant? If Yes, you must provide this organization(s) with the Preliminary Assessment/Application for Capital Assistance, Section 5310 Grant FY2021 to complete. |
|---|
| ☐ **Yes**<br>☒ **No** |
| 10**.** If Yes to question 9, please explain and include a completed Preliminary Assessment/Application for Capital Assistance, Section 5310 Grant SFY2021 for each response where applicable. All completed Preliminary Assessment/Applications received will need to be ranked by your agency/board of directors/MPO. Any funds received will be awarded to your agency and you will monitor the funds for your subrecipient. |
| N/A |

## Ridership and Fleet Information

***Report actual ridership numbers, miles and hours for SFY2020 – Qtrs 1 - 3 and estimate Qtr 4.**

***Report actual ridership numbers, miles and hours for SFY2019**

***Enter current fleet information below.**

***Current fleet and mile information MUST be also be updated in BlackCat Inventory.**

| | **SFY2020 - Ridership and Fleet Information** | **SFY2019 - Ridership and Fleet Information** |
|---|---|---|
| Number of Annual Ridership (Trips) Provided | 214,117 | 219,884 |
| Number of Annual Revenue Hours | 59,978 | 60,246 |
| Number of Annual Revenue Miles | 881,041 | 891,272 |
| Number of Vehicles in Fleet | 31 | 31 |

| 11. What is the purpose of the three most commonly requested trips that your clients require? (e.g. medical, shopping, employment, education, social, etc.) |
|---|
| **1.** Employment |
| **2.** Medical |
| **3.** Social Services |

## Coordinated Public Transit Human Services Transportation Plan

**Applicants must be part of a locally derived Coordinated Public Transit Human Services Transportation Plan approved by North Dakota Department of Transportation (NDDOT) prior to submission of this application.**

!

12. When was your Coordinated Public Transit Human Services Transportation Plan approved by the NDDOT Transit Section? Has it been uploaded into BlackCat Resources? Since submitting your plan describe any additional efforts made to coordinate service.

The Coordinated Public Transit Human Services Plan was approved on May1, 2017 and has been ploaded into BlackCat. Since the creation of the plan we have developed a Transit Development plan which ncluded public input and discussions with human services providers. We have also created a community ransportation advisory group to discuss the mobility needs of the community.

13. Describe any potential opportunities for additional coordination. (include social service agencies, county social services, community actions, educational institutions, youth groups, veteran services, religious organizations, other transportation services, etc.) that may address unmet transit needs in your service area.

Areas in which we are increasing coordination is with educational institutions and the local hospitals to neet their transportation requirements.

14. Is the requested project(s) part of a Coordinated Public Transit Human Services Transportation Plan?

☒ **Yes**

☐ **No**

15. If you marked Yes above, indicate the page number where this project is listed.

If you marked No above, explain why this project is not part of your current plan.

Discussion of the need for evening and weekend service is on page 8 of the Human Service Coordination Plan.

## Non-Vehicle Project Request

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16. Please describe in detail your proposed project. Be specific and include a description of what you would like to purchase and how it benefits your transportation program.

This project will help cover the expense of maintaining night time services for those passengers who are elderly and disabled. With funding sources on the decline, it is becoming increasingly difficult to maintain demand response services for the special needs community outside of the required ADA times.

17. If this is a request for Mobility Manager funding, a current job description, including goals and achievements from the previous year, must be attached. Have you attached these documents to this application?

☐ **Yes**

☒ **No**

18. Are you the lead transit provider in your area? If not, what is the relationship of your program to other transportation providers?

☒ **Yes**

☐ **No**

19. Total cost of this project.

Federal Funds Requested: $66,156
Local Match Amount: $66,156 Source(s) of Local Match: Local Mill Revenue

## Non-Vehicle Project Request

**There is space provided below to request a project. NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each request.**

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This mobility management project will help cover the expense of marketing the transportation options to the community, train potential riders and agencies on the use of the services, and cover the eligibility paperwork that is involved in the process. The project will also entail meeting with agencies on the best way to meet the mobility needs of their clientele.

17. If this is a request for Mobility Manager funding, a current job description, including goals and achievements from the previous year, must be attached. Have you attached these documents to this application?

☒ **Yes**

☐ **No**

18. Are you the lead transit provider in your area? If not, what is the relationship of your program to other transportation providers?

☒ **Yes**

☐ **No**

19. Total cost of this project.

Federal Funds Requested: $17,824
Local Match Amount: $4,456 Source(s) of Local Match: Local Mill Revenue

## Non-Vehicle Project Request

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17. If this is a request for Mobility Manager funding, a current job description, including goals and achievements from the previous year, must be attached. Have you attached these documents to this application?

☐ **Yes**

☒ **No**

18. Are you the lead transit provider in your area? If not, what is the relationship of your program to other transportation providers?

☒ **Yes**

☐ **No**

19. Total cost of this project.

Federal Funds Requested: $47,307
Local Match Amount: $47,307 Source(s) of Local Match: Local Mill Revenue

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**There is space provided below to request a project. NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than vehicle, please attach additional sheets and create a separate project for each vehicle request.**

20. Provide a description of the vehicle you are requesting. (include: Year, Make, ADA qualified, and seating capacity)

Year:
Make/Model:
Seating Capacity:
Lift/Ramp: ☐ Yes ☐ No
Gas/Diesel/Other:

21. Describe in detail which programs and services the requested vehicle will be utilized in and how it will enhance or maintain your service?

| 22. What type of vehicle are you requesting? |
|---|
| ☐ Replacement Vehicle<br>☐ Expansion Vehicle |
| 23. If requesting a replacement, which vehicle in your fleet are you replacing? |
| a. Vehicle Information Number (VIN): |
| b. Vehicle Year: |
| c. Make/Model: |
| d. Current Mileage: |
| e. Vehicle In Service Date: |
| f. Has this vehicle information been updated in BlackCat Inventory? ☐ Yes ☐ No |
| 24. If requesting an expansion vehicle, list the agency/community/county to be served (include hours and days of service and estimated ridership). |
| |
| 25. If operating a fixed route, what are the paratransit eligibility criteria for people to ride your service? |
| |
| 26. Provide an estimated timeline for the purchase of this vehicle. Provide a separate timeline if you are applying for different types of vehicles. ***See sample timeline below, add or remove lines as needed.*** |
| Request For Proposal (RFP)/Invitation For Bid (IFB) Issue Date: |
| Contract Award Date: |
| Initial Vehicle Delivery Date: |
| Final Vehicle Deliver Date: |
| Contract Completion: |
| Final Payment Submitted to DOT: |
| 27. Estimate the total cost of vehicle. |
| Federal Funds Requested:<br>Local Match Amount: Source(s) of Local Match: |

| Following are suggested price requests for vehicles based on current state bid quotes. Keep in mind if you intend to order vehicles with additional options, prices will vary accordingly. See the State Bid website at https://apps.nd.gov/csd/spo/services/bidder/listCurrentContracts.htm | | Expected Delivery time (in months) |
|---|---|---|
| 15 Passenger or 12 + 2 Passenger Cutaway/Bus NDDOT Term Contract No. 300 | Base Price - $63,000 - $78,300 | 6 - 9 |
| Rear Lift ADA Transit Vehicle NDDOT Term Contract No. 301 & 301B | Base price - $47,083 – $61,780 | 3 - 6 |
| Frontrunner – Low Floor Vehicle – New England Wheels NDDOT Term Contract No. 381 | Base Price - $107,000 – 109,000 | 6 - 9 |
| ADA Low Floor Mini Van NDDOT Term Contract No. 382 | Base Price - $38,045 - $38,125 | 1 - 4 |
| Low-Floor Paratransit Ramp Buses NDDOT Term Contract No. 383 | Base Price - $96,720 - $109,410 | 6 - 9 |
| **FTA Useful Life Standards** | | |
| Mini-Vans/Modified Vans – 3-14 passenger | 4 years or 100,000 miles | |
| Med-Size Light Duty Cutaway – 8-16 passenger | 5 years or 150,000 miles | |
| Med-Size Med Duty Cutaway/Bus – 16-30 passenger | 7 years or 200,000 miles | |
| Med-Size Heavy Duty Bus – 24-25 passenger | 10 years or 350,000 miles | |
| Large Heavy-Duty Bus – 35-40+ passenger | 12 years or 500,000 miles | |

## Equipment & Miscellaneous Capital Projects

Fill in the requested information below regarding your Equipment and Miscellaneous Capital Project(s). These projects must directly relate to your transportation program. Any equipment purchased with these funds must be required for, and used for, public transportation.

**NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each.**

| |
|---|
| 28. Describe your proposed project(s) in detail (detail MUST include: type, quantity, cost, purpose of equipment being requested). |
| Type:<br>Quantity:<br>Purpose: |
| 29. How does this project enhance your transportation program? |
| |
| 30. Have you completed an Independent Cost Estimate document to show that the price is fair and reasonable? Provide this documentation. |
| ☐ Yes ☐ No (Applicant must provide an explanation) |
| 31. Is an ITS Project/Architecture Checklist required for this project? Review (23 CFR 940.13), see SFN 60212 located in the BlackCat Global Resources. |
| ☐ Yes<br>☐ No (Applicant must provide an explanation) |
| 32. Has the NDDOT ITS Project/Architecture Checklist been completed and submitted with this application for review? |
| ☐ Yes<br>☐ No (Applicant must provide an explanation) |
| 33. Provide an estimated timeline for the purchase of this equipment. Provide a separate timeline if you are applying for different types of equipment. ***See sample timeline below, add or remove lines as needed.*** |
| Request For Proposal (RFP)/Invitation For Bid (IFB) Issue Date: |
| Contract Award Date: |
| Deliver/Installation Date: |
| Contract Completion: |
| Final Payment Submitted to DOT: |
| 34. Estimated cost for the project? |

| |
|---|
| Federal Funds Requested:<br>Local Match Amount: Source(s) of Local Match: |

| Travel & Training |
|---|
| 35. List the training the Director attended in the past year. Included dates and conference/training name, including the DOT meetings. |
| Total amount reimbursed for travel in FY2020: |
| 36. Provide the conferences and meetings you will be requesting to attend this year and include an estimated RTAP Travel Budget to be requested. |
| Total estimated travel budget for FY2021: |

## Local Match & Total Funding Request

In the table below, list requested projects by priority, and specify in detail the sources and dollar amounts of Local Match funding (State Aid, Mill Levy, Other Directly Generated Funds etc.) that are available to be used towards each project (Vehicle, Facility Rehabilitation & Construction, and/or Equipment/Miscellaneous Capital).

**Local match listed here cannot be already targeted as match for a FY2021 5339 or 5311 applications.**

**Farebox revenue cannot be used as Local Match**.

**<u>Documentation of sources of Local Match (including State Aid) MUST be attached or it will not be considered.</u>**

**This project ranking should match your prioritization in BlackCat.**

| Ranking | Project | Federal Cost of Project | Local Match Needed | Sources of Local Match* |
|---|---|---|---|---|
| **1** | Nighttime Demand Response Service for Elderly and Disabled | $66,156 | $66,156 | Local Mill Revenue |

| | | | | |
|---|---|---|---|---|
| **2** | Mobility Manager | $17,824 | $4,456 | Local Mill Revenue |
| **3** | Sunday Service | $47,307 | $47,307 | Local Mill Revenue |
| **4** | | | | |
| **5** | | | | |

CAT
CAPITAL AREA TRANSIT

BIS-MAN TRANSIT

March 27, 2020

North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Office of Transportation Program Services,

The local matching funds to be used for vehicles purchased under the FY20 5310 grant will be derived from local funding reserved in Bis-Man Transit savings derived from local mil levies and the state grant.

Roy Rickert
Executive Director

5/27/2020
Date

C

March 26, 2020

**TO**: Bis-Man Transit Board of Directors

**FROM:** Roy Rickert, Executive Director

**SUBJECT:** FY21-5310 Grant

**RECOMENDATION:** Staff recommends approval of this grant application for submittal to the City of Bismarck and the State of North Dakota.

**BACKGROUND:** The FTA 5310 grant is designed to fund Enhanced Mobility of Seniors & Individuals with Disabilities.

**DISCUSSION:** This application is being made to request funds to assist with the costs of mobility management tasks, and ensure that we have funds available for nighttime and Sunday demand response service for seniors and those with disabilities.

**FINANCIAL IMPACT:** The Mobility Management project portion of this grant allows federal funding at 80% of the overall project cost and the nighttime and sundy services grant award would cover 50% of operational costs. If awarded the requested funds, we would receive $131,287 without being required to take any additional funds from our reserves as these are services that we are currently operating.

# 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 Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, 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 Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, 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 _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 Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, 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 Bismarck City Commission certifies that the foregoing is a true and correct statement.

1-21-20
(Date)

(Signature of Officer)

President, Bismarck City Commission
(Title of Officer)

# Community Development Department

**DATE:** April 7, 2020

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

**ITEM:** TrAMS User Manager and User Role Designations

## REQUEST

To approve the accompanying 'User Manager and User Role Designation' for the purposes of 1) interaction with the City of Bismarck's grant management and 2) reporting upon the Transit Agency.

Please place this item on the April 14, 2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

City of Bismarck, Bis-Man Transit and Bis-Man MPO staff interact with FTA's Transit Award Management System (TrAMS) to create, manage, and review the City of Bismarck's transit grants. Certain staff also have access to the National Transit Database (NTD) to complete reports on the Transit Agency. All individuals who interact with the TrAMS and NTD platforms must be certified by the City of Bismarck.

The accompanying document designates Glenn Lauinger as a User of TrAMS and a User Manager of NTD. Glen will be granted read-only access in TrAMS but will have executive reporting and submitting roles in NDT. These are required by FTA for his position as Bis-Man Transit's designated leadership authority.

## RECOMMENDED CITY COMMISSION ACTION

Consider the request for approval of Glenn Lauinger as a TrAMS User and an NTD User Manager.

## STAFF CONTACT INFORMATION

Rachel Drewlow | MPO Transportation Planner, 355-1852 or
rdrewlow@bisamrcknd.gov

Bismarck·Mandan
METROPOLITAN PLANNING ORGANIZATION

P.O. Box 5503 • 221 North 5th Street
Bismarck, North Dakota 58506
**Telephone** 701 355 1840
**TDD** Dial 711
**Fax** 701 222 6450
**Email** mpo@bismarcknd.gov
**Web** www.bismarcknd.gov/MPO

*Please put this document on letterhead.*

## Designation of Authority for FTA TrAMS User Manager and Role Identification

| **FTA Recipient Organization Information** | Date: 4/6/2020 |
|---|---|
| Agency Name: City of Bismarck | |
| Agency Acronym: BISMK | |
| TrAMS ID: 1155 | NTD ID: N/A |

| **User Manager and/or TrAMS Role Authorization** | | |
|---|---|---|
| | **User 1** | **User 2** |
| Full Name: | Glenn Lauinger | |
| Title: | Board Member/ Designated Authority | |
| Email: | glauinger@bismantransit.com | |
| Phone: | 701-258-6817 | |
| NTD User Mgr: | YES [X] NO [ ] | YES [ ] NO [ ] |
| TrAMS User Mgr: | YES [ ] NO [X] | YES [ ] NO [ ] |
| TrAMS Roles: *(Check all roles that are authorized for each user.)* | Official*: [ ]<br>Attorney*: [ ]<br>Submitter*: [ ]<br>Developer: [ ]<br>MPR Reporter: [ ]<br>FFR Reporter: [ ]<br>Civil Rights: [ ]<br>Read Only: [x] | Official*: [ ]<br>Attorney*: [ ]<br>Submitter: [ ]<br>Developer: [ ]<br>MPR Reporter: [ ]<br>FFR Reporter: [ ]<br>Civil Rights: [ ]<br>Read Only: [ ] |

** - Official, Attorney and Submitter roles MUST have approval from agency CEO. For Official and Attorney access, information must match with Authorizing Resolution and/or Designation of Signature Authority.*

Agency CEO Signature:

# Engineering Department

**DATE:** April 7, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** 2020 Chief Lookings Village Access Road – HC 130

**REQUEST**

Consider approval of North Dakota Department of Transportation (NDDOT) Construction and Maintenance Agreement for Chief Lookings Village Access Road – SRF-0008(034), PCN 22799, HC 130).

Consider approval of Companion Agreement with Bismarck Parks and Recreation District (BPRD).

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

The City of Bismarck Engineering Department is the project sponsor for a BPRD project awarded by NDDOT to rehabilitate the roadway and parking lot at Chief Lookings Village. The Commission approved acceptance of the NDDOT Special Road Fund (SRF) funding at their 1/28/20 meeting.

The NDDOT requires the City of Bismarck enter into a Construction and Maintenance Agreement for the project. This agreement details the respective responsibilities of the NDDOT and the City of Bismarck during construction and maintenance phases of the Chief Lookings Village roadway and parking lot rehabilitation project.

As per our standard practice, I have also prepared the attached agreement between the City of Bismarck and the Bismarck Parks and Recreation District (BPRD) for the above project. This Agreement obligates the BPRD to fulfill the responsibilities of the City under the terms of the NDDOT Agreement, including the provision of the funding required for the local match and for all costs beyond the stated funding cap. The BPRD Board will be considering this Agreement at its April 16, 2020 meeting. If approved by

both Boards and subject to final permitting and authorization, the project would be bid by BPRD this spring and constructed in 2020.

**RECOMMENDED CITY COMMISSION ACTION**

Approve the NDDOT Construction and Maintenance Agreement contingent on BPRD approval.

Approve the BPRD Agreement contingent on BPRD approval.

**STAFF CONTACT INFORMATION**

Gabe Schell, PE | City Engineer, 355-1505 or gschell@bismarcknd.gov

# North Dakota Department of Transportation
# CONSTRUCTION AND MAINTENANCE AGREEMENT
# FOR LPA STATE AID PROJECT

**Project No. SRF-0008(034)**

**PCN 22799**

**LPA CITY OF BISMARCK**

**Location: CHIEF LOOKINGS VILLAGE**

**Length: 0.30 miles**

It is agreed by and between the Local Public Agency (LPA) of Bismarck, North Dakota, hereinafter referred to as the LPA, and 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:

That the project shall be constructed and maintained by the LPA.

1. The LPA will pay for all construction costs, less 60 percent contributed by NDDOT. NDDOT contribution will not exceed $233,449. Engineering, right-of-way, utility, mitigation, and maintenance costs are not eligible for reimbursement.

2. The LPA shall prepare the appropriate bid documents and bid the project in accordance with applicable state and local laws. The LPA shall determine the lowest responsible bidder and execute an agreement for completion of the project.

3. The LPA will construct said project according to the North Dakota *Standard Specifications for Road and Bridge Construction*, the plans, specifications, and other project documents which are made a part of this agreement by reference.

4. The work will be completed by the LPA and contractor(s) within 600 calendar days after this agreement is executed by NDDOT.

5. State reimbursement will be based on accepted and verified quantities determined by the LPA or consulting engineer. The LPA will be required to submit invoices or contractor progressive estimates along with the request for reimbursement.

6. The LPA will acquire the necessary rights of way without state aid or cost to NDDOT. The LPA will remove any existing encroachment upon the right of way and the LPA will save harmless NDDOT from any claim arising from the acquisition of or the failure to acquire such right of way.

7. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.

8. The LPA will provide any necessary permits or agreements required for utility facilities (poles, underground or overhead lines, etc.) that will be installed or allowed to remain on or crossing the right of way.

9. The LPA will secure any necessary permits or clearances such as those required by the State Historical Society, Corps of Engineers, etc.

10. 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 streets, inconvenience to property or business, and any loss of light, air, view, access, egress, drainage, support, or nuisance.

11. Adequate engineering and inspection shall be provided by the LPA. The LPA shall make the reports, and keep and make available to NDDOT the records as may be required and perform the work in an acceptable manner.

12. The LPA shall ensure that the required number of samples of materials incorporated into the project are taken in a satisfactory manner and are properly submitted for testing.

13. The LPA will provide for the signing and marking of the project in accordance with the latest edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways.*

14. The terms of this agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by the parties.

15. The LPA shall comply with all applicable laws and rules, including, but not limited to, those relating to nondiscrimination, accessibility, and civil rights.

16. AFTER COMPLETION OF CONSTRUCTION, the LPA will, at its own cost and expense, maintain the project in a manner satisfactory to NDDOT or their authorized representative, and will make ample provision each year for such maintenance.

EXECUTED that date last below signed.

ATTEST:

_____
AUDITOR (TYPE OR PRINT)

_____
SIGNATURE

_____
DATE

LPA OF _____

_____
MAYOR/PRESIDENT/CHAIRPERSON (TYPE OR PRINT)

_____
SIGNATURE

_____
DATE

APPROVED as to substance:

_____
LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

_____
SIGNATURE

_____
DATE

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

_____
DIRECTOR (TYPE OR PRINT)

_____
SIGNATURE

_____
DATE

CLA 18699 (Div. 38)
L.D. Approved 07-17

NDDOT
North Dakota
Department of Transportation

## 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 **$250,000 per person** and **$500,000 per occurrence**. The minimum limits of liability required of the State are **$250,000 per person** and **$1,000,000 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 $250,000 per person and $1,000,000 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 11-19

NDDOT
North Dakota
Department of Transportation

# A G R E E M E N T

The City of Bismarck, P.O. Box 5503, Bismarck, North Dakota 58506-5503, hereinafter "**City**," and the Bismarck Parks and Recreation District, 400 East Front Avenue, Bismarck, North Dakota 58504-5641, hereinafter "**Parks**," agree as follows:

WHEREAS, **City** has contracted with the North Dakota Department of Transportation to receive funding participation to reconstruct a roadway and parking lots designated as Chief Lookings Village Road Project, approximately 0.30 miles; and

WHEREAS, **Parks** will contract at its own expense for the design, inspection, and observation of the roadway and parking lot improvement and when completed will maintain the roadway and parking lot; and

WHEREAS, **City** will enter into a Construction and Maintenance Agreement - Special Roads Funds - (Project No. SRF-0008(034)) with the North Dakota Department of Transportation to receive funds not to exceed $233,449.00 for this purpose.

The **City** and **Parks** agree that **Parks** shall contract for the design, construction administration, inspection, and observation of the project and maintain the improvement resulting from this project subject to the following terms and conditions:

1. Hold Harmless. **Parks** agrees to protect, defend, indemnify, and hold the **City**, its officers, employees, and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, suits, causes of action, and judgments of every kind and character in connection with or arising directly or indirectly out of this Agreement and/or the performance hereof.

2. Compliance with NDDOT Program Requirements. **Parks** agrees to comply with all provisions and requirements of the Construction and Maintenance Agreement - Special Roads Funds - (Project No. SRF-0008(034)), specifically including the Risk Management Appendix, between the **City** and the NDDOT and fulfill and assume all of the obligations and responsibilities of the **City** under that Agreement with regard to the funding made available by the Cost Participation,

Construction, and Maintenance Agreement- Special Roads Funds- (Project No. SRF-0008(034)) between the **City** and the NDDOT in the amount of a maximum of $172,950. A copy of that Agreement is attached and made a part of this Agreement as attached Exhibit A. This includes, but is not limited to Title VI Assurances, Risk Management requirements and that all of the terms of Exhibit A will be complied with by **Parks** that are identified as responsibilities of the **City** in the Agreement attached as Exhibit A.

3. Funding. The local matching funds necessary for the project shall be the responsibility of the **Parks**. The NDDOT will make all project payments. The **City** will reimburse the NDDOT for any payments made by the NDDOT on behalf of this project not reimbursable by the federal funds. The **Parks** shall reimburse the **City** for all payments made by the **City** to the NDDOT. Payments to contractors will be made by the NDDOT as stated above only when the work contracted for has been performed and accepted by the **Parks** and the **City**.

4. **Parks** agrees to establish and maintain sufficient program and financial records to verify that NDDOT requirements, Federal Highway Administration requirements, and other federal requirements have been met. **Parks** will make project files available for monitoring by the **City**, the NDDOT, and the Federal Highway Administration, or the Comptroller General. Records must be retained for a five-year period after project completion date.

5. **Parks** shall respond to and clear all material weaknesses resulting from any audit performed on this project. Material weaknesses identified in **Parks's** current audit must be reconciled prior to **Parks's** next audit. Plans to correct material weaknesses must be submitted to the City of Bismarck Finance Department. Plans to address significant deficiencies identified by a **Parks** audit must also be submitted to the City of Bismarck Finance Department.

6. Effective Date. This Agreement becomes effective immediately on signature indicated by the following execution of the parties.

Dated this _____ day of _____, 2020.

Attest:

By_____
Randy Bina
Executive Director, Bismarck
Parks & Recreation District

BISMARCK PARKS AND RECREATION DISTRICT

By_____
Brian Beattie
President
Board of Park Commissioners

Dated this _____ day of _____, 2020.

Attest:

By_____
Keith J. Hunke
City Administrator

CITY OF BISMARCK

By_____
Steve Bakken, President
Board of City Commissioners

# Engineering Department

**DATE:** April 6, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Construction of Sidewalk, Curb and Gutter, and Driveways 2020 (CC20 – Parts A & B)

## REQUEST

Request for Resolution Receiving Bids.

Request for Resolution Awarding Contracts for Parts A-1, A-2, B-1 and B-2

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

This project is the annual city concrete contract to construct concrete sidewalks, curb and gutter, driveways, and other concrete as petitioned by land developers or homeowners and as needed by a city department during the 2020 construction season.

The project is divided into four separate contracts. Contractors may submit a bid for any or all parts of the city concrete contract and are divided as follows:

| | |
|---|---|
| Part A-1 | New Sidewalk and Driveway Aprons. |
| Part A-2 | Sidewalk Gaps. |
| Part B-1 | Hazardous Sidewalks and Driveway Apron Repairs. |
| Part B-2 | Miscellaneous Concrete Repairs - Sidewalks, Driveway Aprons and Curb & Gutter. |

The bid summaries will be provided after the bid opening on April 9, 2020 via an addendum to this agenda item issued on Monday April 13, 2020.

The low bidder for Part A-1 was _____ in the amount of $ _____.
The low bidder for Part A-2 was _____ in the amount of $ _____.
The low bidder for Part B-1 was _____ in the amount of $ _____.
The low bidder for Part B-2 was _____ in the amount of $ _____.

Project Schedule for all contracts

| | |
|---|---|
| Receipt and Opening of Bids: | April 9, 2020 |
| Bid Award: | April 14, 2020 |
| Project Completion: | June 1, 2021 |

**RECOMMENDED CITY COMMISSION ACTION**

Resolution to Receiving bids for CC-20 for Part A and Part B.

Resolution to Award Contract for Part A-1 to _____ in the amount of $ _____.
Resolution to Award Contract for Part A-2 to _____ in the amount of $ _____.
Resolution to Award Contract for Part B-1 to _____ in the amount of $ _____.
Resolution to Award Contract for Part B-2 to _____ in the amount of $ _____.

**STAFF CONTACT INFORMATION**

Linda Oster, PE, Design and Construction Engineer 355-1505, loster@bismarcknd.gov

# Engineering Department

**DATE:** April 6, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Street Improvement District No. 530

**REQUEST**

Request for Resolution Receiving Bids and ordering Preparation of the Engineer's Statement for SI 530.

Request for Resolution Awarding Contract for SI 530.

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

Street Improvement District SI 530 consists of one unit of new asphalt roadway in Clear Sky Addition. This district was created on July 9, 2019. Due to late season bidding for the 3-way water and sewer project, the developer asked that the bidding for SI 530 be delayed until now. The district was expanded at the February 25, 2020 meeting at the developer's request.

Bids were received on April 6, 2020. The engineer's estimate was $294,333.45 The low bid of $ 293,354.05 was received from Strata Corporation.

The bid summary and project budget are attached.

<u>Unit No. 1 (100% Petitioned)</u>
Hendrickson Drive – 52nd Street to 200 LF east of Hermanson Drive
Mehrer Drive – Hendrickson Drive to 200 LF south of Hendrickson Drive
Hermanson Drive – Hendrickson Drive to 200LF south of Hendrickson Drive

Project Schedule

| | |
|---|---|
| Receipt and Opening of Bids: | April 6, 2020 |
| Contract Award: | April 14, 2020 |
| Project Completion: | August 2021 |

## RECOMMENDED CITY COMMISSION ACTION

Resolution to Receive Bids and Ordering the Preparation of the Engineer's Statement for SI 530.

Resolution Awarding Contract SI 530 to Strata Corporation in the amount $ 293,354.05.

## STAFF CONTACT INFORMATION

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

**BID TABULATION**
**FOR**
**STREET IMPROVEMENT DISTRICT NO. 530**

April 6, 2020

**ENGINEER'S ESTIMATE:** $294,333.45

| BIDDER | BOND | LICENSE | ADDENDUM | SIGNATURE | AMOUNT |
|---|---|---|---|---|---|
| Northern Improvement Co | X | X | X | X | $344,961.20 |
| Strata Corp | X | X | X | X | $293,354.05* ~~$291,704.05~~ |

*Corrected upon verification of bids

# PROJECT BUDGET

| Number | SI 530 | Description | SI 530 - New Pavement in Clear Sky Addition |
|---|---|---|---|

| Scheduled Start | 5/1/2020 | Scheduled End | 8/1/2020 |
|---|---|---|---|

## Project Contracts

| Project Construction Contracts | | | Amount |
|---|---|---|---|
| Strata Corporation | | | 293,354.05 |
| Subtotal | | | 293,354.05 |
| Contingencies | | 10% | 29,335.41 |
| | | **Total Construction Contracts** | 322,689.46 |

| Other Contracts, Land Purchases, Etc. | Contract No. | | Amount |
|---|---|---|---|
| Subtotal | | | - |
| *Contingencies | | 10% | - |
| | | **Total Other Contracts** | - |

| Work by Other City Departments | | | Amount |
|---|---|---|---|
| Signs* | | | 500.00 |
| Subtotal | | | 500.00 |
| *Contingencies | | 10% | 50.00 |
| | | **Total Work by Other City Departments** | 550.00 |

## SUMMARY

| | | |
|---|---|---|
| **Construction Cost - No Contingencies** | | **293,854.05** |
| **TOTAL CONSTRUCTION COST WITH CONTINGENCIES** | | 323,239.46 |
| Engineering | 10% | 32,323.95 |
| Administration | 4% | 12,929.58 |
| Advertising and Legal | 2% | 6,464.79 |
| Interest During Construction | 3% | 9,697.18 |
| **SI 530 TOTAL PROJECT COST** | | **384,654.95** |

| Project Funding | Amount |
|---|---|
| Special Assessments | 384,654.95 |
| **Total Funding** | 384,654.95 |

# SI 530 - UNIT 1 (Revised)

# Engineering Department

**DATE:** April 6, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Street Improvement District No. 532

**REQUEST**

Request for Resolution Receiving Bids and ordering Preparation of the Engineer's Statement for SI 532.

Request for Resolution Awarding Contract for SI 532.

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

Street Improvement District No. 532 consists of 2 units (70 blocks) of roadway maintenance with work consisting of scrub seal. Unit 1 includes 13,735 LF of sealed roadway. Unit 2 includes 9,665 LF of sealed roadway.

Letters were sent to property owners in early February notifying them of the proposed project. The insufficiency of protests for both units was presented at the March 10, 2020 commission meeting.

Bids were received on April 6, 2020. The engineer's estimate was $ 516,609.27. The low bid of $484,504.62 was received from Strata Corporation. A bid summary and project budget are included.

The bid summary and project budget are attached.

<u>Unit No. 1</u>
Ithica Drive – Century Avenue to Springfield Street
Springfield Street – Ithica Drive to Interstate Avenue
Stevens Street – Ithica Drive to Interstate Avenue
Hawken Street – Century Avenue to Stevens Street
Winchester Drive – Weatherby Way to Interstate Avenue
Stewart Drive – Remington Avenue to Winchester Drive

Apollo Avenue – Washington Street to Cul-De-Sac
Weatherby Way – Stevens Street to Washington Street
Browning Avenue – Cul-De-Sac to Washington Street
Remington Avenue – Stevens Street to Washington Street
Dohn Avenue – Stevens Street to Winchester Drive

Unit No. 2
Stonewall Drive – 170' north of Tucker Lane to 129' south of Hitchcock Drive
Roosevelt Drive – 159' north of Tucker Lane to 231' south of Hitchcock Drive
Tucker Lane – 128' west of Stonewall Drive to Roosevelt Drive
Calgary Avenue – 128' west of Stonewall Drive to Roosevelt Drive
Chamberlain Drive – Stonewall Drive to Frost Lane
Chamberlain Place – Frost Lane to Cul-De-Sac
Penn's Lane – 160' west of Stonewall Drive to Stonewall Drive
Penn's Place – Stonewall Drive to Cul-De-Sac
Frost Lane –Stonewall Drive to Roosevelt Drive
Hitchcock Drive – Stonewall Drive to Roosevelt Drive

Project Schedule

| | |
|---|---|
| Receipt and Opening of Bids: | April 6, 2020 |
| Award of Bid: | April 14, 2020 |
| Project Completion: | Fall 2020 |

**RECOMMENDED CITY COMMISSION ACTION**

Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for SI 532.

Resolution Awarding Contract for SI 532 to Strata Corporation for $484,504.62.

**STAFF CONTACT INFORMATION**

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

**BID TABULATION**
**FOR**
**STREET IMPROVEMENT DISTRICT NO. 532**

April 6, 2020

**ENGINEER'S ESTIMATE:** $516,609.27

| BIDDER | BOND | LICENSE | SIGNATURE | AMOUNT |
|---|---|---|---|---|
| Asphalt Surface Technologies Corp | X | X | X | $538,034.30 |
| Strata Corp | X | X | X | $484,504.62 |
| Northern Improvement Company | | | | |

# PROJECT BUDGET

| Number | SI 532 | Description | SI 532 Scrub Seal |
|---|---|---|---|

| Scheduled Start | 5/1/2020 | Scheduled End | 10/1/2020 |
|---|---|---|---|

## Project Contracts

| Project Construction Contracts | | | Amount |
|---|---|---|---|
| Strata Corporation | | | 484,504.62 |
| | Subtotal | | 484,504.62 |
| | Contingencies | 10% | 48,450.46 |
| | **Total Construction Contracts** | | 532,955.08 |

| Other Contracts, Land Purchases, Etc. | Contract No. | | Amount |
|---|---|---|---|
| NA | | | |
| | Subtotal | | - |
| | *Contingencies | 10% | - |
| | **Total Other Contracts** | | - |

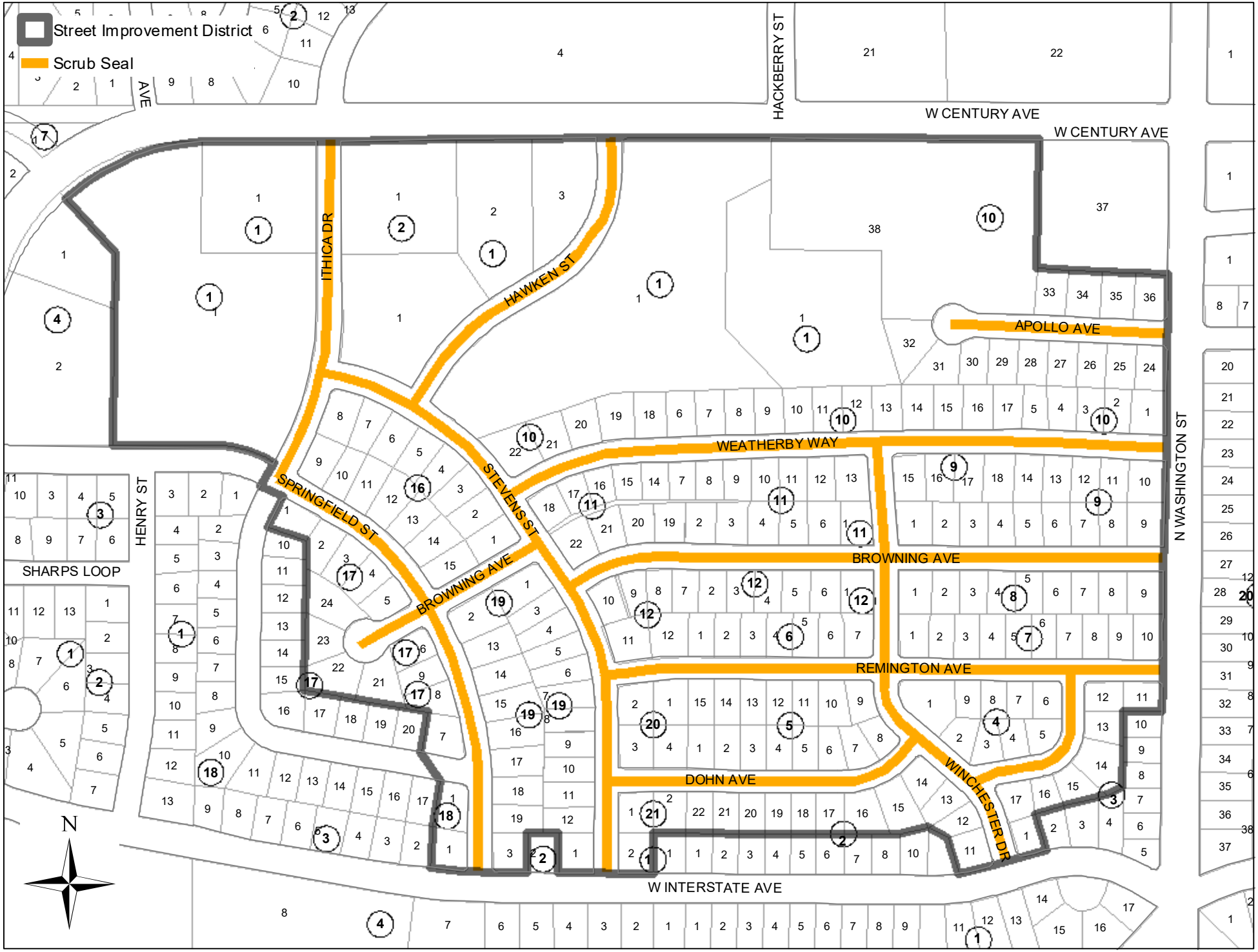
| Work by Other City Departments | | | Amount |
|---|---|---|---|
| Signs* | | | 21,200.00 |
| | Subtotal | | 21,200.00 |
| | *Contingencies | 10% | 2,120.00 |
| | **Total Work by Other City Departments** | | 23,320.00 |

## SUMMARY

| | |
|---|---|
| **Construction Cost - No Contingencies** | **505,704.62** |
| **TOTAL CONSTRUCTION COST WITH CONTINGENCIES** | 556,275.08 |
| Engineering | 55,627.15 |
| Administration | 4,337.73 |
| Advertising and Legal | 8,675.46 |
| Interest During Construction | 13,013.19 |
| **SI 532 TOTAL PROJECT COST** | **637,928.61** |

| Project Funding | Amount |
|---|---|
| Special Assessments | 503,180.15 |
| Sales Tax & Spec Def | 134,748.45 |
| **Total Funding** | 637,928.61 |

# SI 532 - UNIT 1


Street Improvement District
Scrub Seal
W CENTURY AVE
HACKBERRY ST
ITHICA DR
HAWKEN ST
APOLLO AVE
WEATHERBY WAY
STEVENS ST
SPRINGFIELD ST
BROWNING AVE
REMINGTON AVE
DOHN AVE
WINCHESTER DR
N WASHINGTON ST
HENRY ST
SHARPS LOOP
W INTERSTATE AVE
N

# SI 532 - UNIT 2

Street Improvement District
Scrub Seal
MCCOMB AVE
TUCKER LN
STONEWALL DR
E CALGARY AVE
MALTBY ST
CHAMBERLAIN DR
ROOSEVELT DR
PENNS PL
PENNS LN
FROST LN
CHAMBERLAIN PL
GREENSBORO DR
HITCHCOCK DR
TURNBOW LN
N

# Engineering Department

**DATE:** April 6, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Street Improvement District No. 535

**REQUEST**

Request for Resolution Approving Plans and Specifications.

Request for Resolution Directing the Advertisement of Bids and Receive Bids.

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

Street Improvement District No. 535 consists of nine units of new roadway lighting and appurtenances throughout Bismarck (see attached maps). All street lighting improvements will be funded through special assessments except for Unit 5.

In Unit 5, a portion of the improvement will be pre-paid by the developer per Amendment 2 of the Memory First Addition Development Agreement, approved by the Board November 12, 2019. Additionally, the assessed cost for the one unannexed parcel will be held in abeyance with the assessment paid by Rural Road Fund until the parcel is annexed into the City. Costs for all other parcels in the district will be special assessed.

Letters were sent to property owners for the public meeting to be held April 28, 2020.

<u>Unit No. 1</u>
Crest Road – 120' West of High Creek Road to 160' West of Crest Place
Crest Place – Crest Road to Cul-De-Sac

<u>Unit No. 2</u>
Harp Hawk Drive – 125' East of Grey Hawk Lane to Marsh Hawk Drive
Talon Road – Marsh Hawk Drive to 150' East
Prairie Hawk Drive – 135' East of Grey Hawk Lane to Marsh Hawk Drive
Marsh Hawk Drive – Harp Hawk Drive to Prairie Hawk Drive

Unit No. 3
Greenfield Lane –Washington Street to Saints Drive

Unit No. 4
Mica Drive – 110' East of Basalt Drive to Flint Drive
Jasper Drive – Mica Drive to 250' South
Flint Drive – 225' North of Mica Drive to Normandy Street
Normandy Street – 150' South of Flint Drive to 250' North of Flint Drive

Unit No. 5
57th Avenue NE – 135' East of US Highway 83 to 19th Street
19th Street – 57th Avenue NE to 50' South of Elbowoods Lane

Unit No. 6
Shiloh Drive – 670' East of 19th Street to 940' East of 19th Street

Unit No. 7
Revere Drive –Bismarck Express way to 230' West of Hancock Drive

Unit No. 8
Miriam Avenue – 420' East of Channel Drive to Channel Drive
Channel Drive – Miriam Avenue to Global Drive

Unit No. 9
Cessna Avenue – Piper Street to Airport Road
Piper Street – 190' South of Continental Avenue to Basin Avenue

Project Schedule

| | |
|---|---|
| Protest Period Ends: | April 15, 2020 |
| Public Reading of Sufficiency of Protest: | April 28, 2020 |
| Receipt and Opening of Bids: | May 4, 2020 |
| Award of Bid: | May 12, 2020 |
| Project Completion: | Fall 2020 |

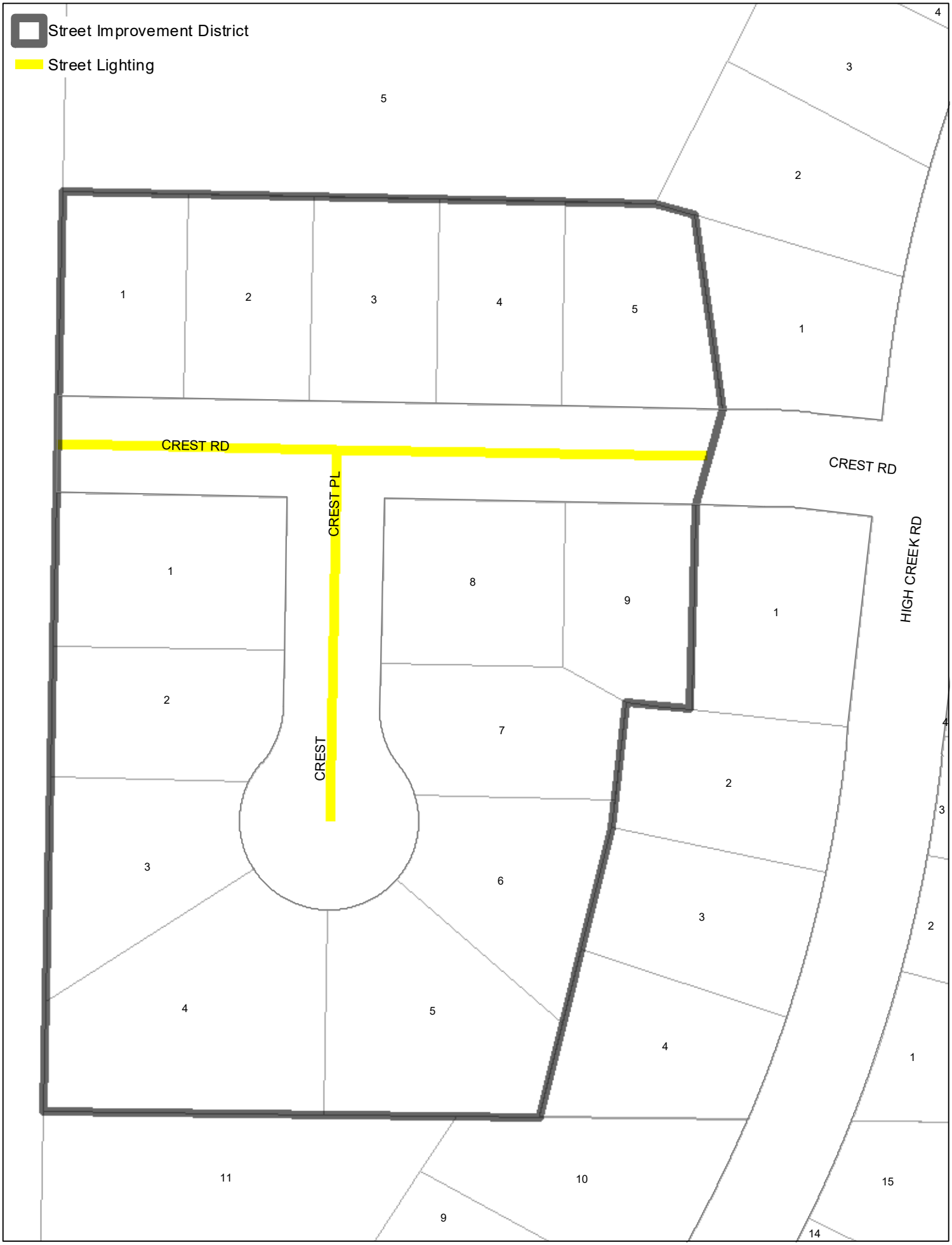
**RECOMMENDED CITY COMMISSION ACTION**

Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receive Bids for SI 535.

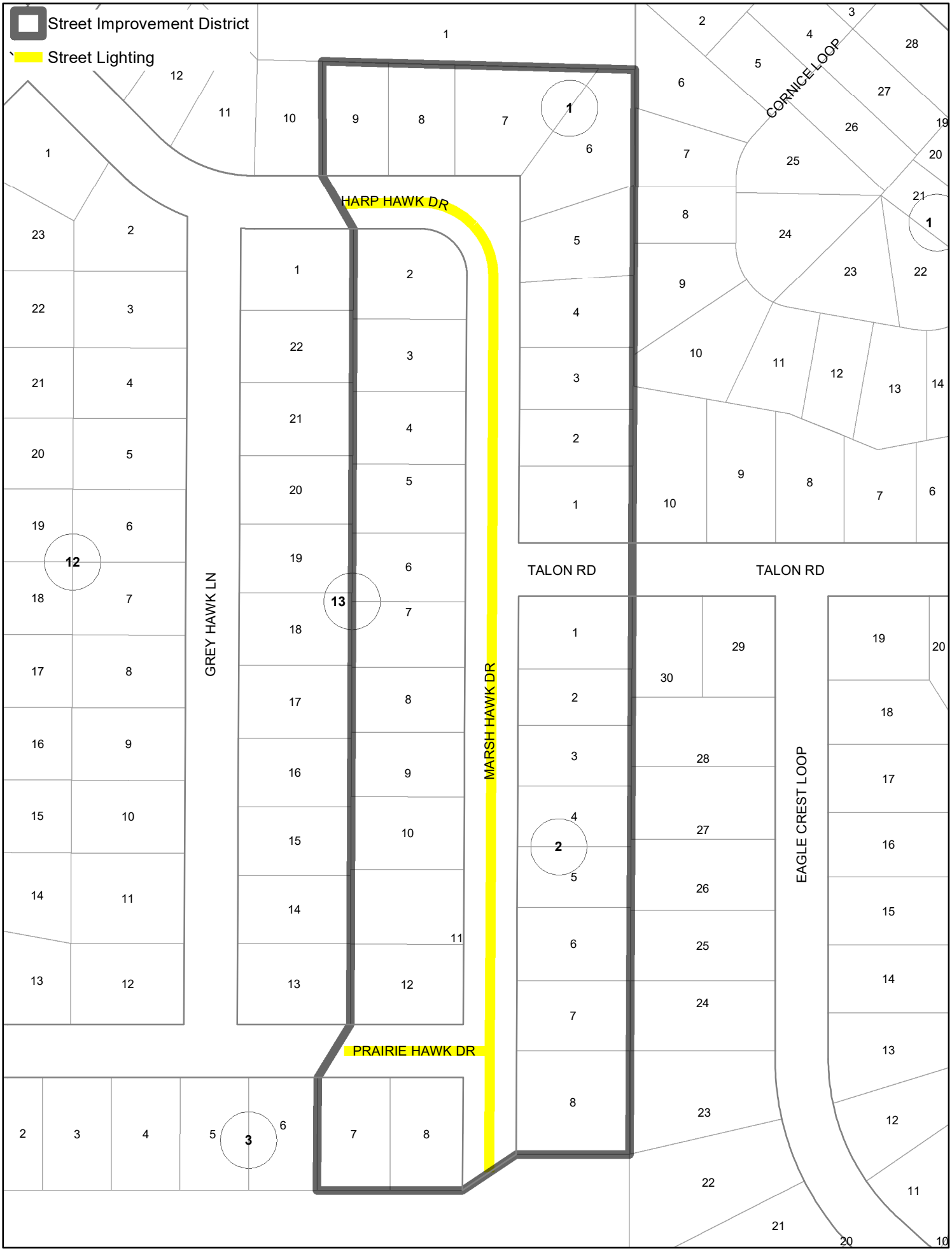
**STAFF CONTACT INFORMATION**

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

**SI 535 - Unit 1**


Street Improvement District
Street Lighting
CREST RD
CREST PL
CREST
CREST RD
HIGH CREEK RD
1
2
3
4
5
1
2
3
4
5
1
1
2
3
4
5
6
7
8
9
1
2
3
4
1
2
3
4
5
9
10
11
14
15

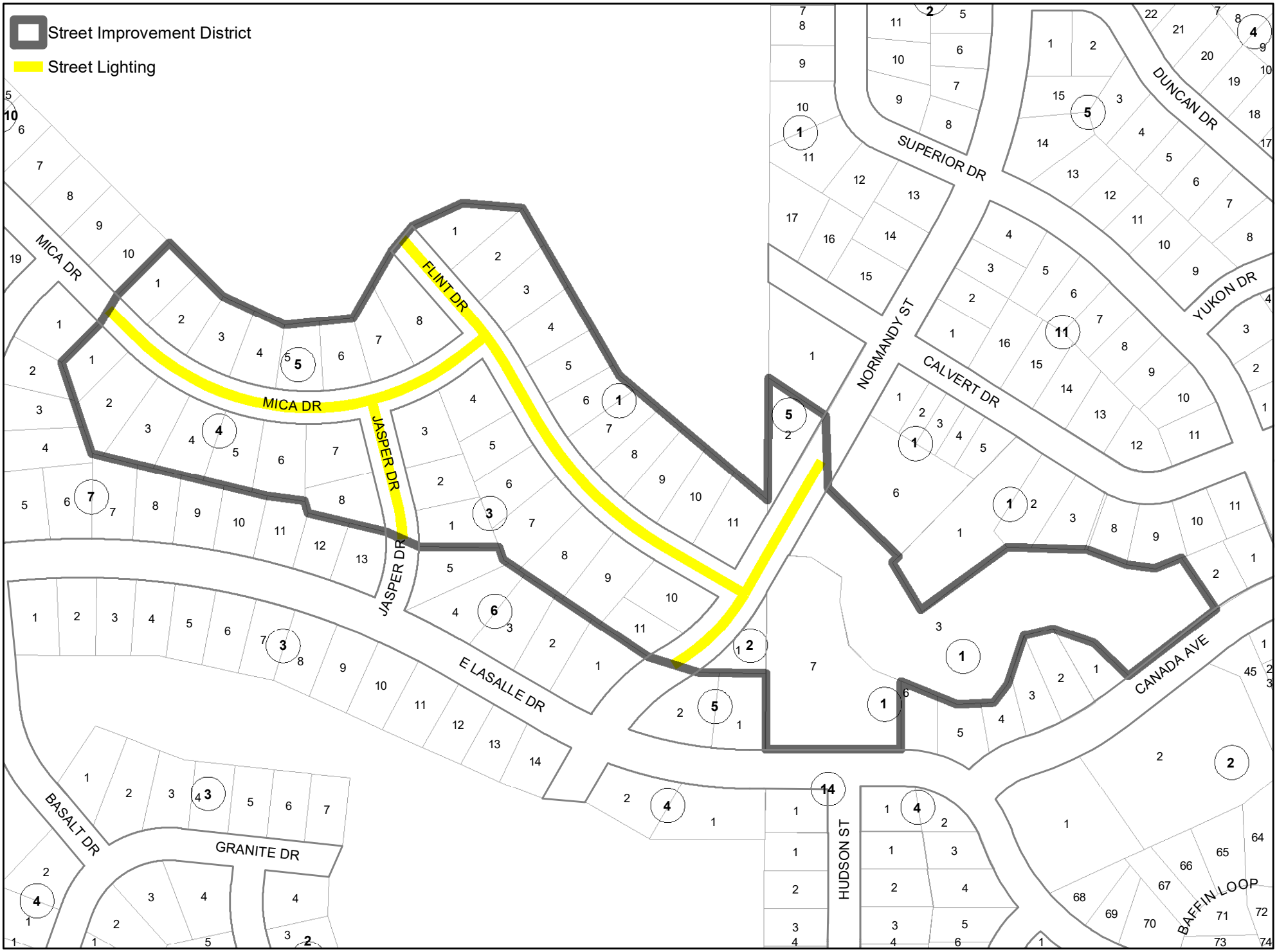
# SI 535 - Unit 2


Street Improvement District
Street Lighting
HARP HAWK DR
GREY HAWK LN
MARSH HAWK DR
PRAIRIE HAWK DR
TALON RD
TALON RD
CORNICE LOOP
EAGLE CREST LOOP

