



May 12, 2020

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, May 12, 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:

- May 28, 2020
- June 9 & 23, 2020
- July 14 & 28, 2020

MISSION STATEMENT

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

MEETING OF THE BOARD OF CITY COMMISSION

1. Proclamation recognizing May 10 - 16, 2020 as Law Enforcement Memorial Week.

Documents:

[Police Memorial Week Proclamation.pdf](#)

2. Proclamation recognizing May 17 - 23, 2020 as National Public Works Week.

Documents:

[Public Works Week Proclamation.pdf](#)

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

Documents:

[MN42820.pdf](#)

5. CONSENT AGENDA

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

Documents:

[HR Personnel Report.pdf](#)

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

- 1. Authorize gaming site renewals for the following:

Bismarck Hockey Boosters Inc.

- The Pier - 1120 Riverwood Dr.
- Our Place Tavern - 1305 E. Front Ave.
- Lucky's 13 - 915 S. 3rd St.
- Borrowed Bucks - 118 S. 3rd St.
- Tap-In Tavern - 1001 Memorial Highway

Light of Christ Catholic Schools

- St. Mary's Academy - 1025 N. 2nd St.
- St. Mary's Central High School - 5802 Ridgeland Dr.

Documents:

[\(C\) ADMIN - Gaming Site Renewals.pdf](#)

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

- 1. Approve purchase of 0.82 acres of wetland credits from Ducks Unlimited.

Documents:

[\(C\) AIR - Purchase of Wetland Credits.pdf](#)

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

- 1. Approve two Subordination Agreements for the Patterson Place.

Documents:

[\(C\) ATTY - Patterson Place Agreement.pdf](#)

F. Consider the request for approval from CenCom for the following:

- 1. Reject sole bid to provide and install audio visual systems equipment in the new CenCom/ EOC facility at Dakota Carrier Network due to the bid exceeding available funds.

Documents:

[\(C\) CENCOM - Reject AVI Bid.pdf](#)

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

- 1. Change Order No. 1 for HC 129.
- 2. Street Improvement District SI 531A revised project budget.
- 3. Street Improvement District SI 531B revised project budget.
- 4. Street Improvement District SI 533 revised project budget.

5. Street Improvement District No. 538 - Request for Resolution Approving Plans and Specifications. Request for Resolution Directing the Advertisement of Bids and Receive Bids.
6. Approve dedication of and the acceptance of a water main easement in the SE 1/4 Section 13, Township 139, Range 80/ Hay Creek Township.

Documents:

- (C) ENG - HC 129.pdf
- (C) ENG - SI 531A.pdf
- (C) ENG - SI 531B.pdf
- (C) ENG - SI 533.pdf
- (C) ENG - SI 538.pdf
- (C) ENG - Water Main Easement.pdf

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

1. Application for Abatement for year 2019, Disabled Veteran Credit, at 3107 Hampton St.
2. Application for Abatement for year 2019, Basement Not Completed, at 332 Boston Pl.

Documents:

- (C) FIN - Abatements.pdf

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

1. Accept donations for staff at multiple fire stations.

Documents:

- (C) FIR - May Donations.pdf

J. Consider the request for approval from the Library for the following:

1. Extend the Library Board of Trustee terms, for Joyce Hinman and Pat Grantier, until Library reopens.

Documents:

- (C) LIB - Library Board Trustee.pdf

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

1. Conduct annual Deer and Turkey Archery Hunting Program on City properties.
2. Authorize the sale of two vehicles at the annual Police Auction.

Documents:

- (C) PD - 2020 Deer and Turkey Hunting.pdf
- (C) PD - Auction Vehicles.pdf

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

1. Accept an update on the Phase II environmental property assessment for the former Billington Salvage Yard property.
2. Award bid for HPS & LED Luminaries to Dakota Supply Group.

Documents:

- (C) PW-SO - Environmental Property Assessment.pdf
- (C) PW-SO - Bid Award for Luminaires.pdf

6. REGULAR AGENDA

7. Receive an activity update from Brian Ritter, President of the Bismarck Mandan Chamber EDC.

Documents:

[Bismarck Chamber EDC Presentation - 51220.pdf](#)

8. Receive an update from the Police Department regarding motor vehicle/motorcycle noise and speed complaints.
9. Consider the request from the Finance Department for the approval of the 2021 budget calendar and the budget preparation process.

Documents:

[\(R\) FIN - 2021 Budget Calendar.pdf](#)

10. Consider the request from the Community Development Department for a minor subdivision final plat of Eugenes First Addition First Replat, requested by State Street Investments, LLC. The Bismarck Planning and Zoning Commission recommends approval.

Documents:

[\(R\) CD - Eugenes First Addition First Replat.pdf](#)

11. Consider the request from the Community Development Department for a minor subdivision final plat of Wachters Addition Second Replat, requested by Kirkwood Mall Acquisition, LLC & CBL & Associates Management, Inc. The Bismarck Planning and Zoning Commission recommends approval.

Documents:

[\(R\) CD - Wachters Addition Second Replat.pdf](#)

12. Consider the request from the Engineering Department to hear insufficiency of protests on resolution of necessity for Street Improvement District SI 535.

Documents:

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

13. Consider the request from the Attorney to list a Class E Liquor License for bid.

Documents:

[\(R\) ATTY - Class E Liquor License Bid .pdf](#)

Other Business

Adjourn





Police Department

DATE: May 1, 2020
FROM: Dave Draovitch, Chief of Police *dd*
ITEM: Mayor's Proclamation – Law Enforcement Memorial Week – May 10-16, 2020

REQUEST

Mayor's Proclamation that the week of May 10-16, 2020 be proclaimed Law Enforcement Memorial Week.

Please place this item on the 5/12/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

National Peace Officers Memorial Week is the week of May 10-16, 2020, with May 13th being National Peace Officers Memorial Day. Each year during this week, the Mayor has issued a proclamation to coincide with National Peace Officers Memorial Week.

RECOMMENDED CITY COMMISSION ACTION

Issuance of a Mayor's Proclamation that the week of May 10-16, 2020 be proclaimed "Law Enforcement Memorial Week."

STAFF CONTACT INFORMATION

Dave Draovitch | Chief of Police, 223-1212 or ddraovitch@bismarcknd.gov

PROCLAMATION

LAW ENFORCEMENT MEMORIAL WEEK

MAY 12-18, 2019

WHEREAS, the courageous men and women of the law enforcement provide a vital public service in safeguarding the rights and freedoms of our citizens; and

WHEREAS, Bismarck law enforcement officers and personnel wear the uniform and badge with pride and are dedicated to protecting our families, homes and communities; and

WHEREAS, citizens of Bismarck are encouraged to recognize law enforcement professionals, past and present, for their dedicated service to our communities, and their faithful devotion to their duty to serve and protect, and to put their lives on the line for our safety; and

WHEREAS, throughout this week, and especially on Peace Officers Memorial Day, we honor the memory of those heroes who have fallen in the line of duty, and recognize all those who put themselves at risk every day in the fight against crime, violence and terrorism.

NOW, THEREFORE, as Mayor of the City of Bismarck, I do hereby proclaim May 12-18, 2019, **LAW ENFORCEMENT MEMORIAL WEEK** in the City of Bismarck.

/s/
Steve Bakken
Mayor



PROCLAMATION

WHEREAS, the courageous men and women of the law enforcement provide a vital public service in safeguarding the rights and freedoms of our citizens; and

WHEREAS, Bismarck law enforcement officers and personnel wear the uniform and badge with pride and are dedicated to protecting our families, homes and communities; and

WHEREAS, citizens of Bismarck are encouraged to recognize law enforcement professionals, past and present, for their dedicated service to our communities, and their faithful devotion to their duty to serve and protect, and to put their lives on the line for our safety; and

WHEREAS, throughout this week, and especially on Peace Officers Memorial Day, we honor the memory of those heroes who have fallen in the line of duty, and recognize all those who put themselves at risk every day in the fight against crime, violence and terrorism.

NOW, THEREFORE, as Mayor of the City of Bismarck, I do hereby proclaim May 10 – 16, 2020, as Law Enforcement Memorial Week.

Signed this _____ day of May 2020.

Steve Bakken, Mayor
Bismarck Board of City Commissioners



PUBLIC WORKS – SERVICE OPERATIONS

DATE: May 5, 2020
FROM: Jeff Heintz, Director of Service Operations
ITEM: Proclamation for Public Works Week May 17-23, 2020

REQUEST

Request to proclaim the week of May 17-23, 2020 as Public Works Week in Bismarck.

Please place this item on the May 12, 2020 City Commission meeting.

BACKGROUND INFORMATION

The annual observance of Public Works Week takes place during the third full week in May and is designed to educate communities and their leaders on the importance of our nation’s public infrastructure and public works services. It is also designed to increase public awareness of the contributions as well as to enlighten the public about the duties, practices, and goals of public works professionals.

Due to COVID-19, the Bismarck Public Works Department’s public event that was scheduled for Saturday, May 9, 2020 is postponed until the State’s executive orders have expired.

RECOMMENDED CITY COMMISSION ACTION

Proclaim National Public Works Week May 17-23,2020.

STAFF CONTACT INFORMATION

Jeff Heintz, Director of Service Operations, 355-1700, jheintz@bismarcknd.gov.



Public Works Service Operations Department



"It Starts Here"

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the city of Bismarck; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Bismarck to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2020 marks the 60th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association, be it now,

RESOLVED, I, Mayor Steve Bakken, do hereby designate the week May 17 – 23, 2020 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Bismarck, North Dakota this 12th day of May, 2020.

Steve Bakken
President of the Board of City Commissioners



PROCLAMATION

WHEREAS, Public Works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the city of Bismarck; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Bismarck to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2020 marks the 60th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association, be it now,

RESOLVED, I, Steve Bakken, Mayor of the City of Bismarck, do hereby designate the week May 17 – 23, 2020 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Bismarck, North Dakota this 12th day of May, 2020.

Signed this _____ day of May 2020.

Steve Bakken, Mayor,
Bismarck Board of City Commissioners

4/28/2020 - Minutes

MISSION STATEMENT

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

MEETING OF THE BOARD OF CITY COMMISSION

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

No member of the public appeared for comment.

2. Consider the approval of the minutes.

Commissioner Oban moved to approve the minutes from the April 14, 2020 Regular City Commission Meeting and the April 17, 2020 Special Meeting. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C.

3. CONSENT AGENDA

Mayor Bakken pulled the item from the City Attorney, E1, for further discussion.

Commissioner Zenker moved to approve the consent agenda, with the exception of the City Attorney's item. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C.

After approving the consent agenda, Commissioner Zenker asked for further clarification for why President Bakken pulled item E1. The City Attorney informed the Commission that the numbers provided by the Patterson Place Limited Partnership for the Subordination Agreements, with Cedar Rapids Bank and Trust Company and for North Dakota Housing Finance Agency, had not been finalized at this time. Attorney Combs stated it was the Commission's decision if they wanted to make a motion on the item without these numbers.

No motion was made for this item at this time.

- A. Consider approval of expenditures.

Vouchers: 1092667 - 1092845

- B. Consider approval of personnel actions.

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

1. Authorize gaming site renewals for the following:

- Elbow Room - 115 S. 5th St.
- O'Brians - 1039 E. Interstate Ave.
- Quality Inn - 1030 E. Interstate Ave.
- Ramkota - 800 S. 3rd St.
- Stadium - 1247 W. Divide Ave.

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

1. Accept the Airport's insurance consultant selection committee's recommendation of Arthur J. Gallagher & Co.
2. Award bids for parking lot expansion to Strata Corporation and Denny's Electric.
3. Authorize staff to complete the necessary actions to process and accept the CARES ACT Grant.

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

1. Approve subordination Agreements for the Patterson Place.

F. Consider the request for the approval from CenCom for the following:

1. Permission to accept a \$100 gift card from the Bismarck Rural Fire Department.

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

1. Re-appoint Michael Marback to a three-year term on the Board of Adjustment.
2. Approve the 2020 Citizen Participation Plan Amendment.
3. Approve the contract agreement for 2020 Historic Preservation Funds.
4. Approve Bis-Man Transit to decommission and dispose of one fixed-route bus.

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

1. Approve North Dakota Department of Transportation Preliminary Engineering Reimbursement Agreement for Interstate 94-Exit 161 Reconstruction.
2. Award contract for Bismarck Sunrise Trail to Northern Improvement Company, contingent upon approval of the Bismarck Parks & Recreation District's Park Board.

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

1. Permission to accept donations received during the COVID-19 Pandemic.

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

1. Approve natural gas bid tab and award contract to Rainbow Gas Company.
2. Approve Task Order 20-02 to the agreement with Houston Engineering for solid waste operations engineering services

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

1. Approve Contract Change Order 1 with John's Refrigeration & Electric, Inc. for the 2019 Water SCADA project.

4. REGULAR AGENDA

5. Receive Public Health COVID-19 update from Renae Moch, Bismarck Burleigh Public Health Director.

Bismarck Burleigh Public Health Director, Renae Moch, presented on their department's efforts in

regards to COVID-19.

Click the link to view her full

presentation: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5109?fileID=12390>

No motion was made for this item.

6. Receive Emergency Operations Center COVID-19 update from Jason Tomanek, Assistant City Administrator.

Jason Tomanek, Assistant City Administrator, provided an update on the EOC's efforts in regards to COVID-19.

No motion was made for this item.

7. Receive Budget Committee COVID-19 update from Dmitriy Chernyak, Finance Director.

Dmitriy Chernyak, Finance Director, presented on the City's finances in regards to COVID-19.

Click the link to view his full

presentation: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5111?fileID=12389>

Commissioner Marquardt, a representative of the budget committee along with Director Chernyak recommended the Commission place a hiring freeze on filling vacant, full-time positions and to pause 25 capital improvement projects and 11 one-time priority initiatives, including the replacement of public safety radios and the Event Center equipment and software replacement, until further notice and or by case-by-case situation.

In addition to the requests, Director Chernyak stated the budget committee planned to meet regularly and update the Commission on an on-going basis when more financial data was collected.

Commissioner Marquardt moved to approve the budget committee's recommendation. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C.

8. Public hearing on a new Class I-2 Restaurant Beer and Wine only liquor license, for JET Enterprises, Inc., dba, Amici Pizza Company, located at 3001 Yorktown Dr.

No member of the public appeared for comment.

Commissioner Marquardt moved to approve the new liquor license. Commissioner Zenker seconded it. Upon a roll call vote, all voted aye. M/C.

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

Commissioner Marquardt made a motion to extend the date of liquor licenses renewals to September 1, 2020, to give businesses a chance to recover from closures related to the pandemic. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C.

The motion does not change City liquor license ordinances or the North Dakota Century Code.

10. Consider the request from the Engineering Department for Street Improvement District No. 534 - Request for resolution receiving bids and ordering preparation of the Engineer's Statement for SI 534.

Request for resolution awarding contract for SI 534.

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

Please see link for bid information: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5115?fileID=12387>

11. Consider the request from the Engineering Department for Street Utility Project SV 54 - Request to receive bids and award contract.

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

Please see link for bid information: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5117?fileID=12388>

12. Consider the request from the Engineering Department for Sewer Utility Project SU 76 - Request to receive bids and award contract.

Commissioner Zenker moved to approve the sewer utility project as presented. Commissioner Oban seconded it. Upon a roll call vote, all voted aye. M/C.

Please see link for bid information: <https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5116?fileID=12386>

13. Consider the request from the Engineering Department to receive an update on 2020 construction projects.

City Engineer, Gabe Schell, provided the Commission with an update on this year's construction projects.

No motion was made for this item.

14. Consider the request from the Attorney to receive an update on the public participation in City meetings and provide direction to staff on how to proceed.

Attorney Combs informed the Commission on adjustments the City has made to continue providing an opportunity for the public to participate in government meetings while practicing the CDC's guidelines during the pandemic. She then requested the Commission's guidance in moving forward.

No motion was made for this item. However, the Commission advised the Attorney to continue with the procedures the City was currently following. Commissioner Oban also encouraged the public to contact the City if they had suggestions on improving the public meeting processes in response to the pandemic.

Other Business

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

The next Commission Meeting will be on May 12, 2020.

Adjourn

The meeting was adjourned at 7:38 p.m.

PERSONNEL ACTIONS FOR THE MEETING ON May 12, 2020

Full-Time and Part-Time Appointments

Brunelle, Sheriden Building Service Worker	Airport	Probationary appointment @ \$16.81/hr. 5/4/2020
Caniglia, Adam Firefighter	Fire	Probationary appointment @ \$24.24/hr. 5/4/2020
Erickson, Adam Firefighter	Fire	Probationary appointment @ \$24.24/hr. 5/4/2020
LaFond, Anthony Firefighter	Fire	Probationary appointment @ \$24.24/hr. 5/4/2020
Miller, Benjamin Firefighter	Fire	Probationary appointment @ \$24.24/hr. 5/4/2020
Uhlich, Justin Firefighter	Fire	Probationary appointment @ \$24.24/hr. 5/4/2020

Separations

Blowers, Brandon Building Service Worker	Airport	Resigned. 4/29/2020
Grothier, John Communications Specialist	CenCom	Resigned. 4/26/2020
Masset, Magdelana Police Officer	Police	Terminated. 4/21/2020
Woodcock, Edmond Community Service Officer	Police	Retired. 4/16/2020
DuBord, Steven Field Service Rep	Public Works	Retired. 9/4/2020

Others

Grothier, John Communications Specialist	CenCom	Leave w/out pay 5/1/2020 pay period
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Lund, Eric
Acting Comptroller

Finance

Salary adjustment
@ \$41.08/hr. 5/3/2020

Dittus, Chauncey
Mower/Laborer

Public Works

Salary adjustment
@ \$13.50/hr. 4/27/2020

Niemeyer, Kyle
Maintenance Worker

Public Works

Salary adjustment
@ \$13.50/hr. 4/27/2020



City Administration

DATE: May 5, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- Bismarck Hockey Boosters, Inc.
 - The Pier – 1120 Riverwood Drive
 - Our Place Tavern – 1305 East Front Avenue
 - Lucky's 13 – 915 South 3rd Street
 - Borrowed Bucks – 118 South 3rd Street
 - Tap-In Tavern – 1001 Memorial Highway

Please place this item on the May 12, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

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

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming application.

STAFF CONTACT INFORMATION:

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



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

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

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

AFFIDAVIT:

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

CONSENT BY ELIGIBLE ORGANIZATION

Bismarck Hockey Boosters, Inc.

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

does hereby consent that local

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

4/21/20

Date

[Signature]
Chief Executive (i.e. Cmdr., Pres., etc.)

II.

AUTHORIZATION TO INSPECT BANK RECORDS

Bismarck Hockey Boosters, Inc.

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

does hereby give authorization to

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

4/21/20

Date

[Signature]
Chief Executive (i.e. Cmdr., Pres., etc.)

III.

ACKNOWLEDGEMENT BY LOCAL LAW ENFORCEMENT OFFICIAL

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

Bismarck Hockey Boosters, Inc.

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

will be conducting

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

	<u>NAME OF SITE</u>	<u>ADDRESS OF SITE</u>
1.	<u>The Pier</u>	<u>1120 Riverwood Drive Bismarck, ND 58504</u>
2.	<u>Dui Plaza Tavern</u>	<u>1305 E. Front Avenue Bismarck, ND 58504</u>
3.	<u>Lucky's 13</u>	<u>915 S. 3rd Street Bismarck, ND 58504</u>
4.	<u>Borrowed Bucks</u>	<u>118 S. 3rd Street Bismarck, ND 58504</u>
5.	<u>Tap-In Tavern</u>	<u>1201 Memorial Highway Bismarck, ND 58504</u>

Date

City Chief of Police or County Sheriff



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

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

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

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

Name of Location Borrowed Bucks			
Street 118 S. 3rd Street	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 3	
Specific location where games of chance will be conducted and played at the site (required) Games will be conducted in bar area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

License Number (Office Use Only)

Site Owner (Lessor) Borrowed Bucks		Site Name Borrowed Bucks		Site Phone Number (701) 224-1545
Site Address 118 S. 3rd Street		City Bismarck	State ND	Zip Code 58504
Organization (Lessee) Bismarck Hockey Boosters, Inc.		Rental Period 7/1/2020 to 6/30/2021		County Burleigh
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes \$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>3</u> X Rent per Table \$ <u>300.00</u>				<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes \$ <u>900.00</u>
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____				<input type="checkbox"/> No <input type="checkbox"/> Yes \$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device				<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes \$ <u>325.00</u>
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>5</u>				\$ <u>500.00</u>
Total Monthly Rent				\$ <u>900.00</u>
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. <input type="checkbox"/>				

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

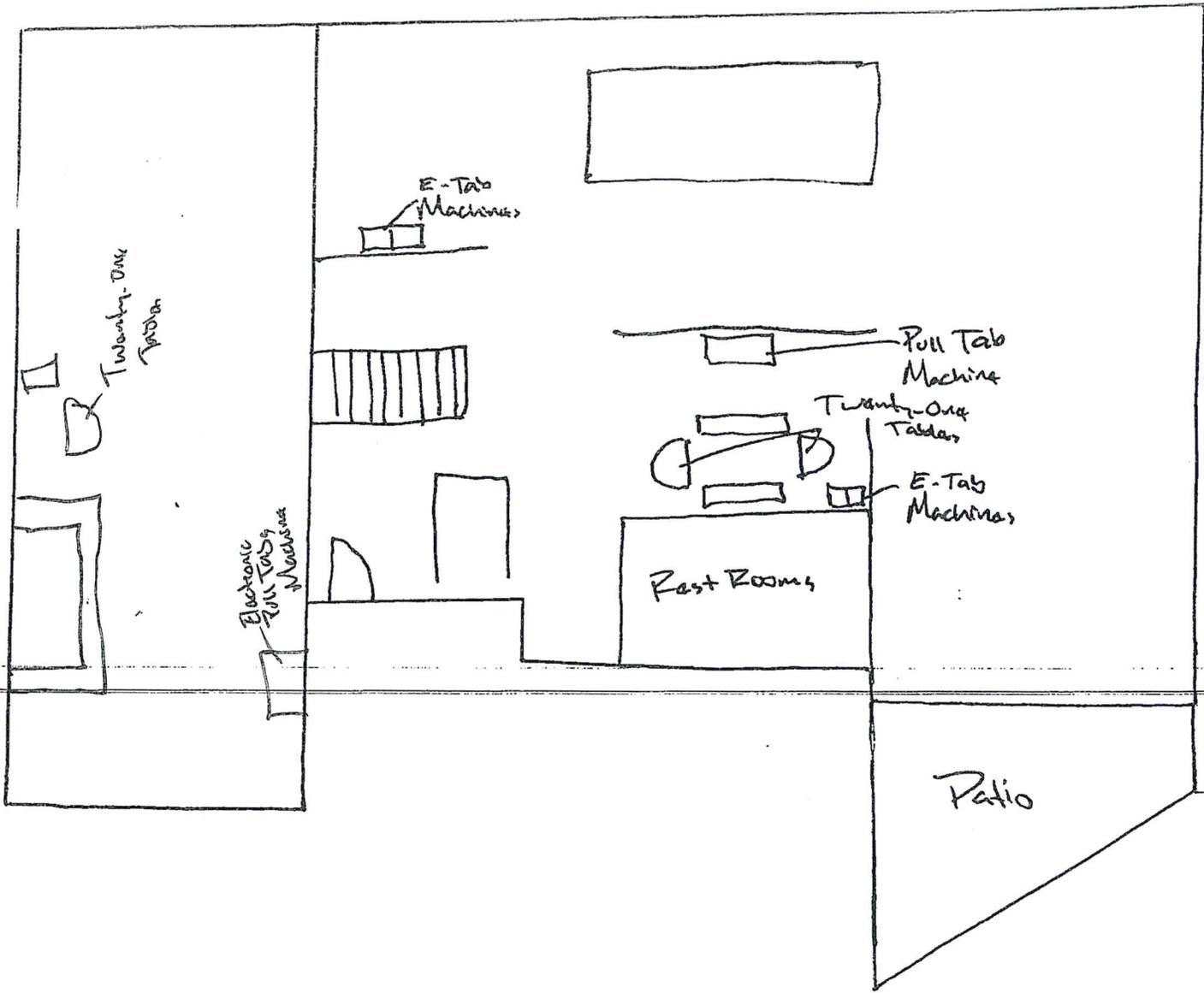
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

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

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

Signature of Lessor <i>X Brad Zucker</i>	Title <i>X BLM Owner</i>	Date <i>4/16/20</i>
Signature of Lessee <i>X Adam [Signature]</i>	Title <i>X BHB President</i>	Date <i>4/16/20</i>

Borrowed Bucks
Site Diagram
Revised





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

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

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

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

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

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

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

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

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

INSTRUCTIONS:

1. City/County-Retain a **copy** of the Site Authorization for your files.
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 Bismarck, ND 58505-0040
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RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

Site Owner (Lessor) Lucky U li, Llc		Site Name Lucky's 13		Site Phone Number (701) 751-7913
Site Address 915 S. 3rd Street		City Bismarck	State ND	Zip Code 58504
Organization (Lessee) Bismarck Hockey Boosters, Inc.		Rental Period 7/1/2020 to 6/30/2021		County Burleigh
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				Monthly Rent Amount
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				\$ 0.00
2. Is Twenty-One conducted at this site?		Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300.00</u>		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
3. Is Paddlewheels conducted at this site?				\$ 300.00
Number of Tables _____		X Rent per Table \$ _____		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?				\$
Please check: <input checked="" type="checkbox"/> Jar Bar		<input checked="" type="checkbox"/> Standard Dispensing Device		\$ 325.00
<input checked="" type="checkbox"/> Electronic Dispensing Device		Number of Electronic Devices <u>1</u>		\$ 100.00
Total Monthly Rent				\$ 725.00

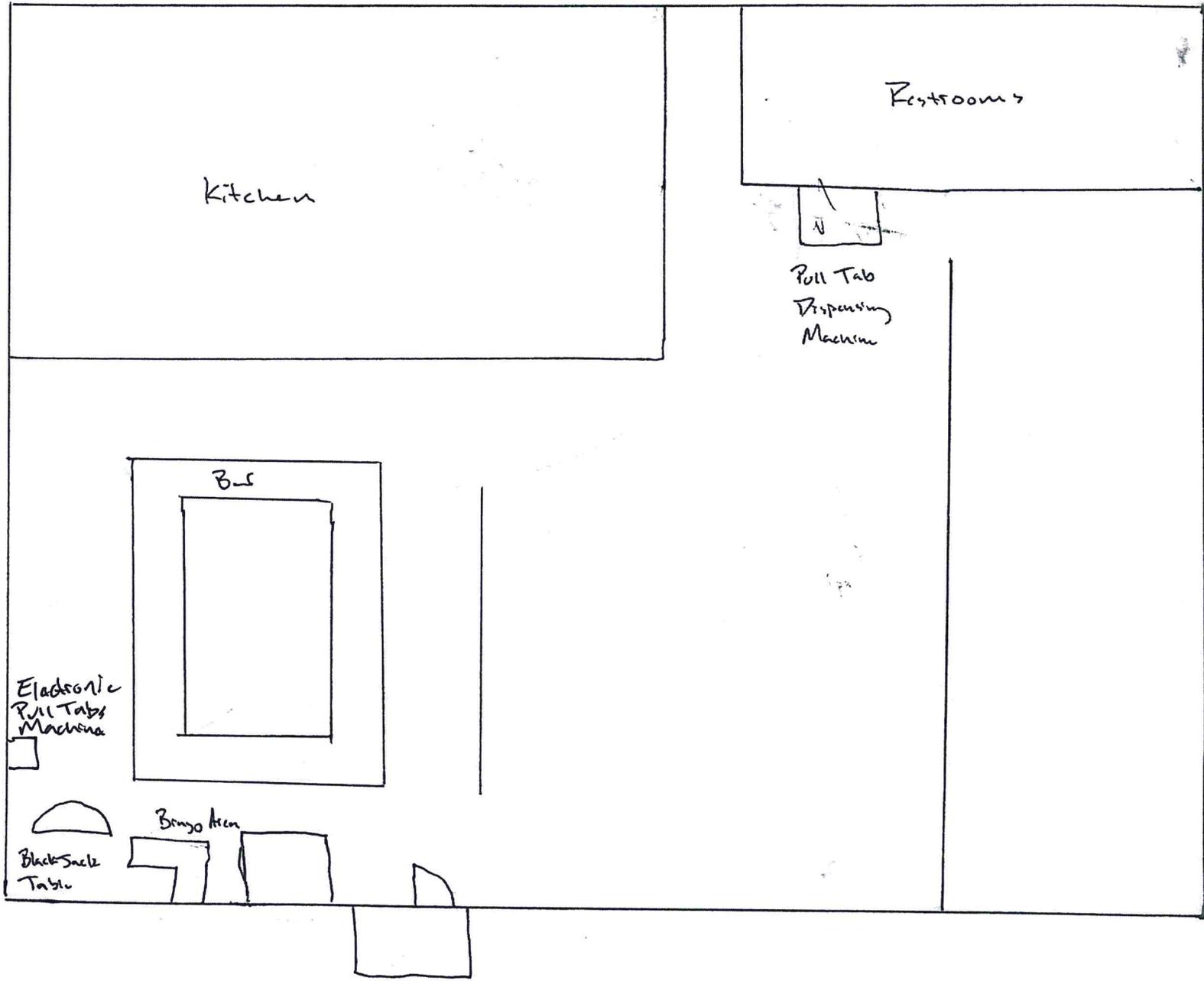
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.

