July 14, 2020

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

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

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

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

Future City Commission meetings are scheduled as follows:

- July 28, 2020
- August 11 & 25, 2020
- September 8 & 22, 2020

MISSION STATEMENT

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

Acknowledgement for the Alliance for Community Media's 2020 Buske Leadership Award.

Congratulations to Mary Van Sickle, who is recognized for her commitment to the mission and goals of the Alliance for Community Media.

Documents:

ACM Leadership Award.pdf

MEETING OF THE BOARD OF CITY COMMISSION

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

   Documents:

   MN062320.pdf

3. CONSENT AGENDA

   A. Consider approval of expenditures.

   B. Consider the approval of personnel actions.

   Documents:

   HR Personnel Report.pdf

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

1. Appoint Ryan Fugere to the Bismarck-Mandan Mayors' Committee for People with Disabilities.
2. Authorize gaming site applications for the following:

Fort Abraham Lincoln Foundation

- Peacock Alley - 422 E. Main Ave.

Documents:

(C) ADMIN - Committee Appointment.pdf
(C) ADMIN - Gaming Site - Peacock Alley.pdf

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

1. Sole Source Purchase of LUMACURVE sign panels.

Documents:

(C) AIR - Lumacurve Sign Panels.pdf

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

1. Permission to apply for a grant from the North Dakota Department of Health for an influenza vaccination rates in high risk adults.

Documents:

(C) BBPH - Influenza Vaccination Grant.pdf.pdf

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

1. Approve modified major subdivision final plat for Elk Ridge Second Addition.
2. Approve modified minor subdivision final plat for Wachters Addition.
3. Approve contract for a consultant to complete a historic architectural survey of portions of Highland Acres neighborhood.
4. Request from Ryan and Courtney Heiser to release the North 4 feet of the 7-foot utility easement along the south lot line of Lot 1, Block 4, Horizon Heights Fifth Addition. Staff recommends approval.
5. Request from Jason and Krysta Sellers to release the drainage easement within Lot 36, Block 1, Misty Waters. Staff recommends approval.
6. Introduction of and call for a public hearing on Ordinance 6429, a request for the annexation of the North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision. The Bismarck Planning and Zoning Commission recommends approval.

Documents:

(C) CD - Elk Ridge.pdf
(C) CD - Wachters Addition.pdf
(C) CD - Highland Acres.pdf
(C) CD - Horizon Heights.pdf
(C) CD - Misty Waters.pdf
(C) CD - Timberlane Place.pdf

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

1. Accept NDDOT Transportation Alternatives Funding for the School Safety Project.
2. Approve street closure amendment for the annual Downtowners' Street Fair.
3. Approve private utility and private drive agreement with Heritage Development, Inc.
4. Approve development agreement with Innovative Solutions, LLC.
5. Approve new banner design for Camp Hancock historical site.
6. Approve the Mandan Old Red Trail project for 2025 federal aid solicitation.

Documents:

(C) ENG - NDDOT School Safety Project.pdf
(C) ENG - Downtowners Street Fair.pdf
(C) ENG - Heritage Development Agreement.pdf
(C) ENG - Innovative Solutions Development Agreement.pdf
(C) ENG - Banner Replacement.pdf
(C) ENG - NDDOT Urban Road Program.pdf

H. Consider the request for approval from the Event Center for the following:

1. Approve the Belle Mehus Theater lighting project.

Documents:

(C) EC - Belle Mehus Lighting.pdf

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

1. Application for abatement, for 2019, market value reduction, at 5428 Duncan Dr.
2. Introduction of and call for a public hearing on ordinances 6427-6428, to create special assessment districts for annexed properties.

Documents:

(C) FIN - Abatement - Duncan Drive.pdf
(C) FIN - Ordinances 6427-6428.pdf

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

1. Award bid for asphalt and concrete crushing, at the Municipal Landfill, to Hoffer Landscaping.
2. Award bid for the City/County Building backup generator project to Western Edge, Inc.

Documents:

(C) PW-SO - Asphalt and Concrete Crushing.pdf
(C) PW-SO - City County Backup Generator Project.pdf

4. REGULAR AGENDA

5. Receive a Budget Committee update, regarding Budget 2021, from Dmitriy Chernyak, Finance Director.

6. Consider the request from the Finance Department for an application for abatement, for 2020, market value reduction, for 315 Linden Lane.

Documents:

(R) FIN - Abatement - Linden Lane.pdf

7. Consider the request from the Community Development Department for a request from 161 Commercial, LLC. for approval of a final plat of First Responders Addition. The Bismarck Planning and Zoning Commission recommends approval.

Documents:

(R) CD - First Responders.pdf

8. Consider the request from the Attorney for continued discussion regarding the Temporary License to Use Premises Agreement for the August 1, 2020 Medieval Rush event.

Documents:

(R) ATTY - Medieval Rush .pdf

9. Consider the request from the Attorney for continued discussion regarding fireworks displays within City limits.

Documents:

(R) ATTY - Fireworks Discussion.pdf

Other Business

Adjourn

For Immediate Release

Alliance for Community Media Announces the 2020 Buske Leadership Award Recipient

MINNEAPOLIS — July 1, 2020 – The Alliance for Community Media (ACM) is pleased to announce that the recipient of the 2020 Buske Leadership Award is Mary Van Sickle.

- Buske Leadership Award

The Buske Leadership Award will be awarded to Mary Van Sickle for her demonstrated commitment to the mission and goals of the ACM.

Van Sickle is the past chair of the national Board of Directors for ACM and the Midwest Region Board of the ACM. Van Sickle is being recognized by the ACM for her high degree of

involvement in the organization nationally, regionally and at the chapter level. Additionally, she currently serves as the Executive Director of Dakota Media Access (DMA) in Bismarck, ND. Since 2000, she has served at the PEG community media center, launching the Dakota Film Festival in 2011 and LPFM Radio Access in 2016. Prior to DMA, she also worked in a variety of marketing, economic development and non-profit management positions.

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About the Alliance for Community Media (www.allcommunitymedia.org)

Founded in 1976, the Alliance for Community Media is a national, non-profit membership organization committed to ensuring access to electronic media for all people. The Alliance for Community Media carries forth its mission by educating, advocating and acting as a resource for the more than 3,000 Public, Educational and Governmental (PEG) community media centers nationwide.

Contact: Crystina Lugo-Beach │clugobeach@harringtoncompany.com│(931) 266-1199

6/23/2020 - Minutes

MEETING OF THE BOARD OF CITY COMMISSION

1. Consider the approval of the minutes.

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

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

2. Canvass returns of the City of Bismarck candidates for the June 9, 2020 Primary Election.

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

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

3. Adjourn

   Commissioner Oban moved to adjourn the meeting at 5:36 p.m. Commissioner Zenker seconded the motion.

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

MEETING OF THE BOARD OF CITY COMMISSION

1. Assignment of Commission Portfolios.

   The Commissioners were assigned the following portfolios:

   Steve Bakken

   - Administration
   - City Attorney
   - Community Development
   - Economic Development
   - Human Resources
   - City and County Planning Commission

   Greg Zenker

   - Airport
   - Event Center
   - Engineering
   - Forestry
   - Renaissance Zone Authority
   - Sidewalks
   - Strategic Plan Liaison

   Nancy Guy

- Facility Maintenance
- Fleet
- Library Liaison
- Public Health
- Roads & Streets
- Solid Waste Utility
- Street Light Utility
- Transit Liaison

Steve Marquardt

- Budget /Budget Committee
- Finance
- Fire
- Intergovernmental Relations
- County Planning Commission
- Pension Review Board
- Storm Water
- Water and Sewer Utility
- Vision Fund

Mark Splonskowski

- Central Dakota Communications Center
- Dakota Media Access Liaison
- Mayor's Committee on Employment of Persons with Disabilities
- Municipal Court
- Parking Lots
- Police
- Weeds

Commissioner Marquardt moved to approve the portfolios assignment as presented and affirmed the following positions had been appointed.

1. A Treasurer;
2. An Auditor;
3. An Attorney;
4. One or more Assessors;
5. A City Health Officer, who shall be a physician;
6. A Street Commissioner;
7. A Chief of the Fire Department;
8. A Chief of Police;
9. One or more Police Officers;
10. A City Engineer;
11. A board of Public Works; and
12. Such other officers or boards as the board of City Commissioners may deem necessary.

Commissioner Guy seconded the motion.

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

2. Appoint Vice-Chair of City Commission.

Commissioner Marquardt was appointed to Vice-Chair of the Commission.

Commissioner Zenker moved to approve the appointment as presented. Commissioner Guy seconded it.

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

3. CONSENT AGENDA

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

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

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

Ian Easton and Tyler Huber, two Bismarck residents and bicycle riders, spoke in opposition to the Commission approving the Temporary License to Use Premises Agreement, with Tanner Schweitzer, for the annual Medieval Rush event. Both Mr. Easton and Mr. Huber voluntarily take care of the bike trails overlooking the Missouri where the event is proposed to take place.

In addition, Mr. Huber also provided the Commission with a short presentation. Please see the link to view it: https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5219?fileID=12719

Tanner Schweitzer, the event's organizer, came before the Commission and explained how much he is looking forward to holding his event in Bismarck. He shared his ideas on how to ensure the land, they are requesting to use for the event and how it would be protected and returned to the condition it was before the event.

Andy Beck, Mountains Operations Manager of Huff Hills also spoke during public comment. Mr. Beck shared his experience with Mr. Schweitzer and what it was like holding the event at the Huff Hills ski area.

B. Consider approval of expenditures.

Vouchers: 1093458 and 1093662.

C. Consider the approval of personnel actions.

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

1. Approve unlocking City facilities, discontinue temporary authority and approve continuation of COVID-19 leave pay.
2. Consider applications for gaming.

Bismarck Lodge #302 Loyal Order of Moose

- Bismarck Moose 302 - 312 N. 20th St.

CHI St. Alexius Medical Center

- Bismarck Event Center - 315 S. 5th St.

- CHI St. Alexius Health Bismarck - 900 E. Broadway Ave.
- Clem Kelley Athletic Complex - 517 W. Arbor Ave.
- Scheels - 800 Kirkwood Mall

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

1. Lease Agreement with the State Historical Society of North Dakota for a storage building.
2. Sole Source Purchase of three Bowmonk Decelerometers.

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

1. Ratify the June 13, 2020 State of Emergency Declaration relating to COVID-19 by the President of the City Commission and extend its effect to July 13, 2020.

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

1. Accept COVID-19 CARES Act funding for Public Health and increase budget authority for Public Health Government Grants by $1,379,542.

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

1. Approve the 2020 5307 CARES Transit Grant Application.
2. Introduction of and call for a public hearing on a petition from the Bismarck Cancer Center to vacate the dedicated alley over the North 20 feet of Tract 500 of Block 27 and 38, Northern Pacific Second Addition, and the deeded alley over the East 8 feet of the North 20 feet of Lot 8, Block 38, and the deeded alley over the South 19.3 feet of the East 8 feet of Lot 9 and the South 19.3 feet of the West 8 feet of Lot 4, Block 38, Northern Pacific Second Addition. Staff recommends approval.

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

1. Approve consultant services contract with KLJ Engineering LLC.
2. Approve contract for pavement condition data collection with Gorrondona & Associates, Inc.
3. Sidewalk Easement - Approve dedication of and acceptance of a sidewalk easement on Lots 1 & 32, Block 2, Suttle's Addition.
4. Street Improvement District No. 535 - Request for resolution receiving bids and ordering preparation of the Engineer's statement for SI 535. Request for resolution awarding contract for SI 535.
5. Street Improvement District No. 536 - Request for resolution receiving bids and ordering preparation of the Engineer's statement for SI 536.
6. Street Improvement District No. 537 - Request for resolution receiving bids and ordering preparation of the Engineer's statement for SI 537. Request for resolution awarding contract for SI 537.
7. Street Improvement District No. 538 - Request for resolution receiving bids and ordering preparation of the Engineer's statement for SI 538. Request for resolution awarding contract for SI 538.
8. Street Improvement District No. 540 - Request for resolution, approving plans and specifications for SI 540. Request for resolution directing the advertisement of bids and receive bids.
9. Utility Easement - Request dedication of a utility easement on Lot 1, Block 1,

Municipal 3rd Addition.

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

1. Application for Abatement for 2019, Disabled Veteran. at 619 W. Interstate Ave.
2. Approve upgrade of existing Mitel VOIP phone system and corresponding equipment.
3. Approve upgrade of existing Tom Baker room system and corresponding equipment.

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

1. Permission to apply for Emergency Management Performance Supplemental Grant.

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

1. Accept donations received during the COVID-19 Pandemic.
2. Approve sole source purchase for PortaCount machine and accessories from TSI, Inc.

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

1. Award contract for the 2020 Furnishing Street Maintenance Materials.
2. Award bid for traffic signal video detection systems.

4. REGULAR AGENDA

5. Consider the request from the Human Resources Department to receive an overview of the 2015 Condrey Study and hear recommendations from the group, Condrey & Associates.

Commissioner Guy moved to have the Condrey and Associates group update their 2015 study on employee compensation. Commissioner Zenker seconded her motion for further discussion.

The Commission addressed the cost of the study, and suggested the possibility of having staff gather similar information the study would provide.

Upon a roll call vote, Commissioner Splonspowski, Marquardt, Zenker and President Bakken voted nay. Commissioner Guy aye.

Motion denied.

Please see the link for the Condrey & Associates' full presentation:

https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5200?fileID=12665

6. Consider the request from the Administration Department to consider a request from the Vision Fund Committee regarding a Bank of North Dakota PACE program interest rate buy down for Cloverdale Foods Company.

Nathan Schneider, the Vice President of the Bismarck-Mandan Chamber EDC, presented the Vision Fund Committee's decision to approve Cloverdale Foods Company's application

for a PACE program interest rate buy down.

The Vision Fund commitment for this project would be a portion of the PACE Loan interest buydown in the amount of $133,503.40. The terms and conditions of the Vision Fund loan would be a 5-year buydown, 5-year repayment at zero percent interest. The Lewis & Clark Development Group will waive the 1 percent loan servicing fee in lieu of a one-time payment of $1500.00 which will be paid by Cloverdale Foods Company.

Commissioner Zenker moved to approve the application. Commissioner Marquardt seconded the motion.