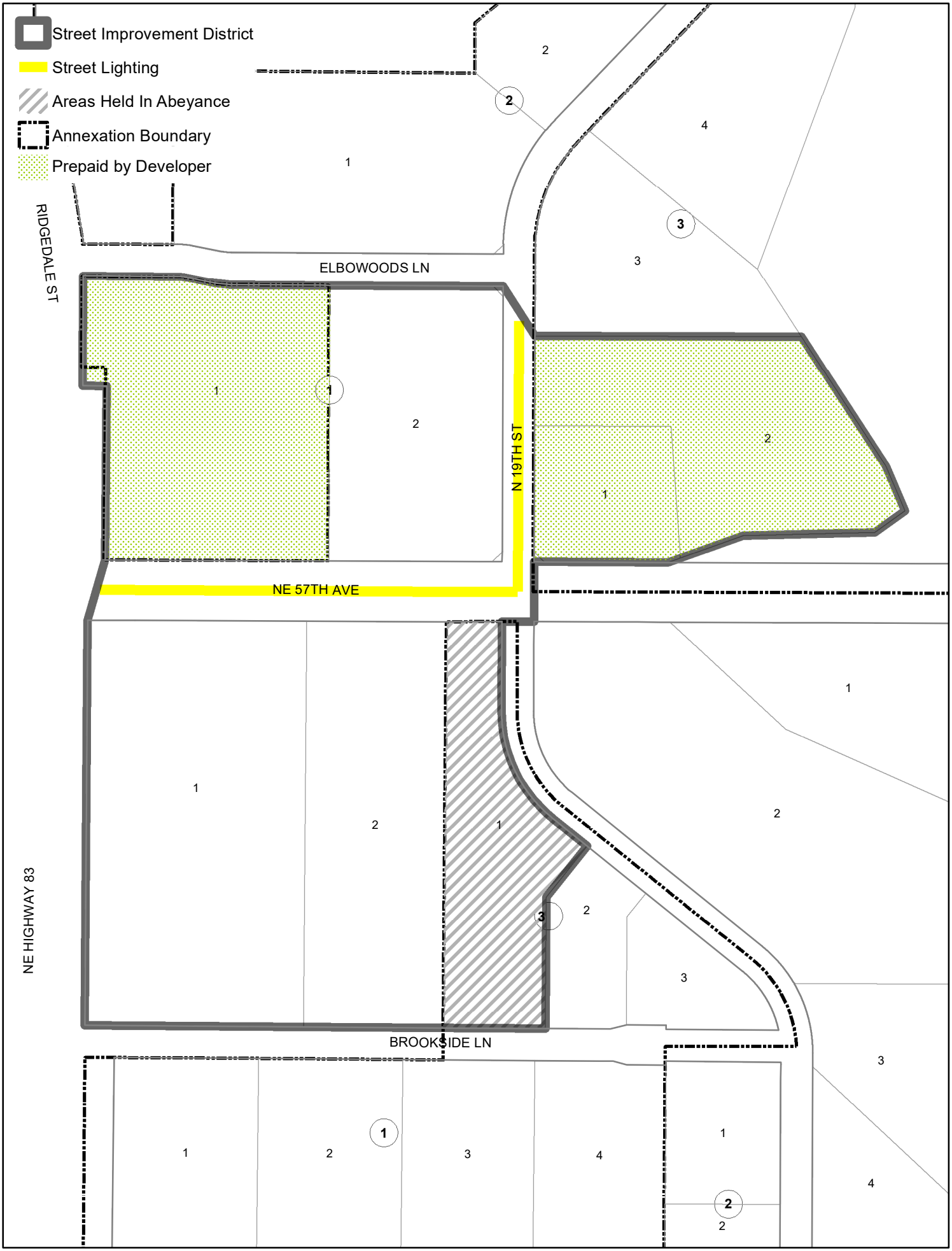
**SI 535 - Unit 3**

Street Improvement District
Street Lighting
1
E GREENFIELD LN
N WASHINGTON ST
1
1
2
3
SAINTS DR
NE 57TH AVE

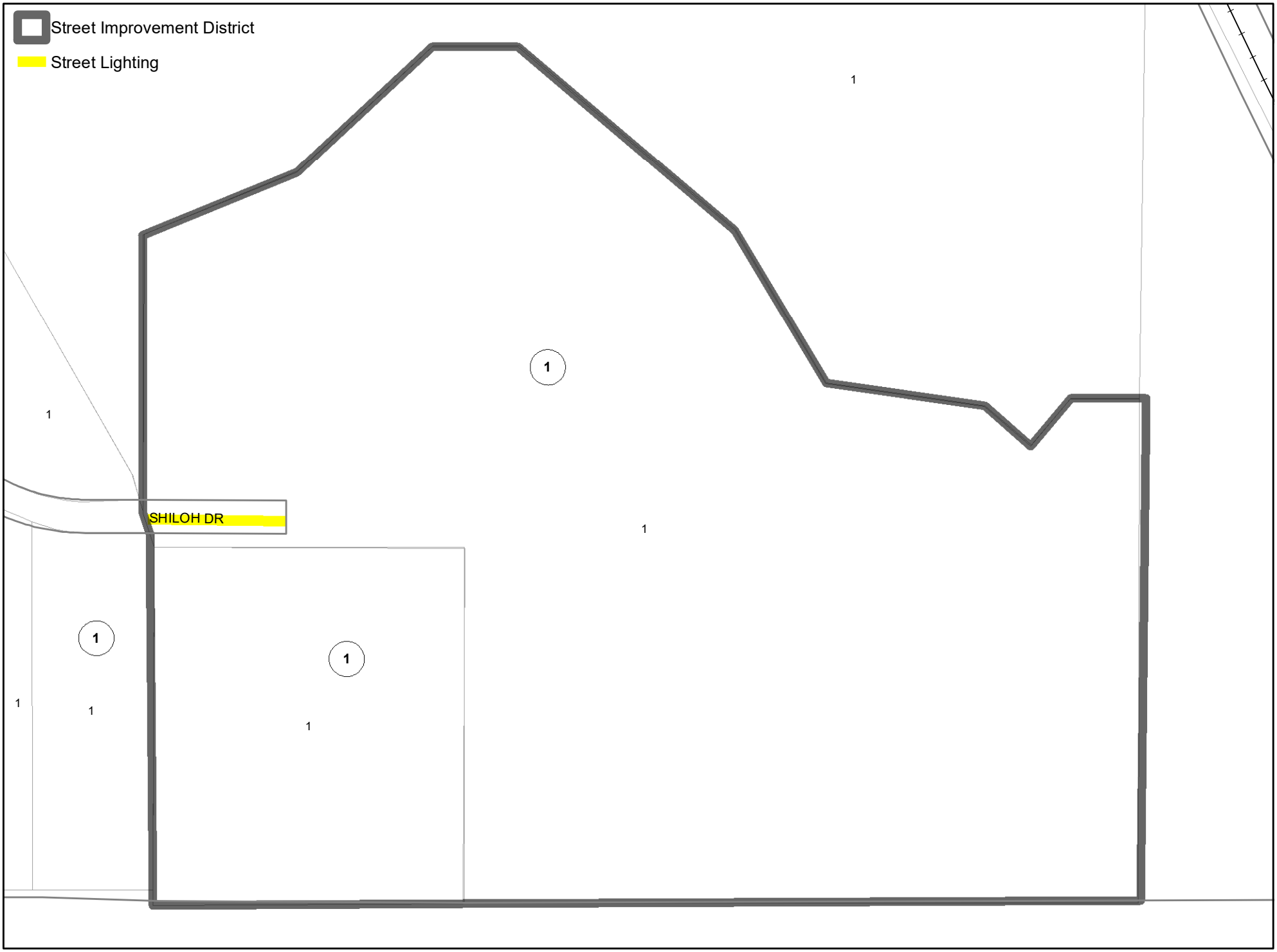
# SI 535 - Unit 4


Street Improvement District
Street Lighting
MICA DR
FLINT DR
JASPER DR
E LASALLE DR
SUPERIOR DR
DUNCAN DR
YUKON DR
NORMANDY ST
CALVERT DR
CANADA AVE
BASALT DR
GRANITE DR
HUDSON ST
BAFFIN LOOP

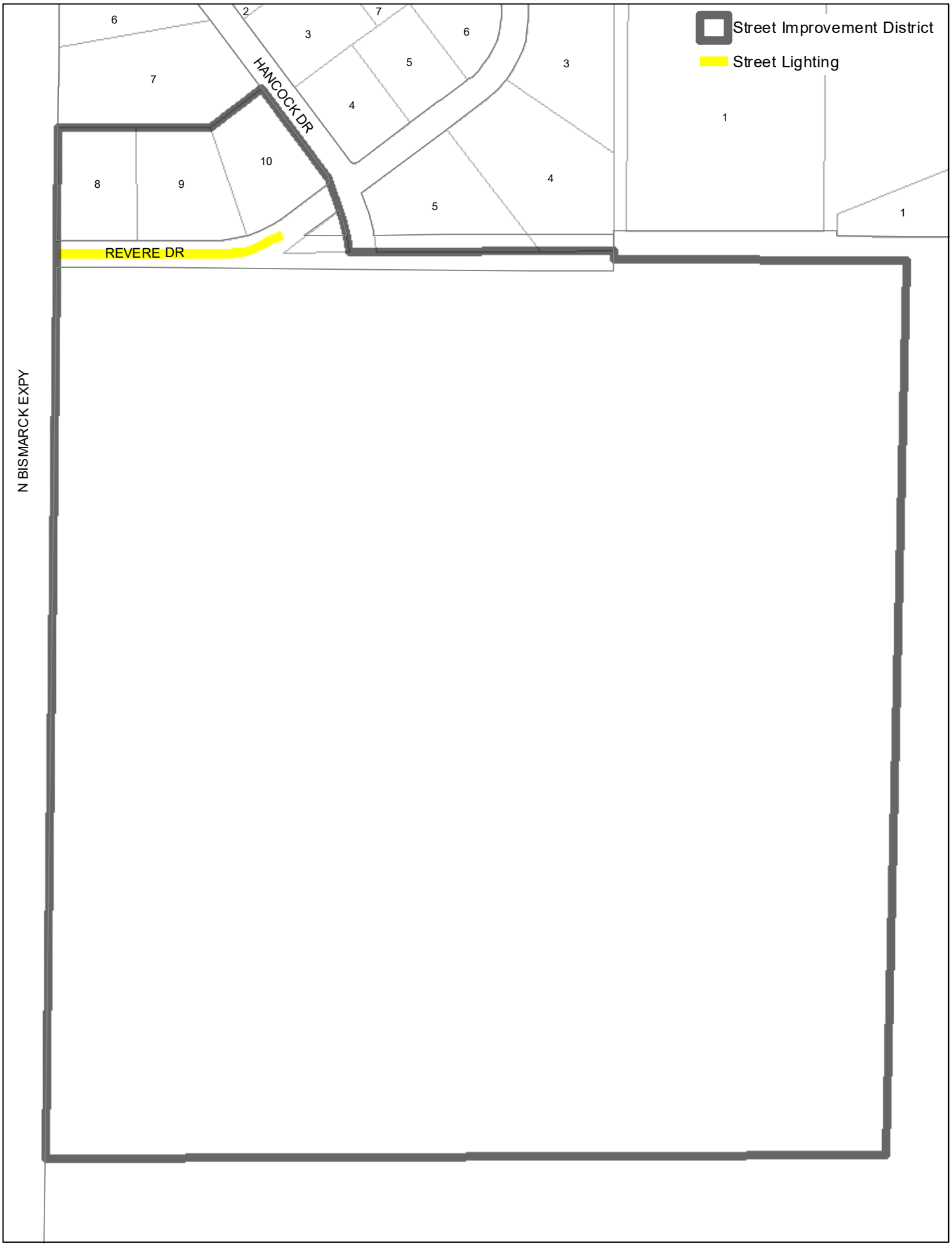
# SI 535 - Unit 5


Street Improvement District
Street Lighting
Areas Held In Abeyance
Annexation Boundary
Prepaid by Developer
RIDGEDALE ST
ELBOWOODS LN
N 19TH ST
NE 57TH AVE
NE HIGHWAY 83
BROOKSIDE LN

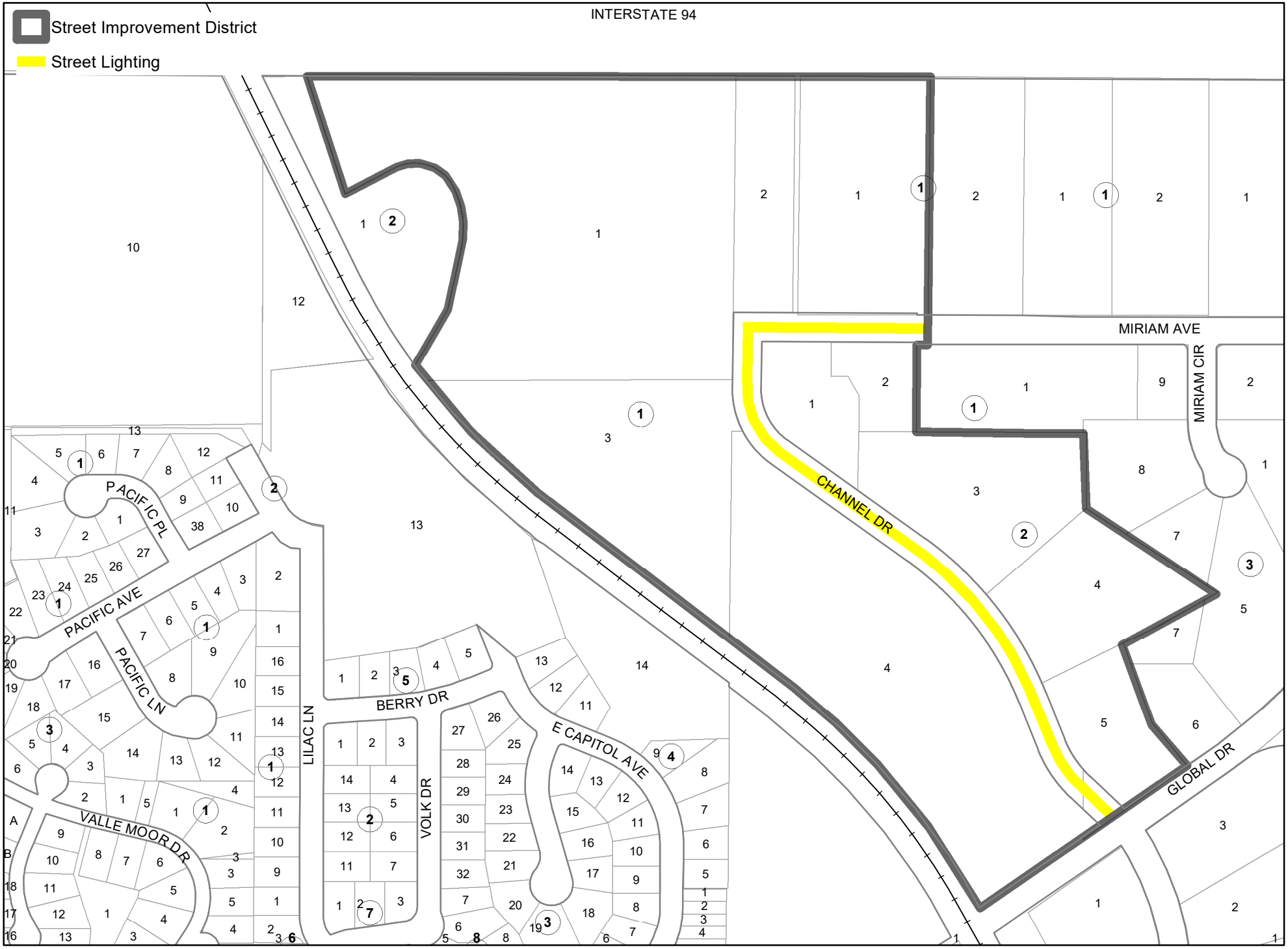
# SI 535 - Unit 6


Street Improvement District
Street Lighting
SHILOH DR
1
1
1
1
1
1
1
1
1

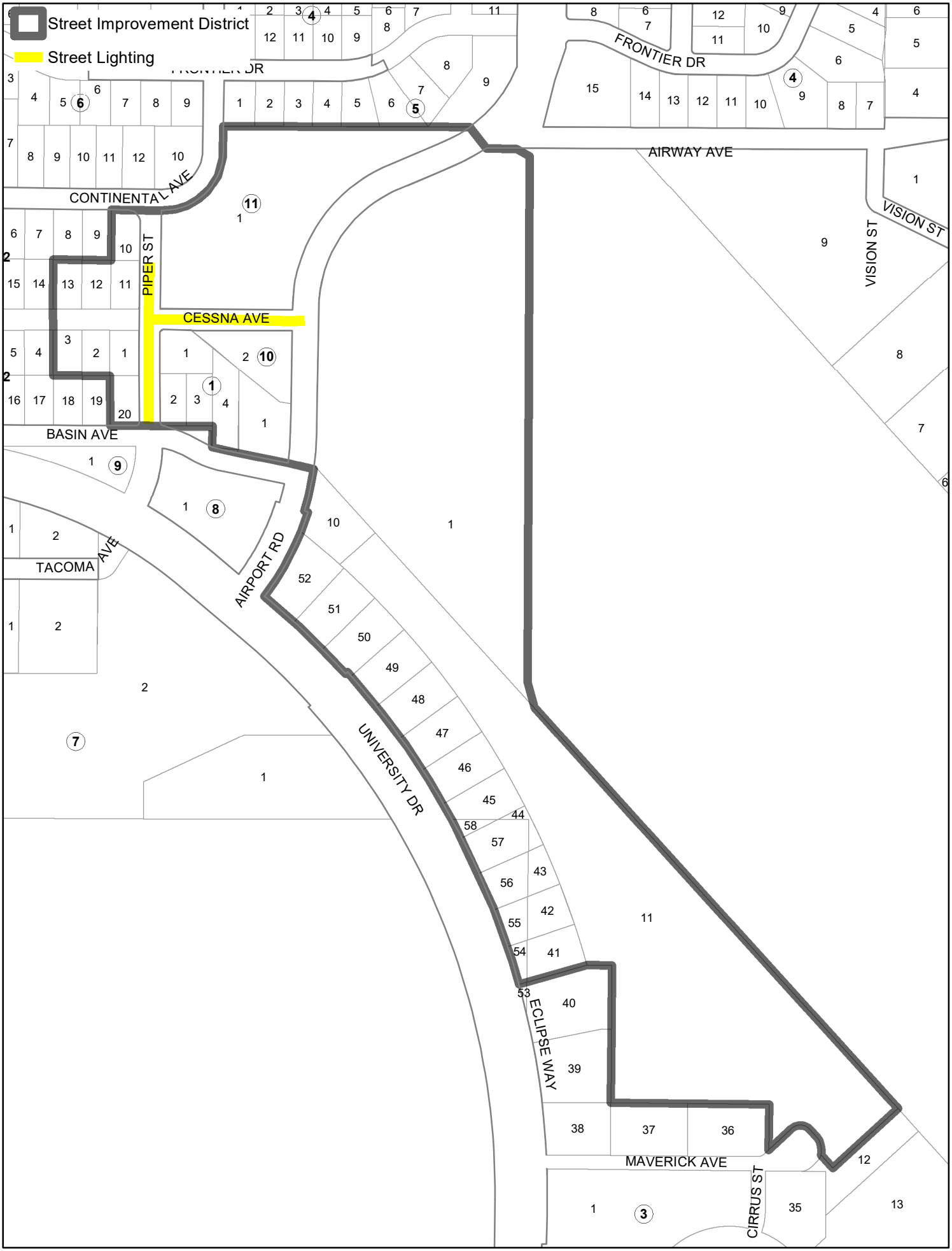
# SI 535 - Unit 7


Street Improvement District
Street Lighting
HANCOCK DR
REVERE DR
N BISMARCK EXPY
6
2
7
3
6
5
3
7
4
1
10
8
9
4
5
1

# SI 535 - Unit 8


Street Improvement District
Street Lighting
INTERSTATE 94
MIRIAM AVE
MIRIAM CIR
CHANNEL DR
GLOBAL DR
PACIFIC PL
PACIFIC AVE
PACIFIC LN
VALLE MOOR DR
LILAC LN
BERRY DR
VOLK DR
E CAPITOL AVE

# SI 535 - Unit 9


Street Improvement District
Street Lighting
FRONTIER DR
CONTINENTAL AVE
PIPER ST
CESSNA AVE
BASIN AVE
TACOMA AVE
AIRPORT RD
UNIVERSITY DR
ECLIPSE WAY
MAVERICK AVE
CIRRUS ST
AIRWAY AVE
VISION ST

# Engineering Department

**DATE:** April 6, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Street Improvement District SI 536

**REQUEST**

Request for Resolution Approving Plans and Specifications.

Request for Resolution Directing the Advertisement of Bids and Receive Bids.

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

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

Unit No. 1 (100% Petitioned)
Titanium Drive – 130' north of Gold Drive to 150' west of Silver Boulevard
Nickel Street – 130' north of Gold Drive to Titanium Drive
Cobalt Drive – 130' north of Gold Drive to Titanium Drive

Project Schedule

| | |
|---|---|
| Receipt and Opening of Bids: | May 11, 2020 |
| Contract Award: | May 25, 2020 |
| Project Completion: | August 2021 |

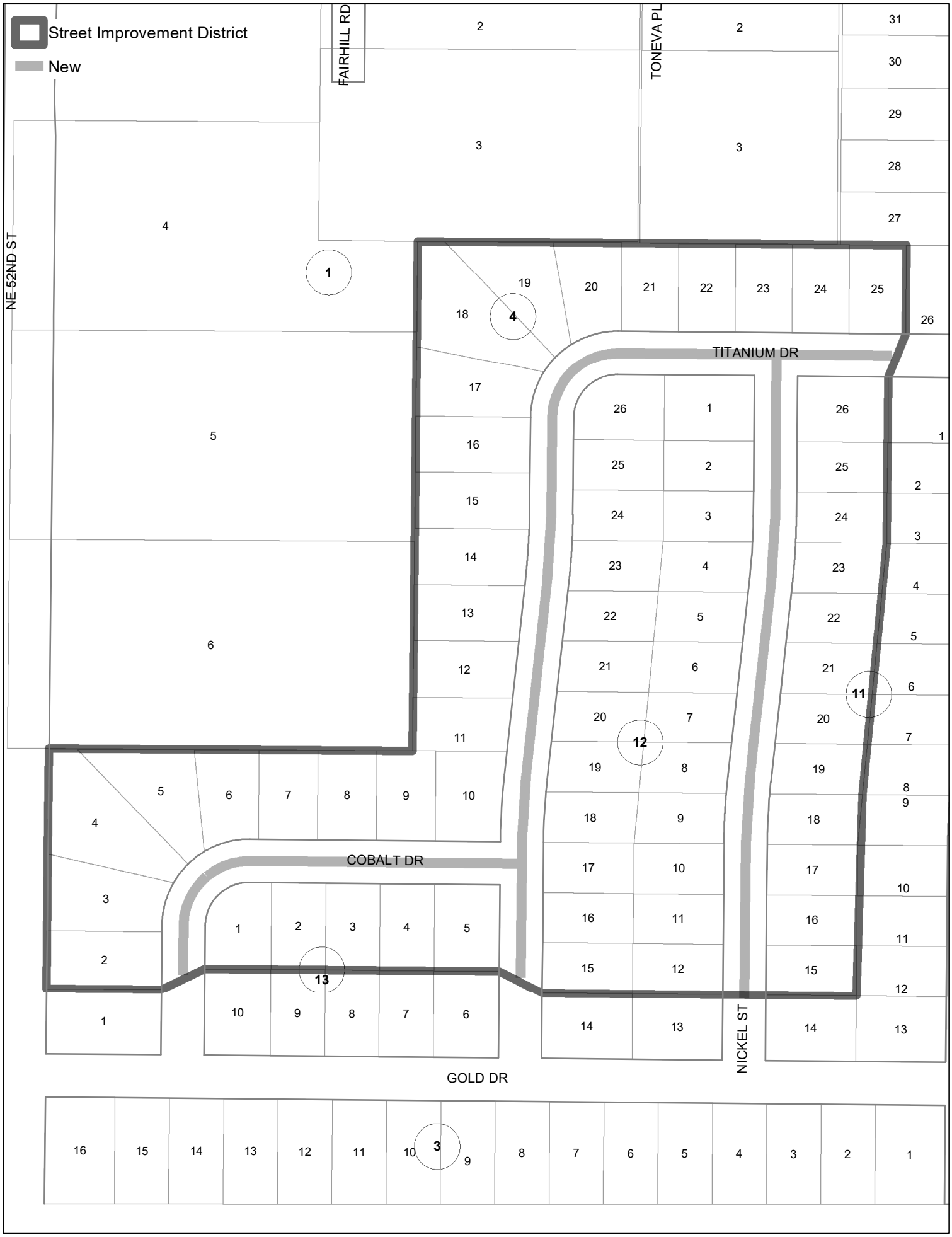
**RECOMMENDED CITY COMMISSION ACTION**

Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receive Bids for SI 536.

**STAFF CONTACT INFORMATION**

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

# SI 536 - Unit 1


Street Improvement District
New
FAIRHILL RD
TONEVA PL
NE 52ND ST
TITANIUM DR
COBALT DR
GOLD DR
NICKEL ST

# Engineering Department

**DATE:** April 6, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Street Improvement District SI 537

**REQUEST**

Request for Resolution Approving Plans and Specifications.

Request for Resolution Directing the Advertisement of Bids and Receive Bids.

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

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

Unit No. 1 (88.9% Petitioned)
Kamrose Drive – 130' east of Peach Tree Drive to 190' west of Peach Tree Drive
Peach Tree Drive – 115' north of Lennox Drive to 110' north of Kamrose Drive

Project Schedule

| | |
|---|---|
| Receipt and Opening of Bids: | May 11, 2020 |
| Contract Award: | May 25, 2020 |
| Project Completion: | August 2021 |

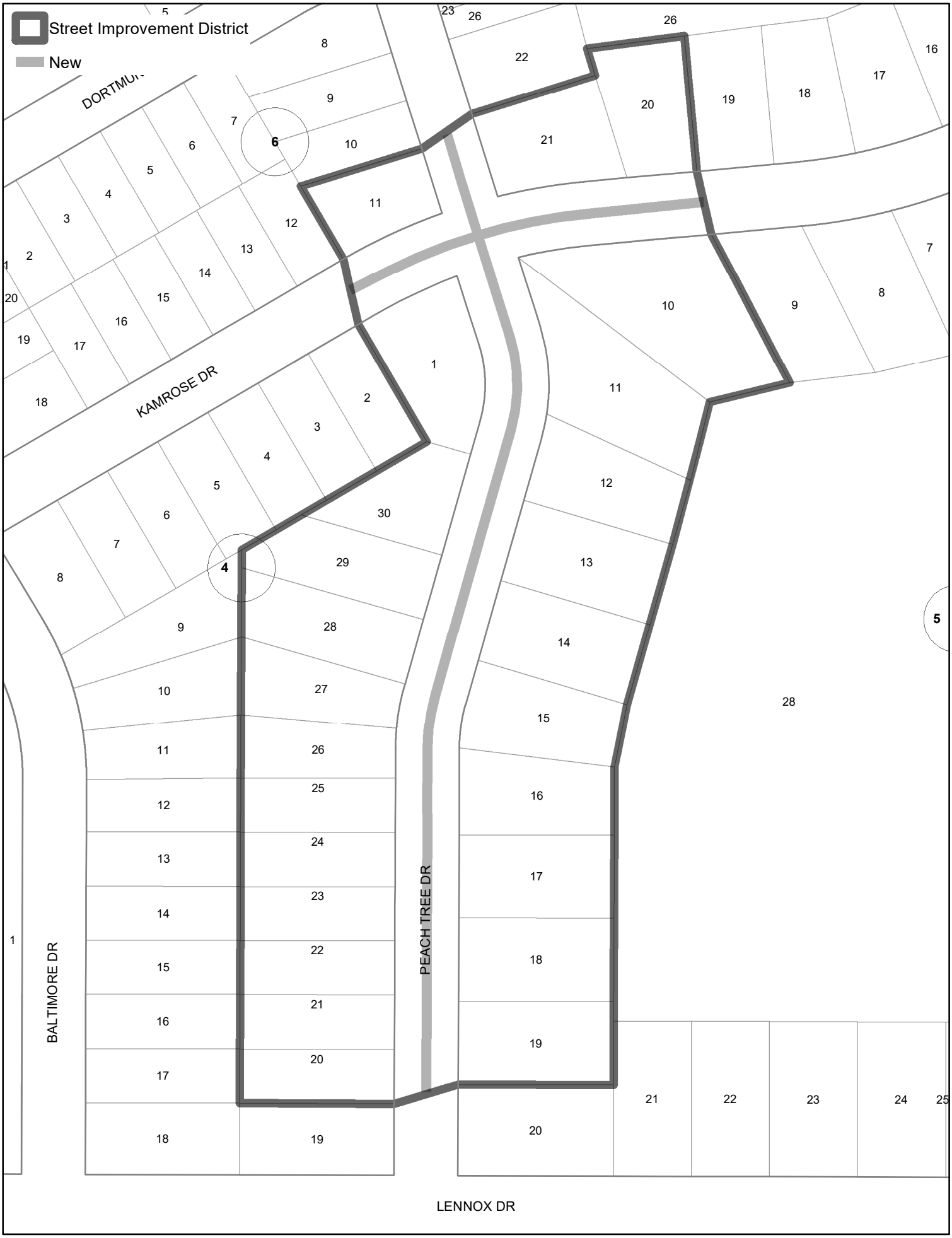
**RECOMMENDED CITY COMMISSION ACTION**

Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receive Bids for SI 537.

**STAFF CONTACT INFORMATION**

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

# SI 537 - Unit 1


Street Improvement District
New
DORTMUN
KAMROSE DR
BALTIMORE DR
PEACH TREE DR
LENNOX DR
4
5
6

# Engineering Department

**DATE:** April 6, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Street Improvement District No. 538

**REQUEST**

Request for Resolution Declaring Petitions for Improvements Has been Received.

Request for Resolution Creating District SI 538 and Ordering Preparation of the Preliminary Report.

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

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

Street Improvement District No. 538 consists of 1 unit of new asphaltic cement roadways. Unit 1 includes approximately 2,590 LF of roadway improvements.

The improvement district was petitioned by the landowner.

Unit No. 1 (100% Petitioned)

Calvert Drive – 295' northwest of Normandy Drive to 57th Avenue
Shale Drive – Calvert Drive to Flint Drive
Marble Drive – Calvert Drive to 289' west
Flint Drive – 262' northwest of Mica Drive to 75' northwest of Shale Drive

Project Schedule

| | |
|---|---|
| Resolution of Necessity and Authorization to Advertise: | April 28, 2020 |
| Receipt and Opening of Bids: | May 18, 2020 |
| Award of Bid: | May 26, 2020 |
| Project Completion: | August 1, 2021 |

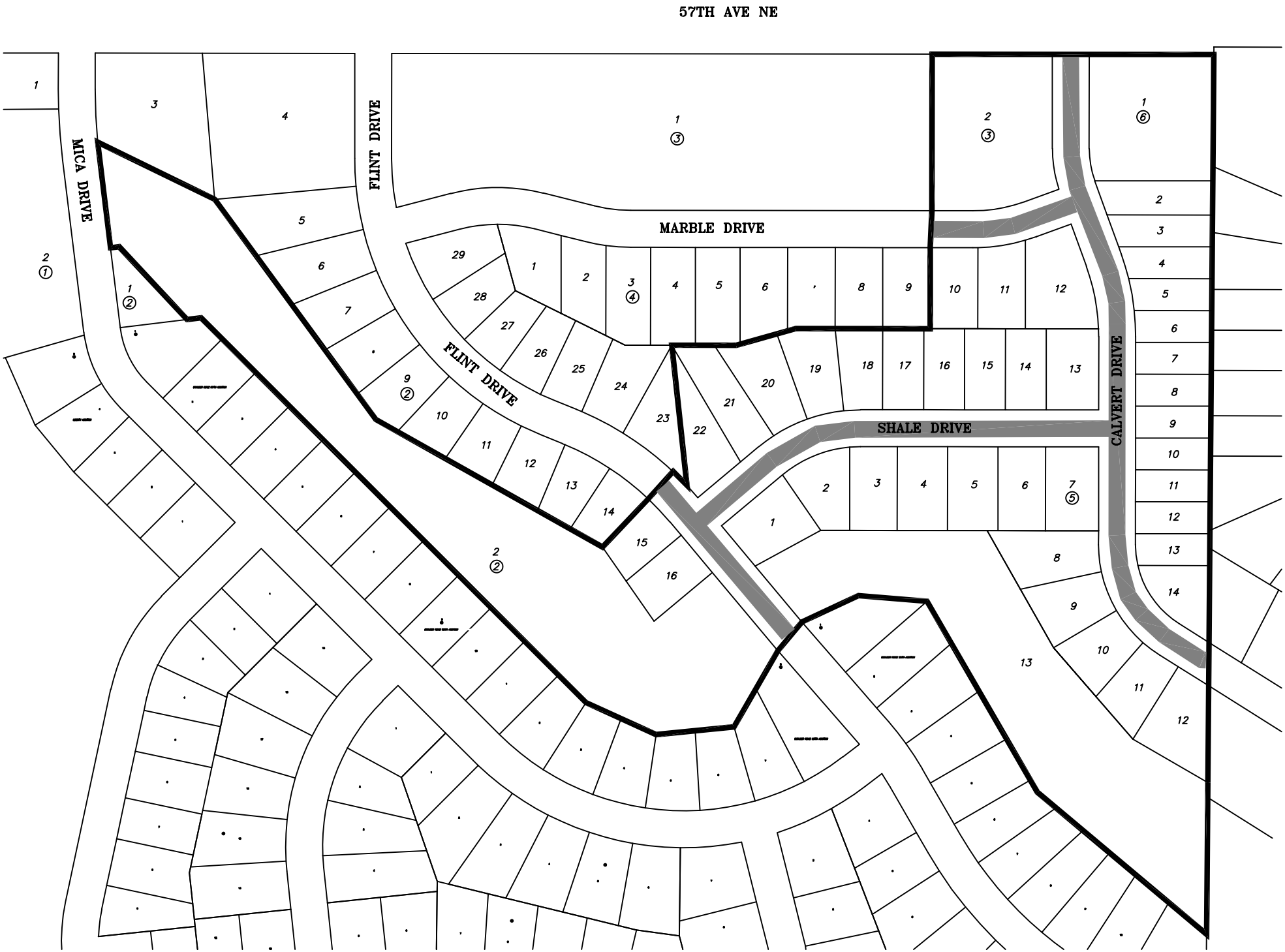
## RECOMMENDED CITY COMMISSION ACTION

Consider request Creating Street Improvement District SI 538, Ordering Preparation of the Preliminary Report, Approving Preliminary Report, and Directing Preparation of Plans and Specifications.

## STAFF CONTACT INFORMATION

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

# SI-538 UNIT 1


57TH AVE NE
MICA DRIVE
FLINT DRIVE
MARBLE DRIVE
SHALE DRIVE
CALVERT DRIVE

# Engineering Department

**DATE:** April 8, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Water Utility Project WU 130

## REQUEST

Request to Receive Bids and Award Contract for WU 130

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

Water Utility Project WU 130 is the City's annual water main replacement project. Unit 1 of WU 130 consists of approximately 21,100 LF of water main replacement by pipe bursting and appurtenances. Work is scheduled at various locations between Washington Street and 11th Street and between Boulevard Avenue and Main Avenue. Unit 2 of WU 130 includes work to add gate valves at key locations to facilitate the work in Unit 1.

Additionally, the City is pursuing a loan through the State Revolving Fund (SRF) managed through North Dakota Department of Environmental Quality (NDDEQ) which results in additional bidding and construction requirements. Contractors were asked to submit two bids, alternates 1 and 2. The first alternate utilizes SRF requirements; the second utilizes the City's standard bidding and construction requirements.

The engineer's estimate was for $3,899,253.85 for both units of this project. On April 7, 2020, three bids were received. Basaraba Excavating was the low bidder with a total bid of $ 3,695,611.00. There was no difference in the price bid between either alternate with the Basaraba bid.

This project is included in the 2020 CIP in its entirety.

## RECOMMENDED CITY COMMISSION ACTION

Award project WU 130, Units 1 and 2, Alternate 1 to Basaraba Excavating in the amount of $ 3,695,611.00.

**STAFF CONTACT INFORMATION**

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

**BID TABULATION**

**FOR**

**WATER UTILITY PROJECT NO. 130**

April 7, 2020

**ENGINEER'S ESTIMATE:** $3,758,964.85

U1A1 - $3,792,673.85
U1A2 - $3,792,673.85
U2A1 - $ 106,620.00
U2A2 - $ 106,620.00

| BIDDER | BOND | LICENSE | SIGN. | ADDENDUM | AMOUNT |
|---|---|---|---|---|---|
| Basaraba Excavating | X | X | X | X | U1A1 - $3,530,611.00<br>U1A2 - $3,530,611.00<br>U2A1 - $ 165,000.00<br>U2A2 - $ 165,000.00 |
| Carstensen Contracting Inc. | X | X | X | X | U1A1 - $4,058,436.25<br>U1A2 - $3,878,370.50<br>U2A1 - $ 135,617.00<br>U2A2 - $ 135,617.00 |
| Murphy Pipeline Contractors Inc | X | X | X | X | U1A1 - $5,246,748.50<br>U1A2 - $4,562,390.00<br>U2A1 - $ 98,210.00<br>U2A2 - $ 85,400.00 |
| Kemper Construction Co. | | | | | U1A1 - $<br>U1A2 - $<br>U2A1 - $<br>U2A2 - $ |

# PROJECT BUDGET

| Number | WU 130 | Description | Water Main Replacement 2020 |
|---|---|---|---|

| Scheduled Start | 5/1/2020 | Scheduled End | 8/15/2021 |
|---|---|---|---|

## Project Contracts

| Project Construction Contracts | | | Amount |
|---|---|---|---|
| Basaraba Excavating, Units 1 & 2 | | | $ 3,695,611.00 |
| Subtotal | | | 3,695,611.00 |
| Contingencies | | 10% | 369,561.10 |
| | **Total Construction Contracts** | | 4,065,172.10 |

| Other Contracts, Land Purchases, Etc. | Contract No. | | Amount |
|---|---|---|---|
| NA | | | |
| Subtotal | | | - |
| *Contingencies | | 10% | - |
| | **Total Other Contracts** | | - |

| Work by Other City Departments | | | Amount |
|---|---|---|---|
| NA | | | |
| Subtotal | | | - |
| *Contingencies | | 10% | - |
| | **Total Work by Other City Departments** | | - |

## SUMMARY

| | | |
|---|---|---|
| **Construction Cost - No Contingencies** | | **3,695,611.00** |
| **TOTAL CONSTRUCTION COST WITH CONTINGENCIES** | | 4,065,172.10 |
| Engineering | 10% | 406,517.21 |
| Administration | 0% | - |
| Advertising and Legal | 0% | - |
| Interest During Construction | 0% | - |
| **WU 130 TOTAL PROJECT COST** | | **4,471,689.31** |

| Project Funding | Amount |
|---|---|
| Water Utility Fund | 4,471,689.31 |
| **Total Funding** | 4,471,689.31 |

# Engineering Department

**DATE:** April 8, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Water Utility Project WU 132

**REQUEST**

Request to Receive and Reject Bids for WU 132

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

Water Utility Project WU 132 is a project to install six InsertValve gate valves at key locations in central Bismarck. The InsertValve gate valves can be installed on a live watermain are utilized to minimize downtime of the watermain. This project was to be completed prior to construction of this year's water main replacement project-WU130 such that the newly placed valves can be utilized during the project.

Additionally, the City was pursuing State Revolving Fund (SRF) funding which has additional bidding and construction requirements, Contractors were asked to submit two bids, alternates 1 and 2. The first alternate utilizes the City's standard bidding and construction requirements; the second utilizes SRF requirements.

The engineer's estimate was $195,294.00 for this project. On March 16, 2020, two bids were received. Storms Construction, Inc was the low bidder with a bid of $231,580.00. There was no difference in the price bid between either alternate. This bid is 18.6 % above the engineer's estimate.

After bids were received, staff was made aware that the availability of the InsertValve gate valves is limited and it will be unlikely that the specialized insert valves will arrive in time to meet the time constraints required by the water main replacement project - WU 130.

Staff has explored options to place the required gate valves utilizing typical construction methods. WU 130 will include placement of these valves using standard methods.

Staff requests that all bids are rejected for WU 132.

**RECOMMENDED CITY COMMISSION ACTION**

Reject all bids for WU 132.

**STAFF CONTACT INFORMATION**

Gabe Schell, PE | City Engineer, 355-1505 or gschell@bismarcknd.gov

**BID TABULATION**
**FOR**
**WATER UTILITY PROJECT NO. 132**

March 16, 2020

**ENGINEER'S ESTIMATE:** $195,294.00

| BIDDER | BOND | LICENSE | ADD. | SIGNATURE | AMOUNT | |
|---|---|---|---|---|---|---|
| Basaraba Excavating | X | X | X | X | $268,000.00 | Alt 1 |
| | | | | | $268,000.00 | Alt 2 |
| Tand Construction LLC | | | | | | Alt 1 |
| | | | | | | Alt 2 |
| D.L. Barkie Construction Inc | | | | | | Alt 1 |
| | | | | | | Alt 2 |
| Kemper Construction Co | | | | | | Alt 1 |
| | | | | | | Alt 2 |
| Storms Construction Inc | X | X | X | X | $231,580.00 | Alt 1 |
| | | | | | $231,580.00 | Alt 2 |
| | | | | | | Alt 1 |
| | | | | | | Alt 2 |

Bismarck

# Finance Department

**DATE:** April 6, 2020

**FROM:** Dmitriy Chernyak, Finance Director DC by aj.

**ITEM:** Application for Abatement

## REQUEST

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

Application for Abatement for 2019 – Deferred Maintenance
Property Owner – Debbra Kae Larson
Property Address – 323 S 9th St (0005-077-040)

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

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

## RECOMMENDED CITY COMMISSION ACTION

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

## STAFF CONTACT INFORMATION

Allison Jensen / ajensen@bismarcknd.gov
355-1630

# Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

**State of North Dakota** **Assessment District** BISMARCK

**County of** BURLEIGH **Property I.D. No.** 0005-077-040

**Name** DEBBRA KAE LARSON **Telephone No.**

**Address** 1503 16TH ST NW UNIT B, MINOT, ND 58703

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

WILLIAM'S SURVEY, BLOCK 77, LOTS 13-14

PROPERTY ADDRESS: 323 S 9TH ST

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

| | |
|---|---|
| Land | $ 38,000 |
| Improvements | $ 64,200 |
| Total | $ 102,200 (1) |

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

| | |
|---|---|
| Land | $ 38,000 |
| Improvements | $ 12,000 |
| Total | $ 50,000 (2) |

**The difference of $** 52,200.00 **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) DUE TO DEFERRED MAINTENANCE

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

1. Purchase price of property: $_____ Date of purchase: _____
   Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
   Was there personal property involved in the purchase price? _____ (yes/no) Estimated value: $_____
2. Has the property been offered for sale on the open market? _____ (yes/no). If yes, how long? _____
   Asking price: $_____ Terms of sale: _____
3. The property was independently appraised: _____ (yes/no) Purpose of appraisal: _____
   _____ 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 FOR THE 2019 MARKET VALUE BE REDUCED DUE TO DEFERRED MAINTENANCE OF PROPERTY AS OF FEB 1, 2019

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 | Date |
|---|---|---|---|
| | | X [signature] | 3-16-20 |
| | | Debbra Larson | 3-16-20 |

24775
(2-2016)

## 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** (Debra) Debra Larson

**County Auditor's File No.** 20-108

**Date Application Was Filed With The County Auditor** 3/19/20

**Date County Auditor Mailed Application to Township Clerk or City Auditor** _____ (must be within five business days of filing date)

Allan Uetmeyer
by rpb.

# Finance Department

**DATE:** April 7, 2020

**FROM:** Dmitriy Chernyak, Finance Director

**ITEM:** Travel Policy Revisions

## REQUEST

To approve the revisions to the Travel Policy.

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

Revisions to the Travel Policy have been made in regards to private vehicles and the reimbursement employees will receive. Necessary official travel by City employees within the assigned service area on most direct routes will be reimbursed at the business standard mileage rate issued by the Internal Revenue Service. The additional amount reimbursed on employee paychecks at the end of each month based on total miles traveled in the previous year has been removed. The employee will receive reimbursement for actual miles traveled, documented and submitted for reimbursement using the standard mileage rate issued by the Internal Revenue Service.

Additional revisions to the policy include updating the In-State meal reimbursement per quarter for a total of $35.00/day, which follows NDCC 44-08-04, along with providing the current path on the City's intranet to find the Out-Of-State per diem rates.

## RECOMMENDED CITY COMMISSION ACTION

To approve the revisions to the Travel Policy.

## STAFF CONTACT INFORMATION

Dmitriy Chernyak | Finance Director, 355-1600 or dchernyak@bismarcknd.gov

# TRAVEL POLICY

## CITY VEHICLE TRAVEL POLICY

PURPOSE

It shall be the policy of the City of Bismarck to allow the use of City owned or privately owned vehicles for travel out of the jurisdiction or State on City business with prior approval of the Department head or designee.

PROCEDURE

1. City vehicles may be used when available and practicable for out-of-town business. Reimbursement will be for actual documented expenditures.

2. Private vehicles may be used for travel out of town/state on City business. Reimbursement shall follow the business standard mileage rate issued by the Internal Revenue Service. When private vehicles are utilized where air travel could normally be utilized, the travel time shall be limited to one (1) day each way. Maximum reimbursement shall not exceed the cost of reasonable airfare fees.

3. When a City vehicle is available and a private vehicle is used, reimbursement will be for documented gasoline purchase only.

4. Non-City employees will not be allowed as passengers in City vehicles without prior approval of Department head or designee.

5. The use of rental vehicles will be allowed only with prior approval of Department head or designee.

6. Only drivers shall be authorized reimbursement for vehicle travel expense.

7. City vehicles may be used for City purposes only.

Travel in City of Employment

Private Vehicle

Necessary official travel by City employees within the assigned service area on most direct routes will be reimbursed at the business standard mileage rate issued by the Internal Revenue Service.

~~In addition, you will receive an additional amount on your paycheck at the end of each month based on the following formula. This formula will be re-calculated and approved annually.~~

| ~~MILES~~ | ~~AMOUNT~~ |
|---|---|
| ~~1 – 500~~ | ~~$ .00~~ |
| ~~501 - 1,500~~ | ~~10.00~~ |
| ~~1,501 - 3,000~~ | ~~25.00~~ |
| ~~3,001 - 6,000~~ | ~~35.00~~ |
| ~~6,001 - 9,000~~ | ~~45.00~~ |
| ~~9,001 - 12,000~~ | ~~55.00~~ |

Mileage from a normal work station to a conference or meeting is reimbursable if an employee actually reports to work prior to attendance at the meeting. However, mileage for travel from an employee's residence directly to the conference/meeting site is not reimbursable, since it is considered normal commuting travel.

## Commercial Air Travel

Employees may be reimbursed for actual airfares paid for travel on official business. Employees may be reimbursed for actual fees for the first checked bag. A receipt is required. Reimbursement for additional baggage may be authorized in advance of the air travel by the department head for travel extending a week or unusual or extenuating circumstances that require additional baggage.

Charges to Travel Agents: While not specifically allowed by ordinance, the privilege of charging airline tickets through a travel agency is allowed. If a department allows employees to charge airfare to the City via a travel agency, the following control procedures must be utilized to assure internal control and proper payment and credit:

1. A purchase order must be completed in order to receive an additional 10-percent discount at the time of booking.

2. The travel agent should be advised of the proper City billing procedures and accurate address.

3. Employees must submit the last coupon of their ticket (white copy) and itinerary to their departmental personnel responsible for payment of bills.

4. The Department's Fiscal personnel shall match all travel agency charges to the ticket coupons to assure proper charges.

5. Unused tickets which have been charged to the City must be submitted to the department's Fiscal personnel or travel coordinator for refund, not directly to the travel

agency. The Fiscal staff should make appropriate note of the return ticket prior to payment of the travel agency billing to assure proper credit.

## Pre-payment of Airfare

Agencies may purchase airline tickets in advance of anticipated travel to take advantage of reduced or discounted fares. A pre-paid ticket must be received at the time payment is made to an airline or travel agency.

At the discretion of the Department head, employees may travel on the weekend if it results in savings.

## Taxi Fares/Airport Parking

Employees may be reimbursed for actual taxi fares paid and cost of Airport parking paid while in travel status. All reasonable attempts should be made to minimize the cost of transportation. A receipt is required.

## Lodging Receipts and Payments

Only receipts from bona fide lodging establishments should be accepted for reimbursement by the Departments. Receipts from relatives for the provision of lodging services will not be acceptable. The receipt must be the official receipt from the lodging establishment which details all charges and not a charge slip from a credit card system.

Bona fide lodging establishments include: hotels, motels, college dormitories, hospitals, military facilities, and similar institutions.

1. Lodging charges when accompanied by an individual not eligible for reimbursement: When accompanied on a City authorized trip by a spouse or traveling companion, the City employee must have the lodging establishment clearly certify the room rate for a single person and only that amount may be claimed.

2. Lodging charges--two (2) employees sharing lodging: If two (2) city employees are sharing lodging accommodations, the actual cost of the room must be split evenly and each must have a separate receipt.

   *Example:* Where a double rate is $50.00 and a single rate is $37.00, the City will reimburse only the actual cost to the travelers, or $25.00 each (not $37.00 each).

## Reimbursement for Meals and Lodging

City of Bismarck provides for reimbursement of employee expenses for meals and lodging while an employee is away from his/her normal working and living residence.

Claims may also be made for meals which are not included as part of a registration fee for a conference, seminar, or other meeting and for meals attended at the request of and on behalf of the City or any of its subdivisions, agencies, bureaus, boards, or commissions; however, if a meal is included in a registration fee or airline fare, the applicable quarter allowance cannot be claimed for the meal.

Departments are urged to use restraint and common sense in authorizing this expense to prevent abuse of this provision.

The maximum expense allowance for each quarter of any twenty-four (24) hour period is as follows: (The policy provides that employees shall be reimbursed for the first quarter only if travel began before 7:00 a.m.). When using personal vehicle and traveling out of town, travel begins when the person traveling leaves their house. When using a City vehicle, travel begins when the person traveling starts his/her trip with the City vehicle. The expense allowance for each quarter is prescribed by NDCC 44-08-04. The current rates are:

### IN-STATE

- 1st quarter 6 AM to 12 Noon
  (Only if travel begins before 7 AM) $ ~~6.00~~ 7.00
- 2nd quarter 12 Noon to 6 PM $ ~~9.00~~10.50
- 3rd quarter 6 PM to 12 Midnight $ ~~15.00~~17.50
- 4th quarter 12 Midnight to 6 AM - (Actual lodging not to exceed $63.00, plus tax)

If the employee is unable to obtain the State rate (after requesting), the City will pay the actual cost of lodging. A receipt is required.

### OUT-OF-STATE EXPENSES

AS PER IRS PER DIEM RATE CURRENT RATES FOUND ~~(using Adobe Reader pdf)~~ ON CITY OF BISMARCK INTRANET ~~(intranet.bismarck.org), IMPORTANT INFO,~~ FINANCE, ~~REIMBURSEMENT~~ FORMS, PER DIEM RATES - YYYY ~~2008~~.

- 1st quarter 6 AM to 12 Noon
  (Only if travel begins before 7 AM) 20%
- 2nd quarter 12 Noon to 6 PM 30%
- 3rd quarter 6 PM to 12 Midnight 50%
- 4th quarter 12 Midnight to 6 AM - (Actual cost of lodging)

Verification of claims via receipt is not required for the first three (3) quarters but is required for lodging. Receipts are also required for taxi fares and for all other miscellaneous expenses.

**NOTE:** Before any allowance for any such mileage or travel expenses shall be made, the employee shall file with the City an itemized travel voucher showing mileage traveled, the purpose thereof, and such other information and documentation as may be prescribed. Statements such as to attend a meeting, etc., should not be accepted as sufficient documentation as purpose of travel.

If an employee is not claiming reimbursement for lodging, please state so in the space provided.

Reimbursement for telephone calls. When traveling, necessary City business phone calls will be reimbursed.

Approval Date: 05/27/97
Revision Date: 4/14/20, 01/08/13, 10/26/12, 07/12/11, 12/07/10, 01/12/10, 09/22/09, 08/14/08, 11/30/07, 11/15/06, 12/12/05, 09/01/05, 08/01/05, 01/01/05, 01/01/04, 01/01/02, 08/15/01, 10/05/01, 05/03/99

# Fire Department

**DATE:** March 30, 2020

**FROM:** Joel Boespflug, Fire Chief

**ITEM:** Consent Agenda Request

**REQUEST**

Permission to accept donated sanitizing supplies

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

The FD is receiving donated sanitizing supplies from local businesses to assist in our efforts to protect first responders. We are very appreciative of Target, Sams, McQuade Distribuing and Lowes for the care and generosity.

**RECOMMENDED CITY COMMISSION ACTION**

Permission to accept donated supplies from businesses or persons that wish to assist our efforts in maintaining a safe operation for our first responders.

**STAFF CONTACT INFORMATION**

Joel Boespflug | Fire Chief, 355-1400 or jboespflug@bismarcknd.gov

Bismarck

# Police Department

**DATE:** March 30, 2020

**FROM:** Jason Stugelmeyer, Deputy Chief of Police

**ITEM:** Sale of motorcycle for salvage

## REQUEST

Request to send motorcycle to salvage.

Please place this item on the April 14, 2020 City Commission meeting agenda (consent agenda).

## BACKGROUND INFORMATION

Officers were investigating the motorcycle in question as stolen. The bike is an unknown year Harley Davidson and was impounded under case number 2017-15507. The motorcycle contained multiple vehicle identification numbers (VIN), multiple parts from different bikes and the person in possession of the bike denied ownership of the bike. In addition, the subject was not helpful in finding any particular owner and was a suspect in stealing a motorcycle in 2015. The VIN numbers were cross checked in the NCIC database in an attempt to find the owner. The VIN numbers did not identify a registered owner and it was deemed they are likely fake VIN's as they did not conform to a standardized VIN. We have had the bike in our possession since 2017 and no one has been able to prove ownership.

Because of the bikes condition it was determined that it would not be appropriate to sell at the City's auction due the circumstances listed above and a new owner would not be able to register the bike as street legal.

## RECOMMENDED CITY COMMISSION ACTION

Requesting the board allow the transfer of possession of the motorcycle to a salvage yard or equivalent for scrap.

## STAFF CONTACT INFORMATION

Jason Stugelmeyer | Deputy Chief of Police, 223-1212 or jstugelmeyer@bismarcknd.gov

Bismarck

# Police Department

**DATE:** April 7, 2020

**FROM:** Dave Draovitch, Chief of Police

**ITEM:** Approval of received donations

## REQUEST

I am requesting the Commission's approval of donations received to help department personnel during the COVID-19 pandemic.