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

Signature of Lessor <i>x Richard Seeger</i>	Title x General Manager	Date x 2/24/20
Signature of Lessee <i>x Adam [unclear]</i>	Title x BHB [unclear]	Date x [unclear]

Bismarck Hockey Boosters

Lucky's 13 Pub - Bismarck





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

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

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

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

Name of Location Our Place Tavern			
Street 1305 E. Front Avenue	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 0	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Games will be conducted in bar area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

License Number (Office Use Only)

Site Owner (Lessor) Gw Investments, Llc		Site Name Our Place Tavern		Site Phone Number (701) 223-1901
Site Address 1305 E. Front Avenue		City Bismarck	State ND	Zip Code 58504
Organization (Lessee) Bismarck Hockey Boosters, Inc.		Rental Period 7/1/2020 to 6/30/2021		County Burleigh
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				Monthly Rent Amount
				\$
2. Is Twenty-One conducted at this site?		X Rent per Table \$		\$
Number of Tables with wagers up to \$5 _____		X No <input type="checkbox"/> Yes		\$
Number of Tables with wagers over \$5 _____		X Rent per Table \$		\$
3. Is Paddlewheels conducted at this site?		X Rent per Table \$		\$
Number of Tables _____		X No <input type="checkbox"/> Yes		\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?				\$
Please check: <input type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				\$ 400.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>8</u>				\$ 650.00
Total Monthly Rent				\$ 1,050.00

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

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

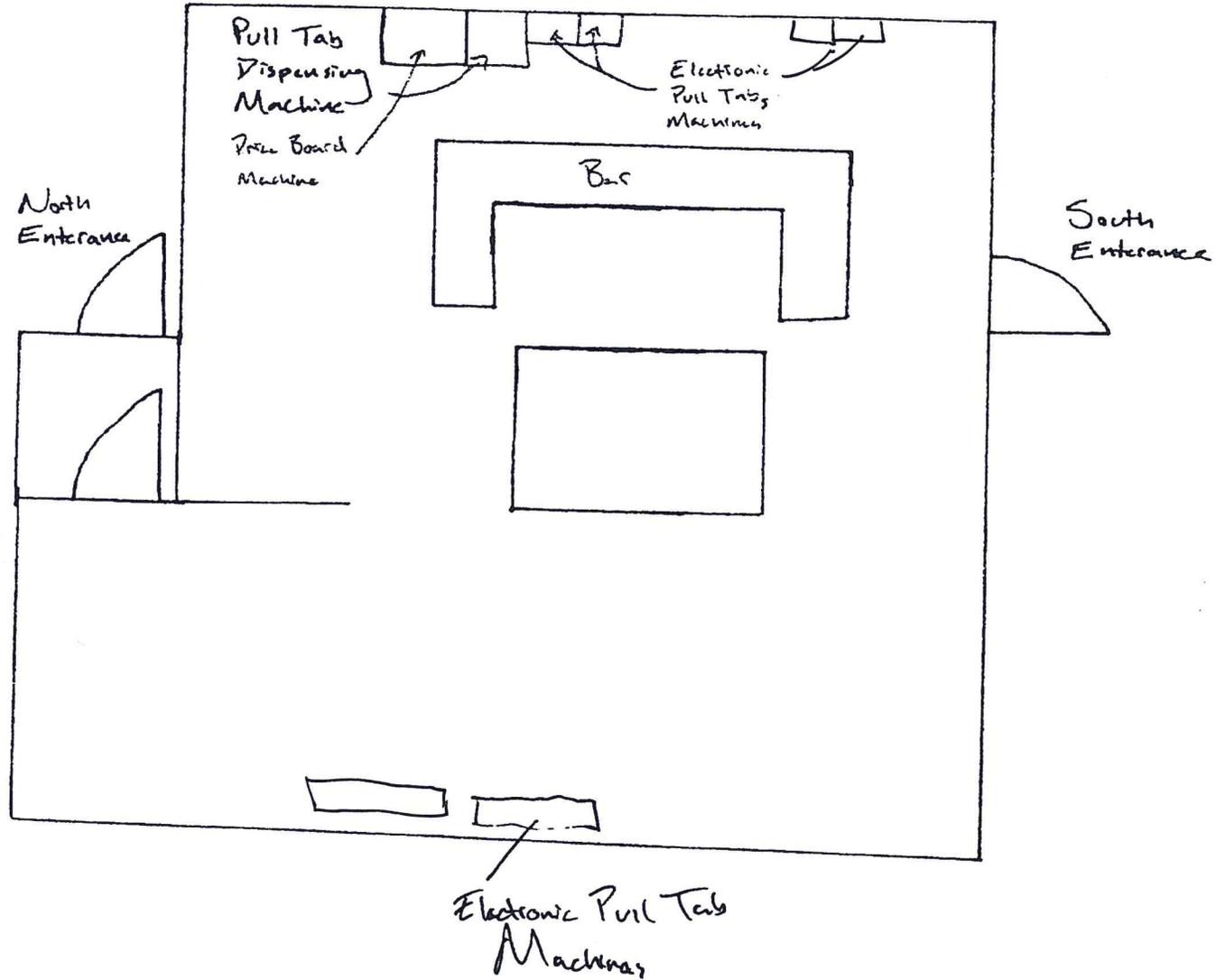
The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor 	Title Owner/manager	Date 3-16-2020
Signature of Lessee 	Title X BHB President	Date X 4/2/20

Bismarck Hockey Boosters

Our Place Tavern Lounge





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

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

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

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

Name of Location Tap-In Tavern			
Street 601 Memorial Highway	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/20	Ending Date(s) Authorized 6/30/21	Number of twenty-one tables if zero, enter "0": 1	
Specific location where games of chance will be conducted <u>and</u> played at the site (required) Games will be conducted in bar area, excluding the restrooms.			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

APPROVALS

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

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

License Number (Office Use Only)

Site Owner (Lessor) 3 Fat Boys, Llc		Site Name Tap-in Tavern		Site Phone Number (701) 751-4742
Site Address 601 Memorial Highway		City Bismarck	State ND	Zip Code 58504
Organization (Lessee) Bismarck Hockey Boosters, Inc.		Rental Period 7/1/2020 to 6/30/2021		County Burleigh
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes \$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300.00</u>				<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes \$ \$ 300.00
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____				<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes \$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				\$ 325.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>4</u>				\$ 400.00
Total Monthly Rent				\$ 1,025.00

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

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

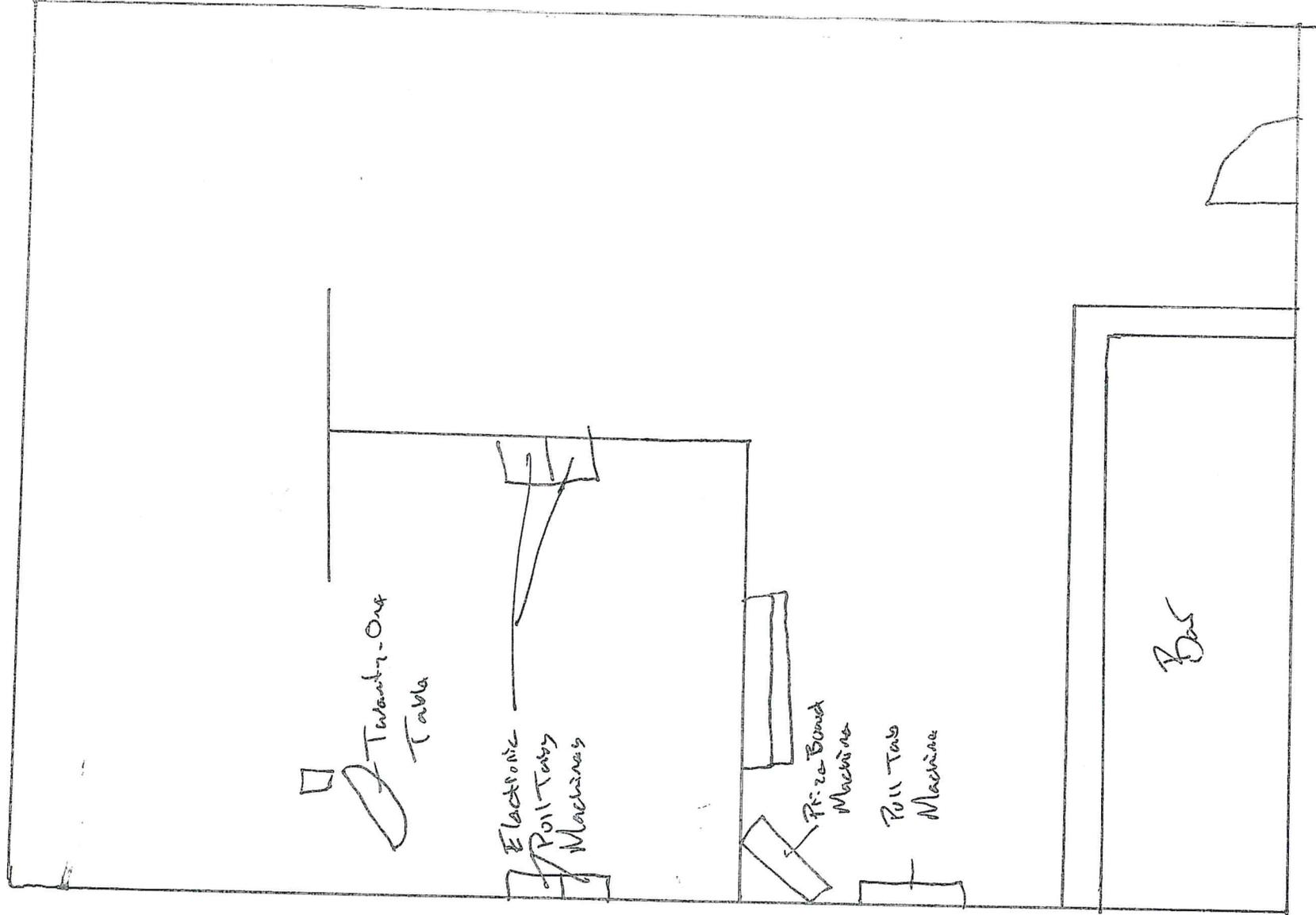
The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor 	Title Owner	Date 2/14/2020
Signature of Lessee 	Title BHB President	Date X/1/2020

Bismarck Hockey Boosters
Tap-In Tavern

Tap-In Tavern





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

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

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

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

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

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

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



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

License Number (Office Use Only)

Site Owner (Lessor) Galpin Entertainment, Llc		Site Name The Pier		Site Phone Number (701) 751-3347	
Site Address 1120 Riverwood Drive		City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization (Lessee) Bismarck Hockey Boosters, Inc.			Rental Period 7/1/2020 to 6/30/2021		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.					
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					
<input type="checkbox"/> No <input type="checkbox"/> Yes					\$
2. Is Twenty-One conducted at this site?					
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes					\$
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300.00</u>					\$ 300.00
3. Is Paddlewheels conducted at this site?					
Number of Tables _____ X Rent per Table \$ _____ <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					\$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site?					
Please check: <input checked="" type="checkbox"/> Jar Bar <input checked="" type="checkbox"/> Standard Dispensing Device <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes					\$ 325.00
<input checked="" type="checkbox"/> Electronic Dispensing Device Number of Electronic Devices <u>4</u>					\$ 400.00
Total Monthly Rent					\$ 1,025.00

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

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

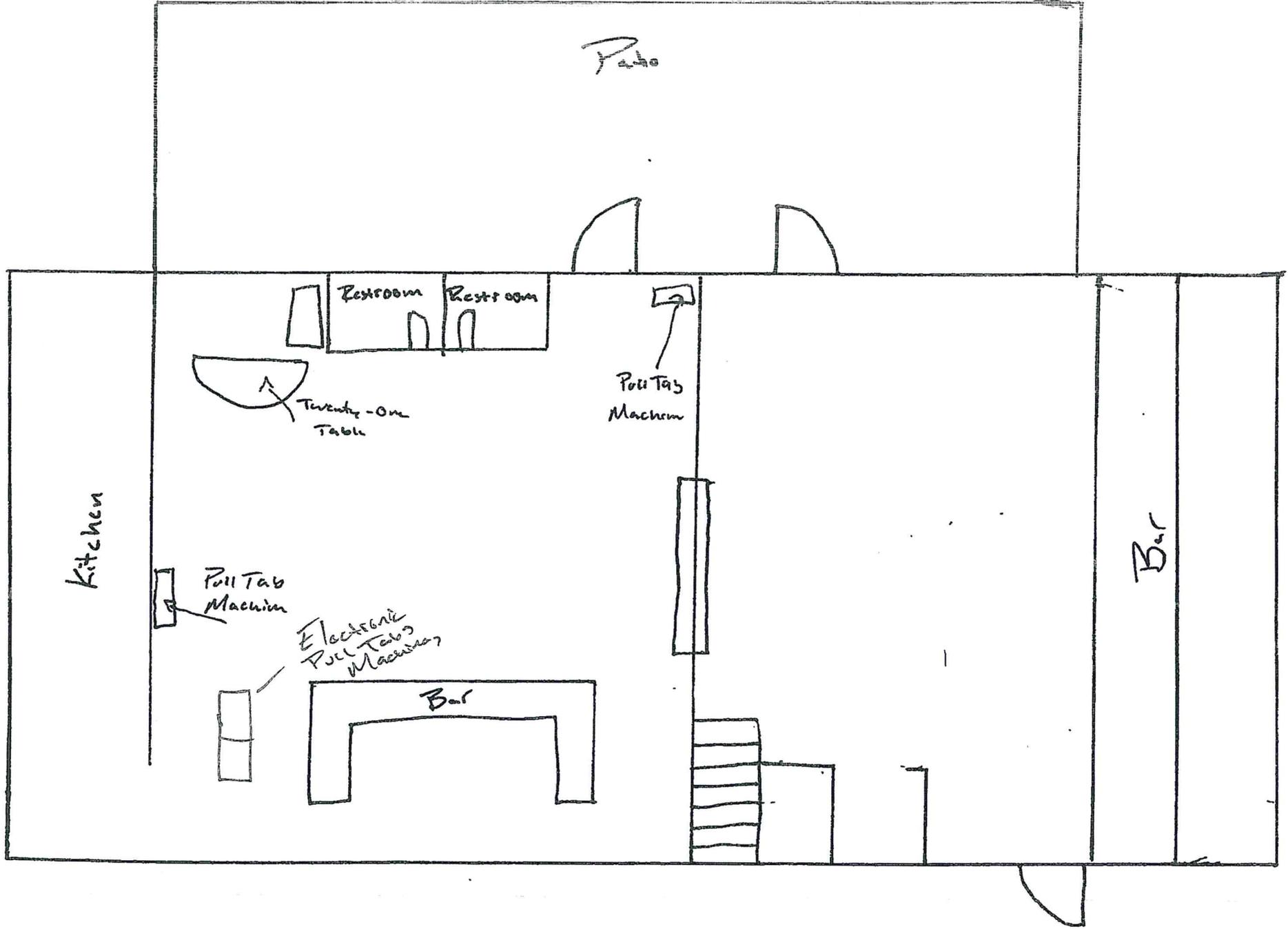
The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor <i>[Signature]</i>	Title <i>owner</i>	Date
Signature of Lessee <i>X Adam Ryan</i>	Title <i>X BHB President</i>	Date <i>X 1/1/2020</i>

Wismarck Turkey Boost
Revised

1-16-85 - Revised
Bismarck, ND





City Administration

DATE: May 5, 2020
FROM: Jason Tomanek, Assistant City Administrator
ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- Light of Christ Catholic Schools
 - St. Mary's Academy – 1025 North 2nd Street
 - St. Mary's Central High School – 5802 Ridgeland Drive

Please place this item on the May 12, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

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

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

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



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

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

1. Official, <u>Legal</u> Name of Organization: (Do Not Abbreviate) Light of Christ Catholic Schools.		Business Telephone Number: 701-751-4883	
Business Address: (Street) 1025 N 2nd St	City: Bismarck	State: ND	Zip Code: 58501
Mailing Address: Same	City:	State:	Zip Code:
Address where gaming accounting records are kept: Same	City:	State:	Zip Code:
E-mail Address: jherold@lightofchristschools.org	Contact Person: John Herold	Official Position of Contact Person: Director of Food Services / AP	
2. Is organization recognized as tax exempt by the Internal Revenue Service? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		3. Provide organization's Federal Employer Identification Number (EIN):	
4. Name and Title of Organization's Top Executive Official: (i.e., Cmdr., Pres., etc.) Gerald Vetter President		Daytime Telephone Number: 701-751-4883	
5. Name of Gaming Manager: John Herold		Daytime Telephone Number: 701-425-0791	
6. Signature of Gaming Manager: 		Date: 4/21/2020	
7. List the Full Governing Board of the Organization - The full governing board is primarily responsible and may be held accountable for the proper determination and use of net proceeds.			
Name: Fr Wayne Sattler	Telephone Number: 223-1545	Name:	Telephone Number:
Name: Monsignor Pat Schumacher	Telephone Number: 255-4600	Name:	Telephone Number:
Name: Fr. Josh Ehli	Telephone Number: 223-1033	Name:	Telephone Number:
Name: Fr Jared Johnson	Telephone Number: 223-6652	Name:	Telephone Number:
Name: Monsignor James Bratten	Telephone Number:	Name:	Telephone Number:
Name: Gerald Vetter	Telephone Number: 751-4883	Name:	Telephone Number:
8. Does the Organization Own or Rent the Premises at Which the Games of Chance will be Conducted? <input type="checkbox"/> Own <input type="checkbox"/> Rent			

AFFIDAVIT:

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official: 	Date: 4-23-20
--	--	-------------------------



REQUEST FOR RECORD CHECK
OFFICE OF ATTORNEY GENERAL
 SFN 50424 (01-18)

Mail this form and fee(s) to:
 OFFICE OF ATTORNEY GENERAL
 GAMING DIVISION
 600 EAST BOULEVARD AVE - DEPT 125
 BISMARCK ND 58505-0040

- New Employee
 Renewal
 Indian Gaming
 Manufacturer
 Distributor
 Charitable Organization

Fee is \$15

Please Type or Print Legibly Using Blue or Black Ink

EMPLOYEE INFORMATION			
Last Name	First Name	Middle Name	
Social Security Number	Date of Birth	Place of Birth (city and state)	
Mailing Address			MALE <input type="checkbox"/> FEMALE <input type="checkbox"/>
City	State	Zip Code	Work Phone Number Other Phone Number

Have you ever previously used any other first or last name, including a maiden name? YES NO
 If "YES", list all other names used:

PRIVACY ACT NOTIFICATION
 Your social security number is requested to permit the Gaming Division to conduct a background investigation pursuant to N.D.C.C. § 53-06.1-03. Disclosure of your social security number is voluntary. However, not providing this information will result in the requirement that other information be provided, including the submission of fingerprints.

PREVIOUS RESIDENCE(S)

CHARITABLE ORGANIZATIONS, MANUFACTURERS AND DISTRIBUTORS		INDIAN GAMING	
Charitable organizations are responsible for/completing out of state record checks.		Out-of-State record checks will be completed by (select one): <input type="checkbox"/> Gaming Division <input type="checkbox"/> Tribe	
Disclose all of the states in which you have lived during the previous 5 years.		Disclose all of the states in which you have lived during the previous 10 years.	
State	Month & Year to	State	Month & Year to
State	Month & Year to	State	Month & Year to

CERTIFICATION AND AUTHORIZATION

I declare that the employee information on this form is true and correct. I authorize the Office of Attorney General to obtain information about my background and to release information on any criminal record found, including a copy of a "Report of Arrest and Prosecution," to the organization, distributor, manufacturer or tribe referenced below. I understand that knowingly making any false or misleading statement is a criminal offense and will result in denial of my application and may also result in criminal prosecution.

Applicant Signature _____ Date _____

ORGANIZATION, DISTRIBUTOR, MANUFACTURER, OR TRIBE

Office of Attorney General Use Only

No information is available because either no information exists or dissemination is prohibited.
 No check has been done in the state of _____ because access to record system was denied.
 Criminal Record Found
 (read attached copy of Report of Arrest and Prosecution)

Based on the result of a record check, an organization, distributor, or tribe must determine whether a person is eligible for employment as a gaming employee. North Dakota Century Code § 53-06.1-06(5)(a) and (b), prohibits a person who has a certain criminal history record from being eligible for employment for a certain time. As referenced by these laws, section 6-08-16.1 relates to issuing a check or draft without account; chapter 12.1-06 relates to criminal attempt, facilitation, solicitation, and conspiracy; chapter 12.1-23 relates to theft and related offenses; chapter 12.1-24 relates to forgery and counterfeiting; chapter 12.1-28 relates to gambling and related offenses; and chapter 53-06.2 relates to parimutuel horse racing.

Date Stamp



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

License No. G- _____

Organization Name: <u>Loyal of Christ Catholic Schools</u>		
Mailing Address: <u>1025 N 2nd St</u>		
City: <u>Bismarck</u>	State: <u>ND</u>	Zip: <u>58501</u>
Business Phone: <u>751-8719</u>		Cell Phone: <u>226-1236</u>

* PLEASE PRINT OR TYPE *

NAME OF GAMING MANAGER: John Herold DATE OF HIRE: _____

NOTE: Volunteer Gaming Managers are required to have a record check completed.

Record Check Completed: YES NO

EMPLOYEE NAME First name, Middle name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1. <u>Pat Flanagan</u>	<u>Pull Tab Game Operator</u>	<u>Jan 2011</u> <u>Volunteer</u>		<input checked="" type="checkbox"/>
2.				<input type="checkbox"/>
3.				<input type="checkbox"/>
4.				<input type="checkbox"/>
5.				<input type="checkbox"/>
6.				<input type="checkbox"/>
7.				<input type="checkbox"/>
8.				<input type="checkbox"/>
9.				<input type="checkbox"/>
10.				<input type="checkbox"/>
11.				<input type="checkbox"/>
12.				<input type="checkbox"/>
13.				<input type="checkbox"/>
14.				<input type="checkbox"/>
15.				<input type="checkbox"/>
16.				<input type="checkbox"/>
17.				<input type="checkbox"/>
18.				<input type="checkbox"/>
19.				<input type="checkbox"/>
20.				<input type="checkbox"/>
21.				<input type="checkbox"/>
22.				<input type="checkbox"/>
23.				<input type="checkbox"/>
24.				<input type="checkbox"/>



GAMING ORGANIZATION E-MAIL CONTACT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 54481 (10-2016)

Gaming License Number

G - 0995

This form should be used to update or change information regarding a contact person and e-mail address on file for an organization who has a state gaming license.

New Contact

Replacing previous contact

Additional contact

Official, Legal Name of Gaming Organization: Light of Christ Catholic Schools

E-mail Address: mweisbeck@lightofchristschools.org

Contact Person: Mike Weisbeck

Official Title: Director of Operations

Contact Person's Daytime Telephone Number: _____

By signing and submitting this form, the contact person agrees to receive information from the Office of Attorney General at the above e-mail address.

John Harold

Signature

4-24-20

Date

RETURN FORM TO:

Email to: agolicensing@nd.gov

Fax to: (701) 328-3535

Questions contact Licensing Section:

(701) 328-2329



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

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

Full, Legal Name of Gaming Organization Light of Christ Catholic Schools

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

Name of Location <u>St. Marys Academy</u>			
Street <u>1025 N 2nd St</u>	City <u>Bismarck</u>	ZIP Code <u>58501</u>	County <u>Burleigh</u>
Beginning Date(s) Authorized <u>Jan 2021</u>	Ending Date(s) Authorized <u>April 2021</u>	Number of twenty-one tables if zero, enter "0":	
Specific location where games of chance will be conducted and played at the site (required) <u>Room 108, Rooms 206, 209, Music Room, Gyms, Cafeteria</u>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known <u>Raffle, November - March</u>			

RESTRICTIONS (City/County Use Only)

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

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

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

APPROVALS

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

INSTRUCTIONS:

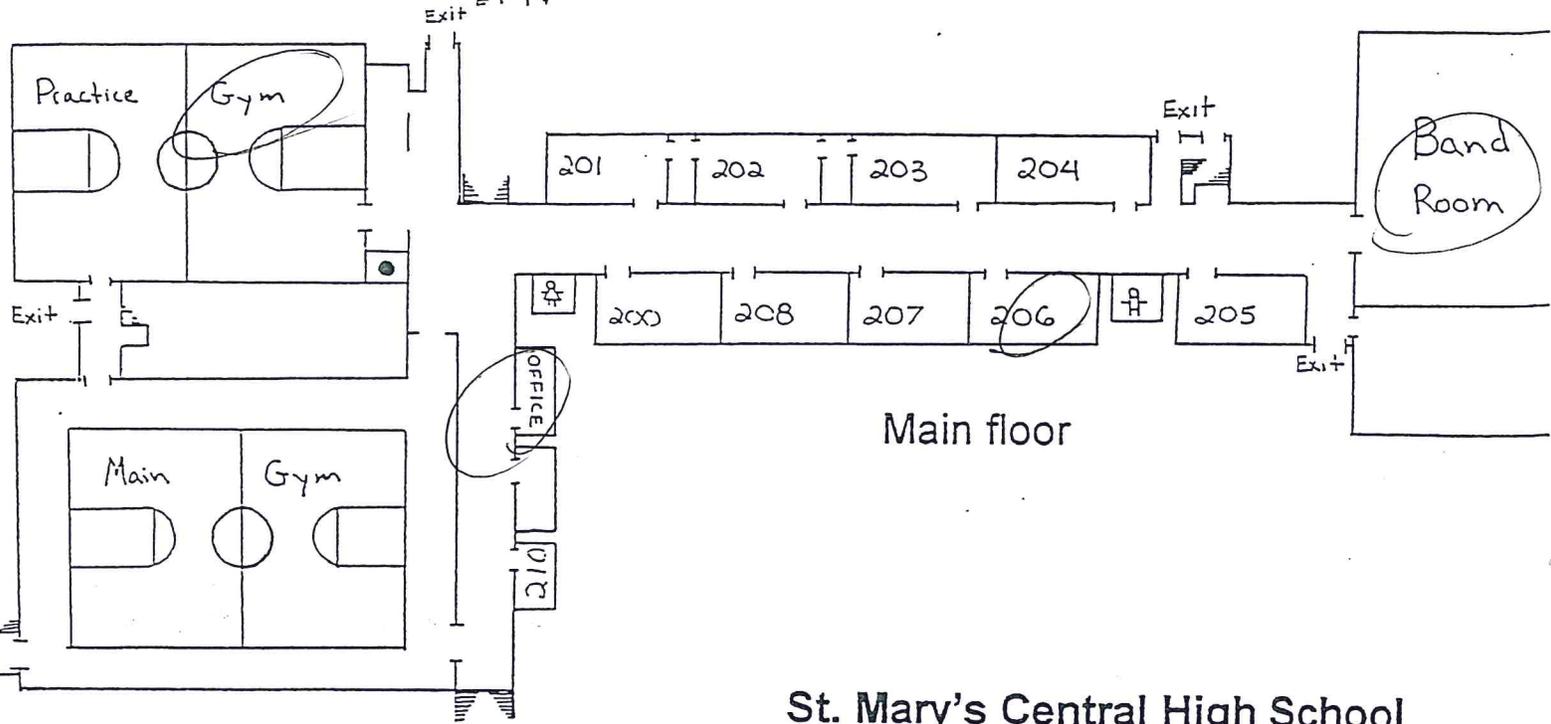
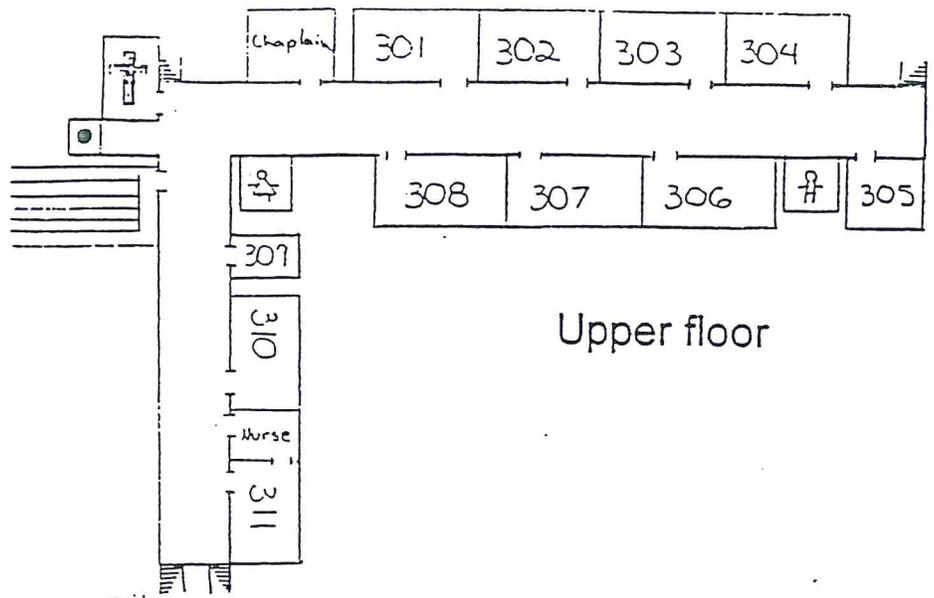
1. City/County-Retain a **copy** of the Site Authorization for your files.
2. City/County-Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms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

RETURN ALL DOCUMENTS TO:

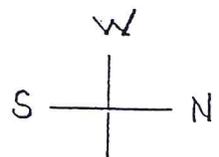
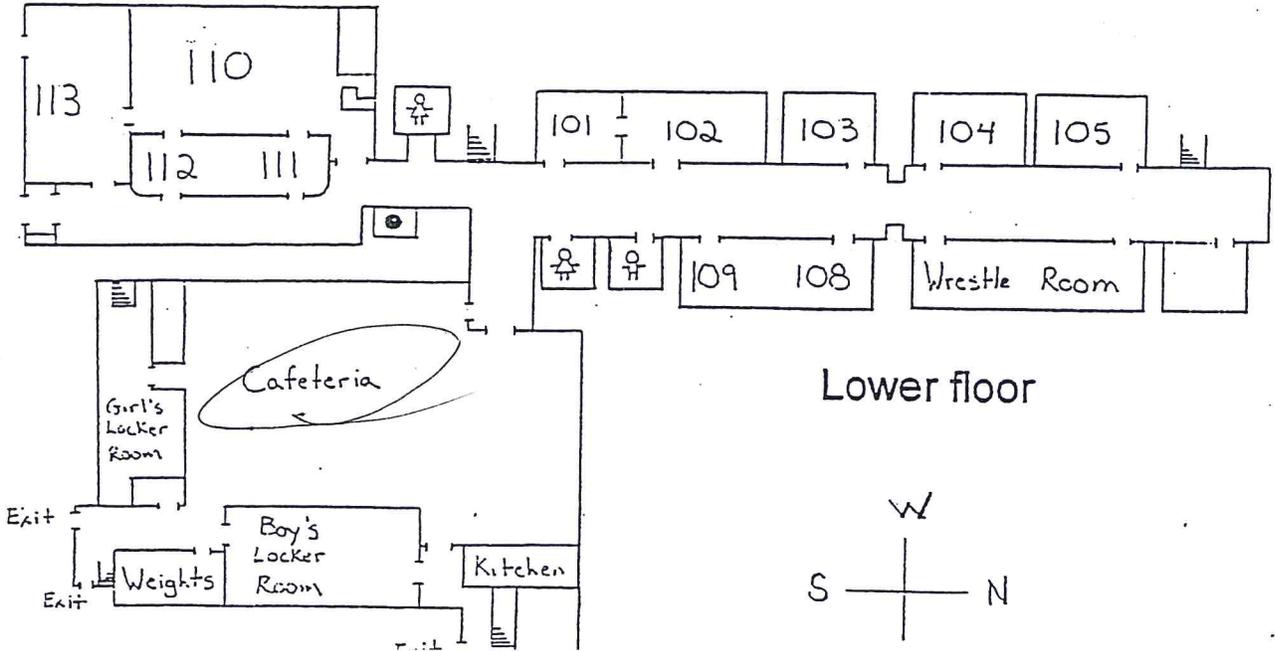
Office of Attorney General
 Licensing Section
 600 E Boulevard Ave, Dept. 125
 Bismarck, ND 58505-0040
 Telephone: 701-328-2329 OR 800-326-9240

KEY

- elevator
- ≡ stairs
- ♀ Girls Restroom
- ♂ Boys Restroom



St. Mary's Central High School





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

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

Full, Legal Name of Gaming Organization Light of Christ Catholic Schools

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

Name of Location <u>St. Mary's Central High School</u>			
Street <u>5802 Ridgeland Dr</u>	City <u>Bismarck</u>	ZIP Code <u>58503</u>	County <u>Burleigh</u>
Beginning Date(s) Authorized <u>7-1-2020</u>	Ending Date(s) Authorized <u>6-30-2021</u>		Number of twenty-one tables if zero, enter "0": <u>0</u>
Specific location where games of chance will be conducted and played at the site (required) <u>Gymnasium, Football field, Admin Offices of School</u>			
If conducting Raffle or Poker activity provide date(s) or month(s) of event(s) if known <u>September 2020 to April 2021</u>			

RESTRICTIONS (City/County Use Only)

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

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

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

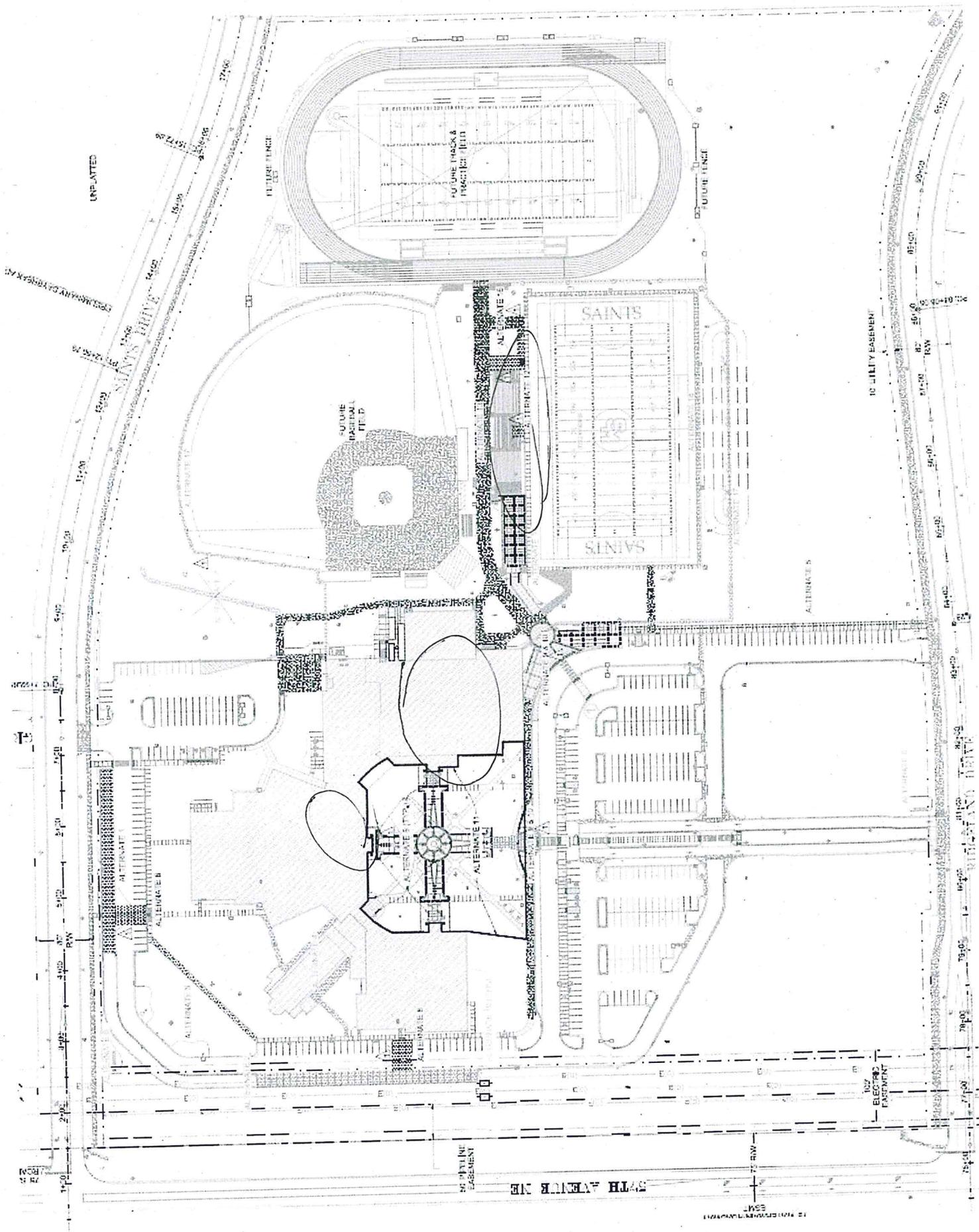
APPROVALS

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

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

RETURN ALL DOCUMENTS TO:

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



UNPLATTED

FUTURE FENCE

FUTURE FENCE

SOUTH PACIFIC FIELD

SAINIS

SAINIS

ALTERNATE 1

ALTERNATE 2

ALTERNATE 3

ALTERNATE 4

100% UTILITY EASEMENT

ALTERNATE 5

E

57TH AVENUE NE

100% UTILITY EASEMENT

100% UTILITY EASEMENT

100% UTILITY EASEMENT



Airport

DATE: April 30, 2020
FROM: Gregory B. Haug, Airport Director
ITEM: Approve purchase of Wetland Credits

REQUEST

Please place this item on the 5/12/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Bismarck Airport has been working successive projects to remove wetlands to reduce wildlife attractants over more than 15 years. Previous phases have eliminated wetlands on the north east corner of the airport (approach end of Runway 13) and the north west corner of the airport (approach end of Runway 21). On November 12, 2019 the Board approved an Engineering design contract with KLJ for Design of Wetland Mitigation Phase 5. This year our Wetland Phase 5 project will remove wetlands starting from Apple Creek on the south east corner of airport near the approach end of Runway 31 and include wetland removal and drainage improvements ending midfield just West of Runway 13-31 (Enclosure 1). The work necessitated modifying the Airports approved Army Corps of Engineers 404 permit to include additional wetland impacts on airport property from Apple Creek to Lincoln Road. The Army Corps of Engineers approved our application for modification but added a special provision requiring purchase of 0.82 acres of wetland credits to the permit (Enclosure 2). The permit is not valid until the transaction is completed.