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

The Commission's approval of the application will allow Cloverdale Foods Company to fulfill their expansion plans. The total cost of the proposed expansion is currently being estimated between $17 million to $20 million. Construction for the expansion and updates will begin within weeks of this Bismarck City Commission Meeting. The expansion is expected to take about 18 months to complete.

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

   No motion was made for this item.

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

   https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5235?fileID=12720

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

   1. Public hearing on Ordinance 6417, a request for the partial annexation of Elk Ridge Second Addition less the right-of-way for Tyler Parkway.
   2. Public hearing on Ordinance 6418, a request for a zoning change from the A-Agricultural and R5 - Residential zoning district to the R5 - Residential and R10 - Residential zoning districts for Elk Ridge Second Addition.
   3. Public hearing on a Fringe Area Road Master Plan amendment to eliminate the collector designation for a north-south roadway.
   4. Final plat of Elk Ridge Second Addition.

   No member of the public appeared for comment.

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

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

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

   1. Public hearing on Ordinance 6425, a request for a zoning change from the R5 - Residential zoning district to the R10 - Residential zoning district for Hunting Cottages Second Addition.
   2. Minor subdivision final plat of Huntington Cottages Seconds Addition.
   3. Development Agreement.
   4. Private Drive and Private Utility Agreement.

No member of the public appeared for comment.

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

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

10. Public hearing on Ordinance 6426, a request for the annexation of Heritage Ridge Second Addition, less the 15th St. NW right-of-way. The Bismarck Planning and Zoning Commission recommends approval.

    No member of the public appeared for comment.

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

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

11. Consider the request from the Attorney for discussion and approval of the Temporary License to Use Premises Agreement for the August 1, 2020 Medieval Rush event.

    City Attorney Combs presented the Temporary License to Use Premises Agreement that she and the City Engineer drafted.

    Mr. Schweitzer informed the Commission of details of his event including the route he mapped out for the event. He also stated that he has coordinated with the bicyclists that take care of the trails and showed the Commission where exactly the participants in the event will encounter the trails when racing. Commissioner Guy asked Mr. Schweizer how he plans to guide runners through the race. He stated he plans to use flags, markers and volunteers to assist in directing runners to stay on course and to avoid the paths.

    President Bakken asked Mr. Schweitzer coordinate with the City Engineer to look at alternative routes in that area for the race. In addition, he also requested staff to look at the liability of the public bike trails.

    Commissioner Marquardt then moved to table the item until the next City Commission Meeting on July 14, 2020. Commissioner Zenker seconded.

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

Other Business

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

The next City Commission Meeting will be at 5:15 on July 14, 2020.

Adjourn

The meeting was adjourned at 8:27 p.m.

PERSONNEL ACTIONS FOR THE MEETING ON Jul 14, 2020

Full-Time and Part-Time Appointments

Separations

Eslinger, Rita Communications Specialist	CenCom	Resigned. 7/2/2020
Hammer, Molly Communications Specialist	CenCom	Resigned. 6/25/2020
Erhardt, Karla Accounting Technician	Finance/Fiscal Services	Resigned. 6/19/2020
Nottestad, Rebekah Forestry Tech	Public Works	Resigned. 6/18/2020

Others

Kramer, Natalie Communications Supervisor	CenCom	Suspended w/out pay 6/29 – 7/1/2020
Heupel, Gary Assistant Concession Manager	Event Center	Leave w/out pay 6/26/2020 pay period
Anderson, Brett Master Police Officer	Police	End acting role & salary adjusted @ $37.04/hr. 6/23/2020
Galindo, Ricardo Maintenance Tech	Public Works	Leave w/out pay 7/10/2020 pay period
Neigum, Gary Forestry Tech	Public Works	Salary adjustment @ $13.46/hr. 6/28/2020
Okeefe, John Forestry Tech	Public Works	Salary adjustment @ $13.46/hr. 6/28/2020
Vetter, James Scale Operator	Public Works	Promoted & salary adjustment @ $20.50/hr. 6/28/2020

City Administration

DATE: June 30, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Bismarck-Mandan Mayors' Committee for People with Disabilities Appointment

REQUEST:

Consider appointing Ryan Fugere to the Bismarck-Mandan Mayors' Committee for People with Disabilities.

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

BACKGROUND INFORMATION:

If confirmed by the Board of City Commissioners, Mr. Fugere's term would remain a member until such time that he submits a letter of resignation to the Committee president or has had two consecutive absences.

RECOMMENDED CITY COMMISSION ACTION:

Mayor Bakken recommends approval of the appointment of Ryan Fugere to the Bismarck-Mandan Mayors' Committee for People with Disabilities for the terms specified.

STAFF CONTACT INFORMATION:

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

BASIN ELECTRIC POWER COOPERATIVE
A Touchstone Energy® Cooperative

June 30, 2020

Mayor Steve Bakken
P.O. Box 665
Bismarck, ND 58502-0665

Dear Mayor Bakken,

As the Mayor of Bismarck, please appoint Ryan Fugere (Bismarck) to the Bismarck-Mandan Mayors' Committee for People with Disabilities. Use email addresses shown below to distribute letter and please cc me at dberreth@bepc.com.

Ryan Fugere's email address is rfugere@hitinc.org.

Ryan Fugere's bio: Ryan has worked as a DSP, assistant manager and now employment services manager. Ryan's position within HIT Inc. involves supervising our job developers and job coaches. He is also responsible for community employment and contracted employment for individuals in our day services program.

Thank you for your prompt attention.

Yours sincerely,

DesaRae L. Berreth

DesaRae Berreth
President of Bismarck-Mandan Mayors' Committee for People with Disabilities
3819 Bay Shore Bend SE
Mandan, ND 58554
701.557.5744
dberreth@bepc.com

City Administration

DATE: July 7, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Gaming Site Authorization

REQUEST:

Consider application for gaming:

- Fort Abraham Lincoln Foundation
    - Peacock Alley – 422 East Main Avenue

Please place this item on the July 14, 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

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

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: Peacock Alley			
Street: 422 East Main Ave.	City: Bismarck	ZIP Code: 58501	County: Burleigh
Beginning Date(s) Authorized: 9/1/20	Ending Date(s) Authorized: 6/30/21	Number of twenty-one tables if zero, enter "0": 2	
Specific location where games of chance will be conducted and played at the site (**required**): whole bar area except the bathrooms			
If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of event(s) if known			

RESTRICTIONS (City/County Use Only)

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

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

- [ ] Bingo
- [ ] **ELECTRONIC** Quick Shot Bingo
- [ ] Raffles
- [ ] **ELECTRONIC** 50/50 Raffle
- [x] Pull Tab Jar
- [ ] Pull Tab Dispensing Device
- [x] **ELECTRONIC** Pull Tab Device
- [ ] Club Special
- [ ] Tip Board
- [ ] Seal Board
- [ ] Punchboard
- [ ] Prize Board
- [ ] Prize Board Dispensing Device
- [ ] Sports Pools
- [x] Twenty-One
- [ ] Poker
- [ ] Calcuttas
- [ ] Paddlewheels with Tickets
- [ ] Paddlewheel Table

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)		Site Name		Site Phone Number
Sqv Inc.		Peacock Alley		(701) 221-2333
Site Address	**City**	**State**	**Zip Code**	**County**
422 East Main Ave.	Bismarck	ND	58501	Burleigh
Organization (Lessee)	**Rental Period**			**Monthly Rent Amount**
Fort Abraham Lincoln Foundation	9/1/2020	to 6/30/2021		

1. Is Bingo going to be conducted at this site?	☒ No ☐ Yes	
1a. If "Yes" to number 1 above, is Bingo the **primary** game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.	☐ No ☐ Yes	$
2 Is Twenty-One conducted at this site? Number of Tables with wagers **up to** $5 _____ X Rent per Table $ _____	☐ No ☒ Yes	$
Number of Tables with wagers **over** $5 2 X Rent per Table $ 150.00		$ 300.00
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table $ _____	☒ No ☐ Yes	$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: ☒ Jar Bar ☐ Standard Dispensing Device	☐ No ☒ Yes	$ 175.00
☒ Electronic Dispensing Device Number of Electronic Devices 5		$ 500.00
Total Monthly Rent		$ 975.00

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.

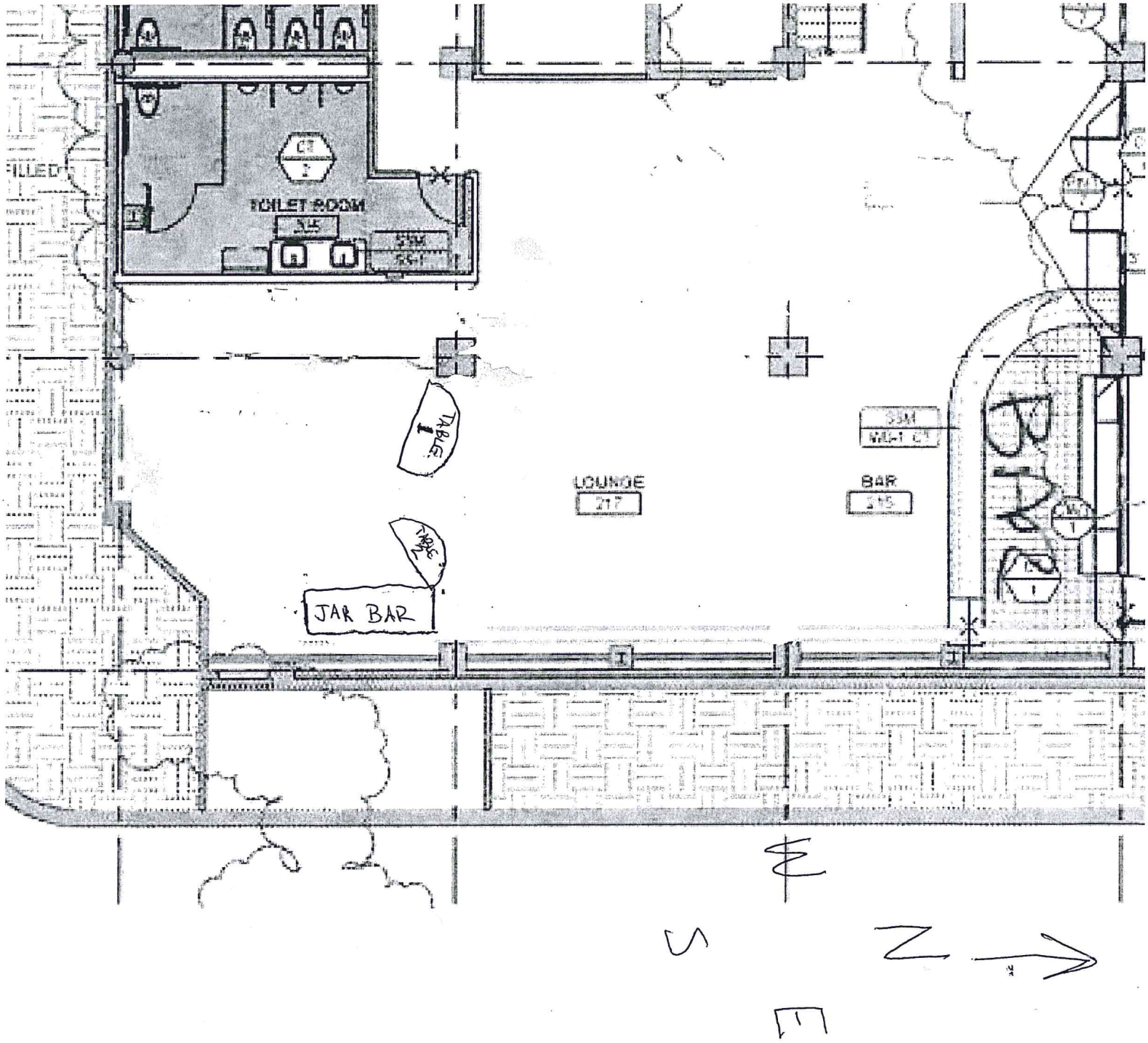
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

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	Date
	President	6/15/20
Signature of Lessee	**Title**	**Date**
Tamar L. Barth	Director	6/15/2020

(over)


TOILET ROOM
LOUNGE
BAR
TABLE 1
TABLE 2
JAR BAR

Bismarck

Airport

DATE: June 29, 2020

FROM: Greg Haug, Airport Director

ITEM: Consider a Sole Source Purchase of LUMACURVE sign panels.

REQUEST

Please place this item on the 7/14/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Bismarck Airport has numerous reflective electronic backlit signs that are part of the Federal Aviation Administration (FAA) approved signage plan. As part of Bismarck Airport's ongoing maintenance program sign faces are replaced periodically based on condition. Bismarck Airport has signs purchased from several different manufacturers. Replacement sign panels must be procured from the manufacturer. This request is to procure 27 replacement sign faces sole source from sign manufacture LUMACURVE to replace sign faces on Bismarck Airport's LUMACURVE signs. The purchase is accommodated in the approved airport spending plan.

RECOMMENDED CITY COMMISSION ACTION

1. Approve the sole source purchase of LUMACURVE sign panels for $9,206.84 plus freight up to $2,500.00 at Enclosure 1.

STAFF CONTACT INFORMATION

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

ENCLOSURES:

1. LUMACURVE Proposal.

ON JULY 14, 2020
AGENDA

CONTRACT REVIEW FORM

DEPARTMENT

Contract between the City of Bismarck and LUMA CURVE AIRFIELD SIGNS

Purpose of Contract: PURCHASE 27 REPLACEMENT REFLECTIVE SIGN PANELS (SOLE SOURCE)

Contract Amount: $9,206.84 PLUS UP TO $2,500. FREIGHT.

Contract Period: DELIVERY 4-6 WEEKS FOLLOWING APPROVAL of SHOP DRAWINGS

Funding Source: APPROVED AIRPORT SPENDING PLAN

Project Number: (If needed, send copy to Fiscal)

Comments:

After Mayor's Signature, route to: AIRPORT

Date:

Department Head Signature:

Date:

CITY ATTORNEY

Comments:

City Attorney Signature:

Date:

FINANCE

Comments:

Director of Finance Signature:

Date:

ADMINISTRATION

City Administrator Signature:

Date:

Please send copy of completed contracts to Administration.