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

The police department has received donations to help our personnel during the COVID-19 pandemic. Knife River donated N-95 masks, Sam's Club donated hand sanitizer and disinfectant wipes, Cathedral donated disinfectant wipes, Patriot Pride BBG Woodwork donated hand sanitizer and McQuade Distributing donated energy drinks. We are always grateful for the support we receive from our community and we have thanked each business for their support.

## RECOMMENDED CITY COMMISSION ACTION

Approval of the donations received.

## STAFF CONTACT INFORMATION

Dave Draovitch | Chief of Police, 223-1212 or ddraovitch@bismarcknd.gov

Bismarck

# Public Works Service Operations Department

**DATE:** March 31, 2020

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

**ITEM:** Permission to Award Contract for Spring and Fall Cankerworm Control Aerial Spraying

## REQUEST

Request permission to award the contract for Spring and Fall Cankerworm Control Aerial Spraying.

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

The bids were opened on March 23, 2020. Airborne Custom Spraying, Inc. was the sole bid. The bid tabulation is included for your review. Funds for this purchase are included in the 2020 Forestry budget.

I recommend to award the bid to Airborne Custom Spraying, Inc. for $78,892.50.

## RECOMMENDED CITY COMMISSION ACTION

Award the Spring and Fall Cankerworm Control Aerial Spraying to Airborne Custom Spraying, Inc. for $78,892.50.

## STAFF CONTACT INFORMATION

Jeff Heintz | Service Operations Director, 355-1700 or jheintz@bismarcknd.gov

CITY OF BISMARCK FORESTRY DEPARTMENT
601 SOUTH 26TH STREET
PO BOX 5503
BISMARCK ND 58506-5503
OPENED MARCH 23, 2020

**2020 SPRING AND FALL**

**CANCERWORM CONTROL AERIAL SPRAYING**

| VENDORS | Airborne Custom Spraying, Inc. |
|---|---|
| Total Sum bid for spraying, mobilization, chemical, fees for filing reports, and insurance. | $78,892.50 |

# Public Works Service Operations Department

**DATE:** March 31, 2020

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

**ITEM:** Bid award for one or more tow model side discharge slinger style spreaders for the WWTP

## REQUEST

Award purchase of one or more tow model side discharge slinger style spreaders for the Wastewater Treatment Plant.

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

One bid was received on March 23, 2020 for one or more tow model side discharge slinger style spreaders for the Wastewater Treatment Plant. Recommendation is to award the bid to Duppong's Inc. The bid tabulation is attached.

## RECOMMENDED CITY COMMISSION ACTION

Award the bid for one or more tow model side discharge slinger style spreaders in the amount of $71,900.00 for the Wastewater Treatment Plant.

## STAFF CONTACT INFORMATION

Jeff Heintz | Service Operations Director, 355-1700 or jheintz@bismarcknd.gov

CITY OF BISMARCK PUBLIC WORKS DEPARTMENT
PO BOX 5503 -BISMARCK ND 58506-5503

**BID TABULATION FOR**
**ONE OR MORE**
**TOW MODEL SIDE DISCHARGE SLINGER STYLE SPREADER**
**BID OPENING MARCH 23, 2020**

| | |
|---|---|
| VENDOR | **Duppong's, Inc.** |
| MET SPECIFICATIONS | Yes |
| MAKE | Kuhn Knight |
| MODEL | SLC 141 |
| YEAR | 2020 |
| DELIVERY DATE | Approximately 8-10 weeks from purchase agreement |
| COST PER UNIT FBO BISMARCK | $71,900 |

Bismarck

# Public Works Service Operations Department

**DATE:** April 6, 2020

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

**ITEM:** Permission to purchase a chipper truck using equipment funding from the 2020 approved budget for the Forestry and Roads and Streets Divisions and a 50% Reimbursement from the VW Settlement Grant

## REQUEST

Request Commission approval to use Forestry Division and Roads & Streets Division equipment funds in the 2020 approved budget to purchase a chipper truck. The Public Works Department received a grant from the North Dakota Department of Environmental Quality from the Volkswagen Settlement Fund to replace a Forestry chipper truck. We propose to purchase a Nelson International chassis from ND State Bid, and install a chipper box from Minnesota State Contract. The chipper truck would cost $111,672. The VW Settlement funds would reimburse Roads and Streets $55,836. Forestry has $26,318 available and Roads and Streets would contribute $29,518. Since all funding recommendations are specific to projects authorized by the City Commission, approval is required for any change in the use of the funding. Therefore, I am requesting that the Commission authorize a change in project allocation in the 2020 Roads & Streets and Forestry budget.

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

The City Forester along with the Fleet Manager applied for and received a VW Settlement grant to replace the chipper truck. Funds for the purchase would be from the Forestry and Roads and Streets 2020 operating budget. I do not plan to be present at the City Commission meeting due to COVID 19 social distancing protocol. Please contact me prior to the meeting if you have questions and or indicate if you would like me to be present during the meeting.

## RECOMMENDED CITY COMMISSION ACTION

Approve the reallocation of funds for the purchase of a Forestry chipper truck using Forestry and Roads & Streets 2020 operating budget. Public Works Service Operations would receive a 50% reimbursement from the NDDEQ VW Settlement grant.

## STAFF CONTACT INFORMATION

Jeff Heintz | Service Operations Director, 355-1700 or jheintz@bismarcknd.gov

# PUBLIC WORKS – SERVICE OPERATIONS

**DATE:** April 14, 2020

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

**ITEM:** Permission to apply for the North Dakota Forest Service – America the Beautiful – Tree Planting Grant.

## REQUEST

Permission to apply for the North Dakota Forest Service – America the Beautiful – Tree Planting Grant.

Please place this item on the April 14, 2020 City Commission meeting.

## BACKGROUND INFORMATION

The Forestry Division would like to request permission from the City Commission to apply for the NDFS America the Beautiful – Tree Planting Grant. The deadline for submittal is April 30, 2020. The maximum grant award is $10,000 and at least 50% of the total cost of the project must be matched by the City. Match amount can be through in-kind contribution. We would like to request the full grant award of $10,000 for a planting project on State Street, between Interstate 94 and Calgary Ave. Forestry intends to plant approximately 100 trees along this main corridor into the City.

## RECOMMENDED CITY COMMISSION ACTION

Permission to apply for the North Dakota Forest Service – America the Beautiful – Tree Planting Grant.

## STAFF CONTACT INFORMATION

Jeff Heintz, Director of Service Operations, 355-1700, jheitz@bismarcknd.gov.

Bismarck

# Public Works Service Operations Department

**DATE:** April 3, 2020

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

**ITEM:** Request to cancel Spring clean-up week due to COVID-19

## REQUEST

Request Commission approval to cancel the spring clean-up week but offer Bismarck residents free disposal April 20 thru April 25, 2020 by presenting their March 2020 Bismarck Water bill.

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

In an effort to protect our workforce from exposure to Covid-19 and to continue to provide essential services to the citizens of Bismarck, we recommend canceling the Spring clean-up week scheduled for April 20-23, 2020. We also recommend allowing free disposal at the landfill from April 20-25, 2020 for Bismarck residents presenting their March 2020 Bismarck water bill.

## RECOMMENDED CITY COMMISSION ACTION

Cancel the April 20-23, 2020 Spring clean-up week and allow free disposal at the landfill April 20-25, 2020 for Bismarck residents presenting their March 2020 Bismarck water bill.

## STAFF CONTACT INFORMATION

Jeff Heintz | Service Operations Director, 355-1700 or jheintz@bismarcknd.gov

Bismarck

# Public Works Service Operations Department

**DATE:** April 8, 2020

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

**ITEM:** Permission to Change Fleet Services Fueling Policy

## REQUEST

Request Commission approval to change the Fleet Services Fueling Policy.

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

Public Works Service Operations has been working with the Fire Department to adjust the policy regarding fueling of diesel fire trucks. Historically, it was required to fuel fire trucks at Public Works or Solid Waste locations. Due to the distance from the north fire stations, operational capabilities are at risk. As a temporary solution, Building Maintenance staff have been driving the Fire Department pickup with a pony tank to each station, twice a week, to refuel the diesel fire trucks. This has become a 10-hour-a-week task which takes away from their City buildings.

After consultation with the fire chief, we recommend that the large diesel firefighting apparatus, ladder, truck, pumper trucks fuel at commercial sites near their respective fire stations. Fleet Services fuel markup is 10%, which would be an approximate $3,500 loss of annual revenue. However, there is about $0.54 difference between Fleet's diesel charge and the cost at the local pumps. This will likely impact the Fire Department's budget. If the majority of the tanks are filled at Public Works, then their added expense for filling at a commercial pump will be minimal.

Another area of consideration is with the small engines (generators, chainsaws, fire extraction devices) that need high octane fuel without ethanol. Currently, our lower octane gasoline with ethanol are not storing well in gas tanks and cans, which lead to starting and operating difficulties. These small engines are extremely important for life-saving devices. It is recommended to allow purchasing of high octane fuel without ethanol for small engines.

The revised Fleet Services Fuel Policy is attached for your review.

## RECOMMENDED CITY COMMISSION ACTION

Approve the revised Fleet Services Fueling Services Policy regarding fuel purchases.

## STAFF CONTACT INFORMATION

Jeff Heintz | Service Operations Director, 355-1700 or jheintz@bismarcknd.gov

# FLEET SERVICES POLICY

It is the policy of the City of Bismarck to provide safe, dependable vehicles and equipment to City Employees for their use while performing the business of the City.

## Purpose

The purpose of Fleet Services is to provide high quality service, maintenance, and repairs by centralizing management of vehicles and equipment, standardizing maintenance and repair practices, and providing vendors and manufacturers' representatives a single point of contact for conducting business with the City of Bismarck for vehicles, equipment and related items.

## Mission

The mission of Fleet Services is to provide safe, dependable vehicles and equipment to City employees and to conserve vehicle and equipment value through a program of inspection, periodic preventative maintenance, and repair.

## Vehicle/Equipment Acquisition

Fleet Services will assist City Departments in the development of specifications, request bids, track delivery status, accept delivery on behalf of Departments, inspect and prep new vehicles and equipment, and secure new titles and license plates as needed saving time and money for management staff.

## Repairs & Maintenance

All repairs and maintenance will be scheduled with and accomplished by Fleet Services. All parts, accessories, and added equipment will be requested through Fleet Services Parts and installed by Fleet Services staff. Departments will be notified of any evidence of equipment misuse/abuse or other violations of policy. Fleet Services will insure that all record-keeping pertaining to repairs, fueling and fleet asset management is maintained on a fleet management information system. Vendors, suppliers, and manufacturer's representatives of equipment, vehicles, and repair parts should be directed to Fleet Services.

## Fuel Purchases

~~Fuel for vehicles and equipment will be purchased from Fleet Services. Unleaded gas and diesel fuel is available at the Public Works Building. Diesel fuel may be purchased at the baling facility at the Landfill. Both sites allow fueling twenty-four (24) hours a day, seven (7) days a week through an automated fuel dispensing system.~~

Fuel for vehicles and equipment will be purchased from Fleet Services, unless it is intended for diesel firefighting apparatus or small engine use for any department in the City. Diesel firefighting apparatus may fuel at commercial fuel dispensaries that are within close proximity to a fire station. Off-site fueling records for diesel firefighting apparatus must be sent to Fleet Services to maintain the fleet asset information system. Unleaded, high octane fuel used in

small engines may be purchased at commercial fuel dispensaries. Unleaded gas and diesel fuel is available at the Public Works Building. Diesel fuel may also be purchased at the baling facility at the Landfill as a backup to the Public Works building. Both sites allow fueling twenty-four (24) hours a day, seven (7) days a week through an automated fuel dispensing system.

Vehicle/Equipment Disposal

Repair data, usage, repair cost, and other historical data will be made available to concerned departments as a tool to help make retention/disposal decisions. Fleet Services will make recommendations based on available fleet management data/records. Decisions to retain or dispose of vehicles and equipment will be made by the parent Department.

Utilization

To increase use of City-owned equipment, Fleet Services will establish rental rates for equipment and vehicles when used by other Departments. Departments are encouraged to rent City-owned equipment when the need for equipment arises.

Fleet Services Responsibilities

Fleet Services will:

- Only make repairs authorized by the customer at a competitive price.
- Recommend only necessary repairs.
- Use materials that are proven safe and recommended by the manufacturer.
- Provide estimates that are as accurate as possible when practical.

Customer Responsibilities

Customers of Fleet Services are expected to ensure that:

- Operators are trained and qualified to operate assigned vehicles/equipment.
- Operators perform daily pre-operational checks/maintenance prior to use.
- Equipment is cleaned and washed after use to prolong the life and provide for a professional appearance of Fleet assets.
- Needed repairs/defects are reported to Fleet Services immediately.
- Seat belt and smoking policies are followed.
- Fleet vehicles and equipment are used for official business only.

Approval Date: 01/09/07
Revision Date: 04/14/20

# Public Works Service Operations Department

**DATE:** April 8, 2020

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

**ITEM:** Approval of Change Order 3 with Edling Electric for Street Utility Project No. 52

**REQUEST**

Approve Change Order 3 with Edling Electric for Street Utility Project No. 52.

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

Change Order 3 requests a time extension to meet final payment of the project.

**RECOMMENDED CITY COMMISSION ACTION**

Approve Change Order 3 with Edling Electric for Street Utility Project No. 52.

**STAFF CONTACT INFORMATION**

Jeff Heintz | Service Operations Director, 355-1700 or jheintz@bismarcknd.gov

# CONTRACT CHANGE ORDER FORM

**DEPARTMENT**

| | | | |
|---|---|---|---|
| City Department | Public Works - Service | | |
| Contractor | Edling Electric, Inc. | | |
| Contract Number | 2019-12 | Change Order Number | 3 |
| Project Number | | Change Order Date | 4/8/2020 |
| Project Description | STLGHTSC.TRAFFICSIGNAL.SV52 | | |
| Original Contract Amount | $ 158,350.00 | Approved Contract Budget | $ 174,185.00 |
| Previous Contract Amount | $ 158,350.00 | | |
| Change Order Amount | $0 | | ACTION REQUIRED (SEE BELOW) |
| Proposed Contract Amount | $ 158,350.00 | | |
| Within Project Scope | YES | Within Project Funding | YES |
| Completion Date | 12/20/2019 | Change in Completion Date | YES |
| Revised Completion Date* | 4/30/2020 | REV COMP DATE REQ'D | *If completion date changed on this Change Order* |
| Type of Change Order | Non Design-related | Work Order No(s). | |

Description:

Change Order 3 requests a time extension to meet final payment.

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) _____

Send to Fiscal if change is ≤$25,000, completion date ≤15 days, no scope change or no revised budget

Date

**ADMINISTRATION**

City Administrator Signature (≤$50,000) _____

Add to Commission Agenda

Date

**COMMISSION APPROVAL**

Commission Approval Date _____

Attach Commission approval memo and send to Fiscal

COMMISSION APPROVAL REQUIRED

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

# CONTRACT CHANGE ORDER FORM

**FISCAL**

Comments

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

Bismarck Engineering Department

March 19, 2020

**MEMORANDUM**

To: The Honorable Board of City Commissioners
Bismarck, North Dakota

Re: Street Utility Project No. 52
Original Contract Amount $158,350.00
Estimate No. 2

Commissioners:

It is hereby recommended that payment of $4,750.50 be made to the contractor, Edling Electric, Inc., for work completed and materials on the subject project per enclosed Estimate No. 2.

Respectfully submitted,

Gabe J. Schell, PE
City Engineer

GJS/ds
Enc.
cc: James Ruud, Edling Electric (by email w/enc.)
Jeff Heintz, Service Operations Director (w/enc.)
Paul Seifert, Engineering Technician (w/enc.)

3/27/20

327-260-000-5600-375
STL CNTS. TRAFFIC SIGNAL
. SV52
2019-12

Dept: Finance
Date: 4/8/2020
PO #: 2020-
2nd Dept:
Wed Pymt:

**Gabriel J. Schell, PE, City Engineer**
Phone: 701-355-1505 • TDD: 711 • Fax: 701-222-6593 • 221 N. Fifth St. • PO Box 5503 • Bismarck, ND 58506-5503
Email: bisengd@bismarcknd.gov • www.bismarcknd.gov

CITY OF BISMARCK ENGINEERING DEPARTMENT

# PROGRESSIVE ESTIMATE NUMBER 2

For Period Beginning 12/21/2019 and Ending 3/19/2020
Contractor: Edling Electric, Inc
P.O. Box 1451, Bismarck, ND, 58502-1451
**Street Utility Project Fifty-Two (52)**
Original Bid Amount: $158,350.00

OK to pay 3/20/2020 PCS
LGO 3/20/20

DESCRIPTION: 2019 Traffic Signal Replacement Project

**Unit No. 1** Washington St. & Boulevard Ave.

| ITEM NO | DESCRIPTION | UNITS | ESTIMATED QUANTITY | CONTRACT PRICE | CONTRACT TOTAL | CURRENT USED | USED TO DATE | TOTAL AMOUNT | OF % EST. |
|---|---|---|---|---|---|---|---|---|---|
| | **- Contractor Bid Items-** | | | | | | | | |
| 1211-4.1 | TRAFFIC CONTROL | LS | 1.00 | 3,200.00 | 3,200.00 | | 1.00 | 3,200.00 | 100.0 |
| SP No 2 | Remove and Replace Concrete | LS | 1.00 | 5,750.00 | 5,750.00 | | 1.00 | 5,750.00 | 100.0 |
| SP No 4 | Install New Traffic Signal System | LS | 1.00 | 149,400.00 | 149,400.00 | | 1.00 | 149,400.00 | 100.0 |
| | **Unit No. :Contractor Items - Subtotal** | | | Bid: | **$158,350.00** | | Completed: | **$158,350.00** | 100.0 |
| | **-Added Work by Contractor-** | | | | | | | | |
| WO 1 | Additional work on SW foundation | LS | | 5,078.97 | | | 1.00 | 5,078.97 | |
| | **Unit No. :Change Orders & Added Work** | | | | | | | **$5,078.97** | |
| | **TOTAL OF WORK COMPLETED - UNIT NO. 1** | | | | | | | **$163,428.97** | |

**Street Utility Project No. 52 - CONTRACT WORK COMPLETE** **$163,428.97**

# PROGRESSIVE ESTIMATE NUMBER 2

Contractor: Edling Electric, Inc
P.O. Box 1451, Bismarck, ND, 58502-1451
**Street Utility Project Fifty-Two (52)**
Original Bid Amount: $158,350.00

DESCRIPTION: 2019 Traffic Signal Replacement Project

| | | |
|---|---|---|
| Contract Work Completed 03/19/2020 | Contract Work Completed | $158,350.00 |
| | Less 2.00% Retainage | $3,167.00 |
| | Subtotal | $155,183.00 |
| | Work Orders | $5,078.97 |
| | Total Amount Due Contractor | $160,261.97 |
| | Less Amount Paid on Previous Estimates | 155,511.47 |
| | Less Amount Paid for Stockpiled Items | $0.00 |
| | **CURRENT AMOUNT DUE CONTRACTOR** | **$4,750.50** <<AMOUNT TO BE PAID |

**Total Contract Cost, Street Utility Project No. 52** **$163,428.97**

ESTIMATE APPROVED

Contractor Date

# PROGRESSIVE ESTIMATE NUMBER 2

Contractor: Edling Electric, Inc
P.O. Box 1451, Bismarck, ND, 58502-1451
**Street Utility Project Fifty-Two (52)**
Original Bid Amount: $158,350.00

DESCRIPTION: 2019 Traffic Signal Replacement Project

| Unit | Description | Account | Current Cost | Cost to Date |
|---|---|---|---|---|
| 1 | Washington St. & Boulevard Ave. | | | |
| | | | 0.00 | 155,150.00 |
| | | 5600-375 | 0.00 | 5,078.97 |
| | | 5600-650 | 0.00 | 3,200.00 |

# PROGRESSIVE ESTIMATE NUMBER 2

Contractor: Edling Electric, Inc
P.O. Box 1451, Bismarck, ND, 58502-1451
**Street Utility Project Fifty-Two (52)**
Original Bid Amount: $158,350.00

DESCRIPTION: 2019 Traffic Signal Replacement Project

| | EST # 1 | EST # 2 |
|---|---|---|
| 0 | 0.00 | 0.00 |
| 1 | 163,428.97 | 163,428.97 |
| 2 | 0.00 | 0.00 |
| EST AMT TOTAL | 163,428.97 | 163,428.97 |
| EST RETAINAGE | 7,917.50 | 3,167.00 |

| | PMT EST # 1 | PMT EST # 2 |
|---|---|---|
| 0 | 0.00 | 0.00 |
| 1 | 155,511.47 | 4,750.50 |
| 2 | 0.00 | 0.00 |
| NET PAY AMT | 155,511.47 | 4,750.50 |

Bismarck

# Public Works Utility Operations Department

**DATE:** April 3, 2020

**FROM:** Michelle Klose, Utility Operations Director

**ITEM:** Additional request for the State funding and approval of lead service line replacement cost share policy

## REQUEST

Request approval for additional $500,000 loan funding with the state along with approval of the lead service line cost share policy.

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

In February 2020, the City approved application to the State for water infrastructure projects for $4.5 million. The City has been notified by the State that it has loan forgiveness (grant) dollars in the amount of $571,000 for work with property owners relating to replacement of lead service lines. Requesting Commission approval to add $500,000 on the loan application to incorporate the additional forgiveness (grant) dollars. Even though the loan total would increase, the money drawn that relates to the lead service line replacements is written off and is not repaid. In consultation with the Finance Director, the debt service cost will be similar to the request in February and covered within the utility rate plan.

The Utility will establish and maintain a program for lead service line replacement. The Lead Service Line Replacement Cost Share Policy is attached for your review.

## RECOMMENDED CITY COMMISSION ACTION

Approve the request for additional $500,000 loan funding, adopt the resoltuion of governing body for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund loan applications, authorizing Michelle Klose as designated official for the application and approve the lead service line replacement cost share policy**.**

## STAFF CONTACT INFORMATION

Michelle Klose, PE | Utility Operations Director, 355-1700 or mklose@bismarcknd.gov.
I will be available at the meeting to respond to questions.

| Public Works Utility Operations – Lead Service Line Replacement Cost Share Policy | Effective Date: April 14, 2020 | Approved By: Michelle Klose |
|---|---|---|

**Purpose**:
Establish and maintain a reasonable program to provide property owners access to state grant funding for replacement of the property owner's lead service lines. Encourage removal of lead service lines in locations with tested levels above 8 micrograms per liter, to assist Utility compliance with the federal Lead and Copper Rule.

**Policy:**
The Utility will maintain a list of properties for lead service line replacement. When the state funding is available the Utility will separate the list into three categories to prioritize the state funding. The state funding will be made available to reimburse property owners up to 90% of eligible contract cost for replacement of their lead service lines, from the water main to the meter. The categories and order of the funding priority:

P1) Property owner assisting the Utility with lead testing where the home has lead levels detected at or above 8 micrograms per liter.

P2) Property owners within the Utility's current or prior years cast iron water main replacement project where the project has connection to their lead service line.

P3) All other property owners who choose to replace their lead service line, listed in order of the date the property owner requested to be on the Utility list.

Interested property owners will need to follow the Utility procedures, state requirements, and work with contractors to estimate, schedule and complete the work.

**Procedure:**
The Utility will seek annual Drinking Water State Revolving Fund loan funding over the next several years for cast iron water main replacement projects in areas with lead service lines. As part of the loan funding package, the state DWSRF program provides loan forgiveness (grant funding) to encourage lead service line replacements. Available state funding will change each year.

When the Utility is informed on state funding availability for lead service line replacements, the Utility will provide an Information Packet to property owners. The Information Packet will contain the requirements and details for the program. Interested property owners will need to follow the Information Packet and the state requirements to ensure the costs they incur will be eligible for cost share.

The property owner will contact one or more contractors to receive an estimate of cost and a planned completion date, and provide that information to the Utility prior to starting the lead service line replacement work to confirm funding is still available. The contract costs for lead service line replacements will vary depending on many factors including the length of the service line, location of the water main, and access to the water meter. The Utility may require the property owner to receive an additional quote if cost per linear foot exceeds what has been determined reasonable by the Director of Utility Operations.

Following completion of the work, the property owner will submit the invoice to the Utility to request reimbursement of up to 90% of eligible contract costs. The property owner remains responsible for the balance.

Properties within the P1 and P2 categories will have an annual response deadline of August 1st. If an estimate of cost and planned completion date has not been submitted to the Utility by August 1, that property will no longer be eligible for current year funding. The property will remain on the list for the following year.

Properties within the P3 category will be on the Utility list in order of date when the property owner contacted the Utility with interest in replacement of their lead service line. To allow property owners in the P3 category to have access to the limited grant funding for replacement of their lead service lines, an August 1st deadline is placed on the properties within the P1 and P2 categories. As properties on the P3 list are advised of available remaining funding, they will have a deadline of three months to provide a contractor's estimated cost and schedule to be eligible for current year funding. If the property owner does not provide the information by the deadline, the property will be placed in order at the bottom of the P3 list with a new date starting in January of the following year.

The process will be refined by the Director of Utility Operations as needed to reduce delays in completing lead service line replacements and making funds available.

**Responsibility:**

Each division head is responsible for ensuring compliance with this administrative policy and procedure. This policy is subject to changes under the review of the Director.

**RESOLUTION OF GOVERNING BODY OF APPLICANT**
(Suggested Format)

**RESOLUTION NO. _____**

Resolution authorizing filing of application with the North Dakota Department of Environmental Quality for a loan under the Clean Water Act and/or the Safe Drinking Water Act.

WHEREAS, under the terms of the Clean Water Act and/or the Safe Drinking Water Act, the United States of America has authorized the making of loans to authorized applicants to aid in the construction of specific public projects: Now, Therefore, BE IT RESOLVED City of Bismarck Commission _____ *(Governing Body of Applicant)*

1. That Michelle Klose _____ be and is hereby authorized to execute and file an application
   *(Designated Official)*
   on behalf of City of Bismarck, North Dakota _____ with the North Dakota Department of Environmental
   *(Legal Name of Applicant)*
   Quality for a loan to aid in the construction of:

   | |
   |---|
   | For the water fund, the replacement of obsolete cast-iron mains and lead service lines. For the sanitary sewer fund, projects related to hydrogen sulfide control improvements and the wastewater disinfection to reduce the risk of corrosion and comply with federal and state requirements, respectively. |

   *(Brief Project Description)*

2. That Michelle Klose _____, Utility Operations Director _____
   *(Name of Authorized Representative)* *(Title)*
   be and is hereby authorized and directed to furnish such information as the North Dakota Department of Environmental Quality may reasonably request in connection with the application which is herein authorized to be filed, to sign all necessary documents, and, on behalf of loan recipient, to accept loan offer and receive payment of loan funds.

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting _____ of the
*(Title of Officer)*
_____ does hereby certify that the attached resolution is a true and
*(Legal Name of Applicant)*
correct copy of the resolution, authorizing the filing of application with the North Dakota Department of Environmental Quality, as regularly adopted at a legally convened meeting of the
_____ duly held on the _____ day of _____, 20_____;
*(Name of Governing Body of Applicant)*
and further that such resolution has been fully recorded in the journal of proceedings and records in my office.

In WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20_____.

(SEAL)
If applicant has an official seal, impress here

_____
*(Signature of Recording Officer)*

_____
*(Title of Recording Officer)*

# Public Works Utility Operations Department

**DATE:** April 7, 2020

**FROM:** Michelle Klose, Utility Operations Director

**ITEM:** Approval to upgrade Supervisory Control and Data Acquisition Wonderware Software at the Wastewater Treatment Plant

## REQUEST

Request for approval to upgrade Supervisory Control and Data Acquisition Wonderware software and hardware at the Wastewater Treatment Plant.

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

The existing Supervisory Control and Data Acquisition (SCADA) system at the Wastewater Treatment Plant uses the Wonderware System Platform architecture. The update to the newest version means the coding for the SCADA application can continue to be used. The Wonderware software quote of $33,630.00 is attached. The SCADA upgrade work is included in the 2020 budget.

## RECOMMENDED CITY COMMISSION ACTION

Approve the request to purchase Wonderware software and hardware upgrades for the SCADA system for the Wastewater Treatment Plant.

## STAFF CONTACT INFORMATION

Michelle Klose, PE | Utility Operations Director, 355-1700 or mklose@bismarcknd.gov.

GS Systems, Inc.
175 N Patrick Blvd
Suite 110
Brookfield WI 53045
(866) 826-9725, Ext. 2
orders@wonderwaremidwest.com

# Quote

#Q22090

Revision # 1

Date 4/1/2020

**Expires** 5/1/2020

**Terms** Net 10

**Bill To**

City of Bismarck
Department of Public Works
221 N. 5th Street
Bismarck ND 58501
United States

**Ship To**

City of Bismarck
Department of Public Works
221 N. 5th Street
Bismarck ND 58501
United States

| Project | Contact | Sales Support Admin | Account Executive | Shipping Method |
|---|---|---|---|---|
| City of Bismarck-Public Works | Mike Chrone | Cami Thompson | Finn, Joe P | Electronic |

| Item | Qty | UOM | Unit Price | Extended Price |
|---|---|---|---|---|
| **10-7001**<br>Wonderware Customer FIRST Support, Standard+ Level<br>Agreement ID: New<br>Agreement Effective Date Range:<br>Expires two years from date of purchase | 1 | ea | $33,630.00 | $33,630.00 |
| **Wonderware Version Upgrades**<br>Required with Customer FIRST Support Enrollment<br>Pricing is only valid when purchased with support | 1 | ea | $0.00 | $0.00 |
| **INTCH-06-U-17**<br>Upg InTouch 2017 Runtime 60K Tag with I/O<br>SN 914875, 914898, 914933, 914883, 974410 | 5 | ea | $0.00 | $0.00 |
| **INTCH-10-U-17**<br>Upg InTouch 2017 Runtime 60K Tag without I/O<br>SN 974411, 974412, 1775078 | 3 | ea | $0.00 | $0.00 |
| **HSTCLT-01-N-17**<br>Historian Client 2017 Concurrent, Single<br>SN 974414 | 8 | ea | $0.00 | $0.00 |
| **HSTSTD-02-U-17**<br>Upg Historian 2017 Standard 500 Tag<br>Includes one Historian InSight 2017 (on-premise) license<br>SN 974413 | 1 | ea | $0.00 | $0.00 |
| **DEVSTD-04-U-17**<br>Upg Development Studio 2017 Unlimited (Unlim/60K/500)<br>Includes the activated license for v2017 as well as .lic files to provide backward version compatibility (v2014R2 or older)<br>SN 1324530 | 1 | ea | $0.00 | $0.00 |

GS Systems, Inc.
175 N Patrick Blvd
Suite 110
Brookfield WI 53045
(866) 826-9725, Ext. 2
orders@wonderwaremidwest.com

# Quote

#Q22090

Revision # 1

Date 4/1/2020

**Expires** 5/1/2020

**Terms** Net 10

**Comments:**

Software licensing is registered to:
SiteID: 143474
City of Bismarck, Department of Public Works
221 N. 5th St.
Bismarck ND 58506

| | |
|---|---|
| **Subtotal** | $33,630.00 |
| **Shipping** | $0.00 |
| **Sales Tax** | $0.00 |
| **Total** | $33,630.00 |

*This quote is an estimate of suggested products to be purchased and should not be viewed as fully satisfying the needs of a particular design or functional objective. It is limited to the products, quantities and prices shown.*

Wonderware software products and prices included in this quote are made available for resale with the understanding that the required implementation services at the ultimate end-user customer are being provided by a recognized Wonderware System Integrator partner with the appropriate certification credentials.

**Terms and Conditions Highlights:**

All orders are subject to and limited by Wonderware Midwest Terms and Conditions of Sale which can be found at www.wonderwaremidwest.com . Notice of objection and rejection of any additional or different terms in any form delivered by the customer is hereby given. Any performance on the part of the buyer against this sale will be considered willful acknowledgement and acceptance of these terms.

- Quoted pricing is valid for 30 days from quotation date unless stated otherwise
- Payment is due at invoice date, Net 10 days to approved credit
- Delivery: Software orders normally ship within 5 business days; Hardware orders are usually longer, often several weeks. Please confirm delivery prior to ordering
- Products are shipped FOB supplier shipping point, freight prepaid. Prices shown do not include shipping/handling charges
- Prices shown do not include any taxes which may be applicable
- UPS ground is standard shipping method
- Replacement cost of lost or stolen software license can be 80% of acquisition cost
- Wonderware software is intended for installation on MS retail Windows OS Systems; not intended for OEM Windows versions*
- All sales are deemed final at time of shipment

*Per Wonderware End User License Agreement (EULA)

We can accept your order via email: orders@wonderwaremidwest.com

# Public Works Utility Operations Department

**DATE:** March 31, 2020

**FROM:** Michelle Klose, Utility Operations Director

**ITEM:** Task Order No. 15 to the Agreement with AE2S for 2020 Water Distribution SCADA Upgrade I&C Commissioning Services

## REQUEST

Request for approval to accept Task No. 15 to the Agreement with AE2S for 2020 Water Distribution SCADA upgrade and I&C commissioning services.

Please place this item on the 4/14/2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

Task Order No. 15 will assist us with the I&C commissioning, programming and integration associated with the 2020 Water Distribution SCADA upgrade project. The total estimated fee for Task Order No. 15 is not to exceed $53,500.00.

## RECOMMENDED CITY COMMISSION ACTION

Approve Task Order No. 15 to the agreement with AE2S in the amount not to exceed $53,500.00 for 2020 Water Distribution SCADA upgrade I&C commissioning services.

## STAFF CONTACT INFORMATION

Michelle Klose, PE | Utility Operations Director, 355-1700 or mklose@bismarcknd.gov.
I will be available at the meeting to respond to questions.

This is Task Order No. 15, consisting of 4 pages.

**Task Order**

In accordance with Paragraph 1.02 of the Short Form of Task Order Agreement Between Owner and Engineer for Professional Services, dated May 8, 2018 ("Agreement"), Owner and Engineer agree as follows:

## 1. Background Data

| | | |
|---|---|---|
| a. | Effective Date of Task Order: | April 14, 2020 |
| b. | Owner: | City of Bismarck |
| c. | Engineer: | Advanced Engineering and Environmental Services, Inc. |
| d. | Specific Project (title): | 2020 Water Distribution SCADA Upgrade I&C Commissioning Services |
| e. | Specific Project (description): | I&C commissioning, programing and integration associated with the 2019 Water Distribution SCADA Upgrade project. Commissioning and programing services will be provided for new equipment installed at the Crocus valve, Hillside Reservoir, and Water Treatment Plant. Integration services will be provided for the West End to provide storage volume reading to the overall SCADA system |

## 2. Services of Engineer

The specific services to be provided or furnished by Engineer under this Task Order are as follows:

A. Commissioning Phase

1. As Basic Services, Engineer shall:

a. Assist Owner in connection with the adjusting of Specific Project equipment and systems.

b. Assist Owner in training Owner's staff to operate and maintain Specific Project equipment and systems.

~~c. Prepare operation and maintenance manuals.~~

d. Assist Owner in developing procedures for (a) control of the operation and maintenance of Specific Project equipment and systems, and (b) related record-keeping.

~~e. Prepare and furnish to Owner, in the format agreed to, Record Drawings showing appropriate record information based on Project annotated record documents received from Contractor.~~

2. Other Services:

   a. Create PLC ladder logic and an HMI to monitor applicable digital and analog input and output points, alarm monitoring, automated process, and the commissioning and startup of those applications as well as the associated network and telemetry systems for the following locations:

      1) Hillside Pump Station

      2) Crocus Valve

      3) Water Treatment Plant

B. The following locations are not included in this Scope of Work and I&C Commissioning Services will be completed in conjunction with the Lockport Pump Station project:

1. Ash Coulee Water Tower (43rd Ave Water Tower)

2. Northwest Pump Station

3. Northwest Reservoir

4. 16th Street Pump Station

5. 16th Street Reservoir

## 3. Additional Services

A. Additional Services that may be authorized or necessary under this Task Order are as follows: None Identified

## 4. Owner's Responsibilities

A. Owner shall have those responsibilities set forth in the Agreement, subject to the following: None Identified

## 5. Task Order Schedule

A. The parties shall meet the following schedule: Services will be rendered subsequent to the Contractor's installation of upgrade SCADA equipment at the facilities. Services under this Task Order are assumed to be completed in the 2020 calendar year.

## 6. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

   a. An amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class for all services performed on the Specific Project, plus reimbursable expenses and Engineer's consultants' charges, if any.

   b. Engineer's Standard 2020 Hourly Rates are as shown in Appendix 1.

   c. The total compensation for services and reimbursable expenses will not exceed $53,500.

B. The terms of payment are set forth in the Agreement.

**7. Consultants retained as of the Effective Date of the Task Order:** None

**8. Other Modifications to Agreement:** None

**9. Attachments:** None

**10. Other Documents Incorporated by Reference:** None

**11. Terms and Conditions**

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is April 14, 2020.

| OWNER: | ENGINEER: |
|---|---|
| City of Bismarck | Advanced Engineering and Environmental Services, Inc. |
| By: _____ | By: _____ |
| Print Name: Steve Bakken | Print Name: Jasper Klein |
| Title: President of Board of City Commissioners | Title: Operations Manager |

DESIGNATED REPRESENTATIVES FOR TASK ORDER:

| | |
|---|---|
| Name: Jeron Fueller | Name: Mike Chorne |
| Title: Water Collection & Distribution Superintendent | Title: I&C Regional Manager |
| E-Mail jfueller@bismarcknd.gov | E-Mail Mike.chorne@ae2s.com |
| Phone: (701) 355-1700 | Phone: (701) 221-0530 |

**Appendix 1 to**
**Task Order No. 15**

# ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, INC.
## 2020 HOURLY FEE AND EXPENSE SCHEDULE

**Labor Rates***

| | |
|---|---|
| Administrative I | $60.00 |
| Administrative II | $73.00 |
| Administrative III | $88.00 |
| | |
| Engineer I | $115.00 |
| Engineer II | $139.00 |
| Engineer III | $165.00 |
| Engineer IV | $187.00 |
| Engineer V | $199.00 |
| | |
| Engineering Technician I | $71.00 |
| Engineering Technician II | $90.00 |
| Engineering Technician III | $107.00 |
| Engineering Technician IV | $125.00 |
| Engineering Technician V | $141.00 |
| Engineering Technician VI | $156.00 |
| Engineering Technician VII | $173.00 |
| Engineering Technician VIII | $183.00 |
| | |
| I&C Assistant | $86.00 |
| I&C Technician I | $105.00 |
| I&C Technician II | $118.00 |
| I&C Technician III | $133.00 |
| I&C Technician IV | $144.00 |
| I&C Technician V | $157.00 |
| I&C Specialist | $171.00 |
| I&C Senior Specialist | $181.00 |
| I&C Manager | $190.00 |
| | |
| Land Surveyor Assistant | $85.00 |
| Land Surveyor I | $102.00 |
| Land Surveyor II | $122.00 |
| Land Surveyor III | $137.00 |
| Land Surveyor IV | $151.00 |
| Land Surveyor V | $168.00 |
| Land Surveyor VI | $177.00 |
| | |
| Project Manager I | $175.00 |
| Project Manager II | $192.00 |
| Project Manager III | $212.00 |
| Project Manager IV | $226.00 |

**Reimbursable Expense Rates**

| | |
|---|---|
| Transportation | $0.65/mile |
| Survey Vehicle | $0.85/mile |
| Laser Printouts/Photocopies | $0.30/copy |
| Plotter Printouts | $1.00/s.f. |
| Outside Services** | cost *1.15 |
| Out of Pocket Expenses*** | cost*1.15 |
| Rental Car | cost*1.20 |
| Project Specific Equipment | Negotiable |

* Position titles are for labor rate grade purposes only.

** Includes laboratory testing, architectural and engineering consultants, surveying, etc.

*** Includes toll telephone, shipping, postage, subsistence, technical literature, equipment rental, etc.

*These rates are subject to adjustment each year on January 1*

# PUBLIC WORKS – UTILITY OPERATIONS

**DATE:** March 31, 2020

**FROM:** Michelle Klose, P.E., Director of Utility Operations

**ITEM:** Approval to submit planning level flood protection information to State Water Commission

## REQUEST

Approval to submit planning level flood protection information to the State Water Commission for inclusion in the biennial Water Development Plan.

Please place this item on the April 14, 2020 City Commission meeting.

## BACKGROUND INFORMATION

The State Water Commission is developing a Water Development Plan for the 2021-2023 biennium and beyond. Public Works Utility Operations is requesting approval to submit a flood protection project with the State Water Commission to seek cost-share assistance. The State Water Commission has supported an initial phase of flood protection on the south side of Bismarck through the Tavis structure, road raises, and embankments. This second phase provides protection to the Wastewater Treatment Plant through changes to the outfall and protection of Southport through embankment raises and bay closure structure. The planning level cost estimate is $3.5 million with $1million needed for the plant and $2.5 million for Southport. The submission of this project will allow a determination by the State if there is available cost share.

Application for funding and completion of a cost benefit analysis would be future steps if these projects are supported within the State approval of State Water Commission biennial budget for water projects.

## RECOMMENDED CITY COMMISSION ACTION

Approval to submit a phase two flood protection project with the State Water Commission to be included in the Water Development Plan, to seek cost share for the Wastewater Treatment Plant outfall improvements and protection of Southport.

## STAFF CONTACT INFORMATION

Michelle Klose, P.E., Director of Utility Operations
mklose@bismarcknd.gov 701-355-1700

# Community Development Department

**DATE:** April 7, 2020

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

**ITEM:** Apple Meadows Third Subdivision – Zoning Change (A to RR) & Final Plat

## REQUEST

Sattler Family, LLLP is requesting approval of a zoning change from the A – Agricultural zoning district to the RR – Residential zoning district and a major subdivision final plat for Apple Meadows Third Subdivision. The proposed plat and zoning change would allow the construction of 28 single-family rural residential homes.

The property is located east of Bismarck, along the east side of 80th Street SE between County Highway 10 and Apple Creek Road (part of the SW¼ of Section 4, T138N-R79W/Apple Creek Township).

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

Given federal and state recommendations related to limiting gatherings of 10 or more individuals, and that it was possible that multiple members of the public may have wished to attend and provide testimony at the March 24, 2020 meeting, staff requested continuation of the items to limit potential exposure of COVID-19 consistent with federal and state guidance. The public hearing scheduled for March 24, 2020 was continued to the next meeting of the City Commission, which is the meeting of April 14, 2020.

## BACKGROUND INFORMATION

The Planning & Zoning Commission held a public hearing on these requests on February 26, 2020.

One resident spoke at the public hearing and several other residents submitted written comments prior to the meeting. The concerns expressed included the impact of ground water on stormwater management, the management of stormwater on the property in general and the desire of adjacent residents to have 4th Street NE paved to the eastern end of this roadway rather than to the eastern edge of the proposed Fuji Drive.

Assistant County Engineer Casey Einrem also appeared and responded to questions about stormwater management in the area, as well as the County's policies regarding paving of roadways adjacent to plats and roadway maintenance and plowing.

At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the zoning change from the A – Agricultural zoning district to the RR – Residential zoning district and the major subdivision final plat for Apple Meadows Third Subdivision.

**RECOMMENDED CITY COMMISSION ACTION**

March 10th meeting of the Board of City Commissioners – consider the zoning change as outlined in Ordinance 6413 call for a public hearing on this item for the March 24th meeting of the Board of City Commissioners.

March 24th meeting of the Board of City Commissioners – staff requested continuation of these items to the next meeting of the Board of City Commissioners.

April 14th meeting of the Board of City Commissioners - hold a public hearing on the zoning change as outlined in Ordinance 6413; consider the request for approval of the major subdivision final plat for Apple Creek Third Subdivision; and take final action on the two related requests.

**STAFF CONTACT INFORMATION**

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

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

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

**ORDINANCE NO. 6413**

| | |
|---|---|
| *Introduced by* | _____ |
| *First Reading* | _____ |
| *Second Reading* | _____ |
| *Final Passage and Adoption* | _____ |
| *Publication Date* | _____ |

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

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

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

The following described property shall be excluded from the A-Agricultural zoning district and included in the RR-Residential zoning district:

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

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

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

# STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

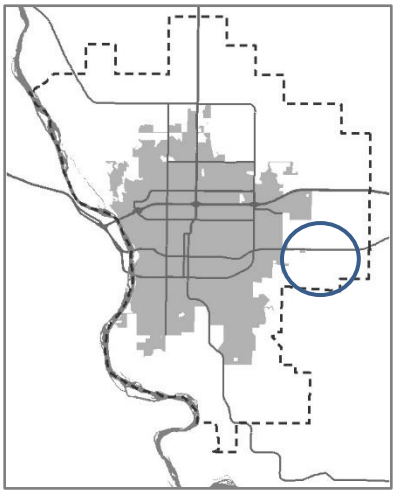
**February 26, 2020**

**Application for: Zoning Change** — *TRAKiT Project ID*: ZC2019-009

**Major Subdivision Final Plat** — FPLT2020-003

## Project Summary

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



## Site Information

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

## Property History

| | | | | | |
|---|---|---|---|---|---|
| *Zoned:* | N/A | *Platted:* | N/A | Annexed: | N/A |

## Staff Analysis

Sattler Family, LLLP is requesting approval of a zoning change from the A – Agriculture zoning district to the RR – Residential zoning district and a major subdivision final plat for Apple Meadows Third Subdivision.

*(continued)*

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

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

*Future Land Use Plan*

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

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

*Fringe Area Road Master Plan*

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

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

*Zoning Change*

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

*Final Plat*

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer;

*(continued)*

5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The Apple Creek Township Board of Supervisors has received notification of the proposed final plat; however, they have not yet made a recommendation for the proposed final plat;
7. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
8. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
9. Portions of the proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

**Staff Recommendation**

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

**Attachments**

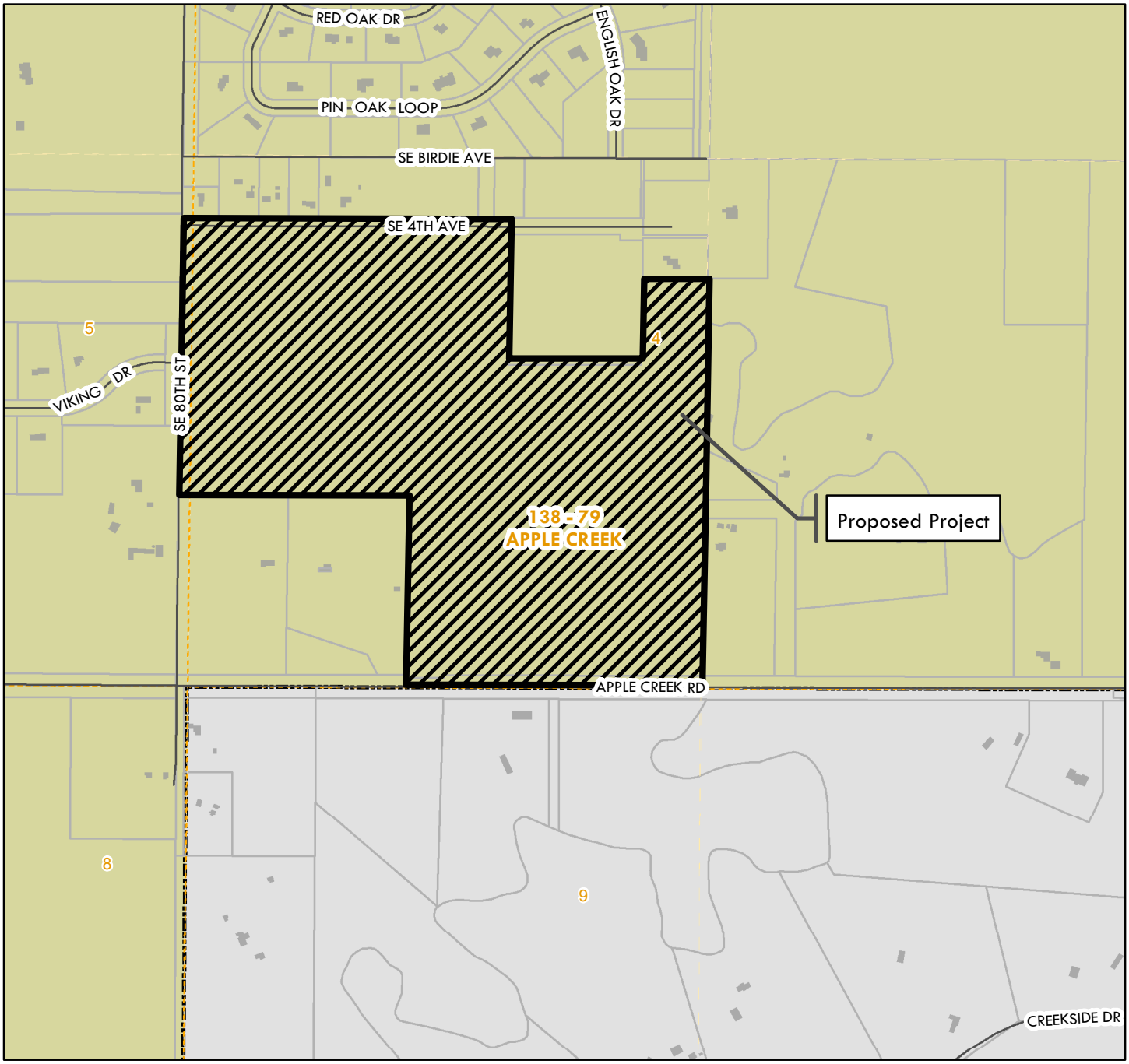
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat

*Staff report prepared by:* Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

# Location Map

Apple Meadows Third Subdivision

PPLT2019-006
ZC2019-009
FPLT2020-003



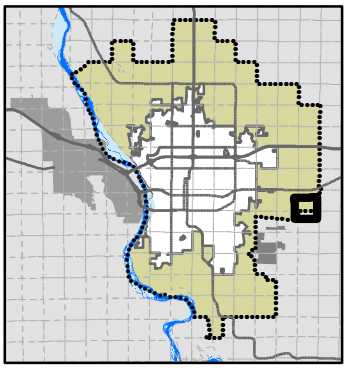

0 0.15 0.3 0.6 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

*Section, township, and range indicated in orange*



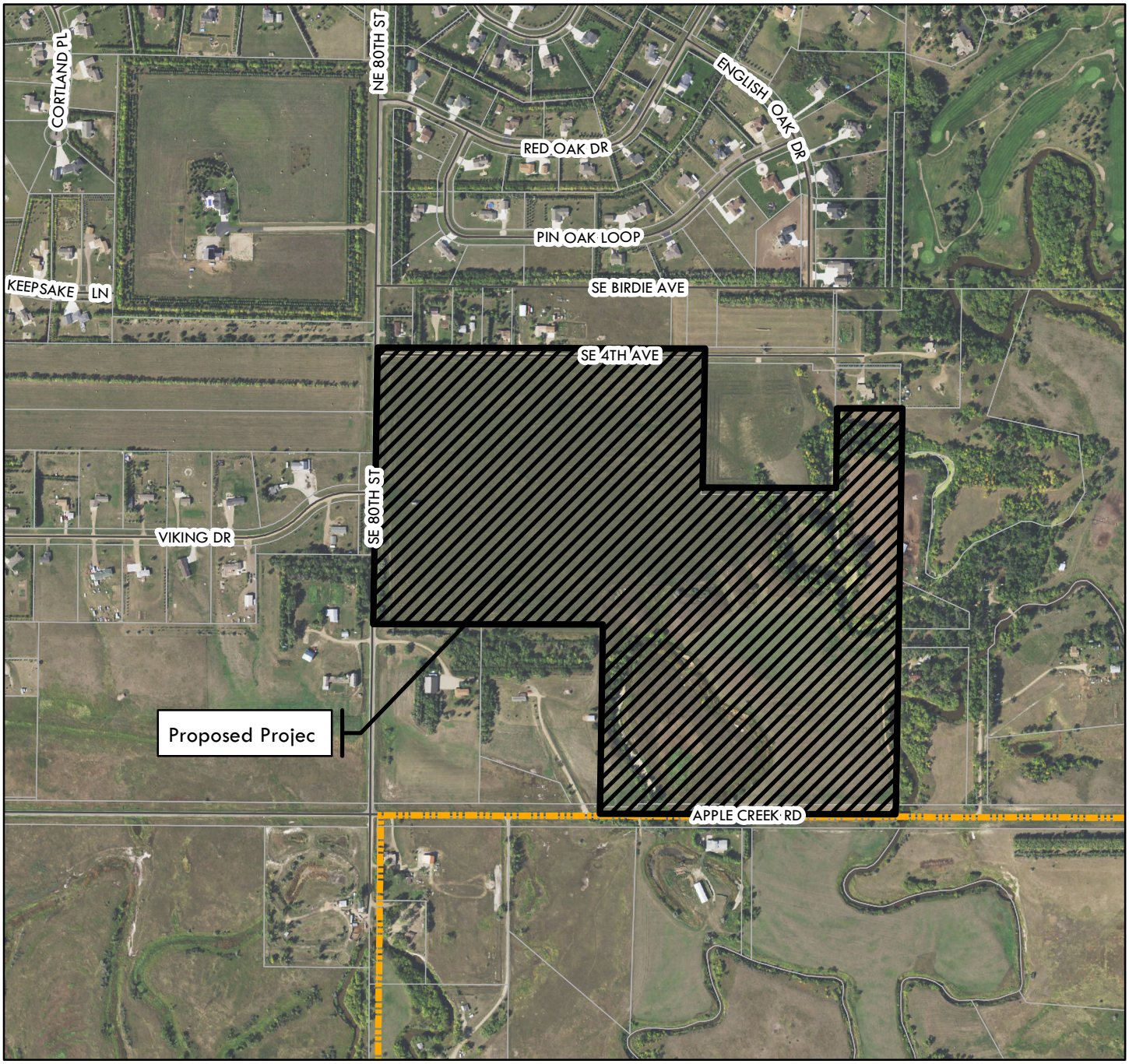
City of Bismarck
Community Development Department
Planning Division
October 21, 2019 (HLB)

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

# Aerial Map

Apple Meadows Thrid Subdivision

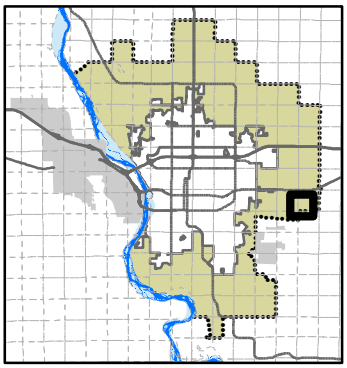
FPLT2020-003
ZC2019-009




0 0.175 0.35 0.7 Miles

City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018



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

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# Zoning and Plan Reference Map