The 404 permit modification is required to proceed with the Wetland Mitigation Phase 5 work. Staff has coordinated with Ducks Unlimited to purchase 0.82 acres of wetland credits for \$45,100.00. The mitigation costs will be recovered in the Federal Aviation Administration (FAA) Airport improvement Grant (AIP) 62. As part of CARES ACT legislation we expect the AIP 62 grant to cover 100% of project costs.

RECOMMENDED CITY COMMISSION ACTION

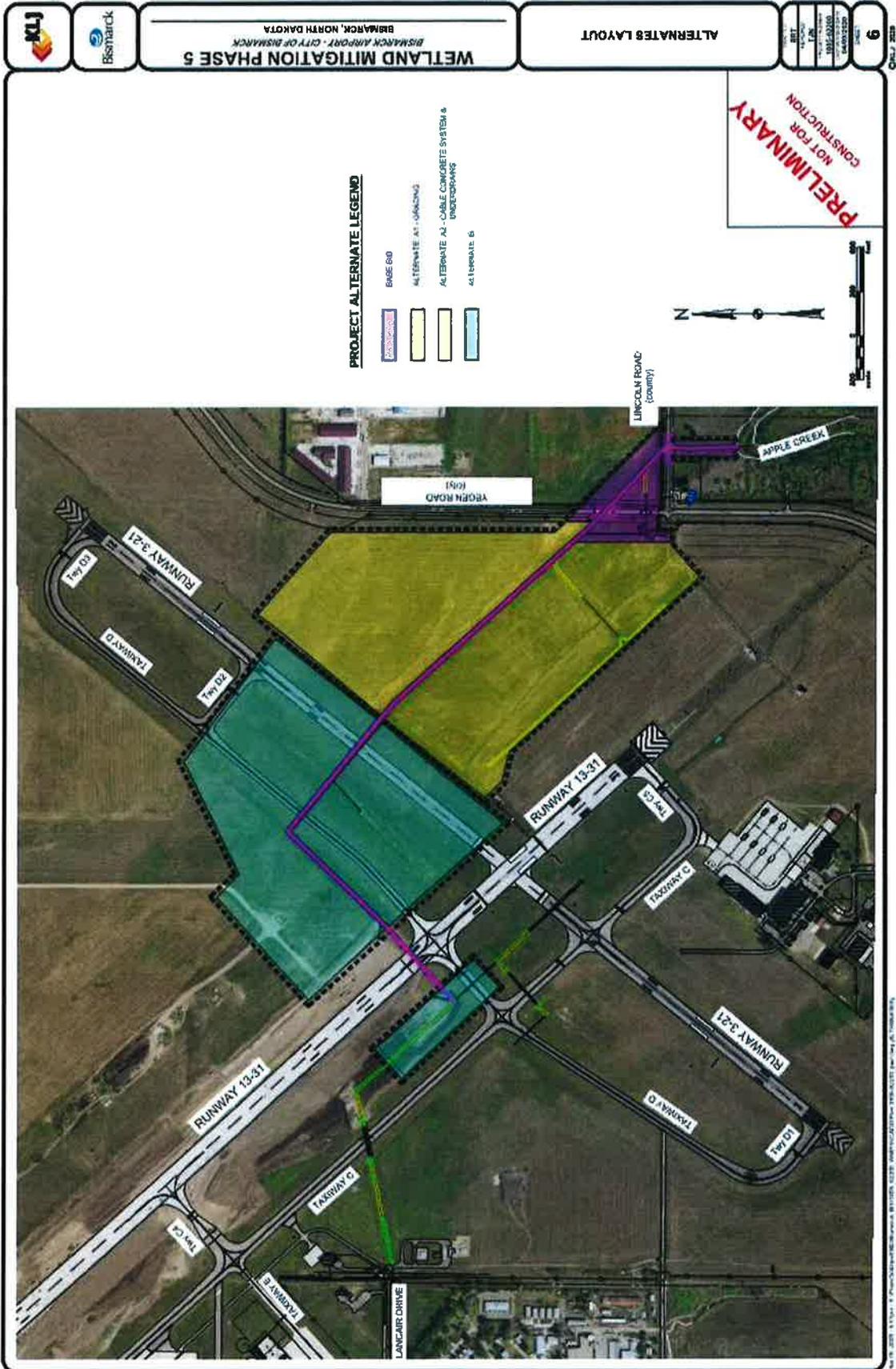
Approve purchase of 0.82 acres of wetland credits from Ducks Unlimited for \$45,100.00 at Enclosure 3.

STAFF CONTACT INFORMATION

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

Enclosures:

1. Wetland 5 diagram.
2. 404 permit modification approval
3. Ducks Unlimited Invoice for 0.82 acres wetland credits.





DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
3319 UNIVERSITY DRIVE
BISMARCK ND 58504

April 28, 2020

DA Individual Permit
No. NWO-2008-2643-BIS

Mr. Curt Cady
KLJ
4585 Coleman Street
Bismarck, ND 58403-0431

Dear Mr. Cady:

Reference is made to Department of the Army (DA) authorization, issued October 7, 2014 to the City of Bismarck, Bismarck Municipal Airport, for the Wildlife Hazard Removal project on airport property. This project is located in Sections 10, 12, 13, 14 and 22, Township 138 North, Range 80 West, Burleigh County, North Dakota.

On August 9, 2019 you submitted a letter to this office, on behalf of the Bismarck Airport, requesting modifications to that authorization to include additional jurisdictional wetland impacts. The requested modification is referenced in your letter as Phase 4 of the phased construction project for the elimination of hazardous wildlife attractants on airport property. The additional wetland impacts associated with this modification request will be mitigated for through the Ducks Unlimited In-Lieu Fee Banking Program (DUILF). A copy of the wetland mitigation credit availability letter, dated August 8, 2019, has been provided to this office and is included in the administrative record for this project. The Corps has determined that the requested permit modification is hereby granted. The following Special Condition **[h-1]** has been made part of the original authorization and must be adhered to for the permit to remain valid.

Special Condition [h-1]: Compensatory mitigation for the authorized impacts to waters of the United States must be carried out in accordance with the proposed Wetland Mitigation Plan, which states that 0.82-acre credits will be secured through the Ducks Unlimited, Inc. North Dakota Aquatic Resource In-lieu Fee Program. You must secure these credits prior to conducting any project activities in waters of the United States. You must provide this office with a signed and dated Credit Transaction Notification Form within 30 days of the transaction. This permit is not valid until the transaction is completed.

This letter will document the administrative record to reflect the requested permit modification, including the required wetland mitigation. No further information is required, with the exception of the DUILF Credit Transaction Notification Form. All terms and conditions of the original DA permit remain in full force and effect (copy of permit conditions enclosed).

If you have any questions regarding this matter, please contact Jason Renschler, Project Manager or myself at the above address or phone at (701) 255-0015 ext. 2010.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

John L. Hudson
Colonel, Corps of Engineers

MCQUEARY.PATRI
CIA.L.1369971936

Digitally signed by
MCQUEARY.PATRICIA.L.1369971
936
Date: 2020.04.28 14:57:52 -05'00'

Patricia L. McQueary
Regulatory Program Manager
North Dakota

Enclosure:

- copy DA authorization NWO-2008-2643 permit conditions.



Great Plains Regional Office
2525 River Road
Bismarck, ND 58503-9011
(701) 355-3500 • Fax (701) 355-3575
www.ducks.org

April 29, 2020

INVOICE # GPRO-DEFINV-2020-235

TO: City of Bismarck
Attn: Greg Haug
2301 University Drive
Bismarck, ND 58502

FROM: Ducks Unlimited, Inc.
2525 River Road
Bismarck, ND 58503

FOR: Wetland Mitigation credits through the Ducks Unlimited – Hipp Mitigation Bank approved by the Army Corps of Engineers.

Hipp Mitigation Bank – Burleigh County, ND:

- 0.82 wetland credits per Permit # NWO-2008-2643-BIS

Total Due: \$45,100.00

Please make check payable to Ducks Unlimited, Inc. and send to the address listed above.

Thank you.



City Attorney

DATE: May 7, 2020

FROM: Janelle Combs, City Attorney

ITEM: Consider approval of two Subordination Agreements for Patterson Place.

REQUEST

Approve two Subordination Agreements for Patterson Place.

Please place this item on the 5/12/2020 City Commission consent meeting agenda.

BACKGROUND INFORMATION

On November 28, 1983, the City loaned McKenzie Hotel Associates \$300,000.00 and received a Deed of Architectural Façade Easement for the property at 420 East Main Avenue also known as Patterson Place. On December 16, 2003, the City subordinated its note in favor of owner refinancing and extended the note term to April 1, 2024. The property was sold from McKenzie Hotel Associates to Patterson Place Limited Partnership.

With the sale to Patterson Place Limited Partnership in the spring of 2019, the Commission extended the date of the note to 2039, and subordinated our loan to a Bridgewater Mortgage of \$6,332,500.00 and the rehabilitation financing with Fannie Mae through Dougherty Mortgage, LLC in an amount not to exceed \$5,500,000.00.

The owners are refinancing to have new first and second mortgage of lending through Cedar Rapids Bank and Trust and a third Housing Trust Fund loan on this project with North Dakota Housing Finance Agency. They are requesting that the \$300,000 note be subordinated to these three new loans.

This was placed on the April 28, 2020 agenda, but the owner did not have the finalized terms. They have indicated that they will have the finalized terms which should be similar to the attachments, except for final date of closing and exact amounts. The final documents will be provided to the Commission upon receipt by staff. The NDHA subordination agreement language has remained unchanged.

RECOMMENDED CITY COMMISSION ACTION

Approve entering into the Subordination Agreements for the Cedar Rapids Rank and Trust Company of \$7,300,000.00 to \$7,600,000 and a second mortgage for \$850,000 and a third mortgage for North Dakota Housing Finance Agency in the amount of \$2,500,000.00 for Patterson Place Limited Partnership.

STAFF CONTACT INFORMATION

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

SUBORDINATION AGREEMENT

THIS SUBORDINATION AGREEMENT (“**Agreement**”) is made and entered into this ___ day of March, 2020, by and between CITY OF BISMARCK, NORTH DAKOTA, a North Dakota municipal corporation (the “**City**”), INDUSTRIAL COMMISSION OF NORTH DAKOTA ACTING IN ITS CAPACITY AS THE NORTH DAKOTA HOUSING FINANCE AGENCY, an agency of the State of North Dakota (“**NDHFA**”) and PATTERSON PLACE LIMITED PARTNERSHIP, a Minnesota limited partnership (“**Borrower**”).

RECITALS

WHEREAS, NDHFA is making a mortgage loan (the “**NDHFA Loan**”) to Borrower as evidenced by a Promissory Note dated March ___, 2020 executed by the Borrower in favor of NDHFA in the amount of Two Million Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00) (the “**NDHFA Note**”), which is secured by a Mortgage, Security Agreement, and Fixture Filing dated March ___, 2020, executed by the Borrower in favor of NDHFA (the “**NDHFA Mortgage**”) as a mortgage lien against the fee simple interest in the real property commonly known as 420 East Main Street, 422 East Main Street and 108 North 5th Street, all located in Bismarck, North Dakota, as legally described in *Exhibit A* attached hereto (the “**Property**”).

WHEREAS, the City made a loan to the McKenzie Hotel Associates, a Minnesota limited partnership (“**McKenzie**”) as evidenced by a Residual Receipts Note dated November 28, 1983 executed by McKenzie in favor of the City in the original principal amount of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) (the “**City Note**”), in connection with that certain Deed of Architectural Façade Easement by and between McKenzie and the City dated as of November 28, 1983, and recorded on December 13, 1983 in the Office of the Recorder of Burleigh County, North Dakota as Document No. 345060, as amended (collectively, the “**Easement**”), such Easement burdening the Property.

WHEREAS, McKenzie’s interest in the City Note was assigned by McKenzie to Borrower and assumed by Borrower from McKenzie pursuant to an Assignment and Assumption of Note Obligations dated April 23, 2019 executed by and between Borrower and City,

WHEREAS, as a condition of NDHFA making the NDHFA Loan to the Borrower on the date hereof, City must execute and deliver this Subordination Agreement agreeing to subordinate the rights under the Easement to the NDHFA Mortgage and subordinate the right to payment of amounts due and owing under the City Note to the NDHFA Loan, all as more fully set forth herein.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each party hereto, it is hereby agreed as follows:

1. Subordination. The Easement and the rights of the City through the Easement in and to the Property, and any improvements located thereon are hereby subjected and subordinated and shall remain in all respects and for all purposes subject to, subordinate, and junior to the lien of the NDHFA Mortgage, including any amendments made thereto, and to the rights and interest of the holder of the NDHFA Mortgage, as with the same effect as if the NDHFA Mortgage, including any amendments thereto, had been duly executed, acknowledged, and recorded, and the indebtedness secured thereby had been fully disbursed prior to the execution of the Easement.

2. Subordination of Payment. Once an Event of Default shall have occurred under the NDHFA Note and shall be continuing or payment to City under the City Note would cause an Event of Default under the NDHFA Note, and NDHFA or their successor has notified City in writing of an Event of Default, City shall not receive any payment of any moneys, including, without limitation, principal or interest (including post-petition interest), now or hereafter owing by Borrower in respect of any payments due and owing as secured by the Easement or any security therefor, until the final payment in full of all obligations, liabilities and indebtedness of every nature of Borrower, from time to time owing to NDHFA under or in connection with the NDHFA Note, including principal, interest, fees (including fees of counsel), and expenses whether now or hereafter existing under the NDHFA Note. Notwithstanding the foregoing, upon foreclosure of the NDHFA Mortgage; provided the amount of the bid at the sheriff's sale is the full amount due and owing to NDHFA under the NDHFA Note, the payment subordination shall cease as to the NDHFA Note only. City acknowledges and agrees that any payment, fee or any other amount owing to it as secured by the Easement is expressly subordinated to the NDHFA Note.

3. Successors and Assigns. This Agreement and each and every covenant, agreement, and other provisions hereof shall be binding upon the parties hereto and their respective successors and assigns, including without limitation from time to time the holder of the First Note, Second Note or any other person having an interest therein and shall inure to the benefit of the NDHFA and its successors and assigns.

4. Choice of Law. This Agreement is made and executed under and in all respects is to be governed and construed by the laws of the State of North Dakota.

5. Captions and Headings. The captions and headings of the various sections of this Agreement are for convenience only and are not to be construed as confirming or limiting in any way the scope or intent of the provisions hereof. Whenever the context requires or permits, the singular shall include the plural, the plural shall include the singular, and the masculine, feminine, and neuter shall be freely interchangeable.

6. Notices. Any notice which any party hereto may desire to may be required to give to any other party shall be in writing and shall be deemed given two (2) business days after mailing thereof by first class mail, or equivalent, to the addresses as set forth below, or to such other places any party hereto may by notice in writing designate shall constitute service of notice hereunder.

NDHFA: North Dakota Housing Finance Agency
[2624 Vermont Ave]
Post Office Box 1535
Bismarck, ND 58502
Attn: Planning and Housing Development

City: City of Bismarck, North Dakota
211 North 5th Street
PO Box 5503
Bismarck, North Dakota 58506-5503
Attn: City Attorney

Borrower: Patterson Place Limited Partnership
620 Mendelssohn Avenue, Suite 107
Golden Valley, Minnesota 55427
Attn: Tom Schuett

7. Counterparts. Each of the executed counterparts of this Agreement shall be original and all counterparts together shall constitute one and the same agreement.

8. Term. This Agreement shall continue in effect until the NDHFA Note is paid in full.

{THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.}

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed as of the date first above written.

CITY:

By: _____
Steve Bakken
Its: President, Board of City Commissioners

AND

By: _____
Keith J. Hunke
Its: City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

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

(SEAL)

Notary Public
Burleigh County, North Dakota

EXHIBIT A

Legal Description

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

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

Burleigh County, North Dakota

SUBORDINATION AGREEMENT

THIS SUBORDINATION AGREEMENT (“**Agreement**”) is made and entered into this ___ day of May, 2020, by and between CITY OF BISMARCK, NORTH DAKOTA, a North Dakota municipal corporation (the “**City**”), CEDAR RAPIDS BANK AND TRUST COMPANY, an Iowa banking corporation (“**CRBT**”) and PATTERSON PLACE LIMITED PARTNERSHIP, a Minnesota limited partnership (“**Borrower**”).

RECITALS

WHEREAS, CRBT is making a mortgage loan (the “**First Loan**”) to Borrower as evidenced by a Promissory Note dated May ___, 2020 executed by the Borrower in favor of CRBT in the amount of Seven Million Three Hundred Thousand and 00/100 Dollars (\$7,300,000.00) (the “**First Note**”), which is secured by a Combination Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents dated May ___, 2020, executed by the Borrower in favor of CRBT in the principal amount of \$9,050,000.00, together with any present or future amendments or modifications thereof, which shall serve as security for the First Note and Swap Transaction Documents (the “**First Mortgage**”) as a first mortgage lien against the fee simple interest in the real property commonly known as 420 East Main Street, 422 East Main Street and 108 North 5th Street, all located in Bismarck, North Dakota, as legally described in *Exhibit A* attached hereto (the “**Property**”).

WHEREAS, CRBT is making a second mortgage loan (the “**Second Loan**”) to Borrower as evidenced by a Promissory Note dated May ___, 2020 executed by the Borrower in favor of CRBT in the amount of Eight Hundred Fifty and 00/100 Dollars (\$850,000.00) (the “**Second Note**”), which is secured by a Combination Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents dated May ___, 2020, executed by the Borrower in favor of CRBT in the principal amount of \$1,055,000.00, together with any present or future amendments or modifications thereof, which shall serve as security for the Second Note and Swap Transaction Documents (the “**Second Mortgage**”) as a second mortgage lien against the Property.

WHEREAS, CRBT is making a tax credit bridge loan (the “**Bridge Loan**”) to Borrower as evidenced by a Promissory Note dated May ___, 2020 executed by the Borrower in favor of CRBT in the amount of [Seven Million Three Hundred Fifty Thousand to Seven Million Six Hundred Fifty Thousand] and 00/100 Dollars ([**\$7,350,000 to 7,650,000**]) (the “**Bridge Note**”).

WHEREAS, the City made a loan to the McKenzie Hotel Associates, a Minnesota limited partnership (“**McKenzie**”) as evidenced by a Residual Receipts Note dated June 29, 2012 executed by McKenzie in favor of the City in the original principal amount of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) on November 28, 1983 (the “**City Note**”), in connection with that certain Deed of Architectural Façade Easement by and between McKenzie and the City dated as of November 28, 1983, and recorded on December 13, 1983 in the Office of the Recorder of Burleigh County, North Dakota as Document No. 345060, as amended (collectively, the “**Easement**”), such Easement burdening the Property.

WHEREAS, McKenzie's interest in the City Note was assigned by McKenzie to Borrower and assumed by Borrower from McKenzie pursuant to an Assignment and Assumption of Note Obligations dated April 23, 2019 executed by and between Borrower and City,

WHEREAS, as a condition of CRBT making the First Loan, Second Loan and Bridge Loan to the Borrower on the date hereof, City must execute and deliver this Subordination Agreement agreeing to subordinate the rights under the Easement to the First Mortgage and the Second Mortgage and subordinate the right to payment of amounts due and owing under the City Note to the First Loan, Second Loan and Bridge Loan, all as more fully set forth herein.

WHEREAS, as used herein "**Swap Indebtedness**" shall mean all indebtedness, liabilities, fees, costs, assessments, or obligations, now existing or hereafter arising, due or to become due, absolute or contingent, by Borrower to CRBT under any Swap Transaction or Swap Transaction Documents.

WHEREAS, as used herein "**Swap**" or "**Swap Transaction**" shall mean one or more agreements between Borrower and CRBT with respect to any interest rate swap, cap, collar, floor, forward, future or derivative transaction or option or similar agreement involving, or settled by reference to, one or more interest rates, currencies, commodities, equity or debt instruments or securities, or economic, financial or pricing indices or measures of economic, financial or pricing risk or value.

WHEREAS, as used herein "**Swap Transaction Documents**" shall mean any and all documents related to any Swap Transactions by and between Patterson and CRBT, including but not limited to the following: 1992 version of the "ISDA" (International Swaps and Derivatives Association, Inc.) Master Agreement, the Schedule to the Master Agreement, any Credit Support Annexes, any Swap Trade Confirmations, Risk Disclosure States, Eligible Contract Participant Verification Forms, and all such other related documents as CRBT may require. All such Swap Transaction Documents shall be in form and content, and include such terms and conditions, as required by CRBT and/or its legal counsel.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each party hereto, it is hereby agreed as follows:

1. Subordination. The Easement and the rights of the City through the Easement in and to the Property, and any improvements located thereon are hereby subjected and subordinated and shall remain in all respects and for all purposes subject to, subordinate, and junior to the lien of the First Mortgage and Second Mortgage, including any amendments made thereto, and to the rights and interest of the holder of the First Mortgage and Second Mortgage, as with the same effect as if the First Mortgage and Second Mortgage, including any amendments thereto, had been duly executed, acknowledged, and recorded, and the indebtedness secured thereby had been fully disbursed prior to the execution of the Easement.

2. Subordination of Payment. Once an Event of Default shall have occurred under the First Note and/or Second Note and/or Bridge Note and shall be continuing or payment to City under the City Note would cause an Event of Default under the First Note and/or Second Note and/or Bridge Note, and CRBT or their successor has notified City in writing of an Event of Default, City shall not receive any payment of any moneys, including, without limitation, principal or interest (including post-petition interest), now or hereafter owing by Borrower in respect of any payments due and owing as secured by the Easement or any security therefor, until the final payment in full of all obligations, liabilities and indebtedness of every nature of Borrower, from time to time owing to CRBT under or in connection with the First Note, Second Note and Bridge Note, including principal, interest, fees (including fees of counsel), and expenses whether now or hereafter existing under the First Note, Second Note and Bridge Note. Notwithstanding the foregoing, upon foreclosure of the First Mortgage and/or Second Mortgage; provided the amount of the bid at the sheriff's sale is the full amount due and owing to CRBT under the First Note, the payment subordination shall cease as to the First Note and Second Note only. City acknowledges and agrees that any payment, fee or any other amount owing to it as secured by the Easement is expressly subordinated to the First Note and Second Note.

3. Successors and Assigns. This Agreement and each and every covenant, agreement, and other provisions hereof shall be binding upon the parties hereto and their respective successors and assigns, including without limitation from time to time the holder of the First Note, Second Note, Bridge Note or any other person having an interest therein and shall inure to the benefit of the CRBT and its successors and assigns.

4. Choice of Law. This Agreement is made and executed under and in all respects is to be governed and construed by the laws of the State of North Dakota.

5. Captions and Headings. The captions and headings of the various sections of this Agreement are for convenience only and are not to be construed as confirming or limiting in any way the scope or intent of the provisions hereof. Whenever the context requires or permits, the singular shall include the plural, the plural shall include the singular, and the masculine, feminine, and neuter shall be freely interchangeable.

6. Notices. Any notice which any party hereto may desire to may be required to give to any other party shall be in writing and shall be deemed given two (2) business days after mailing thereof by first class mail, or equivalent, to the addresses as set forth below, or to such other places any party hereto may by notice in writing designate shall constitute service of notice hereunder.

CRBT: Cedar Rapids Bank and Trust Company
500 1st Avenue NE, Suite 100
Cedar Rapids, IA 52401
Attn: Sam Kramer

City: City of Bismarck, North Dakota

211 North 5th Street
PO Box 5503
Bismarck, North Dakota 58506-5503
Attn: City Attorney

Borrower: Patterson Place Limited Partnership
9000 Golden Valley Road
Golden Valley, Minnesota 55427
Attn: Tom Schuett

7. Counterparts. Each of the executed counterparts of this Agreement shall be original and all counterparts together shall constitute one and the same agreement.

8. Term. This Agreement shall continue in effect until the First Note, Second Note and Bridge Note are paid in full.

{THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.}

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed as of the date first above written.

CITY:

By: _____
Steve Bakken
Its: President, Board of City Commissioners

AND

By: _____
Keith J. Hunke
Its: City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

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

(SEAL)

Notary Public
Burleigh County, North Dakota

CRBT:

CEDAR RAPIDS BANK AND TRUST
COMPANY,
an Iowa banking corporation

By: _____

Sam Kramer

Its: Vice President

STATE OF IOWA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by Sam Kramer, Vice President of Cedar Rapids Bank and Trust Company, an Iowa banking corporation, on behalf of the banking corporation.

Notary Public

BORROWER:

PATTERSON PLACE LIMITED PARTNERSHIP,
a Minnesota limited partnership

By: SCHUETT PATTERSON PLACE, LLC,
a Minnesota limited liability company
Its: General Partner

By: _____
Thomas L. Schuett
Its: President

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Thomas L. Schuett, the President of Schuett Patterson Place, LLC, a Minnesota limited liability company, as the General Partner of Patterson Place, Limited Partnership, a Minnesota limited partnership, on behalf of the limited partnership.

Notary Public

This instrument was drafted by:

MESSERLI & KRAMER P.A. (MRJ)
1400 Fifth Street Towers
100 South Fifth Street
Minneapolis, MN 55402-4218
(612) 672-3718

EXHIBIT A

Legal Description

Parcel 1

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

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

Burleigh County, North Dakota

Parcel 2

Easement for permitted use of easement area, for the benefit of Patterson Place Limited Partnership, as created in Easement Agreement dated April 23, 2019, filed April 25, 2019, as Document No. 884479.



Commission Memorandum

DATE: May 5, 2020
FROM: Mike Dannenfelzer, Communications Director
ITEM: CenCom/EOC Audio/Visual Systems Project

REQUEST

We are recommending to reject the sole bid received to provide and install audio visual systems equipment in the new CenCom / EOC facility at Dakota Carrier Network (DCN) due to the bid exceeding available funds.

Please place this item on the Agenda for the May 12, 2020 Commission meeting.

BACKGROUND INFORMATION

A bid request was advertised to provide audio visual systems equipment and installation at the new CenCom / EOC facility at Dakota Carrier Network. One bid was received from AVI and opened on April 22, 2020. The cost for the proposed work was over the amount of funds available to complete the project as proposed.

We have worked with the engineer on the audio-visual systems project to modify requirements and released an updated specification for this project. The alternate bid proposal is scheduled to be due on May 22, 2020. The new specification has reduced some of the systems required and will permit a re-prioritization of the project after award, based on item cost, schedule and available funding. The completion date was modified to allow for work to progress in 2020 and be completed in 2021.

The funding recommended for this project is from the CenCom equipment reserve and the Emergency Management's equipment reserve, and the 2020 budget authorization.

RECOMMENDED COUNTY COMMISSION ACTION

Reject sole bid of AVI and authorize the reissuing of an alternate proposal request to be received by the Commission at a subsequent meeting.

STAFF CONTACT INFORMATION

Mike Dannenfelzer, mdannenfelzer@bismarcknd.gov, 701-222-6727

CENTRAL DAKOTA COMMUNICATIONS CENTER
2301 University Dr., Bldg 21 | Bismarck, ND 58504-7595 | Phone: 701-222-6727 | Fax: 701-221-6804

A partnership between the City of Bismarck, City of Mandan and Burleigh County since 2016



Engineering Department

DATE: April 30, 2020
FROM: Gabe Schell, City Engineer
ITEM: Highway Construction Project No. 129

REQUEST

Consider approval of Contract Change Order No. 1 for HC 129

Please place this item on the 5/12/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Highway Construction Project HC129 consists of improvements to the public right of way in the vicinity of the Costco property adjacent to North State Street that have been approved by NDDOT and the City. These improvements were identified in a traffic impact study and recommended changes to US 83 (State Street) at its intersection with Brookside Lane and at 57th Avenue as well as improvements to Brookside Lane and 57th Avenue themselves outside of the US 83 right-of-way.

Change Order No. 1 is for the additional borrow excavation required due to conditions found during construction. On Brookside Lane, some of the material under the existing roadbed was found to be unsuitable to be used for fill, resulting in a shortfall of fill material required to construct the Brookside turn lanes as designed. The project will require additional borrow excavation to the original amount bid. The additional borrow excavation results in an increase in the contract cost of \$56,560.

The estimated change order amount represents approximately 2% of the total project cost, which falls well within the 10% contingency allotted the project per the project budget.

RECOMMENDED CITY COMMISSION ACTION

Approved Change Order No. 1 for HC 129 in the amount of \$56,560.00.