Standard Signs, Inc.
9115 Freeway Drive
Macedonia, OH 44056
(800) 258-1997

LUMACURVE
AIRFIELD SIGNS

AP CODE:	BIS
AIRPORT:	Bismarck Municipal Airport, ND
TITLE:	Panel Quote
DATE:	6/22/2020
QUOTE#:	BIS-2020-622-KP

ITEM	QTY	DESCRIPTION	UNIT PRICE	EXTENSION
Item 1		Bid Item		
	17	LCLT-5YRP, LUMACURVE ® Reflective Legend Panels, Size 3, Directional	$ 347.82	$ 5,912.94
Item 2		Bid Item		
	8	LCLT-5LRP, LUMACURVE ® Reflective Legend Panels, Size 3, Location	$ 347.82	$ 2,782.56
Item 3		Bid Item		
	1	LCLT-5RORP, LUMACURVE ® Reflective Legend Panels, Size 3, Mandatory	$ 368.72	$ 368.72
Item 4		Bid Item		
	1	LCLT-5AP, LUMACURVE ® Blank Face Panel, Size 3	$ 142.62	$ 142.62
			TOTAL =	**$ 9,206.84**

EXCEPTIONS

Quoted materials are NOT per plans & specs but are provided at the request of the customer.

Standard Signs Inc. / Lumacurve assumes no liability and makes no guarantee to provide materials per plans & specs at quoted pricing should the above material be deemed unacceptable for use in this project by the Owner or Engineer.

Factory installed Sign nameplates are per FAA regulations.

NOTES

INSTALLATION NOT INCLUDED
QUOTATION IS FOR LISTED MATERIALS ONLY.

*** All panels and parts quoted are Lumacurve original manufacturer's equipment.**
Use of 3'rd party (non OEM) panels or parts is not FAA certified for use in Lumacurve signs.
Call (330) 467-2030 with questions or Consult the FAA website for a current listing of FAA Certified Equipment:
http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/

TERMS:

PAYMENT: NET 30 DAYS (w/ approved credit)

FREIGHT: Prepaid & Added for signage orders < $2500.
Allowed for signage orders > $2500.
Pricing is for (1) purchase consigned to (1) location within the contiguous 48 US states.

DELIVERY: Standard Lead-Time is 4-5 weeks* after receipt of released purchase order & approved shop drawings.
*May exceed 6-8 weeks depending on quantities, product mix, and/or special requirements.

VALID FOR 30 DAYS

ACCEPTED: DATE:

STEVE BAKKEN, PRESIDENT BOARD of CITY COMMISSIONERS

CARES ACT CLAUSES ADDED TO PROPOSAL, SEE ATTACHED EMAIL

Timothy Thorsen

From: Keith Piper <keith@lumacurve.com>
Sent: Friday, June 26, 2020 12:03 PM
To: Timothy Thorsen
Cc: Troy Estes; Matthew Remynse; Cason P. Dunker; Rick Hojian
Subject: re: FW: Lumacurve Panel Quote and Submittals

Tim,

We can proceed with the attached provisions.

Let me know if you need anything else from me and if you would like me to get the order in.

If you have any questions or need anything at all don't hesitate to call.

Have a great day!

Regards,
Keith Piper
Lumacurve Airfield Signs
PH 330-467-2030 ext. 235
www.lumacurve.com

Do you need some tips, tricks or troubleshooting on your signs?
Click Here to Help Yourself

---------- **Original Message** ----------

From: Timothy Thorsen <tthorsen@bismarcknd.gov>
To: "keith@lumacurve.com" <keith@lumacurve.com>
Cc: Troy Estes <tjestes@bismarcknd.gov>, Matthew Remynse <mremynse@bismarcknd.gov>, "Cason P. Dunker" <cdunker@bismarcknd.gov>, Rick Hojian <rhojian@bismarcknd.gov>
Date: Wed, 24 Jun 2020 14:33:51 +0000
Subject: **FW: Lumacurve Panel Quote and Submittals**

Keith:
As you are aware the COVED 19 pandemic has occurred, our activity and revenue has fallen like all other commercial airports and Bismarck Airport has received a CARES ACT grant to help us which reimburses eligible operational costs. The grant added certain clauses to make BIS purchases eligible for reimbursement with those specific funds. It will help us if we also have the option of reimbursement for this purchase through our CARES ACT Grant we have received. We would make the purchase eligible by adding the required CARES ACT clauses to your proposal.
Would LUMACURVE agree to make the attachment part of the 6-22-20 proposal BIS-2020-622-KP to Bismarck Airport for the 27 sign panels? This would help us greatly. Please let me know by reply to this email and I will attach the provisions and your email reply agreeing to add the clauses to the signed quote.

Thanks,

TN

Timothy J. Thorsen
Assistant Airport Director
Bismarck Airport
PO Box 991
Bismarck, ND 58502
Phone: (701) 355-1808
Fax: (701) 221-6886
E-mail: tthorsen@bismarcknd.gov
www.bismarckairport.com

This communication may contain confidential and/or proprietary information and may not be disclosed to anyone other than the intended addressee. Any other disclosure is strictly prohibited by law. If you are not the intended addressee, you have received this communication in error. Please notify the sender immediately and destroy the communication including all content and any attachments. Thank you.

From: Troy Estes
Sent: Tuesday, June 23, 2020 12:59 PM
To: Timothy Thorsen <tthorsen@bismarcknd.gov>
Subject: FW: Lumacurve Panel Quote and Submittals

Tim,

Here is the proposal from Lumacurve for the 27 sign panels. I already reviewed the Panel Submittals and they are correct. All we need is signatures from whomever and I can place the order. It is a sole source since they are the only Lumacurve manufacture/panel maker.

Troy

From: Keith Piper <keith@lumacurve.com>
Sent: Monday, June 22, 2020 1:17 PM
To: Troy Estes <tjestes@bismarcknd.gov>
Subject: Lumacurve Panel Quote and Submittals

Troy,

I have attached the quote and submittals for the panels so let me know how everything looks.

Did you need any tracks as well? If so I will add them to the quote.

Let me know if you would like me to get this order in.

Enjoy the rest of your day!

Regards,
Keith Piper
Lumacurve Airfield Signs
PH 330-467-2030 ext. 235

www.lumacurve.com

Do you need some tips, tricks or troubleshooting on your signs?
Click Here to Help Yourself

---------- **Original Message** ----------

From: Troy Estes <tjestes@bismarcknd.gov>
To: Keith Piper <keith@lumacurve.com>
Cc:
Date: Mon, 22 Jun 2020 17:21:23 +0000
Subject: **Re: Panels**

Thanks Keith!!!

Sent from my iPhone

On Jun 22, 2020, at 12:03 PM, Keith Piper <keith@lumacurve.com> wrote:

Troy,

I received the pictures of the panels and I can go off of those.

If I have any questions I will give you a call.

I'll have the quote and submittals out to you before the end of the day.

Regards,
Keith Piper
Lumacurve Airfield Signs
PH 330-467-2030 ext. 235
www.lumacurve.com

Do you need some tips, tricks or troubleshooting on your signs?
Click Here to Help Yourself

Required CARES Act Provisions

FAA policies for the CARES Act Reimbursement require that certain agreement provisions must be incorporated into all airport agreements. These required agreement provisions are hereby incorporated herein and made a part of this agreement or proposal and the contractor agrees to the following:

Attachment A
Civil Rights Provisions

1. Airport and Airway Improvement Act of 1982, Section 520 - General Civil Rights Provisions

   The contractor agrees that it will comply with pertinent statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance.

   This provision binds the contractors from the bid solicitation period through the completion of the contract. This provision is in addition to that required of Title VI of the Civil Rights Act of 1964.

   This provision also obligates the tenant/concessionaire/lessee or its transferee for the period during which Federal assistance is extended to the airport through the Airport Improvement Program, except where Federal assistance is to provide, or is in the form of personal property; real property or interest therein; structures or improvements thereon.

   In these cases the provision obligates the party or any transferee for the longer of the following periods:

   A. The period during which the property is used by the airport sponsor or any transferee for a purpose for which Federal assistance is extended, or for another purpose involving the provision of similar services or benefits; or

   B. The period during which the airport sponsor or any transferee retains ownership or possession of the property.

2. Civil Rights Act of 1964, Title VI – Contractor Contractual Requirements

   A. Title VI Solicitation Notice

      (Source: Appendix 4 of FAA Order 1400.11, Nondiscrimination in Federally-Assisted Programs at the Federal Aviation Administration)

   B. Title VI Solicitation Notice:

The City of Bismarck, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. Title VI Clauses for Compliance with Nondiscrimination Requirements

(Source: Appendix A of Appendix 4 of FAA Order 1400.11, Nondiscrimination in Federally-Assisted Programs at the Federal Aviation Administration)

Compliance with Nondiscrimination Requirements

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

A. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Title VI List of Pertinent Nondiscrimination Statutes and Authorities, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

B. Non-discrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21.

C. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

D. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the sponsor or the Federal Aviation Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the sponsor or the Federal Aviation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

E. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the sponsor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:

a. Withholding payments to the contractor under the contract until the contractor complies; and/or
b. Cancelling, terminating, or suspending a contract, in whole or in part.

F. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the sponsor or the Federal Aviation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the sponsor to enter into any litigation to protect the interests of the sponsor. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

4. Title VI List of Pertinent Nondiscrimination Authorities

(Source: Appendix E of Appendix 4 of FAA Order 1400.11, Nondiscrimination in Federally-Assisted Programs at the Federal Aviation Administration)

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination In Federally-Assisted Programs of The Department of Transportation—Effectuation of Title VI of The Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age

Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

- Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and

private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;

- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

5. **Clauses for Deeds Transferring United States Property**

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

NOW THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the (*Title of Recipient*) will accept title to the lands and maintain the project constructed thereon in accordance with the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), the regulations for the administration of the University Transportation Centers Program, and the policies and procedures prescribed by the Office of the Secretary of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim, and convey unto the

(*Title of Recipient*) all the right, title and interest of the U.S. Department of Transportation in and to said lands.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto (*Title of Recipient*) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real

property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (*Title of Recipient*), its successors and assigns.

The (*Title of Recipient*), in consideration of the conveyance of said lands and interest in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the (*Title of Recipient*) will use the lands and interests in lands and interest in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].

6. Clauses For Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (*Title of Recipient*) pursuant to the provisions for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program.

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
    1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the

benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (*Title of Recipient*) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (*Title of Recipient*) will have the right to enter or re-enter the lands and

facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (*Title of Recipient*) and its assigns.

7. **Clauses for Construction/Use, Access to Real Property Acquired Under the Activity, Facility or Program**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by (Title of Recipient) pursuant to the provisions for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits or, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above of the above Non-discrimination covenants, (*Title of Recipient*) will have the right to terminate the (license, permits, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, (*Title of Recipient*) will there upon revert to and vest in and become the absolute property of (*Title of Recipient*) and its assigns.

Federal Fair Labor Standards Act (Federal Minimum Wage)

All contracts and subcontracts that result from this solicitation incorporate the following provisions by reference, with the same force and effect as if given in full text. The contractor has full responsibility to monitor compliance to the referenced statute or regulation. The contractor must address any claims or disputes that pertain to a referenced requirement directly with the Federal Agency with enforcement responsibilities.

Federal Agency with Enforcement Responsibilities	**Requirement**
U.S. Department of Labor – Wage and Hour Division	Federal Fair Labor Standards Act (29 USC 201)

Occupational Safety and Health Act of 1970

All contracts and subcontracts that result from this solicitation incorporate the following provisions by reference, with the same force and effect as if given in full text. The contractor has full responsibility to monitor compliance to the referenced statute or regulation. The contractor must address any claims or disputes that pertain to a referenced requirement directly with the Federal Agency with enforcement responsibilities.

Requirement	**Federal Agency with Enforcement Responsibilities**
Occupational Safety and Health Act of 1970 (20 CFR Part 1910)	U.S. Department of Labor – Occupational Safety and Health Administration

Buy American Clause

The Contractor agrees to comply with 49 USC § 50101, which provides that Federal funds may not be obligated unless all steel and manufactured goods used in CARES Act funded projects are produced in the United States, unless the Federal Aviation Administration has issued a waiver for the product; the product is listed as an Excepted Article, Material Or Supply in Federal Acquisition Regulation subpart 25.108; or is included in the FAA Nationwide Buy American Waivers Issued list.

A bidder or offeror must complete and submit the Buy America certification included herein with their bid or offer. The Owner will reject as nonresponsive any bid or offer that does not include a completed Certificate of Buy American Compliance.

Certificate of Buy American Compliance for Manufactured Products

As a matter of bid responsiveness, the bidder or offeror must complete, sign, date, and submit this certification statement with their proposal. The bidder or offeror must indicate how they intend to comply with 49 USC § 50101 by selecting one on the following certification statements. These statements are mutually exclusive. Bidder must select one or the other (not both) by inserting a checkmark (✓) or the letter "X".

☐ Bidder or offeror hereby certifies that it will comply with 49 USC § 50101 by:

a) Only installing steel and manufactured products produced in the United States;
b) Installing manufactured products for which the Federal Aviation Administration (FAA) has issued a waiver as indicated by inclusion on the current FAA Nationwide Buy American Waivers Issued listing; or
c) Installing products listed as an Excepted Article, Material or Supply in Federal Acquisition Regulation Subpart 25.108.

By selecting this certification statement, the bidder or offeror agrees:

1. To provide to the Owner evidence that documents the source and origin of the steel and manufactured product.
2. To faithfully comply with providing U.S. domestic product.
3. To furnish U.S. domestic product for any waiver request that the FAA rejects
4. To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

☐ The bidder or offeror hereby certifies it cannot comply with the 100 percent Buy American Preferences of 49 USC § 50101(a) but may qualify for either a Type 3 or Type 4 waiver under 49 USC § 50101(b). By selecting this certification statement, the apparent bidder or offeror with the apparent low bid agrees:

1. To the submit to the Owner within 15 calendar days of the bid opening, a formal waiver request and required documentation that supports the type of waiver being requested.
2. That failure to submit the required documentation within the specified timeframe is cause for a non-responsive determination may result in rejection of the proposal.
3. To faithfully comply with providing U.S. domestic products at or above the approved U.S. domestic content percentage as approved by the FAA.