Apple Meadows Third Subdivision

FPLT2020-003
ZC2019-009

Project Area - No Change Proposed

Zoning or Plan Change Proposed

*Zoning Districts*

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

Diagonal lines indicate special condition

*Future Land Use Plan*

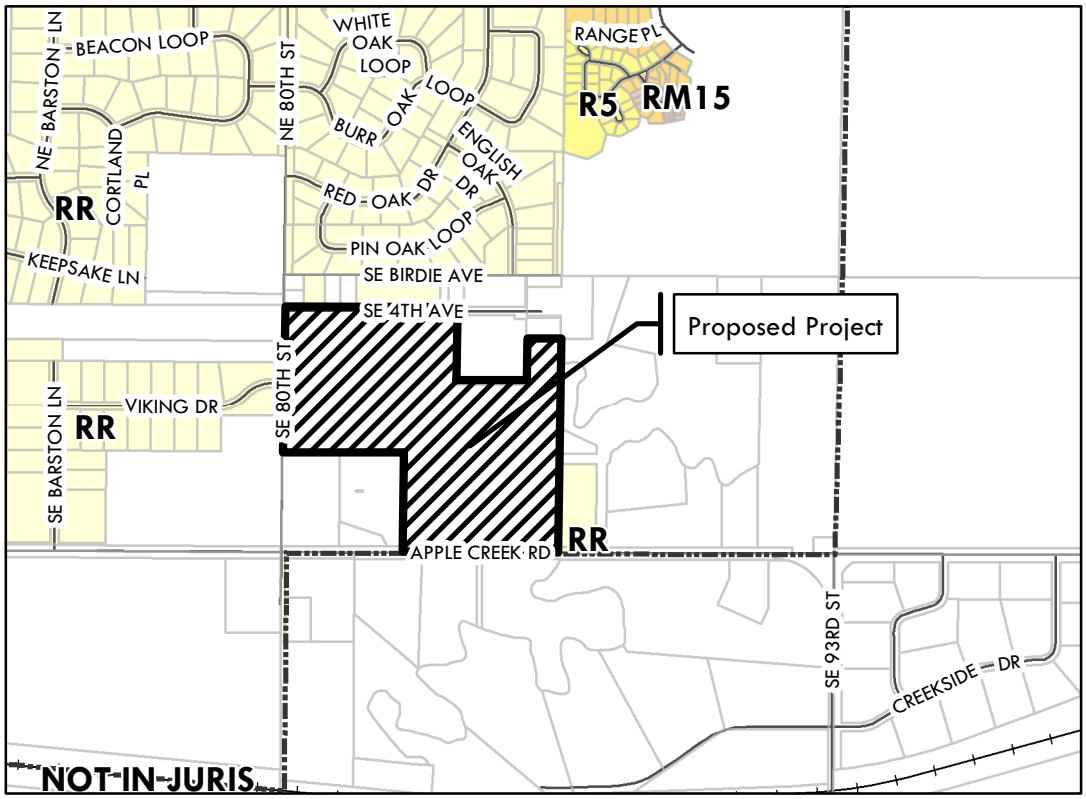
| | |
|---|---|
| **CONSRV** | Conservation |
| **BP** | Business Park |
| **C** | Commercial |
| **C/MU** | Commercial/ Mixed Use |
| **CIVIC** | Civic |
| **HDR** | High Density Residential |
| **I** | Industrial |
| **LDR** | Low Density Residential |
| **MDR** | Medium Density Residential |
| **MDR-/MU**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

*Fringe Area Road Master Plan*

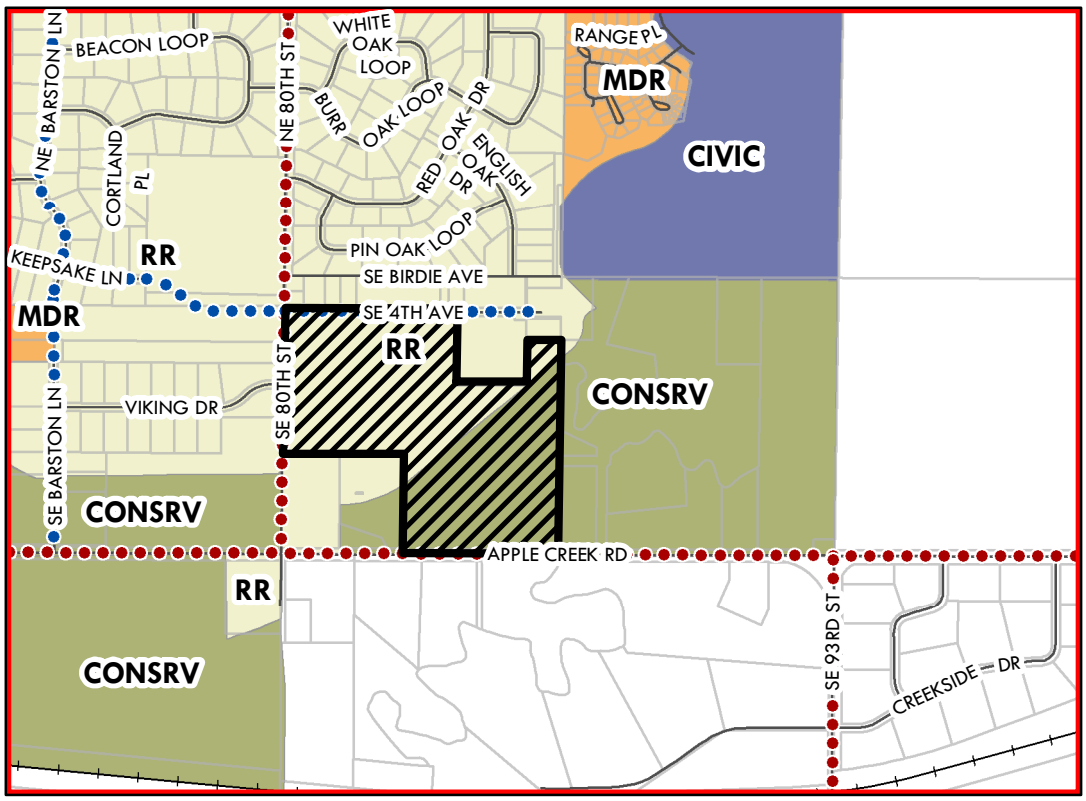
Planned Arterial

Planned Collector

**Zoning**




**Future Land Use Plan and Fringe Area Road Master Plan**




0 0.275 0.55 1.1 Miles

City Limits

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

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

# APPLE MEADOWS THIRD SUBDIVISION

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

## BURLEIGH COUNTY, NORTH DAKOTA

### DESCRIPTION

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

BEGINNING AT THE SOUTHWEST CORNER OF AUDITOR'S LOT A OF THE SW 1/4 OF SAID SECTION 4; THENCE SOUTH 89 DEGREES 50 MINUTES 58 SECONDS EAST, ALONG THE BOUNDARY OF SAID AUDITOR'S LOT A, A DISTANCE OF 666.17 FEET; THENCE NORTH 00 DEGREES 56 MINUTES 01 SECOND EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 439.56 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 13 SECONDS EAST, A DISTANCE OF 327.23 FEET TO THE EAST LINE OF SAID SW 1/4; THENCE SOUTH 00 DEGREES 49 MINUTES 30 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 2053.07 FEET TO THE SOUTH LINE OF SAID SW 1/4; THENCE NORTH 89 DEGREES 50 MINUTES 21 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1468.56 FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF AUDITOR'S LOT B OF SAID SW 1/4; THENCE NORTH 00 DEGREES 09 MINUTES 53 SECONDS EAST, ALONG SAID SOUTHERLY EXTENSION AND SAID EAST LINE, A DISTANCE OF 949.76 FEET TO THE NORTH LINE OF SAID AUDITOR'S LOT B; THENCE NORTH 89 DEGREES 50 MINUTES 09 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 603.77 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 50 SECONDS EAST, A DISTANCE OF 135.13 FEET; THENCE NORTH 89 DEGREES 15 MINUTES 42 SECONDS WEST, A DISTANCE OF 551.32 FEET TO THE WEST LINE OF SAID SW 1/4; THENCE NORTH 00 DEGREES 44 MINUTES 18 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 1262.97 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LANDSBERGER SUBDIVISION; THENCE SOUTH 89 DEGREES 50 MINUTES 41 SECONDS EAST, ALONG SAID WESTERLY EXTENSION AND SOUTH LINE AND ALONG THE SOUTH LINES OF AUDITOR'S LOTS C & D OF SAID SW 1/4 AND THE SOUTH LINE OF WEIGANDS SUBDIVISION AND ITS EASTERLY EXTENSION, A DISTANCE OF 2310.32 FEET; THENCE SOUTH 00 DEGREES 56 MINUTES 01 SECOND WEST, A DISTANCE OF 115.17 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS WEST, A DISTANCE OF 114.37 FEET; THENCE NORTH 00 DEGREES 48 MINUTES 22 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 34.97 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 41 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 551.77 FEET; THENCE SOUTH 00 DEGREES 55 MINUTES 47 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 660.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 103.07 ACRES, MORE OR LESS.

### SURVEYOR'S CERTIFICATE

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

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH )

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

_____
TERRY BALTZER
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 3595

### APPROVAL OF CITY PLANNING AND ZONING COMMISSION

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

_____
MICHAEL J. SCHWARTZ – CHAIRMAN

_____
ATTEST
BEN EHRETH – SECRETARY

### APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE _____DAY OF _____, 2020.

_____
ATTEST
KEITH J. HUNKE – CITY ADMINISTRATOR

### APPROVAL OF BOARD OF COUNTY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____DAY OF _____, 20__.

_____
BRIAN BITNER–CHAIRMAN

_____
ATTEST: KEVIN GLATT
BURLEIGH COUNTY AUDITOR/TREASURER

### APPROVAL OF CITY ENGINEER

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

_____
GABRIEL J. SCHELL
CITY ENGINEER

### OWNER'S CERTIFICATE & DEDICATION

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

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

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

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

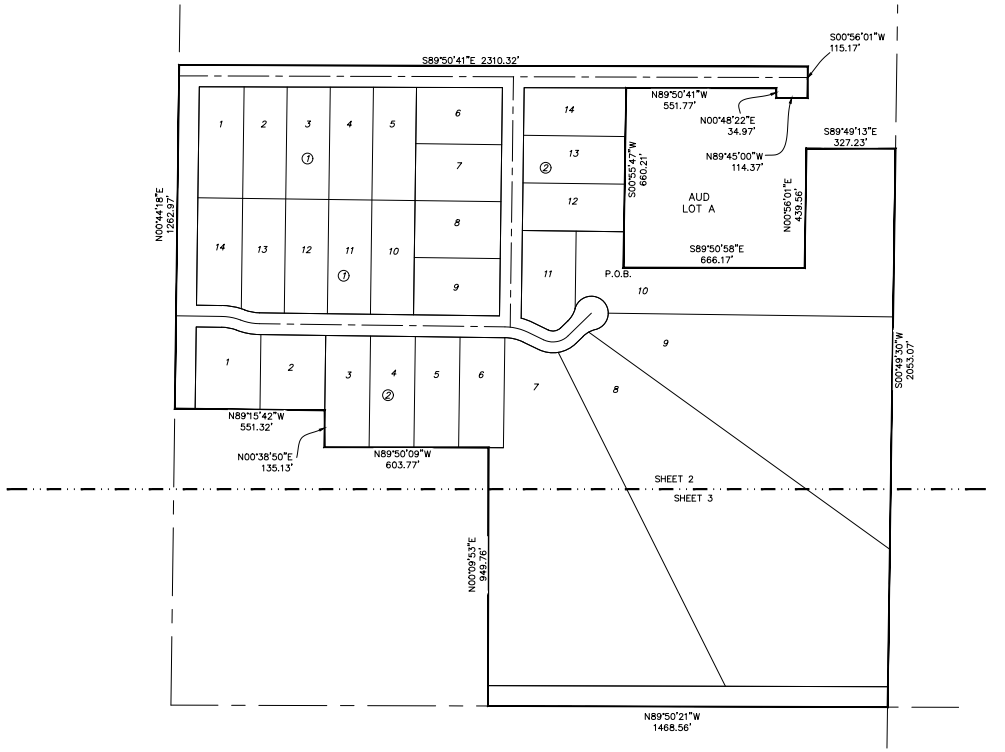
WE FURTHER GRANT ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND THOSE THAT ARE RECORDED, BUT NOT SHOWN.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH )

_____
ROBB SATTLER
SATTLER FAMILY, LLLP
3220 ARIZONA DR.
BISMARCK, ND 58503

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

_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____




### NOTES

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

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

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

FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 38015C0820D
DATED AUGUST 4, 2014

FLOOD PLAIN ELEVATION:
VARIES BETWEEN 1658–1661 (NAVD 88)

AREA DATA

| | | |
|---|---|---|
| LOTS | 3,900,907 S.F. | 89.55 ACRES |
| STREETS | 589,102 S.F. | 13.52 ACRES |
| TOTAL | 4,490,009 S.F. | 103.07 ACRES |

N

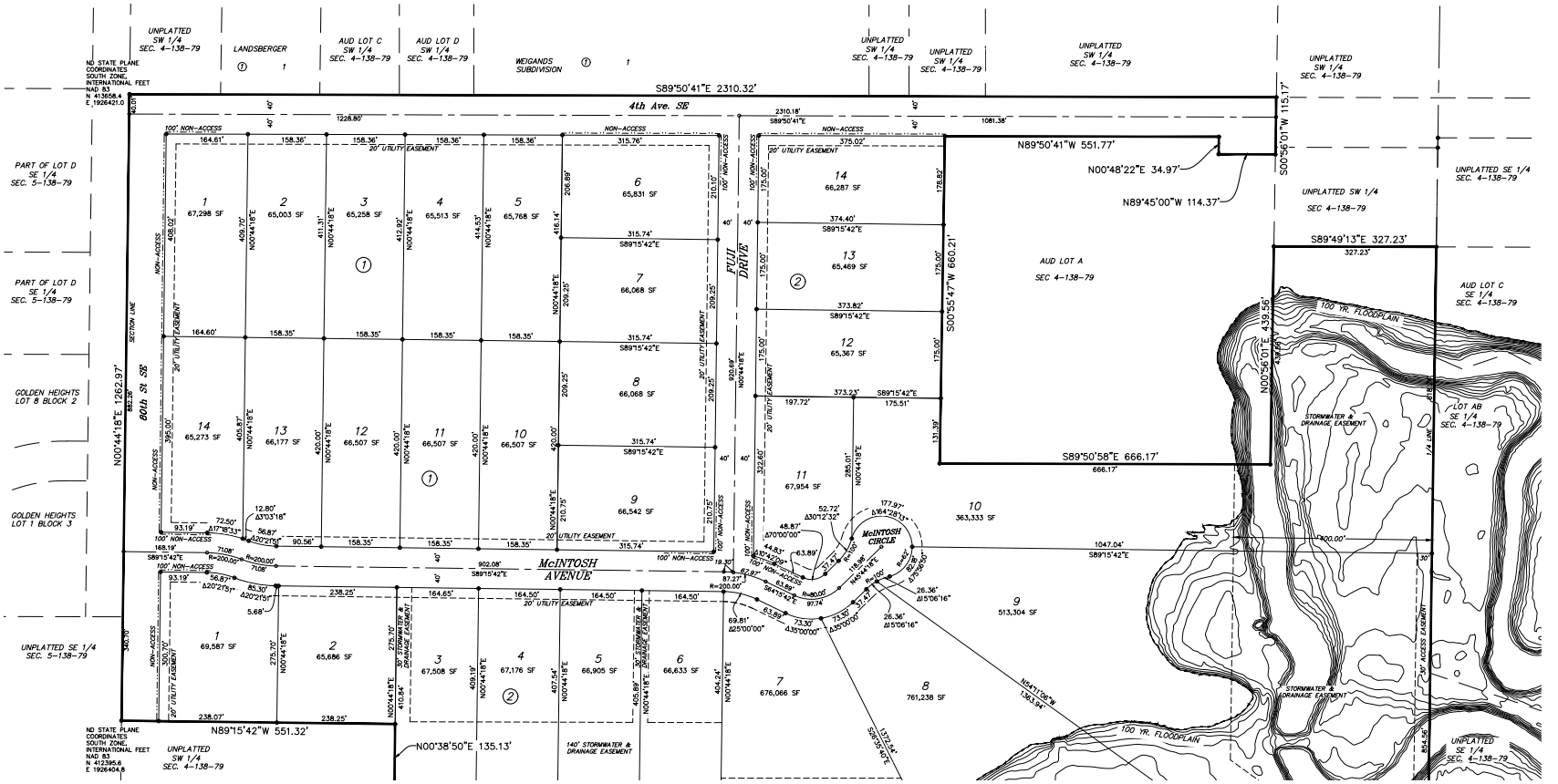
0 100'

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


SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shcmp@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

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

# BURLEIGH COUNTY, NORTH DAKOTA




## NOTES

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NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

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

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

FLOODPLAIN INFORMATION
FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 38015C0820D
DATED AUGUST 4, 2014
FLOOD PLAIN ELEVATION:
VARIES BETWEEN 1658-1661 (NAVD 88)

AREA DATA

| | | | |
|---|---|---|---|
| LOTS | 3,900,907 S.F. | 89.55 ACRES | |
| STREETS | 582,588 S.F. | 13.37 ACRES | |
| TOTAL | 4,490,009 S.F. | 103.07 ACRES | |

N

0 100'

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


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Civil Engineering
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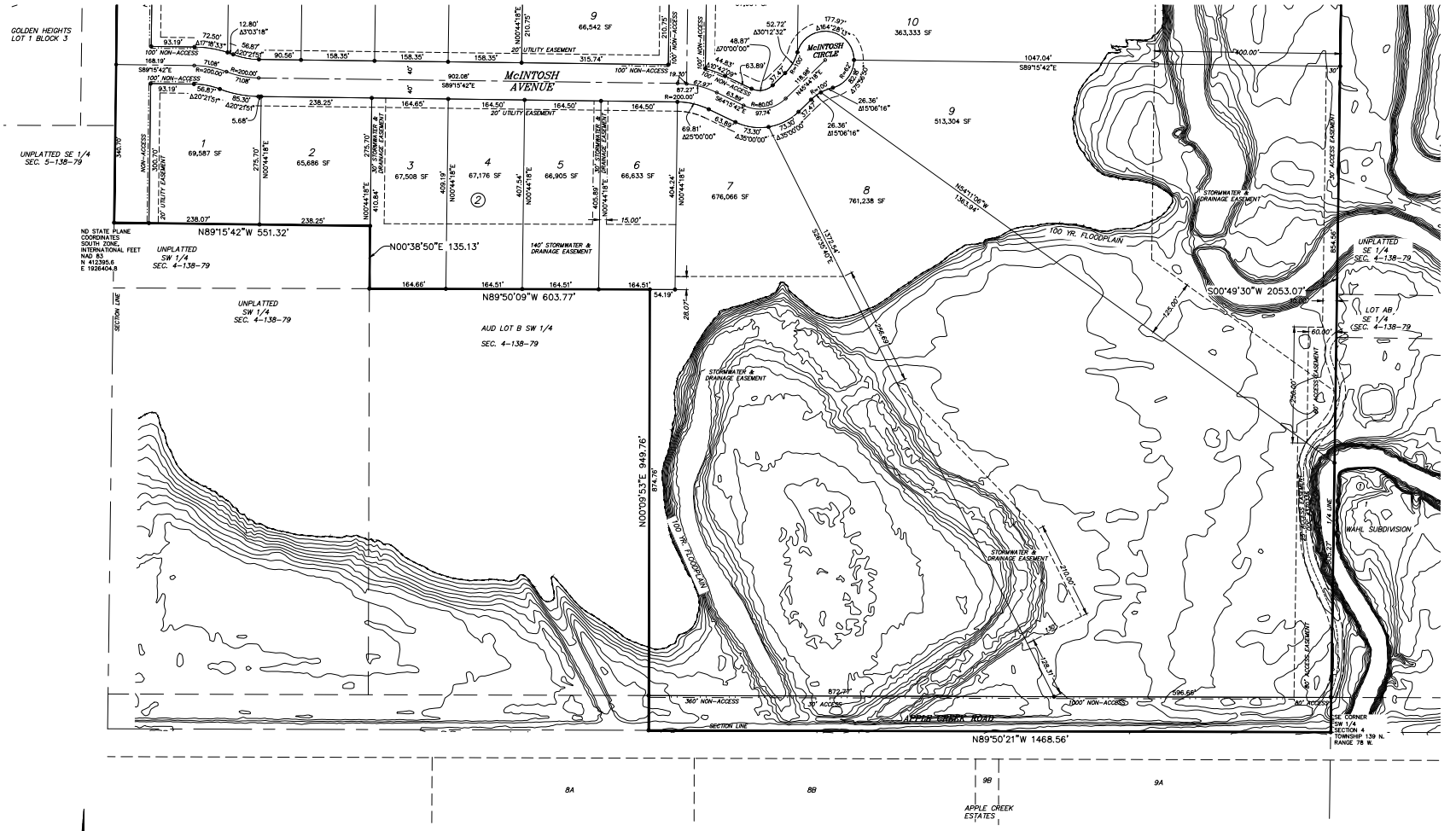
Construction Management

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

# BURLEIGH COUNTY, NORTH DAKOTA




N

0 100'

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

## NOTES

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

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

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

## FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 38015C0820D
DATED AUGUST 4, 2014
FLOOD PLAIN ELEVATION:
VARIES BETWEEN 1658-61 (NAVD 88)

## AREA DATA

| | | | |
|---|---|---|---|
| LOTS | 3,900,907 S.F. | 89.55 | ACRES |
| STREETS | 589,102 S.F. | 13.52 | ACRES |
| TOTAL | 4,490,009 S.F. | 103.07 | ACRES |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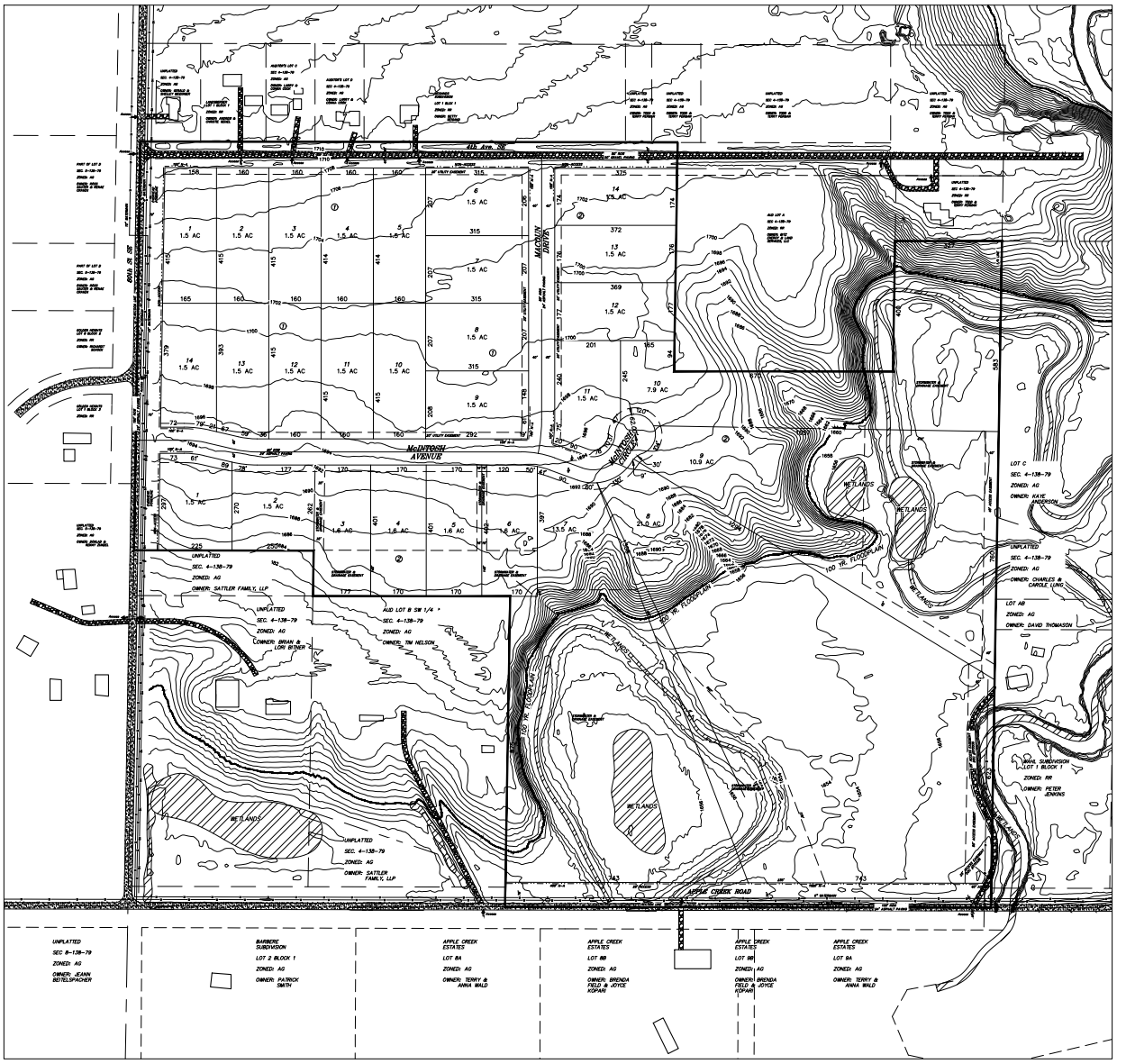
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

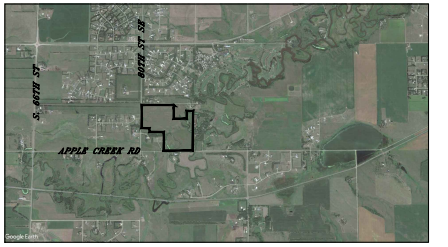
Preliminary Plat

# APPLE MEADOWS THIRD SUBDIVISION

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

## BURLEIGH COUNTY, NORTH DAKOTA




LOCATION MAP

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

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

FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 38015C0820D
DATED AUGUST 4, 2014
FLOOD PLAIN ELEVATION:
APPROXIMATELY 1660 (NAVD 88)

N
W E
S

0 150' 300'

SCALE – 1" = 150"

VERTICAL DATUM: NAVD 88

NOVEMBER 14, 2019


SWENSON, HAGEN & COMPANY P.C.
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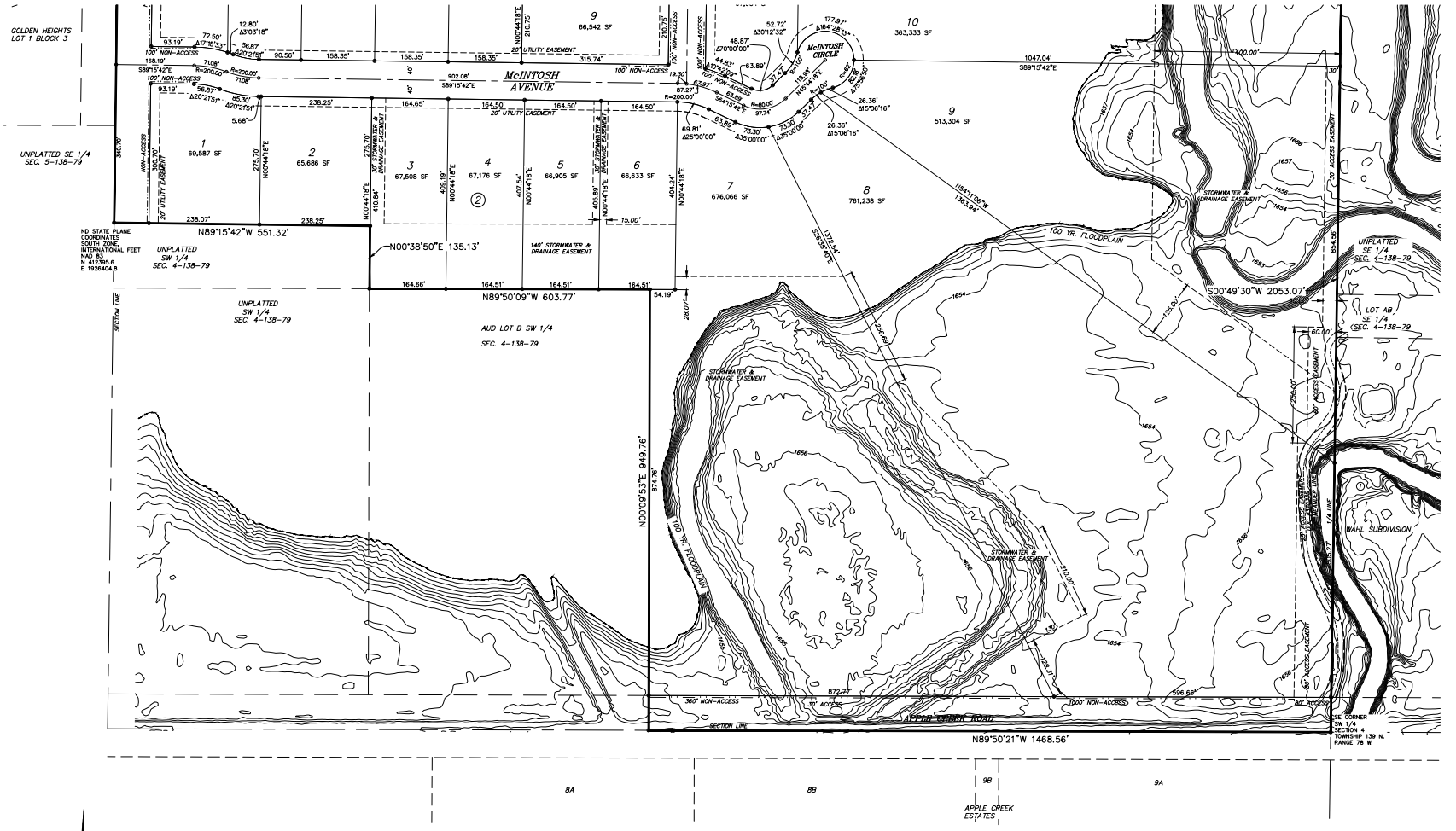
Preliminary Plat

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

# BURLEIGH COUNTY, NORTH DAKOTA




N

0 100'

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

## NOTES

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NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

COORDINATE DATUM:
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FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 38015C0820D
DATED AUGUST 4, 2014
FLOOD PLAIN ELEVATION:
VARIES BETWEEN 1658-61 (NAVD 88)

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| | | | |
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# Engineering Department

**DATE:** April 6, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Street Improvement District No. 531

**REQUEST**

Request for Resolution Determining Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 531.

Request for Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for SI 531A and SI 531B.

Request for Resolution Awarding Contracts for SI 531A and SI 531B.

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

Street Improvement District No. 531 consists of eight units (205 blocks) of asphalt resurfacing (patch, level, mill, overlay, chip seal, curb repair, alley repair), reconstruction and related items and one unit (2 blocks) converting gravel alleys to asphalt pavement. Given the size of the district, it will bid in two parts, Part A and Part B, to allow for two separate contracts under one assessment district. Additionally, two units were added to the project which includes the water main replacement for Unit 6 (Unit 10) and the water main replacement for Unit 8 (Unit 11). The water main replacement works is funded by the Public Works Water Utility Fund.

The Resolution of Necessity was published in the newspaper on January 20, 2020 and January 27, 2020 at the board's request. Letters were sent to property owners on or before January 20, 2020. At the board's request on March 3, 2020 the Resolution of Necessity was published in the newspaper on March 9, 2020 and March 16, 2020. Letters were sent to property owners notifying them that the protest period was still open until April 8, 2020 and all previous protests would be honored. The summary of protest received as of April 8, 2020 are attached. All units, except unit 8, are below the

50% threshold for protests as per NDCC 40-22. Staff is currently verifying the threshold needed for Unit 8 as it relates to NDCC 40-56. Should Unit 8 not be awarded due to sufficient protests, staff recommends Unit 11 also not be awarded.

Two bids were received on April 7, 2020 for SI 531A. The engineer's estimate was $3,540,986.04 and the low bid of $ 3,282,409.04 was received from Strata Corporation. The bid summary is attached. The project budget will be distributed prior to the Commission meeting.

Two bids were received on April 6, 2020 for SI 531B. The engineer's estimate was $6,025,362.90 and the low bid of $5,676,827.51 was received from Northern Improvement Company (includes Units 8 and 11). If Units 8 and 11 are not included in SI 531B, the engineer's estimate would be $4,531,688.65 and Northern Improvement Company remained the low bidder with a bid of $4,163,214.81.

The bid summary for all units and the bid summary excluding Units 8 and 11 are attached. The project budget will be distributed prior to the Commission meeting.

**PART A (78 Blocks Roadway Maintenance and 2 Blocks Alleys)**

**Unit No. 1**
Buckskin Avenue – Longhorn Drive to 130' east
Eagles View Lane – High Creek Road to Cul-De-Sac
Eagles View Place – Eagles View Lane to Cul-De-Sac
High Creek Road – Valley Drive to 80' south of Eagles View Lane
Longhorn Drive – Valley Drive to 135' south of Saddle Ridge Drive
Mustang Drive – Valley Drive to 575' east
Saddle Ridge Road – Longhorn Drive to Cul-De-Sac
Valley Drive – 30' south of Stagecoach Circle to 120' south of Longhorn Drive

**Unit No. 2**
Valley Drive – Tyler Parkway to 209' west of Mesquite Loop (W)

**Unit No. 3**
9th Street – Capitol Avenue to Central Avenue
11th Street – Capitol Avenue to Divide Avenue
Constitution Drive – 9th Street to Central Avenue
Central Avenue – 9th Street to Owens Avenue
Owens Avenue – 9th Street to 11th Street

**Unit No. 4**
Mandan Street – Cherokee Avenue to Sioux Avenue
1st Street – Mandan Street to Sioux Avenue
Meredith Drive – Divide Avenue to Arikara Avenue

2nd Street – Divide Avenue to Arikara Avenue
Apache Street – Divide Avenue to 2nd Street
Mohawk Street – Divide Avenue to Teton Avenue
3rd Street – Divide Avenue to Boulevard Avenue
Osage Avenue – Washington Street to Meredith Drive
Cherokee Ave – Washington Street to Meredith Drive
Teton Avenue – Meredith Drive to 4th Street
Cheyenne Avenue – 2nd Street to 3rd Street
Arikara Ave – Washington Street to 4th Street
Seminole Avenue – Mandan Street to 1st Street
Sioux Avenue – Washington Street to Boulevard Avenue
Alley between 3rd and 4th – Arikara Avenue to Boulevard Avenue

**Unit No. 5**
Alley between 3rd Street and 4th Street – Divide Avenue to Teton Avenue
Alley between 3rd Street and 4th Street – Teton Avenue to Arikara Avenue

**PART B (127 Blocks of Roadway Maintenance)**

**Unit No. 6**
20th Street – Divide Avenue to Laforest Avenue
21st Street - Harmon Avenue to Laforest Avenue
22nd Street – Divide Avenue to Laforest Avenue
23rd Street – Divide Avenue to 22nd Street
Vista Lane – Laforest Avenue to Boulevard Avenue
Northview Lane – Divide Avenue to Boulevard Avenue
Crestview Lane –Cul-De-Sac to Boulevard Avenue
Ridgeview Lane – Cul-De-Sac to Boulevard Avenue
26th Street – Divide Avenue to Valley View Avenue
Divide Avenue – 19th Street to Volk Drive
Harmon Avenue – 20th Street to 22nd Street
Rolling Drive – 23rd Street to Cul-De-Sac
Laforest Avenue – 23rd Street to Crestview Lane
Boulevard Avenue – 22nd Street to 26th Street
Hillside Terrace – Boulevard Avenue to Cul-De-Sac
Hillview Avenue – Boulevard Avenue to 26th Street

**Unit No. 7**
8th Street – Avenue C to Rosser Avenue
8th Street - Thayer Avenue to Broadway Avenue
Avenue C – 5th Street to 9th Street
Avenue B – 7th Street to 9th Street
Avenue A – 8th Street to 9th Street
Thayer Avenue – 7th Street to 9th Street

Alley between 7th Street and 8th Street – Avenue C to Avenue B
Alley between 7th Street and 8th Street – Avenue B to 250' south of Avenue B
Alley between 8th Street and 9th Street – Avenue B to Avenue A
Alley between 8th Street and 9th Street –Avenue A to 100' south

**Unit No. 8**
Washington Street – Bismarck Expressway to 150' south of Billings Drive
Willow Lane – Pleasant Street to Cul-De-Sac

**Unit No. 9**
Columbia Drive – 7th Street to Atlanta Drive
Albany Drive – Denver Avenue to Richmond Drive
7th Street – Bismarck Expressway to Denver Avenue
7th Street – Bozeman Drive to 7th Street
7th Street – Denver Avenue to Columbia Drive
Richmond Drive – Denver Avenue to Atlanta Drive
Bozeman Drive – Denver Avenue to 7th Street
Lansing Drive – Cul-De-Sac to 7th Street
Denver Avenue – 3rd Street to University Drive
Tulsa Drive – 3rd Street to Columbia Drive
Concord Drive – 7th Street to Richmond Drive

Project Schedule-Part A

| | |
|---|---|
| Protest Period Ended: | April 8, 2020 |
| Receipt and Opening of Bids: | April 7, 2020 |
| Public Reading of Insufficiency of Protest: | April 14, 2020 |
| Award of Bid: | April 14, 2020 |
| Project Completion: | August 2021 |

Project Schedule-Part B

| | |
|---|---|
| Protest Period Ended: | April 8, 2020 |
| Receipt and Opening of Bids: | April 6, 2020 |
| Public Reading of Insufficiency of Protest: | April 14, 2020 |
| Award of Bid: | April 14, 2020 |
| Project Completion: | August 2021 |

**RECOMMENDED CITY COMMISSION ACTION**

Resolution Determining Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 531 for which staff may proceed with the project for those units not protested out.

Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement SI 531 Part A and SI 531 Part B.

Resolution Awarding Contract for SI 531 Part A to Strata Corporation in the amount $3,282,409.04.

Resolution Awarding Contract for SI 531 Part B to Northern Improvement Company in the amount $5,676,827.51 provided Units 8 and 11 are awarded.

OR

Resolution Awarding Contract for SI 531 Part B to Northern Improvement Company in the amount $4,163,214.81 provided Units 8 and 11 are not awarded.

**STAFF CONTACT INFORMATION**

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

**BID TABULATION**
**FOR**
**STREET IMPROVEMENT DISTRICT NO. 531 PART A**

April 7, 2020

**ENGINEER'S ESTIMATE:** $3,540,986.04

| BIDDER | BOND | LICENSE | ADDENDUM | SIGNATURE | AMOUNT |
|---|---|---|---|---|---|
| Northern Improvement Company | X | X | X | X | $3,447,739.21 |
| Strata Corp | X | X | X | X | $3,282,409.04 |
| Central Specialties Incorporated | | | | | |
| Jensen Rock & Sand | | | | | |

**BID TABULATION**
**FOR**
**STREET IMPROVEMENT DISTRICT NO. 531 PART B**

April 6, 2020

**ENGINEER'S ESTIMATE:** $6,025,362.90

| BIDDER | BOND | LICENSE | ADDENDUM | SIGNATURE | AMOUNT |
|---|---|---|---|---|---|
| Northern Improvement Co | X | X | X | X | $5,676,827.51 |
| Strata Corp | X | X | X | X | $5,730,840.54 |
| Knife River | | | | | |
| Jensen Rock & Sand | | | | | |
| Central Specialties Incorporated | | | | | |

**BID TABULATION**
**FOR**
**STREET IMPROVEMENT DISTRICT NO. 531 PART B**
**(Unit 8 and Unit 11 excluded)**

April 6, 2020

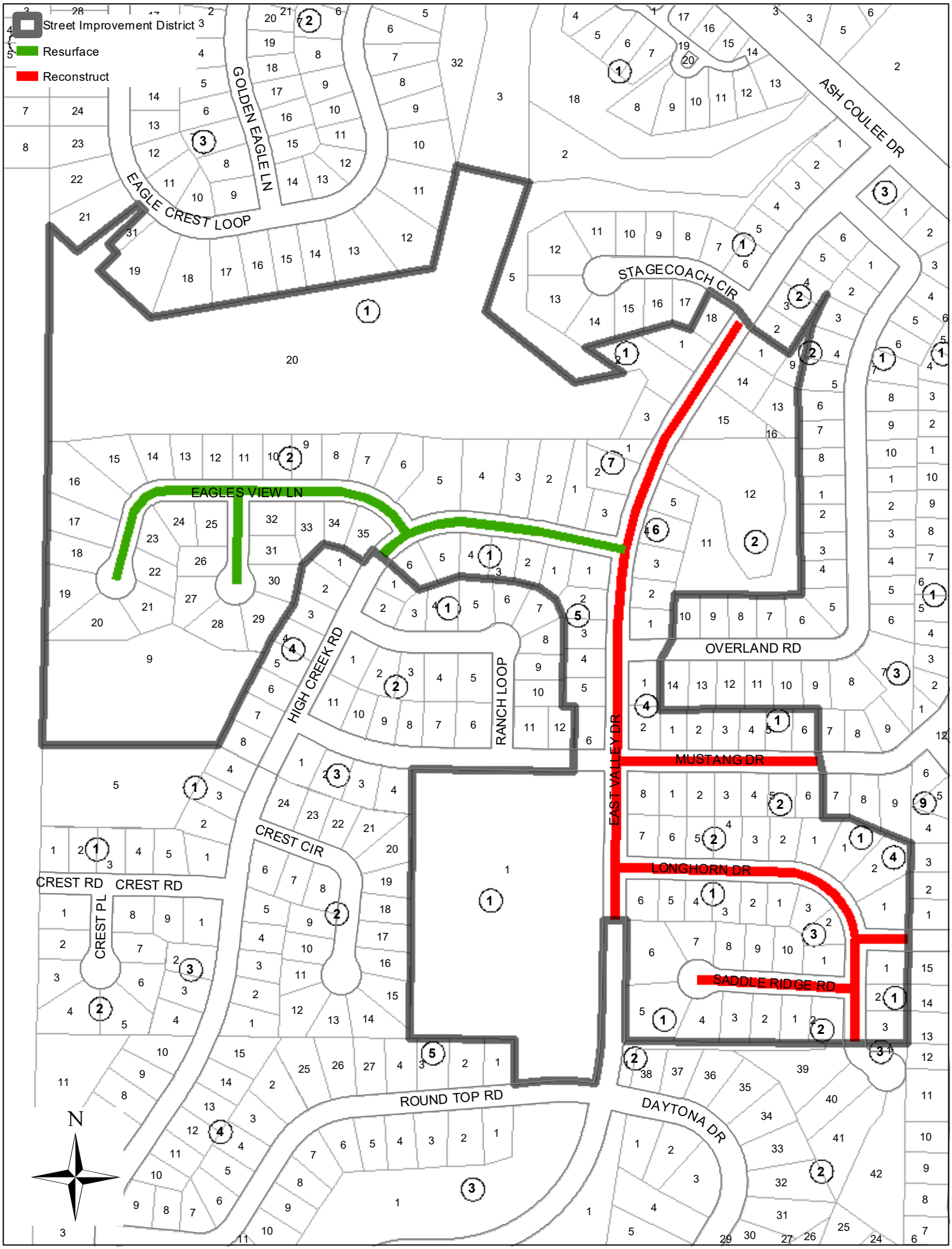
**ENGINEER'S ESTIMATE:** $4,531,688.65

| BIDDER | BOND | LICENSE | ADDENDUM | SIGNATURE | AMOUNT |
|---|---|---|---|---|---|
| Northern Improvement Co | X | X | X | X | $4,163,214.81 |
| Strata Corp | X | X | X | X | $4,248,565.14 |
| Knife River | | | | | |
| Jensen Rock & Sand | | | | | |
| Central Specialties Incorporated | | | | | |

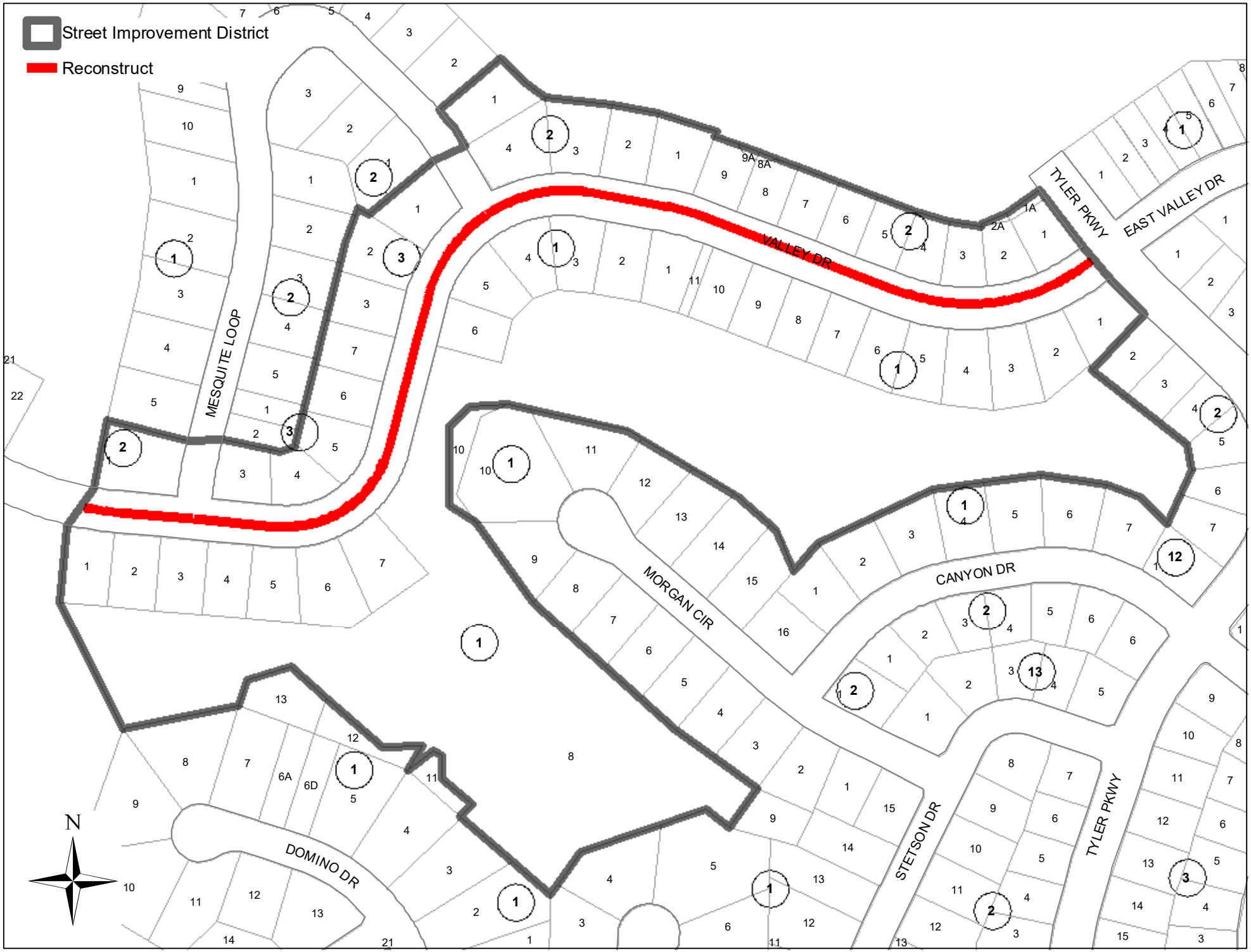
**STREET IMPROVMENT DISTRICT 531**
**Summary of Protest Received as of April 8, 2020**

| | % Protested by Area | # of Protests | Total # of Parcels |
|---|---|---|---|
| **Unit 1** | 2.03% | 3 | 108 |
| **Unit 2** | 2.55% | 1 | 44 |
| **Unit 3** | 0.42% | 1 | 102 |
| **Unit 4** | 1.78% | 8 | 410 |
| **Unit 5** | 4.41% | 2 | 52 |
| **Unit 6** | 3.40% | 5 | 367 |
| **Unit 7** | 1.08% | 2 | 63 |
| **Unit 8** | 58.62% | 93 | 185 |
| **Unit 9** | 7.69% | 2 | 80 |
| **Unit 10** | NA | NA | NA |
| **Unit 11** | NA | NA | NA |

# SI 531 - UNIT 1


Street Improvement District
Resurface
Reconstruct
GOLDEN EAGLE LN
EAGLE CREST LOOP
ASH COULEE DR
STAGECOACH CIR
EAGLES VIEW LN
HIGH CREEK RD
RANCH LOOP
OVERLAND RD
EAST VALLEY DR
MUSTANG DR
LONGHORN DR
SADDLE RIDGE RD
CREST CIR
CREST RD
CREST RD
CREST PL
ROUND TOP RD
DAYTONA DR
N

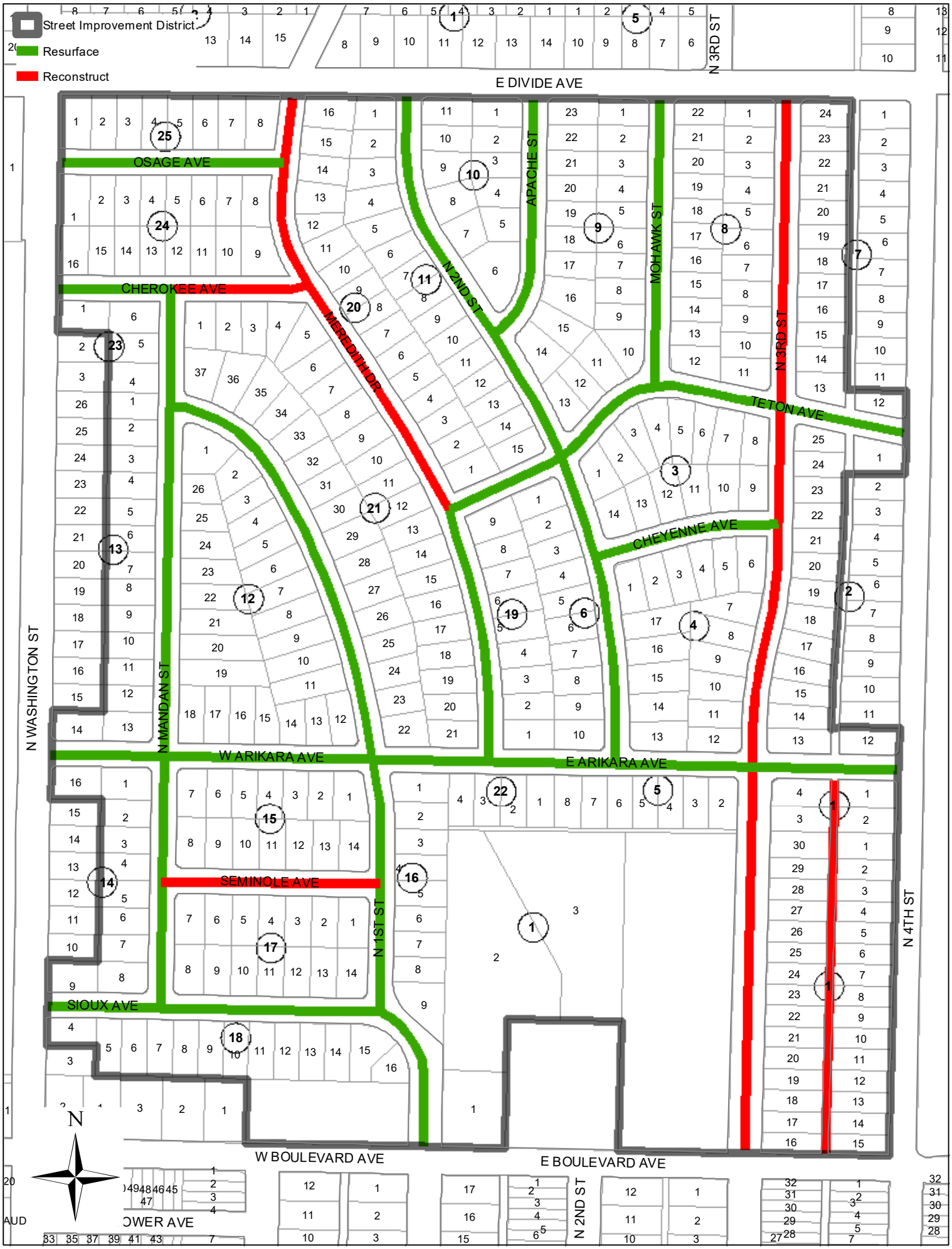
# SI 531 - UNIT 2


Street Improvement District
Reconstruct
VALLEY DR
MESQUITE LOOP
TYLER PKWY
EAST VALLEY DR
MORGAN CIR
CANYON DR
STETSON DR
TYLER PKWY
DOMINO DR
N

# SI 531 - UNIT 3

Street Improvement District
Resurface
Reconstruct
GOVERNOR LN
E TURNPIKE AVE
N 12TH ST
N 9TH ST
E CAPITOL AVE
N 8TH ST
CONSTITUTION DR
E CENTRAL AVE
N 11TH ST
E OWENS AVE
E DIVIDE AVE
STATE ST
N
28
14
1
15
16
17
2
18
9
10
12
13