STAFF CONTACT INFORMATION

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

CONTRACT CHANGE ORDER FORM

DEPARTMENT

City Department	<u>Engineering</u>		
Contractor	<u>Northern Improvement</u>		
Contract Number	<u>20-08</u>	Change Order Number	<u>1</u>
Project Number	<u>HC 129</u>	Change Order Date	<u>4/29/2020</u>
Project Description	<u>State Street/Brookside Lane/57th Ave Improvements - Costco</u>		
Original Contract Amount	<u>\$ 2,733,812.90</u>	Approved Contract Budget	<u>\$ 3,007,194.19</u>
Previous Contract Amount	<u>\$ 2,733,812.90</u>		
Change Order Amount	<u>\$ 56,560.00</u>		ACTION REQUIRED (SEE BELOW)
Proposed Contract Amount	<u>\$ 2,790,372.90</u>		
Within Project Scope	<u>YES</u>	Within Project Funding	<u>YES</u>
Original Completion Date	<u>8/1/2021</u>	Change in Completion Date	<u>NO</u>
Revised Completion Date*		<i>*If completion date changed on this Change Order</i>	
Type of Change Order	<u>Design-related</u>	Work Order No(s).	<u>NA</u>

Description:

On Brookside Lane, the material under the existing roadbed from stations 310+00 to 316+00 was found to be unsuitable to be used for fill, resulting in a shortfall of fill material required elsewhere on the project as designed. The project will require additional borrow excavation to the original amount bid. The additional estimated quantity is approximately 2,800 cubic yards at the bid price of \$20.20. The actual quantity will be determined in the field.

Total estimated cost:

2,800 Cu yds X \$20.20 = \$56,560

Project Manager Signature (≤\$15,000) _____ **SIGN HERE**
Date

Department Head Signature (≤\$25,000) _____ **SIGN HERE**
Date

ADMINISTRATION

City Administrator Signature (≤\$50,000) _____
 Add to Commission Agenda Date

COMMISSION APPROVAL

Commission Approval Date _____ **COMMISSION APPROVAL
REQUIRED**
 Attach minutes for Commission Approval

FISCAL

Comments

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



Engineering Department

DATE: May 4, 2020
FROM: Gabe Schell, City Engineer
ITEM: Street Improvement District SI 531A Revised Project Budget

REQUEST

Approval of a revised project budget for SI 531A.

Please place this item on the 5/12/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

On April 14, 2020, the Commission approved the award of the contract for Strata Corporation in the amount of \$3,282,409.04. This amount was incorrectly reported on the bid summary; the correct bid amount is \$3,285,508.64. The project budget has been revised accordingly.

Attached is the revised project budget for SI531A dated May 4, 2020

.

RECOMMENDED CITY COMMISSION ACTION

Approval of revised project budget for SI531A.

STAFF CONTACT INFORMATION

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

PROJECT BUDGET - Revised

Number	SI 531A	Description	2020 Asphalt Pavement Maintenance - Units 1-5
---------------	---------	--------------------	---

Scheduled Start	5/1/2020	Scheduled End	8/15/2021
------------------------	----------	----------------------	-----------

Project Contracts

<u>Project Construction Contracts</u>	<u>Amount</u>
Strata Corporation -----	3,285,508.64
Subtotal	3,285,508.64
Contingencies 10%	328,550.86
Total Construction Contracts	3,614,059.50

<u>Other Contracts, Land Purchases, Etc.</u>	<u>Contract No.</u>	<u>Amount</u>
Soil Analysis*		22,372.10
Subtotal		22,372.10
*Contingencies 10%		2,237.21
Total Other Contracts		24,609.31

<u>Work by Other City Departments</u>	<u>Amount</u>
Signs*	27,400.00
Subtotal	27,400.00
*Contingencies 10%	2,740.00
Total Work by Other City Departments	30,140.00

SUMMARY

Construction Cost - No Contingencies **3,335,280.74**

TOTAL CONSTRUCTION COST WITH CONTINGENCIES **3,668,808.81**

Engineering -----	366,880.88
Administration -----	20,076.64
Advertising and Legal -----	40,153.28
Interest During Construction -----	60,229.92

SI 531A TOTAL PROJECT COST **4,156,149.54**

<u>Project Funding</u>	<u>Amount</u>
Special Assessments -----	2,328,890.37
Sales Tax & Spec Def -----	1,827,259.17
Total Funding	4,156,149.54

Date 5/4/2020



Engineering Department

DATE: May 4, 2020
FROM: Gabe Schell, City Engineer
ITEM: Street Improvement District SI 531B – Change Order No. 1

REQUEST

Consider approval of Contract Change Order No. 1 for SI 531B

Please place this item on the 5/12/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Street Improvement District No. 531 consists of eight units of asphalt resurfacing, reconstruction and related items. This project was bid in two parts, Part A and Part B, to allow for two separate contracts under one assessment district. Contracts were awarded for both Part A and Part B on April 14, 2020. The Contractor for Part B was Northern Improvement.

Since the project award, Bismarck Park and Recreation District (BPRD), has requested that the City include maintenance improvements to their Divide Avenue Trail in Unit 6 (Part B). The Divide Avenue Trail is adjacent to Divide Avenue and Sleepy Hollow Park which is included in the district boundary of Unit 6. BPRD is requesting that the sections of asphalt and concrete trail be removed and replaced with concrete trail. All costs related to the trail improvements, Change Order No. 1, will be assessed to the BPRD parcel in Unit 6 (Sleepy Hollow Park).

Attached is the request by BPRD, the quote from Northern Improvement Inc., the change order form and a revised project budget.

RECOMMENDED CITY COMMISSION ACTION

Approve Change Order No. 1 for SI 531B in the amount of \$115,138.20 and the revised project budget.

STAFF CONTACT INFORMATION

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



Let's Play!

April 30, 2020

Gabe Schell, PE
City Engineer
City of Bismarck
PO Box 5503
Bismarck, ND 58502

RE: Divide Avenue Trail Project – Street Improvement District 531 Part B

Dear Gabe:

Bismarck Parks and Recreation District requests that the improvements to the Divide Avenue Trail be included in Street Improvement District 531 Part B and ask that these costs be special assessed to Park District property included in the special assessment district.

Thank you for the opportunity to include these costs in the Street Improvement District and to have them special assessed to Park District property.

Sincerely,



Brian Beattie, President
Board of Park Commissioners

A nationally accredited park and recreation agency.



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

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

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

IMPROVEMENT COMPANY

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

April 23, 2020

Attn: David Mayer
 TO: Bismarck Parks and Recreation District

FROM: Jesse Wetzel, PM/Estimator
 NORTHERN IMPROVEMENT COMPANY

RE: Divide Ave Trail Replacement
 Bismarck, ND

Dear Mr. Mayer,

Northern Improvement Company submits the following quotation for the above referenced project. Prices are based on field measurements provided by the City of Bismarck Engineering Department.

<u>Item #</u>	<u>Description</u>	<u>Unit</u>	<u>Qty</u>	<u>Unit \$</u>	<u>Total</u>
	Asphalt Removal	SY	1,333	\$ 8.10	\$ 10,797.30
	4" Concrete Removal	SF	5,000	\$ 0.90	\$ 4,500.00
	Excavation	CY	101	\$ 63.80	\$ 6,443.80
	Blended Base	TON	202	\$ 53.20	\$ 10,746.40
	4" Concrete	SF	17,000	\$ 4.40	\$ 74,800.00
	Seeding Class III	SY	378	\$ 19.80	\$ 7,484.40
	Mulching	SY	111	\$ 3.30	\$ 366.30
TOTAL:					\$ 115,138.20

- All items are tied
- Final billing will be done from field measurements upon completion.
- Price excludes clearing & grubbing, surveying, striping, SWPP, erosion control and permits.
- Excavation quantity is based on removing 2" of material.
- Blended Base quantity is based on 2" thickness
- Concrete Sawing is included in the 4" Concrete Price.
- If any areas are soft & unstable after the excavation of 2" of material and replacement of 2" of blended base, they will be discussed with the Owner, and fixed on a time and materials basis.
- Price is based on 2020 completion in conjunction with the City of Bismarck SID 531B Project.
- All work to conform to City of Bismarck and NDDOT Specifications.
- Quote may be withdrawn if not accepted within 30 days without prior agreement.
- If you have any questions please give me a call, Thank You.



CONTRACT CHANGE ORDER FORM

DEPARTMENT

City Department	<u>Engineering</u>		
Contractor	<u>Northern Improvement Co.</u>		
Contract Number	<u>20-31</u>	Change Order Number	<u>1</u>
Project Number	<u>SI-531B</u>	Change Order Date	<u>5/5/2020</u>
Project Description	<u>2020 Pavement Maintenance - Units 6,7,9&10</u>		
Original Contract Amount	<u>\$ 4,163,214.81</u>	Approved Contract Budget	<u>\$ 4,683,445.87</u>
Previous Contract Amount	<u>\$ 4,163,214.81</u>		
Change Order Amount	<u>\$ 115,138.20</u>		ACTION REQUIRED (SEE BELOW)
Proposed Contract Amount	<u>\$ 4,278,353.01</u>		
Within Project Scope	<u>YES</u>	Within Project Funding	<u>YES</u>
Original Completion Date	<u>8/1/2021</u>	Change in Completion Date	<u>NO</u>
Revised Completion Date*		<i>*If completion date changed on this Change Order</i>	
Type of Change Order	<u>Design-related</u>	Work Order No(s).	<u>N/A</u>

Description:

Bismarck Parks and Recreation District has requested replacement of the shared use path on the south side of Divide Avenue within Sleepy Hollow Park on Park District property be added to the project. The Contractor has given an estimate of \$115,138.20 to add this work to the project.

Costs will be special assessed to the Park District

Project Manager Signature (≤\$15,000) _____ **SIGN HERE**
Date

Department Head Signature (≤\$25,000) _____ **SIGN HERE**
Date

ADMINISTRATION

City Administrator Signature (≤\$50,000) _____
 Add to Commission Agenda Date

COMMISSION APPROVAL

Commission Approval Date _____ **COMMISSION APPROVAL
REQUIRED**
 Attach minutes for Commission Approval

FISCAL

Comments

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

PROJECT BUDGET - Revised

Number	SI 531B	Description	2020 Asphalt Pvmt. Maint. - Units 6, 7, 9 & 10
---------------	---------	--------------------	--

Scheduled Start	5/1/2020	Scheduled End	8/15/2021
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Project Contracts

<u>Project Construction Contracts</u>	<u>Amount</u>
Northern Improvement Company -----	4,163,214.81
CO No. 1 Divide Ave Trail Impr. -----	115,138.50
Subtotal	4,278,353.31
Contingencies 10%	427,835.33
Total Construction Contracts	4,706,188.64

<u>Other Contracts, Land Purchases, Etc.</u>	<u>Contract No.</u>	<u>Amount</u>
Soil Analysis		22,563.25
Subtotal		22,563.25
*Contingencies 10%		2,256.33
Total Other Contracts		24,819.58

<u>Work by Other City Departments</u>	<u>Amount</u>
Signs	71,900.00
Subtotal	71,900.00
*Contingencies 10%	7,190.00
Total Work by Other City Departments	79,090.00

SUMMARY

Construction Cost - No Contingencies **4,372,816.56**

TOTAL CONSTRUCTION COST WITH CONTINGENCIES **4,810,098.22**

Engineering -----	487,518.88
Administration -----	27,659.06
Advertising and Legal -----	55,318.13
Interest During Construction -----	82,977.19

SI 531B TOTAL PROJECT COST **5,463,571.48**

<u>Project Funding</u>	<u>Amount</u>
Special Assessments -----	3,143,360.95
Sales Tax & Spec Def -----	2,198,794.31
Water Utility Fund -----	121,416.22
Total Funding	5,463,571.48

Date 5/5/2020



Engineering Department

DATE: May 4, 2020
FROM: Gabe Schell, City Engineer
ITEM: Street Improvement District SI533 Revised Project Budget

REQUEST

Approval of a revised project budget for SI533.

Please place this item on the 5/12/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

On April 14, 2020, the Commission approved the contract for Knife River in the amount of \$789,944.10 along with the project budget of \$1,015,719.01. The corrected project budget total is \$1,015,156.35. The project budget, as previously presented, did not accurately show the allocation of cost for each funding source which also affected the administrative fees.

Attached is the corrected project budget for SI533 dated May 4, 2020 which details the project amount contracted and contract funding.

RECOMMENDED CITY COMMISSION ACTION

Approval of revised project budgets for SI533.

STAFF CONTACT INFORMATION

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

PROJECT BUDGET - Revised

Number	SI 533	Description	SI 533 Concrete Pavement Repair
---------------	--------	--------------------	---------------------------------

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

Project Contracts

<u>Project Construction Contracts</u>	<u>Amount</u>
Knife River Corporation -----	789,944.10
Subtotal	789,944.10
Contingencies 10%	78,994.41
Total Construction Contracts	868,938.51

<u>Other Contracts, Land Purchases, Etc.</u>	<u>Contract No.</u>	<u>Amount</u>
NA		
Subtotal		-
*Contingencies 10%		-
Total Other Contracts		-

<u>Work by Other City Departments</u>	<u>Amount</u>
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 -----	87,993.85
Administration -----	13,492.57
Advertising and Legal -----	13,492.57
Interest During Construction -----	20,238.85

SI 533 TOTAL PROJECT COST **1,015,156.35**

<u>Project Funding</u>	<u>Amount</u>
Special Assessments -----	789,315.25
Sales Tax & Spec Def -----	225,841.10
Total Funding	1,015,156.35

Date 5/4/2020



Engineering Department

DATE: May 4, 2020
FROM: Gabe Schell, City Engineer
ITEM: Street Improvement District No. 538

REQUEST

Request for Resolution Approving Plans and Specifications for SI 538.
 Request for Resolution Directing the Advertisement of Bids and Receive Bids.
 Please place this item on the 5/12/2020 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

Authorization to Advertise:	May 12, 2020
Receipt and Opening of Bids:	June 2, 2020
Award of Bid:	June 9, 2020
Project Completion:	August 1, 2021

RECOMMENDED CITY COMMISSION ACTION

Consider request for Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receive Bids for SI 538.

STAFF CONTACT INFORMATION

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

SI-538 UNIT 1

57TH AVE NE





Engineering Department

DATE: May 5, 2020

FROM: Gabe Schell, City Engineer

ITEM: Water Main Easement – in SE ¼, Section 13, Township 139, Range 80.

REQUEST

Request dedication of and acceptance of a water main easement north of 43rd Avenue NE along the west ¼ line and the north ¼ line of the SE ¼ line of Section 13, Township 139, Range 80.

Please place this item on the 5/12/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The location of these proposed water main easements is in SE ¼, Section 13, Township 139, Range 80, in Burleigh County. These water main easements would allow developing property in the surrounding areas to be served with water by the City of Bismarck. Any property to be served would still be required to plat and annex as per our current policies.

There are also temporary construction easements being granted for the initial construction of the watermain adjacent to the 99-year water main easements. The temporary construction easements would not be recorded against the property.

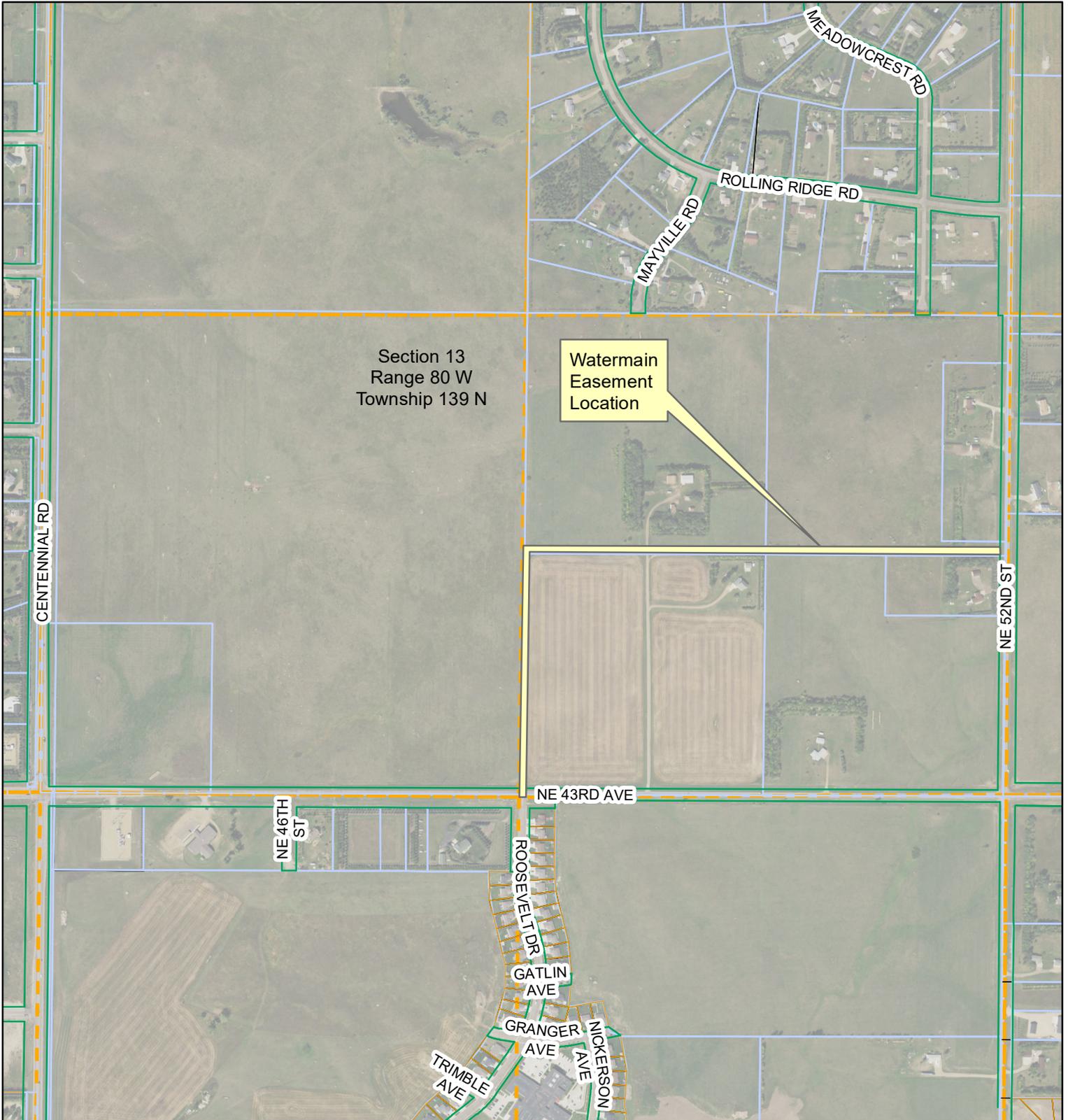
The construction of a watermain in this easement is not included in the City's 5-year CIP and would be the responsibility of the adjacent or surrounding landowners to fund.

RECOMMENDED CITY COMMISSION ACTION

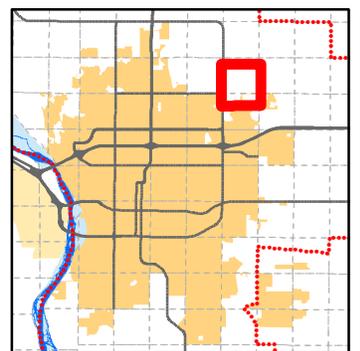
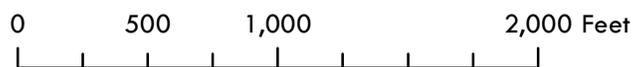
Approve dedication of and acceptance of a water main easements in the SE ¼ of Section 13, Township 139, Range 80.

STAFF CONTACT INFORMATION

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



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



TEMPORARY CONSTRUCTION EASEMENT
CITY OF BISMARCK

KNOW ALL MEN BY THESE PRESENTS:

That Thomas M. Schafer, Joseph P. Schafer, Michael W. Schafer, and Jennifer J. Aus, (the "Grantor") for and in consideration of one (\$1.00) and other good and valuable consideration, have this day granted to the **City of Bismarck**, whose post office address is 221 N 5th St, Bismarck, ND 58501, (the "City"), a temporary construction easement over land lying and being in the County of Burleigh, and the State of North Dakota, and described as follows to wit:

THE WEST 80.00 FEET OF THE SW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 139 NORTH,
RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

The sole purpose of this easement is to grant to the City, for the use and benefit of the public, the right to remove or place material for the construction purposes from the above-described tract, and the City may remove or place said material to a desired depth, providing drainage as presently exists.

Areas disturbed by construction will be seeded as per plans as part of the project construction.

Grantors shall not store equipment or other property on the easement during the term of the easement, except for those existing fixtures that will not interfere with City's use of the easement during construction.

The Grantors specifically give the City the right of ingress and egress so long as this easement shall remain in full force and effect.

It is a condition of this easement that all rights conveyed to the City by this instrument shall terminate upon completion of construction of said project.

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

Steve Bakken, President
Board City Commissioners

Attest: _____
Keith J. Hunke
City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

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

Notary Public

WATER MAIN EASEMENT

This indenture, made this 20th day of April, 2020, between Thomas M. Schafer, Joseph P. Schafer, Michael W. Schafer, and Jennifer J. Aus, Grantors, and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506-5503, Grantee.

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

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

THE WEST 40.00 FEET OF THE SW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

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

4. Grantor agrees to not erect or permit any structure or obstruction other than fences or driveways, change the ground elevation, or perform any act that interferes with Grantee's rights under this easement, except with the written consent of Grantee.

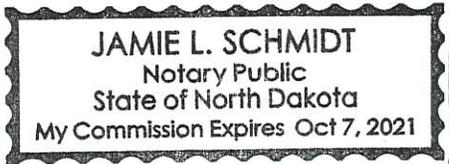
5. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution of this easement.

Michael W. Schafer

Michael W. Schafer
Dealing in his sole and separate property
80 McDougal Dr
Lincoln, ND 58504

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this 20th day of April, 2020, before me personally appeared Michael W. Schafer, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that he executed the same.



Jamie L. Schmidt

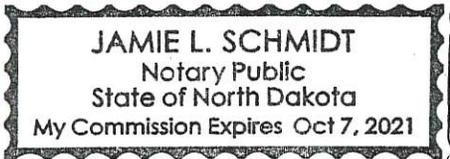
Notary Public
State of North Dakota
My commission expires: October 7, 2021

Jennifer J. Aus

Jennifer J. Aus
Dealing in her sole and separate property
1227 6th St NE
Devil's Lake, ND 58301

STATE OF NORTH DAKOTA)
) SS
COUNTY OF Burleigh)

On this 21st day of April, 2020, before me personally appeared Jennifer J. Aus, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that he executed the same.



Jamie L. Schmidt

Notary Public
State of North Dakota
My commission expires: October 7, 2021

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

Steve Bakken, President
Board City Commissioners

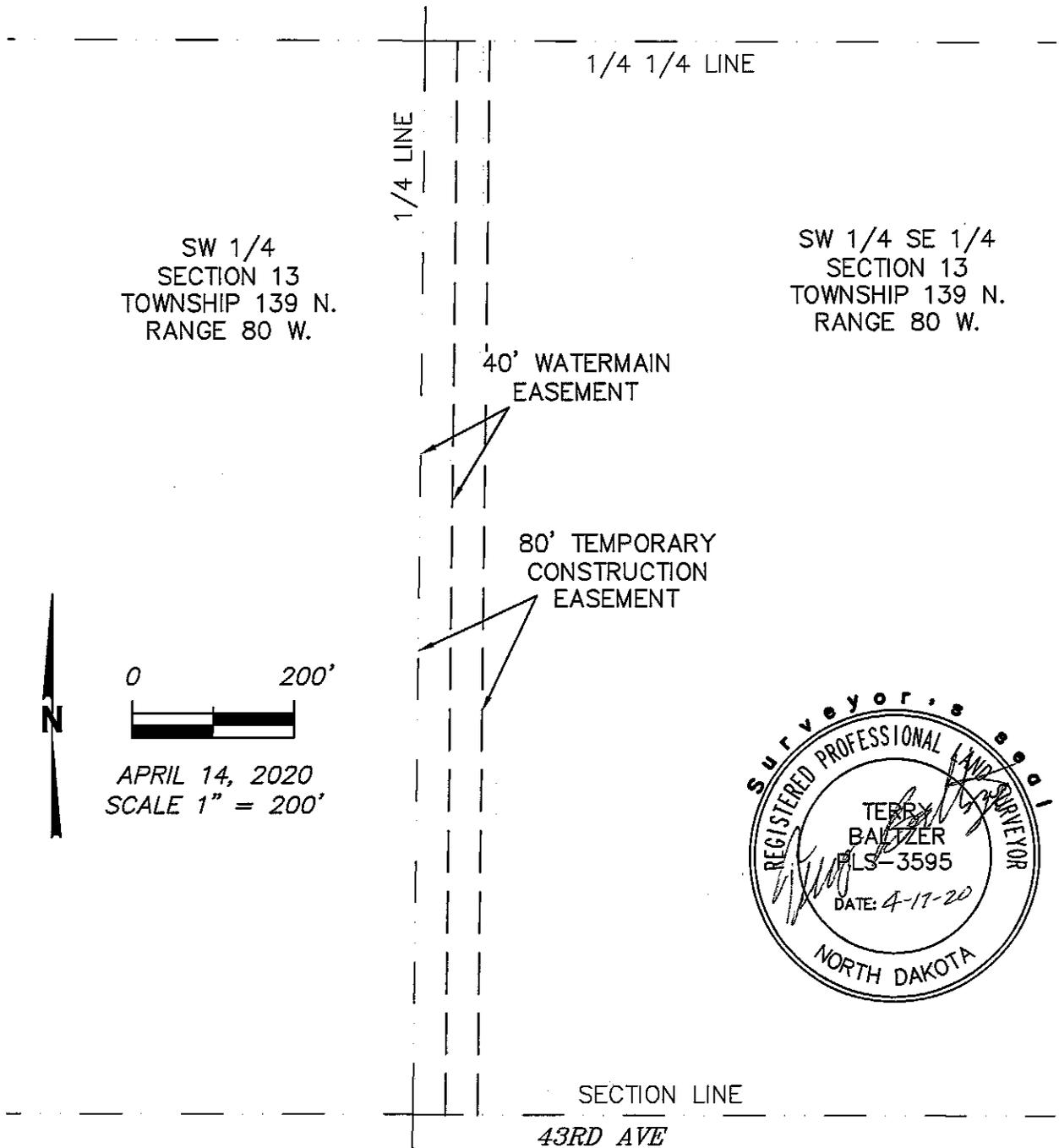
Attest: _____
Keith J. Hunke
City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

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

Notary Public

WATERMAIN & TEMPORARY CONSTRUCTION EASEMENT EXHIBIT



WATERMAIN EASEMENT

THE WEST 40.00 FEET OF THE SW 1/4 OF THE SE 1/4 OF SECTION 13
TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
BURLEIGH COUNTY, NORTH DAKOTA

TEMPORARY CONSTRUCTION EASEMENT

THE WEST 80.00 FEET OF THE SW 1/4 OF THE SE 1/4 OF SECTION 13
TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
BURLEIGH COUNTY, NORTH DAKOTA

SATTLE'S
SUNRISE
SEVENTH
ADDITION

NE 1/4
SECTION 24
TOWNSHIP 139 N.
RANGE 80 W.



SWENSON, HAGEN & COMPANY P.C.

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

909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2600

WATER MAIN EASEMENT

This indenture, made this 23rd day of April, 2020, between Horner Enterprises Partnership, whose address is 4900 Southbay Dr SE, Mandan, ND, 58554, Grantor, and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506-5503, Grantee.

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

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

THE SOUTH 50.00 FEET OF THE NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

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

4. Grantor agrees to not erect or permit any structure or obstruction other than fences or driveways, change the ground elevation, or perform any act that interferes with Grantee's rights under this easement, except with the written consent of Grantee.

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

TEMPORARY CONSTRUCTION EASEMENT
CITY OF BISMARCK

KNOW ALL MEN BY THESE PRESENTS:

That Horner Enterprises Partnership, the "Grantor") for and in consideration of one (\$1.00) and other good and valuable consideration, have this day granted to the **City of Bismarck**, whose post office address is 221 N 5th St, Bismarck, ND 58501, (the "City"), a temporary construction easement over land lying and being in the County of Burleigh, and the State of North Dakota, and described as follows to wit:

THE SOUTH 80.00 FEET OF THE NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

The sole purpose of this easement is to grant to the City, for the use and benefit of the public, the right to remove or place material for the construction purposes from the above-described tract, and the City may remove or place said material to a desired depth, providing drainage as presently exists.

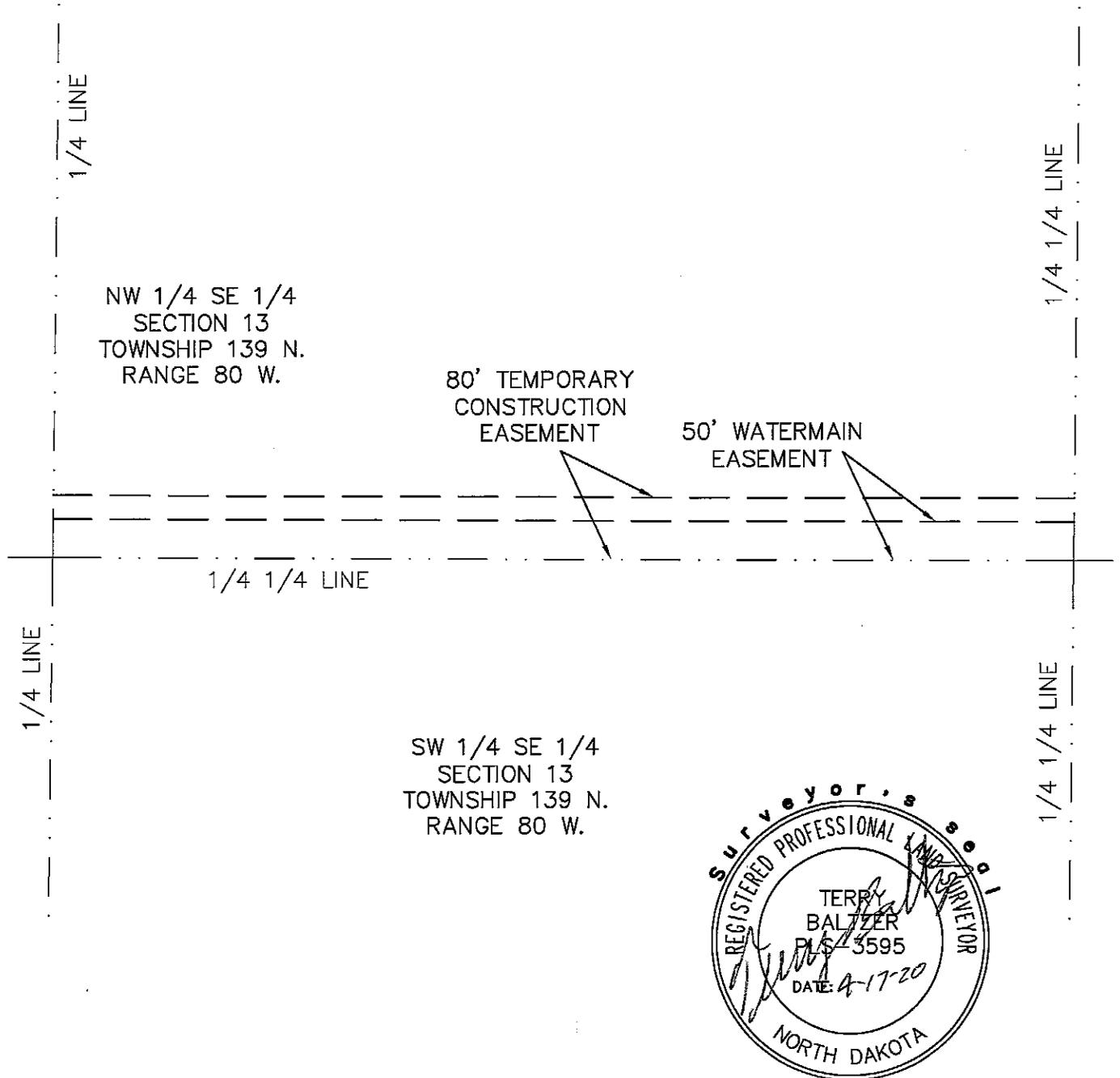
Areas disturbed by construction will be seeded as per plans as part of the project construction.

Grantors shall not store equipment or other property on the easement during the term of the easement, except for those existing fixtures that will not interfere with City's use of the easement during construction.

The Grantors specifically give the City the right of ingress and egress so long as this easement shall remain in full force and effect.

It is a condition of this easement that all rights conveyed to the City by this instrument shall terminate upon completion of construction of said project.

WATERMAIN & TEMPORARY CONSTRUCTION EASEMENT EXHIBIT



WATERMAIN EASEMENT

THE SOUTH 50.00 FEET OF THE NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

TEMPORARY CONSTRUCTION EASEMENT

THE SOUTH 80.00 FEET OF THE NW 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA



SWENSON, HAGEN & COMPANY P.C.