4. To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

Required Documentation

Type 3 Waiver – The cost of the item components and subcomponents produced in the United States is more that 60 percent of the cost of all components and subcomponents of the "item". The required documentation for a Type 3 waiver is:

a) Listing of all product components and subcomponents that are not comprised of 100 percent U.S. domestic content (Excludes products listed on the FAA Nationwide Buy American Waivers Issued listing and products excluded by Federal Acquisition Regulation Subpart 25.108; products of unknown origin must be considered as non-domestic products in their entirety).
b) Cost of non-domestic components and subcomponents, excluding labor costs associated with final assembly at place of manufacture.
c) Percentage of non-domestic component and subcomponent cost as compared to total "item" component and subcomponent costs, excluding labor costs associated with final assembly at place of manufacture.

Type 4 Waiver – Total cost of project using U.S. domestic source product exceeds the total project cost using non-domestic product by 25 percent. The required documentation for a Type 4 of waiver is:

a) Detailed cost information for total project using U.S. domestic product
b) Detailed cost information for total project using non-domestic product

False Statements: Per 49 USC § 47126, this certification concerns a matter within the jurisdiction of the Federal Aviation Administration and the making of a false, fictitious or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code.

Date	Signature
Company Name	Title

Suspension or Debarment

CERTIFICATION OF OFFERER/BIDDER REGARDING DEBARMENT

By submitting a bid/proposal under this solicitation, the bidder or offeror certifies that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

CERTIFICATION OF LOWER TIER CONTRACTORS REGARDING DEBARMENT

The successful bidder, by administering each lower tier subcontract that exceeds $25,000 as a "covered transaction", must verify each lower tier participant of a "covered transaction" under the project is not presently debarred or otherwise disqualified from participation in this federally assisted project. The successful bidder will accomplish this by:

1. Checking the System for Award Management at website: http://www.sam.gov.
2. Collecting a certification statement similar to the Certification of Offerer /Bidder Regarding Debarment, above.
3. Inserting a clause or condition in the covered transaction with the lower tier contract.

If the Federal Aviation Administration later determines that a lower tier participant failed to disclose to a higher tier participant that it was excluded or disqualified at the time it entered the covered transaction, the FAA may pursue any available remedies, including suspension and debarment of the non-compliant participant.

Texting When Driving

In accordance with Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving", (10/1/2009) and DOT Order 3902.10, "Text Messaging While Driving", (12/30/2009), the Federal Aviation Administration encourages recipients of Federal grant funds to adopt and enforce safety policies that decrease crashes by distracted drivers, including policies to ban text messaging while driving when performing work related to a grant or subgrant.

In support of this initiative, the Owner encourages the Contractor to promote policies and initiatives for its employees and other work personnel that decrease crashes by distracted drivers, including policies that ban text messaging while driving motor vehicles while performing work activities associated with the project. The Contractor must include the substance of this clause in all sub-tier contracts exceeding $3,500 that involve driving a motor vehicle in performance of work activities associated with the project.

Trafficking In Persons

A. You as the Contractor your employees under this award, and subrecipients' employees may not
    1. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
    2. Procure a commercial sex act during the period of time that the award is in effect; or
    3. Use forced labor in the performance of the award or subawards under the award.
B. The City Of Bismarck as the Owner may unilaterally terminate this award, without penalty, if you or a subrecipient
    1. Is determined to have violated a prohibition in paragraph A of this award term; or
    2. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph A.1 of this award term through conduct that is either—
        a. Associated with performance under this award; or
        b. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement),"as implemented by the FAA at 2 CFR Part 1200.
    3. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph A during this award term.
    4. Our right to terminate unilaterally that is described in paragraph A of this section:
        a. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
        b. is in addition to all other remedies for noncompliance that are available to the Owner under this award through the Cares Grant.

LUMACURVE
AIRFIELD SIGNS

June 26, 2020

Bismarck Municipal Airport
2301 University Circle Building 18
Bismarck, ND 58504

Re: Lumacurve Signs and Parts

Dear Tim,

As requested, this letter is intended to confirm that Standard Signs, Inc is the sole manufacturer of the FAA approved Lumacurve brand airfield signs and replacement parts. There are no other companies authorized to manufacture our signs or parts, and only the original sign manufacturer's replacement parts will maintain the sign's FAA Certification and AIP Funding Eligibility.

Please feel free to contact Standard Signs if further information is required.

Thank you,

Keith Piper

Bismarck-Burleigh Public Health

DATE: July 8, 2020

FROM: Renae Moch, Public Health Director

ITEM: NDDoH Grant for Influenza Vaccination Rates in High Risk Adults

REQUEST

Bismarck-Burleigh Public Health is requesting permission to apply for up to $13,500 in grant funding from the North Dakota Department of Health (NDDoH) Immunization Program to increase influenza vaccination rates in high risk adults.

Please place this item on the July 14th, 2020 commission meeting agenda.

BACKGROUND INFORMATION

The North Dakota Department of Health Immunization Program is requesting proposals to increase influenza vaccination rates in high risk adults. If approved, funding would be utilized to increase the number of high-risk adults receiving an annual influenza vaccination through targeted reminder/recall mailing, a mass vaccination event and community education/awareness. Grant awards will be up to $20,000. There is no match requirement and no new FTEs required for this application.

RECOMMENDED CITY COMMISSION ACTION

Approve the request to apply for funding from the NDDOH to increase influenza vaccination rates in high risk adults.

STAFF CONTACT INFORMATION

Renae Moch, MBA, FACMPE | Public Health Director, 355-11370 or rmoch@bismarcknd.gov

Bismarck

Community Development Department

DATE: July 7, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Elk Ridge Second Addition – Revised Major Subdivision Final Plat

REQUEST

Ronald Knutson, RBK Ventures, LLP, Boulder Ridge Developers, Inc. and Bismarck North Developers LLC are requesting approval of a revised major subdivision final plat for Elk Ridge Second Addition. This plat was approved by the City Commission on June 23, 2020; however, the plat has not yet been recorded. The property change would shift the common lot line between Lots 1 and 2, Block 5, 20 feet to the south so a larger percentage of the stormwater generated by the user of Lot 1 could be handled onsite. The angle at the western edge of Tule Lane right-of-way was also changed slightly. Because the number of lots is not changing, no changes to either the annexation ordinance or the zoning ordinance for this project are needed.

The property is located in northwest Bismarck, between River Road and East Valley Drive, east of Promontory Point VI Addition along the west and Clairmont Road and south of Ash Coulee Drive along the west side of Tyler Parkway (a replat of Lot 11, Block 7, Lot 14, Block 10, Lot 1, Block 6, Lot 1, Block 5, Eagle Crest 6th Addition and Blocks 4 and 5, Elk Ridge Addition and part of the SE¼ of Section 18 and part of the NE¼ of Section 19, T138N-R80W/ Hay Creek Township).

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

BACKGROUND INFORMATION

The major subdivision final plat for Elk Ridge Second Addition was approved by the City Commission on June 23, 2020.

Since this plat was approved, material changes were made to the plat. In particular, the location of the common lot line between Lots 1 and 2, Block 5 has been moved 20 feet to the south for stormwater management purposes and the angle at the western edge of the Tule Lane right-of-way was changed slightly. It is the opinion of the City Attorney that once the Board of City Commissioners has approved a plat, no material change

can be made to an approved plat without the Board of City Commissioners also approving the change.

RECOMMENDED CITY COMMISSION ACTION

Consider the proposed revised major subdivision final plat for Elk Ridge Second Addition and take final action on the request.

STAFF CONTACT INFORMATION

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

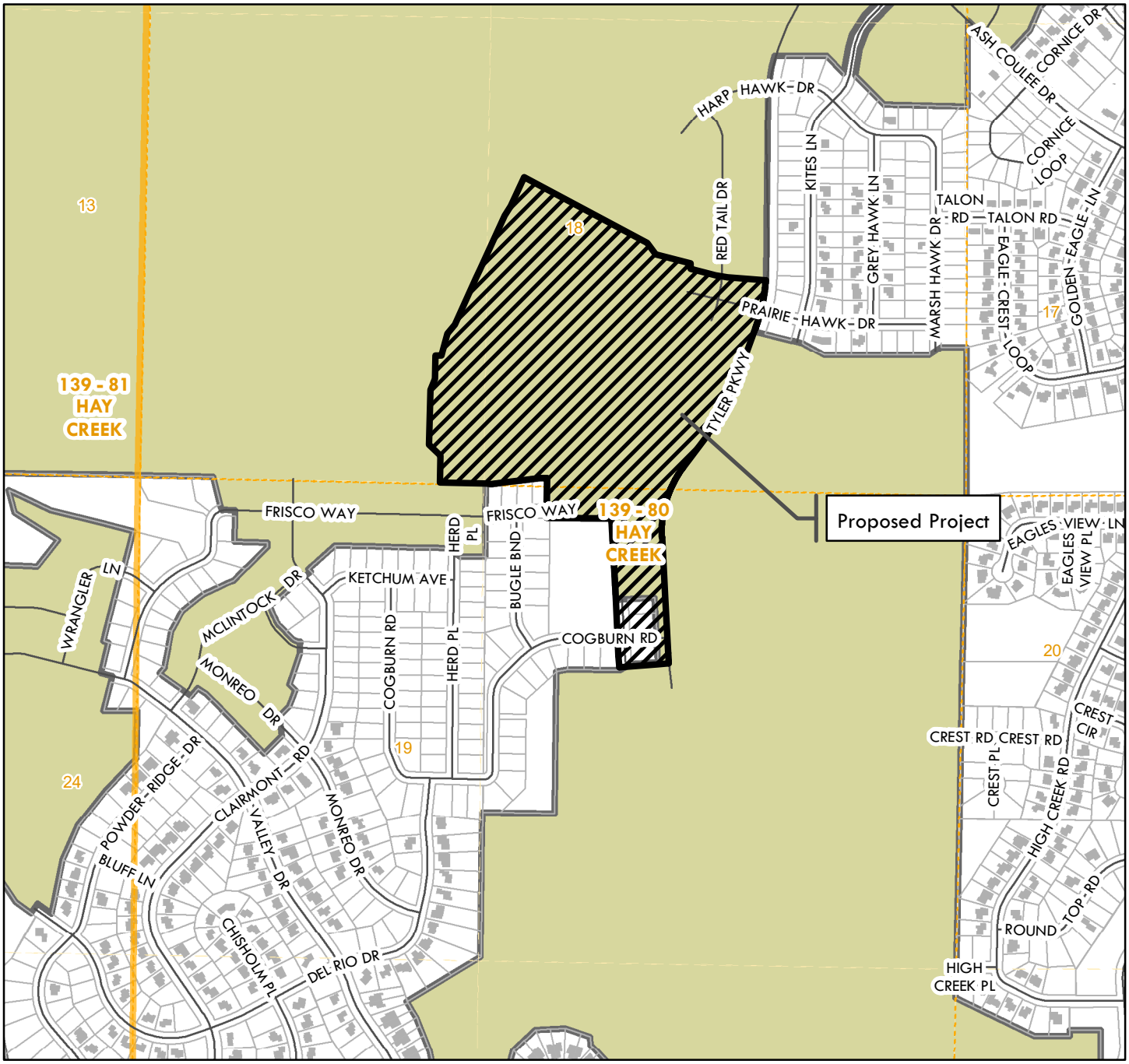
Kim L. Lee, AICP | Planning Manager, 355-1846 or klee@bismarcknd.gov

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

Location Map

Elk Ridge Second Addition

ANNX2019-005
ZC2019-013
FRMP2020-001
FPLT2020-004



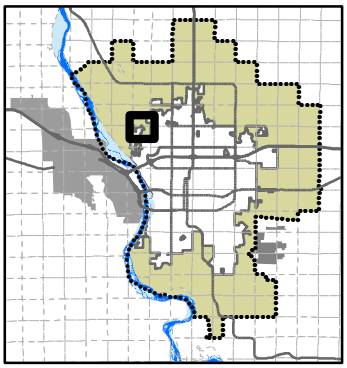
0 0.175 0.35 0.7 Miles

City Limits

Bismarck ETA Jurisdiction

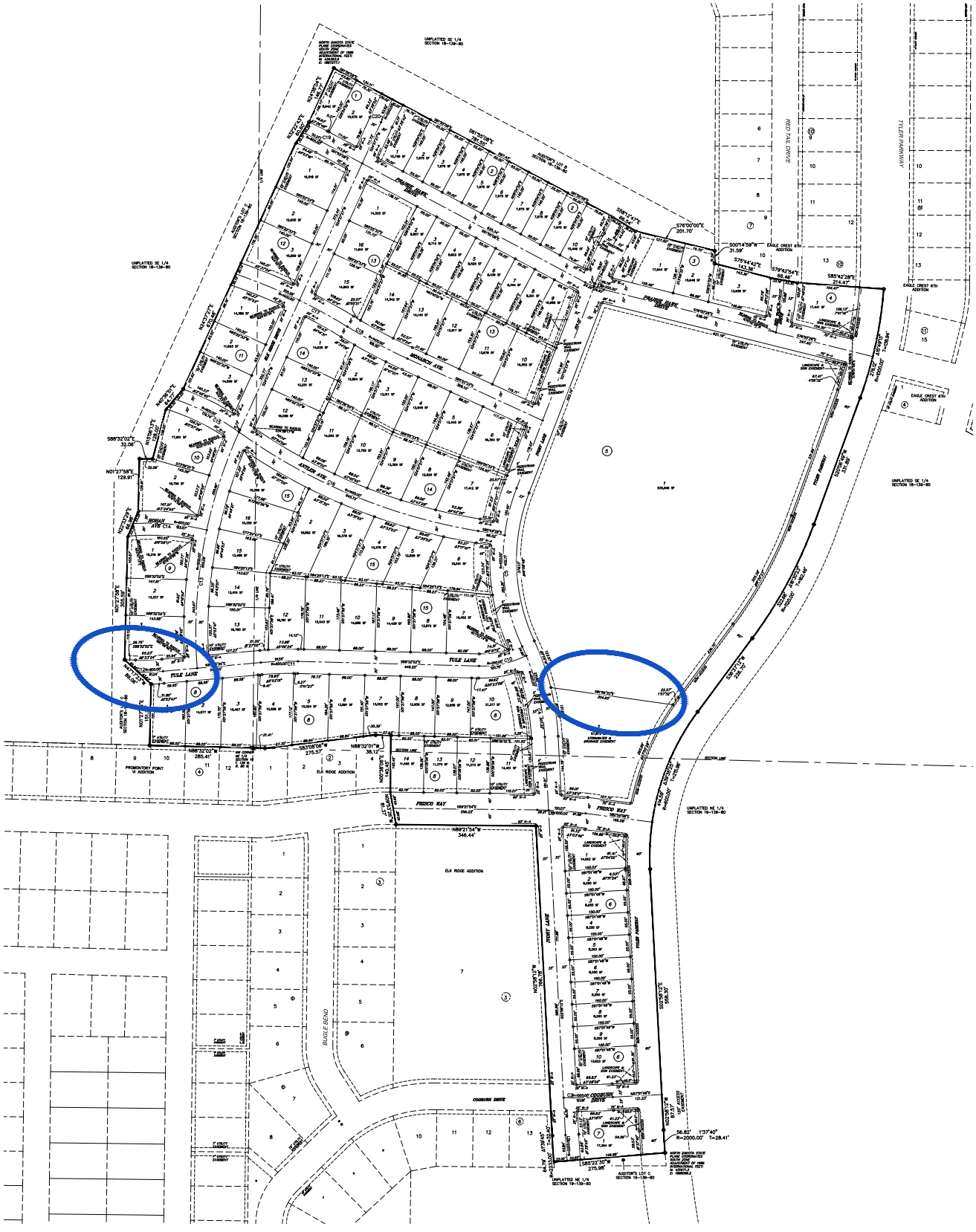
County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
April 15, 2020 (HLB)

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.