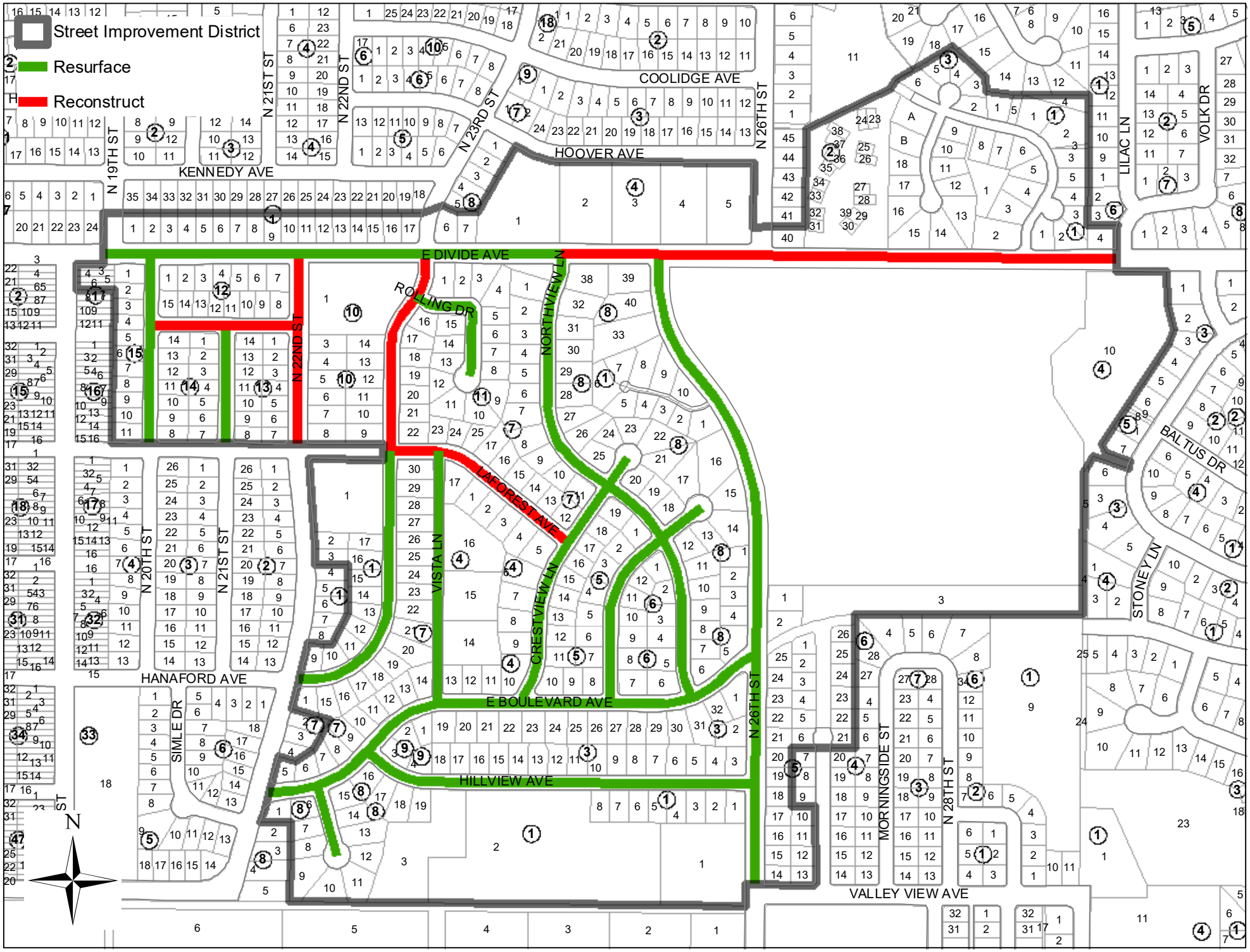
# SI 531 - UNIT 4


Street Improvement District
Resurface
Reconstruct
E DIVIDE AVE
N 3RD ST
OSAGE AVE
CHEROKEE AVE
APACHE ST
N 2ND ST
MOHAWK ST
MEREDITH DR
TETON AVE
CHEYENNE AVE
N WASHINGTON ST
N MANDAN ST
W ARIKARA AVE
E ARIKARA AVE
SEMINOLE AVE
N 1ST ST
SIOUX AVE
N 4TH ST
W BOULEVARD AVE
E BOULEVARD AVE
N

# SI 531 - UNIT 5

Street Improvement District
Reconstruct
E DIVIDE AVE
MOHAWK ST
N 3RD ST
N 4TH ST
TETON AVE
CHEYENNE AVE
N 2ND ST
E ARIKARA AVE
N

# SI 531 - UNIT 6


Street Improvement District
Resurface
Reconstruct
N 19TH ST
N 21ST ST
N 22ND ST
N 23RD ST
N 26TH ST
N 20TH ST
N 28TH ST
KENNEDY AVE
COOLIDGE AVE
HOOVER AVE
E DIVIDE AVE
ROLLING DR
NORTHVIEW LN
LAFOREST AVE
VISTA LN
CRESTVIEW LN
E BOULEVARD AVE
HILLVIEW AVE
HANAFORD AVE
SIMLE DR
MORNINGSIDE ST
VALLEY VIEW AVE
LILAC LN
VOLK DR
BALTUS DR
STONEY LN
N

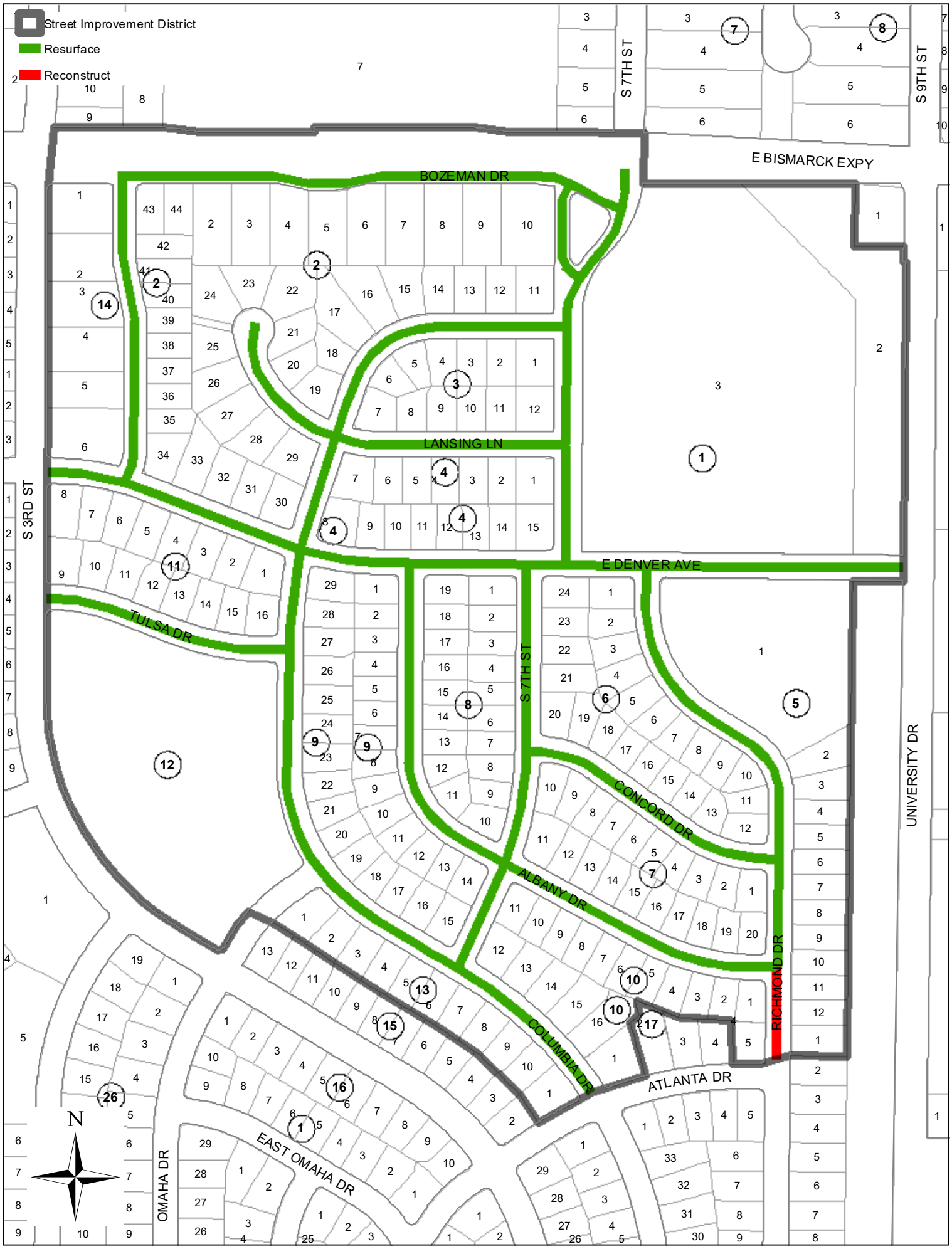
# SI 531 - UNIT 7

Street Improvement District
Resurface
Reconstruct
E E AVE
E D AVE
E C AVE
E B AVE
E A AVE
E ROSSER AVE
E THAYER AVE
E BROADWAY AVE
N 5TH ST
N 6TH ST
N 7TH ST
N 8TH ST
N 9TH ST
N 10TH ST
AUDITORS LOT 1
N

# SI 531 - UNIT 8

Street Improvement District
Resurface
Reconstruct
BISMARCK EXPY
W BISMARCK EXPY
E BISMARCK EXPY
PORTLAND DR
S 3RD ST
BOISE AVE
PLEASANT ST
EASY ST
PORTLAND DR
POCATELLO DR
LARAMIE DR
W RENO AVE
E RENO AVE
SOUTHWOOD AVE
S WASHINGTON ST
S RENO DR
COLOGNE DR
TUCSON AVE
BONN BLVD
AUGSBURG AVE
HAMBURG DR
WICHITA DR
OAKLAND DR
E WACHTER AVE
BILLINGS DR
MUNICH DR
TAHOE DR
LAREDO DR
N

# SI 531 - UNIT 9


Street Improvement District
Resurface
Reconstruct
BOZEMAN DR
LANSING LN
E DENVER AVE
TULSA DR
CONCORD DR
ALBANY DR
COLUMBIA DR
ATLANTA DR
RICHMOND DR
EAST OMAHA DR
OMAHA DR
S 3RD ST
S 7TH ST
S 9TH ST
E BISMARCK EXPY
UNIVERSITY DR
N

## SI 531 Unit 1 - Summary of Written Protests

| Property Owner(s) | Property Address | Square Footage |
|---|---|---|
| ACCEPTED: | | |
| 1 ELDER, WADE E & SUSAN | 920 LONGHORN DR | 12,394 |
| 2 URBANEC, MICHAEL & JAYCEE | 4104 EAST VALLEY DR | 11,512 |
| 3 SMITH, TIMOTHY J & AUTUMN G | 4249 HIGH CREEK RD | 11,791 |
| NOT ACCEPTED: | | |

| | |
|---|---|
| Total Protested Square Footage | 35,697 |
| Total Unit Square Footage | 1,758,598 |
| Percentage of Protest | 2.03% |

Total Parcel Count in Unit (Excluding Political Sudivisions) 108

To whom it may concern,

We are writing to protest the street repair/resurfacing of the streets along Valley Drive from Longhorn to Ash Coulee.

We live on the corner of Longhorn Drive and Valley Drive and had several weeks last summer of congestion and they tore up both Valley Drive and bottom of Longhorn Drive to resurface after running the utility lines from the park.

I drive that section of street every work day and don't feel that it is full of pot holes or any worse than many of the newer subdivisions out west on Ash Coulee. There are many streets heading downtown which are much worse with pot holes and dips.

Especially during this time when we are facing a state of emergency due to the CVD-19 crisis, many families are not going to be able to afford their house payments, much less added on specials assessments for repairs that are not necessary right now.

I really think the city needs to look at areas which are in much greater need of street repairs and repair those while keeping in mind that we are all encouraged to be fiscally responsible until we know how long this health crisis is going to last.

Sincerely,

Susan Elder

Wade E. Elder

Susan and Wade Elder
920 Longhorn Drive
Bismarck, ND 58503

RECEIVED
APR 0 1 2020
BY: .....

#0959-002-030

Michael and Jaycee Urbanec
4104 East Valley Drive
Bismarck, ND 58503

MAR 16 2020

To Whom this may Concern,

The City Engineering Department has determined that road work needs to be done to areas around Valley Drive. This is a major road that people use to drop off and pick up their children from Horizon as well as take their kids to the New Generations Park. The New Genations Park had the ice rink and splash pad added recently and now people can host birthday partys at this park. We have so many people using this road because of this and Valley drive is now a major artery road in Bismarck and because of this I don't feel it is appropriate to assess a special assessment on this road. This should be covered by the city of Bismarck and the improvements for this road are not health related so I am protesting this improvement to Valley Drive.

Respectfully,

Michael and Jaycee Urbanec

Michael Urbanec
Jaycee

#0959-005-020

Street Improvement District No. 531

City's Fiscal Services Office

221 N. 5th Street

Bismarck, ND 58501

To whom it may concern:

I am in protest of the proposed street maintenance project for street improvement district No. 531. The street is not currently in actual need of repair to the level of significance described within the received notice.

Additionally, the maintenance of the street should be maintained by the city utilizing property tax.

This is protest is regarding district SI531, Unit 1.

Thank you.

Timothy and Autumn Smith

4249 High Creek Rd.

Bismarck, ND 58503

RECEIVED
FEB 12 2020
BY: FISCAL

## SI 531 Unit 2 - Summary of Written Protests

| Property Owner(s) | Property Address | Square Footage |
|---|---|---|
| ACCEPTED: | | |
| 1 ANDERSON, DARRIN A & DENISE K | 1908 VALLEY DR | 14,707 |
| NOT ACCEPTED: | | |

| | |
|---|---|
| Total Protested Square Footage | 14,707 |
| Total Unit Square Footage | 576,353 |
| Percentage of Protest | 2.55% |

Total Parcel Count in Unit (Excluding Political Sudivisions) 44

To: Bismarck City Engineer, Gabe Schell, PE

Subject: Proposed Tax Increase for Street Repairs, 1908 Valley Drive, Darrin and Denise Anderson, S1531, Unit 2

We understand that your office recently sent out letters inform us and our neighbors that you intend to raise our taxes to improve the street in front of our houses.

Our property is located at 1908 Valley Drive, Bismarck, ND, and we agree, that our street needs improvement, but would suggest to you and your office that the city needs to impose taxes on those responsible for the denegation of our street, which is not necessarily those persons living on our street.

Tire size and axle weights of homeowner transportation, located at our address or those of our neighbors, does not support the idea that we are the ones that are responsible for the degradation of Valley Drive, and should be solely responsible to shoulder the costs of repairing our street. The proposed tax increase should be imposed on those whose use of our road led to its degradation.

As you (a PE) should know, the moment of force created by light vehicles driven by homeowners in our neighborhood had limited impact regarding those damages incurred. Rather it was the construction vehicles, driven by contractors that have been building on Promontory Point for the last seven years. In particular cement trucks, trucks hauling large loads of lumber, and trucks hauling construction equipment would have been those vehicles that created a moment of force that exceeded the capacity of the road's surface structure to support.

For the past six years we have not once seen any municipal official slowing down construction vehicles (which increase moment of force) or weighing axle weight of construction vehicles.

The demand for construction on Promontory Point was the reason why construction vehicles were traveling our street, so the tax should have already been an implied responsibility of those that employed construction workers traveling this street; homeowners on Promontory Point.

As we have outlined, neither our household nor our local neighbors should be the only households taxed for these street repairs, rather these proposed taxes should be expanded to include those persons that are responsible for these damages, which are those persons that either directly or indirectly employed contractors to travel our street and now own property on Promontory Point. To include homeowners of property located on Promontory Point would more accurately align fair use and wear and tear with taxation.

Respectfully,

Darrin Anderson Denise Anderson

RECEIVED
FEB 19 2020
BY: PSCAL

#0943-003-005

## SI 531 Unit 3 - Summary of Written Protests

| Property Owner(s) | Property Address | Square Footage |
|---|---|---|
| ACCEPTED: | | |
| 1 LENO, MARLA & LESLIE | 909 E CENTRAL AVE | 5,770 |
| NOT ACCEPTED: | | |

| | |
|---|---|
| Total Protested Square Footage | 5,770 |
| Total Unit Square Footage | 1,367,875 |
| Percentage of Protest | 0.42% |

Total Parcel Count in Unit (Excluding Political Sudivisions) 102

April 2, 2020

To whom this may concern.

I - (Marla D Leno) live at 909 E. Central Ave, Bismark, ND 58501. (S1531-Unit 3)

I am protesting the street improvement that was posted in the Bis. Tribune.

I have had several different hardships in my life in the last 2 years. My husband passed away in August of 2018. And then last June 2019 my hours at my job were decreased from 40hr to 32hr a week.

I just cant afford the $2400.00 to $3300.00 + other add on's should it be necessary. My Burleigh County Taxes had gone way up this last time and that was hard paying those. Cant afford another increase on those.

Thank you for letting me protest This.

Sincerely,

Marla D Leno

RECEIVED
APR 0 8 2020
BY:

## SI 531 Unit 4 - Summary of Written Protests

| Property Owner(s) | Property Address | Square Footage |
|---|---|---|
| ACCEPTED: | | |
| 1 PETERSON, GORDON C & DARLENE M | 213 TETON AVE | 9,039 |
| 2 BRAUN, MARGAUX L | 202 TETON AVE | 7,844 |
| 3 AULL, BENJAMIN & CHRISTINE | 1211 N MANDAN ST | 9,539 |
| 4 ROLLER, GARY A | 109 W ARIKARA AVE | 7,080 |
| 5 VASEY, KAREN E | 115 SIOUX AVE | 8,100 |
| 6 CLAYSON, BRANDON | 113 SIOUX AVE | 8,100 |
| 7 LADUKE, MARY | 1327 MEREDITH DR | 8,520 |
| 8 BROSSEAU, J-T FAMILY TRUST BR | 1111 N 1ST ST 4A | 2,396 |
| NOT ACCEPTED: | | |

| | |
|---|---|
| Total Protested Square Footage | 60,618 |
| Total Unit Square Footage | 3,407,601 |
| Percentage of Protest | 1.78% |

Total Parcel Count in Unit (Excluding Political Sudivisions) 410

3/23/2020

RECEIVED
APR 03 2020
BY

To Whom It May concern,

My name is Gordon Peterson. My wife and I own a house at 213 Teton Avenue. My daughter lives there and last summer was a mess what with work in the street, pipes lying on the ground, and trees being removed. We really don't need another summer of that so soon.

Therefore I have written to protest! Your attention would be appreciated.

Sincerely,

Gordon Peterson

#0300 - 003-025

Margaux Braun
428 Fraine Barracks Road
Rental property: 202 Teton Avenue
Bismarck, ND 58504
2/19/2020

Board of City Commissioners
City Engineering Department
221 N 5th St.
Bismarck, ND 58503

Dear Board of City Commissioners:

I would like to protest the street improvement project proposed for our home. The home address is 202 Teton Avenue, and the district number and unit are SI531, Unit 4. We are protesting the project because of the inconvenience experienced last summer/fall and the cost. The cost of special assessments has been very large in our time owning the home (currently a rental), in fact they have been much larger than our personal home. We have had continued special assessments at this property and are hoping that the proposed project is eliminated, delayed, or that another bid is pursued.

Please let me know if you have any questions or concerns. I may be contacted at (970) 988-4686 or margaux.braun@yahoo.com.

Thank you,

Margaux Braun

Margaux Braun

RECEIVED
FEB 20 2020
BY: FISCAL

#0305-009-055

ud 4

**Benjamin Aull**
1211 N Mandan St
Bismarck, ND 58501
(612) 219-1266
benaull@gmail.com

25th January 2020

City of Bismarck Fiscal Services
P.O. Box 5503
Bismarck, ND 58506

Re: Street Improvement District No. 531
Proposed Street Maintenance Project

To Whom It May Concern,

I am writing in response to a letter I received which outlines a proposed street improvement project in my neighborhood and would affect my property at :

1211 N Mandan St.

While I certainly understand the need to maintain and improve our city streets as well as the burden we as property owners saddle for our localized roadways; I do not see the need for improvements to the streets in question at this time. I see roads in much worse condition in Bismarck on a daily basis and the proposed improvements at this time seem fiscally irresponsible and unnecessary. I also find the timing very unfortunate as our neighborhood spent most of the 2019 summer patiently dealing with the city's water main project. Thank you for your consideration of my viewpoints as you move forward with this process.

Sincerely,

Benjamin M Aull

RECEIVED
JAN 29 2020
BY: FISCAL

#0310-012-105

RECEIVED
APR 03 2020
BY

109 W Arikara Ave
Bismarck, ND 58501
April 1, 2020

Bismarck City Engineering Dept.
221 N 5th St
Bismarck, ND 58501

Dear Engineering Dept.,

I am writing this letter to you because I am against the special assessments 531 this is being assigned to Unit 4.

I am against this special assessment because our household is on a fixed income and cannot afford the specials. This would put a strain on our household, and we would not be able to afford special assessments being added to our neighborhood. Also, I am asking to delay this project until 2021 because of the pandemic that is currently happening in our country and not wanting it to spread more in a mostly elderly neighborhood.

I suggest that you and the city find other resources to fulfill this project. These could include Bismarck Transit paying more than their fair share do to them using the roads more than anyone else. Or another possible suggestion would be taking out of the Prairie Dog Fund, Commissioner Funds or any other type of funds the city may have.

Sincerely,

Gary Roller
(701)391-0569

#0310-015-015

RECEIVED
MAR 17 2020
BY_____

March 13, 2020

Gabe Schell, City Engineer
Bismarck Engineering Department
221 North 5th Street
Bismarck ND 58501

Dear Mr. Schell,

I received your recent letter regarding a possible special assessment on my property on Sioux Avenue. I would like to submit this letter as a protest against the special assessment. Although your letter contains no address to send the letter of protest, I am hoping this will get to you.

I do not believe that the road on Sioux Avenue is in need of repair. The only damage that has been done to it was by the contractors who worked on our street last year. Yesterday I was on 2nd street just north of Arrowhead and that road is completely full of deep holes and is very much need of repairs but our street does not need repair. Most of the residents on this street are elderly and certainly cannot afford a special assessment when it is not needed.

If there is anything else I need to do in regard to this protest, please let me know.

Karen Vasey

Karen Vasey
115 Sioux Avenue
Bismarck, ND 58501

#0310-018-040

## Tawny Wagner

**From:** Linda Oster
**Sent:** Tuesday, April 7, 2020 4:50 PM
**To:** Jennifer Scheet; Tawny Wagner
**Subject:** FW: Formal submission of protest of SI-531 2020

**Importance:** High

---

**From:** Engineering - General Mailbox <bisengd@bismarcknd.gov>
**Sent:** Tuesday, April 7, 2020 4:48 PM
**To:** Linda Oster <loster@bismarcknd.gov>; Gabe Schell <gschell@bismarcknd.gov>
**Subject:** FW: Formal submission of protest of SI-531 2020
**Importance:** High

Donna Seifert
Office Assistant II
City of Bismarck Engineering Dept.
221 North Fifth Street *2nd Floor
P.O. Box 5503
Bismarck, ND 58506-5503
Office: (701) 355-1505
Fax: (701) 222-6593
Email: dseifert@bismarcknd.gov Website: www.bismarcknd.gov
Facebook: www.facebook.com/bismarcknd.gov Twitter: www.twitter.com/BismarckNDGov

RECEIVED
APR 0 7 2020
BY: .....

This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail.

**From:** Brandon Clayson [mailto:environ13@gmail.com]
**Sent:** Tuesday, April 7, 2020 4:46 PM
**To:** Engineering - General Mailbox <bisengd@bismarcknd.gov>
**Subject:** Formal submission of protest of SI-531 2020

Good afternoon.

I am writing to protest the Street Improvement Asphalt Re-Surfacing project SI-531 2020.

My name is Brandon Clayson and am homeowner at 113 Sioux Ave. 58501. Phone # 701.516.7034

I don't find a resurfacing project necessary at this time. In our area of the proposed project, we do not have evident potholes or rough roads that warrant improvement especially in consideration of the low volume of traffic (not thru-street) and slow speeds vehicles drive at on these roads. Some sections of road have been pulled out due to the recent water pipe replacement project, but these areas have been rebuilt and surfaced by the contractor.

Thank you for your consideration.

Brandon Clayson.

directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail.

-----Original Message-----
From: Mary LaDuke [mailto:mladuke@bis.midco.net]
Sent: Monday, March 30, 2020 10:05 PM
To: Engineering - General Mailbox <bisengd@bismarcknd.gov>
Subject: PROTEST Street Improvement Dist. 531 Unit 4

PROTEST COST TO HOMEOWNER

SI 531 UNIT 4

MARY LADUKE
1327 MEREDITH DRIVE
BISMARCK, ND 58501

I moved to this residence in June of 2007. I should be paid to live here. It is a very busy street.

When part of Washington St. was repaired in 2011, every truck with concrete removal contents went past my house on their way to Divide. I cringed at all that weight on my little street. I had my blinds closed that whole summer of 2011. The Detour route also went past my house and people from out of town would ask me for directions to get to certain places. It was hell.

During the summer of 2019, the city water department used my residence and the residences of my neighbors on either side to park their equipment which included culverts, back hoes, golf carts, a big pepsi truck, and various other motorized vehicles. I called it the water department's playground. They zipped in on their back hoes and out all day long. We were the keepers of their equipment. I won't even go into the porta potty story. Yes, we were nice guys, but shouldn't there be some compensation?

The huge church, Good Shepherd, is across the street. They bring in a lot of traffic for their services, funerals, weddings, and Wednesday youth night.

Drivers will often turn off of Washington St. onto Osage and then past my house on the way to Divide, just to avoid the lights at Washington and Divide. Even gigantic fire trucks, not on a service call, will do that.

Because the wear and tear on my street is VERY ABNORMAL, not the wear and tear of an average street, I am protesting the cost to me, the homeowner.

I would appreciate being exempted from the special assessment because the city has used my street for its projects which have caused nearly all of the deterioration.

Sincerely,

Mary LaDuke
1327 Meredith Drive.

RECEIVED
MAR 30 2020
BY: .....

February 6, 2020

Bismarck Fiscal Services
3rd Floor
City /County Building
221 North 5th Street
Bismarck, ND 58501

0080-001-076

Reference: Special Assessment
District S1531 Unit 4

My property address: 1111 North 1st Street, 4A

*Plaza Towers probably has 100 to 150 feet of property bordering North First Street.*

Your information indicates that private property will be assessed on a "parcel basis". I am not sure what that means but assume that it means "every condo" *will be assessed on the same basis as each home owner that has 75 to 100 feet* bordering the street in the proposed assessed area.

In other words, 40 condos in Plaza Tower will **each** be assessed approximately the same as each house with 75 to 100 feet frontage, even though, all of Plaza Tower *has street frontage equal to one or two houses. THIS IS NOT A FAIR ASSESSMENT.*

Plaza Tower has several residents who are retired; on fixed incomes and many choose this living concept in order to reduce living costs such as special assessments.

If this "parcel assessment concept" is what I have described, I vigorously oppose the assessment and process.

Terrance G. Brosseau
1111 North 1st Street 4A
P. O. Box 4165
Bismarck, North Dakota 58502

RECEIVED
FEB 12 2020
BY: FISCAL

## SI 531 Unit 5 - Summary of Written Protests

| Property Owner(s) | Property Address | Square Footage |
|---|---|---|
| ACCEPTED: | | |
| 1 WALD, GERALDINE B | 1200 N 4TH ST | 9,100 |
| 2 HAMMER, EMILY C & NEIGUM, RIC | 1216 N 4TH ST | 7,200 |
| NOT ACCEPTED: | | |

| | |
|---|---|
| Total Protested Square Footage | 16,300 |
| Total Unit Square Footage | 369,972 |
| Percentage of Protest | 4.41% |

Total Parcel Count in Unit (Excluding Political Sudivisions) 52

Geraldine Wald
1200 N. 4th St.
Bismarck, ND 58501

(1)

# 0300-002-055
U04 + U05
1-31-20

Bismarck Board of
City Commissioners

Project! Unit 5 - Improving the Alley adjacent to property by paving the gravel surface with Asphalt.

1. I say NO -

2. I've lived at 1200 N 4th for over 25 yrs and I see the Alley once a week, to take out the garbage. The garbage truck comes once a week 52 time a year. It drives well on the gravel road.

3. The Maintainer - Grader Plow comes by to remove snow, push gravel in place - GOOD to go.

4. Slows Speeders (car going to fast) down on gravel road. Asphalt

1.31.20 SPOKE TO OWNER, CLARIFIED NOT PROTESTING UNIT 4 ONLY UNIT 5. TLW

RECEIVED
JAN 31 2020
BY: FISCAL

Geraldine Wald
1200 N. 4th St.
Bismarck, ND 58501

(2)

1-31-20

4. cont.
Surface makes road smooth for picking up Speed. Gravel Roads slows the speed of the driver.

5. Asphalt Roads have huge costs. Weather - Winter + Summer in North Dakota will crack, create pot holes on asphalt roads. During summers the asphalt heats up and heavy Loads will press down a track making asphalt weak on surface - repairs will cost money again, for all homeowners.

6. The water main, sewer system, gas line, Phone + Electic lines are all below the gravel Road. When any one of the systems breaks down it is easy to repair or fix.
A. Dig in area of repair.
B. Close gravel hole when repair has been made

Geraldine Wald
1200 N. 4th St.
Bismarck, ND 58501

(3)

1-31-20

6. cont

c. Place a little gravel on surface and pack it down.

D. Project of repair is done. The repair bill to Homeowner only.

7. There has been alot of repairs of water breaks over the years. Next month February 2020. There will be work on the Sewer System which is located in the Alley, Unit 5. Why would I want an Asphalt Alley when I as a property owner never use alley way to drive on?

8. Gravel vs Asphalt
I was raised on a Dairy/Grain farm. We had Combines, heavy grain trucks, Tractors etc. Gravel on these roads have lasted over 100 yrs!

Thank you
Geraldine Wald

February 14, 2020

**To Whom It May Concern:**

I, **Richard Neigum**, am writing to protest the proposed special assessment project that will affect my property, **SI531, Unit 5**. I have lived at **1216 North 4th Street, Bismarck ND 58501**, since 2007 and to propose "paving" the alley adjacent to my property seems to be a waste of resources for many reasons.

The alley is a **high traffic area** and the pave work that would be done I'm sure will not hold up, judging by how the pave work holds up in other parts of town. Maintaining the gravel road with routine fills/sanding/grating is more important. The expense of that verse paving I'm sure is much more cost effective. The work that was recently done on 4th street in 2019 was very sloppy. The concrete curbing was executed poorly and there was damage done to our boulevard yard. I don't have very high expectations that the alley will be done better, in fact since it is not visible to many, it may even be looked at with less importance. If that is the kind of work they do by the prestigious capitol grounds, do you think they will do better job in an alley?

**Heavy dumpster trucks** run through the alley which will create more wear and tear on a paved surface. In turn there will be a constant upkeep of re-paving year after year, or much worse **NO UPKEEP** which will be most burdensome to the neighborhood. This type of activity will disrupt many homeowner's access to their garages/property.

My largest concern is witnessing cars speeding through the alley which poses a **huge risk** to my 3 children, pets and others in the neighborhood. Having a paved alley will give drivers ***even more*** grounds to speed don't you think? Gravel roads typically make driver's travel slower which is safer for everyone living here.

I am very opposed to this specific work being done. I take pride in my property and favor improvements; however, they need to be done with **common sense and executed with quality materials and workmanship.**

Regards,

Richard Neigum

#0300-002-015

RECEIVED
FEB 18 2020
BY: FISCAL

## SI 531 Unit 6 - Summary of Written Protests

| Property Owner(s) | Property Address | Square Footage |
|---|---|---|
| ACCEPTED: | | |
| 1 LINDVALL, NICKOLAS | 1401 N 23RD ST | 10,500 |
| 2 ROGNE, RUSSELL W & MARSHA L F | 1600 N 23RD ST | 109,938 |
| 3 ROEHRICH, RODNEY D | 1527 N 21ST ST | 7,025 |
| 4 CHURCH OF GOD OF PROPHECY | 2303 E DIVIDE AVE | 55,582 |
| 5 HOUN, MARION K | 2408 LAFOREST AVE | 12,093 |
| NOT ACCEPTED: | | |

| | |
|---|---|
| Total Protested Square Footage | 195,138 |
| Total Unit Square Footage | 5,735,327 |
| Percentage of Protest | 3.40% |

Total Parcel Count in Unit (Excluding Political Sudivisions) 367

#0525-007-040
u06

February 3, 2020

Bismarck Fiscal Services
P.O. Box 5503
Bismarck, ND 58506

I am sending this letter to officially protest the special assessment which is proposed for my area.

Name: Nickolas Lindvall
Property Address: 1401 N 23rd ST, Bismarck ND, 58501
District Number: SI531
Unit: 6
Signature: below

I do not feel that most of the work suggested is necessary. Most of it appears to be street resurfacing, when the streets in my neighborhood are in good condition. I admit there are a few problem areas but these are few and far between (patching seems more appropriate). I would suggest changing the proposed work to not include unnecessary resurfacing work.

I am in favor of repair/maintenance of the utilities, however since I cannot protest part of this assessment I must protest it completely.

Thank you,

Nickolas Lindvall

RECEIVED
FEB 06 2020
BY: FISCAL

3/17/2020

RECEIVED
MAR 19 2020
BY

Bismarck Engineering Department
221 N. 5th Street
Bismarck, ND 58401

RE: Street Improvement District # 531

Dear City Engineer,

This letter is written to protest the above listed project for these reasons:

1) I don't think the repave is necessary.
2) The cost is extreme for my building.

Thank You,

Sincerely,

Russell Rogne, mgr.
Rolling Hills LLC
1600 N 23rd Street
S 1531 Unit 6

#0531-010-001

Feb. 5, 2020

Re: Proposed Street Maintenance Project

Street Improvement District No. 531

For Property Address – 1527 North 21st Street

I'm writing to protest this street improvement proposal. The district number and unit associated with this protest is SI531 Unit 6.

Sincerely,

Rodney D. Roehrich 2/5/20

Rodney D. Roehrich

#0533-013-060

RECEIVED
FEB 10 2020
BY: FISCAL

Church of God of Prophecy
2303 E. Divide Ave.
Bismarck, ND 58501-2221

February 11, 2020

To: Bismarck Engineering Dept. and Board of City Commissioners,

I'm writing to protest the property improvement proposed for our address above. This also includes the parsonage located at 2321 Rolling Dr.
The members of our church also oppose this action.

Our district number is S1531 Unit 6.

Thank you for your consideration in this matter.

Sincerely,

Cecil Stanton

Pastor Cecil Stanton

#0534-011-001

RECEIVED
FEB 1 3 2020
BY: FISCAL

Address:: 2408 Laforest Ave

City:: Bismarck

State:: Nd

Zip Code:: 58501

Phone Number:: 701.214.1681

Email:: Mh@bis.midco,net

Please select which department you would like to report a concern or issue to:: Engineering

Please give a brief description of your concern, issue and recommendation:: Street improvement Dt No 531
I want to protest the proposed work for this summer.
We do have some cracks ton our streets that are a concern, but not like some of the holes in streets where you feel like you could loose a wheel when you hit them!
Another point, the city has never come up our street to try and repair the cracks to prolong the life of the street. Why not?
I am not in favor of tearing up the street as a fix. Not to mention the added access meant cost to each home owner. Taxes are high enough.

Marion Houn
Owner 2408 Laforest Ave

Additional Information:
Form submitted on: 4/7/2020 10:18:25 AM
Submitted from IP Address: 64.33.112.54
Referrer Page: https://bismarcknd.gov/CivicAlerts.aspx?CID=52
Form Address: http://bismarcknd.gov/Forms.aspx?FID=44

RECEIVED
APR 0 7 2020
BY: .....

# Unit #6 - Divide Ave. Project

1. 2 years ago, tax payers voted to increase the sales tax to pay for "major" street projects. My questions is, why was the Divide Avenue
project not included on the sales tax assessment ? it"s a major thorough fare used by thousands of vehicles per day.

Why place a major street project on the backs of a carved out area of owners called unit #6?

2. If residential property assessments are based on "per parcel" called frontage footage, how can you justify East Bluff Association paying up to
$52,800.00, when we have at best 90 feet to 110 feet of frontage on Divide Avenue?

Yet a single family residential unit on a street within unit #6 that may have 150 feet of frontage only pays $3300.00

3. We now know Sleepy Hollow Park has a special assessment liability over $200,000.00 related to the unit #6 project, based on square footage.
No one gets a free ride, that's fair. Yet, Eastbluffs share is based on per parcel (frontage) and has a liability of over $50,000.00, which
really comes to one fourth the amount Sleepy Hollow Park pays. Is this fair or just?

4. Should at anytime before February 25, 2020 you capitulate with Sleepy Hollow Park allowing a special assessment reduction, Eastbluff
will strongly demand an equal reduction!

5. Should everything move forward with no changes within unit #6, it will be the position of the Eastbluff owners based on the fact we receive no
public works services, we have very limited frontage facing E. Divide Ave., that as individual owners we're assessed at the lowest
level outlined in the letters we each received dated January 17, 2020.


Allan Metzger
2622 E. Divide Ave.
East Bluff Condo Association
Bismarck, ND 58501

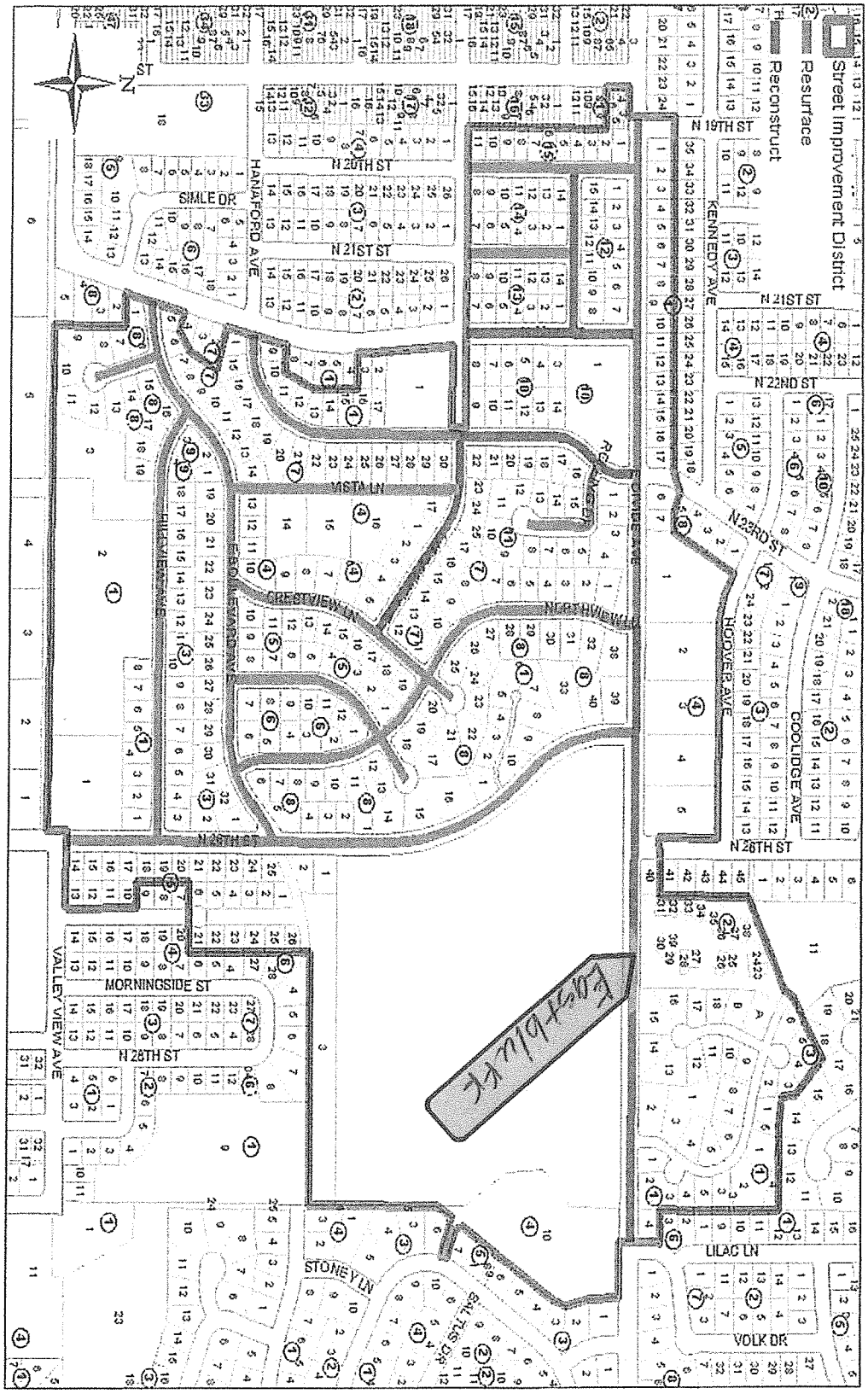
Allan Metzger
President Eastbluff Condo Assoc.
701-650-1804


Not included as protest letter


RECEIVED
FEB 11 2020
BY: Fiscal


# 0965-002-350

Boundary Map



## SI 531 Unit 7 - Summary of Written Protests

| Property Owner(s) | Property Address | Square Footage |
|---|---|---|
| ACCEPTED: | | |
| 1 KAUTZMAN, SCOTT RENTALS VIII | 615 N 7TH ST | 7,000 |
| 2 ZENT, GARY ALLEN & RAE JEAN | 700 N 6TH ST | 3,500 |
| NOT ACCEPTED: | | |

| | |
|---|---|
| Total Protested Square Footage | 10,500 |
| Total Unit Square Footage | 975,103 |
| Percentage of Protest | 1.08% |

Total Parcel Count in Unit (Excluding Political Sudivisions) 63

**Bismarck Mandan Rentals, LLC**
1709 North 19th Street; Suite 3
Bismarck, ND 58501
T: (701)354-1937 F: (701)223-1850
E: scottka@bismarckmandanrentals.com

February 6, 2020

RECEIVED
FEB 12 2020
BY_____

Bismarck – Engineering Department
221 N. Fifth St. * P.O. Box 5503
Bismarck, ND 58506-5503

RE: **For Property Address: 615 N 7th St.**
**Street Improvement District No. 531**
**(SI531, Unit7)**
**Proposed Street Maintenance Project**

Dear Engineering Department,

I am writing to object the **Proposed Street Maintenance Project** that my property is currently adjacent to an alley that is requiring maintenance. This objection is based on several important factors that I hope the Engineering Department will take into consideration.

Firstly, I would like to express that I am not opposed to street maintenance repairs, overall it seems to be a great idea. However:

1. The cost of the project for this alley repair is way too high

2. The reconstruction would leave the adjoining driveways still in disrepair.

3. The alley is used for Commercial Business via Ronald McDonald House and the large volume of traffic created by that should absorb the majority of this upgrade project.

Sincerely,
Scott Kautzman

RECEIVED
FEB 12 2020
BY: PSCAL

#0020-043-040

u07

**Zent, Gary**

To: City Of Bismarck
City Fiscal Services Office
221-N 5th Street

To Whom this may Concern:

My Name is Gary Zent and my wife and I own Property at 700- N 6th Street in Bismarck. I am writing in concern of the proposed District Improvement Project #SI531, unit 7 planned for this area. Our Property is on the west end of this improvement, specifically the resurfacing of E- C Ave, and I am opposed to this project. I am opposed as I see this Ave as not only and emergency route but also a lot of commercial traffic from people either traveling into or out of the downtown district. There is also a lot of traffic from the schools in the surrounding areas, as this is a major Thorofare for people. At times with all this we cannot even park on the street here because it is always filled up with vehicles I believe because of the schools and businesses downtown for people to park and walk to work. Because of this reason we had to install a driveway on our Property to park off the street, as we enter and exit from the alley, and with this traffic and the busy Avenue it can be challenging at times.

In conclusion, we are against the special assessment plan, and we feel if and when improvements are made to this avenue the special assessments should also include the downtown areas as well as the people whom have children attending the nearby schools, and not be passed on to just the adjacent Property Owners. Thanks for your time.

Gary L. Zent

#0020-056-035

RECEIVED
JAN 29 2020
BY: FISCAL

SI 531 Unit 8 - Summary of Written Protests

| Property Owner(s) | Property Address | Square Footage |
|---|---|---|
| ACCEPTED: | | |
| 1 BRENNISE, SHARON G | 302 EASY ST | 8,775 |
| 2 KELLAR, PATRICK R & TINA M | 303 EASY ST | 9,375 |
| 3 SIMS, RYAN J | 1213 EASTWOOD ST | 7,875 |
| 4 LAMONTAGNE, JOHN H & WANDA | 1219 EASTWOOD ST | 7,875 |
| 5 STEINMAN, GINGER C | 1223 EASTWOOD ST | 7,625 |
| 6 FREDERICK, BRIAN D & DEBRA | 335 WILLOW LN | 8,238 |
| 7 SYLTE, CINDY A | 325 WILLOW LN | 7,700 |
| 8 MARTINEK, DEBORAH & BENJAMIN | 319 WILLOW LN | 7,700 |
| 9 HOFFMAN, STEVEN L & STACY J | 307 WILLOW LN | 7,700 |
| 10 SCHLAFMANN, BRENT J & SHELLY A | 1102 S WASHINGTON ST | 20,063 |
| 11 STARK, CALVIN & HELEN ETAL | 1309 EASTWOOD ST | 4,206 |
| 12 BOEHM, DAVID | 1311 EASTWOOD ST | 4,206 |
| 13 BRING, ZONA M | 1313 EASTWOOD ST | 4,206 |
| 14 BOND, JANICE K | 1317 EASTWOOD ST | 4,206 |
| 15 ABRAHAMSON, MAGGIE MARIE & AB | 1319 EASTWOOD ST | 4,206 |
| 16 HAAG, HEATHER J | 1321 EASTWOOD ST | 4,206 |
| 17 ZAHN, AMBER | 1323 EASTWOOD ST | 4,206 |
| 18 LOTHSPEICH, LINDSY L | 310 W RENO AVE | 4,731 |
| 19 FONKERT, JEREMY | 312 W RENO AVE | 4,731 |
| 20 OTTO, RYAN & JENNIFER | 316 W RENO AVE | 4,731 |
| 21 FEREBEE, ORA | 1403 EASTWOOD ST | 4,591 |
| 22 PRUSSING, PAUL | 1405 EASTWOOD ST | 4,591 |
| 23 GRENSTEINER, LORRAINE | 1421 EASTWOOD ST | 4,591 |
| 24 PFEIFER, STACEY | 1423 EASTWOOD ST | 4,591 |
| 25 AUSTAD, GARY & FLORA A | 1433 EASTWOOD ST | 4,591 |
| 26 WOEHL, TERRY W ET AL-WOEHL, | 1435 EASTWOOD ST | 4,591 |
| 27 HENDRICKSON, ROBBIN E & JODY A | 1437 EASTWOOD ST | 4,591 |
| 28 HASTING, DONALD & MARLENE | 1000 S WASHINGTON ST | 28,655 |
| 29 HASTINGS DONALD H & MARLENE | 1020 S WASHINGTON ST | 26,046 |
| 30 SCHWIND, DENNIS & VIOLA | 1112 PORTLAND DR 3 | 1,512 |
| 31 VOLLRATH, JAMES & TIGE | 1112 PORTLAND DR 4 | 859 |
| 32 VOLLRATH, JAMES & TIGE | 1112 PORTLAND DR 5 | 1,386 |
| 33 VOLLRATH, JAMES & TIGE | 1112 PORTLAND DR 8 | 1,512 |
| 34 VOLLRATH, TIGE & VOLLRATH, JA | 1112 PORTLAND DR 10 | 1,596 |
| 35 SCHWIND, DENNIS & VIOLA | 1112 PORTLAND DR 13 | 1,441 |
| 36 SCHWIND, DENNIS & VIOLA | 1112 PORTLAND DR 19 | 1,583 |
| 37 SCHWIND, DENNIS & VIOLA | 1112 PORTLAND DR 20 | 1,646 |
| 38 VOLLRATH, JAMES & TIGE | 1112 PORTLAND DR 24 | 859 |
| 39 WEBER, JOAN L | 1206 PORTLAND DR | 2,574 |
| 40 TERNES, CAROLINE J | 1204 PORTLAND DR | 2,574 |
| 41 BARNARD, KYLE R | 1202 PORTLAND DR | 2,574 |
| 42 HANSON, JOLENE K | 201 W DENVER AVE | 2,574 |
| 43 STACK, ELIZABETH A | 203 W DENVER AVE | 2,574 |
| 44 USTANKO, KATHY M | 209 W DENVER AVE | 2,574 |
| 45 GUNSCH, RICHARD & MARILYN | 211 W DENVER AVE | 2,574 |
| 46 DOLL, SAMANTHA | 219 W DENVER AVE | 2,574 |
| 47 HAMMEREN, DOUG | 1203 S WASHINGTON ST | 2,574 |
| 48 HAMMEREN, HAROLD | 1207 S WASHINGTON ST | 2,574 |
| 49 ABEYTA, RANDAL & WALKER, BREN | 1209 S WASHINGTON ST | 2,574 |
| 50 URLACHER, DUANE & BETH | 1307 S WASHINGTON ST | 10,880 |
| 51 SCHWEDE, MARY | 1249 S WASHINGTON ST | 5,427 |

| | | | |
|---|---|---|---|
| 52 | LEACH, SHARON & SOKOLL, MARIA | 1243 S WASHINGTON ST | 5,427 |
| 53 | HUBER, CHARLES L | 1231 S WASHINGTON ST | 5,427 |
| 54 | HELPHREY, J & HELPHREY, P & H | 1233 S WASHINGTON ST | 5,427 |
| 55 | HUBER, CHUCK | 1213 S WASHINGTON ST | 12,612 |
| 56 | MILLER, TERRI L | 1545 S WASHINGTON ST | 6,800 |
| 57 | WEBSTER, ROBERT J ET AL -WEST | 1529 S WASHINGTON ST | 6,800 |
| 58 | MILLER, DEAN P & CAROLYN | 1523 S WASHINGTON ST | 6,800 |
| 59 | HANSON, RODNEY W & MARLENE J | 1433 S WASHINGTON ST | 9,067 |
| 60 | TJADEN, MITCHELL & RENEE | 1439 S WASHINGTON ST | 9,067 |
| 61 | CUNNINGHAM, STEVEN D & DEANNE | 1501 S WASHINGTON ST | 9,067 |
| 62 | CHRISTIANSON, JAMES & MELISSA | 1669 COLOGNE DR | 25,702 |
| 63 | KLEMETSON, PAUL & EVELYN | 1675 COLOGNE DR | 16,334 |
| 64 | BLOHM, CURTIS L | 1681 COLOGNE DR | 14,083 |
| 65 | SCHAFF, CURT & ANIKA | 1687 COLOGNE DR | 11,700 |
| 66 | BORG, JAMES H & SHIRLEY | 312 AUGSBURG AVE | 12,000 |
| 67 | SWIFT, GARY & KAREN | 1723 COLOGNE DR | 20,797 |
| 68 | MONSON, JAMES R & JERI JILL | 1717 COLOGNE DR | 10,957 |
| 69 | TERGESEN, DENVER & JESSICA | 313 AUGSBURG AVE | 12,750 |
| 70 | SAILER, JASON | 108 W WACHTER AVE | 16,320 |
| 71 | STROH, EDWARD J & SUSAN L | 107 W WACHTER AVE | 16,320 |
| 72 | HARSCHE, LINDA L | 1447 EASTWOOD ST | 2,800 |
| 73 | MURSCHEL, KEVIN D | 1449 EASTWOOD ST | 2,800 |
| 74 | DEICHERT, CECILIA | 1451 EASTWOOD ST | 2,800 |
| 75 | MULLER, JANITDA L & MUELLER, | 1453 EASTWOOD ST | 2,800 |
| 76 | ZILLIER, SHIREL | 1557 S WASHINGTON ST | 9,260 |
| 77 | MILLER, LISA K | 1622 PORTLAND DR | 14,006 |
| 78 | MAIER, JAMES A & COLLEEN G | 1628 PORTLAND DR | 11,719 |
| 79 | THOMPSON, LAURIE & DAVID | 1634 PORTLAND DR | 11,132 |
| 80 | DEVER, JUSTIN & MICHELLE | 1646 PORTAND DR | 13,012 |
| 81 | JOHNSON, STEVEN P & FRANCINE L | 1652 PORTLAND DR | 18,487 |
| 82 | ALLERY, CRAIG J & LACEY L | 100 E WACHTER AVE | 14,290 |
| 83 | DAK DIST OF WESLEYAN CHURCH | 111 E WACHTER AVE | 131,621 |
| 84 | J & S APARTMENT INC | 127 STUTTGART DR | 29,925 |
| 85 | J & S APARTMENTS INC | 155 STUTTGART DR | 42,244 |
| 86 | ROEHRL, JONATHAN J & JOHTONA L | 1922 OAKLAND DR | 17,704 |
| 87 | FREDRICKSON, BRANDY L | 1928 OAKLAND DR | 14,437 |
| 88 | GRUENEICH, DENNIS R & SUSAN M | 1936 OAKLAND DR | 11,210 |
| 89 | FUHRMAN, GARRY W & JANICE L | 1944 OAKLAND DR | 10,350 |
| 90 | BLASQUEZ, RAFAEL & HORNBERGER | 1952 OAKLAND DR | 10,335 |
| 91 | HANSON, STEVEN A & CINDY M | 1960 OAKLAND DR | 10,321 |
| 92 | GOLDADE, WILBERT & JAN | 1976 OAKLAND DR | 10,814 |
| 93 | BECKER, DAVID A & YVONNE K | 1999 BILLINGS DR | 13,164 |

NOT ACCEPTED:

| | | |
|---|---|---|
| 94 | KRANCE, LILLIAN | 207 W DENVER AVE |
| 95 | SEIDEL, KEVIN | 1205 S WASHINGTON ST |

| | |
|---|---|
| Total Protested Square Footage | 919,100 |
| Total Unit Square Footage | 1,567,784 |
| Percentage of Protest | 58.62% |

Total Parcel Count in Unit (Excluding Political Sudivisions) 185

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

SHARON BRENNISE (your name)
303 EASY ST. (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

RECEIVED
APR 0 6 2020
BY: .....

Sincerely,

(signature)

Feb. 4, 2020

Patrick Kellar
303 Easy St.
Bismarck, ND
SI531, Unit 8

RECEIVED
FEB 18 2020
BY: FISCAL

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the city, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, I am submitting my protest for the following reasons:

1) A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

- In a 2017 report from the US Dept of Transportation, labeled **Exhibit 1**, on the page numbered as 9, the average U.S. household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per U.S. vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars per household x 2.7 trips per day = 4.86 trips per household per day).
- **Exhibit 2**, also from the US Dept of Transportation, further explains that a trip is defined as travel from <u>any one point to another</u> within a day (24 hour period). These trips are not restricted to those to-and-from the home - it is a measure of ALL trips (i.e., including those from work to daycare which would count as one trip; from daycare to the grocery store is another trip; from the grocery store to the gas station is another trip; etc).
- As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (i.e., the trips from work to daycare, etc.), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day).
- Comparatively, in **Exhibit 3**, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (the intersection of Washington St. and Bismarck Expressway) to a low of 9,255 on the south end (Washington Street and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017-2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost yet they are only responsible for a maximum of 2.7% of the street's daily use (460 daily trips vs. the 17,299 daily trip estimated average). As demonstrated, <u>the much larger traffic volume from **outside** Unit 8 properties represents a much larger problem - a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.</u>
- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan. 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, sought "<u>feedback from our South Bismarck</u>

residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street - 97.3% of drivers from outside of Unit 8 to be exact.