909 Basin Avenue
 Bismarck, North Dakota 58504
 sheng@swensonhagen.com
 Phone (701) 223-2600
 Fax (701) 223-2606

WATER MAIN EASEMENT

This indenture, made this 23rd day of April, 2020, between Thomas Volochenko & Lena Volochenko, whose address is 1919 4th Ave NW, Butte, ND 58723, Grantors, and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506-5503, Grantee.

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

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

THE SOUTH 50.00 FEET OF TRACT A OF THE NE 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

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

4. Grantor agrees to not erect or permit any structure or obstruction other than fences or driveways, change the ground elevation, or perform any act that interferes with Grantee's rights under this easement, except with the written consent of Grantee.

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

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

Steve Bakken, President
Board City Commissioners

Attest: _____
Keith J. Hunke
City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

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

Notary Public

TEMPORARY CONSTRUCTION EASEMENT
CITY OF BISMARCK

KNOW ALL MEN BY THESE PRESENTS:

That Thomas Volochenko & Lena Volochenko, the "Grantor") for and in consideration of one (\$1.00) and other good and valuable consideration, have this day granted to the **City of Bismarck**, whose post office address is 221 N 5th St, Bismarck, ND 58501, (the "City"), a temporary construction easement over land lying and being in the County of Burleigh, and the State of North Dakota, and described as follows to wit:

THE SOUTH 80.00 FEET OF TRACT A OF THE NE 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

The sole purpose of this easement is to grant to the City, for the use and benefit of the public, the right to remove or place material for the construction purposes from the above-described tract, and the City may remove or place said material to a desired depth, providing drainage as presently exists.

Areas disturbed by construction will be seeded as per plans as part of the project construction.

Grantors shall not store equipment or other property on the easement during the term of the easement, except for those existing fixtures that will not interfere with City's use of the easement during construction.

The Grantors specifically give the City the right of ingress and egress so long as this easement shall remain in full force and effect.

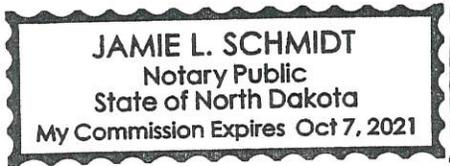
It is a condition of this easement that all rights conveyed to the City by this instrument shall terminate upon completion of construction of said project.

Dated this 23rd day of April, 2020.

Thomas Volochenko (SIGN)
Thomas Volochenko
1919 4th Ave NW
Butte, ND 58723

STATE OF NORTH DAKOTA)
COUNTY OF Burleigh) SS

On this 23 day of April, 2020, before me personally appeared Thomas Volochenko known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that he executed the same.

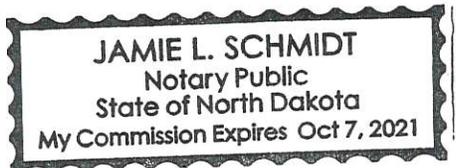


J. Schmidt
Notary Public
State of North Dakota
My commission expires: October 7, 2021

Lena Volochenko (SIGN)
Lena Volochenko
1919 4th Ave NW
Butte, ND 58723

STATE OF NORTH DAKOTA)
COUNTY OF Burleigh) SS

On this 23rd day of April, 2020, before me personally appeared Lena Volochenko known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that she executed the same.



J. Schmidt
Notary Public
State of North Dakota
My commission expires: October 7, 2021

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

Steve Bakken, President
Board City Commissioners

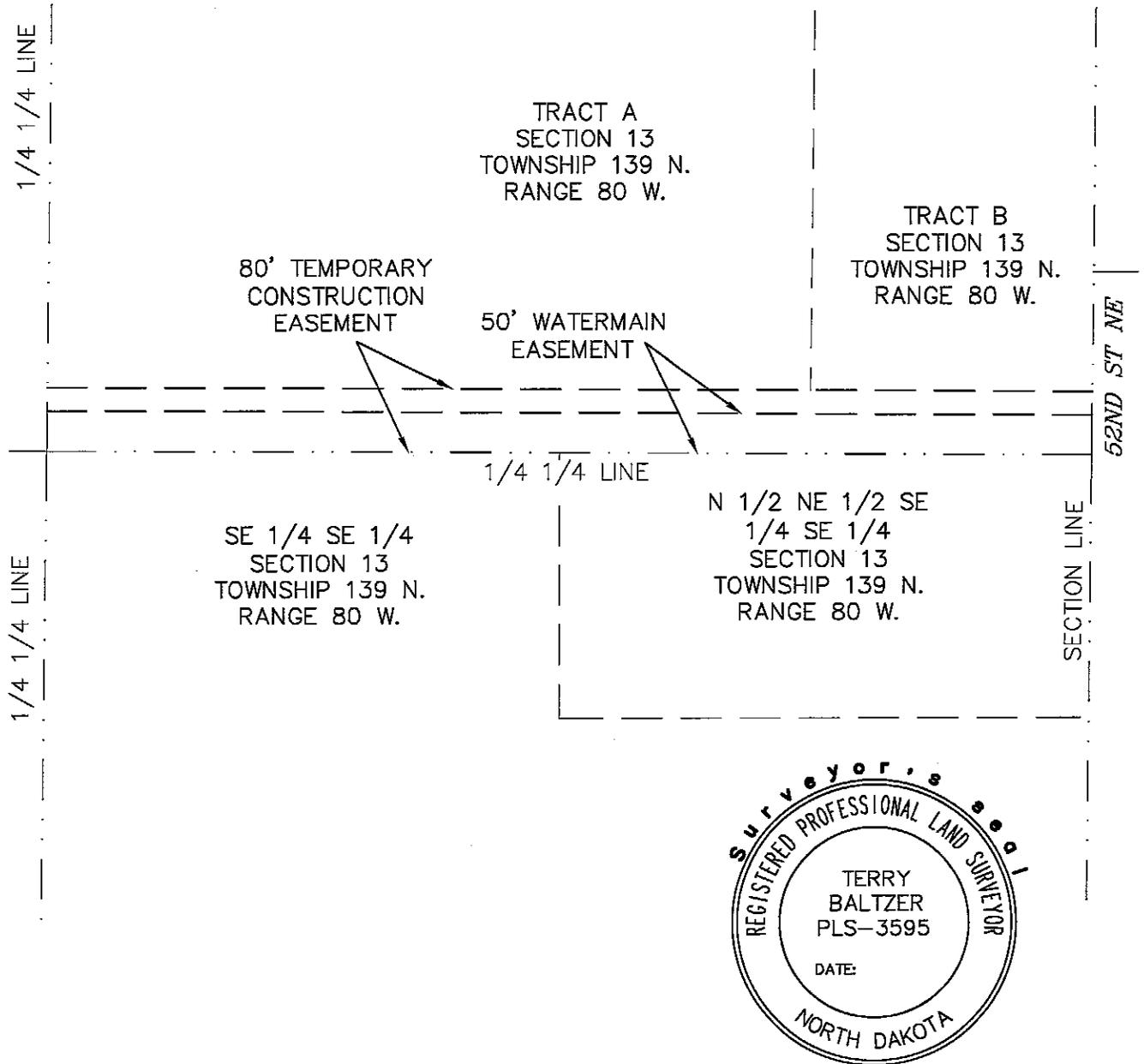
Attest: _____
Keith J. Hunke
City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

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

Notary Public

WATERMAIN & TEMPORARY CONSTRUCTION EASEMENT EXHIBIT



WATERMAIN EASEMENT

THE SOUTH 50.00 FEET OF TRACT A OF THE NE 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

TEMPORARY CONSTRUCTION EASEMENT

THE SOUTH 80.00 FEET OF TRACT A OF THE NE 1/4 OF THE SE 1/4 OF SECTION 13 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

SWENSON, HAGEN & COMPANY P.C.

909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2606

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



Finance Department

DATE: May 4, 2020
FROM: Dmitriy Chernyak, Finance Director *De by aj*
ITEM: Applications for Abatement

REQUEST

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

Application for Abatement for 2019 – Disabled Veteran
Property Owner – Ronald & Deborah Sukauskas
Property Address – 3107 Hampton St (838-005-001)

Application for Abatement for 2019 – Basement not completed as assumed
Property Owner- Tyler & Katie Kientopf
Property Address – 332 Boston Pl (1531-009-050)

Please place these items on the 5/12/2020 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 the disabled veteran credit.

RECOMMENDED CITY COMMISSION ACTION

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

STAFF CONTACT INFORMATION

Allison Jensen / ajensen@bismarcknd.gov
355-1630

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District #1
 County of BURLEIGH Property I.D. No. 838-005-001
 Name RONALD & DEBORAH SUKAUSKAS Telephone No. _____
 Address 3107 HAMPTON ST. BISMSARCK

Legal description of the property involved in this application:

TATLEY MEADOWS VI
 Block: 5
 LOT 1

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

Land \$ 52,000
 Improvements \$ 236,500
 Total Adj. \$ 183,500
(1)

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

Land \$ 52,000
 Improvements \$ 236,500
 Total Re-Adj. \$ 138,500
(2)

The difference of \$ 45,000.00 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) (was @ 70% / now @ 100%) Additional credit

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

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

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

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant Ronald Sukauskas

Date 4-28-20

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**

Sukauskas
 Name of Applicant Ronald + Deborah

County Auditor's File No. 20-119

Date Application Was Filed With The County Auditor 4/23/20

Date County Auditor Mailed Application to Township Clerk or City Auditor _____
(must be within five business days of filing date)

Alan Vietoreney
 by epp.

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 Vientop Tyert Katie

County Auditor's File No. 20-121

Date Application Was Filed With The County Auditor 5/1/2020

Date County Auditor Mailed Application to Township Clerk or City Auditor by epb
(must be within five business days of filing date)

Callan Vuetman



Fire Department

DATE: May 6, 2020
FROM: Joel Boespflug, Fire Chief
ITEM: Consent Agenda Request

REQUEST

Permission to accept donation.

Please place this item on the 5/12/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The FD is occasionally receiving donations from local businesses as a gesture of appreciation for the employee's efforts during the pandemic. Farmers Insurance, Kyle Herman Agency, has donated gift cards to local food establishments. The donation while being less than \$25 per employee, totals \$500.

RECOMMENDED CITY COMMISSION ACTION

Permission to accept the gift which will be distributed to the staff at the multiple fire stations.

STAFF CONTACT INFORMATION

Joel Boespflug | Fire Chief, 355-1400 or jboespflug@bismarcknd.gov



VETERANS MEMORIAL PUBLIC LIBRARY

DATE: April 23, 2020
FROM: Christine Kujawa, Library Director
ITEM: Approval to Extend Library Board Trustee Terms During Pandemic

REQUEST

Approve extension of Library Board Trustee terms for Joyce Hinman and Pat Grantier until the Library reopens. When the Library reopens, the Library Board will start the process of filling the two positions and will request that the Commission approve the new Trustees.

Please place this item on the May 12, 2020 City Commission meeting.

BACKGROUND INFORMATION

The Library Board of Trustees will have two vacancies in July 2020. The process to start filling the vacancies would normally start now. The Library Director contacts and meets in person with prospective Trustees, interviews them, provides an in depth tour of the facility, goes through the Trustee orientation guide, reviews Library financials with them, and then provides recommendations to the Library Board of Trustees.

Due to the pandemic situation, social distancing guidelines, and the Library being temporarily closed, it would be challenging to complete the above tasks. The Library Board of Trustees, based on guidance from the ND Attorney General's Office, requests that the City Commission consider allowing the two Trustees to remain on the Library Board until the Library reopens. When the Library reopens we will start the process of replacing the two expiring Trustees and will request that the Commission approve the new Trustees.

RECOMMENDED CITY COMMISSION ACTION

May 12, 2020 meeting of the Board of City Commissioners - consider request to approve extension of Library Board Trustee terms for Joyce Hinman and Pat Grantier until the Library reopens. When the Library reopens, the Library Board will start the process of filling the two positions and will request City Commission approval to fill the positions at that time.

STAFF CONTACT INFORMATION

Christine Kujawa, City Library Director | ckujawa@bismarcklibrary.org | 355-1482

Enclosure

1. Email exchange between ND State Librarian Mary Soucie and Assistant Attorney General Tara Brandner

From: Brandner, Tara B.
Sent: Monday, April 13, 2020 6:29 PM
To: Soucie, Mary J. <msoucie@nd.gov>
Subject: RE: Question regarding Public Library Board terms and COVID

The Board of Directors must report the upcoming vacancy to the municipality or the county commission. The municipality or county commission will have to make the decision as to whether it wants to delay the appointment or continue forward. If the municipality or county commission does delay the appointment, the board member who is supposed to leave will maintain office until a successor has been appointed.

Tara B. Brandner, M.B.A. | Assistant Attorney General

Office of Attorney General
600 East Boulevard Avenue, Dept. 125
Bismarck, ND 58505-0040
701.328.4148 | tbrandner@nd.gov

From: Soucie, Mary J.
Sent: Tuesday, April 7, 2020 1:16 PM
To: Brandner, Tara B. <tbrandner@nd.gov>; Oliver, Leslie B. <lboliver@nd.gov>
Cc: Hopkins, Danelle <dhopkins@nd.gov>
Subject: Question regarding Public Library Board terms and COVID

Tara and Leslie,

Good afternoon! I hope you are both doing well. Thank you for all your doing to serve state agencies and ND during this crazy time.

I received a call today from a library director and I anticipate we'll get the question more often so I wanted to reach out for some guidance. I included Leslie in case the answer is that an Executive Order is required.

CC 40-38.03.2 addresses the terms of office for public library board members. The question is if a board member has a term that is ending at the end of June, is it possible to extend the terms until the current pandemic is over. Our library directors/boards like to meet with potential candidates to interview them, provide tour of the building and answer questions to try and ensure they'll be a good fit before they are appointed by the City Council/County Board. The concern is that they won't be able to do that when so many public libraries are closed. There is also a concern that the appointment will get lost while everyone is so focused on the pandemic. I don't know if the sentence that I highlighted below will allow the current trustees to serve past June 30th or not. If it does not, we may need some guidance on how to request an Executive Order. I apologize that this

wasn't on our radar two weeks ago when those were requested.

I've included the Century Code below:

The terms of office of the members of the first board of directors must be established so one member holds office for one year, two members hold office for two years, and two members hold office for three years. The members, at their first meeting, shall determine the length of their respective terms by lot. **Thereafter, the number of directors required to fill expired terms must be appointed each year, and each director may hold office for a term of three years from the first day of July in the year of appointment and until a successor has been appointed.** No member of the board may serve for more than two consecutive terms, after which an interval of one year must elapse before the same member may be reappointed. All vacancies on the board of directors must be reported by the board to the governing body of the municipality or the board of county commissioners, as the case may be, and must be filled thereby. An appointment to fill an unexpired term may be for the residue of the term only.

Thank you,
Mary

Mary Soucie
State Librarian
North Dakota State Library
(701) 328-4654 Work
(701) 516-6166 Cell
www.library.nd.gov

NDSL: Making connections, strengthening communities and enriching lives



Police Department

DATE: May 1, 2020
FROM: Dave Draovitch, Chief of Police
ITEM: Annual Deer and Turkey Archery Hunting Program on City Properties

REQUEST

Permission to Conduct the Annual Deer and Turkey Archery Hunting Program on City Properties

Please place this item on the 5/12/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Police Department requests authorization to conduct the Annual Deer and Turkey Archery Hunting Program on select City properties. This hunting season will begin September 4th and will coincide with the archery season set forth by the ND Game & Fish Department (NDG&F). The deer hunting program is an annual program which has been in existence since 1987. The turkey hunting program was initially approved by the Board in 2008 and has been successfully conducted each year, with the exception of 2011 when it was cancelled due to the flood. Both programs have aided in controlling the problems associated with wild deer and turkeys entering areas of Bismarck, especially the residential areas in the southwest portion of the City.

All hunters must possess a valid North Dakota archery license to participate in the programs. The Animal Control section of the Police Department issues trespass permits to hunters who wish to participate in the Archery Hunting Program. There will be 25 permits issued for the season on a first-come-first-served basis. Animal Control staff provides instructions and maps of specific authorized City property and monitors those selected to participate in the program.

RECOMMENDED CITY COMMISSION ACTION

Authorization to conduct the Archery Hunting Program on City properties.

STAFF CONTACT INFORMATION

Dave Draovitch | Chief of Police, 223-1212 or ddraovitch@bismarcknd.gov



Police Department

DATE: May 1, 2020
FROM: Jason Stugelmeyer, Deputy Chief of Police
ITEM: Request authorization to sell two vehicles at auction

REQUEST

Requesting the Commission's approval to sell two vehicles at auction.

Please place this item on the May 12, 2020 City Commission meeting agenda (consent agenda).

BACKGROUND INFORMATION

Requesting authorization to sell 2 decommissioned Detective cars through Mid States Auto Auction located in New York Mills, MN. The below listed vehicles were replaced this past year and we have no need to maintain them in our fleet. The following information is a description of the vehicles:

1. **Unit # 9549-** 2006 Pontiac Grand Prix with approximately 76,420 miles
- (VIN# 2G2WP552861182805)
-Capital Asset #9446
-Narcotics Fund
2. **Unit # 9560-** 2008 Dodge Avenger with approximately 70,459 miles
-(VIN#1B3LC56KX8N301076)
-Capital Asset #9564
-General Fund

RECOMMENDED CITY COMMISSION ACTION

Approval to sell vehicles at Mid States Auto Auction.

STAFF CONTACT INFORMATION

Jason Stugelmeyer | Deputy Chief of Police, 223-1212 or jstugelmeyer@bismarcknd.gov



PUBLIC WORKS – SERVICE OPERATIONS

DATE: May 5, 2020
FROM: Jeff Heintz, Director of Service Operations
ITEM: Update on the Phase II environmental property assessment for the former Billington Salvage Yard property.

REQUEST

Report on the Phase II environmental assessment for the former Billington Salvage Yard property.

Please place this item on the May 12, 2020 City Commission meeting.

BACKGROUND INFORMATION

Western Plains Consulting, Inc. completed the Expanded Phase II Subsurface and Groundwater Assessment on the former Billington’s Salvage site. Phase II was to gather information to determine off-site impacts, if any, from historic site usage. The findings and conclusion of the results of the site work indicate no apparent off-site impacts for the project.

RECOMMENDED CITY COMMISSION ACTION

Receive the report for the Expanded Phase II Subsurface Soil and Groundwater Assessment for the former Billington Salvage Yard property.

STAFF CONTACT INFORMATION

Jeff Heintz, Director of Service Operations, 355-1700, jheintz@bismarcknd.gov.



PUBLIC WORKS – SERVICE OPERATIONS

DATE: May 5, 2020
FROM: Jeff Heintz, Director of Service Operations
ITEM: Award bid for HPS & LED Luminaires

REQUEST

Award of bid for HPS & LED Luminaires.

Please place this item on the May 12, 2020 City Commission meeting.

BACKGROUND INFORMATION

The Public Works Service Operations Department received bids at 4:00 p.m. on Monday, May 4, 2020 for the HPS & LED Luminaires. Four bids were received. Recommendation is to award the bid to the low bidder, Dakota Supply Group. The bid tab is attached.

RECOMMENDED CITY COMMISSION ACTION

Award the bid to the lowest bidder, Dakota Supply Group in the amount of \$125,308.47 per the bid tab.

STAFF CONTACT INFORMATION

Jeff Heintz, Director of Service Operations, 355-1700, jheintz@bismarcknd.gov

CITY OF BISMARCK
221 North 5th Street
Bismarck ND 58501
HPS & LED LUMINAIRES - BID TABULATION
Monday, May 4, 2020

Bids Received - 3:00 p.m.

Bids Opened – 4:00 p.m.

ITEM	UNIT	QUANTITY	DAKOTA SUPPLY GROUP		GRAYBAR ELECTRIC COMPANY, INC.		BORDER STATES		WESCO DISTRIBUTION	
			UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
SP 1 Type B 150W HPS Luminaires	Each	10	199.48	\$ 1,994.80	210.55	\$ 2,105.50	203.01	\$ 2,030.10	203.00	\$ 2,030.00
SP 2 Type B1 250/400W HPS Luminaires	Each	20	250.64	\$ 5,012.80	263.00	\$ 5,260.00	254.37	\$ 5,087.40	255.00	\$ 5,100.00
SP 3 Type L LED Luminaires 700mA	Each	124	324.71	\$ 40,264.04	347.00	\$ 43,028.00	335.88	\$ 41,649.12	348.00	\$ 43,152.00
SP 4 Type CL LED Luminaires 700mA	Each	84	424.55	\$ 35,662.20	432.00	\$ 36,288.00	417.30	\$ 35,053.20	432.00	\$ 36,288.00
SP 5 Type CL1 LED Luminaires 700mA	Each	10	578.05	\$ 5,780.50	589.00	\$ 5,890.00	569.97	\$ 5,699.70	589.00	\$ 5,890.00
SP 6 Type CL LED Luminaires 1050mA	Each	19	454.22	\$ 8,630.18	462.00	\$ 8,778.00	446.82	\$ 8,489.58	463.00	\$ 8,797.00
SP 7 Type CL1 LED Luminaires 1050mA	Each	46	588.23	\$ 27,058.58	600.00	\$ 27,600.00	580.15	\$ 26,686.90	599.00	\$ 27,554.00
SP 8 Type BL LED Luminaires	Each	1	905.37	\$ 905.37	927.00	\$ 927.00	895.67	\$ 895.67	922.00	\$ 922.00
Total				\$125,308.47		\$129,876.50		\$125,591.67		\$129,733.00

ITEM	UNIT	QUANTITY	UNIT COST	TOTAL COST
150W HPS Luminaire	Each	10	189.00	\$ 1,890.00
Type L LED Luminaire	Each	170	357.00	\$60,690.00
Type CL LED Luminaire	Each	16	489.00	\$ 7,824.00
Total				\$70,404.00



**BISMARCK
MANDAN**
CHAMBER | EDC

The 'Outbreak' Phase

- **ADVOCATE**
 - Weekly messages to local, state and federal leaders
 - Provide suggestions for a safe re-open of businesses
- **SUPPORT**
 - Takeout Tuesday, Run It Down with Ross, etc.
 - Provide ideas as to how to support local businesses
- **PROVIDE RESOURCES**
 - Respond to individual requests for assistance
 - Pro-actively provide resources on our website, video, etc.

The 'Recovery' Phase

- NEW Talent Attraction-focused Video Series
- NEW Business Assistance Guide
- NEW Site Selector Guide
- NEW Internship-focused Website
- NEW Economic Development-focused Section at www.bismarckmandan.com
- UPDATED Market Update

The 'Normal' Phase

- 2021 Legislative Agenda Development
- Leadership and Professional Development Opportunities for Business
- Engagement with the City on Projects & Initiatives
 - North Bismarck RZ Discussion
 - Off-Street Parking Ordinance Development
 - Sanford Planning
 - Community-wide COVID-19 Impact Survey

Ongoing Economic Development Efforts...

- Support of Entrepreneurs
 - Plastics Plus
- Business Retention & Expansion (BRE)
 - Bobcat Acceleration Center
- New Business Attraction
 - Invigoils, LLC (dba 17 Thistles)
- Workforce
 - Job Shadow Week
 - E2: Educators Experience

Results

- Bismarck Sales Tax, Restaurant & Lodging and Occupancy Tax Collections All **UP** Q1 2020 vs. Q1 2019
- Bismarck-Mandan MSA Current Employment **UP** February 2020 vs. February 2019
- Burleigh County Wages **UP** Q3 2019 vs Q3 2018
- Bismarck-Mandan MSA Unemployment Rate **DOWN** February 2020 vs February 2019



FINANCE DEPARTMENT

DATE: May 12, 2020
FROM: Dmitriy Chernyak, Finance Director
ITEM: 2021 Budget Tentative Calendar

REQUEST

To approve the 2021 tentative budget calendar.

Please place this item on the May 12, 2020 City Commission meeting regular agenda.

BACKGROUND INFORMATION

2021 budget process is beginning earlier this year compared to prior years. The budget schedule for the 2021 budget is attached. This schedule is expected to increase communication between department directors, City Commissioners, and the Budget Committee.

RECOMMENDED CITY COMMISSION ACTION

To approve the 2021 tentative budget calendar.

**CITY OF BISMARCK
2021 BUDGET SCHEDULE
(TENTATIVE)**

May 12, 2020

May 5	Departments receive budget forms: Employee Budget, Fees and Charges, Priority Initiative (base and one-time), CIP, and fees and charges worksheets Open 2021 budget for entering in New World System for Departments Departments receive service efforts and accomplishments (SEAs), department organizational charts, and narratives for the budget document
May 11	General Fund Departments receive calculated base budget allocation and other information to enter budgets into New World System
May 15	Departments submit Employee Budget worksheets for current full-time employees to ReNee Kline (rkline@bismarcknd.gov) in Fiscal Services Departments submit proposed employee changes to Human Resources
May 22	Departments completes entering revenue projections and base budgets into New World Systems Departments complete & save deliverables in L:\2021 Budget , as follows: 1. Updated Fees and Charges worksheet(s) 2. CIP form(s) 3. Priority Initiatives (base and one-time) form(s) 4. Technology Requests (ITGC)
May 29	Human Resources provides recommendations to Finance regarding requested new positions or position adjustments
June 5	Departments save SEAs, Organizational Charts, and narratives for the budget document in L:\2021 Budget
June 17	Departments receive budget forms, guidelines and instructions General Fund Departments receive base budget allocations from Finance
June 25	City Commission considers budget priorities for 'Call for Projects'
June 22 – June 26	Budget Committee schedules meeting with Departments on priority initiatives requests for employees, base and/or one-time budget expenditures and other budget related issues and with Human Resources on employee and benefit costs
July 14	Budget Committee presents draft #1 recommendations and budget information to the City Commission
July 28	Budget Committee presents draft #2 recommendations and budget information to the City Commission
August 4 (8:00 am)	City Commission reviews final Budget Committee recommendations and approves 2021 preliminary budget

August 10	City submits preliminary budget to the County Auditor
September 8	Budget Ordinance introduced by City Commission
September 22	City Commission adopts Budget Ordinance
October 2	City submits Budget Ordinance to County Auditor



Community Development Department

DATE: May 5, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Eugenes First Addition First Replat – Minor Subdivision Final Plat

REQUEST

State Street Investments, LLC is requesting approval of a minor subdivision final plat for Eugenes First Addition First Replat. This action would split a recently approved (but yet unrecorded) one-lot one-block subdivision into two lots for future commercial development.

The property is located in north-central Bismarck, north of East Divide Avenue along the west side of State Street (a replat of Eugenes First Addition, which was a replat of Lots 13-20, Block 2, Tibesar First Subdivision and part of the SE¼ of Section 28, T139N-R80W/City Lands).

Please place this item on the May 12, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Planning and Zoning Commission held a public hearing on this item on April 22, 2020.

No residents spoke at the public hearing and no written comments were received prior to the hearing.

At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the minor subdivision final plat for Eugenes First Addition First Replat.

RECOMMENDED CITY COMMISSION ACTION

Consider the request for approval of the minor subdivision final plat for Eugenes First Addition First Replat and take final action on the request.

STAFF CONTACT INFORMATION

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

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

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



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

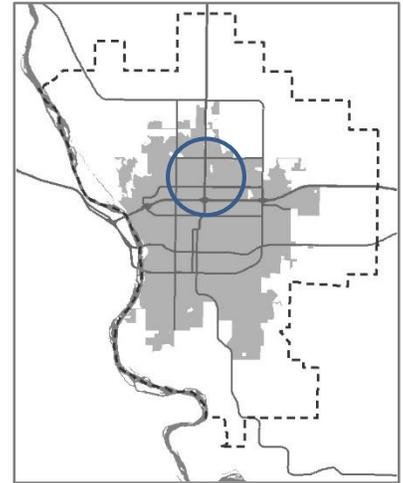
April 22, 2020

Application for: Minor Subdivision Final Plat

TRAKiT Project ID: MPLT2020-004

Project Summary

Title:	Eugenes First Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	State Street Investments, LLC
Project Contact:	Rob Illg, RLS, SEH
Location:	In north-central Bismarck north of East Divide Avenue along the west side of State Street (a replat of Lots 13-20, Block 2, Tibesar First Subdivision and part of the SE ¹ / ₄ of Section 28, T139N-R80W/City Lands, to be known as Eugenes First Addition)
Project Size:	5.07 acres
Request:	Replat property for future commercial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	Number of Lots:	2 lots in 1 block
Land Use:	Vacant	Land Use:	Commercial
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial	Zoning:	CG – Commercial
Uses Allowed:	CG – General commercial, multi-family residential, and offices	Uses Allowed:	CG – General commercial, multi-family residential, and offices
Max Density Allowed:	CG – 42 units / acre	Max Density Allowed:	CG – 42 units / acre

Property History

Zoned:	04/1959	Platted:	07/1959 (Tibesars 1 st Add) 02/2020 (Eugenes First Addition)	Annexed:	Pre-1940
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(continued)

Staff Analysis

State Street Investments, LLC is requesting approval of a minor subdivision final plat titled Eugenes First Addition First Replat. Approval of the proposed minor subdivision final plat would allow for future commercial development.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 10 and 17, 2020 and 26 letters we're mailed to the owners of nearby properties on April 9, 2020.

The property within the proposed plat is zoned CG – Commercial. Approval of the proposed plat would allow for the redevelopment of the property for commercial uses. Redevelopment of the property may generate additional vehicle trips and a traffic impact study may be required in conjunction with site plan review.

Adjacent uses include a manufactured home sales facility and manufactured home park to the north, a financial institution and fast food restaurant to the east across State Street, a fueling station to the south and commercial and public uses including a daycare center, fire station and offices to the west, across North 11th Street.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The Post-Construction Stormwater Management Permit (PCSMP) the underlying plat of Eugenes First Addition was approved by the City Engineer on January 24, 2020. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for this plat with the understanding that prior to any development, site plan or

additional division of the proposed two lot subdivision of Eugenes First Addition First Replat, an approved stormwater management plan is required. Future development is anticipated to maintain current overall drainage patterns with no increase in overall impervious surfacing. Additionally, depending upon the proposed future drainage patterns, a NDDOT permit may be required for stormwater discharge into ND 1804 (State Street) right-of-way prior to any land-disturbing activities. Approval of the stormwater management plan by the NDDOT is required at the time of development.

3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for Eugenes First Addition First Replat.