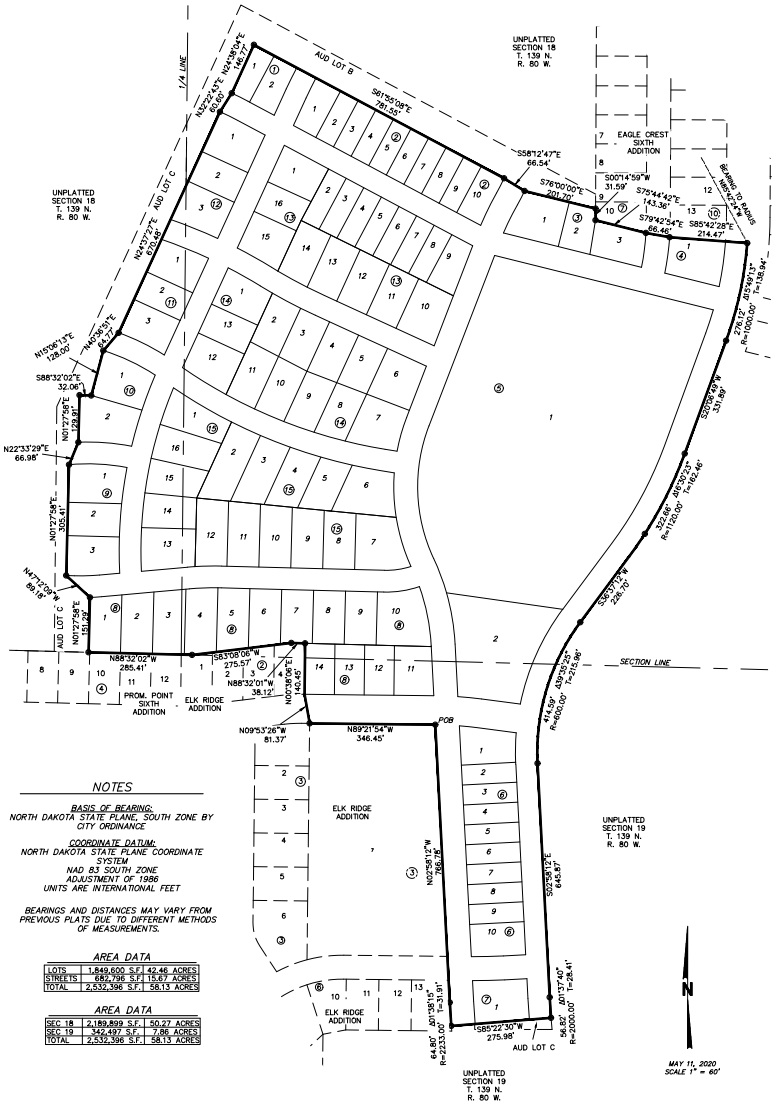


Proposed Changes

ELK RIDGE SECOND ADDITION

BEING A REPLAT OF LOT 1 BLOCK 6, LOT 11 BLOCK 7, LOT 14 BLOCK 10, LOT 1 BLOCK 5, AND PART OF RED TRAIL DRIVE, PRAIRIE HAWK DRIVE, AND TYLER PARKWAY RIGHTS-OF-WAY, ALL WITHIN EAGLE CREST SIXTH ADDITION
AND A REPLAT OF BLOCKS 4 & 5 AND IVORY LANE RIGHT-OF-WAY AND PARTS OF COGBURN ROAD AND TYLER PARKWAY RIGHTS-OF-WAY ALL IN ELK RIDGE ADDITION AND PART OF AUDITOR'S LOTS B & C OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST, AND ALL OF AUDITOR'S LOT B AND PART OF AUDITOR'S LOT C OF THE NE 1/4 OF SECTION 19 TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTES

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

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

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

AREA DATA

LOTS	1,849,600 S.F.	42.46 ACRES
STREETS	682,796 S.F.	15.67 ACRES
TOTAL	2,532,396 S.F.	58.13 ACRES

AREA DATA

SEC 18	2,189,899 S.F.	50.27 ACRES
SEC 19	342,497 S.F.	7.86 ACRES
TOTAL	2,532,396 S.F.	58.13 ACRES

DESCRIPTION

BEING A REPLAT OF LOT 1 BLOCK 6, LOT 11 BLOCK 7, LOT 14 BLOCK 10, LOT 1 BLOCK 5, AND PART OF RED TRAIL DRIVE, PRAIRIE HAWK DRIVE, AND TYLER PARKWAY RIGHTS-OF-WAY, ALL WITHIN EAGLE CREST SIXTH ADDITION AND A REPLAT OF BLOCKS 4 & 5 AND IVORY LANE RIGHT-OF-WAY AND PARTS OF COGBURN ROAD AND TYLER PARKWAY RIGHTS-OF-WAY ALL IN ELK RIDGE ADDITION AND PART OF AUDITOR'S LOTS B & C OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST,AND ALL OF AUDITOR'S LOT B AND PART OF AUDITOR'S LOT C OF THE NE 1/4 OF SECTION 19 TOWNSHIP 139 NORTH, RANGE 80 WEST

DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 7 BLOCK 3 ELK RIDGE ADDITION; THENCE NORTH 89 DEGREES 21 MINUTES 54 SECONDS WEST, ALONG THE BOUNDARY OF SAID ELK RIDGE ADDITION, A DISTANCE OF 346.45 FEET; THENCE NORTH 09 DEGREES 53 MINUTES 26 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 81.37 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 06 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 140.45 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 01 SECOND WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 38.12 FEET; THENCE SOUTH 83 DEGREES 08 MINUTES 06 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 275.57 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 02 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, AND THE BOUNDARY OF PROMONTORY POINT SIXTH ADDITION, A DISTANCE OF 285.41 FEET; THENCE NORTH 01 DEGREE 27 MINUTES 58 SECONDS EAST, A DISTANCE OF 151.29 FEET; THENCE NORTH 47 DEGREES 12 MINUTES 09 SECONDS WEST, A DISTANCE OF 89.18 FEET; THENCE NORTH 01 DEGREE 27 MINUTES 58 SECONDS EAST, A DISTANCE OF 305.41 FEET; THENCE NORTH 22 DEGREES 33 MINUTES 29 SECONDS EAST, A DISTANCE OF 66.98 FEET; THENCE NORTH 01 DEGREE 27 MINUTES 58 SECONDS EAST, A DISTANCE OF 129.91 FEET; THENCE SOUTH 88 DEGREES 32 MINUTES 02 SECONDS EAST, A DISTANCE OF 32.06 FEET; THENCE NORTH 15 DEGREES 06 MINUTES 13 SECONDS EAST, A DISTANCE OF 128.00 FEET; THENCE NORTH 40 DEGREES 36 MINUTES 51 SECONDS EAST, A DISTANCE OF 64.77 FEET; THENCE NORTH 24 DEGREES 37 MINUTES 27 SECONDS EAST, A DISTANCE OF 670.48 FEET; THENCE NORTH 32 DEGREES 22 MINUTES 43 SECONDS EAST, A DISTANCE OF 60.60 FEET; THENCE NORTH 24 DEGREES 38 MINUTES 04 SECONDS EAST, A DISTANCE OF 146.77 FEET; THENCE SOUTH 61 DEGREES 55 MINUTES 08 SECONDS EAST, PARALLEL WITH THE NORTHEASTERLY LINE OF AUDITOR'S LOT B OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST, A DISTANCE OF 781.55 FEET; THENCE SOUTH 58 DEGREES 12 MINUTES 47 SECONDS EAST, A DISTANCE OF 66.54 FEET; THENCE SOUTH 76 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 201.70 FEET TO THE WEST LINE OF LOT 10 BLOCK 7 EAGLE CREST SIXTH ADDITION; THENCE SOUTH 00 DEGREES 14 MINUTES 59 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 31.59 FEET; THENCE SOUTH 75 DEGREES 44 MINUTES 42 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 10 BLOCK 7 EAGLE CREST SIXTH ADDITION, A DISTANCE OF 143.36 FEET; THENCE SOUTH 79 DEGREES 42 MINUTES 54 SECONDS EAST, A DISTANCE OF 66.46 FEET TO THE SOUTH LINE OF LOT 13 BLOCK 10 EAGLE CREST SIXTH ADDITION; THENCE SOUTH 85 DEGREES 42 MINUTES 28 SECONDS EAST, ALONG SAID SOUTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 214.47 FEET TO THE CENTERLINE OF TYLER PARKWAY RIGHT-OF-WAY; THENCE SOUTHWESTERLY AND TO THE RIGHT, ALONG SAID CENTERLINE, ON A 1000.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 85 DEGREES 42 MINUTES 24 SECONDS WEST, AN ARC LENGTH OF 276.12 FEET; THENCE SOUTH 20 DEGREES 06 MINUTES 49 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE AND THE BOUNDARY OF AUDITOR'S LOT B OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST, A DISTANCE OF 331.89 FEET; THENCE SOUTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID BOUNDARY, ON A 1120.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 322.66 FEET; THENCE SOUTH 36 DEGREES 37 MINUTES 12 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 226.70 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY AND THE BOUNDARY OF AUDITOR'S LOT B OF THE NE 1/4 OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST, ON A 600.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 414.59 FEET; THENCE SOUTH 02 DEGREES 58 MINUTES 12 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY AND THE CENTERLINE OF TYLER PARKWAY RIGHT-OF-WAY EASEMENT (DOC. #875093), A DISTANCE OF 645.87 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE AND ALONG THE BOUNDARY OF AUDITOR'S LOT C OF THE NE 1/4 OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST, ON A 2000.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 56.82 FEET; THENCE SOUTH 85 DEGREES 22 MINUTES 03 SECONDS WEST, A DISTANCE OF 275.98 FEET TO THE EAST LINE OF LOT 13 BLOCK 6 ELK RIDGE ADDITION; THENCE NORTHWESTERLY AND TO THE LEFT, ALONG SAID EAST LINE, ON A 2233.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 64.80 FEET THENCE NORTH 02 DEGREES 58 MINUTES 12 SECONDS WEST, ALONG SAID EAST LINE AND THE EAST LINE OF LOT 7 BLOCK 3 ELK RIDGE ADDITION, A DISTANCE OF 766.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 58.13 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED 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)
) SS
COUNTY OF BURLEIGH)

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 APPROVED 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 APPROVED 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 APPROVED PLAT.

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

_____
ATTEST
KEITH J. HUNKE – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "ELK RIDGE SECOND ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

_____
GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

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

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____
RON KNUTSON
BISMARCK NORTH DEVELOPERS, LLC
555 HIGHWAY 1804 NE
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED RON KNUTSON OF BISMARCK NORTH DEVELOPERS, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

Original Plat
(approved June 23, 2020)

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shcnp@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

ELK RIDGE SECOND ADDITION

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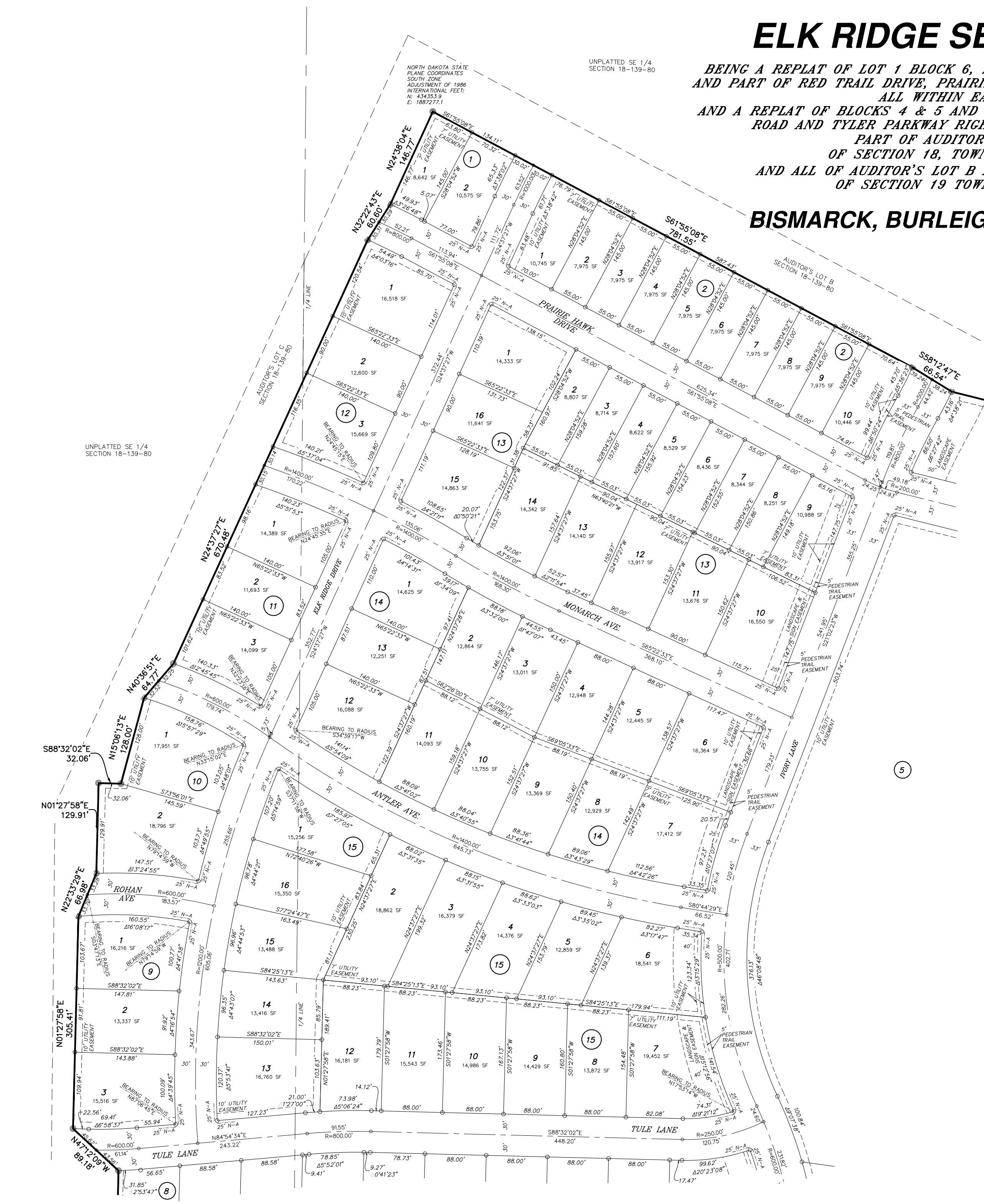
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