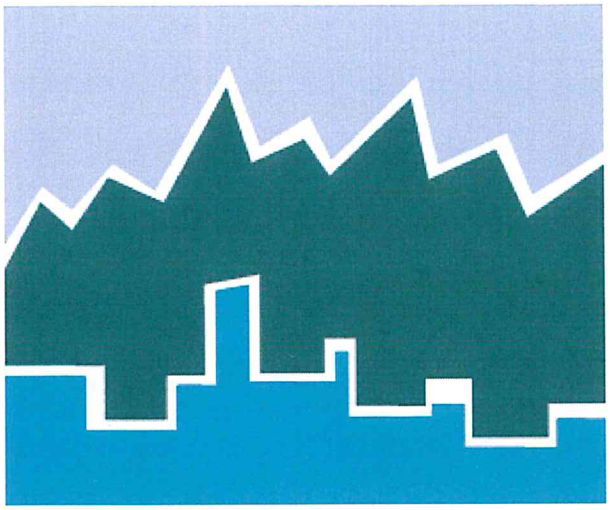
2) As noted on the water and sewer mockup in **Exhibit 5**, my home at 303 Easy Street has water and sewer lines connecting to the main lines on **Easy Street** - not to Washington Street. Therefore, any water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street - just like mine - which also connects to the water and sewer lines on Washington Street.

3) Lastly, during the Bismarck flood of 2011, the city suspended restrictions on south Washington Street to allow for dozens of National Guard heavy equipment vehicles to make hundreds of trips with tons of material in the effort of dyke building. And, while I am grateful for the effort that saved thousands of people's homes, it is a certainty that decision by the city to allow the equipment led to the early demise and destruction of the street and that all of those homes that were spared benefited from that, not just properties touching south Washington Street.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

Sincerely,

Patrick Kellar



# Summary of Travel Trends

## 2017 National Household Travel Survey

U.S. Department of Transportation
Federal Highway Administration

Exhibit 1

The 2017 NHTS obtained larger households with more workers compared to the 2009 survey, possibly because the 2017 address-based sample included about 45 percent cell phone only (CPO) households, which are more likely younger and working. CPO households were not included in the sample in 2009 (see Appendix B).

The data series in Tables 2a and 2b show that over the last five decades, American households acquired more vehicles and drivers. In the United States in 1969, there were as many vehicles as workers. By 1990 and continuing to the present, there are as many vehicles as drivers.

As average household size has stabilized, average vehicles per household, licensed drivers per household, and workers per household have all remained rather stable over the last decade or so.

There are important differences between the census regions listed in Table 2b (the states in each census region are listed in Appendix C). The West continues to have the highest household size, vehicle ownership, and driver rates in the country. The Midwest has smaller households on average, and fewer workers per household. The Northeast has fewer vehicles and drivers per household.

**Table 2a.** Major Travel Indicators by Survey Year

| Major Travel Indicators by Year | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Travel Indicator | 1969 | 1977 | 1983 | 1990 | 1995 | 2001 | 2009 | 2017 |
| Persons per Household | 3.16 | 2.83 | 2.69 | 2.56 | 2.63 | 2.58 | 2.50 | 2.55 |
| Vehicles per Household | 1.16 | 1.59 | 1.68 | 1.77 | 1.78 | 1.89 | 1.86 | 1.88 |
| Licensed drivers per Household | 1.65 | 1.69 | 1.72 | 1.75 | 1.78 | 1.77 | 1.88 | 1.89 |
| Vehicles per Licensed Driver | 0.70 | 0.94 | 0.98 | 1.01 | 1.00 | 1.06 | 0.99 | 1.00 |
| Workers per Household | 1.21 | 1.23 | 1.21 | 1.27 | 1.33 | 1.35 | 1.34 | 1.33 |
| Vehicles per Worker | 0.96 | 1.29 | 1.39 | 1.40 | 1.34 | 1.39 | 1.39 | 1.42 |

Note:

- 1990 NPTS data were adjusted to make them more comparable with later surveys.
- 2001 NHTS sample included children 0 to 4 in the survey. The data shown here exclude them to be comparable with other survey years.
- 2009 NHTS sample did not include households without landlines telephones (CPO households).
- 2017 NHTS sample was address-based and included more urban and CPO households. This and other methods changes in the data series are outlined in Appendix B.
- In 1969, household vehicles did not include pickups or other light trucks.

**Table 3b.** Summary of Person Travel Statistics

| Survey Year: | Person Statistics | | | | | |
|---|---|---|---|---|---|---|
| | Daily Person Trips per Person | Daily PMT per Person | Daily Vehicle Trips per Driver | Daily VMT per Driver | Average Person Trip Length (miles) | Average Vehicle Trip Length (miles) |
| 1969 | 2.02 | 19.51 | 2.32 | 20.64 | 9.67 | 8.89 |
| 1977 | 2.92 | 25.95 | 2.34 | 19.49 | 8.87 | 8.34 |
| 1983 | 2.89 | 25.05 | 2.36 | 18.68 | 8.68 | 7.90 |
| 1990 | 3.76 | 34.91 | 3.26 | 28.49 | 9.47 | 8.85 |
| 1995 | 4.30 | 38.67 | 3.57 | 32.14 | 9.13 | 9.06 |
| 2001 | 4.09 | 36.89 | 3.35 | 32.73 | 10.04 | 9.87 |
| 2009 | 3.79 | 36.13 | 3.02 | 28.97 | 9.75 | 9.72 |
| 2009 MOE | 0.03 | 1.35 | 0.03 | 0.71 | 0.36 | 0.22 |
| 2017 orig. | 3.37 | 36.07 | 2.70 | 25.84 | 10.70 | 9.55 |
| 2017 orig. MOE | 0.04 | 1.47 | 0.03 | 1.04 | 0.40 | 0.37 |
| 2017 adj. | | 38.98 | | 28.49 | 11.57 | 10.53 |
| 2017 adj. MOE | | 1.41 | | 1.16 | 0.41 | 0.42 |

Note:

- 1990 NPTS data were adjusted to make them more comparable with later surveys.
- 2001 NHTS sample included children 0 to 4 in the survey. The data shown here excludes them to be comparable with other survey years.
- 2009 NHTS sample did not include households without landlines telephones (CPO households).
- 2017 NHTS sample was address-based and included more urban and CPO households. This and other methods changes in the data series are outlined in Appendix B.
- Household VMT and PMT "adjusted" includes estimates of miles in all vehicles, including "18" Rental Car.

# National Household Travel Survey Daily Travel Quick Facts

Daily Travel is a trip from one point to another on a single day. = Trip

## HOW WE TRAVEL

- 87 percent of daily trips take place in personal vehicles
- 91 percent of people commuting to work use personal vehicles

## HOW MANY TRIPS WE TAKE EVERY DAY

- Americans take 1.1 billion trips a day — four for every person in the U.S
- U.S. daily travel averages 11 billion miles a day — almost 40 miles per person per day

## HOW MANY TRIPS WE TAKE IN A YEAR

- Americans take 411 billion daily trips a year or about 1,500 trips per person
- U.S. daily travel totals about 4 trillion miles — 14,500 miles per person

## WHY WE TRAVEL

- 45 percent of daily trips are taken for shopping and errands
- 27 percent of daily trips are social and recreational, such as visiting a friend
- 15 percent of daily trips are taken for commuting

## WHAT WE DRIVE

- There are 204 million personal vehicles available for regular use
  - 57 percent are cars or station wagons
  - 21 percent are vans or SUVs
  - 19 percent are light trucks

## WHEN WE TRAVEL

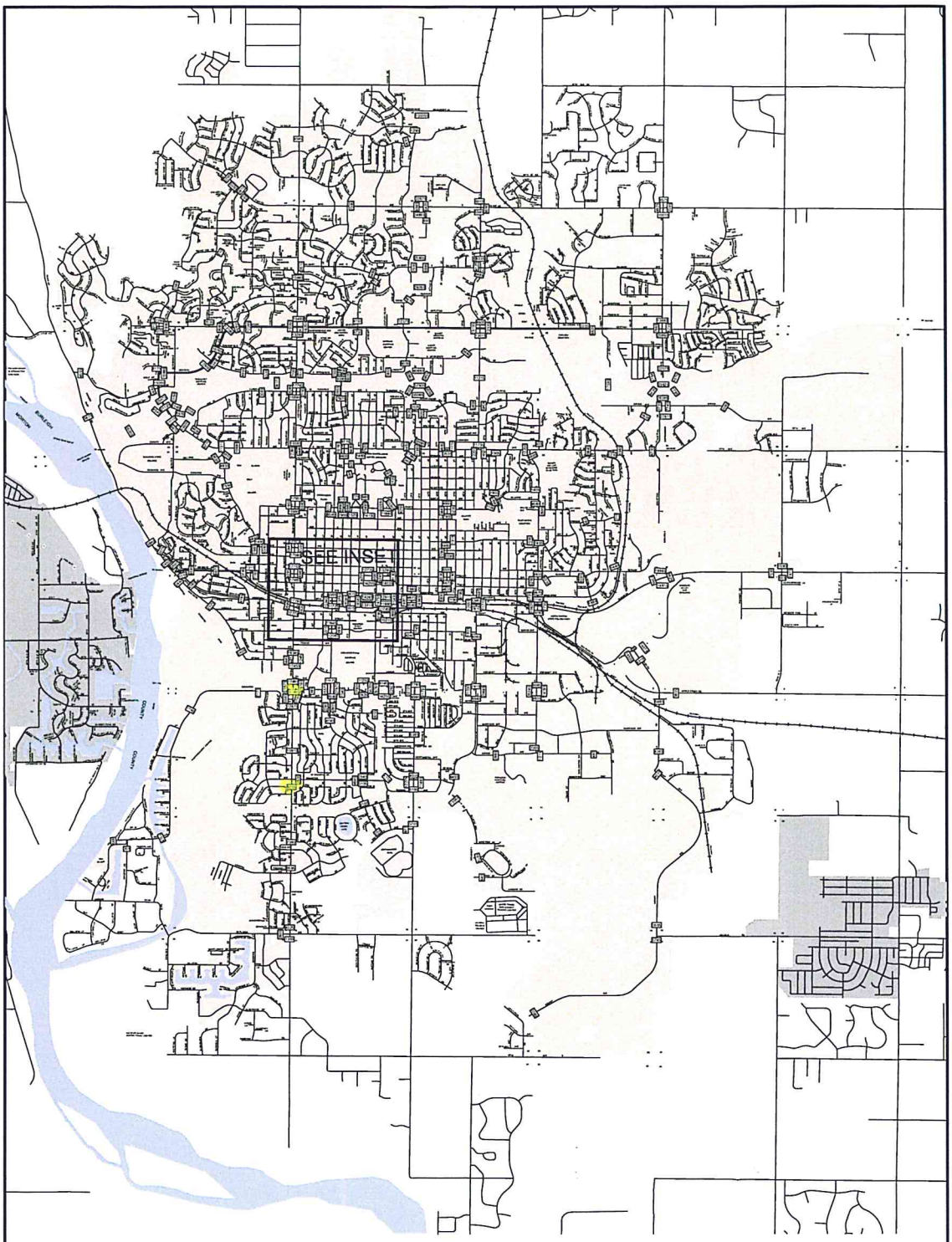
- The most daily trips are made on Friday (16 percent)
- The fewest daily trips are made on Sunday (13 percent)
- More daily trips are taken between noon and 1 p.m. (7.4 percent) than between 8 a.m. - 9 a.m. (5.5 percent)

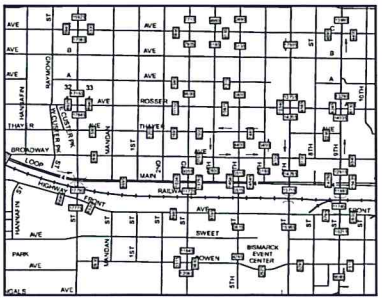
## THE AVERAGE DRIVER

- Spends 55 minutes a day behind the wheel
- Drives 29 miles a day

## MEN VS. WOMEN

- Women drive less (21 to 38 miles per day)
- Men drive longer (67 to 44 minutes per day)




GENERAL LEGEND

CORPORATE LIMIT
OPEN STREETS
PROPOSED STREETS
DIVIDED HIGHWAY
WIDE STREAM
NARROW STREAM
DRAINAGE DITCH
STATE NUMBERED HIGHWAY
US NUMBERED HIGHWAY
INTERSTATE NUMBERED HIGHWAY

N

2010 Population 61,272

2016
TRAFFIC VOLUME MAP

# BISMARCK

BURLEIGH COUNTY
NORTH DAKOTA

PREPARED BY
NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
PLANNING / ASSET MANAGEMENT DIVISION
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SCALE

0 1,200 2,400 4,800 7,200 9,600 Feet

2012
DATE OF BASE MAP

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MAP SALES, ND DEPARTMENT OF TRANSPORTATION, 608 E. BLVD. AVE., BISMARCK, N.D. 58505-0700

2016 TRAFFIC VOLUME MAP BISMARCK, NORTH DAKOTA

Exhibit 2

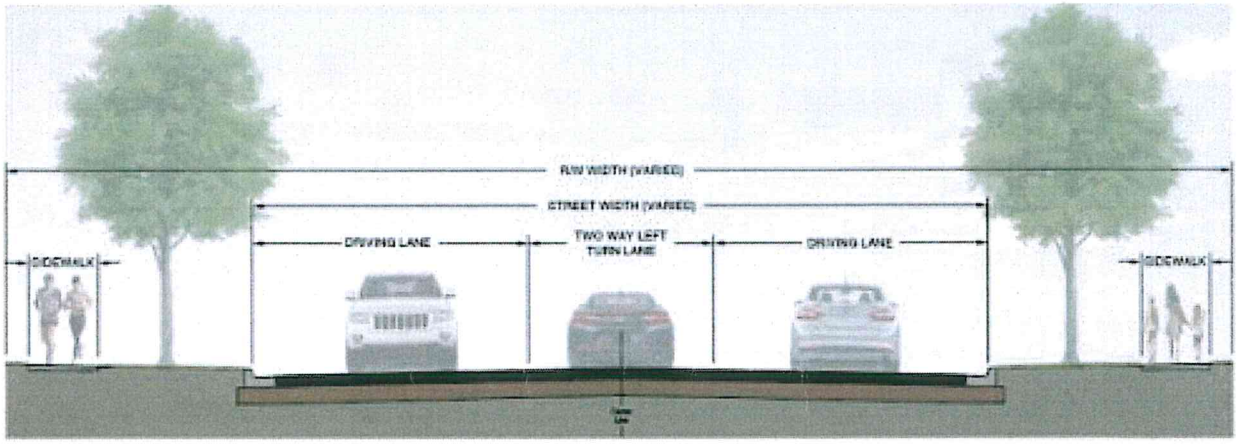
20065
5560
2700
12870
10910
3530
9255
PLEASANT ST
BOISE
DENVER
POCATELLO
BILLINGS
ASHWOOD AVE
BIRCHWOOD
DR
RENO
SOUTHWOOD
AVE
EAST-WOOD
COLOGNE
PORTLAND
OAKLAND
TUCSO
POCATELLO
HAMBURG
AVE
WACHTER
SAN
DIEGO
LAREDO
DR

Posts

**Shawn Oban, Bismarck City Commission**
January 15 at 8:41 PM ·

Looking for some feedback from our south Bismarck residents. On Tuesday the idea on changing the lane configuration on Washington Street from the drainage ditch to Expressway was proposed. I have my opinions, but would love to hear yours.

South Washington Street from Bismarck Expressway to the south Bismarck drainage ditch is recommended to be reconfigured to a "Two Way Left Turn Lane (TWLTL) which will consist of one 12'-lane in each direction for north/south through traffic along with a center left turn lane for left turning traffic. The reconfiguration of lanes will not reduce the roadway capacity. The center left turn lane creates a refuge for left turning traffic and potentially reduces rear end crashes. The remaining 6-feet on each side of the roadway would be signed as a "share the road" bicycle facility. These bike facilities would provide a link between the existing trail paralleling Bismarck Expressway and the trail on South Washington Street beginning at Wachter Avenue. Since there is no existing parking on Washington Street, there would be no impacts to parking.




The following figure graphically displays the the project area and its proximity to existing multi use facilities. Please note that there are no changes to any parking restrictions along South Washington Street between Bismarck Expressway and Wachter Drainage Ditch.

28 183 Comments 14 Shares

Exhibit 4

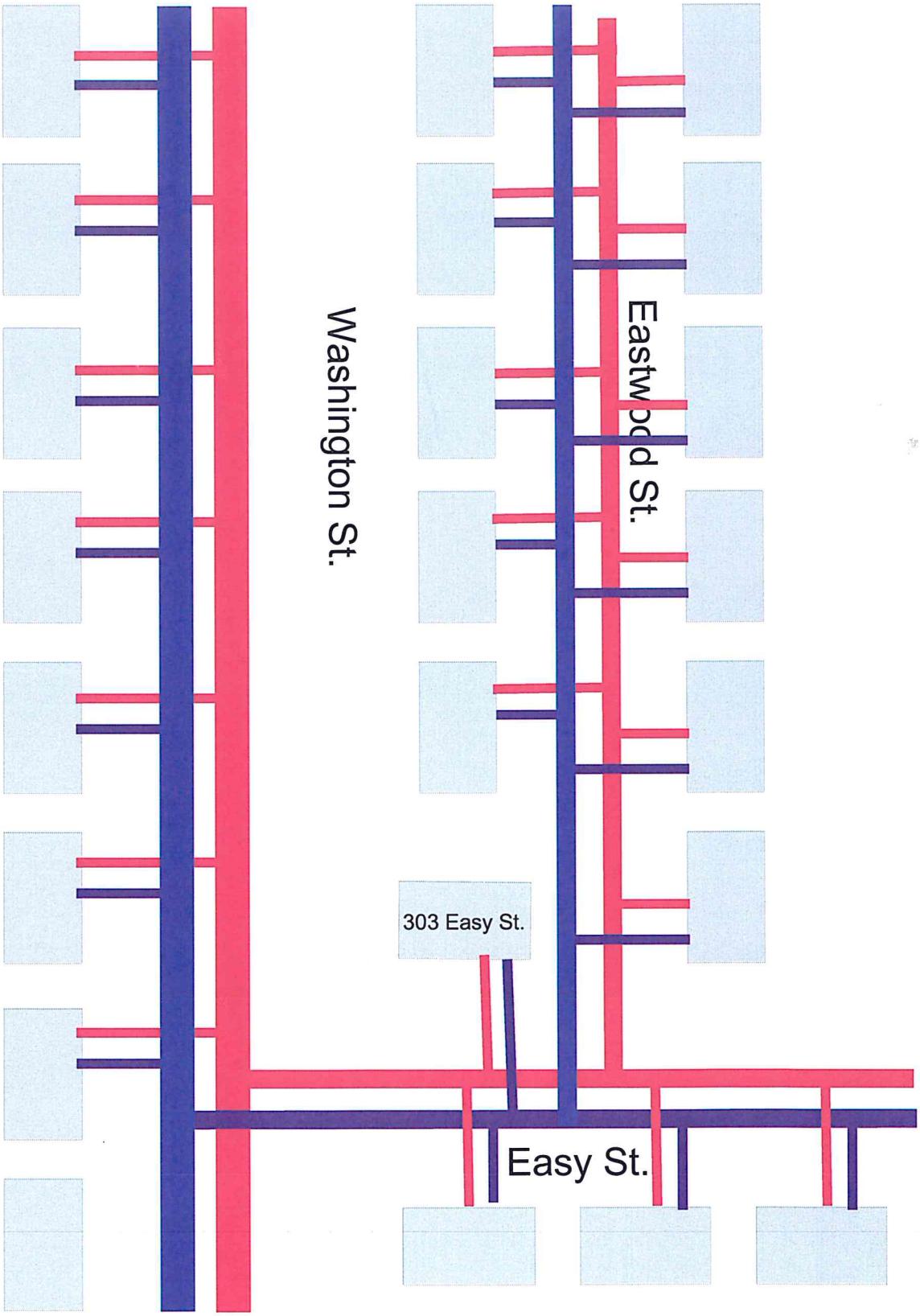



Exhibit 5

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

RYAN SIMS (your name)
1213 EASTWOOD STREET (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

RECEIVED
APR 0 6 2020
BY: .....

I WANDA LAMontagne who Resides at 1219 EAstwood ST. Bismarck, ND. 58504

Protest the Citys propsal. It is unfair for my home to pay 43% of the Washington St. project, when this will benefit more drivers than me or the others you are having paying the 43% of the cost.

Wanda LaMontagne

Unit 8 of the project. Unit 51531, Unit 8
1219 EAstwood ST.
Bismarck ND 58504

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FEB 20 2020
BY: FISCAL

#0490-009-015

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Ginger Steinman (your name) Ginger Steinman
1223 Eastwood St. (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Ginger Steinman
(signature)

RECEIVED
APR 0 6 2020
BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Brian Frederick (your name)
335 Willow Lane (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

RECEIVED
APR 0 6 2020
BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Cindy Sylte (your name)
325 Willow LN (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Cindy Sylte
(signature)

RECEIVED
APR 0 6 2020
BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Benjamin Martinek (your name)
319 Willow Ln (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Benjamin R Martinek
(signature)

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APR 0 6 2020
BY: .....

RECEIVED
FEB 12 2020
BY: FISCAL

# 04915-001-025

Letter of Protest to project in district SI531 unit 8.

Hello,
I have received a letter from the city stating their plans for Both road work and utility, water, and sewer work. I Believe that the city is unfairly assessing special balance for this proposed project.

If this project is done many more people will benefit than the people who will be responsible for paying for the project.

I would like to see a broader scope of residents assessed for this project. I live at 307 willow lane and will receive the same benifit as other homeowners living on a side street to South washington.

Because South Washington is a main access route for everyone from the river to 3rd St and expressway South I feel the special balance should be shared by all residents, not just those who adjoin Washington.

Steve Hoffman
307 Willow Lane
Bismarck, ND 58504

Steven Hoffman
District SI 531
Unit # 8

R/E: 1102 S. Washington St.

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Brent & Shelly Schlafmann
111 Eastdale Dr
Bismarck, ND 58501

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Shelly Schlafmann

Brent Schlafmann

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APR 0 6 2020
BY: .....

Feb. 17, 2020

Helen Stark
1309 Eastwood St.
Bismarck, ND 58504 SI531, unit 8

To Whom It May Concern:

I am writing this letter to protest the street improvement project of Unit 8. As such, I am submitting my protest for the following reasons:

1. A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

    - In a 2017 report from the US Dept. of Transportation, labeled **Exhibit 1**, on the page numbered as 9, the average U.S. household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per U.S. Vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars per household x 2.7 trips per day = 4.86 trips per household per day).
    - **Exhibit 2**, also from the US Dept. of transportation, further explains that a trip is defined as travel from <u>any one point to another</u> within a day (24 hour period). These trips are not restricted to those to-and-from the home – it is a measure of ALL trips (i.e., including those from work to daycare which would count as one trip; from daycare to the grocery store is another trip; from the grocery store to the gas station is another trip; etc.)
    - As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (i.e., the trips from work to daycare, etc.), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day).
    - Comparatively, in Exhibit 3, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (the intersection of Washington St. and Bismarck Expressway) to a low of 9,255 on the south end (the intersection of Washington St and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017-2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost yet they are only responsible for a maximum of 2.7% of the street's daily use (460 daily trips vs. the 17,299 daily trip estimated average). As demonstrated, <u>the much larger traffic volume from outside Unit 8 properties represents</u>

# 0497-022-006

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FEB 21 2020
BY: .....

a much larger problem – a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.

- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, sought "feedback from our South Bismarck residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street – 97% of drivers from outside of Unit 8 to be exact.

2. As noted on the water and sewer mockup in **Exhibit 5**, my home at **1309 Eastwood St.** has water and sewer lines connecting to the main lines on **Easy Street** – not to Washington Street. Therefore, as water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street – just like mine – which also connects to the water and sewer lines on Washington Street.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

Sincerely,

Helen Stark

Helen Stark

Feb. 17, 2020

David Boehm
1311 Eastwood St.
Bismarck, ND 58504 81531, unit 8

To Whom It May Concern:

I am writing this letter to protest the street improvement project of Unit 8. As such, I am submitting my protest for the following reasons:

1. A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

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#0497-022-007

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FEB 21 2020
BY FISCAL

a much larger problem – a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.

- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, sought "feedback from our South Bismarck residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street – 97% of drivers from outside of Unit 8 to be exact.

2. As noted on the water and sewer mockup in **Exhibit 5**, my home at **1311 Eastwood St.** has water and sewer lines connecting to the main lines on **Easy Street** – not to Washington Street. Therefore, as water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street – just like mine – which also connects to the water and sewer lines on Washington Street.

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Sincerely,

David Boehm

Feb. 17, 2020

Zona M. Bring
1313 Eastwood St.
Bismarck, ND 58504 S1531, Unit 8

To Whom It May Concern:

I am writing this letter to protest the street improvement project of Unit 8. As such, I am submitting my protest for the following reasons:

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#0497-022-008

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BY: ASCAL

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- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, sought "feedback from our South Bismarck residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street – 97% of drivers from outside of Unit 8 to be exact.

2. As noted on the water and sewer mockup in **Exhibit 5**, my home at **1313 Eastwood St.** has water and sewer lines connecting to the main lines on **Easy Street** – not to Washington Street. Therefore, as water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street – just like mine – which also connects to the water and sewer lines on Washington Street.

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Sincerely,

Zona M. Bring

Zona M. Bring

Feb. 17, 2020

Janice Bond
1317 Eastwood St.
Bismarck, ND 58504 SI 531, Unit 8

To Whom It May Concern:

I am writing this letter to protest the street improvement project of Unit 8. As such, I am submitting my protest for the following reasons:

1. A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

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BY: FISCAL

#0497-022-009

a much larger problem – a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.

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Sincerely,

Janice K Bond

Janice K. Bond

Feb. 17, 2020

Maggie Abrahamson
1319 Eastwood St.
Bismarck, ND 58504 51531, unit 8

To Whom It May Concern:

I am writing this letter to protest the street improvement project of Unit 8. As such, I am submitting my protest for the following reasons:

1. A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

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#0497-022-010

RECEIVED
FEB 21 2020
BY: FISCAL

a much larger problem – a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.

- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, sought "feedback from our South Bismarck residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street – 97% of drivers from outside of Unit 8 to be exact.

2. As noted on the water and sewer mockup in **Exhibit 5**, my home at **1319 Eastwood St.** has water and sewer lines connecting to the main lines on **Easy Street** – not to Washington Street. Therefore, as water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street – just like mine – which also connects to the water and sewer lines on Washington Street.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

Sincerely,

Maggie Abrahamson

Maggie Abrahamson

Feb. 17, 2020

Heather J. Haag
1321 Eastwood St.
Bismarck, ND 58504 $1531, Unit 8

To Whom It May Concern:

I am writing this letter to protest the street improvement project of Unit 8. As such, I am submitting my protest for the following reasons:

1. A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

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    - As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (i.e., the trips from work to daycare, etc.), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day).
    - Comparatively, in Exhibit 3, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (the intersection of Washington St. and Bismarck Expressway) to a low of 9,255 on the south end (the intersection of Washington St and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017-2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost yet they are only responsible for a maximum of 2.7% of the street's daily use (460 daily trips vs. the 17,299 daily trip estimated average). As demonstrated<u>, the much larger traffic volume from outside Unit 8 properties represents</u>

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a much larger problem – a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.

- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, sought "feedback from our South Bismarck residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street – 97% of drivers from outside of Unit 8 to be exact.

2. As noted on the water and sewer mockup in **Exhibit 5**, my home at **1321 Eastwood St.** has water and sewer lines connecting to the main lines on **Easy Street** – not to Washington Street. Therefore, as water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street – just like mine – which also connects to the water and sewer lines on Washington Street.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

Sincerely,

Heather J. Haag

Feb. 17, 2020

Amber Zahn
1323 Eastwood St.
Bismarck, ND 58504 91531, Unit 8

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Sincerely,

Amber Zahn

Feb. 17, 2020

Lindsy Lothspeich
310 W. Reno Ave
Bismarck, ND 58504 S1531, Unit 8

To Whom It May Concern:

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Sincerely,

Lindsy Lothspeich

Lindsy Lothspeich

Feb. 17, 2020

Jeremy Fonkert
312 W. Reno Ave
Bismarck, ND 58504 S1531, unit 8

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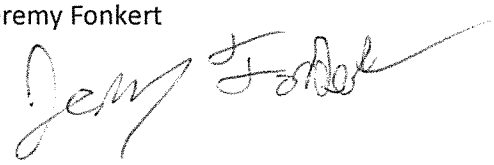
Sincerely,

Jeremy Fonkert



Feb. 17, 2020

Jennifer Otto
316 W. Reno Ave
Bismarck, ND 58504 S1531, unit 8

To Whom It May Concern:

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Sincerely,

Jennifer Otto

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MAR 09 2020
BY_____

3-9-2020

Bismarck Engineering Department

— NOT AGAINST PROJECTS
— DON'T AGREE WITH ASSESSMENT DISTRICT.
— I GET NO SPECIAL ~~BENEFIT~~ BENEFIT BY BEING ADJACENT TO WASHINGTON.
— IS A NEGATIVE BEING BY WASHINGTON ST.

March 5, 2020

Re: Street Improvement District No. 531
Proposed Street Maintenance Project

Dear Property Owner:

In January 2020 you were sent a letter explaining that the Board of City Commissioners (the Board) had created a special assessment district consisting of nine units for a street improvement project which included property owned by you. The letter also outlined the estimated cost for your property, the special assessment process including information on protesting the district and a public hearing.

Although insufficient property owner protests were presented to the Board, they initially elected not to approve the Resolution of Necessity as required by ND Century Code where special assessments are used to fund the project. At a subsequent meeting, the Board authorized a new Resolution of Necessity and called for a new public hearing on this project.

The new Resolution of Necessity will be printed in the Bismarck Tribune on March 9th and March 16th which will start a new protest period for this district. All previously submitted protests will be honored and no additional documentation will need to be provided. The protest period for this project will expire on April 8, 2020 at 5:00 pm. The Board of City Commissioners will conduct a public hearing at their meeting scheduled to be held at 5:15 pm on Tuesday, April 14, 2020.

Additional aspects of the proposed street improvement district communicated in the letter you received in January are still valid with the exception of the dates of the public hearing which has been updated in this letter.

We apologize for any confusion this may cause. Please direct questions you may have to the City Engineering Department at 701.355.1505 or bisengd@bismarcknd.gov. A list of frequently asked questions may be found at http://www.bismarcknd.gov/streets.

Sincerely,

Gabe Schell

Gabe J. Schell, PE
City Engineer
GJS/ljo

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MAR 09 2020
BY: FISCAL

1403 EASTWOOD ST
Oak W. Jones

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Paul PRUSSING (your name)
1405 Eastwood ST (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Paul Prussing
(signature)

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BY: .....

sample protest letter

Feb. 4, 2020

Lorraine Grensteiner
[redacted] ← your name
[redacted] ← your address 1421 Eastwood Stn.
Bismarck, ND 58504
SI531, Unit 8

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FEB 13 2020
BY

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the city, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, I am submitting my protest for the following reasons:

1) A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

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1421 Eastwood St - your street ✓ your address

2) As noted on the water and sewer mockup in **Exhibit 5**, my home at [redacted] has water and sewer lines connecting to the main lines on [redacted] - not to Washington Street. Therefore, any water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street - just like mine - which also connects to the water and sewer lines on Washington Street.

1421 Eastwood St.
Bismarck, N.D 58504

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

Sincerely, ← your signature Lorraine Grenstein

[redacted] ← your name

Lorraine Grenstein

) This may or may not be applicable to your property

## Your property is among those being asked to pay for 43% of the cost on a road improvement project where assessed dwellings only have 4% of the total use

This letter is to urge you to submit a letter of protest regarding the Washington Street improvement project about which the city recently sent you notification. The reason I urge you to do so is due to the excessive proportion of funding being expected from the homeowners located along Washington Street in what has been designated as "Unit 8" of the 9-unit street improvement project.

### Our goal is to have 100% of the residents who are in "Unit 8" protest this project.

According to supplemental information requested from the city, homeowners located within the Unit 8 project area will be responsible for $640,000 of the estimated $1.5 million project specific to Unit 8, or 43% of the estimated project cost. You will be responsible through paying special assessments on your property. (The remaining 57% will come from city sales tax and the city's 'special deficiency' fund; while that is appreciated, it is grossly insufficient). **This means only those property owners located on Washington Street in this Unit 8 project will be directly responsible for the cost.**

This percentage of cost that you are responsible for is very important because, according to average trip data from the Bureau of Transportation, the average household has an average total daily trip count of 8. For the estimated 92 dwelling units contained in Unit 8, this amounts to 736 trips per day.

Comparatively, the average daily traffic count on Washington Street, using 2016 data from the City of Bismarck, for the particular street section in question (from Bismarck Expressway to Billings Drive) has a high of 20,065 daily traffic count at the north end to a low of 9,255 traffic count at the south end. Accounting for dwelling unit construction between 2016 and 2019 for south Bismarck of an additional 6% growth per year, it can be estimated the **traffic counts have since grown by an additional 18% - so 23,676 and 10,921, respectively, (or, 17,299 vehicle passages on the street daily as an average)**.

What this means is, although Unit 8 dwellings account for just 736 of the average 17,299 daily trips on the main arterial road of the Washington Street section in question (or 4% of the total traffic volume), it is being proposed to **task you with paying 43% of the cost of the improvement.** This is equivalent to asking farmers to pay for nearly half of highway road construction costs because their land happens to be located along a highway – even though they benefit only a tiny percentage of the use of the highway. Or, for you to pay for everyone's groceries at the grocery store because your home is a home on a street by the grocery store.

Additionally, if main water and sewer lines are also replaced, **all of the homes in south Bismarck who have water and sewer lines that feed into Washington Street main lines benefit from the replacement** – not just the immediately adjacent property owners who are being proposed to carry the tax burden. In fact, many homes included in the Unit 8 project do not even have a Washington Street address – it is beside or behind their home and **their water and sewer from their home would NOT even be linked directly to the Washington Street main lines** – they would first connect to the main water and sewer lines on the residential street of their non-Washington Street address, meaning those homes do not **directly benefit** from water and sewer construction any more than the homes across the street from you who are NOT included in the responsibility of the special assessment.

In the city's notice to you explaining why only homes on Washington Street are solely bearing the direct expense via special assessment, the answer to Question 7 of their frequently asked questions section reads: "Special assessments are used to fund street improvement projects so that the benefitting properties pay for the cost of improvements."

As noted, this project does not meet their criteria of special assessment as only the properties touching Washington Street are burdened with paying for 43% of the costs yet those homes collectively only receive 4% of the street's benefit – the vast majority of the benefit of that street serves the 96% of other property owners using the main arterial street who then attribute a much larger burden of wear and tear on the street, in addition to all south Bismarck homes who have water and sewer lines feeding into the main line on Washington Street,

and therefore the cost should be adjusted accordingly to be proportionate. **Putting 43% of the cost on only the properties who abut Washington Street is a grossly disproportionate application of special assessment.**

In any case, it's clear the city must acknowledge it does not treat the street as a traditional residential street worthy of special assessment as the posted speed limit is 35 MPH – not the 25 MPH that residential streets should be. This street improvement project is timely since the city is also looking at altering the lane setup on Washington Street with the intent to deter the number of accidents. To deter the number of accidents, they need to address the root cause: The unfettered, excessive speed of drivers on the street. It will be important to include in your protest letter that if the city proceeds with a street improvement project on Washington Street, that **it would be negligent to not also implement controls to deter the issues of rampant speed on the street.** City police, a former mayor and other city officials have acknowledged that the straightaway design, along with a history of a lack of consistent speed enforcement, are main contributors to the speed problem on the street. It should also be noted that because the posted speed limit is 35 MPH, and because the city has a policy of allowing vehicles to travel up to 9 MPH over the speed limit before law enforcement is mandated to issue a citation – **this places an allowable speed limit on the street of 44 MPH.** Why is speed control important? If a pedestrian is hit by a vehicle at 20 MPH, they have a 90% chance of survival. At 30 MPH, there is a 50% chance of survival and at 40 MPH there is only a 10% chance of survival. Our homes reside in a residential area – there should not be Expressway speeds on a residential street.

**The city's notice to you requires you to submit your written protest on or before 5 p.m., Feb. 20, to the Fiscal Services office on the 3rd floor of the City-County Building located at 221 N. 5th St. We recommend you hand deliver your protest to insure it does not get lost or delayed in the mail.**

**Please note: Your letter of protest must contain the your name, your property address, the district and unit (SI531, Unit 8), your signature and a statement of your protesting the district as presented.**

**Further, the Board of City Commissioners will also be conducting a hearing at 5:15 p.m. on Tuesday, Feb. 25, in the Tom Baker Meeting Room of the City-County Building at 221 N. 5th St.**

Some final notes:

- **Speed complaints unaddressed:** If you have called the police department or a city council member in the past and complained about speeding drivers on Washington Street and are frustrated the city hasn't addressed this issue, please email me information about that – your full name and address, approximate dates when you called and/or number of times you've complained, names of police department officers or city council members you spoke with, etc.
- **Noisy muffler and/or stereo complaints unaddressed:** If you have called the police department or a city council member in the past and complained about noisy mufflers or noisy stereos on Washington Street and are frustrated the city hasn't addressed this issue, please email me information about that – your full name and address, approximate dates when you called and/or number of times you've complained, names of police department officers or city council members you spoke with, etc.

**Please email information about speed and noisy muffler complaints you made in the past and felt went unaddressed to: aric.mcdonald83@gmail.com; this information will be compiled and used in future communication with city officials to address speed and noise issues on the street.**

Unable to deliver - I don't drive
I Do Not want - this improvement
We have too much traffic - to go to 2 Lanes
Lorraine Greenstein
1431 Eastwood St

February 11, 2020

Stacey Pfeifer
1423 Eastwood Street
Bismarck, ND
S1531, Unit 8

RECEIVED
FEB 1 8 2020
BY: FISCAL

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the city, it was learned that property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, I am submitting my protest for the following reasons:

1) A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined below, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7 % of the street's benefit.

- In a 2017 report from the US Dept of Transportation, labeled **Exhibit 1**, on the page numbered as 9, the average U.S. household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per U.S. vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars per household X 2.7 trips per day = 4.86 trips per household per day).
- **Exhibit 2**, also from the US Dept of Transportation, further explains that a trip is defined as travel from <u>any one point to another</u> within a day (24-hour period). These trips are not restricted to those to-and-from the home – it is a measure of ALL trips (including those from work to daycare which would count as one trip; from daycare to the grocery store is another trip; from the grocery store to the gas station is another trip, etc.).
- As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (ex: the trips from work to daycare, etc.), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day).
- Comparatively, in **Exhibit 3**, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (the intersection of Washington Street and Bismarck Expressway) to a low of 9,255 on the south end (Washington Street and Billings). Accounting for Bismarck annual dwelling growth of 6% from 2017 – 2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost, yet they are only responsible for a maximum of 2.7% of the street's daily use (460 daily trips vs. the 17,299 daily trips estimated average). As demonstrated, <u>the much larger traffic volume from **outside** Unit 8 properties represents a much larger problem – a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8</u>.
- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on January 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, sought "<u>feedback from our South Bismarck residents</u>" regarding the lane change proposal. His callout for feedback on that portion of the street from among <u>all residents who reside in</u>

#0497-024-015

south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly large proportion of drivers outside of Unit 8 benefit from the street – 97.3% of drivers from outside of Unit 8 to be exact.

2) In addition, if main water and sewer lines are also replaced, all of the homes in south Bismarck – **not just those in Unit 8** that are immediately adjacent property owners who are being proposed to carry the tax burden - who have water and sewer lines that feed into Washington Street main lines benefit from the replacement. Many of the residents in Unit 8 do not have a Washington Street address, nor are their water and sewer lines directly linked to the Washington Street main lines any more than other residents located outside of Unit 8.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street. Please accept my letter of protest regarding the street improvement project of Unit 8.

Sincerely,

Stacey A. Pfeifer

Stacey Pfeifer

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

GARY Austad (your name)
1433 Eastwood St (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Gary Austad
(signature)

RECEIVED
APR 0 6 2020
BY: .....

Feb. 4, 2020

Lenora Woehl, Terry Woehl Al-Woehl
1435 EAST Wood St.
BISMARCK, ND 58504
SI531, Unit 8

RECEIVED
FEB 14 2020
BY: PISCAL

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the city, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, I am submitting my protest for the following reasons:

1) A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

- In a 2017 report from the US Dept of Transportation, labeled **Exhibit 1**, on the page numbered as 9, the average U.S. household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per U.S. vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars per household x 2.7 trips per day = 4.86 trips per household per day).
- **Exhibit 2**, also from the US Dept of Transportation, further explains that a trip is defined as travel from <u>any one point to another</u> within a day (24 hour period). These trips are not restricted to those to-and-from the home - it is a measure of ALL trips (i.e., including those from work to daycare which would count as one trip; from daycare to the grocery store is another trip; from the grocery store to the gas station is another trip; etc).
- As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (i.e., the trips from work to daycare, etc.), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day).
- Comparatively, in **Exhibit 3**, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (the intersection of Washington St. and Bismarck Expressway) to a low of 9,255 on the south end (Washington Street and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017-2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost yet they are only responsible for a maximum of 2.7% of the street's daily use (460 daily trips vs. the 17,299 daily trip estimated average). As demonstrated, <u>the much larger traffic volume from **outside** Unit 8 properties represents a much larger problem - a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.</u>
- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan. 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, sought "<u>feedback from our South Bismarck</u>

residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street - 97.3% of drivers from outside of Unit 8 to be exact.

2) As noted on the water and sewer mockup in Exhibit 5, my home at 1435 EASTWOOD has water and sewer lines connecting to the main lines on EASTWOOD not to Washington Street. Therefore, any water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street - just like mine - which also connects to the water and sewer lines on Washington Street.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

Sincerely,

Jenoca Waehl

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Jody Hendrickson (your name)
1437 Eastwood St (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Jody Hendrickson
(signature)

RECEIVED
APR 0 6 2020
BY: .....

R/E: 1000 and 1020 S. Washington St.

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Don & Marlene Hastings (your name)
1030 N. Parkview Dr. (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

I am in favor of the project but against the method of assessment.

Sincerely,

Donald Hastings March 07, 2020.
(signature)

RECEIVED
APR 0 6 2020
BY: .....

1112 Portland Dr., Units 3, 13, 19, 20

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Dennis & Viola Schwind (your name)
3501 20th St. S. (your address)
Fargo, ND 58104
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

RECEIVED
APR 0 8 2020
BY: .....

R/E: 1112 Portland Dr., Units 4, 5, 8, 10, 24

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

James + Tige Vollrath (your name)
903 9th St. SW (your address)
Jamestown, ND 58401
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

James Vollrath
(signature)

RECEIVED
APR 06 2020
BY: .....

February 15, 2020

Joan L. Weber

1206 Portland Drive

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

Certain properties like mine have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

As such, I submit my protest.

Sincerely,

Joan L Weber

Joan L. Weber

#06605-025-001

RECEIVED
FEB 18 2020
BY: FISCAL

February 15, 2020

Caroline Ternes

1204 Portland Drive

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

Certain properties like mine have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

As such, I submit my protest.

Sincerely,

Caroline Ternes

Caroline Ternes

#06605-025-002

RECEIVED
FEB 18 2020
BY: FISCAL

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Kyle Barnard (your name)
1204 Portland Cir. (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

RECEIVED
APR 0 6 2020
BY: .....

February 15, 2020

Jolene Hanson

201 West Denver Avenue

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

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Certain properties like mine have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

As such, I submit my protest.

Sincerely,

Jolene Hanson

Jolene Hanson

RECEIVED
FEB 18 2020
BY: FISCAL

#0605-025-004

February 15, 2020

Elizabeth Stack

203 West Denver Avenue

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

Certain properties like mine have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

As such, I submit my protest.

Sincerely,

Elizabeth Stack

Elizabeth Stack

#06605-025-005

RECEIVED
FEB 18 2020
BY: FISCAL

February 15, 2020

Kathy Ustanko

209 West Denver Avenue

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

Certain properties like mine have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

As such, I submit my protest.

Sincerely,

Kathy Ustanko

Kathy Ustanko

RECEIVED
FEB 18 2020
BY: FISCAL

#0605-025-007

February 15, 2020

Richard Gunsch

211 West Denver Avenue

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

Certain properties like mine have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

As such, I submit my protest.

Sincerely,

Richard Gunsch

Richard Gunsch

RECEIVED
FEB 18 2020
BY: FISCAL

#06005-025-008

February 15, 2020

Samantha Doll

219 West Denver Avenue

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

Certain properties like mine have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

As such, I submit my protest.

Sincerely,

Samantha Doll

#0605-025-012

RECEIVED
FEB 18 2020
BY: FISCAL

February 15, 2020

Doug Hammeren

1203 S. Washington Street

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

The City's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. Certain properties like mine have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street.

As such, I submit my protest.

Sincerely, Doug Hammeren

Doug Hammeren

RECEIVED
FEB 18 2020
BY: FISCAL

#0605-025-014

February 15, 2020

Harold Hammeren

1207 S. Washington Street

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

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As such, I submit my protest.

Sincerely, Harold Hammeren

Harold Hammeren

RECEIVED
FEB 18 2020
BY: FISCAL

#0605-025-016

February 15, 2020

Randy Abeyta

1209 S. Washington Street

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

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As such, I submit my protest.

Sincerely,

Randy Abeyta

RECEIVED
FEB 18 2020
BY: FISCAL

# 0605-025-017

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Duane Urlacher (your name)
1307 + 1309 S. Washington (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Duane Urlacher
(signature)

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BY: .....

March 8, 2020

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MAR 12 2020
BY_____

Bismarck Engineering Department
Office of City's Fiscal Services
221 N 5th Street 3rd floor
City/County Building
Bismarck, ND 58501

RE: Street Improvement #531
Mary Schwede - 1249 S. Washington Street, Bismarck, ND 58504 - District #SI531 Unit #8

I would like to protest the Proposed Street Maintenance Project for South Washington Street in Bismarck ND.

Maintenance improvements were completed a few years ago with all of the the local residents paying for these at a rate of $1500 - $1800 per unit. I don't feel it is our responsibility to cover these improvements costs again. Washington Street is a very high traffic street used by many residents of the Bismarck Community.

Thank you for your consideration on this project.

Mary Schwede

Mary Schwede
1249 S. Washington Street
Bismarck, ND 58504
701-220-4159

#1605-025-095

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Maria Jokoll (your name)
1243 S. Washington St (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Maria Jokoll
(signature)

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City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Chuck Huber (your name)
4619 Blue Spruce Rd - 58503 (your address) - Own 1231 S. Washington St.
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

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BY: .....

#0605-025-108

4/2/2020

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APR 06 2020
BY_____

Gabe J. Schell, PE
City Engineer
Bismarck, ND

Gabe,
I am the owner of 1233 South Washington st. which is in the proposed Street improvement District No.531 Unit8. Please accept this as my protest to this project. I am not protesting the project, i am protesting to the manner in which this project will be paid. It is not equitable for the residents of this area to be liable for 100% of this project. Washington st. is a Major artery and would dare guess that most residents of Bismarck use this street. Bismarck has several of these streets and feel that they all should be looked as main arteries and the maintenance should be prorated and paid for by the entire cities residents. Residents living of these streets should pay their fair share. These streets are not unlike the Event Center, Airport, Court House, Police station , Landfill or another public facilities . WE as the public have access and use all of the facilities. There are many streets within the city that the majority of our residents have never driven or been on. Please revisit the expense breakout on this project on others throughout our city

Thank You

Jim D. Helphrey
2924 Edgewood Square
Bismarck, NN 58503

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Chuck Huber (your name)
4619 Blue Spruce Rd - 58503 (your address) - OWN 1213-1215 S. Washington ST
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Chuck Huber
(signature)

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BY: .....

0605-025-120

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

TERRI MILLER (your name)
1545 S WASHINGTON ST (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Terri L Miller
(signature)

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BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th Street
Bismarck, ND 58506

March 21, 2020

Reference:
Robert J. Webster
1529 S. Washington Street
Bismarck, ND 58504
S1531 Unit 8

To Whom It May Concern:

I am submitting this Protest Letter on or before the deadline of 5 pm, April 8, 2020. I protest the street improvement project S1531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street. Many hundreds or even thousands of drivers from other properties benefit much more greatly as an overall percentage of drivers on the street.

Respectfully,

Robert J. Webster

Robert J. Webster
P. O. Box 9358
The Woodlands, TX 77387
281-682-1487

RECEIVED
MAR 30 2020
BY: .....

#0605-036-092

February 10, 2020

To: City of Bismarck, Fiscal Services Office, Bismarck, ND 58501

Re: Street Improvement Project, SI 531, Unit 8

I am writing in protest of the street improvement project of Unit 8. I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, I am submitting my protest for the following reasons:

1) Special Assessments are applicable to those properties that receive special benefits from the improvement. It is clear that the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit. Clearly this does not meet the criteria of Special Assessment. The vast majority of that street serves the 96% of other property owners using the main arterial street who then attribute a much larger burden of wear and tear on Washington Street.
2) We are retired and handicapped on a limited budget. A lot of the residents are retired as well and go south for the winter months. Why would this unit be singled out, when Washington Street is the main road of travel for all the housing developments in the area surrounding Washington Street? This street is traveled on a daily basis by not just the residents but others as well. There are thousands of people or companies using this street such as those attending a church across from our residence, parents taking children to a school nearby or daycare, school buses, Bismarck Transit/Cat Bus, large commercial trucks due to the ongoing construction in south Bismarck as well as snow removal by the City.
3) In addition, if water and sewer lines are being repaired or replaced, it would benefit all of south Bismarck whose water and sewer lines ultimately connect to the main water and sewer on our street. Not just the immediate adjacent property owners on Washington Street Unit 8, who are to carry the complete tax burden. Therefore, it should be adjusted accordingly to be proportionate. Not the 43% of the cost to those only on Unit 8.

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BY: PSCM

#0605-030-097

It is also my understanding that they want to make Washington Street a two lane left turn lane rather than a four lane street by leaving enough room on the side for a bike trail. From what I see there are not that many bicycles on our street to warrant this addition. Presently bicycles are utilizing the sidewalks which I feel is sufficient. Changing to a two lane would only slow down the traffic which is already over congested. Also who will be responsible for the cost of this project and the maintenance?

Lastly the street lights in this area are deplorable. It is so dark in the area, we miss our own driveway not to mention those who want to visit us. They took our street light down 4 to 5 months ago. After numerous calls to the city, we gave up....yet we are still paying for the street lights every month! Again we are paying for something that we don't have. There are Group homes on our block and elderly that may need emergency health services. They will be unable to see addresses which is very dangerous due to time restraints getting an ambulance to the correct address in a timely manner for a medical emergency. This is of a great concern to not only our family but others in the neighborhood.

Dean Miller

Dean Miller

Carolyn Miller

Carolyn Miller

1523 South Washington Street

Bismarck, ND 58504 (SI531, Unit 8)

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Rooney Hansen (your name)
1433- E. Washington (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

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BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Mitchel Tjaden (your name)
1439 S Washington St (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

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BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

STEVE CUNNINGHAM (your name)
1501 S WASHINGTON (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

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APR 0 6 2020
BY: .....

FEB. 4, 2020

James Christianson

1669 Cologne Dr.

Bismarck, ND

SI531, Unit 8

I am writing to protest the proposed street improvement project of unit 8. Living next to S. Washington ST it is obvious there would be way more residents benefiting from the repair. How would any of the residents living to the west of me benefit any less, they use the same road as much as I do. While speaking to various neighbors about this proposal I realize I'm not the only one that thinks this is a ridiculous assessment, even the neighbors not included on the map say they use Washington as much as we do. Anyway I am hoping you can take another look at this assessment and make it fair for all who benefit from it, after all it is a main arterial road.

Sincerely,

James Christianson

#0609-002-035

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FEB 19 2020
BY: FSCAL

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Paul Klemetson (your name)
1675 Cologne Dr (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Paul Klemetson
(signature)

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BY: .....

February 18, 2020

Engineering Department

City of Bismarck

221 N Fifth St., PO Box 5503

Bismarck, ND 58506-5503

RE: Proposed Special Assessment to my property located at 1681 Cologne Drive shown on Exhibit 4 to be within Unit 8 of Street Improvement District 531.

Dear Sirs:

I am writing this letter to protest the Street Improvement Project of Unit 8. In obtaining information from the city, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million or 43% project specific to Unit 8. My protest is based upon the following reasons outlined below:

1. A special assessment is applicable when applied to those properties which receive a special benefit from the improvements. As outlined in the series of points below it is very clear the 92 or so private taxable properties are being asked to incur 43% of the cost in Unit 8 and are only receiving a maximum of 2.7% of the street's benefit.

a. In a 2017 report from the US Department of Transportation, labeled EXHIBIT 1, on the page numbered as 9, the average U.S. household has 1.8 vehicles. On the page numbered 13 of that exhibit, you will note the average daily trips per U.S. vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars/household X 2.7 trips/day =4.86 trips/household/day).

b. EXHIBIT 2, also from the USDOT further explains that a trip is defined as travel from any one point to another within a day (24 hr. period) These trips are not restricted to those to-and-from the home but a measure of ALL tips in that 24-hr. day.

c. Using the data from the U.S. DOT report the approximately 92 households in Unit 8 would account for only about 460 trips/day.

d. Comparatively, in EXHIBIT 3, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (at the intersection of S. Washington and Bismarck Expressway) to a low of 9255 on the south end (S. Washington and Billings Ave.) Assuming a Bismarck annual dwelling unit growth of 6% from 2017-2019, the annual traffic count can be estimated to have grown by at least 18% - or to 23,676 and 10, 291 respectively for a daily average of 17, 299. With this in mind the 92 property owners in Unit 8 will be responsible for 43% of the cost yet they are only

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responsible for a maximum of 2.7% of the street's daily use (460 daily trips versus the 17,299 daily trips estimated value). AS DEMONSRTRATED, THE MUCH LARGER TRAFFIC VOLUMES FROM OUTSIDE UNIT 8 PROPERTIES REPRESENTS A MUCH LARGER PROBLEM THAT BEING 97.3% PROPORTION OF THE WEAR AND TEAR ON S. WASHINGTON STREET VERSUS THE PROPERTIES WITHIN UNIT 8.

e. The Bis-Man MPO classifies S. Washington Street as a major ARTERIAL street providing service to almost all of southwest and south-central Bismarck. As the traffic counts indicate the vast majority of drivers using Washington street, 97.3% are from outside of Unit 8.

f. Upon reviewing the city's policy titled "BASIS OF SPECIAL ASSESSMENTS" the previously stated information falls in line with the outlined policy for SPECIAL ASSESSMENT DISTRICTS which states in paragraph 4, page 1 "**The following policy is the basis for special assessments when the public improvement is petitioned by a developer or initiated by the city".** Further the policy states the following:
Section 2, Arterial Streets, Subsection a - New Pavement/Reconstruction –
**Bullet point 2 states "District boundaries are drawn to include properties that benefit from the improvement (direct benefit) and properties in the area half-way to the next north-south or east-west assessed arterial street (secondary benefit)".**
Subsection b – Resurfacing, patch, level, mill & overlay, seal coat, concrete pavement repair - **Bullet Point 2 states: "Boundaries are drawn to include properties that benefit from the improvement",**

g. My final point for consideration is that you should follow the City's written policy regarding special assessment for an ARTERIAL STREET such as south Washington. In addition to following the policy perhaps an area bounded on the east by Washington St, on the south by the flood drainage ditch, on the west by all properties within the city limits and on the north by Bismarck Expressway should be contained in Unit 8. All of the properties contained in this suggested area use Washington street in one manner or another almost daily! In addition, numerous property owners south and west of Washington not within the city limits also use this main arterial street daily.

h. Only one property on the west side of Unit 8 derives any direct benefit, that being a Lutheran Church. About 30 properties, made up mostly of twin homes, on the east boundary of Unit 8 derive a direct shared access to south Washington street.