Attachments

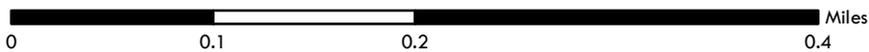
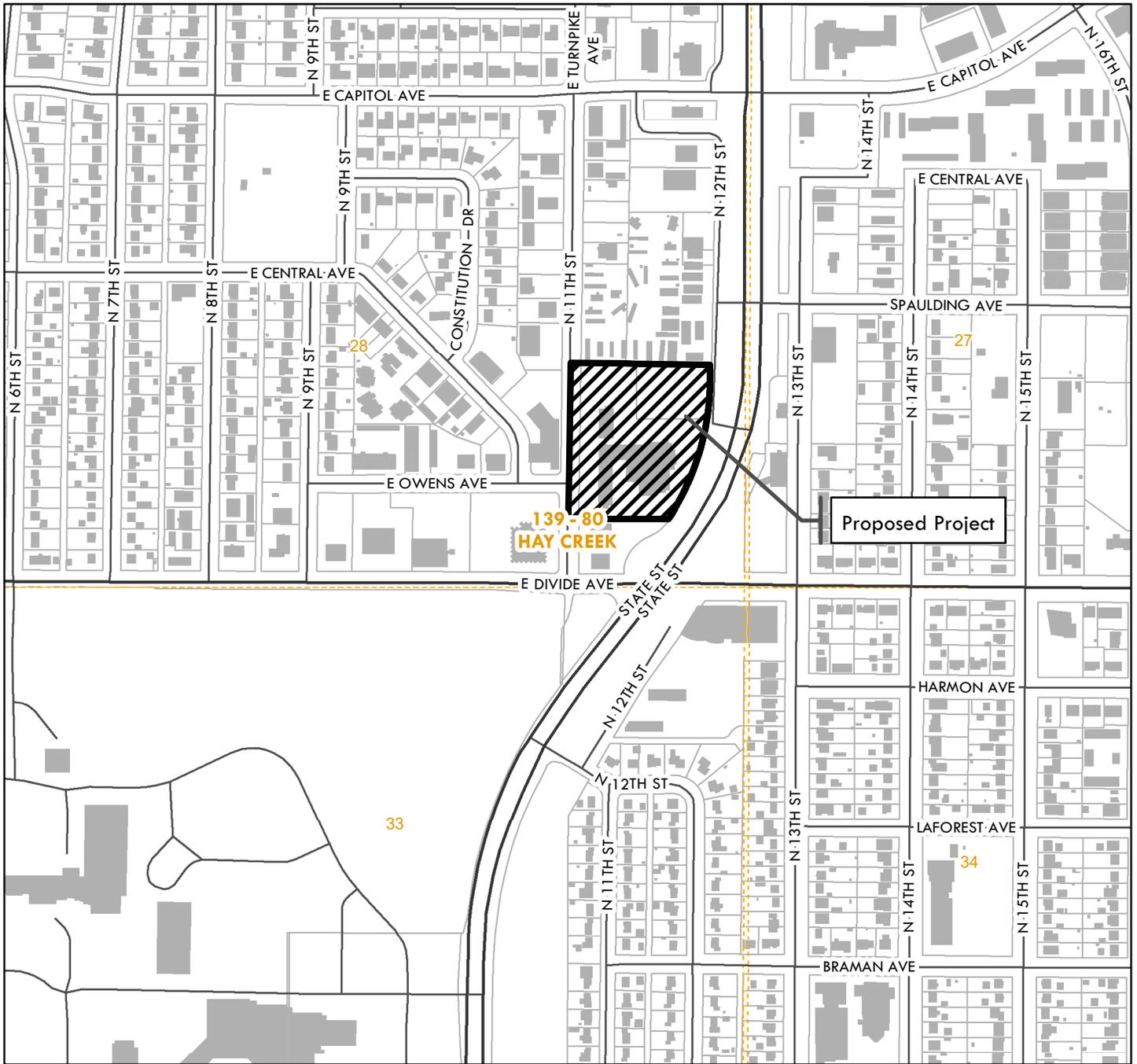
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Original Plat with Replatted Area Highlighted



Location Map

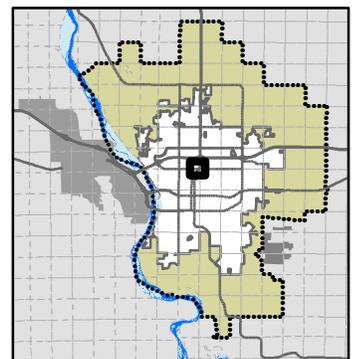
Eugenes First Addition First Replat

MPLT2020-004



- City Limits
- Bismarck ETA Jurisdiction
- County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 20, 2020 (HLB)

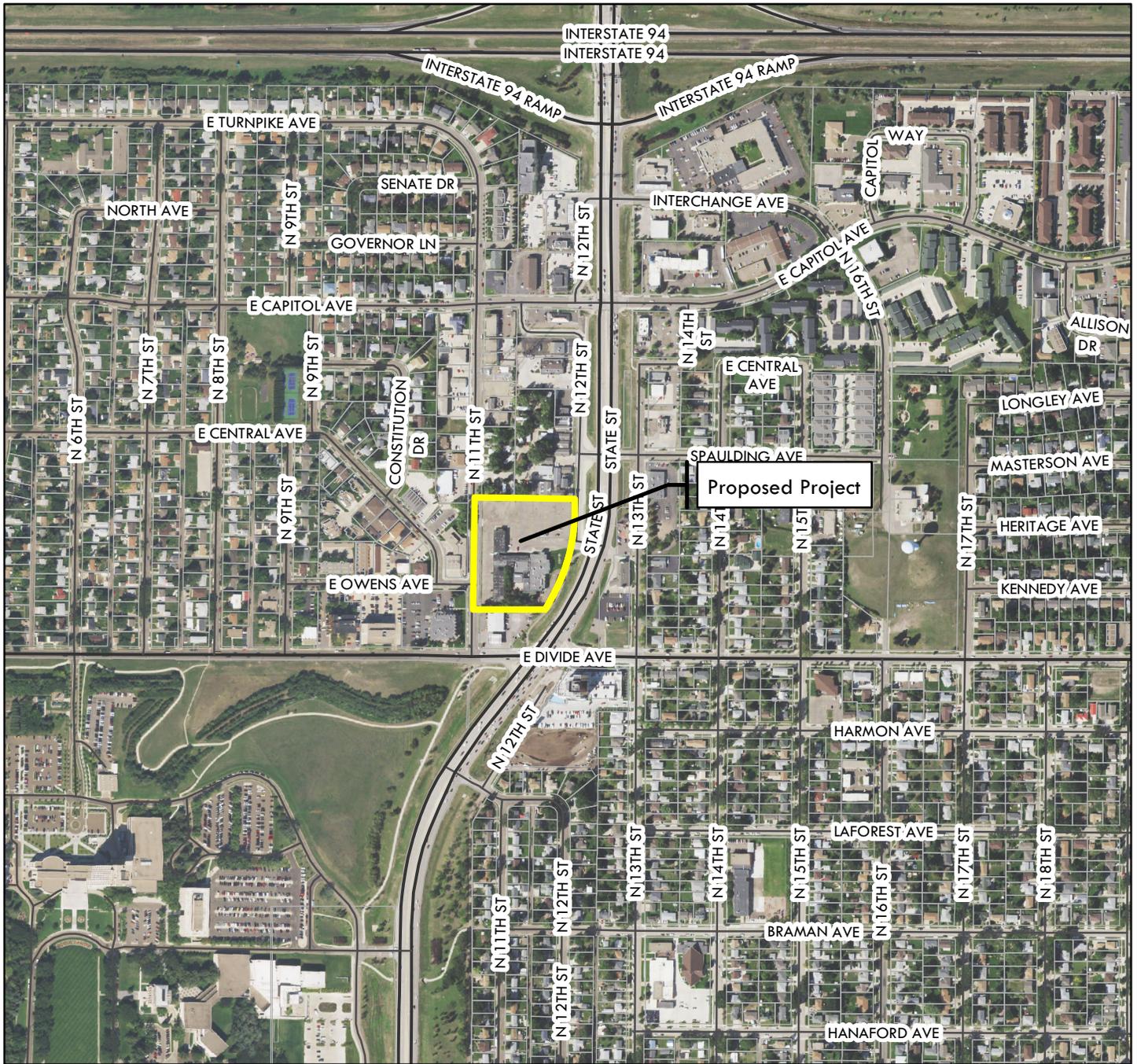
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Aerial Map

MPLT2020-006

Eugenes First Addition First Replat

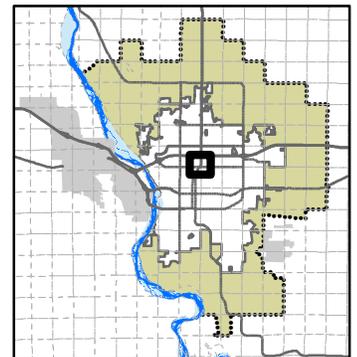


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
 Community Development Department
 Planning Division
 April 8, 2020

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





Zoning and Plan Reference Map

Eugenes First Addition First Replat

MPLT2020-006

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

Zoning Districts

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

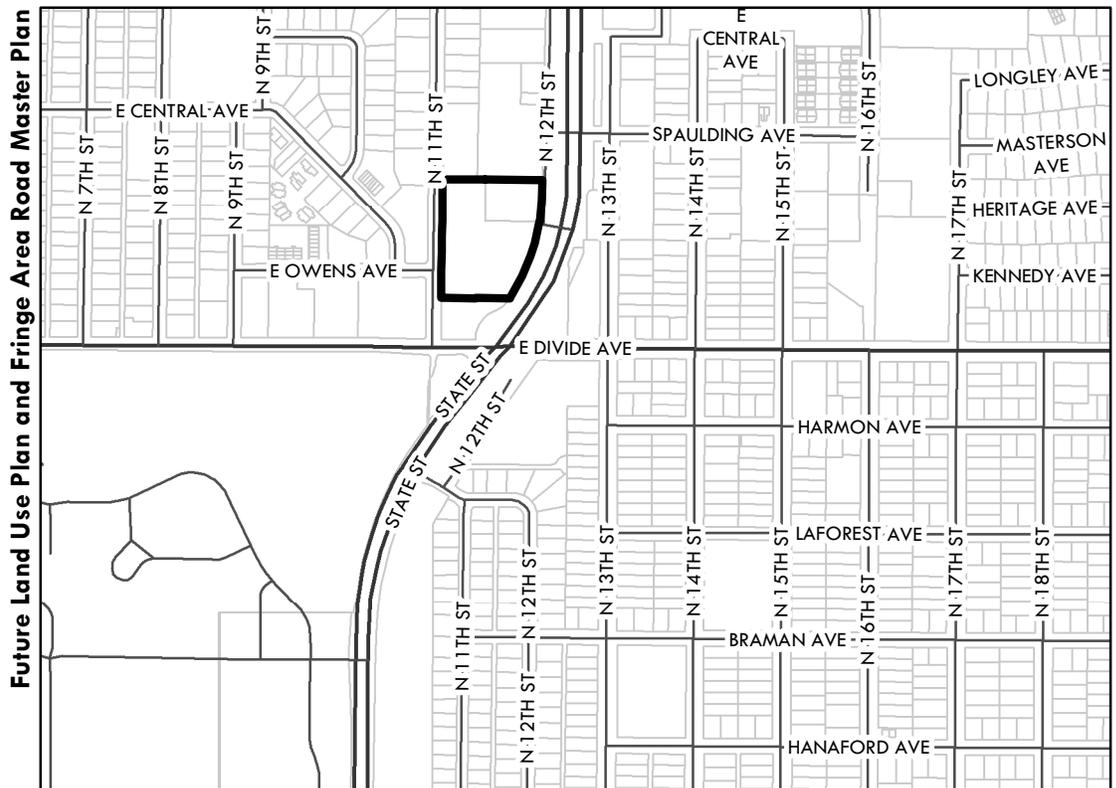
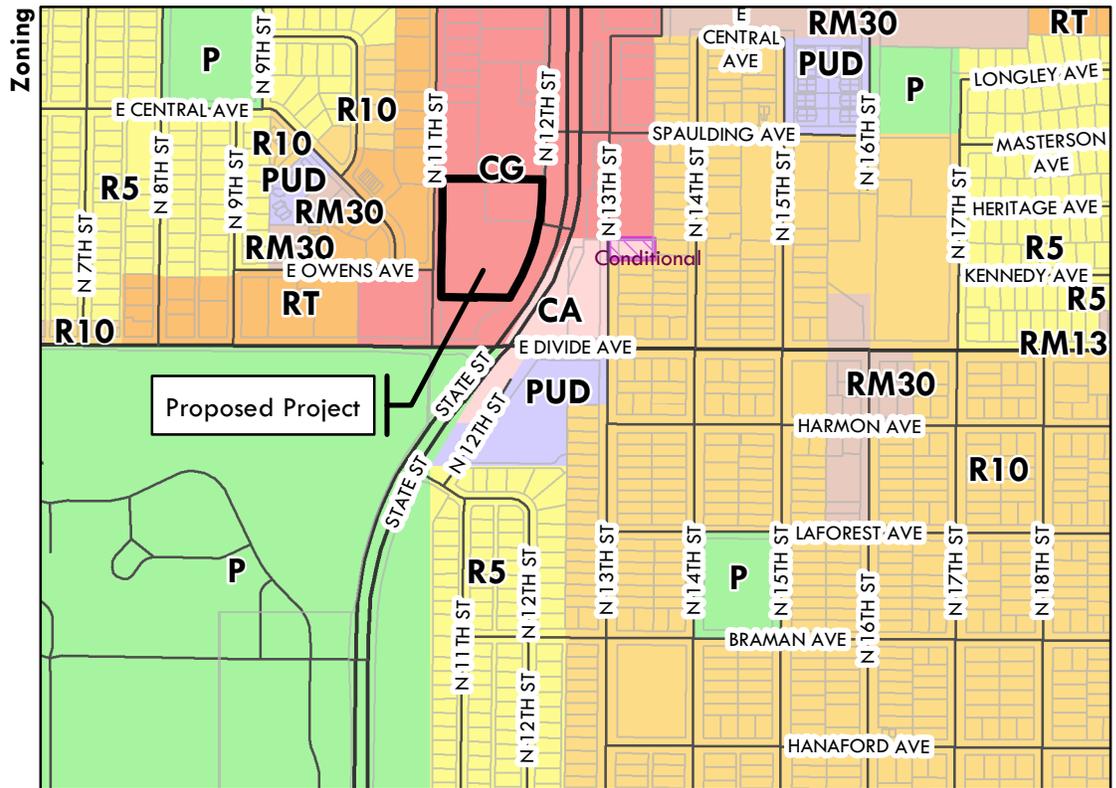
Diagonal lines indicate special condition

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



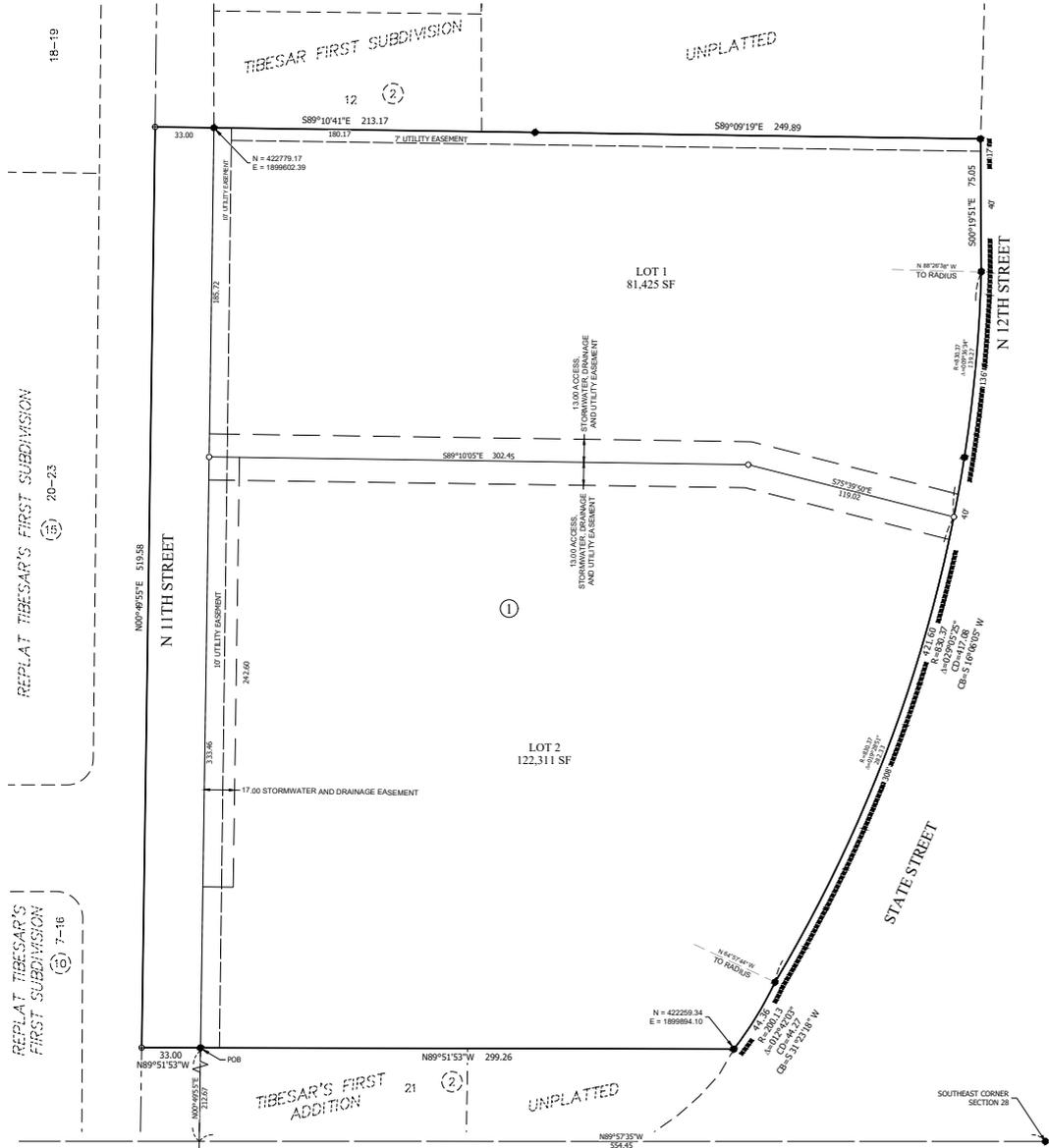
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City of Bismarck
Community Development Dept.
Planning Division
April 8, 2020

EUGENES FIRST ADDITION FIRST REPLAT

a replat of Lot 1, Block 1, Eugenes First Addition and adjoining North 11th Street Right of Way
all in the Southeast Quarter, Section 28, Township 139 North, Range 80 West
of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota



DESCRIPTION:

EUGENES FIRST ADDITION FIRST REPLAT being a replat of Lot 1, Block 1, EUGENES FIRST ADDITION and adjoining 11th Street Right of Way all in the Southeast Quarter, Section 28, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota, and being more particularly described as follows:

Commencing at the southeast corner of Section 28; thence North 89 degrees 57 minutes 35 seconds West along the south line of Section 28 a distance of 554.45 feet to the southerly extension of the easterly right of way of North 11th Street; thence North 00 degrees 49 minutes 55 seconds East along said easterly line and it's southerly extension 213.07 feet to the northwest corner of Lot 21, Block 2, TIBESAR FIRST SUBDIVISION, said point also being the Point of Beginning; thence North 89 degrees 51 minutes 53 seconds West along the westerly extension of the north line of said Lot 21 a distance of 33.00 feet to the centerline of North 11th Street; thence North 00 degrees 49 minutes 55 seconds East along said centerline 519.58 feet to the westerly extension of the southerly line of Lot 12, said Block 2; thence South 89 degrees 10 minutes 41 seconds East along said southerly line and it's westerly and easterly extension 213.17 feet; thence South 89 degrees 10 minutes 19 seconds East 249.89 feet to the west right of way line of State Street; thence South 00 degrees 19 minutes 51 seconds East along said right of way line 75.05 feet; thence southwesterly 136.34 feet along a non-tangential curve concave to the northwest having a radius of 838.37 feet, a central angle of 29 degrees 05 minutes 05 seconds and a chord that bears South 16 degrees 06 minutes 05 seconds West; thence continuing along said west right of way southwesterly 44.36 feet along a non-tangential curve concave to the west having a radius of 200.13 feet, a central angle of 12 degrees 42 minutes 03 seconds and a chord bearing of South 31 degrees 13 minutes 18 seconds West; thence North 89 degrees 51 minutes 53 seconds West along the north line of said Lot 21 and it's easterly extension 299.26 to the Point of Beginning.

Containing 5.07 acres, more or less.

OWNER'S CERTIFICATE AND DEDICATION

State Street Investments, LLC being all the owners of the lands plated herein, do hereby voluntarily consent to the execution of this plat titled EUGENES FIRST ADDITION FIRST REPLAT, and dedicate and rededicate all rights of way to the City of Bismarck as shown on this plat for public use, and consent to any access control to the property as shown.

We also dedicate all easements as shown on this plat as "utility easements" to run with the land for public and private utilities or services on, across, above or under those certain strips of land.

We also dedicate to the City of Bismarck for public use all easements as shown on this plat as "stormwater & drainage easements" to run with the land for the purpose of allowing the free and unobstructed flow of water under and/or over those areas including the construction and maintenance of stormwater facilities together with necessary appurtenances.

We also dedicate all easements as shown on this plat as "access easements" to run with the land for use by all land owning parties, their tenants, visitors and licensees, and for the use of any governmental subdivision, it's officers and employees for emergency services and any other governmental or non-governmental uses, provided that maintenance and clearance of the easement is the responsibility of the land owning parties and the city shall not be responsible in any way to furnish any city services if such access easements are not properly maintained or are obstructed by the owners of property in the subdivision.

We further dedicate any other easements or servitudes as shown and those that are recorded but not shown.

Kevin Christianson, Principal

STATE OF NORTH DAKOTA)
COUNTY OF) SS

Be it known on this _____ day of _____, 20____, before me personally appeared Kevin Christianson, known to me to be the persons described in and who executed the within certificate and he acknowledged to me that he executed the same.

Notary Public, Burleigh County, North Dakota

My Commission Expires: _____

SURVEYOR'S CERTIFICATE:

I, Robert M. Illig, a Registered Professional Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and completed on March 16, 2020 that all distances are correct, that the outside boundary lines are correctly designated hereon, that all dimensional and geodetic details shown hereon are true and correct to the best of my knowledge and belief and that all required monuments are placed in the ground as shown.

Robert M. Illig
Registered Professional Land Surveyor
License No. LS-8444



APPROVAL OF CITY PLANNING AND ZONING COMMISSION

The subdivision of land as shown hereon has been approved by the Planning and Zoning Commission of the City of Bismarck, North Dakota, on the _____ day of _____, 20____ in accordance with the laws of the State of North Dakota and ordinances of the City of Bismarck.

Mike Schwartz
Chairman

Ben J. Shreth
Secretary

APPROVAL OF BOARD OF CITY COMMISSIONERS

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on this plat, has approved the grounds as shown on the plat as an amendment to the master plan of the City of Bismarck, North Dakota, has accepted the rededication of all rights of way and public easements shown 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 _____, 20____.

Attest:
Keith J. Hunkle - City Administrator

APPROVAL OF CITY ENGINEER

I, Gabriel J. Schell, City Engineer of the City of Bismarck, North Dakota, hereby approve "EUGENES FIRST ADDITION FIRST REPLAT" Bismarck, North Dakota, as shown hereon.

Gabriel J. Schell - City Engineer

AREA TABULATIONS:

Lots	203.735 ac	4.68 Acres
Streets	17,140 sf	0.394 Acres
Total	220,875 sf	5.074 Acres

BASIS OF BEARING:

Derived from State Plane coordinates.

HORIZONTAL DATUM:

NAD 83 South Zone 3302 (Adjusted 86)
International Units

VERTICAL DATUM:

NAD83 Geoidetic Vertical Datum of 1929

OWNERS:

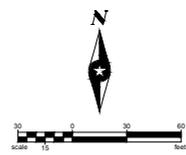
SEB Street Investments, LLC
4265 45th ST S, STE 200
Fargo, ND 58104

SURVEYOR:

ROBERT M. ILLIG, RLS
4719 Shelburne St.
Bismarck, ND 58503

SURVEYED:

May 25, 2019



LEGEND:

- FOUND MONUMENT
- REBAR W/ CAP LS-8444
- ROADWAY POINT
- PLAT BOUNDARY
- NON ACCESS LINE
- UTILITY EASEMENT
- ADJACENT LOT LINE
- SECTION LINE

BENCHMARKS:
City TBM#15451 - 11th Street and Owens Avenue
Elevation = 1841.79

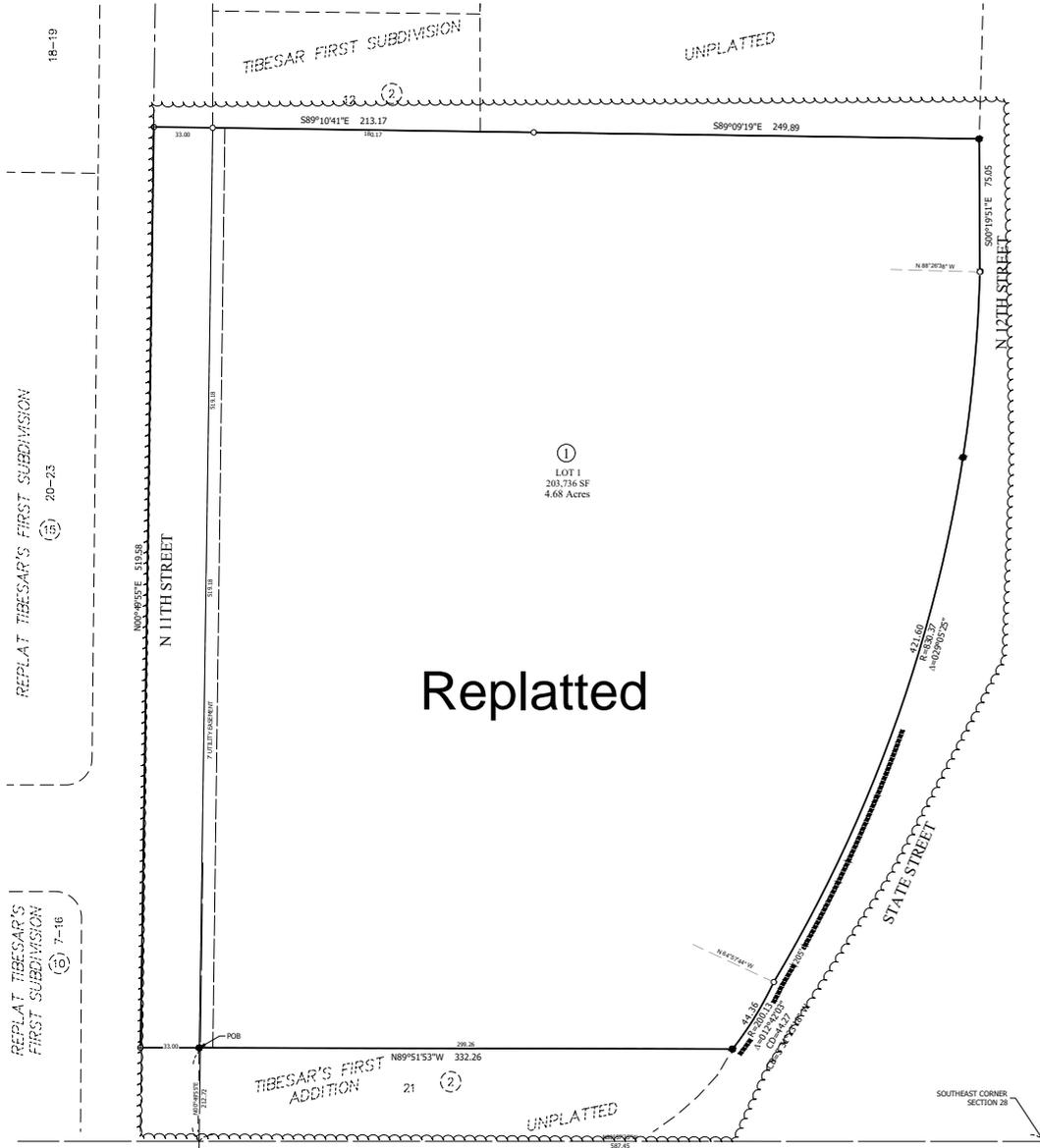


PHONE: 701.254.7121
4719 SHELburne ST, SUITE 6
BISMARCK, ND 58505-6077
www.sehnc.com

DATE: 4/6/2020

EUGENES FIRST ADDITION

a replat of Lots 13-20, Block 2, Tibesar First Subdivision to the City of Bismarck and all that part of the Southeast Quarter, Section 28, Township 139 North, Range 80, West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota



DESCRIPTION:

EUGENES FIRST ADDITION being a replat of Lots 13-20, Block 2, Tibesar First Subdivision to the City of Bismarck and all that part of the Southeast Quarter, Section 28, Township 139 North, Range 80, West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota, and being more particularly described as follows:

Commencing at the southeast corner of Section 28, thence North 89 degrees 57 minutes 25 seconds West 587.45 feet along the south line of Section 28, thence North 00 degrees 49 minutes 55 seconds East 212.72 feet to the Point of Beginning; thence North 89 degrees 51 minutes 53 seconds West, 23.80 feet to the centerline of North 11th Street; thence North 00 degrees 49 minutes 55 seconds East along said centerline, 519.58 feet; thence South 89 degrees 10 minutes 41 seconds East, 213.17 feet; thence South 89 degrees 09 minutes 19 seconds East, 249.89 feet to the west right of way line of State Street; thence South 00 degrees 19 minutes 51 seconds East along said right of way line, 75.05 feet; thence continuing along said west right of way line southwesterly 421.60 feet along a tangential curve concave to the west having a radius of 830.37 feet and a central angle of 29 degrees 05 minutes 25 seconds; thence continuing along said west right of way line southwesterly 44.36 feet along a non-tangential curve concave to the west having a radius of 200.13 feet and a central angle of 12 degrees 47 minutes 03 seconds, and a chord bearing of South 31 degrees 23 minutes 18 seconds West, and a chord distance of 44.27 feet; thence North 89 degrees 51 minutes 53 seconds West 332.26 to the Point of Beginning.

Containing 5.07 acres, more or less.

OWNER'S CERTIFICATE AND DEDICATION

State Street Investments, LLC, being all the owners of the lands platted herein, do hereby voluntarily consent to the execution of this plat titled EUGENES FIRST ADDITION, and dedicate and rededicate all rights of way as shown on this plat for public use, and consent to any access control to the property as shown.

We also dedicate easements to the City of Bismarck to run with the land for gas, electric, telephone or other public utilities or services on or under those certain strips of land designated hereon as utility, sanitary sewer, storm sewer, drainage and waterman easements.

We further dedicate any other easements or servitudes as shown and those that are recorded but not shown.

Kevin Christenson, Principal
State Street Investments, LLC
STATE OF NORTH DAKOTA } 55
COUNTY OF _____ }

Be it known on this _____ day of _____, 2020, before me personally appeared Kevin Christenson, known to me to be the person described in and who executed the within certificate and he acknowledged to me that he executed the same.

Notary Public, _____ County, North Dakota
My Commission Expires: _____

SURVEYOR'S CERTIFICATE:

I, Robert M. Ilig, a Registered Professional Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and completed on January 17, 2020 that all distances are correct, that the outside boundary lines are correctly designated hereon, that all dimensional and graphic details shown hereon are true and correct to the best of my knowledge and belief and that all required monuments are placed in the ground as shown.

Robert M. Ilig
Registered Professional Land Surveyor
License No. LS-8444



APPROVAL OF CITY PLANNING AND ZONING COMMISSION

The subdivision of land as shown hereon has been approved by the Planning and Zoning Commission of the City of Bismarck, on the _____ day of _____, 2020. In accordance with the laws of the State of North Dakota, ordinances of the City of Bismarck and regulations adopted by said Planning and Zoning Commission. In witness whereof I set the hands and seals of the Chairman and the Secretary of the Planning and Zoning Commission of the City of Bismarck.

Mike Schwartz
Chairman

Ben J. Elreth
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 hereon and does hereby vacate any previous platting within the boundary of the annexed plat and amends the master plan for the City of Bismarck on the _____ day of _____, 2020.

Attest:
Keith J. Hunke, City Administrator

APPROVAL OF CITY ENGINEER

I, Gabriel J. Schell, City Engineer of the City of Bismarck, North Dakota, hereby approve "EUGENES FIRST ADDITION" Bismarck, North Dakota, as shown hereon.

Gabriel J. Schell - City Engineer

Replatted

AREA TABULATIONS:

1 Lot	=	203,735 sf	4.684 Acres
Streets	=	17,140 sf	0.394 Acres
Total	=	220,875 sf	5.078 Acres

BENCHMARKS
City Hydrant 0451 - 11th Street and Owens Avenue
Elevation = 1841.79

BASIS OF BEARING:

Derived from State Plane coordinates.

HORIZONTAL DATUM:

North Dakota State Plane Coordinate System
NAD 83 South Zone 3302 (Adjusted 86)
International Units.

VERTICAL DATUM:

National Geodetic Vertical Datum of 1929

OWNERS:

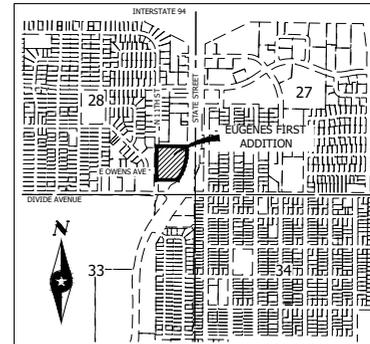
State Street Investments, LLC
4265 45th St S, STE 200
Fargo, ND 58104

SURVEYOR:

SCF Robert M. Ilig, PLS
4719 Shelburne St.
Bismarck, ND 58503

SURVEYED:

May 25, 2020

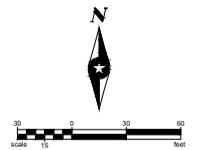


VICINITY MAP

NOT TO SCALE
1:339, R80W

LEGEND:

- FOUND MONUMENT
- REBAR W/ CAP LS-8444
- ⊕ ROADWAY POINT
- PLAT BOUNDARY
- NON ACCESS LINE
- UTILITY EASEMENT
- ADJACENT LOT LINE
- SECTION LINE



SEH
PHONE: 701.354.7121
4719 SHELBURNE ST, SUITE 6
BISMARCK, ND 58503-5077
www.sehinc.com

DATE: 1/20/2020



Community Development Department

DATE: May 5, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Wachters Addition Second Replat – Minor Subdivision Final Plat

REQUEST

Kirkwood Mall Acquisition, LLC and CBL & Associates Management, Inc. are requesting approval of a minor subdivision final plat for Wachters Addition Second Replat. This action would allow for the creation of outlots to accommodate additional buildings and to allow for additional commercial development in conjunction with Kirkwood Mall.