N

MAY 11, 2020
SCALE 1" = 60'

NOTES

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

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

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

VERTICAL BENCHMARK:

Original Plat
(approved June 23, 2020)

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
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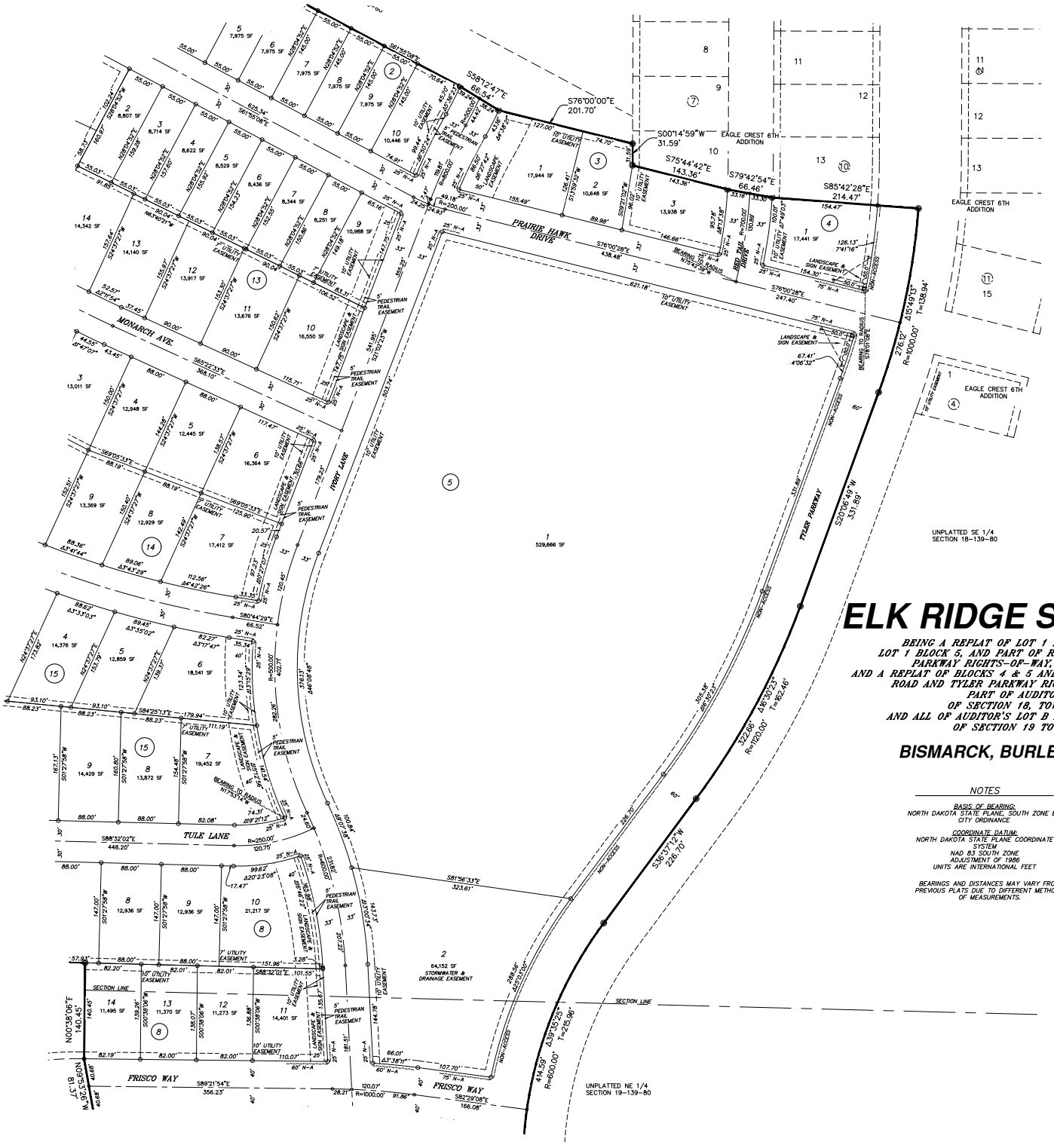

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BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

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N

0 60'

MAY 11, 2020
SCALE 1" = 60'

Original Plat
(approved June 23, 2020)

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
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909 Basin Avenue
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shcmp@swensonhagen.com
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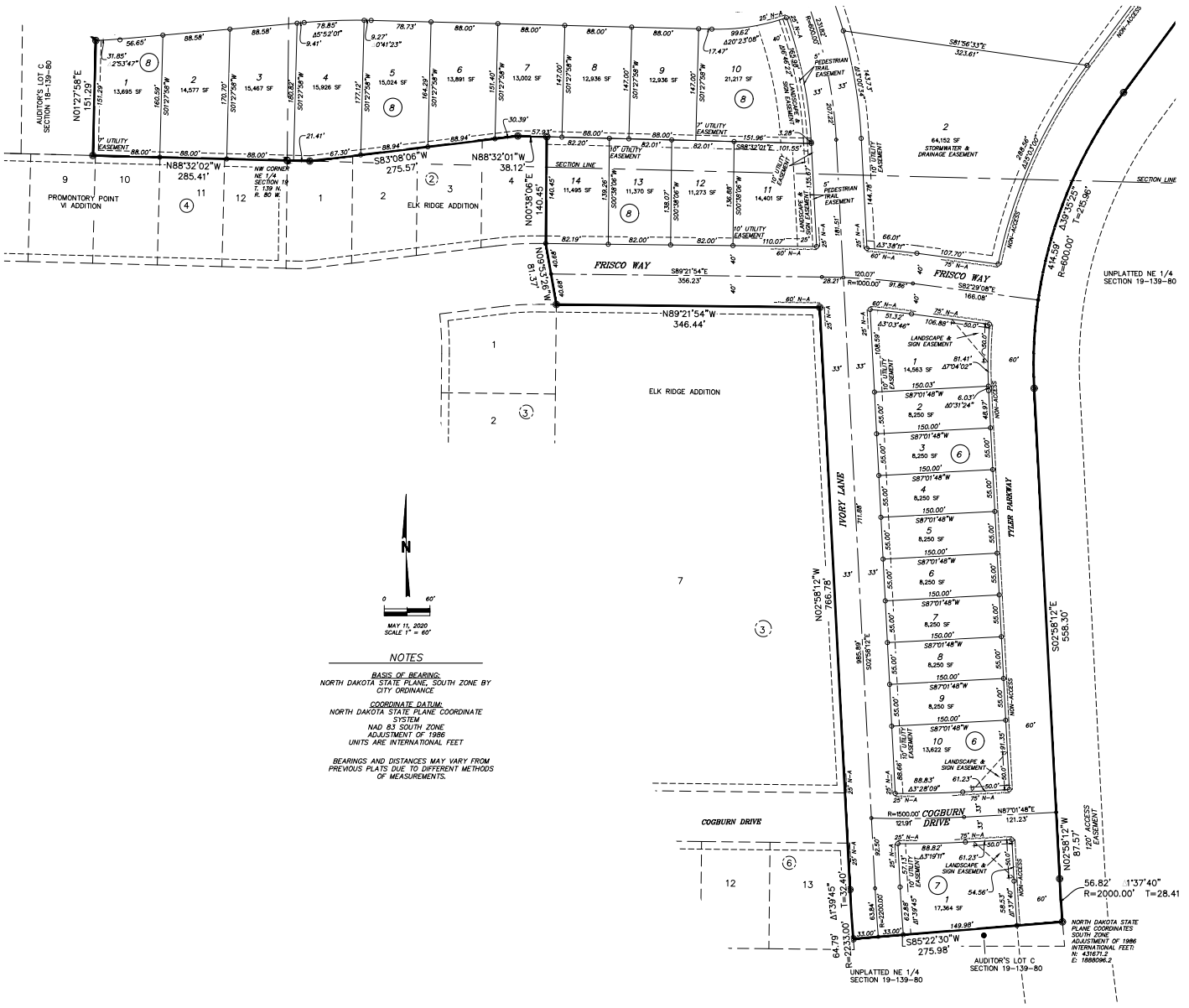
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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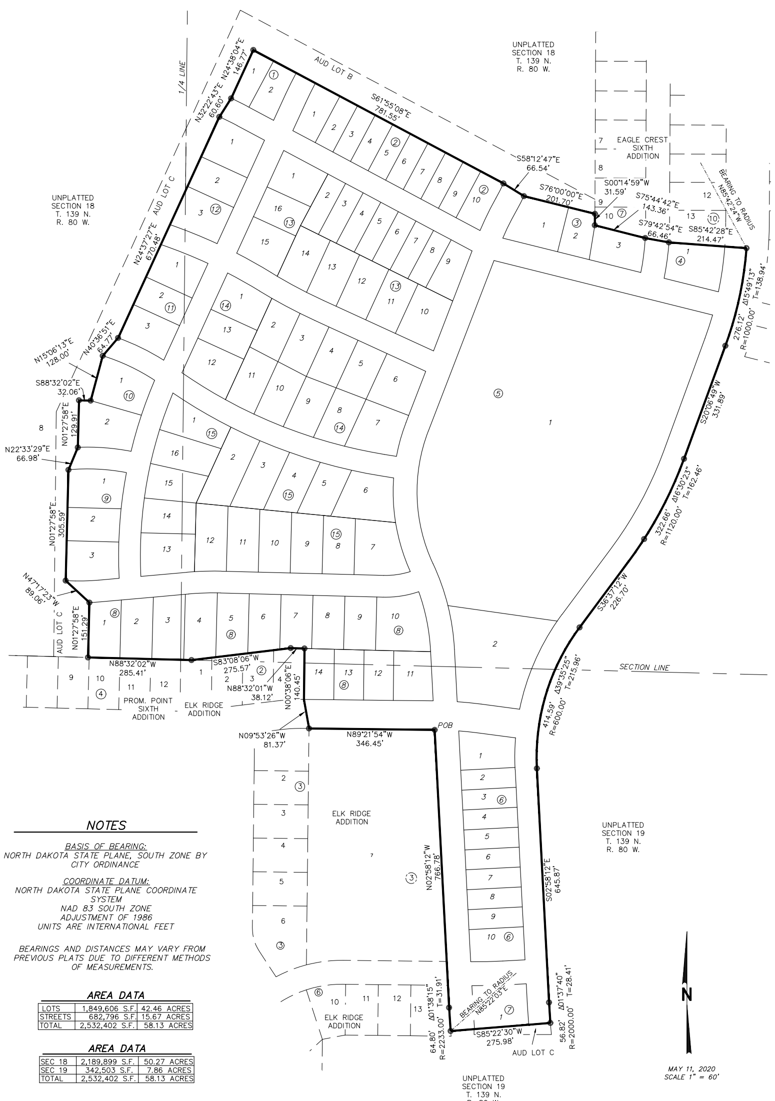
ELK RIDGE SECOND ADDITION

BEING A REPLAT OF LOT 1 BLOCK 6, LOT 11 BLOCK 7, LOT 14 BLOCK 10, LOT 1 BLOCK 5, AND PART OF RED TRAIL DRIVE, PRAIRIE HAWK DRIVE, AND TYLER PARKWAY RIGHTS-OF-WAY, ALL WITHIN EAGLE CREST SIXTH ADDITION AND A REPLAT OF BLOCKS 4 & 5 AND IVORY LANE RIGHT-OF-WAY AND PARTS OF COGBURN ROAD AND TYLER PARKWAY RIGHTS-OF-WAY ALL IN ELK RIDGE ADDITION AND PART OF AUDITOR'S LOTS B & C OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST, AND ALL OF AUDITOR'S LOT B AND PART OF AUDITOR'S LOT C OF THE NE 1/4 OF SECTION 19 TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTES

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

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

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

AREA DATA

LOTS	1,849,606 S.F.	42.46 ACRES
STREETS	682,796 S.F.	15.67 ACRES
TOTAL	2,532,402 S.F.	58.13 ACRES

AREA DATA

SEC 18	2,189,899 S.F.	50.27 ACRES
SEC 19	342,503 S.F.	7.86 ACRES
TOTAL	2,532,402 S.F.	58.13 ACRES

DESCRIPTION

BEING A REPLAT OF LOT 1 BLOCK 6, LOT 11 BLOCK 7, LOT 14 BLOCK 10, LOT 1 BLOCK 5, AND PART OF RED TRAIL DRIVE, PRAIRIE HAWK DRIVE, AND TYLER PARKWAY RIGHTS-OF-WAY, ALL WITHIN EAGLE CREST SIXTH ADDITION AND A REPLAT OF BLOCKS 4 & 5 AND IVORY LANE RIGHT-OF-WAY AND PARTS OF COGBURN ROAD AND TYLER PARKWAY RIGHTS-OF-WAY ALL IN ELK RIDGE ADDITION AND PART OF AUDITOR'S LOTS B & C OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST,AND ALL OF AUDITOR'S LOT B AND PART OF AUDITOR'S LOT C OF THE NE 1/4 OF SECTION 19 TOWNSHIP 139 NORTH, RANGE 80 WEST

DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 7 BLOCK 3 ELK RIDGE ADDITION; THENCE NORTH 89 DEGREES 21 MINUTES 54 SECONDS WEST, ALONG THE BOUNDARY OF SAID ELK RIDGE ADDITION, A DISTANCE OF 346.45 FEET; THENCE NORTH 09 DEGREES 53 MINUTES 26 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 81.37 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 06 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 140.45 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 01 SECOND WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 38.12 FEET; THENCE SOUTH 83 DEGREES 08 MINUTES 06 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 275.57 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 02 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, AND THE BOUNDARY OF PROMONTORY POINT SIXTH ADDITION, A DISTANCE OF 285.41 FEET;THENCE NORTH 01 DEGREE 27 MINUTES 58 SECONDS EAST, A DISTANCE OF 151.29 FEET; THENCE NORTH 47 DEGREES 17 MINUTES 23 SECONDS WEST, A DISTANCE OF 89.06 FEET; THENCE NORTH 01 DEGREE 27 MINUTES 58 SECONDS EAST, A DISTANCE OF 305.59 FEET; THENCE NORTH 22 DEGREES 33 MINUTES 29 SECONDS EAST, A DISTANCE OF 66.98 FEET; THENCE NORTH 01 DEGREE 27 MINUTES 58 SECONDS EAST, A DISTANCE OF 129.91 FEET; THENCE SOUTH 88 DEGREES 32 MINUTES 02 SECONDS EAST, A DISTANCE OF 32.06 FEET; THENCE NORTH 15 DEGREES 06 MINUTES 13 SECONDS EAST, A DISTANCE OF 128.00 FEET; THENCE NORTH 40 DEGREES 36 MINUTES 51 SECONDS EAST, A DISTANCE OF 64.77 FEET; THENCE NORTH 24 DEGREES 37 MINUTES 27 SECONDS EAST, A DISTANCE OF 670.48 FEET; THENCE NORTH 32 DEGREES 22 MINUTES 43 SECONDS EAST, A DISTANCE OF 60.60 FEET; THENCE NORTH 24 DEGREES 38 MINUTES 04 SECONDS EAST, A DISTANCE OF 146.77 FEET; THENCE SOUTH 61 DEGREES 55 MINUTES 08 SECONDS EAST, PARALLEL WITH THE NORTHEASTERLY LINE OF AUDITOR'S LOT B OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST, A DISTANCE OF 781.55 FEET; THENCE SOUTH 58 DEGREES 12 MINUTES 47 SECONDS EAST, A DISTANCE OF 66.54 FEET; THENCE SOUTH 76 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 201.70 FEET TO THE WEST LINE OF LOT 10 BLOCK 7 EAGLE CREST SIXTH ADDITION; THENCE SOUTH 00 DEGREES 14 MINUTES 59 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 31.59 FEET; THENCE SOUTH 75 DEGREES 44 MINUTES 42 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 10 BLOCK 7 EAGLE CREST SIXTH ADDITION, A DISTANCE OF 143.36 FEET; THENCE SOUTH 79 DEGREES 42 MINUTES 54 SECONDS EAST, A DISTANCE OF 66.46 FEET TO THE SOUTH LINE OF LOT 13 BLOCK 10 EAGLE CREST SIXTH ADDITION; THENCE SOUTH 85 DEGREES 42 MINUTES 28 SECONDS EAST, ALONG SAID SOUTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 214.47 FEET TO THE CENTERLINE OF TYLER PARKWAY RIGHT-OF-WAY; THENCE SOUTHWESTERLY AND TO THE RIGHT, ALONG SAID CENTERLINE, ON A 1000.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 85 DEGREES 42 MINUTES 24 SECONDS WEST, AN ARC LENGTH OF 276.12 FEET; THENCE SOUTH 20 DEGREES 06 MINUTES 49 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE AND THE BOUNDARY OF AUDITOR'S LOT B OF THE SE 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 80 WEST, A DISTANCE OF 331.89 FEET; THENCE SOUTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID BOUNDARY, ON A 1120.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 322.66 FEET; THENCE SOUTH 36 DEGREES 37 MINUTES 12 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 226.70 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY AND THE BOUNDARY OF AUDITOR'S LOT B OF THE NE 1/4 OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST, ON A 600.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 414.59 FEET; THENCE SOUTH 02 DEGREES 58 MINUTES 12 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY AND THE CENTERLINE OF TYLER PARKWAY RIGHT-OF-WAY EASEMENT (DOC. #875093), A DISTANCE OF 645.87 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE AND ALONG THE BOUNDARY OF AUDITOR'S LOT C OF THE NE 1/4 OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST, ON A 2000.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 56.82 FEET; THENCE SOUTH 85 DEGREES 22 MINUTES 03 SECONDS WEST, A DISTANCE OF 275.98 FEET TO THE EAST LINE OF LOT 13 BLOCK 6 ELK RIDGE ADDITION; THENCE NORTHWESTERLY AND TO THE LEFT, ALONG SAID EAST LINE, ON A 2233.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 64.80 FEET THENCE NORTH 02 DEGREES 58 MINUTES 12 SECONDS WEST, ALONG SAID EAST LINE AND THE EAST LINE OF LOT 7 BLOCK 3 ELK RIDGE ADDITION, A DISTANCE OF 766.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 58.13 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED 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) SS
COUNTY OF BURLEIGH)

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA 58504

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

Curve Table				
Curve #	Length	Radius	Delta	Tangent
C1	63.84'	2200.00'	1°39'45"	31.92'
C2	121.91'	1500.00'	4°39'24"	60.99'
C3	120.07'	1000.00'	6°52'46"	60.11'
C4	231.82'	600.00'	22°08'13"	117.37'
C5	402.71'	500.00'	46°08'48"	212.99'
C6	49.18'	200.00'	14°05'20"	24.71'
C7	119.81'	800.00'	8°34'51"	60.02'
C8	44.42'	500.00'	5°05'26"	22.23'
C9	130.89'	700.00'	10°42'50"	65.64'
C10	120.75'	250.00'	27°40'24"	61.58'
C11	91.55'	800.00'	6°33'24"	45.82'
C12	61.24'	600.00'	5°50'54"	30.65'
C13	605.06'	1200.00'	28°53'22"	309.11'
C14	183.57'	600.00'	17°31'48"	92.51'
C15	179.74'	600.00'	17°09'49"	90.55'
C16	645.73'	1400.00'	26°25'37"	328.71'
C17	305.28'	1400.00'	12°29'37"	153.25'
C18	168.30'	1400.00'	6°53'16"	84.25'
C19	52.21'	800.00'	3°44'21"	26.11'
C20	63.52'	1000.00'	3°38'21"	31.77'

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE APPROVED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE ________________________, 2020, IN ACCORDANCE WITH 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 APPROVED 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 APPROVED PLAT.

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

____
ATTEST
KEITH J. HUNKE – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "ELK RIDGE SECOND ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

____
GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

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

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

____
RON KNUTSON
BISMARCK NORTH DEVELOPERS, LLC
555 HIGHWAY 1804 NE
BISMARCK, ND 58503

ON THIS _____ DAY OF ________________, 2020, BEFORE ME PERSONALLY APPEARED RON KNUTSON OF BISMARCK NORTH DEVELOPERS, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES ____________

Revised Plat

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606
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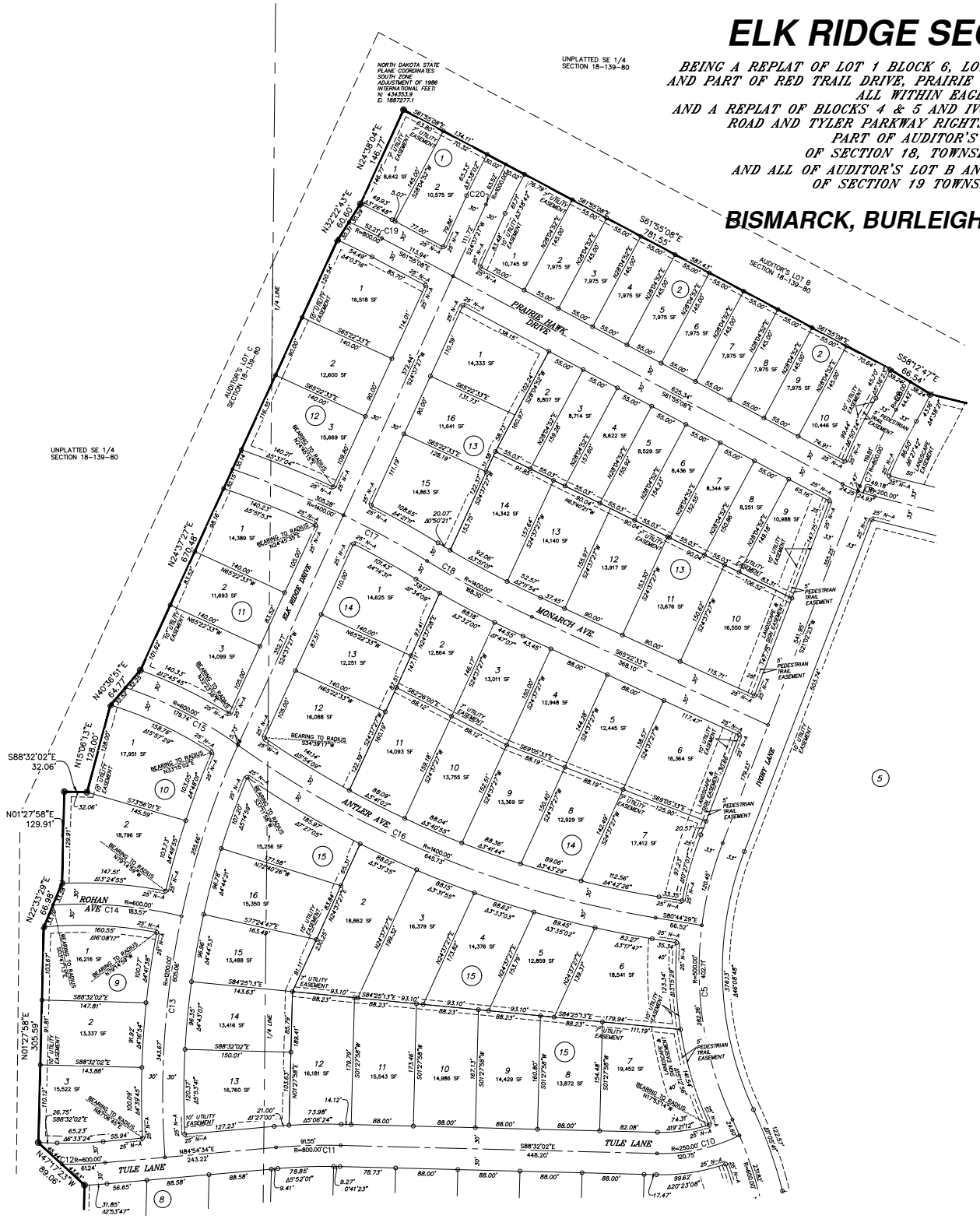
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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
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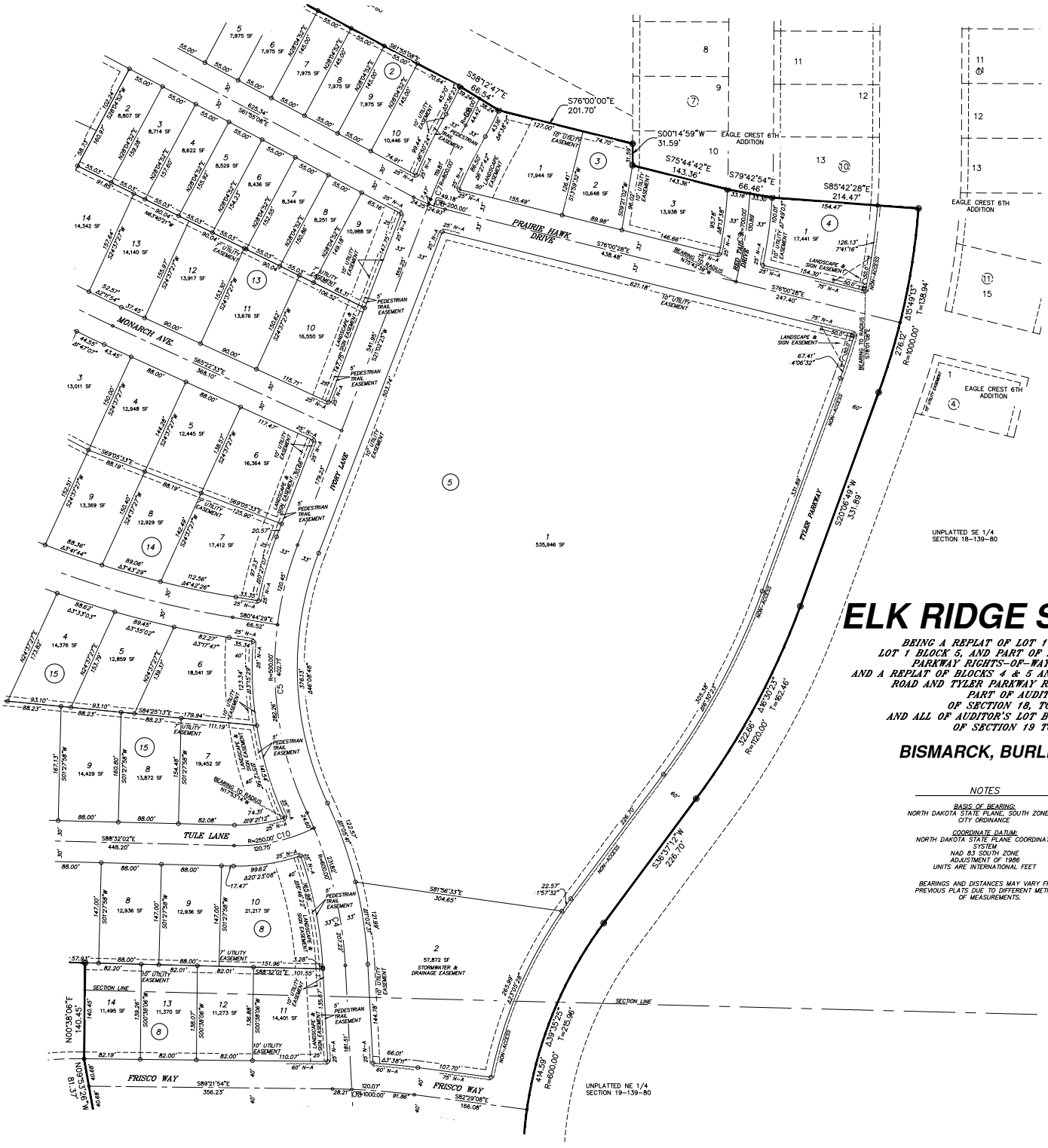