My final comments relate to my location of 1681 Cologne Drive - Repair, replacement and maintenance of Washington Street is of minimal benefit to my property as access to my street is onto Cologne Drive (the backline of my lot abuts Washington) Because my lot abuts 2 streets I am subject to special assessments twice as often an property owners with only one property line abutting a street. Additionally, my water and sewer connections for my house come from Cologne Drive so again I would not benefit from a change or repair of such on Washington Street.

Thank you for the opportunity to provide my comments for your consideration regarding Special Improvement District 531, Unit 8 proposed Special Assessment for 1681 Cologne Drive.

Sincerely,

Curtis L. Blohm

Curtis L. Blohm

Owner, 1681 Cologne Drive

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Curt & Anika Schaff (your name)
1687 Cologne Drive (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Anika Schaff
Curt Schaff
(signature)

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BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

James H. Borg (your name)
312 Augsburg (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

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BY: .....

Sincerely,

James H. Borg
(signature)

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Gary Swift
(your name)
1723 Cologne Dr.
(your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Gary Swift
(signature)

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APR 0 6 2020
BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Jeri Jill Monson (your name)
1717 Cologne Dr. (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Jeri J Monson
(signature)

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BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Denver Jensen (your name)
313 Augsburg ave (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

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APR 0 6 2020
BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Lori Hushka Jim Sahr (your name)

105 W Wachter Ave (your address)

Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Lori Hushka Jim Sahr

(signature)

RECEIVED
APR 0 6 2020
BY: .....

February 16,2020

Ed and Sue Stroh
107 W Wachter Ave
Bismarck, North Dakota 58504

SI531 Unit 8

RE: Protest of the Unit 8 street improvement funding proposal

We are writing this letter to protest the street improvement project of Unit 8. Although we feel street improvements may be necessary, the proposed special assessments for these improvements are unfairly and disproportionately penalizing households that border south Washington Street as outlined in your Unit 8 boundary map. This application of the Special Assessment financing for Unit 8 is in direct contradiction to the City Special Assessment policy which states:

"Special Assessment is the method the City of Bismarck (the City) uses to pay for public improvements that affect benefiting properties. Improvements in the public right-of-way and dedicated public easements funded by a developer are considered public improvements if they meet the City's design standards. The costs of the improvement are allocated to the parcels/lots that benefit from these improvements."

You don't need to be inundated with statistics on traffic flow to prove that the benefits of improvements to south Washington benefit many more households than simply the 98 or so households outlined in your Unit 8 boundary map. You only need to apply common sense to realize that residents' particularly west of south Washington street all benefit equally from Washington street improvements, especially since there are no other traffic options to get to Expressway from the south, other than Washington street. Granted there may be a few drivers that opt to go up 3rd street, etc. but that still requires them to at the very least cross south Washington street.

To imply, by your application of the Special Assessment to a limited number of households that border south Washington street, that our residents somehow benefit more than our neighbor and any other household to the east or west of our residence from this improvement project, is at the very least absurd and clearly unsubstantiated.

It is for the reasons stated above that we are protesting the Unit 8 street improvement project.

Thank you for your consideration in this matter.

Ed Stroh

Susan Stroh

# 0609-006-020

RECEIVED
FEB 18 2020
BY: FISCAL

February 19, 2020

To: Whom It May Concern,

From: Linda L. Hausche, 1447 Eastwood, Bismarck, 58504

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BY: FISCAL

Bismarck, ND
SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the city, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, I am submitting my protest for the following reasons:

1) A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

- In a 2017 report from the US Dept of Transportation, labeled **Exhibit 1**, on the page numbered as 9, the average U.S. household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per U.S. vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars per household x 2.7 trips per day = 4.86 trips per household per day).
- **Exhibit 2**, also from the US Dept of Transportation, further explains that a trip is defined as travel from <u>any one point to another</u> within a day (24 hour period). These trips are not restricted to those to-and-from the home - it is a measure of ALL trips (i.e., including those from work to daycare which would count as one trip; from daycare to the grocery store is another trip; from the grocery store to the gas station is another trip; etc).
- As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (i.e., the trips from work to daycare, etc.), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day).
- Comparatively, in **Exhibit 3**, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (the intersection of Washington St. and Bismarck Expressway) to a low of 9,255 on the south end (Washington Street and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017-2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost yet they are only responsible for a maximum of 2.7% of the street's daily use (460 daily trips vs. the 17,299 daily trip estimated average). As demonstrated, <u>the much larger traffic volume from **outside** Unit 8 properties represents a much larger problem - a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.</u>
- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan. 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, sought "<u>feedback from our South Bismarck</u>

#0990 - 002-002

residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street - 97.3% of drivers from outside of Unit 8 to be exact.

2) As noted on the water and sewer mockup in **Exhibit 5**, my home at has water and sewer lines connecting to the main lines on not to Washington Street. Therefore, any water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street - just like mine - which also connects to the water and sewer lines on Washington Street.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

Sincerely,

Linda L. Hauck

I do not use Washington St. and do not have direct access to it.
I have lived here for 30 years. I have always paid my taxes and specials.
Personally, I think it is ridiculous that you would want to have me pay specials on Washington Street. I just or am still paying my specials for Eastwood.
I might have to sell my home if you charge me double specials.
This is wrong! I am retired and on a fixed income as are many residents in the area!

FEB 9-2020
KEVIN MURSCHEL
1449 EASTWOOD ST

Bismarck, ND
SI531, Unit 8

RECEIVED
FEB 12 2020
BY: FISCAL

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the city, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, I am submitting my protest for the following reasons:

1) A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

- In a 2017 report from the US Dept of Transportation, labeled **Exhibit 1**, on the page numbered as 9, the average U.S. household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per U.S. vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars per household x 2.7 trips per day = 4.86 trips per household per day).
- **Exhibit 2**, also from the US Dept of Transportation, further explains that a trip is defined as travel from <u>any one point to another</u> within a day (24 hour period). These trips are not restricted to those to-and-from the home - it is a measure of ALL trips (i.e., including those from work to daycare which would count as one trip; from daycare to the grocery store is another trip; from the grocery store to the gas station is another trip; etc).
- As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (i.e., the trips from work to daycare, etc.), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day).
- Comparatively, in **Exhibit 3**, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (the intersection of Washington St. and Bismarck Expressway) to a low of 9,255 on the south end (Washington Street and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017-2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost yet they are only responsible for a maximum of 2.7% of the street's daily use (460 daily trips vs. the 17,299 daily trip estimated average). As demonstrated, <u>the much larger traffic volume from **outside** Unit 8 properties represents a much larger problem - a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.</u>
- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan. 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, sought "<u>feedback from our South Bismarck</u>

#0990-002-003

residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street - 97.3% of drivers from outside of Unit 8 to be exact.

2) As noted on the water and sewer mockup in **Exhibit 5**, my home at 1449 has water and sewer lines connecting to the main lines on Eastwood not to Washington Street. Therefore, any water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street - just like mine - which also connects to the water and sewer lines on Washington Street.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

Sincerely, KEOIN MORSCHEL

Keo Morschel

2-9-20

February 12, 2020

Cecilia Deichert
1451 Eastwood Street
Bismarck ND 58504

Cecelia Deichert
1451 Eastwood St.
Bismarck, ND 58504

"51531, Unit 8"

I protest street improvement project for above.

Signed,
Cecilia Deichert

#0990-002-004

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FEB 13 2020
BY_____

February 14, 2020

Janitda Muller
1453 Eastwood St
Bismarck, ND 58504
SI531, Unit 8

I am writing to protest the proposed costs to Unit 8 regarding the recently announced street improvement project. In requesting additional information from the city, our neighborhood has learned property owners will be responsible for an estimated $640,000 of the proposed $1.5M cost.

A special assessment is warranted when applied to those properties receiving unique benefits from the improvements. There are fewer than 100 private taxable properties proposed to incur 43% of the cost in Unit 8. These homeowners stand to receive less than three percent of the street's benefit. Note, in particular, the included exhibits as summarized here:

- Exhibit 1: 2017 US DOT report provides an average of five vehicular trips per day per household
- Exhibit 2: Continues US DOT estimations of household vehicular trips, leading to a conclusion that fewer than 500 daily trips are associated with Unit 8 residents
- Exhibit 3: 2016 Bismarck traffic map detailing 97.3% of Washington Street use is by those from outside of Unit 8
- Exhibit 4: Recent online post by a city commissioner reinforcing that Washington Street's use is intended for a larger portion of the city than Unit 8

The proposed main water and sewer replacement portion of the project will similarly unfairly place a burden on Unit 8 homeowners. For example, my address, 1453 Eastwood Street, connects to lines on Eastwood Street and not directly to the Washington Street system. My home will benefit no more from that portion of the project than any others in adjacent areas of the city.

Infrastructure improvements are important, and I appreciate the intent to maintain and improve the city's systems. Please recognize that a 43% portion of special assessments attributed to Unit 8 property owners is disproportional in this project. Your careful reconsideration to correct this project's funding plan is needed and will be appreciated.

Sincerely,

Janitda Muller

Janitda Muller
701-770-1140

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FEB 19 2020
BY: FISCAL

#0990-002-005

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Shirel Zillier (your name)
1557 S. Washington St. (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Shirel Zillier
(signature)

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APR 0 6 2020
BY: .....

February 9, 2020

Lisa Miller
1622 Portland Dr.
Bismarck, ND 58504
SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the city, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, I am submitting my protest for the following reasons:

1. A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street benefits.

   - In a 2017 report from the US Dept of Transportation, labeled Exhibit 1 on the page numbered as 9, the average U.S. Household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per US vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars x 2.7 trips per day = 4.86 trips per household per day).
   - Exhibit 2, also from the US Dept of Transportation, further explains that a trip is defined as travel from any one point to another with a day (24 hr period). These trips are not restricted to those to-and-from the home – it is a measure of ALL trips (ie including those from work to daycare which would count as one trip, from daycare to the grocery store is another trip, from the grocery store to the gas station is another trip, etc)
   - As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (ie, the trips from work to daycare, etc), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day. )
   - Comparatively, in Exhibit 3, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (intersection of Washington St. and Bismarck Expressway) to a low of 9,255 on the south end (Washington and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017 – 2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost, yet they are only responsible for a maximum of 2.7% of the street's daily use (460 daily trips vs the 17,299 daily trip estimated average.) As demonstrated, <u>the much larger traffic volume from **outside** Unit 8 properties represents a much larger problem – a 97.3% proportion of the wear and tear on the street vs the properties within Unit 8.</u>
   - In Exhibit 4, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan. 15, 2020, in official capacity as Bismarck city

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BY: FISCAL

commissioner using his city commissioner (non-personal) designated Facebook page, sought "feedback from our South Bismarck residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south "Washington Street as a main arterial road from which a multiple of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street – 97.3% of drivers from outside of Unit 8 to be exact.

2. As noted on the water and sewer mockup in Exhibit 5, my home at 1622 Portland Dr has water and sewer lines connecting to the main lines on Portland Dr. – not to Washington Street. Therefore, any water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street – just like mine – which also connects to the water and sewer lines on Washington Street.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties, like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street, and like, mine, which also do not connect directly to Washington Street directly from my home. Lastly, my home, like many others in Unit 8 doesn't even have direct access to Washington Street.

Sincerely,

Lisa Miller

Lisa Miller

February 11, 2020

James A. Maier
1628 Portland Dr.
Bismarck, ND 58504
SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the city, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, I am submitting my protest for the following reasons:

1. A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street benefits.

   - In a 2017 report from the US Dept of Transportation, labeled Exhibit 1 on the page numbered as 9, the average U.S. Household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per US vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars x 2.7 trips per day = 4.86 trips per household per day).
   - Exhibit 2, also from the US Dept of Transportation, further explains that a trip is defined as travel from any one point to another with a day (24 hr period). These trips are not restricted to those to-and-from the home – it is a measure of ALL trips (ie including those from work to daycare which would count as one trip, from daycare to the grocery store is another trip, from the grocery store to the gas station is another trip, etc)
   - As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (ie, the trips from work to daycare, etc), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day. )
   - Comparatively, in Exhibit 3, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (intersection of Washington St. and Bismarck Expressway) to a low of 9,255 on the south end (Washington and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017 – 2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost, yet they are only responsible for a maximum of 2.7% of the street's daily use (460 daily trips vs the 17,299 daily trip estimated average.) As demonstrated, <u>the much larger traffic volume from **outside** Unit 8 properties represents a much larger problem – a 97.3% proportion of the wear and tear on the street vs the properties within Unit 8.</u>
   - In Exhibit 4, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan. 15, 2020, in official capacity as Bismarck city

#1030-007-030

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FEB 11 2020
BY: FISCAL

commissioner using his city commissioner (non-personal) designated Facebook page, sought "feedback from our South Bismarck residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south "Washington Street as a main arterial road from which a multiple of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street – 97.3% of drivers from outside of Unit 8 to be exact.

2. As noted on the water and sewer mockup in Exhibit 5, my home at 1628 Portland Dr has water and sewer lines connecting to the main lines on Portland Dr. – not to Washington Street. Therefore, any water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street – just like mine – which also connects to the water and sewer lines on Washington Street.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties, like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street, and like, mine, which also do not connect directly to Washington Street directly from my home. Lastly, my home, like many others in Unit 8 doesn't even have direct access to Washington Street.

Sincerely,

James A. Maier 2-11-20

James A. Maier

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

David Thompson (your name)
1634 Portland Dr (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

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APR 0 6 2020
BY: .....

Justin & Michelle Dever
1646 Portland Drive
Bismarck, ND 58504
701.220.0185
justin.dever@gmail.com
February 19, 2020

Finance Department
City of Bismarck
221 N 5th St.
Bismarck, ND 58501

To Whom it Concerns:

We are writing to protest Street Improvement District No. 531, Unit 8. We object to the inclusion of property in this district that would not receive a special benefit from the improvement. Specifically, property which is located on another street and has its backyard on Washington Street. For example, there are approximately 75 homes on Portland Drive that would equally benefit from improved road conditions on Washington Street, yet only 6 of those homes are subject to the assessments under SI531, Unit 8.

Also, Washington Street is a major thoroughfare in Bismarck, and the clear majority of those that drive regularly on this section of roadway are not subject to the special assessment. Our family rarely drives on the section of South Washington Street that borders our property, yet we're being asked to pay more for this project than those that use it every day.

For the above reasons, we would respectively ask that my property, 1646 Portland Drive, be excluded from SI531, Unit 8. Barring that possibility, we formally protest the Street Improvement District No 531, Unit 8.

Thank you for your time and consideration.

Sincerely,

Justin Dever Michelle Dever

Justin & Michelle Dever

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FEB 20 2020
BY: FISCAL

#1030-007-045

February 17, 2020

Steve and Francine Johnson
1652 Portland Drive
Bismarck, ND 58504
SI531, Unit 8

We are writing this letter to protest the street improvement project of Unit 8. In reviewing additional information provided by a neighbor and other concerned citizens, we learned property owners will be responsible for an estimated $640,000 (43%) of a proposed $1.5 million project specific to Unit 8. As such, we are submitting this letter of protest.

It is our understanding that a special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a fractional benefit of the street's benefits.

While our backyard butts up against Washington Street, we don't have vehicular access to Washington. Thus, for our exit and entrance to our property, we use Portland Drive, which was subject to a special assessment in 2019, to Reno and then Third Street to the northern part of the city. While we don't dispute that Washington Street is probably in need of repair, it appears logical that residents occupying the homes and numerous apartment complexes south of Wachter Avenue aren't incurring their respective share even though they in all likelihood use Washington Street multiple times daily. In short, being assessed a disproportionate share of a special assessment just because our property adjoins the street being repaired defies logic. How are we directly benefiting from the improvement when we don't even have access to Washington Street off our property at 1652 Portland Drive?

In addition, our home has water and sewer lines connecting to the main lines on Portland Drive, not on Washington Street. Therefore, any water and sewer work on Washington Street will bring no greater benefit to our home than it will to any and all other homes in south Bismarck whose water and sewer lines on their property first connect to the mainlines on their street which also then connect to the water and sewer lines on Washington Street.

In conclusion, the city's use of a special assessment placing 43% of the cost of the street and water and sewer lines associated with the Washington Street improvement project on the property owners in Unit 8 is a grossly disproportionate burden on those properties relative to the large number of users from the general public who undoubtedly use Washington Street far more often than we do.

Sincerely,

Francine Johnson

Steve and Francine Johnson

#1030-007-050

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FEB 18 2020
BY: FISCAL

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Craig Allery (your name)
100 E. Wachter Ave (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

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APR 0 6 2020
BY: .....

NE Dakota District of Wesleyan Church

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

111 E. Wachter Ave. & 1814 Oakland Dr.

Cornerstone Community Church (your name)
111 East Wachter Ave (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

Pastor Keith Ritchie
Church 701-222-3649 Cell 701-391-5308

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APR 06 2020
BY:

155 #127 Stuttgart

J + S. Apts inc.

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

STEVEN JACOBSON (your name)
155 Stuttgart Dr. #7 (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

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APR 0 6 2020
BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Jon : Johnna Roehrl (your name)
1922 Oakland Drive (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Johnna Roehrl
(signature)

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APR 0 6 2020
BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Brandy Fredrickson (your name)
1928 Oakland Dr (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Brandy Fredrickson
(signature)

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APR 0 6 2020
BY: .....

February 8, 2020

Dennis and Susan Grueneich
1936 Oakland Drive
Bismarck, ND 58504
SI5321, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. I have learned that properties will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such I am submitting my protest for the following reasons:

(1) A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the following bullet points, it is clear to me that the 92 or so private taxable properties are being proposed to incur 43% of the cost in Unit 8 and only receive a maximum of 2.7% of the street's benefit.

* Looking at Exhibits 1,page 9 and 13, Exhibit 2 and Exhibit 3, you will see the average house hold has 1.8 vehicles, with daily trips per vehicle is 2.7. This makes the average per day for Unit 8, with 92 households of only 460 trips(2.7%) per day out of the 20,065 trips, North end and 9,255 trips(97.3%) on the South end per day of Washington Street.

* In other words why are 92 property owners, in Unit 8, responsible for 43% of the cost when they are only responsible for 2.7% of the streets daily use?

(2) Also my home, on 1936 Oakland Drive, has water and sewer lines connecting to the main line on Oakland Drive - not to Washington Street, so there is no benefit to me, but it would certainly benefit any and all homes farther South of my location, that ultimately connect to the main line, on Washington Street.

In conclusion, the city's use of special assessment on the property owners, in Unit 8, incurring 43% of the cost of the street improvement is a disproportionate burden on those properties relative to the larger volume of users from the general public, that use it every day, to get to and from there homes South of us, off Washington Street. We have traffic driving on Washington Street from 5:30 AM, in the morning, to 2:00 AM, the following morning, at 45 miles per hour or faster every day and night. Let them pay their fair share, not Unit 8.

Sincerely,

Dennis Grueneich

Dennis Grueneich

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FEB 1 1 2020
BY: FISCAL

#1215-001-020

February 16, 2020

RECEIVED
FEB 18 2020
BY: FISCAL

Garry and Janice Fuhrman
1944 Oakland Drive
Bismarck, ND 58504
SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the city, I learned property owners will be responsible for an estimated $640,000.00 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, I am submitting my protest for the following reasons:

1.) A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the streets benefit.

- In a 2017 report from the US Dept of Transportation, labeled **Exhibit 1**, on the page numbered as 9, the average U.S. household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per U.S. vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars per household x 2.7 trips per day = 4.86 trips per household per day).
- **Exhibit 2**, also from the US Dept of Transportation, further explains that a trip is defined as travel from <u>any one point to another</u> within a day (24 hour period). These trips are not restricted to those to-and-from the home – it is a measure of ALL trips (i.e., including those from work to daycare which would count as one trip; from daycare to the grocery store is another trip; from the grocery store to the gas station is another trip; etc.).
- As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (i.e., the trips from work to daycare, etc.), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day).
- Comparatively, in **Exhibit 3,** the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (the intersection of Washington Street and Bismarck Expressway) to a low of 9,255 on the south end (Washington Street and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017-2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost yet they are only responsible for a maximum of 2.7% of the streets daily use (460 daily trips vs. the 17,299 daily trips estimated average). As demonstrated, <u>the much larger traffic volume from **outside** Unit 8 properties represents a much larger problem – a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.</u>
- In **Exhibit 4,** regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan. 15, 2020, in official capacity as Bismarck City Commissioner using his City Commissioner (non-personal) designated Facebook page, sought "<u>feedback from our south Bismarck residents"</u> regarding the lane change proposal. His callout for feedback on that portion of the street from among <u>all residents who reside in south Bismarck</u> clearly classified south Washington Street as a main arterial road from which <u>a multitude of</u> south Bismarck residents benefit far beyond the limited number of properties included in Unit 8 to be exact.

#1215- 001-025

2.) Our home at 1944 Oakland Drive has water and sewer lines connecting to the main lines on Oakland Drive – not to Washington Street. Therefore, any water and sewer work on Washington Street will bring no greater benefit to my home.

In conclusion, the city's use of special assessment of the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect to Washington Street directly from my home.

Sincerely,

Garry Fuhrman
Janice Fuhrman

Garry Fuhrman
Janice Fuhrman

February 16, 2020

Rafael and Jordyn Blasquez
1952 Oakland Drive
Bismarck, ND 58504
SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the city, I learned property owners will be responsible for an estimated $640,000.00 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, I am submitting my protest for the following reasons:

1) A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the streets benefit.

- In a 2017 report from the US Dept of Transportation, labeled **Exhibit 1**, on the page numbered as 9, the average U.S. household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per U.S. vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars per household x 2.7 trips per day = 4.86 trips per household per day).
- **Exhibit 2**, also from the US Dept of Transportation, further explains that a trip is defined as travel from <u>any one point to another</u> within a day (24 hour period). These trips are not restricted to those to-and-from the home – it is a measure of ALL trips (i.e., including those from work to daycare which would count as one trip; from daycare to the grocery store is another trip; from the grocery store to the gas station is another trip; etc.).
- As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (i.e., the trips from work to daycare, etc.), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day).
- Comparatively, in **Exhibit 3**, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (the intersection of Washington Street and Bismarck Expressway) to a low of 9,255 on the south end (Washington Street and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017-2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost yet they are only responsible for a maximum of 2.7% of the streets daily use (460 daily trips vs. the 17,299 daily trips estimated average). As demonstrated, <u>the much larger traffic volume from outside Unit 8 properties represents a much larger problem – a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.</u>
- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan. 15, 2020, in official capacity as Bismarck City Commissioner using his City Commissioner (non-personal) designated Facebook page, sought "<u>feedback from our south Bismarck residents</u>" regarding the lane change proposal. His callout for feedback on that portion of the street from among <u>all residents who reside in south Bismarck</u> clearly classified south Washington Street as a main arterial road from which <u>a multitude of</u> south Bismarck residents benefit far beyond the limited number of properties included in Unit 8 to be exact.

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FEB 20 2020
BY: FISCAL

#1215-001-030

2) Our home at 1952 Oakland Drive has water and sewer lines connecting to the main lines on Oakland Drive – not to Washington Street. Therefore, any water and sewer work on Washington Street will bring no greater benefit to my home.

In conclusion, the city's use of special assessment of the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect to Washington Street directly from my home.

Sincerely,
Rafael Blasquez
Jordyn Blasquez

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Steven A. Hanson (your name)
1960 Oakland Drive (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

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APR 0 6 2020
BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Wilbert Geldacker (your name)
1976 Oak Landing (your address)
Bismarck, ND 58504
SI531 Unit 8

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Wilbert Geldacker
(signature)

RECEIVED
APR 0 6 2020
BY: .....

February 9, 2020

David A. and Yvonne Becker
1999 Billings Drive
Bismarck, ND 58504
S1531, Unit 8

Subject: Letter of Protest

We are writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the city, we learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8. As such, we are submitting our protest for the following reasons:

1) A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

    - In a 2017 report from the US Department of Transportation, labeled **Exhibit 1**, on the page number as 9, the average U.S. household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per U.S. vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cares to household x 2.7 trips per day = 4.86 trips per household per day).

    - **Exhibit 2**, also from the US Department of Transportation, further explains that a trip is defined as travel from <u>any one point to another</u> within a day (24-hour period). These trips are not restricted to those to-and-from the home – it is a measure of ALL trips (i.e. including those from work to daycare which would count as one trepid; from daycare to the grocery store is another trip; from the grocery store to the gas station is another trip; etc.).

    - As such, even when not accounting for the average daily trips that aren't on south Washington Street (i.e., the trips from work to daycare, etc.), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day).

#12115-084-001

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FEB 10 2020
BY: FISCAL

- Comparatively, in **Exhibit 3**, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (the intersection of Washington St. and Bismarck Expressway) to a low of 9,255 on the south end (Washington Street and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017-2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost yet they are only responsible for a maximum of 2.7% of the street's daily use (460 daily trips vs. the 17,299 daily trip estimated average). As demonstrated, the much larger traffic volume from **outside** Unit 8 properties represents a much larger problem – a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.

- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Sawn Oban, on January 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, south "feedback from our South Bismarck residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside on Unit 8 benefit from the street – 97.3% of drivers from outside of Unit 8 to be exact.

2) As noted on the water and sewer mockup in **Exhibit 5**, my home at 1999 Billings Drive has water and sewer lines connecting to the main lines on Billings Drive – not to Washington Street. Therefore, any water and sewer work on Washington Street will bring no greater benefit to our home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street – just like mine – which also connects to the water and sewer lines on Washington Street.

3) This past summer a portion of Billings and Oakland Drive underwent repair. Our property (i.e. driveway) has direct access to Billings Drive, therefore we have been advised of an assessment, however we have yet to receive the exact assessment amount and itemized statement of charges for our property for this work. To add this grossly disproportionate burden to our property while not receiving direct benefit (i.e. driveway is on Billings Drive, not Washington), is an undue burden for our property address.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

Sincerely,

David A. Becker  Yvonne K. Becker

February 15, 2020

Lillian Krance

207 West Denver Avenue

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

Certain properties like mine have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

As such, I submit my protest.

Sincerely,

Lil Krance

Lillian Krance

NOT LISTED AS HOMEOWNER

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FEB 18 2020
BY: FISCAL

#0605-025-006

February 15, 2020

Kevin Seidel

1205 S. Washington Street

Bismarck, ND 58504

SI531, Unit 8

I am writing this letter to protest the street improvement project of Unit 8. In requesting additional information from the City, I learned property owners will be responsible for an estimated $640,000 of a proposed $1.5 million, or 43%, project specific to Unit 8.

A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. It is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

The City's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. Certain properties like mine have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street.

As such, I submit my protest.

Sincerely,

Kevin Seidel

NOT LISTED AS HOMEOWNER

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FEB 18 2020
BY: FISCAL

#0605-025-015

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

ED STROH (your name)
107 W WALNUT AVE (your address)
Bismarck, ND 58504
SI531 Unit 8

DUPLICATE

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

(signature)

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APR 0 6 2020
BY: .....

City of Bismarck
City-County Building
Fiscal Services Office
221 N. 5th St.
Bismarck, ND 58506

Mary Schwede (your name)
1249 S. Washington (your address)
Bismarck, ND 58504
SI531 Unit 8

DUPLICATE

To whom it may concern,

I am submitting this protest letter on or before the deadline of 5 p.m., April 8, 2020.

I protest the street improvement project SI531 Unit 8 because this project places an unfair burden on the property owners whose properties merely touch Washington Street vs. the many hundreds or thousands of drivers from other properties who benefit much more greatly as an overall percentage of drivers on the street.

Sincerely,

Mary Schwede
(signature)

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APR 0 6 2020
BY: .....

Feb. 17, 2020

DUPLICATE

Ryan Otto
316 W. Reno Ave
Bismarck, ND 58504 S1531, Unit 8

To Whom It May Concern:

I am writing this letter to protest the street improvement project of Unit 8. As such, I am submitting my protest for the following reasons:

1. A special assessment is applicable when applied to those properties which receive a special benefit from the improvement. As outlined in the next series of bullet points, it is clear the 92 or so private taxable properties who are being proposed to incur 43% of the cost in Unit 8 are only receiving a maximum of 2.7% of the street's benefit.

    - In a 2017 report from the US Dept. of Transportation, labeled **Exhibit 1**, on the page numbered as 9, the average U.S. household has 1.8 vehicles. On the page numbered 13 of that exhibit, you'll also note the average daily trips per U.S. Vehicle is 2.7. This means the average household completes about 5 trips per day (1.8 cars per household x 2.7 trips per day = 4.86 trips per household per day).
    - **Exhibit 2**, also from the US Dept. of transportation, further explains that a trip is defined as travel from <u>any one point to another</u> within a day (24 hour period). These trips are not restricted to those to-and-from the home – it is a measure of ALL trips (i.e., including those from work to daycare which would count as one trip; from daycare to the grocery store is another trip; from the grocery store to the gas station is another trip; etc.)
    - As such, even when not accounting for the average daily trips that <u>aren't</u> on south Washington Street (i.e., the trips from work to daycare, etc.), the maximum total average of daily trips from homes in Unit 8 is therefore a maximum of 460 (92 households x 5 trips per day = 460 trips per day).
    - Comparatively, in Exhibit 3, the city's traffic volume map data from 2016 shows daily traffic that year varied from a high of 20,065 on the north end (the intersection of Washington St. and Bismarck Expressway) to a low of 9,255 on the south end (the intersection of Washington St and Billings). Accounting for Bismarck annual dwelling unit growth of 6% from 2017-2019, the annual traffic counts can be estimated to have grown by at least an additional 18% - or to 23,676 and 10,291, respectively, or 17,299 as an average between those two. In other words, the 92 property owners in Unit 8 will be responsible for 43% of the cost yet they are only responsible for a maximum of 2.7% of the street's daily use (460 daily trips vs. the 17,299 daily trip estimated average). As demonstrated<u>, the much larger traffic volume from outside Unit 8 properties represents</u>

a much larger problem – a 97.3% proportion of the wear and tear on the street vs. the properties within Unit 8.

- In **Exhibit 4**, regarding a recent lane change proposal the city introduced for south Washington Street, Shawn Oban, on Jan 15, 2020, in official capacity as Bismarck city commissioner using his city commissioner (non-personal) designated Facebook page, sought "feedback from our South Bismarck residents" regarding the lane change proposal. His callout for feedback on that portion of the street from among all residents who reside in south Bismarck clearly classified south Washington Street as a main arterial road from which a multitude of south Bismarck residents benefit far beyond the limited number of properties included in Unit 8. In fact, as demonstrated and substantiated with the traffic counts, a vastly largely proportion of drivers outside of Unit 8 benefit from the street – 97% of drivers from outside of Unit 8 to be exact.

2. As noted on the water and sewer mockup in **Exhibit 5**, my home at **316 W. Reno Ave.** has water and sewer lines connecting to the main lines on **Easy Street** – not to Washington Street. Therefore, as water and sewer work on Washington Street will bring no greater benefit to my home than it would to any and all other homes in south Bismarck whose water and sewer lines on their properties first connect to the main lines on their street – just like mine – which also connects to the water and sewer lines on Washington Street.

In conclusion, the city's use of special assessment on the property owners in Unit 8 incurring 43% of the cost of the street improvement is a grossly disproportionate burden on those properties relative to the large volume of users from the general public. In addition, certain properties like mine also have no greater benefit to the water and sewer line work that may be performed on Washington Street than any other property owner in south Bismarck who is also served by their water and sewer lines that ultimately connect to the water and sewer lines on south Washington Street and, like mine, which also do not connect directly to Washington Street directly from my home.

Sincerely,

Ryan Otto

City of Bismarck
City – County Building
Fiscal Service Office
Bismarck, ND 58506
bisengd@bismarcknd.gov

House of Prayer Lutheran Church
1470 S. Washington Street
Bismarck, ND 58504
Project # SI 531 Unit 8

To whom it my concern,

It has been brought to our attention; a meeting is to be held, April 14, 2020 to reopen planning on the S1531 Unit 8, Street Construction Repair, sewer and asphalt. Our intention of this letter is not to protest the project, as we know that the improvements will be a benefit to the city and residence, but rather to state our concerns with the impact of the project.

We are greatly concerned of how we are going to pay for the new Special Assessments when we already have been paying on the last repair since 2017. We currently have a balance of $10,807.31. We understand that this project assessment period will not begin this year but it will have a large impact on our church's finances as the two special assessment will be overlapping compounding the strain on our church.

With the current economic impact due to the Covid19 pandemic our ministry has had to close its doors to the community not knowing when we can reopen. We are doing everything we can think of to keep our ministry alive in the community outside of our building but the impact we feel will be long lasting. We have already seen a decrease in funding due to this and we need to be mindful of future expenditures.

We would like the City Engineering Department to consider alternative funding mechanisms that could help the property owners to spread the cost out more. South Washington St. is such a high traffic zone that we feel this needs to be addressed as a main arterial road project. The other recommendation would be to postpone this project to spread out the mounting specials and let the dust settle from the impacts of the pandemic.

Thank you for taking the time to hear our concerns. We appreciate all that you do for the city.

Sincerely yours,

Keith Zhorela
House of Prayer - Treasurer
701-214-8964

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APR 0 8 2020
BY: .....

April 7, 2020

RECEIVED
APR 08 2020
BY

Mr. Gabe J. Schell, P.E.

Bismarck City Engineer

Engineering Department

P.O. Box 5503

Bismarck, ND 58506-5503

DUPLICATE

RE: Written Testimony

April 14, 2020 Commission Meeting

Special Improvement District 531

Special Assessment UNIT 8

Dear Mr. Schell,

I am submitting the following written testimony for the Public Hearing pertaining to Special Improvement District 531, specifically UNIT 8. I AM HOPEFUL THAT YOU AND THE COMMISSIONERS WILL READ MY TESTIMONY WITH AN OPEN MIND AS IT RELATES TO A **MAJOR ARTERIAL STREET, THAT BEING WASHINGTON STREET**. I HAVE SENT SIMILAR INFORMATION TO EACH OF THE COMMISSIONERS FOR THEIR REVIEW.

**MY NAME IS CURTIS BLOHM. I RESIDE AT 1681 COLOGNE DRIVE WHICH IS ONE OF THE PROPERTIES LOCATED WITHIN PROPOSED UNIT 8 OF SPECIAL IMPROVEMENT DISTRICT 531. UNIT 8 EMCOMPASSES A PORTION OF WASHINGTON STREET FROM THE INTERSECTION AT BISMARCK EXPRESSWAY ON THE NORTH AND THE DRAINAGE DITCH ON THE SOUTH SHOWN ON ATTACHMENT "A".**

**I AM AGAINST THE SPECIAL ASSESSMENT FOR MY PROPERTY AS PROPOSED.**

BECAUSE OF THE BOUNDARIES OF UNIT 8 I AM ASSUMING THAT THE PERSONNEL THAT DREW UP THIS UNIT CONSIDERED WASHINGTON STREET AS A LOCAL OR NEIGHBORHOOD STREET. I BELIEVE THIS TO BE A GROSS ERROR BY THOSE STAFF PEOPLE.

THE BIS-MAN MPO AND THE CITY OF BISMARCK HAVE DESIGNATED WASHINGTON STREET AN "ARTERIAL STREET". THAT DESIGNATION REQUIRES A DIFFERENT APPROACH TO AN ASSESMENT UNIT ACCORDING TO THE CITY POLICY STATED IN ITS DOCUMENT TITLED "BASIS OF SPECIAL ASSESSMENTS".

UNDER SECTION 2, SUBSECTION a BULLET POINT 2 IT STATES – 'DISTRICT BOUNDARIES ARE DRAWN TO INCLUDE PROPERTIES THAT BENEFIT FROM THE IMPROVEMENT (DIRECT BENEFIT) AND PROPERTIES IN THE AREA HALF-WAY TO THE NEXT NORTH-SOUTH OR EAST-WEST ASSESSED ARTERIAL STREET (SECONDARY BENEFIT). "

SUBSECTION b, BULLET POINT 2 STATES "BOUNDARIES ARE DRAWN TO INCLUDE PROPERTIES THAT BENEFIT FROM THE IMPROVEMENTS". (SEE ATTACHMENT "C")

I DO NOT SEE ANY DIRECT BENEFIT TO MY PROPERTY ON COLOGNE DRIVE AS THE BACKYARD IS THE ONLY PORTION THAT ABUTTS WASHINGTON STREET. ALMOST ALL OF THE PROPERTIES ON THE WEST BOUNDARY OF PROPOSED UNIT 8 SHARE THE SAME WITH ME IN THAT THE BACKYARD IS THE ONLY PORTION ABUTTING WASHINGTON STREET. ADDITIONALLY, APPROXIMATELY 25 OR SO PROPERTIES ON THE EAST BOUNDARY HAVE NO DIRECT ACCESS TO WASHINGTON STREET NOR ANY DIRECT BENEFIT.

MY INTERPRETATION OF THOSE POLICY STATEMENTS TELL ME THAT THE CURRENT BOUNDARIES OF UNIT 8 ARE DRAWN IN CONFLICT WITH THE "BASIS OF SPECIAL ASSESSMENTS" POLICY USED BY THE ENGINEERING AND FINANCE DEPARTMENTS.

THE BOUNDARIES OF ANY SPECIAL ASSESSMENT UNIT FOR THAT PORTION OF WASHINGTON STREET INCLUDED IN PROPOSED UNIT 8 SHOULD BE EXPANDED TO INCLUDE ALL PROPERTIES TO THE WEST OF WASHINGTON AND THOSE APPROXIMATELY HALF-WAY TO THE NEXT

ARTERIAL STREET TO THE EAST WHICH IS UNIVERSITY DRIVE! (REVIEW MY PROPOSED BOUNDARY MAP- ATTACHMENT "B" FOR THE ARTERIAL STREET ASSESSMENT FOR UNIT 8)

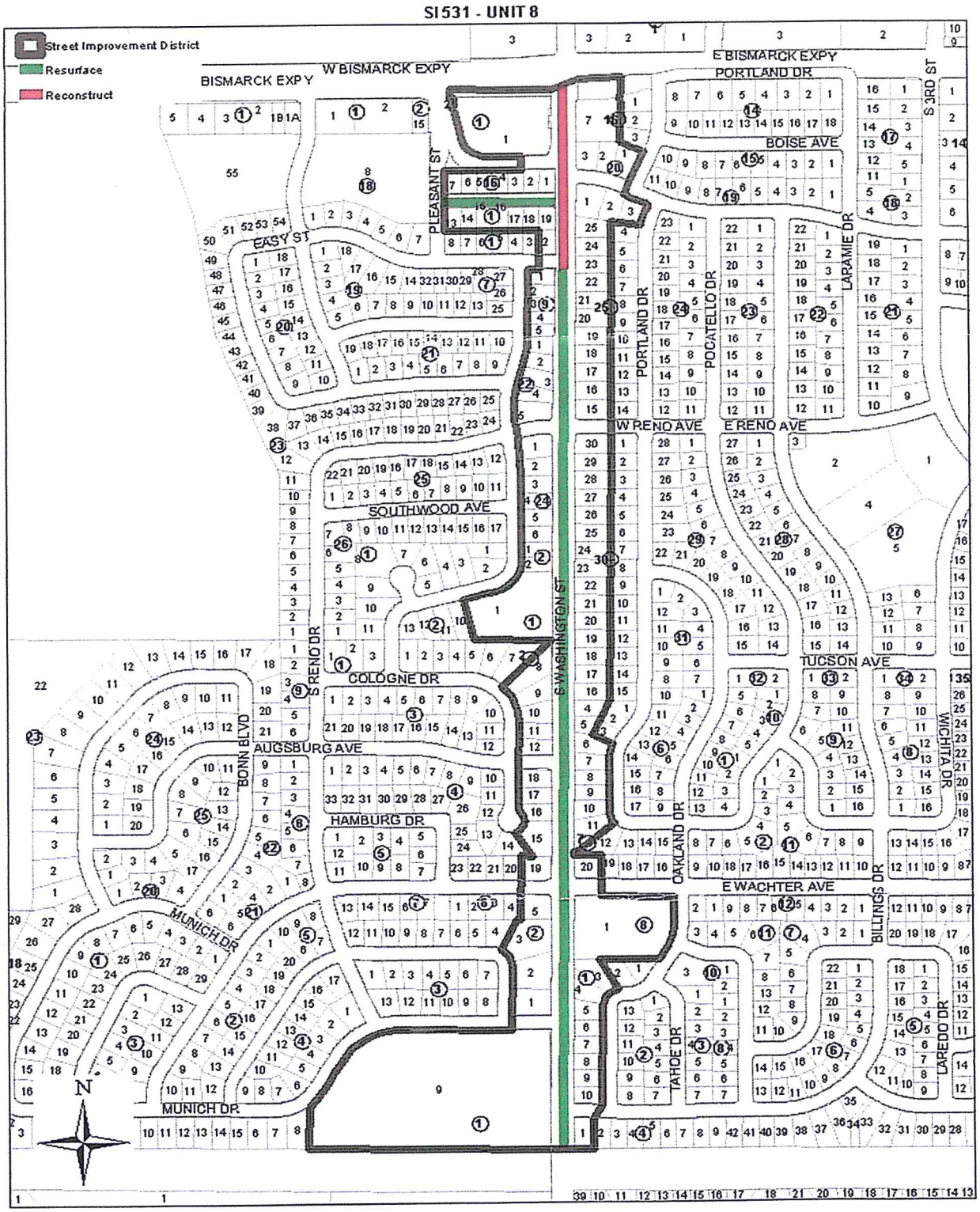
BY THE POLICY STATEMENTS CONTAINED IN THE "BASIS OF SPECIAL ASSESSMENTS" ASSESSMENTS FOR WASHINGTON STREET AS A DESIGNATED ARTERIAL STREET YOU COULD PROBABLY INCLUDE ALL PROPERTIES WITHIN THE CITY LIMITS WEST OF WASHINGTON STREET AND SOUTH TO BURLEIGH AVENUE.

LASTLY, I DON'T LIKE SPECIAL ASSESSMENTS BUT I DO UNDERSTAND THEY ARE A NECESSARY EVIL IF WE ARE TO HAVE GOOD STREETS FOR OUR DAILY TRAVEL. HOWEVER, LET'S BE FAIR AND EQUITABLE WHEN ASSESSING FOR PROJECTS ON DESIGNATED "ARTERIAL STREETS" AND ASSESS A MUCH LARGER AREA (PERHAPS EVEN LARGER THAN I HAVE PROPOSED) THAT INCLUDES A MAJORITY OF THE PROPERTY OWNERS THAT USE WASHINGTON STREET.

SINCE YOU HAVE A POLICY FOR GUIDANCE ON SPECIAL ASSESSMENTS, I SUGGEST THAT YOU AS A COMMISSIONER TAKE A GOOD LOOK AT THE POLICY AS IT RELATES TO ARTERIAL STREETS AND NOT LEAVE IT UP TO THE STAFF PERSONNEL TO CARRY ON AS USUAL. THANK YOU.

Boundary Map

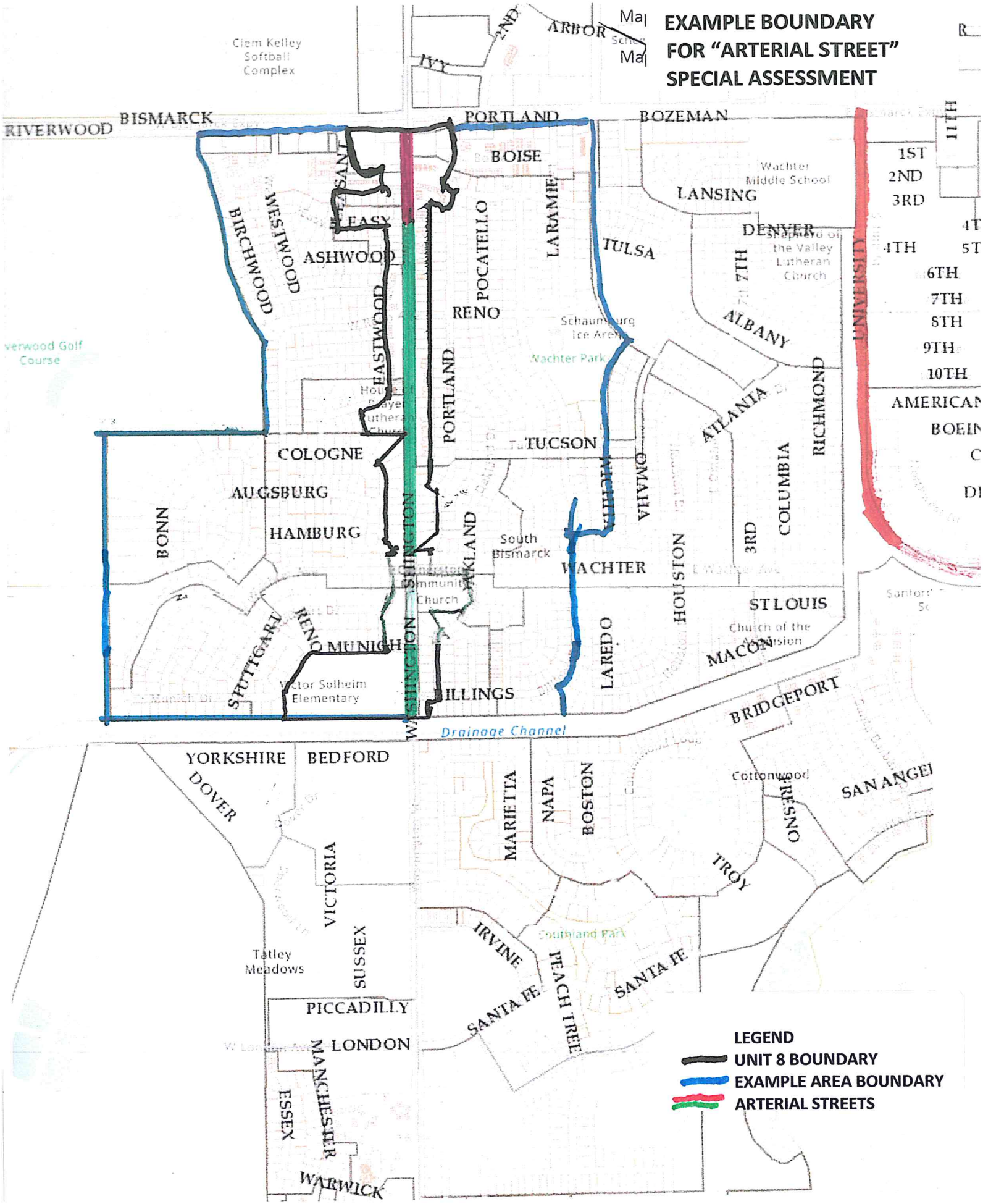
ATTACHMENT "A"




**BOUNDARY MAP**
**UNIT 8**
**SI DISTRICT 531**

ATTACHMENT "B"

**EXAMPLE BOUNDARY FOR "ARTERIAL STREET" SPECIAL ASSESSMENT**



ATTACHMENT "C"

Approval Date: 3/10/2009
Revised: 5/25/10; 2/14/12; 2/12/13; 3/11/14; 12/22/15; 3/8/16; 1/23/18; 1/8/19; 1/14/20

# BASIS OF SPECIAL ASSESSMENTS

Special Assessment is the method the City of Bismarck (the City) uses to pay for public improvements that affect benefiting properties. Improvements in the public right-of-way and dedicated public easements funded by a developer are considered public improvements if they meet the City's design standards. The costs of the improvement are allocated to the parcels/lots that benefit from these improvements.

All properties will be assessed for a local street and proportionate share of an arterial street unless the developer pays the cost of the local street and/or arterial streets under a three-way agreement with the City.

Notification letters are sent to non-petitioning property owners included in a special assessment district. The letters identify the proposed improvement project and provide an estimated cost range of the property assessment. Letters for non-petitioned projects are sent before the project is approved by the City Commission. Letters for petitioned projects are sent to non-petitioning properties after the bids for the project are received.

The following policy is the basis for special assessments when the public improvement is petitioned by a developer or initiated by the City. This policy has been developed in accordance with North Dakota Century Code, Title 40, that relates to municipal government.

## 1. Special Assessment Districts

- **Storm Water**
  - Cost allocation based on parcel/lot square footage.
  - District boundaries are determined by watershed areas.
  - Coulees, detention ponds, and other nondevelopable lots are not assessed for storm water.
  - For regional storm water districts, the Public Works Utility Operations Department assumes the cost for unannexed property via assessment to a City-owned parcel. This cost is held in abeyance and assessed in a continuous district to previously unannexed land when the land is subsequently annexed. This only applies to remaining masterplanned projects in North Washington Street, Carufel's and Tyler Coulee watersheds (see Continuous Districts below).
    - Factor applied to unannexed property shall coincide with the Comprehensive Land Use Plan.

- **Street Lights**
  - Cost allocation is based on a per parcel/lot for residential and square foot for commercial.
  - Boundaries are drawn to include properties that benefit from the improvement.
  - City may consider installing street lights when 50% of lots are either permitted or contain building structures or if transportation safety issues exist.
  - Corner lots only pay a 1/2 street light assessment for each side of the lot.

- **Streets**

1. ***Local & Collector Streets***

*New Pavement/Reconstruction/Resurfacing - patch, level, mill & overlay, seal coat, concrete pavement repair*

- Cost allocation is based on a per parcel/lot for residential and square foot for commercial.
- Boundaries are drawn to include properties that benefit from the improvement.
- Multi-street properties are those with more than one street adjacent to the property. Multi-street properties are assessed based on the street(s) being improved.
  - For residential multi-street properties with two adjacent streets, 1/2 of the assessment is allocated to each street.
  - For residential multi-street properties with three adjacent streets, 1/3 of the assessment is allocated to each street.
  - For commercial multi-street properties, the portion of the adjacent street footage within the district relative to the parcel's total adjacent street footage is allocated.
- In non-commercial parcels/lots with reconstruction/resurfacing, the City assumes cost to construct a street wider than 37 feet and pavement depth greater than local roadway design. Commercial parcels/lots are assessed full width and depth costs.
- City subsidizes 25% for resurfacing projects.
- City subsidizes 70% for reconstruction projects.
- Balance of remaining cost is assessed unless other City resources are identified and approved.

2. ***Arterial Streets***

a. *New Pavement/Reconstruction*

- Cost allocation is based on a per parcel/lot for residential and square foot for commercial.
- District boundaries are drawn to include properties that benefit from the improvement (direct benefit) and properties in the area half-way to the next north-south or east-west assessed arterial street (secondary benefit).
- Direct benefit would be an assessment equivalent to new pavement assessment on a local street plus a share of secondary benefit as all parcels/lots pay for a local street plus a portion of the arterial streets.
- Secondary benefit would be a proportionate amount of the direct benefit.
- Multi-street properties are those with more than one street adjacent to the property. Multi-street properties are assessed based on the street(s) being improved.
  - For residential multi-street properties with two adjacent streets*, 1/2 of the assessment is allocated to each street.
  - For residential multi-street properties with three adjacent streets*, 1/3 of the assessment is allocated to each street.
  - For commercial multi-street properties, the portion of the adjacent street* footage within the district relative to the parcel's total adjacent street* footage is allocated.
- *ND Dept. of Transportation Regional Highways are excluded from multi-street allocations (Effective for all assessment districts confirmed by the City Commission after December 31, 2020).In non-commercial parcels/lots, the City assumes cost to construct a street wider than 37 feet and pavement depth greater than local roadway design. Commercial parcels/lots are assessed full width and depth costs.
- City subsidizes 70% for reconstruction projects.
- Balance of remaining cost is assessed unless other City resources are identified and approved.

b. *Resurfacing - patch, level, mill & overlay, seal coat, concrete pavement repair*

- Cost allocation is based on a per parcel/lot for residential and square foot for commercial.
- Boundaries are drawn to include properties that benefit from the improvement.
- Special Assessments are proportionate with costs for typical local street resurfacing. Generally, arterial streets require resurfacing more frequently than local streets. Lots on arterial streets will have their special assessment adjusted to be proportionate to a local street special assessment.
- Multi-street properties are those with more than one street adjacent to the property. Multi-street properties are assessed based on the street(s) being improved.
  - For residential multi-street properties with two adjacent streets*, 1/2 of the assessment is allocated to each street.
  - For residential multi-street properties with three adjacent streets*, 1/3 of the assessment is allocated to each street.
  - For commercial multi-street properties, the portion of the adjacent street* footage within the district relative to the parcel's total adjacent street* footage is allocated.
  - *ND Dept. of Transportation Regional Highways are excluded from multi-street allocations (Effective for all assessment districts confirmed by the City Commission after December 31, 2020).
- In non-commercial parcels/lots, the City assumes the cost to construct a street wider than 37 feet and thicker than local roadway design. Commercial parcels/lots are assessed full width and depth costs.
- City subsidizes 25% for resurfacing projects.
- Balance of remaining cost is assessed unless other City resources are identified and approved.

3. ***Alleys (public alleys with asphalt or concrete pavement)***
   - The full cost to pave, resurface, or reconstruct public alleys will be assessed proportionately, without subsidy, based on a per parcel/lot for residential property and square foot for commercial property, to properties that either abuts the alley or have access to their property via the public alley.