The property is most of the existing Kirkwood Mall property located in southcentral Bismarck, along the north side of East Bismarck Expressway, south of East Bowen Avenue, east of South 3rd Street and west of South 7th Street (a replat of Auditor's Lots E, F, K and L of Blocks 3 and 4 and parts of the South 3rd Street and South 7th Street rights-of-way and the vacated Arbor Avenue of Wachters Addition).

Please place this item on the May 12, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Planning and Zoning Commission held a public hearing on this item on April 22, 2020.

No residents spoke at the public hearing and no written comments were received prior to the hearing.

At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the minor subdivision final plat for Wachters Addition Second Replat.

RECOMMENDED CITY COMMISSION ACTION

Consider the request for approval of the minor subdivision final plat for Wachters Addition Second Replat and take final action on the request.

STAFF CONTACT INFORMATION

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

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

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



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

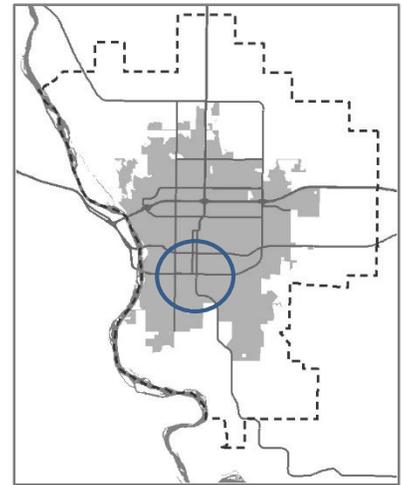
April 22, 2020

Application for: Minor Subdivision Final Plat

TRAKiT Project ID: MPLT2020-005

Project Summary

Title:	Wachters Addition Second Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Kirkwood Mall Acquisition, LLC CBL & Associates Management, Inc.
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	The property is most of the existing Kirkwood Mall located in central Bismarck, along the north side of East Bismarck Expressway, south of East Bowen Avenue, east of South 3rd Street and west of South 7th Street (a replat of Auditor’s Lots E, F, K and L of Blocks 3 and 4 and the vacated Arbor Avenue of Wachter’s Addition)
Project Size:	60.41 acres
Request:	Plat property for future commercial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 parcels	Number of Lots:	8 lots in 1 block
Land Use:	Commercial	Land Use:	Commercial
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial	Zoning:	CG – Commercial
Uses Allowed:	CG – General commercial, multi-family residential, and offices	Uses Allowed:	CG – General commercial, multi-family residential, and offices
Max Density Allowed:	CG – 42 units / acre	Max Density Allowed:	CG – 42 units / acre

Property History

Zoned:	Pre-1980	Platted:	04/1969	Annexed:	Pre-1980
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(continued)

Staff Analysis

Kirkwood Mall Acquisition, LLC and CBL & Associates Management, Inc. are requesting approval of a minor subdivision final plat titled Wachters Addition Second Replat. Approval of the proposed plat would allow for the creation of outlots to accommodate existing commercial buildings and to allow for additional commercial development in conjunction with Kirkwood Mall

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 10, 2020 and April 17, 2020, and 40 letters were mailed to the owners of nearby properties on April 9, 2020.

Adjacent uses include commercial uses to the north, east across South 7th Street, and to the south across Bismarck Expressway, and commercial and multifamily residential uses to the west, across South 3rd Street.

The proposed plat is encumbered by a number of existing utility easements. The applicant is proposing to vacate a portion of an existing MDU overhead power easement located along the western side of the proposed plat and relocate it approximately 40 feet to the west after the proposed plat has been recorded.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a minor subdivision final plat have been met;

2. The City Engineer has waived the requirement for a Post-Construction Stormwater Management Permit (PCSMP) in conjunction with this plat;
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for Wachters Addition Second Replat.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Original Plat with Replatted Area Highlighted

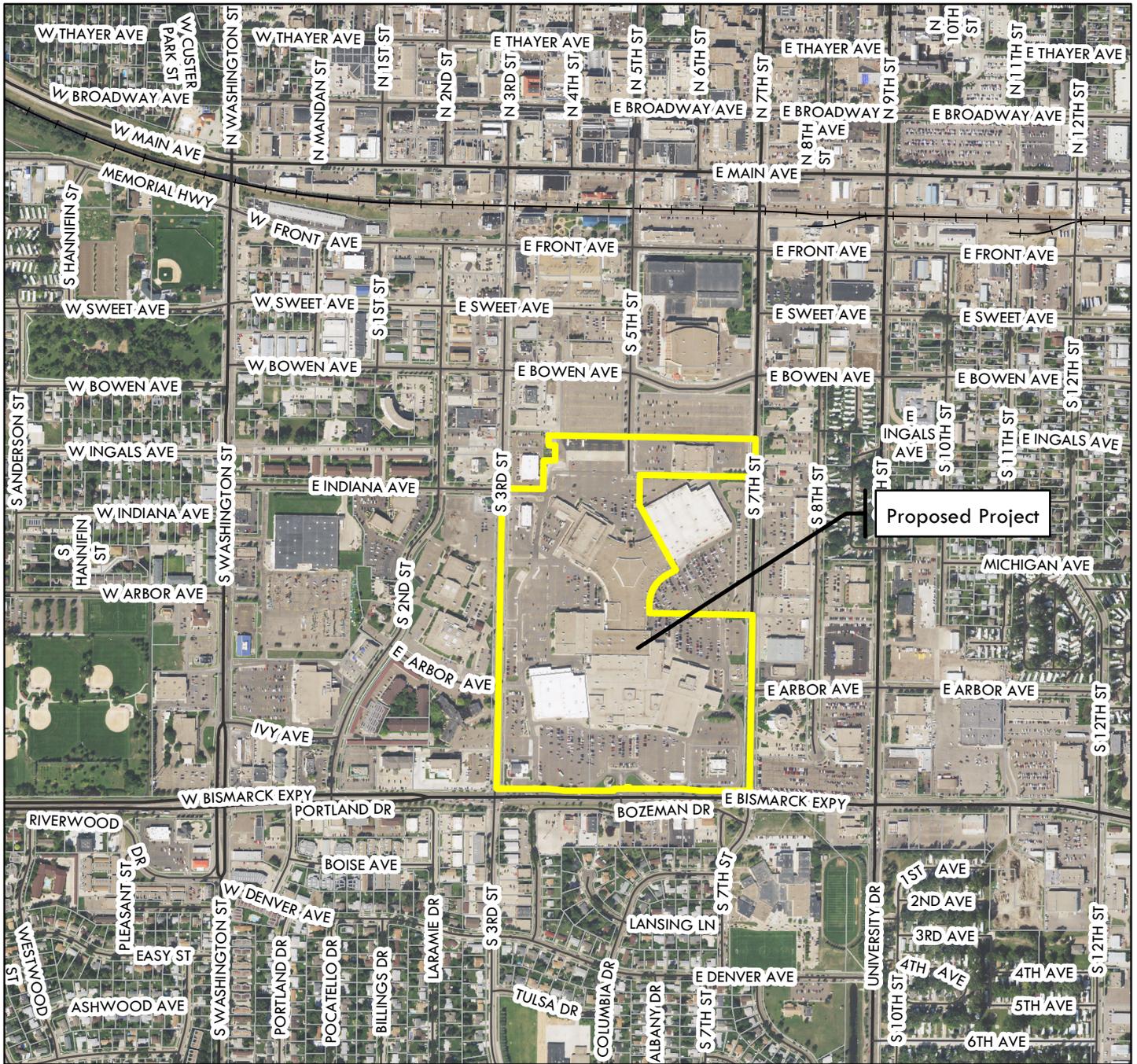
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Aerial Map

Wachters Addition Second Replat

MPLT2020-005



Proposed Project

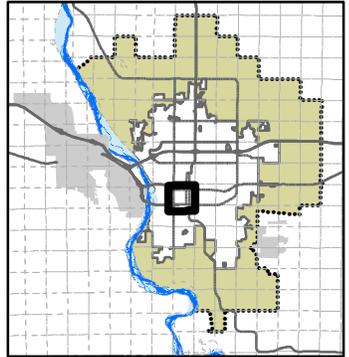


City Limits Bismarck ETA Jurisdiction

Aerial Imagery from 2018

City of Bismarck
Community Development Department
Planning Division
April 9, 2020

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Zoning and Plan Reference Map

Wachters Addition Second Replat

MPLT2020-005

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

Zoning Districts

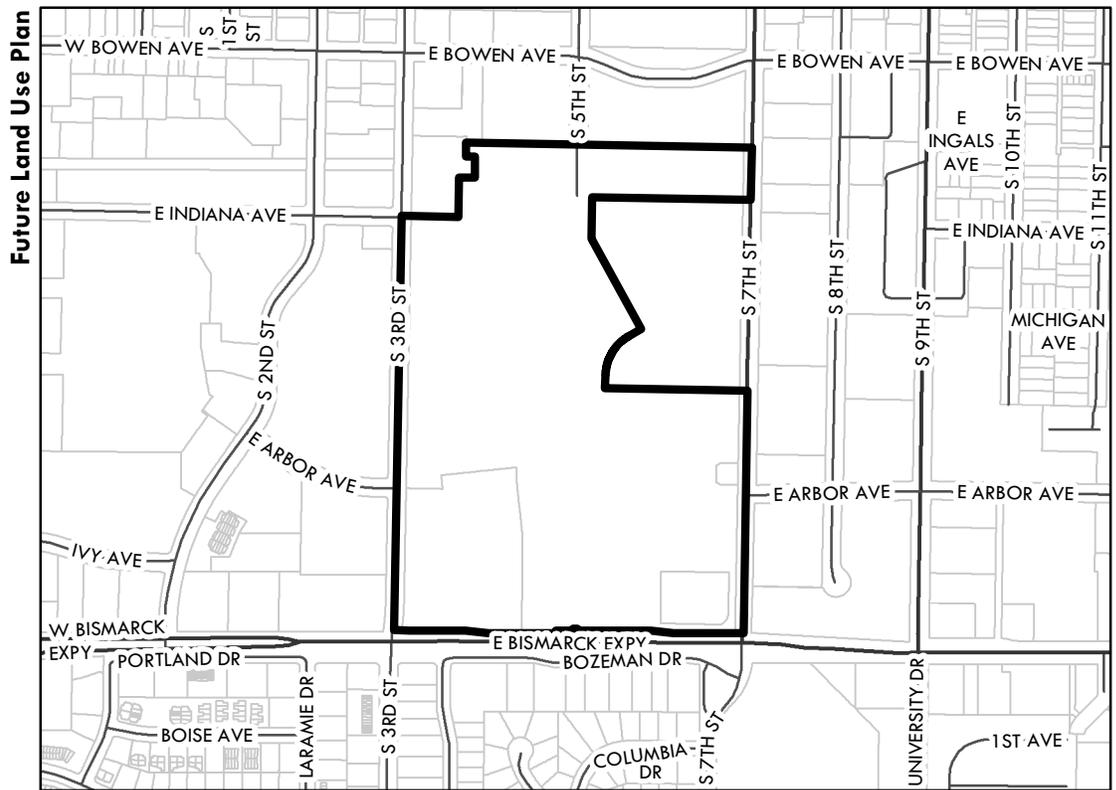
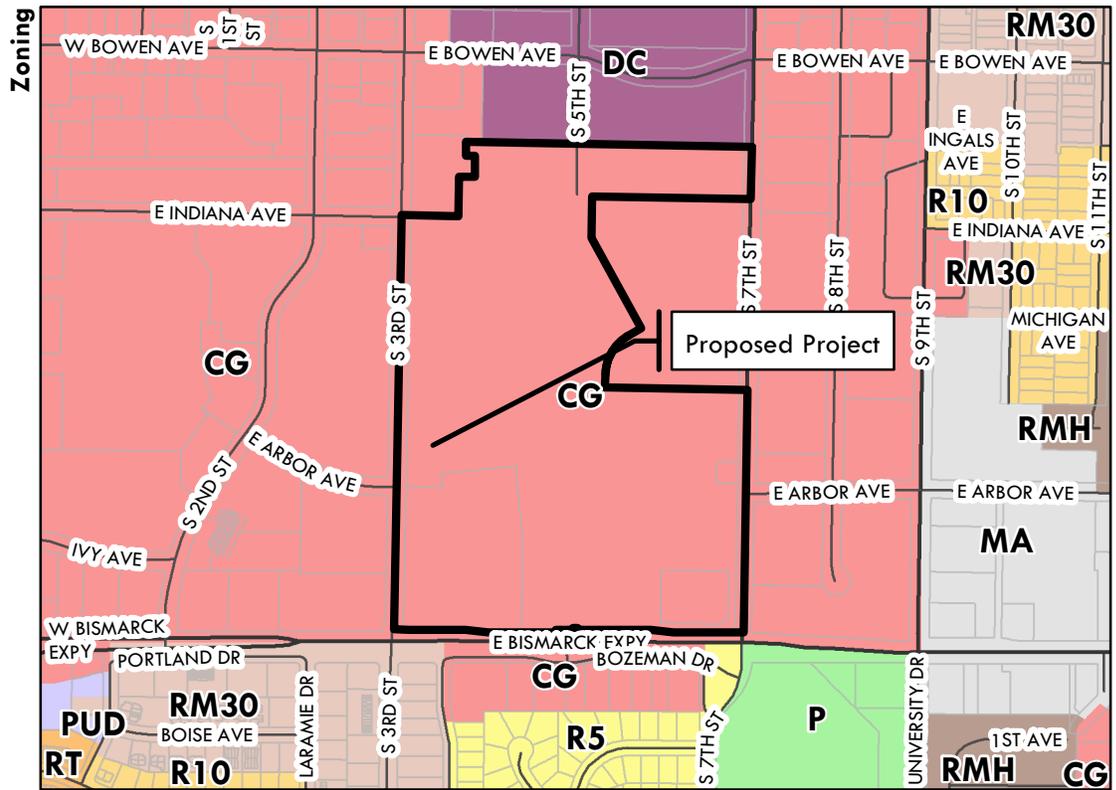
- A** Agriculture
- RR** Rural
- R5** Residential
- RMH** Manufactured Home Residential
- R10** Residential
- RM** Residential Multifamily
- RT** Residential (Offices)
- HM** Health and Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit Development
-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

Diagonal lines indicate special condition

Future Land Use Plan

- CONSRV** Conservation
- BP** Business Park
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- MDR** Medium Density Residential
- MDR-/MU** Medium Density Residential/Mixed Use
- O/MU** Office/Mixed Use
- RR-C** Clustered Rural Residential
- RR** Standard Rural Residential
- UR** Urban Reserve

Fringe Area Road Master Plan



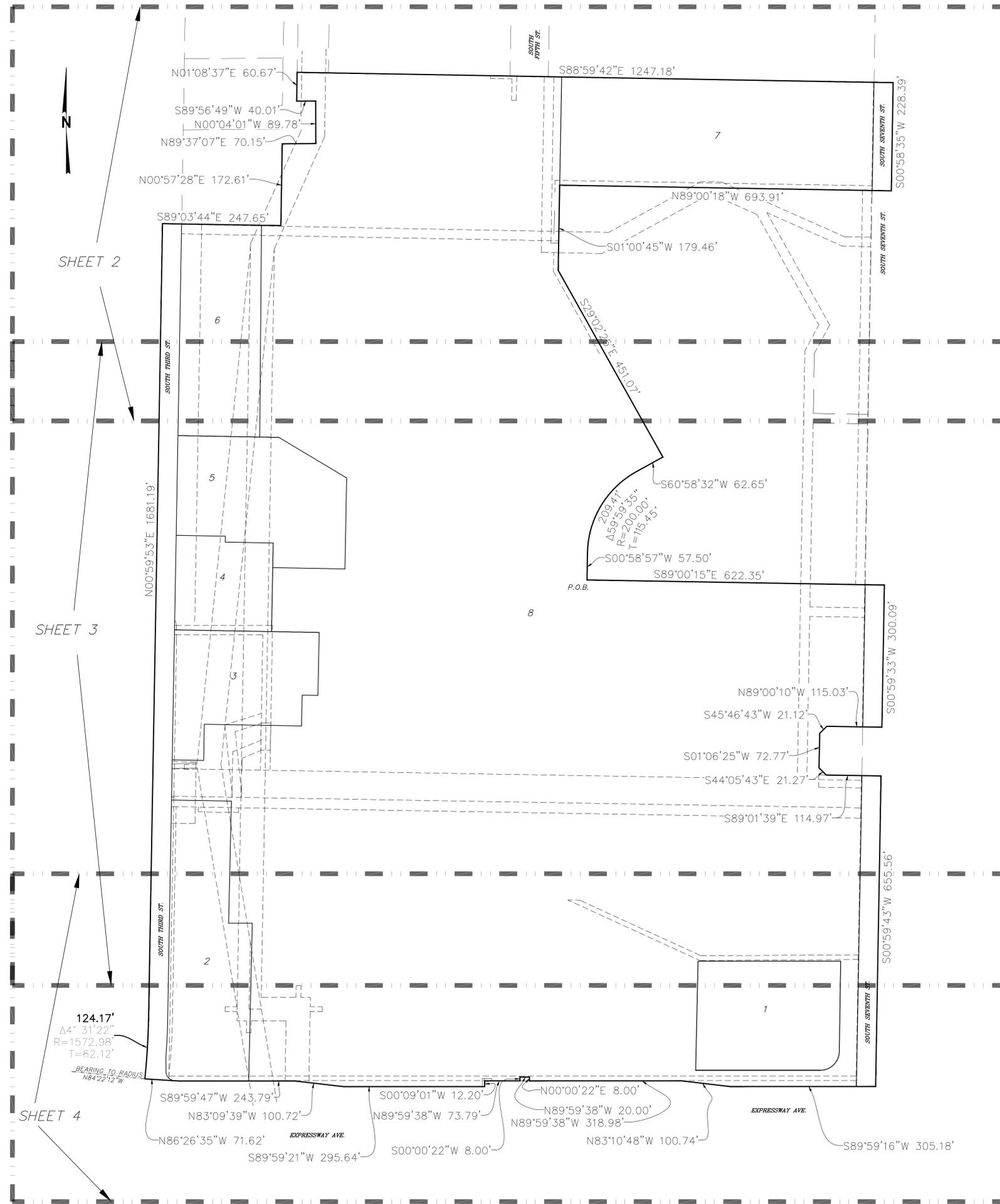
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City of Bismarck
 Community Development Dept.
 Planning Division
 April 13, 2020

WACHTER'S ADDITION SECOND REPLAT

BEING A REPLAT OF AUDITOR'S LOTS L, E, F, K OF BLOCKS 3 & 4 AND PARTS OF SOUTH THIRD STREET AND SOUTH SEVENTH STREET RIGHTS-OF-WAY AND VACATED ARBOR AVENUE OF WACHTER'S ADDITION PART OF THE SOUTH 1/2 OF SECTION 4 TOWNSHIP 138 NORTH, RANGE 80 WEST BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

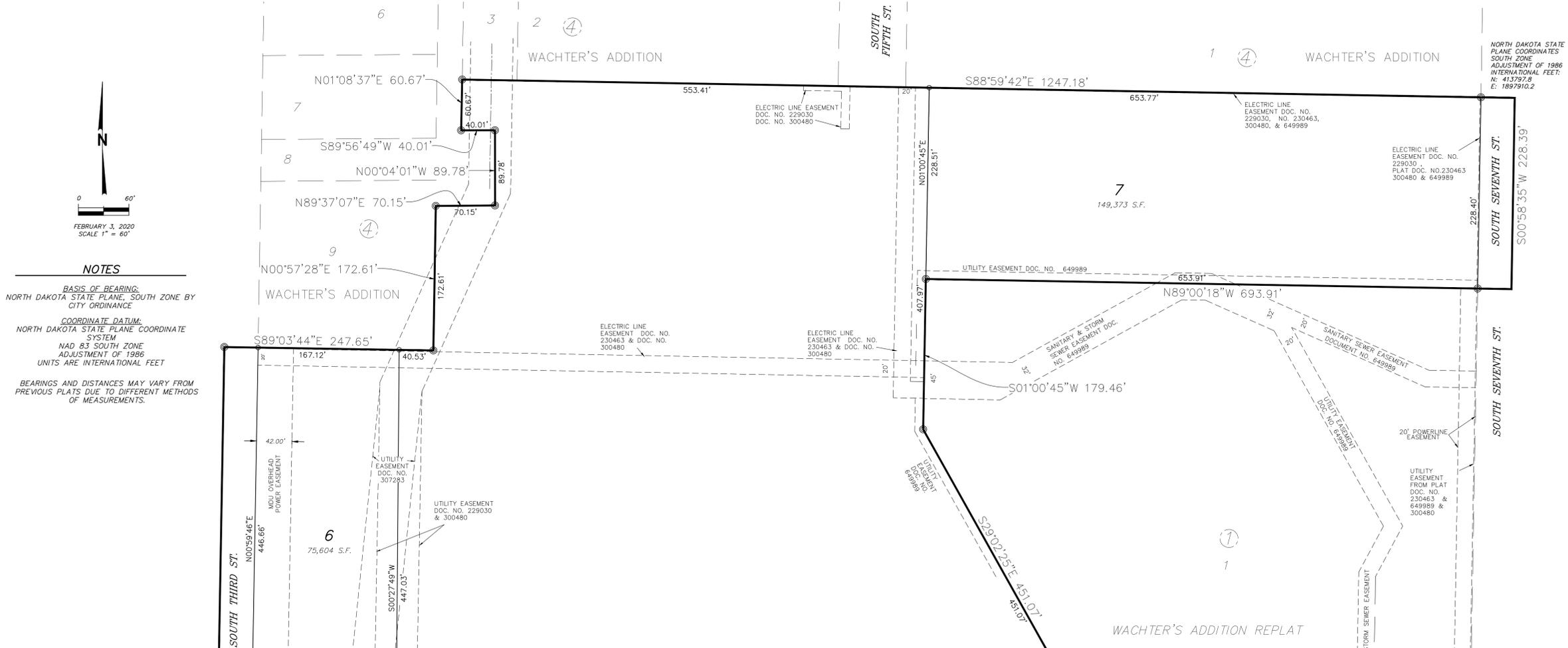


SWENSON, HAGEN & COMPANY P.C.
 909 Basin Avenue
 Bismarck, North Dakota 58504
 sheng@swensonhagen.com
 Phone (701) 223-2600
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Surveying
 Hydrology
 Land Planning
 Civil Engineering
 Landscape & Site Design
 Construction Management

WACHTER'S ADDITION SECOND REPLAT

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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.

DESCRIPTION

BEING A REPLAT OF AUDITOR'S LOTS E, F, K, & L OF BLOCKS 3 & 4 AND VACATED ARBOR AVENUE OF WACHTER'S ADDITION, PART OF THE SOUTH 1/2 OF SECTION 4 TOWNSHIP 138 NORTH, RANGE 80 WEST DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 BLOCK 1 WACHTER'S ADDITION REPLAT; THENCE SOUTH 89 DEGREES 00 MINUTES 15 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE CENTERLINE OF SOUTH SEVENTH STREET RIGHT-OF-WAY; THENCE SOUTH 00 DEGREES 59 MINUTES 43 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 1058.38 FEET TO THE NORTHERLY LINE OF BISMARCK EXPRESSWAY AVENUE RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 59 MINUTES 16 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 308.18 FEET; THENCE NORTH 83 DEGREES 10 MINUTES 48 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 100.74 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 38 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 318.98 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 22 SECONDS EAST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 8.00 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 38 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 20.00 FEET; THENCE NORTH 83 DEGREES 09 MINUTES 22 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 8.00 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 38 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 73.79 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 01 SECOND WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 12.20 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 21 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 295.64 FEET; THENCE NORTH 83 DEGREES 09 MINUTES 39 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 100.72 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 47 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 243.79 FEET; THENCE NORTH 86 DEGREES 26 MINUTES 35 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 71.62 FEET TO THE CENTERLINE OF SOUTH THIRD STREET RIGHT-OF-WAY; THENCE NORTHEASTERLY AND TO THE LEFT, ALONG SAID CENTERLINE, ON A 1572.99 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 84 DEGREES 22 MINUTES 12 SECONDS WEST, AN ARC LENGTH OF 124.17 FEET; THENCE NORTH 00 DEGREES 59 MINUTES 53 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 1681.19 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE BOUNDARY OF LOT 9 BLOCK 4 WACHTER'S ADDITION; THENCE SOUTH 89 DEGREES 03 MINUTES 44 SECONDS EAST, ALONG SAID BOUNDARY AND ITS WESTERLY EXTENSION, A DISTANCE OF 247.65 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 28 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 172.61 FEET TO THE BOUNDARY OF LOT 8 BLOCK 4 WACHTER'S ADDITION; THENCE NORTH 89 DEGREES 37 MINUTES 07 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 70.15 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 01 SECOND WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 89.78 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 49 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 40.01 FEET; THENCE NORTH 01 DEGREE 08 MINUTES 37 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 60.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 60.71 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2020, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

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

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____, 2020, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN ATTEST
BEN 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 THE ANNEXED PLAT, HAS ACCEPTED THE RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2020.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "WACHTER'S ADDITION SECOND REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT KIRKWOOD MALL ACQUISITION, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "WACHTER'S ADDITION SECOND REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) KIRKWOOD MALL ACQUISITION, LLC
BY: CBL HOLDINGS I, INC., ITS SOLE GENERAL PARTNER
NAME: _____
ITS: _____

ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED _____ OF CBL HOLDINGS I, INC., SOLE GENERAL PARTNER OF CBL & ASSOCIATES LIMITED PARTNERSHIP, CHIEF MANAGER OF KIRKWOOD MALL ACQUISITION, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC _____ COUNTY, _____
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) CBL & ASSOCIATES MANAGEMENT, INC.
BY: CBL HOLDINGS I, INC., ITS SOLE GENERAL PARTNER
NAME: _____
ITS: _____

ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED _____ OF CBL & ASSOCIATES MANAGEMENT, INC. 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 _____ COUNTY, _____
MY COMMISSION EXPIRES _____

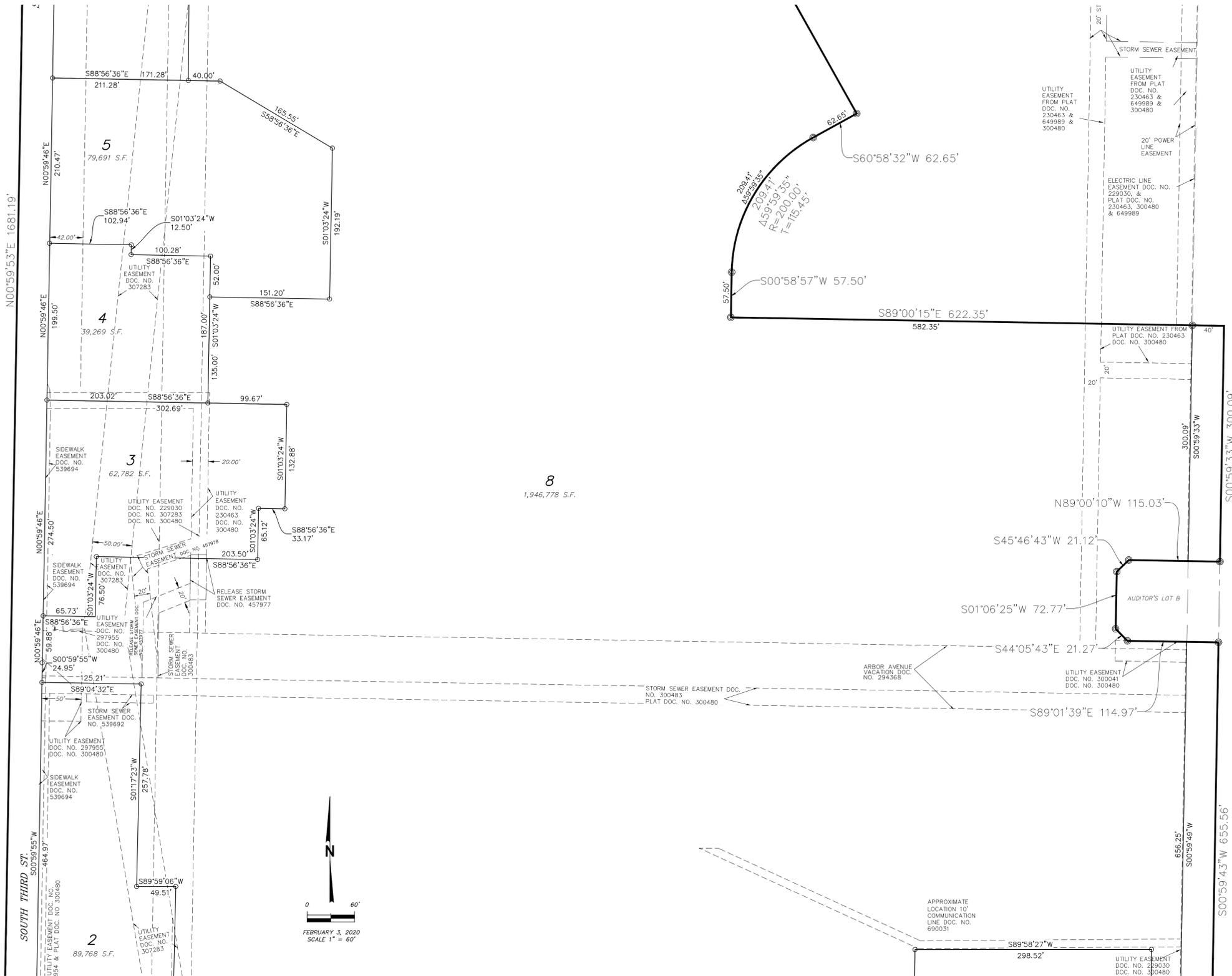
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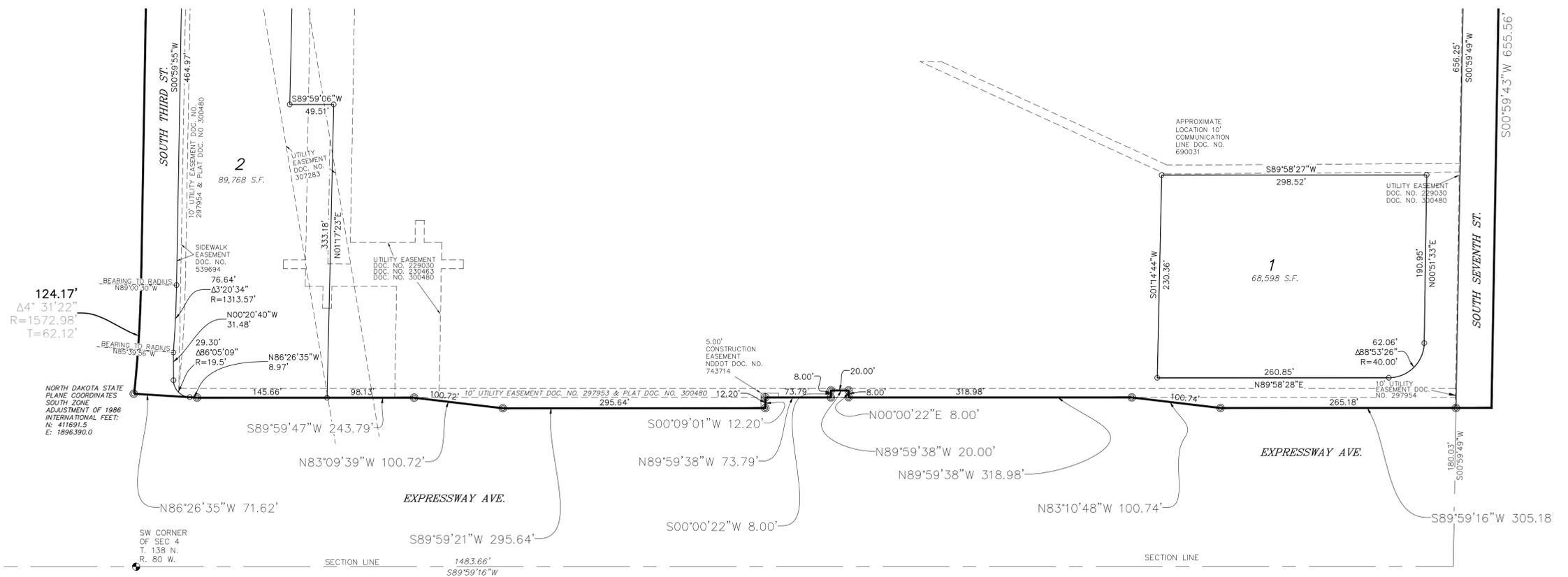
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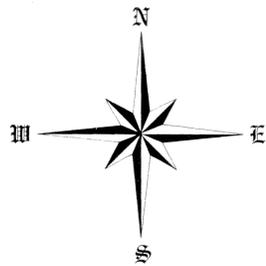
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BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



WACHTER'S ADDITION

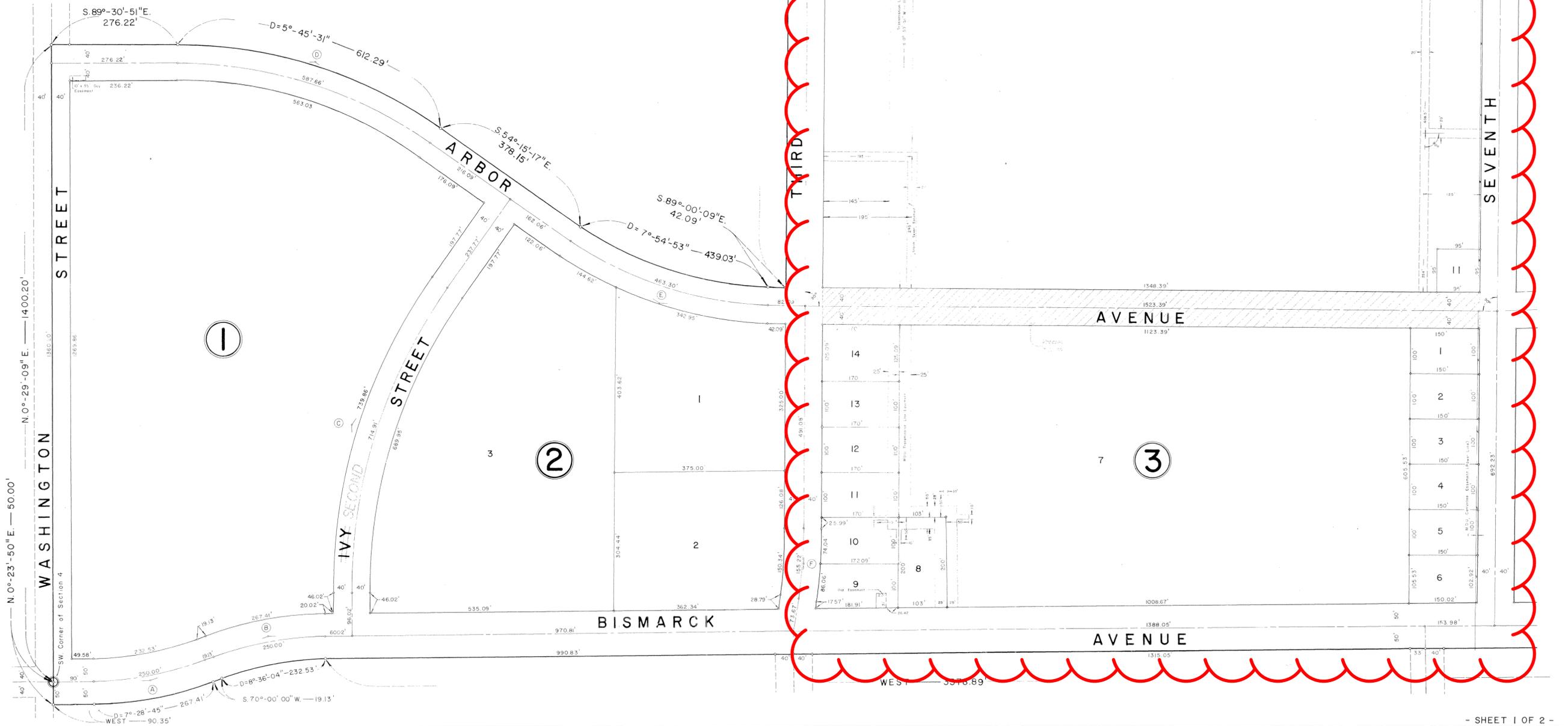
BISMARCK, NORTH DAKOTA



SCALE: 1" = 100'
DATE OF PLAT: APRIL 17, 1969

CURVE DATA

CURVE	Δ	D	T	L	R
A B B	20°-00'-00"	8°-00'-00"	126.39'	250.00'	716.78'
C	35°-44'-43"	5°-00'-00"	369.63'	714.91'	1146.28'
D	35°-15'-34"	6°-00'-00"	303.61'	587.66'	955.37'
E	34°-44'-52"	7°-30'-00"	239.19'	463.30'	764.49'
F	6°-59'-05"	4°-30'-00"	77.72'	155.22'	1273.57'
G B H	21°-00'-00"	18°-00'-00"	59.24'	116.67'	319.62'





Engineering Department

DATE: May 6, 2020
FROM: Gabe Schell, City Engineer
ITEM: Street Improvement District No. 535

REQUEST

Request to Hear Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 535.

Please place this item on the 5/12/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

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

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

The Resolution of Necessity was published in the paper on March 17, 2020 and March 24, 2020. Letters were sent to property owners on March 23, 2020 notifying them of this project. The Resolution of Necessity was republished in the paper on March 31, 2020 and April 7, 2020 as the first Resolution contained an error. A second letter was sent to the property owners notifying them that the protest period was extended to May 7, 2020.

The summary of protests of the Resolution of Necessity will be distributed prior to the Commission meeting.

Unit No. 1

Crest Road – 120' West of High Creek Road to 160' West of Crest Place
Crest Place – Crest Road to Cul-De-Sac

Unit No. 2

Harp Hawk Drive – 125' East of Grey Hawk Lane to Marsh Hawk Drive
Talon Road – Marsh Hawk Drive to 150' East
Prairie Hawk Drive – 135' East of Grey Hawk Lane to Marsh Hawk Drive
Marsh Hawk Drive – Harp Hawk Drive to Prairie Hawk Drive

Unit No. 3

Greenfield Lane –Washington Street to Saints Drive

Unit No. 4

Mica Drive – 110' East of Basalt Drive to Flint Drive
Jasper Drive – Mica Drive to 250' South
Flint Drive – 225' North of Mica Drive to Normandy Street
Normandy Street – 150' South of Flint Drive to 250' North of Flint Drive

Unit No. 5

57th Avenue NE – 135' East of US Highway 83 to 19th Street
19th Street – 57th Avenue NE to 50' South of Elbowoods Lane

Unit No. 6

Shiloh Drive – 670' East of 19th Street to 940' East of 19th Street

Unit No. 7

Revere Drive –Bismarck Express way to 230' West of Hancock Drive

Unit No. 8

Miriam Avenue – 420' East of Channel Drive to Channel Drive
Channel Drive – Miriam Avenue to Global Drive

Unit No. 9

Cessna Avenue – Piper Street to Airport Road
Piper Street – 190' South of Continental Avenue to Basin Avenue

Project Schedule

Letters Sent to Property Owners:	March 13, 2020, March 30, 2020
Approval of Plans and Specifications, Authorization to Advertise	April 14, 2020
Protest Period Ends:	May 7, 2020
Public Hearing:	May 12, 2020
Receipt and Opening of Bids:	May 26, 2020
Award of Bid:	June 9, 2020
Project Completion:	Fall 2020

RECOMMENDED CITY COMMISSION ACTION

Accept Insufficiency of Protests on Resolution of Necessity for Street Improvement District SI 535 for which staff may proceed with the project.

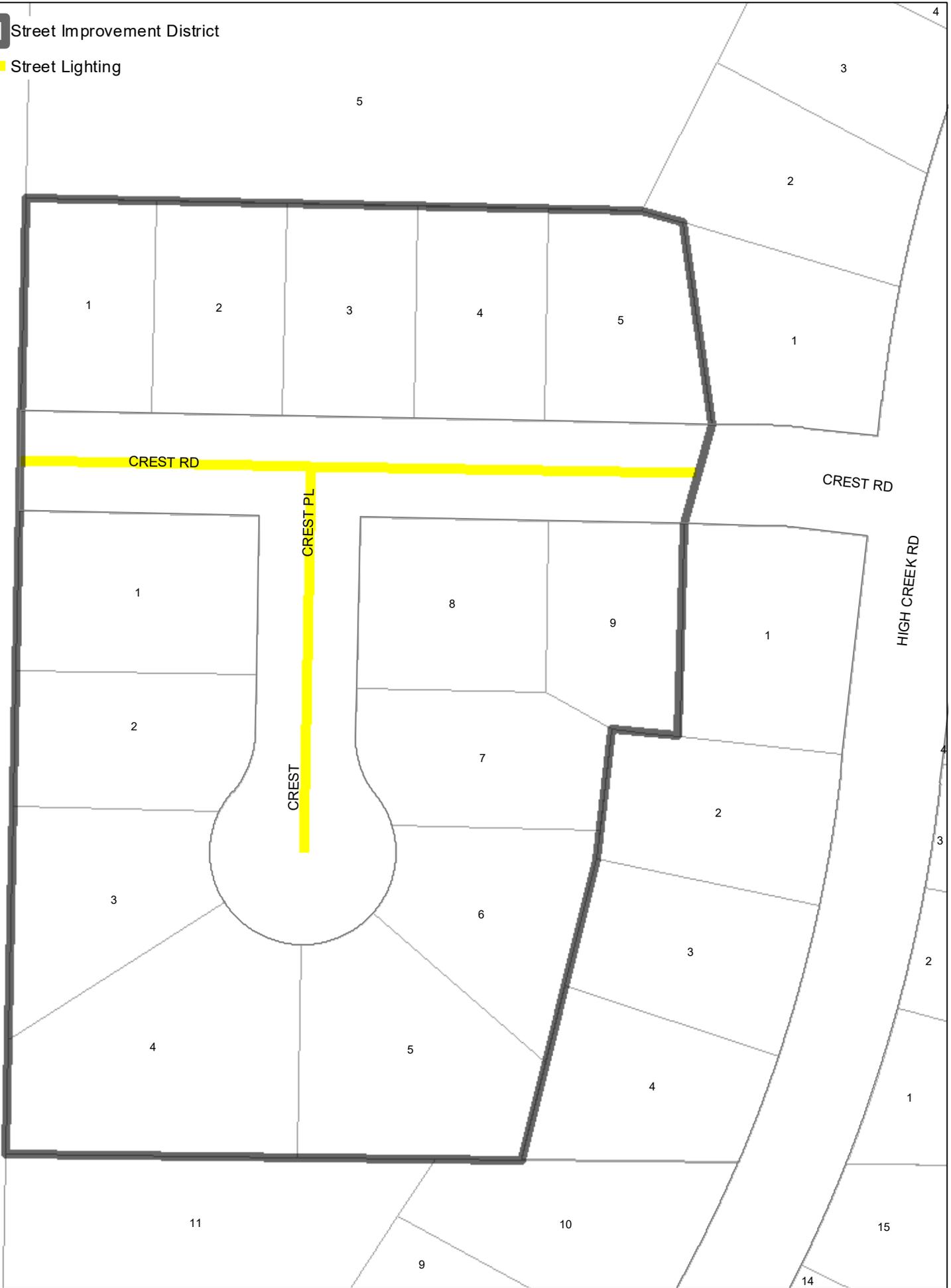
STAFF CONTACT INFORMATION

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

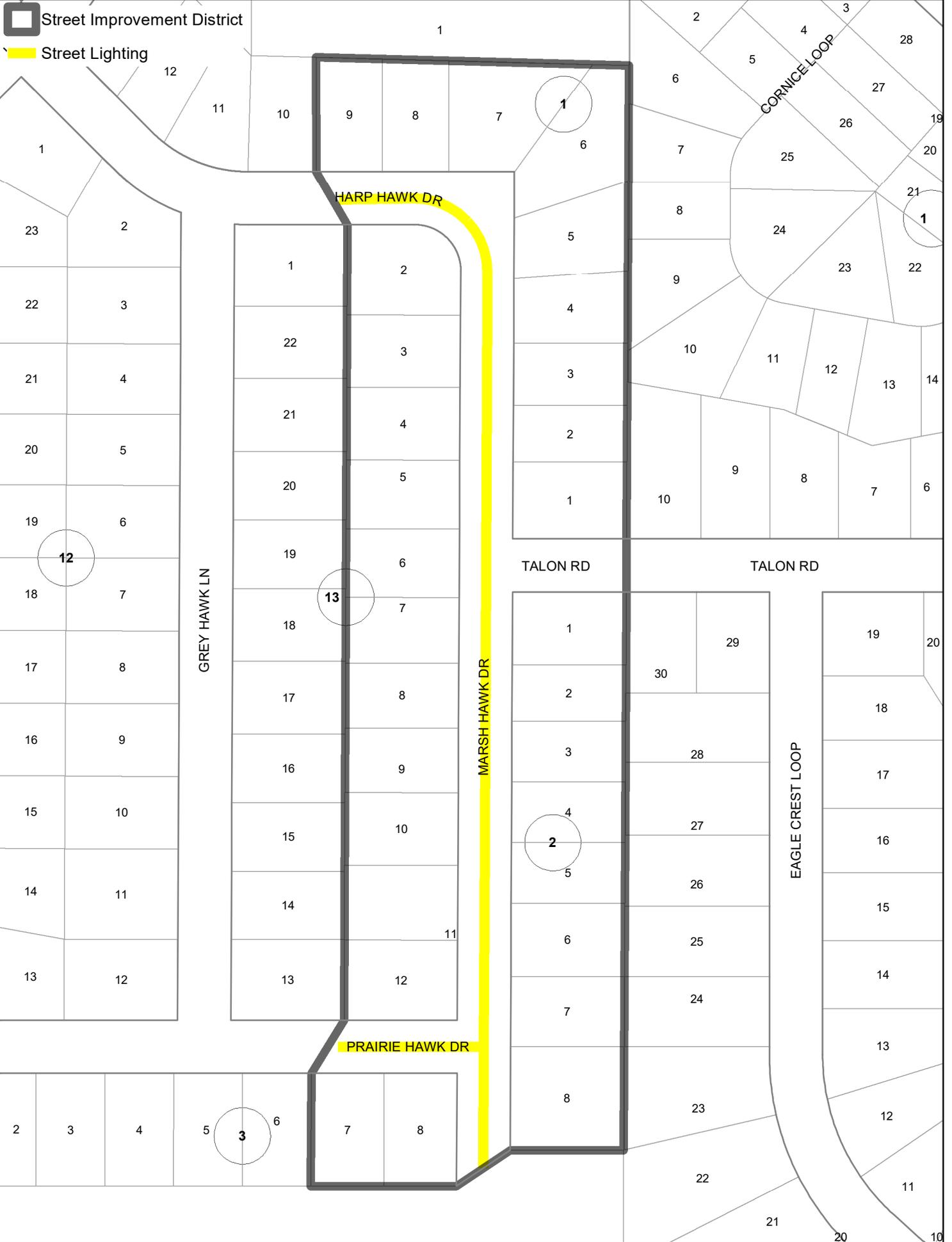
SI 535 - Unit 1

 Street Improvement District

 Street Lighting

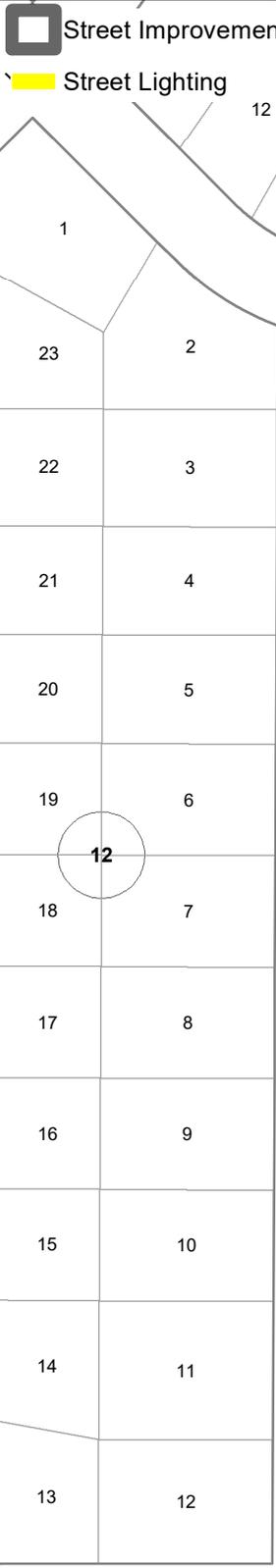


SI 535 - Unit 2

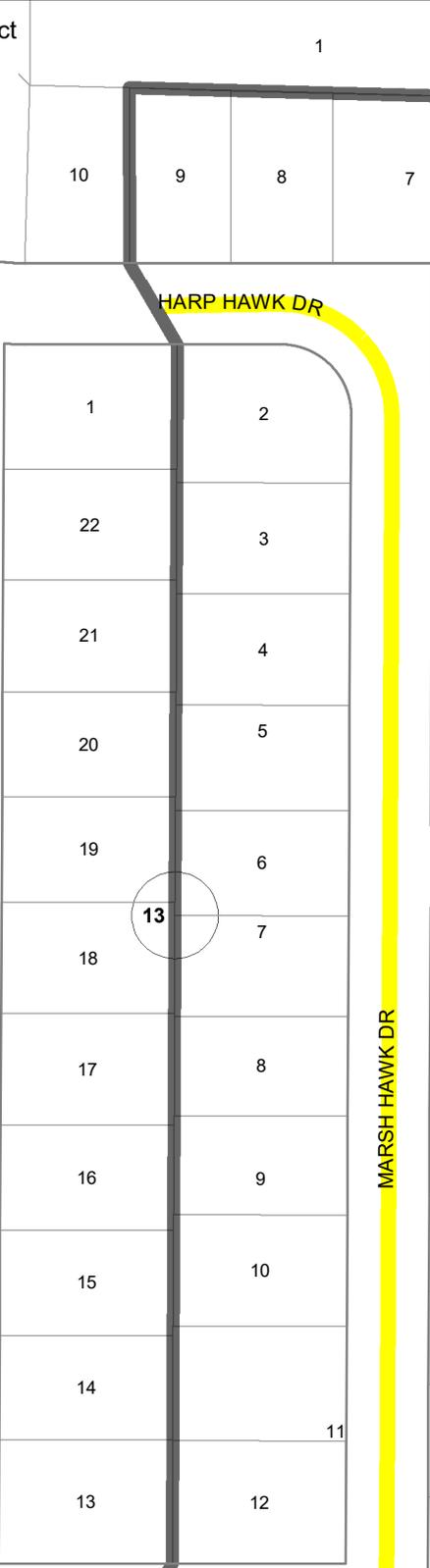


Street Improvement District

Street Lighting



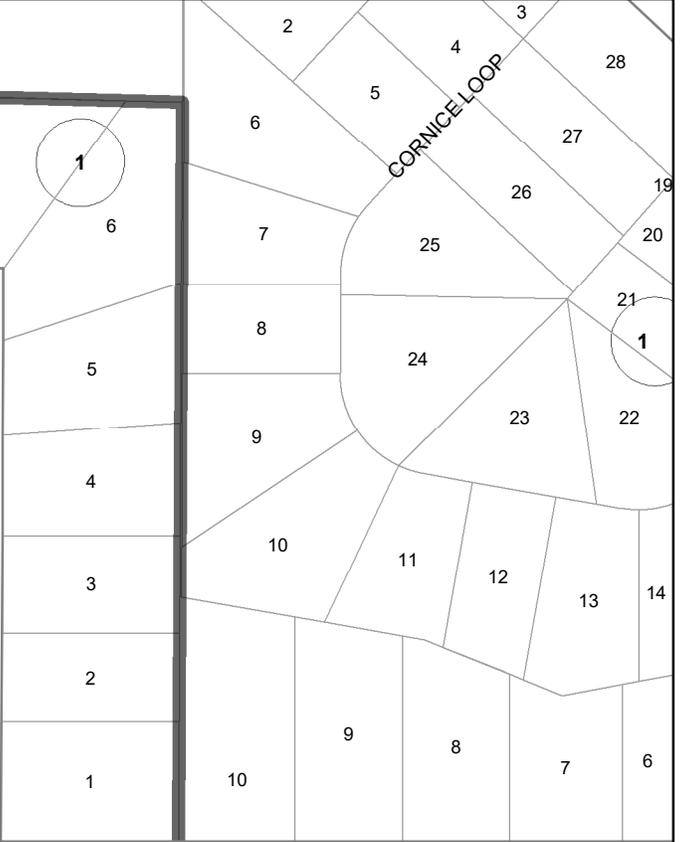
GREY HAWK LN



HARP HAWK DR

PRAIRIE HAWK DR

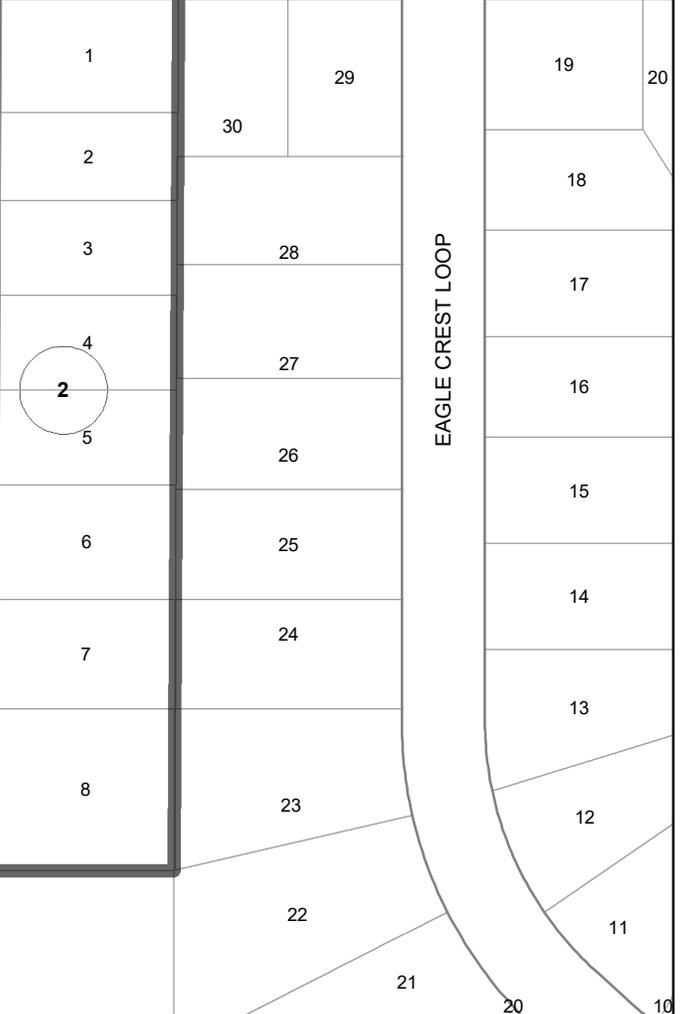
MARSH HAWK DR



CORNICE LOOP

TALON RD

TALON RD



EAGLE CREST LOOP

SI 535 - Unit 3

Street Improvement District

Street Lighting



SI 535 - Unit 4

-  Street Improvement District
-  Street Lighting

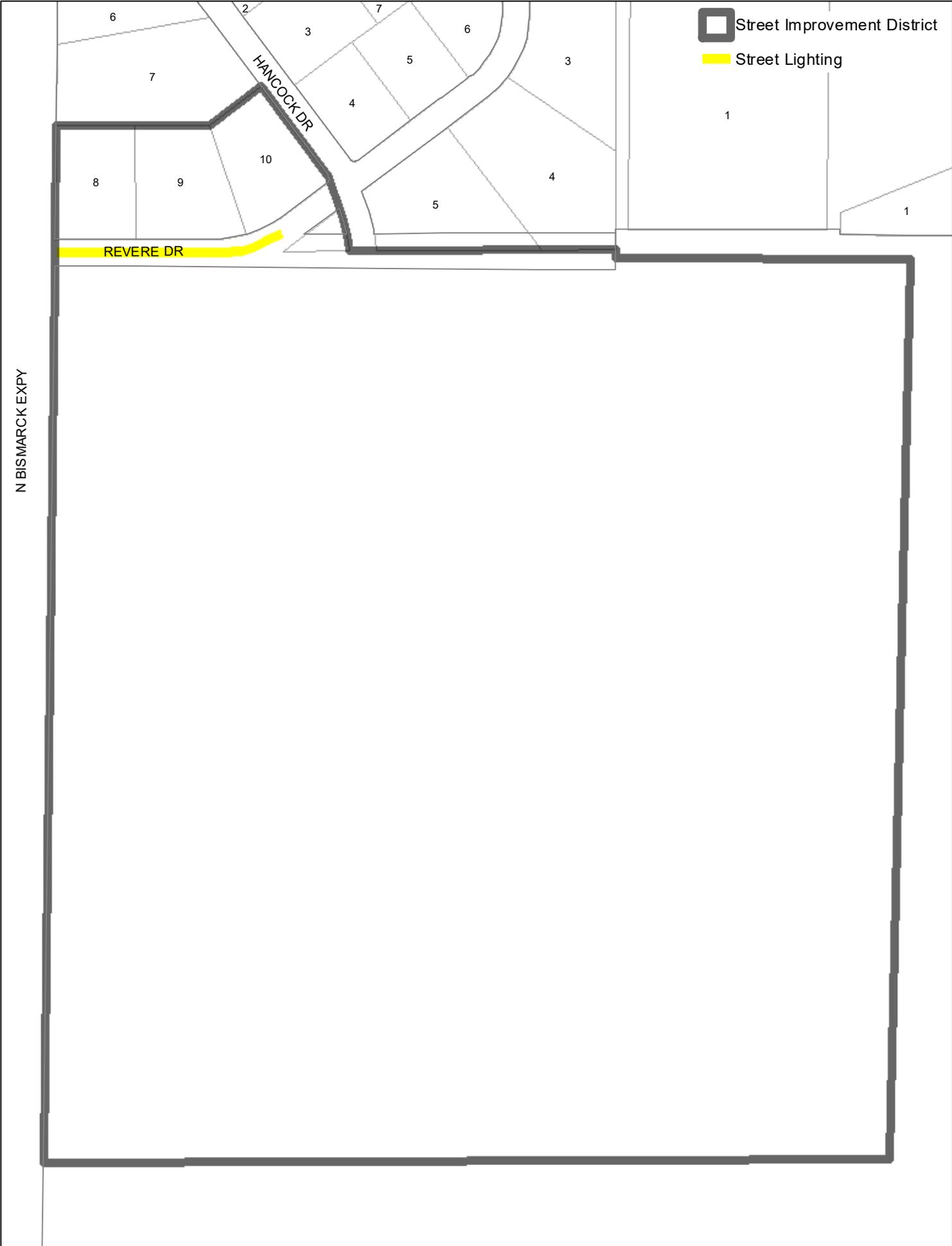


SI 535 - Unit 5



SI 535 - Unit 7

- Street Improvement District
- Street Lighting



SI 535 - Unit 8

INTERSTATE 94



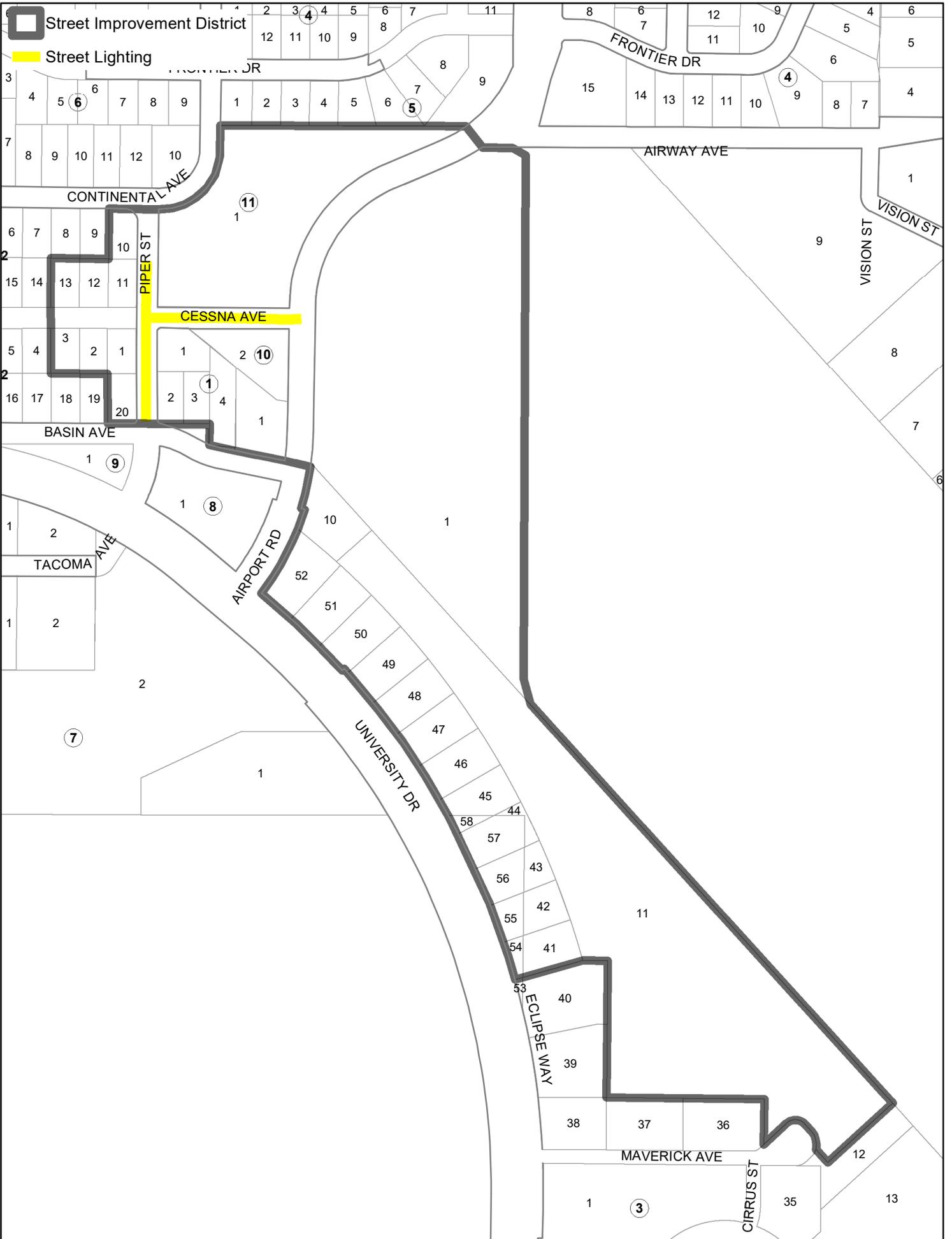
Street Improvement District



Street Lighting



SI 535 - Unit 9





City Attorney

DATE: May 6, 2020

FROM: Jannelle Combs, City Attorney

ITEM: Consider listing a Class E liquor license for bid.

REQUEST

Consider issuing a bid for a Class E liquor license bid.

Please place this item on the 5/12/2020 City Commission consent meeting agenda.

BACKGROUND INFORMATION

Last summer a Class D (full liquor) and Class E (beer only) on and off-sale licenses were let for bid. The Class D license was purchased by local citizens and is currently used at the Main Bar location. The Class E license received no bid. Since that time, Administration and my office have received inquiries regarding the Class E beer only on and off-sale license.

Considering the current climate, staff is seeking direction in regards to whether we should let the Class E license for bid this summer and any timing.

RECOMMENDED CITY COMMISSION ACTION

Provide staff with direction on letting one Class E beer only, on and off-sale, license.

STAFF CONTACT INFORMATION

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