- **Concrete Curb & Gutter/Sidewalk/Driveways (New and Repairs)**
  - New Pavement/Reconstruction/Resurfacing
    - Sidewalk and Driveways are assessed to individual parcels/lots.
    - Curb and Gutter and ADA Ramps are included as project costs.
  - Owner-Elected Improvement
    - Total costs are assessed directly to individual parcels/lots.

- **Federal/State/Local Aid Projects**
  - Parcels/lots included in Federal/State/Local Aid projects are assessed equivalent to the method used for a local roadway (Refer to Arterial Streets section above).

## 2. Continuous Districts

A. **Regional Trunk Infrastructure Fee (only applied to property annexed prior to Feb 1, 2019, if applicable)**
   - Apply special assessments policy in effect at the time of annexation.

B. **Main Lines Built by City Prior to Annexation (Not over-sized mains) (only applied to property annexed prior to Feb 1, 2019, if applicable)**
   - Apply special assessments policy in effect at the time of annexation.

C. **Storm Water - Regional projects that included unannexed property**
   - Costs held in abeyance are assessed upon annexation of those parcels.
   - Cost allocation is based on parcel/lot square footage of the previous project(s).

D. Rural Road Usage Policy

a. The improvement cost for streets or street lights for property not annexed that benefit from the improvement will be held in abeyance until those properties are annexed to the City in accordance with the City Commission Rural Road Usage Policy.

## 3. Factors

A. The following factors are applied to all special assessment districts, except Continuous Districts:

- Factors applied are:
  Commercial - 2.0; Residential - 1.0
  Agricultural - Factor applied shall coincide with Comprehensive Land Use Plan.
  - Public Park Property - if the property contains a revenue producing facility (i.e. pool), then Commercial - 2.0; otherwise, same application as Residential - 1.0.
  - Schools & Churches - Commercial - 2.0.
- Stormwater Lots - 0.5
  - Stormwater lots are subject only to paving and street lighting assessments on a per parcel/lot residential basis.

## 4. Parcels with Access via Private Drives

- Private drives are named roadways that lead from a public street to more than one property and are owned and maintained by private individuals or organizations rather than the City.
- Commercial properties that gain access to their property from a public street via a private drive are assessed for pavement and street lighting improvements to the public street based on 75% of their lot square footage or adjusted square footage, if applicable.
- Residential properties that access their property from a public street via a private drive are assessed for pavement and street lighting improvements to non-arterial public streets based on 50% of their parcel/lot or adjusted parcel/lot, if applicable.
- Actual costs of concrete repairs to driveway aprons or sidewalk on the private drive will be assessed proportionately to all parcels utilizing the private drive.

## 5. Adjustments

- Adjustments may be made if the literal application of the policies result in an inequitable assessment and to achieve a more equitable assessment.

## 6. Errors or Omissions

- Corrections may be made to existing special assessments if errors or omissions of the applicable policy are determine at the time the error is identified.

## SI 531 Unit 9 - Summary of Written Protests

| Property Owner(s) | Property Address | Square Footage |
|---|---|---|
| ACCEPTED: | | |
| 1 SHEPHERD OF THE VALLEY | 801 E DENVER AVE | 181,110 |
| 2 ZAINHOFSKY, F J & MYRNA | 1207 S 7TH ST | 8,760 |
| NOT ACCEPTED: | | |

| | |
|---|---|
| Total Protested Square Footage | 189,870 |
| Total Unit Square Footage | 2,468,774 |
| Percentage of Protest | 7.69% |
| Total Parcel Count in Unit | 80 |

**Shepherd of the Valley Lutheran Church-LCMS**

February 19, 2020

Finance Department
City of Bismarck
221 N 5th St.
Bismarck, ND 58501

To Whom it May Concern:

I am writing on behalf of Shepherd of the Valley Lutheran Church to protest Street Improvement District No. 531, Unit 9. We were dismayed when we received a letter indicating that Shepherd of the Valley could be responsible for paying as much as $95,900 plus the cost of concrete repairs to our driveway, as part of SI531, Unit 9. Shepherd of the Valley has a relatively small congregation with about 50-60 families attending worship on a weekly basis. As a non-profit church, we rely solely on the generosity of our members and do not have the revenue generation ability of a commercial enterprise.

Shepherd of the Valley is proud to be a part of the Bismarck community and would like to pay its fair share. However, the proposed level of special assessments is simply more than we can afford.

Sincerely,

Justin Dever

Justin Dever
Congregational President
Shepherd of the Valley Lutheran Church

RECEIVED
FEB 20 2020
BY: PSCAL

# 0592-005-001

801 E. Denver Ave. • Bismarck ND 58504 • 701-258-4231 • Fax 701-258-6419 • www.sotv-bis.org

*"I am the good shepherd...And I lay down my life for the sheep." John 10:14-15*

March 22, 2020 1207 S. 7th St.

Re: Street Improvement District # 531
Proposed Street Maintenance Project
Unit 9

RECEIVED
MAR 24 2020
BY

My husband & I submit ~~a protest~~ a No on proposed project.

The same reasons for a no vote cited in the initial meeting of the board still stand. There still remains the possibility of some legistature relief as opposed to special assessments. Special assessments would be a hardship to us @ this time. If assessments are not paid in full, the accure an intrest rate of over 3%. What bank is giving even 3% interest on savings or Money market funds

We are living in very uncertain times & I strongly believe this is not the time to do this improvement to our unit.

Sincerely Yours,
Fred & Myrna Zainhofer

#0592-006-110

# Engineering Department

**DATE:** April 8, 2020

**FROM:** Gabe Schell, City Engineer

**ITEM:** Street Improvement District No. 533

**REQUEST**

Request for Resolution Determining Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 533.

Request for Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for SI 533.

Please place this item on the 4/14/2020 City Commission meeting agenda.

**BACKGROUND INFORMATION**

Street Improvement District No. 533 consists of one (1) unit of concrete pavement repair including full and partial depth pavement repairs, curb and gutter, driveways, ADA curb ramps, sealing and related work. The overall length of this project is approximately 4131 lineal feet.

The Resolution of Necessity was published in the newspaper on January 20, 2020 and January 27, 2020 at the board's request. Letters were sent to property owners on or before January 20, 2020. At the board's request on March 3, 2020 the Resolution of Necessity was published in the newspaper on March 9, 2020 and March 16, 2020. Letters were sent to property owners notifying them that the protest period was open until April 8, 2020 and all previous protests would be honored. The summary of protest received are attached.

Three bids were received on April 7, 2020 for SI 533. The engineer's estimate was $820,570.70 and the low bid of $789,944.10 was received from Knife River Corporation. The bid summary and project budget are attached.

Unit No. 1

Washington Street – Rosser Avenue to 295' north of Ingals Avenue
Memorial Highway –Hannifin Street to Washington Street
Front Avenue – Washington Street to Mandan Street

Project Schedule

| | |
|---|---|
| Protest Period Ended: | April 8, 2020 |
| Receipt and Opening of Bids: | April 7, 2020 |
| Public Reading of Insufficiency of Protest: | April 14, 2020 |
| Award of Bid: | April 14, 2020 |
| Project Completion: | Fall 2020 |

**RECOMMENDED CITY COMMISSION ACTION**

Resolution Determining Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 533 for which staff may proceed with the project for those units not protested out.

Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for SI 533.

Resolution Awarding Contract for SI 533 to Knife River Corporation in the amount $789,944.10.

**STAFF CONTACT INFORMATION**

Linda Oster, PE, Design & Construction Engineer, 355-1505, loster@bismarcknd.gov

**BID TABULATION**
**FOR**
**STREET IMPROVEMENT DISTRICT NO. 533**

April 7, 2020

**ENGINEER'S ESTIMATE:** $820,570.70

| BIDDER | BOND | LICENSE | ADDENDUM | SIGNATURE | AMOUNT |
|---|---|---|---|---|---|
| Knife River | X | X | X | X | $789,944.10 |
| Northern Improvement Company | X | X | X | X | $898,804.10 |
| Strata Corp | X | X | X | X | $907,510.45 |
| | | | | | |
| | | | | | |

# PROJECT BUDGET

| Number | SI 533 | Description | Si 533 Concrete Pavement Repair |
|---|---|---|---|

| Scheduled Start | 5/1/2020 | Scheduled End | 10/1/2020 |
|---|---|---|---|

## Project Contracts

| Project Construction Contracts | | | Amount |
|---|---|---|---|
| Knife River Corporation | | | 789,944.10 |
| Subtotal | | | 789,944.10 |
| Contingencies | | 10% | 78,994.41 |
| | **Total Construction Contracts** | | 868,938.51 |

| Other Contracts, Land Purchases, Etc. | Contract No. | | Amount |
|---|---|---|---|
| NA | | | |
| Subtotal | | | - |
| *Contingencies | | 10% | - |
| | **Total Other Contracts** | | - |

| Work by Other City Departments | | | Amount |
|---|---|---|---|
| Signs | | | 10,000.00 |
| Subtotal | | | 10,000.00 |
| *Contingencies | | 10% | 1,000.00 |
| | **Total Work by Other City Departments** | | 11,000.00 |

## SUMMARY

| | |
|---|---|
| **Construction Cost - No Contingencies** | **799,944.10** |
| **TOTAL CONSTRUCTION COST WITH CONTINGENCIES** | 879,938.51 |
| Engineering | 88,408.95 |
| Administration | 13,534.73 |
| Advertising and Legal | 13,534.73 |
| Interest During Construction | 20,302.09 |
| **SI 533 TOTAL PROJECT COST** | **1,015,719.01** |

| Project Funding | Amount |
|---|---|
| Special Assessments | 672,147.79 |
| Sales Tax & Spec Def | 343,571.22 |
| **Total Funding** | 1,015,719.01 |

## SI 533 Unit 1 - Summary of Written Protests

| Property Owner(s) | Property Address | Square Footage |
|---|---|---|
| ACCEPTED: | | |
| 1 WASHINGTON STREET LLC | 207 S WASHINGTON ST | 19,137 |
| 2 WASHINGTON SWEET SIGN LLC | 230 W SWEET AVE | 10,381 |
| NOT ACCEPTED: | | |

| | |
|---|---|
| Total Protested Square Footage | 29,518 |
| Total Unit Square Footage | 508,091 |
| Percentage of Protest | 5.81% |

Total Parcel Count in Unit (Excluding Political Sudivisions) 32

February 20 2020

City of Bismarck
Fiscal Services Dept.
221 N. 5th St
Bismarck, ND 58506

RE: Street Improvement District No. 533, Unit 1
207 S. Washington St.
230 W. Sweet Ave

To whom it may concern:

I am writing to protest SI533, Unit 1. Washington Street serves the City of Bismarck as a major thoroughfare moving vehicles from one part of the city to another. Most of the tens of thousands of cars that pass my properties are not and never will be customers of my business. The cost of this project should be born by more taxpayers than those property holders along the street.

Thank you.

Sincerely,

Howard L. Malloy

#0001-055-031

#0001-055-041

RECEIVED
FEB 20 2020
BY: .....

# City Administration

**DATE:** April 7, 2020

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

**ITEM:** Retail Sale of Alcoholic Beverages - Discussion

## REQUEST

Consider discussion regarding a retail sale of alcoholic beverages.

Please place this item on the April 14, 2020 City Commission meeting agenda.

## BACKGROUND INFORMATION

City staff has been contacted by various restaurants owners/managers in the community requesting consideration to modify the current alcohol licenses to allow for the sale of beer/alcoholic beverages with to-go food orders. Current alcohol licenses do not allow for off-sale beer by establishments other than bars, liquor stores, (Class D license), convenience stores (Class E license), or microbreweries (Class O license). Staff sent an email requesting comments from all the liquor license holders for which we had an e-mail address. That information was provided to you previously and is attached.

Other cities in North Dakota, including Mandan, have taken steps to allow restaurants the sale of sealed cans or bottles of alcoholic beverages to customers taking delivery of prepared food or meals from the restaurant on a “take-out,” “curbside delivery,” or “drive-through” basis. The common action taken by these cities is a moratorium pertaining to the sale of alcoholic beverages. We have attached a schedule of what other cities in North Dakota have done.

## RECOMMENDED CITY COMMISSION ACTION

Consider discussion regarding the retail sale of alcoholic beverages.

## STAFF CONTACT INFORMATION

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

# Exhibit 1 - Dickinson

**RESOLUTION NO. ___12_ - 2020**

**RESOLUTION REGARDING THE MORATORIUM PERTAINING TO THE RETAIL SALE OF ALCOHOLIC BEVERAGES**

**WHEREAS,** The Governor of the State of North Dakota, declared, by executive order of March 19, 2020, that, "[e]ffective at 12:00 p.m., Friday, March 20, all restaurants, bars, breweries, cafes and similar on-site dining establishments are closed to on-sale/on-site patrons; take-out, delivery, curbside, drive-through or off-sale services may continue; this requirement will continue through Monday, April 6, 2020; and

**WHEREAS,** North Dakota cities are authorized to enact or adopt all such ordinances, resolutions, and regulations, not repugnant to the constitution and laws of this state, as may be proper and necessary to carry into effect the powers granted to such [cities] . . . as the general welfare of the municipality may require . . ." including the power "[t]o regulate the use and . . . sale of alcoholic beverages . . ." [N.D.C.C. §40-05-01 subd. 1 and 29]; and

**WHEREAS,** the Dickinson Municipal Code identifies various regulations regarding the sale of alcoholic beverages within City limits; and

**WHEREAS,** It is hereby found and declared that the health, safety and welfare of the City and its occupants will be benefited by providing appropriate means for the delivery of meals, including beverages, to individuals and families that fosters appropriate social distancing for the curbing of the COVID-19 pandemic;

**NOW, THEREFORE, BE IT HEREBY RESOLVED:**

1. MORATORIUM ESTABLISHED. A moratorium is hereby established as to the enforcement within the jurisdictional limits of the City of Dickinson of Article 4 of the Dickinson Municipal Code, as follows:

   a) **On-sales.** As to licensed restaurants within the City of Dickinson that are also licensed for on-sale serving of alcoholic beverages, the sale of sealed cans or bottles of alcoholic beverages including sealed growlers to customers taking delivery of prepared food or meals from the restaurant on a "take-out", "curbside delivery", "drive-through" or employees of said restaurant or by other lawful means of delivery shall be deemed to be "on-sale" service or sale of such beverages. A licensed restaurant must ensure that an employee twenty-one years of age who is server trained checks the identification of any customer utilizing the "take-out" or "curbside deliver" option. Delivery of meals only—without any accompanied sale of alcoholic beverages—may be delivered by agents or 3rd party meal-delivery-services.

      i) For purposes of this moratorium, the definition of the term "on-sale", as set forth in Section 4.04.010 of the Dickinson Municipal Code, limiting the ". . . sale of alcoholic beverages for consumption only on the licensed premises . . ." shall be enforced such that sealed cans or bottles of alcoholic beverages along with such food or meals sold by the restaurant and served or delivered by means of such "take-out", "curbside delivery", "drive-through" or other such lawful means are hereby deemed to have been consumed on the licensed premises so long as said beverages are accompanied by food purchased from the restaurant.

   b) **Drive Thru Sales:** Liquor stores within the City of Dickinson that have existing drive thru windows as of the date of this Resolution shall be allowed to sell of sealed cans or bottles of alcoholic beverages through existing drive thru windows.

2. **City Authorized to Implement by Further Resolution or Resolutions**. The City is hereby authorized to promulgate and issue one or more resolutions as may be necessary to implement and clarify the terms of this moratorium.

3. **Effect of Moratorium – Limitation of Enforcement.** This moratorium as to the enforcement of certain regulations or ordinances of the City shall be serve to instruct, order and limit the police officers and prosecutors of the City or any other law enforcement officers

or agents to refrain from enforcing City Ordinances contrary to the terms hereof and to refrain from charging or citing persons, firms or other entities accordingly and, furthermore, said instruction, order and limitation in enforcement shall survive the termination of this moratorium, whether such termination occurs by lapse of time or by affirmative act.

4. **Effective Date and Term.** This moratorium shall take effect immediately upon the adoption hereof [the "Effective Date"] and shall run concurrently with the Governor's Executive Order dated March 19, 2020 and terminate when the Executive Order terminates. The Board of City Commissioners reserve the right to terminate or extend this Resolution by resolution or motion.

Dated this 26th day of March, 2020.

_____
Scott Decker, President
Board of City Commissioners

ATTEST:

_____
Joseph Gaa
Dickinson City Administrator

**City News Room**

# Fargo City Commission Temporarily Approves To-Go, Delivery & Curbside Beer & Wine Sale During Restaurant Sit-Down Closures

**03/23/2020**

The Fargo City Commission has approved the curbside, to-go sale and delivery of alcohol within Fargo city limits for a period of 30 days beginning Monday, March 23. Proof of age and open container laws are not affected by the temporary policy change and businesses will remain held to a high standard of conduct pertaining responsible service.

Fargo Commissioner Tony Grindberg, the proposer of the temporary policy change, stated “We must support our community’s small businesses, while respecting the advice of health professionals and doing our part to flatten the curve of COVID-19 infections. It is crucial we find creative and responsible methods of bolstering our local economy. The North Dakota Hospitality Association fully supports this temporary policy and continued efforts in support of our small businesses.”

“I have received many calls from the public expressing how important a topic this is to them. A lot of people are looking for ways to help small businesses and allowing curbside and delivery sales of liquor is one way of doing that,” said Fargo City Auditor Steve Sprague.

# Exhibit 3 - Grand Forks

**MAYOR MICHAEL R. BROWN**
**GRAND FORKS, NORTH DAKOTA**

## EMERGENCY ORDER 2020-12

Pursuant to the Declaration of Public Health Emergency dated March 16, 2020 and the authority set forth in Grand Forks City Code Section 2-0301, I, Michael R. Brown, Mayor of the City of Grand Forks, North Dakota, hereby order as follows:

1. The provisions of Grand Forks City Code Section 21-0205 relating to licenses for Class 1 (General On- and Off-Sale Alcoholic Beverages) and Class 4 (Food and Beverage Establishment) are hereby temporarily modified as provided in this Order.

2. The provisions of Grand Forks City Code Section 21-0224 relating to the prohibition of the delivery of alcoholic beverages are hereby temporarily modified as provided in this Order.

3. Class 1 (General On- and Off-Sale Alcoholic Beverage) license holders and Class 4 (Food and Beverage Establishment) license holders may sell alcoholic beverages in the form of mixed drinks or cocktails in sealed bottles or cans to those customers purchasing prepared food or meals at the licensed establishment on a takeout, curbside delivery, or delivery basis as provided in this Order.

4. For purposes of this Order, the definition of the term "on sale" as defined in Chapter XXI, Article 2 of the Grand Forks City Code shall include the sale of mixed drinks or cocktails in sealed bottles or cans when sold with food or meals prepared and sold by the license holder on site and served through the means of "takeout", "curbside delivery" or "delivery". Mixed drinks or cocktails sold in this manner shall be deemed to have been consumed on the licensed premises.

5. The sale of mixed drinks or cocktails under this Order is expressly limited to those customers purchasing prepared food or meals from the licensed establishment.

6. Only employees of the licensed establishment having completed server training may make delivery of any alcoholic beverages authorized under this Order or Emergency Order 2020-8.

7. No third party delivery services or agents are allowed to make delivery of alcoholic beverages authorized under this Order or Emergency Order 2020-8.

8. Individuals making orders for the delivery of alcoholic beverages in the form of mixed drinks or cocktails with prepared food or meals must be over the age of 21.

9. Delivery of sealed bottles or cans of alcoholic beverages in the form of mixed drinks or cocktails under this Order may only be made by an individual over the age of 21.

10. Sealed bottles or cans of alcoholic beverages in the form of mixed drinks or cocktails under this Order may only be delivered to an individual over the age of 21.

11. Delivery of sealed bottles or cans of alcoholic beverages in the form of mixed drinks or cocktails under this Order may occur only between the hours of 11:00 a.m. and 11:00 p.m. daily.

12. As utilized in this Order, the terms "sealed bottles or cans" mean a reusable or single use container or vessel, including what is commonly known as a growler, provided that such container shall not be larger in capacity than 64 US fluid ounces. Such container or vessel shall be corked or sealed by the licensed retailer at the point of sale.

13. This Order does not waive the application of any prohibition under state or local laws regarding open containers.

14. This Order does not waive the application of any prohibition under state or local laws regarding consumption in public parks, public streets or alleys, or other public rights-of-way.

15. The following quantity limits are hereby imposed upon the sale of all alcoholic beverages including wine, beer, spirits or liquors:

    No more than 144 U.S. fluid oz. of beer shall be sold to any single person or in any single transaction.
    No more than 1.5 liters of wine shall be sold to any single person or in any single transaction.
    No more than 64 oz. of any mixed drink or cocktail may be sold to any one person or in any one transaction for takeout, curbside delivery, or delivery.
    No more than one (1) liter of spirits or liquor may be sold to any one person or in one transaction.

16. Businesses offering food and alcoholic beverages under this Emergency Order or Emergency Orders 2020-6 and 2020-8 using takeout or curbside delivery shall use precaution in doing so to mitigate the potential transmission of COVID-19 including social distancing. In offering food and alcoholic beverages subject to this Order, a license holder may permit up to five (5) members of the public at one time in the licensed premises for the purposes of picking up food and alcoholic beverages ordered through takeout or curbside delivery so long as those individuals are at least six (6) feet apart from one another while on the licensed premises.

# Exhibit 3 - Grand Forks

17. All other requirements of Chapter XXI, Article 2 relating to the licensing and sale of alcoholic beverages remain in full force and effect.

18. All terms, provisions and conditions of Emergency Order 2020-6 and/or Emergency Order 2020-8 not amended or modified by the provisions of this Emergency Order shall remain in full force and effect.

19. If any provision of this Order conflict with any of the provisions, terms, and/or conditions of Emergency Order 2020-6 and/or Emergency Order 2020-8, the terms, provisions and conditions of this Emergency Order shall govern.

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of the Order, including the application of such part or provision to other persons or circumstances should not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

This Order shall be effective upon its issuance and continue until modified, suspended or revoked by further order.

Date: 4/3/2020

MICHAEL R. BROWN, Mayor

# Exhibit 4 - Mandan

## RESOLUTION

**WHEREAS,** the City Commission of the City of Mandan has adopted Mandan Code of Ordinances, Article 4-2 pertaining to the retail sale of alcoholic beverages; and

**WHEREAS,** the City Commission of the City of Mandan hereby adopts the following policy pursuant to said Ordinance:

**WHEREAS,** the Mayor has declared a state of emergency as a result of the COVID-19 pandemic, by order and proclamation of March _____, 2020; and,

**WHEREAS,** the Governor of the state of North Dakota, declared, by executive order of March 19, 2020, that "effective at 12:00 p.m., Friday, March 20th, all restaurants, bars, breweries, cafes and similar on-site dining establishments are closed to on-sale/on-site patrons; take-out, delivery, curbside, drive-through or off-sale services may continue; this requirement will continue through Monday, April 6, 2020, which Order was thereafter extended to April 30; and,

**WHEREAS,** the City's "state of emergency" ordinance authorizes the Mayor and City Commission to, among other things, ". . . prohibit or limit the movement of persons or hours of operation of businesses, by curfew or otherwise, within the designated disaster or emergency area, and the occupancy of premises therein" and to ". . . limit or prohibit the sale, dispensing or transportation of alcoholic beverages . . ." ; and,

**WHEREAS,** North Dakota cities are authorized to enact or adopt all such ordinances, resolutions, and regulations, not repugnant to the constitution and laws of this state, as may be proper and necessary to carry into effect the powers granted to such [cities] . . . as the general welfare of the municipality may require . . . "including the power" [t]o regulate the use and sale of alcoholic beverages . . . [N.D.C.C. §40-04-01 subd.1 and 29]; and,

**WHEREAS,** it is hereby found and declared that the health, safety and welfare of the City and its occupants will be benefited by providing appropriate means for the delivery of meals, including beverages, to individuals and families that fosters appropriate social distancing for the curbing of the COVID-19 pandemic;

**NOW, THEREFORE, BE IT HEREBY RESOLVED:**

1. MORATORIUM ESTABLISHED. A moratorium is hereby established as to the enforcement within the jurisdictional limits of the City of Mandan of Section 4-2-4(7)(b) of the Mandan Code of Ordinances, as follows:

a) **On-sales.** As to licensed restaurants within the city of Mandan that are also licensed for on-sale serving of alcoholic beverages, the sale of sealed cans or bottles of alcoholic beverages to customers taking delivery of prepared food or meals from the restaurant on a "take-out", "curbside delivery", "drive-through" or delivery by agents

or employees of said restaurant or by other lawful means of delivery shall be deemed to be "on-sale" service or sale of such beverages.

i) For purposes of this moratorium, the definition of the term "on-sale", as set forth in Section 4-2-4(7)(b) of the Mandan Municipal Code, limited the ". . . sale of alcoholic beverages for consumption only on the licensed premises . . ." shall be enforced such that sealed cans or bottles of alcoholic beverages along with such food or meals sold by the restaurant and served or delivered by means of such "take-out", "curbside delivery", "drive-through" or such lawful means are hereby deemed to have been consumed on the licensed premises so long as said beverages are accompanied by food purchased from the restaurant.

2. **Mayor Authorized to Implement by Further Order or Orders.** The Mayor of the City is hereby authorized to promulgate and issue one or more executive orders as may be necessary to implement and clarify the terms of this moratorium, under the authority of Mandan Code of Ordinances Section 8-1-7 and hereof, which executive orders may be further ratified or amended by the board of city commissioners as may be necessary or appropriate.

3. **Effect of Moratorium – Limitation of Enforcement.** This moratorium as to the enforcement of certain regulations or ordinances of the City shall serve to instruct, order and limit the police officers and prosecutors of the City or any other law enforcement officers or agents to refrain from enforcing City ordinances contrary to the terms hereof and to refrain from charging or citing persons, firms or other entities accordingly and, furthermore, said instruction, order and limitation in enforcement shall survive the termination of this moratorium, whether such termination occurs by lapse of time or by affirmative act.

4. **Effective Date and Term.** This moratorium shall take effect immediately upon the adoption hereof [the "Effective Date"] and shall extend until the _____ day of April, 2020, unless it is otherwise terminated or extended by resolution or motion of the board of city commissioners of the City of Mandan.

Resolution approved the _____ day of April, 2020.

_____

Tim Helbling, Mayor

Attest:

_____

James Neubauer, City Administrator

# Exhibit 5 - Minot

## Form Center

By signing in or creating an account, some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

### Temporary Alcoholic Beverage License Amendment

**Contact Person's Name***

**Email Address***

**Phone Number***

**License # (B18XXX)**

**Licensee (This is your LLC, Inc. Name)***

**DBA (This is the name of your business)***

**Current License Type***

- Specialty Restaurant Beer & Wine License
- Specialty Restaurant Beer License
- Supper Club

**Requested License Type***

- Retail Beer & Wine
- Retail Beer

**Will there be any changes to your premises?***

-- Select One --

**If changing your premises, attach a sketch**

Choose File No file chosen

**Date in which your license will revert back to your present license**

mm/dd/yyyy

This temporary license can be effective for up to 40 days.

☑ Receive an email copy of this form.

**Email address**

This field is not part of the form submission.

Select Language

* indicates a required field

Select Language ▼

| | |
|---|---|
| **From:** | Al Hauck |
| **To:** | Whitnie Olsen |
| **Subject:** | Al Hauck Off Sale |
| **Date:** | Tuesday, March 24, 2020 4:10:13 PM |
| **Attachments:** | image001.gif<br>image004.jpg |

---

Thanks for the update, I do have a quick question.

We have a class F-1 license, what are my options for takeout and delivery of Beer?

I have heard some restaurants and got a 30-day license to do so, what does that entail?

Minot??

**Al Hauck**
President - Owner
**Buffalo Wings & Rings**
**THE BETTER BUFFALO**
**BWR-ND Operations, LLC**
Minot – Bismarck – West Fargo
701-340-3930

**From:** Allan Fuller
**To:** Whitnie Olsen
**Subject:** Re: Attention Liquor License Holders
**Date:** Tuesday, March 24, 2020 2:32:23 PM

---

Whitnie,  I am not really sure if this would help, it may or may not. as of today our busyness is virtually at a standstill, temporary delivery would put another tool in out tool box.
These are uncertain and uncharted times for me as a winery for 15 years. I am willing to try anything that is permissible!

Thank you for your concern.
Allan Fuller
% Vintner's Cellar Winery

Sent from Outlook

---

**From:** Whitnie Olsen <wolsen@bismarcknd.gov>
**Sent:** Tuesday, March 24, 2020 7:23 PM
**Subject:** Attention Liquor License Holders

Dear liquor license holder:

There have been requests from restaurant license holders in Bismarck to sell off-sale beer, wine and liquor. Fargo has not changed their law but they are not enforcing some of the liquor license ordinances for 30 days. In Bismarck, Class D and E licenses along with microbrewery and winery licenses can continue selling off-sale as well as limited delivery under the current ordinance in Bismarck under Governor Burgum's restriction for on-site dining.

Please provide your response to these issues in an email directly to Whitnie at wolsen@bismarcknd.gov, and we will compile them for the Commission. If possible, please provide your response no later than 8am CT Thursday, March 26th. We can forward the comments to the Commission for their direction.

Thank you,

Jannelle Combs
Bismarck City Attorney
221 N 5th Street
PO Box 5503
Bismarck, ND 58506-5503
701-355-1342
jcombs@bismarcknd.gov

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---

Virus-free. www.avast.com

**From:** Jack Humble
**To:** Whitnie Olsen
**Subject:** Re: Attention Liquor License Holders
**Date:** Monday, March 30, 2020 1:00:48 PM

---

Good Afternoon,

Was it approved for restaurants allowed to sell off-sale liquor?

Thank you and have a great day!
Allison Humble
Jack's Steakhouse

On Tue, Mar 24, 2020, 2:23 PM Whitnie Olsen <wolsen@bismarcknd.gov> wrote:

> Dear liquor license holder:
>
> There have been requests from restaurant license holders in Bismarck to sell off-sale beer, wine and liquor. Fargo has not changed their law but they are not enforcing some of the liquor license ordinances for 30 days. In Bismarck, Class D and E licenses along with microbrewery and winery licenses can continue selling off-sale as well as limited delivery under the current ordinance in Bismarck under Governor Burgum's restriction for on-site dining.
>
> Please provide your response to these issues in an email directly to Whitnie at wolsen@bismarcknd.gov, and we will compile them for the Commission. If possible, please provide your response no later than 8am CT Thursday, March 26th. We can forward the comments to the Commission for their direction.
>
> Thank you,
>
> Jannelle Combs
>
> Bismarck City Attorney
>
> 221 N 5th Street
>
> PO Box 5503

Bismarck, ND 58506-5503

701-355-1342

jcombs@bismarcknd.gov

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| | |
|---|---|
| **From:** | Casey Clement |
| **To:** | Melissa Berger; Whitnie Olsen |
| **Cc:** | Don Clement; "sooner@midco.net" |
| **Subject:** | RE: Horizon Market, LLC 125 Durango Drive Bismarck, ND 58504 |
| **Date:** | Friday, March 27, 2020 9:10:42 AM |

We are interested in utilizing the drive-thru to sell beer because we are contemplating cutting our in-store ours. It is our understanding this is the only item in our store that is not allowed to be sold through our drive-thru.

Thanks,

Casey Clement

Horizon Market, LLC
3250 Rock Island Place Suite 4
Bismarck ND 58504
Office: 701-425-0615
Cell: 480-721-9057

---

**From:** Melissa Berger <melissa@creekoil.com>
**Sent:** Friday, March 27, 2020 8:53 AM
**To:** wolsen@bismarcknd.gov
**Cc:** Don Clement <don@creekoil.com>; Casey Clement <casey@creekoil.com>; 'sooner@midco.net' <sooner@midco.net>
**Subject:** Horizon Market, LLC 125 Durango Drive Bismarck, ND 58504

Horizon Market and its' owners are wondering if we would be able to sell beer through our drive-thru? We are a Class D license for off sale beer only.

Thanks.

**Melissa Berger**
**Creek Oilfield Services, LLC**
**3250 Rock Island Place Suite 4**
**Bismarck, ND 58504**
**701-425-0615**

| | |
|---|---|
| **From:** | Darren Newborg |
| **To:** | Whitnie Olsen |
| **Subject:** | Darren Newborg Off-sale sales |
| **Date:** | Tuesday, March 24, 2020 4:25:31 PM |

---

Hello Whitney,

We operate a restaurant business in Bismarck and would love the opportunity to be able to sell wine and beer off-sale. Please let me know if you need any other information.

Sincerley,

Darren Newborg

**From:** Jason Frank
**To:** Whitnie Olsen
**Subject:** Re: Attention Liquor License Holders
**Date:** Tuesday, March 24, 2020 5:30:55 PM

---

Whitnie,

I'm wondering since we are shut down and have zero income coming in, if the city would consider us class D liquor holders the right to sell off sale to 18 and up?
Maybe we could cook and make pick up meals from our homes and sell them from our garages? (I'm sure all the local food places would love that)
Maybe us class D holders can do deliveries and sell alcohol from our homes so people don't have to drive so far?

SOUNDS ABSOLUTELY ABSURD CORRECT ?

I'm being passive aggressive and I apologize for that, but the law is the law...period! We all are hurting! I don't think it is fair to let just anyone sell off sale or for anyone to change a law .

Where does a stop???

Jason Frank
Elbow Room

Sent from my iPhone

On Mar 24, 2020, at 2:23 PM, Whitnie Olsen <wolsen@bismarcknd.gov> wrote:

Dear liquor license holder:

There have been requests from restaurant license holders in Bismarck to sell off-sale beer, wine and liquor. Fargo has not changed their law but they are not enforcing some of the liquor license ordinances for 30 days. In Bismarck, Class D and E licenses along with microbrewery and winery licenses can continue selling off-sale as well as limited delivery under the current ordinance in Bismarck under Governor Burgum's restriction for on-site dining.

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Thank you,

Jannelle Combs

Bismarck City Attorney
221 N 5th Street
PO Box 5503
Bismarck, ND 58506-5503
701-355-1342
jcombs@bismarcknd.gov

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| | |
|---|---|
| **From:** | Jason Tomanek |
| **To:** | Jannelle Combs; Whitnie Olsen; Keith Hunke |
| **Subject:** | Jill Sanford FW: Growlers |
| **Date:** | Tuesday, March 24, 2020 11:09:59 AM |

---

**Jason Tomanek**
Assistant City Administrator
**City of Bismarck | Administration Department**
221 North 5th Street
PO Box 5503
Bismarck, ND 58506-5503
701.355.1300 - Department
701.355.1302 - Direct
www.bismarcknd.gov

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**please consider the environment before printing this e-mail**

**From:** Jill Sanford <sanford.jill@gmail.com>
**Sent:** Tuesday, March 24, 2020 11:06 AM
**To:** Jason Tomanek <jtomanek@bismarcknd.gov>; Shawn Sanford <shawnsanford84@yahoo.com>
**Subject:** Growlers

Hello Jason,

Shawn Sanford is cc'd on this email. He is the beer and wine manager at The Walrus.

I just got off the phone with Steve Bakken. He told me he was going to call you and I said that I would also email you. He is most certainly seeking you for answers on how this could work. I am inquiring about loosening the restrictions on growlers. I see Fargo and Minot have done some sort of work to help these bars. I am not familiar with the particulars.
Jason, we have about 10,000 sitting in coolers of keg beer.
It would be such a relief to sell what we have in inventory.
Shawn is far more likely to be able to answer any questions you may have.

I wont speak for Steve but he didnt seem to hate the idea.

Thank you sir!

| | |
|---|---|
| **From:** | Kenny Howard |
| **To:** | Whitnie Olsen |
| **Subject:** | Restaurant "off sale" |
| **Date:** | Tuesday, March 24, 2020 2:46:18 PM |

---

Hi Whitnie,

We feel that following Fargo's suit makes sense for Bismarck. By allowing our customers to also purchase unopened beer and wine from us we can prevent them from making a secondary stop, thereby reducing the number of people they come into contact with. The boost to sales speaks for itself, which would also allow us to generate more revenue as business reduces dramatically.

Best regards,
Kenny Howard
Owner, Fireflour Pizza (I-2 License Holder)
Owner, Anima Cucina (I-2 License Holder)

**From:** kerry@starmarkhospitality.com
**To:** Whitnie Olsen
**Subject:** Kerry Fernholz RE: Attention Liquor License Holders
**Date:** Wednesday, March 25, 2020 9:52:01 AM

---

Hi Whitnie

I think following suit similarly to Fargo makes sense. Any extra sales right now for any of the restaurants is needed. For our store in Fargo it allows us to do some package specials, burger basket & a beer or box of burgers and a 6 pak, for example. Easy for us to do and convenient for the customers.

Thanks

Kerry Fernholz
Iron Horse Saloon / Steel Pony Campground
888 Junction Ave
Sturgis, SD 57785

Cell 701.261.7857

---

**From:** Whitnie Olsen <wolsen@bismarcknd.gov>
**Sent:** Tuesday, March 24, 2020 2:24 PM
**Subject:** Attention Liquor License Holders

Dear liquor license holder:

There have been requests from restaurant license holders in Bismarck to sell off-sale beer, wine and liquor. Fargo has not changed their law but they are not enforcing some of the liquor license ordinances for 30 days. In Bismarck, Class D and E licenses along with microbrewery and winery licenses can continue selling off-sale as well as limited delivery under the current ordinance in Bismarck under Governor Burgum's restriction for on-site dining.

Please provide your response to these issues in an email directly to Whitnie at wolsen@bismarcknd.gov, and we will compile them for the Commission. If possible, please provide your response no later than 8am CT Thursday, March 26th. We can forward the comments to the Commission for their direction.

Thank you,

Jannelle Combs
Bismarck City Attorney
th

221 N 5 Street
PO Box 5503
Bismarck, ND 58506-5503
701-355-1342
jcombs@bismarcknd.gov

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**From:** Kiky Rizky
**To:** Whitnie Olsen
**Subject:** Kiky Rizky Off sale beer, wine and liquor
**Date:** Wednesday, March 25, 2020 8:40:24 PM

---

Hi Whitnie,

Kobe's Japanese Steakhouse would like to see the possibility if we are qualified to sell off sale beer, wine and liquor? If so, is it for temporary under the current ordinance in Bismarck under Govenor Burgum's restriction for on-site dining? or is it entirely up to us?

Please let me know if we could sell an off sale our beer, wine, sake and liquor during the on-site dining restriction.

Thank you!
Sincerely,
Kiky Rizky
General Manager
Kobe’s Japanese Steakhouse and Sushi Bar
915 W Interstate Ave, Bismarck ND 58503
Telp. (701) 751-3088, (701) 751-3866
Direct. (701) 595-4507
Info@kobesrestaurant.com/
http://kobesrestaurant.com/
http://linkedin.com/in/kiky-rizky-8931056a

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| | |
|---|---|
| **From:** | Lisa Thompson |
| **To:** | Whitnie Olsen |
| **Subject:** | Lisa Thompson FW: Attention Liquor License Holders |
| **Date:** | Wednesday, March 25, 2020 8:52:10 AM |
| **Importance:** | High |

---

**From:** Lisa Thompson
**Sent:** Tuesday, March 24, 2020 2:38 PM
**To:** Whitnie Olsen <wolsen@bismarcknd.gov>
**Subject:** RE: Attention Liquor License Holders

Good Afternoon Whitnie,

I am writing on behalf of our Applebee's locations. We have a F-1 full restaurant licenses. Are you stating that we would not be included in the groups allowed to sell off sale because ours is an F-1 class? I am just inquiring because we have had approval from Minot, Fargo, and Williston extending the option to sell off sale as a temporary privilege for whatever time they have indicated to us.

Thanks Whitnie!

Lisa Thompson
Executive Administrative Assistant
Food Management Investors, Inc.

---

**From:** Whitnie Olsen <wolsen@bismarcknd.gov>
**Sent:** Tuesday, March 24, 2020 2:24 PM
**Subject:** Attention Liquor License Holders

EXTERNAL
Dear liquor license holder:

There have been requests from restaurant license holders in Bismarck to sell off-sale beer, wine and liquor. Fargo has not changed their law but they are not enforcing some of the liquor license ordinances for 30 days. In Bismarck, Class D and E licenses along with microbrewery and winery licenses can continue selling off-sale as well as limited delivery under the current ordinance in Bismarck under Governor Burgum's restriction for on-site dining.

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Thank you,

Jannelle Combs
Bismarck City Attorney
221 N 5th Street
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**From:** Mark Fetch
**To:** Whitnie Olsen
**Subject:** Mark Fetch 2 Re: Attention Liquor License Holders
**Date:** Wednesday, March 25, 2020 11:17:12 PM

---

Whitnie,

In short, I am 100% against this. Here are a few of my reasons.

1. The Class D and E off sale business are open and fully stocked. It makes no sense to infringe on them when they are able to do business as usual.
2. If you allow this, class F licenses will continue doing this after the shutdown. Its proven and acknowledged there is no enforcement on them to follow the rules. (55/45 rule, dances and so on)
3. Not enforcing laws? Really? What other laws are the allowed to break? Can they now sell marijuana? Prescription Drugs?
4. Would you allow food trucks to park in front of these restaurants? I'm sure the food truck guys would like to break some of those rules.
5. We are all hurting, The city would be taking from a legally licensed business and giving to a non-licensed business. Horrible precedence.
6. In essence the city is telling me that I just paid them $255,100 for something that I didn't need. Would the city refund that money?
7. The class D license is the most expensive to purchase and to renew. The city constantly tries to infringe on what they sold us. Why is this?

These are just a few of the reasons I have time to list. Dropping something on us like this in a time like this very concerning. Hopefully you can understand we are working very hard at this time trying to keep our employees paid and comforted that things will get better soon. Coming up with the proper response in such a short time is unrealistic.

Further more. I think requests like this need to be public. Who is requesting it. Which commissioners have indicated this is a good ideal. Why would any of this need to be anonymous? The lack of transparency with these issues is causing a great divide. It proved itself out just like when there were a "bunch" of people looking to purchase a new class D, one that we had to hurry up and get out there... only 1 bid!!!

Mark

On Tuesday, March 24, 2020, 02:23:39 PM CDT, Whitnie Olsen <wolsen@bismarcknd.gov> wrote:

Dear liquor license holder:

There have been requests from restaurant license holders in Bismarck to sell off-sale beer, wine and liquor. Fargo has not changed their law but they are not enforcing some of the liquor license ordinances for 30 days. In Bismarck, Class D and E licenses along with microbrewery and winery licenses can continue selling off-sale as well as limited delivery under the current ordinance in Bismarck under Governor Burgum's restriction for on-site dining.

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Thank you,

Jannelle Combs

Bismarck City Attorney

221 N 5th Street

PO Box 5503

Bismarck, ND 58506-5503

701-355-1342

jcombs@bismarcknd.gov

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| | |
|---|---|
| **From:** | Mark Fetch |
| **To:** | Whitnie Olsen |
| **Cc:** | Jannelle Combs |
| **Subject:** | Re: Attention Liquor License Holders |
| **Date:** | Tuesday, March 24, 2020 3:05:28 PM |

---

I'm 100% against it. I think most off sale shops (including every gas station that sells beer) are open at this time. This is no time for the city to come in and under cut those trying their best to stay open. If its time to start changing laws, let Class D deliver and sell curb side. I have put some of my out of work bar employees (from both Main and Luckys) to work in the Liquor Store so they are able to keep an income. I would love to let them deliver and keep putting food on their tables. I can't state this strong enough. BAD IDEAL!!! Bad to even bring this up in these times. Why is every ideal the city comes up with have to do with infringing on Class D licenses?? YOU CHARGE US THE MOST and continually try to under cut us.

There are plenty of Laws I would like to not obey (not paying city taxes) . Allowing this is absolutely irresponsible for any city to allow. Does our city really think its a good ideal not to obey laws?

This will not be my only statement, but this is the best I can compose while trying to be polite after reading this email.

Mark Fetch

On Tuesday, March 24, 2020, 02:23:39 PM CDT, Whitnie Olsen <wolsen@bismarcknd.gov> wrote:

Dear liquor license holder:

There have been requests from restaurant license holders in Bismarck to sell off-sale beer, wine and liquor. Fargo has not changed their law but they are not enforcing some of the liquor license ordinances for 30 days. In Bismarck, Class D and E licenses along with microbrewery and winery licenses can continue selling off-sale as well as limited delivery under the current ordinance in Bismarck under Governor Burgum's restriction for on-site dining.

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| | |
|---|---|
| **From:** | Melissa Berger |
| **To:** | Whitnie Olsen |
| **Cc:** | Don Clement; Casey Clement; "sooner@midco.net" |
| **Subject:** | Horizon Market, LLC 125 Durango Drive Bismarck, ND 58504 |
| **Date:** | Friday, March 27, 2020 8:53:21 AM |

---

Horizon Market and its' owners are wondering if we would be able to sell beer through our drive-thru? We are a Class D license for off sale beer only.

Thanks.

**Melissa Berger**
**Creek Oilfield Services, LLC**
**3250 Rock Island Place Suite 4**
**Bismarck, ND 58504**
**701-425-0615**

| | |
|---|---|
| **From:** | Sarah Wood |
| **To:** | Whitnie Olsen |
| **Subject:** | Olive Garden #1787 - 3400 North 14th St. & LongHorn Steakhouse #5557 - 1070 East Interstate Ave. |
| **Date:** | Wednesday, March 25, 2020 7:40:44 PM |
| **Attachments:** | image003.png |

---

Good Evening Ms. Olsen,

Could you please forward this email along to the commission?

---

Members of the City Commission,

This email is in regards to the above-mentioned restaurants humbly requesting the temporary sale of alcohol using our pick-up and delivery services. We believe that sharing a warm meal with the ones you love can improve morale in these trying times. We desire to continue to serve our communities with the most complete dining experience we can provide. Combining food and beverages provides a great convenience to our guests. By allowing these privileges, you will be providing our restaurants and employees with additional resources to weather this emergency. In addition to benefiting the guest and employees, increasing our sales brings money back to the community and provides a higher revenue for the collecting agency.

Our restaurants take the responsibility that comes with serving alcohol very seriously. Upon approval, the person making the to-go sale or delivering the order will be 21 or older. Also, we will take the necessary steps to ensure that any alcohol sold for pick-up or delivery is handed off only to individuals that have been age verified as 21 or older.

This is an unprecedented situation and we thank you for your consideration in making these temporary modifications within your community. Please let me know if you have any questions.

Thank you,

Sarah C. Wood | Legal Specialist
Darden Restaurants, Inc.
1000 Darden Center Drive Orlando, FL 32837
P 407-245-4841 | F 407-241-6507
swood@darden.com

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**From:** Patrick Koski
**To:** Whitnie Olsen
**Subject:** Re: Attention Liquor License Holders
**Date:** Tuesday, March 24, 2020 2:33:08 PM

---

ABSOLUTELY NOT!

WHEN DOES THE BENDING OVER BACKWARDS END FOR PEOPLE WHO DID WANT TO PONY UP TO BUY THE D'S????

LET THEM KNOW THAT WE HAVE BEEN COMPLETELY SHUT DOWN FOR A WEEK...

On Tue, Mar 24, 2020 at 2:23 PM Whitnie Olsen <wolsen@bismarcknd.gov> wrote:

> Dear liquor license holder:
>
> There have been requests from restaurant license holders in Bismarck to sell off-sale beer, wine and liquor. Fargo has not changed their law but they are not enforcing some of the liquor license ordinances for 30 days. In Bismarck, Class D and E licenses along with microbrewery and winery licenses can continue selling off-sale as well as limited delivery under the current ordinance in Bismarck under Governor Burgum's restriction for on-site dining.
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>
> Thank you,
>
> Jannelle Combs
>
> Bismarck City Attorney
>
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**From:** Rick Becker
**To:** Whitnie Olsen
**Subject:** Re1: Attention Liquor License Holders
**Date:** Tuesday, March 24, 2020 2:43:57 PM

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The liquor licenses are what they are. They should not be messed with for a few weeks while we are having this "crisis". It is not an emergency for somebody to be able to pick up wine and food from the same place.

Sent from my phone

On Mar 24, 2020, at 2:23 PM, Whitnie Olsen <wolsen@bismarcknd.gov> wrote:

Dear liquor license holder:

There have been requests from restaurant license holders in Bismarck to sell off-sale beer, wine and liquor. Fargo has not changed their law but they are not enforcing some of the liquor license ordinances for 30 days. In Bismarck, Class D and E licenses along with microbrewery and winery licenses can continue selling off-sale as well as limited delivery under the current ordinance in Bismarck under Governor Burgum's restriction for on-site dining.

Please provide your response to these issues in an email directly to Whitnie at wolsen@bismarcknd.gov, and we will compile them for the Commission. If possible, please provide your response no later than 8am CT Thursday, March 26th. We can forward the comments to the Commission for their direction.

Thank you,

Jannelle Combs
Bismarck City Attorney
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| | |
|---|---|
| **From:** | sarah.thomsen.73 |
| **To:** | Whitnie Olsen |
| **Subject:** | Liquor license discussion |
| **Date:** | Tuesday, March 24, 2020 3:15:06 PM |

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Hi Whitney,

I strongly oppose. These restaurants do not have the license to sell off sale and are not entitled to do so.

Thank you,
Sarah Thomsen

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

| | |
|---|---|
| **From:** | Butterhorn Office |
| **To:** | Whitnie Olsen |
| **Subject:** | Shane Cornelius Liquor License Ordinances |
| **Date:** | Tuesday, March 24, 2020 4:29:37 PM |

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Hi Whitnie,

My name is Shane, and my wife and I own Butterhorn in downtown Bismarck. We have a class I-1 liquor license.

We would strongly be in favor of being able to sell off-sell, while we are only limited to take out orders. Alcohol sales make up a decent portion of our total sales, and being able to sell bottles of wine, beer, etc. to go would greatly help us get through these tough times to remain open. Thank you.

Best,
Shane Cornelius

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| **From:** | Shawn Sanford |
| **To:** | Whitnie Olsen |
| **Subject:** | Shawn Sanford Liquor licensee wish list |
| **Date:** | Tuesday, March 24, 2020 3:48:06 PM |

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Hello Miss Olsen

The Walrus Restaurant, going forward, would appreciate greatly to have the ability to temporarily sell off-sale until our inventory is depleted. For us it is a handful of sealed bottles but more importantly over 50 kegs that the ability to sell growlers would greatly help reduce our keg inventory.  I would also suggest not setting a set time, but revisit this 30 days from passing and see where where us and other businesses are at with their inventories.  Thank you for your time and effort.

* temporary off-sale for those without D and E lincense

* growlers for those that need kegs depleted

*revisit in 30 days to reaccess...not a set time.

Thanks

Shawn Sanford
Manager Walrus Restaurant

Sent from Yahoo Mail on Android

**From:** Shawn Sanford
**To:** Whitnie Olsen
**Subject:** Re: Growlers
**Date:** Tuesday, March 24, 2020 12:36:53 PM

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Dear Miss Olsen

Thanks for the response. JL Beers does growlers and I'm quite sure( I certainly could be wrong ) that they don't have an E lincense. I would place a bet on a F license for them. However my concern is that as manager of The Walrus Restaurant here in Bismarck, Governor Burgums executive order to close all dining room leaving us to curbside and delivery only. This order excludes out beer sales and draft in particular. I have quite a few thousand dollars worth of inventory that I would like to sell off. Growlers would help do that for us. We are only looking to sell down inventory. Once gone...I'm good. My question then is, the city council would probably need to make that temporary inclusion. Do you know who has that portfolio? And when do they meet next. Thanks Miss Olsen.

Shawn Sanford
Manager

Sent from Yahoo Mail on Android

On Mon, Mar 23, 2020 at 5:19 PM, Shawn Sanford <shawnsanford84@yahoo.com> wrote:

> Hello Whitnie,
>
> This is Shawn Sanford, manager of the Walrus Restaurant, I am curious the cost and turnaround time on a growler "license". Thanks.
>
> Shawn Sanford
>
> Sent from Yahoo Mail on Android

| | |
|---|---|
| **From:** | Valerie Luna |
| **To:** | Whitnie Olsen |
| **Subject:** | Restaurants |
| **Date:** | Tuesday, March 24, 2020 2:42:26 PM |

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Whitney,

Does he plan to allow restaurants and bars to do curbside alcohol delivery for the next two weeks to a month? This would help a lot of small business restaurants survive this horrible situation.

Sincerely,
Valerie Luna
Los Lunas

Sent from my iPhone

# City Attorney

**DATE:** April 6, 2020

**FROM:** Jannelle Combs, City Attorney

**ITEM:** COVID-19 risk mitigation efforts

## REQUEST

Receive update regarding efforts and successes for mitigation strategies due to COVID-19.

Please place this item on the 4/14/2020 City Commission consent meeting agenda.

## BACKGROUND INFORMATION

As the City has adapted and overcome the challenges presented by COVID-19, we wanted to inform the Commission of some of those stories.

First, our personal protection equipment (PPE) plan for Fire, Police and Public Health is working. The Fire Department responded to an individual with heart attack symptoms. As they arrived on scene, firefighters arrived on scene and found the driver having a difficult time breathing and talking and he then went unconscious. Firefighters then had to enter the vehicle and manually lift him out of the truck down onto a cot. The driver was lifted on top of and into the arms of a firefighter, who was wearing PPE. The driver was later determined to be positive for COVID-19. Tests show that our staff were safe but still able to provide life saving measures for this individual.

CenComm Director Mike Dannenfelzer has been active, along with all the Bismarck EOC, in requesting that the State provide COVID-19 positive and quarantine information. Gary Stockert made a formal request for assistance through the WebEOC system with the State which took several days for the State to process, while Mayor Bakken asked the status on a League of Cities conference call with the Governor and various staff responded to calls from the State on that request. Our leadership helped to open that valuable information to all public safety answering points in the state to help public safety in responding to emergencies.

The Police Department, Streets and Solid Waste Department and Utilities have deployed multiple strategies to protect their shifts from being decimated if someone is positive for COVID-19. These can include the PPE worn by the police because there are instances where they cannot social distance or changing some operations with one person in a vehicle for Streets and Solid Waste, as well as separating shifts. When the police need to separate a shift into a separate building, Public Works, along with staff from the Event Center, mobilized to sanitize new office areas and provide the safest environment for our first responders.

Finally, Engineering has been leading the effort to have our public bids on Microsoft Teams meetings. We have successfully done so, with multiple parties attending remotely while just staff from Engineering and the Attorney offices are present. This has saved exposures for our staff, as well as those bidders to stay in their remote locations but hear and see the bid opening live.

## RECOMMENDED CITY COMMISSION ACTION

Receive update regarding efforts and successes for mitigation strategies due to COVID-19.

## STAFF CONTACT INFORMATION

Jannelle Combs | City Attorney, 355-1340 or jcombs@bismarcknd.gov