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BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

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N

0 60'

MAY 11, 2020
SCALE 1" = 60'

Revised Plat

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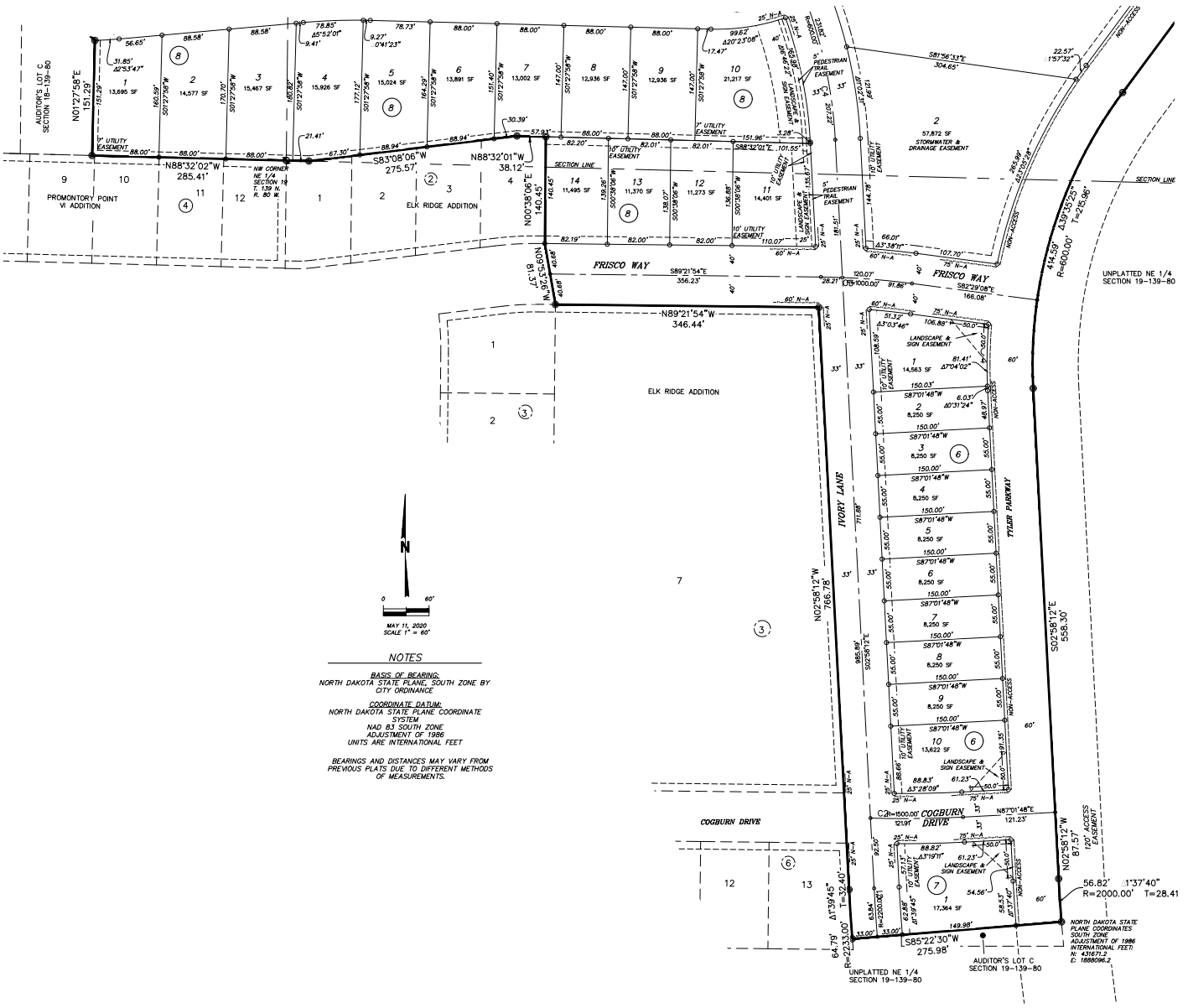

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Community Development Department

DATE: July 7, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Wachters Addition Second Replat – Revised Minor Subdivision Final Plat

REQUEST

Kirkwood Mall Acquisition, LLC and CBL & Associates Management, Inc. are requesting approval of a revised minor subdivision final plat for Wachters Addition Second Replat. This plat was approved by the City Commission on May 12, 2020; however, the plat has not yet been recorded. The proposed changes would remove two existing access roads on South Third Street from the adjacent lease lots and make them part of the main lot for Kirkwood Mall. The total number of lots would not change.

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 July 14, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The minor subdivision final plat for Wachters Addition Second Replat was approved by the City Commission on May 12, 2020.

Since this plat was approved, material changes were made to the plat. In particular, the location of two access point on South Third Street have been removed from the adjacent lease lots (Lots 5 and 6) and added to the main lot for Kirkwood Mall. It is the opinion of the City Attorney that once the Board of City Commissioners has approved a plat, no material change can be made to an approved plat without the Board of City Commissioners also approving the change.

RECOMMENDED CITY COMMISSION ACTION

Consider the proposed revised 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

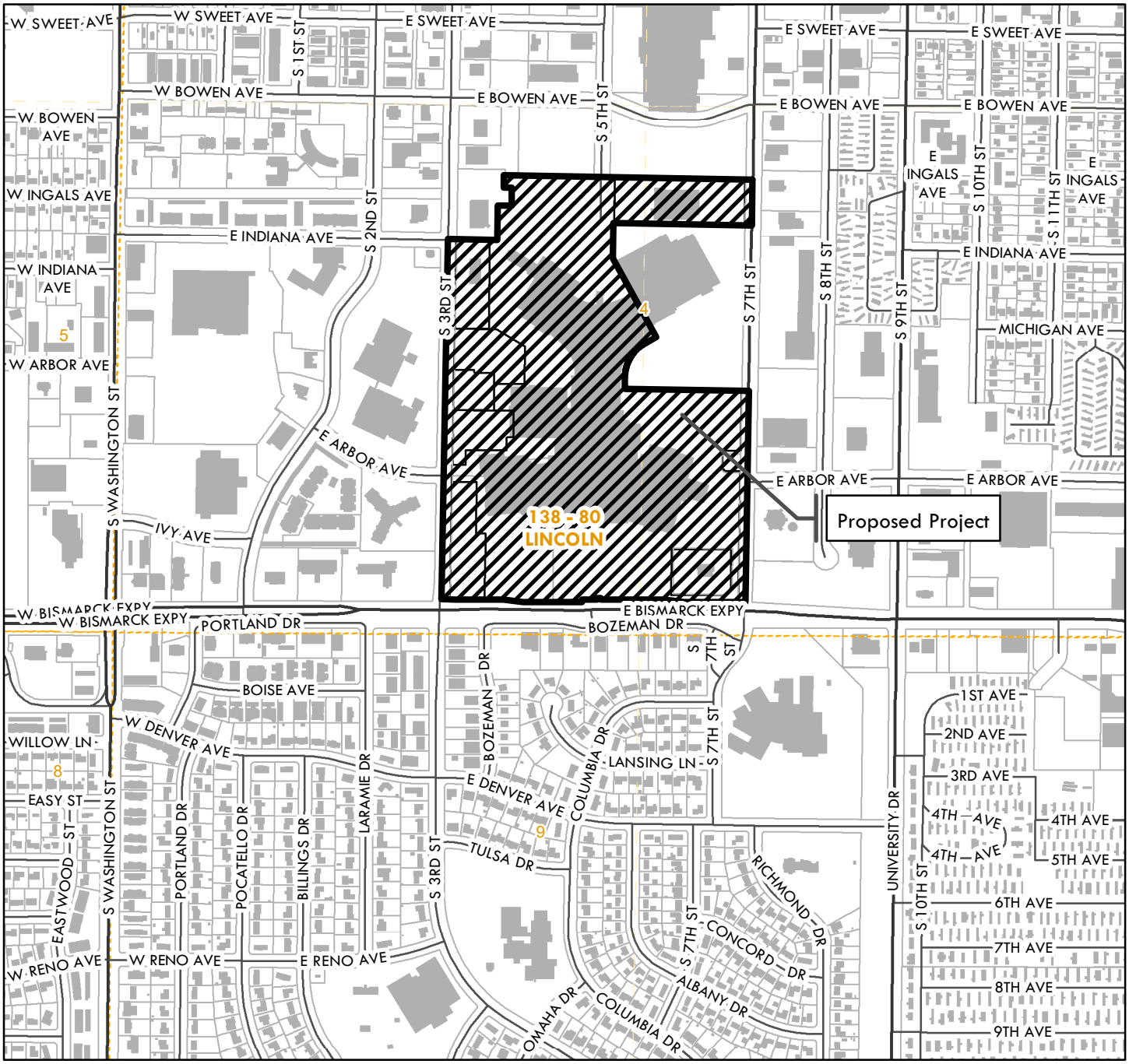
Kim L. Lee, AICP | Planning Manager, 355-1846 or klee@bismarcknd.gov

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

Location Map

Wachters Addition Second Replat

MPLT2020-005



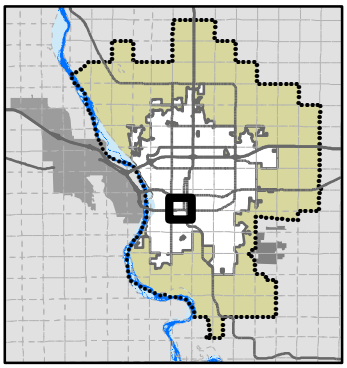
0 0.15 0.3 0.6 Miles

City Limits

Bismarck ETA Jurisdiction

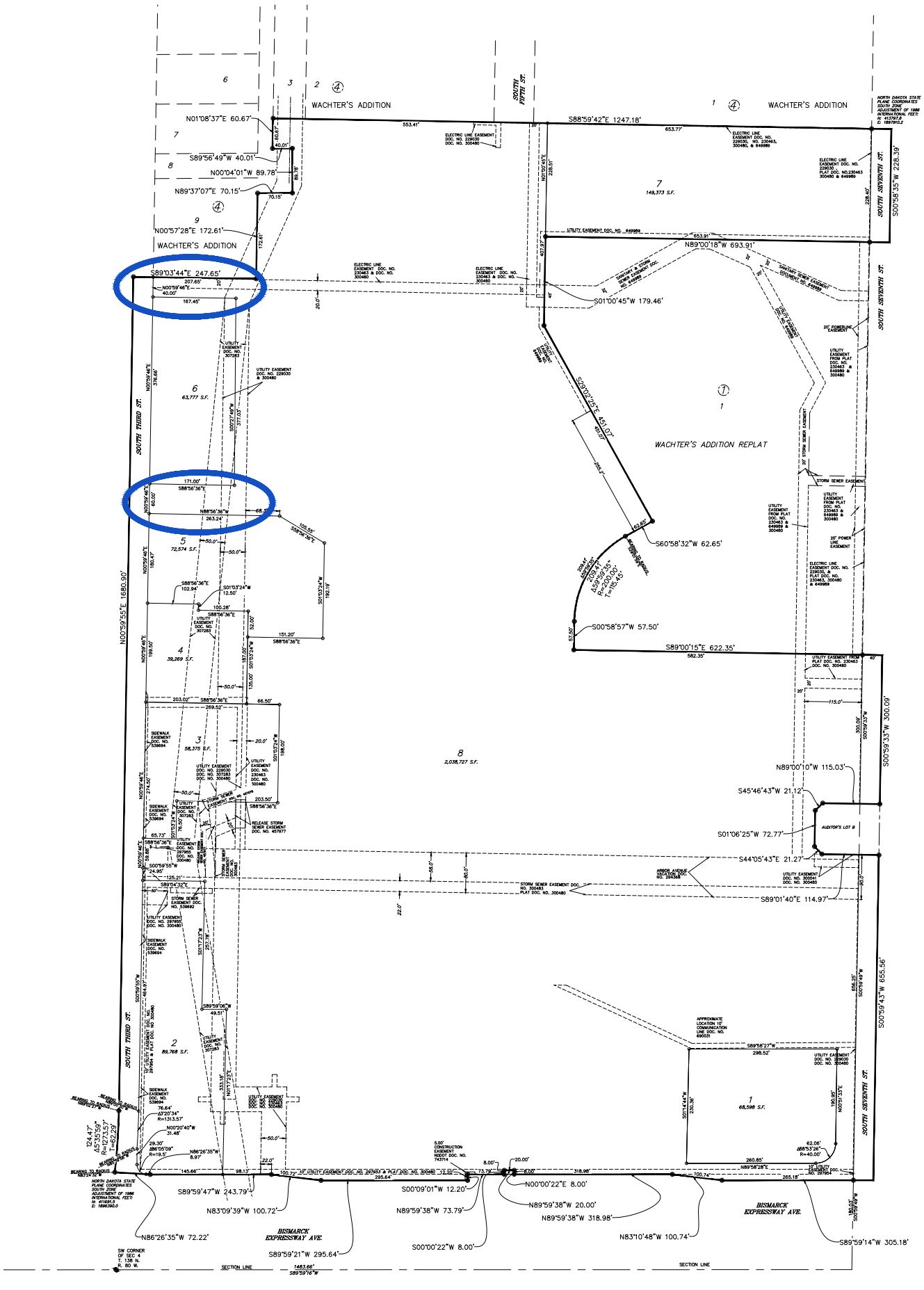
County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
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.



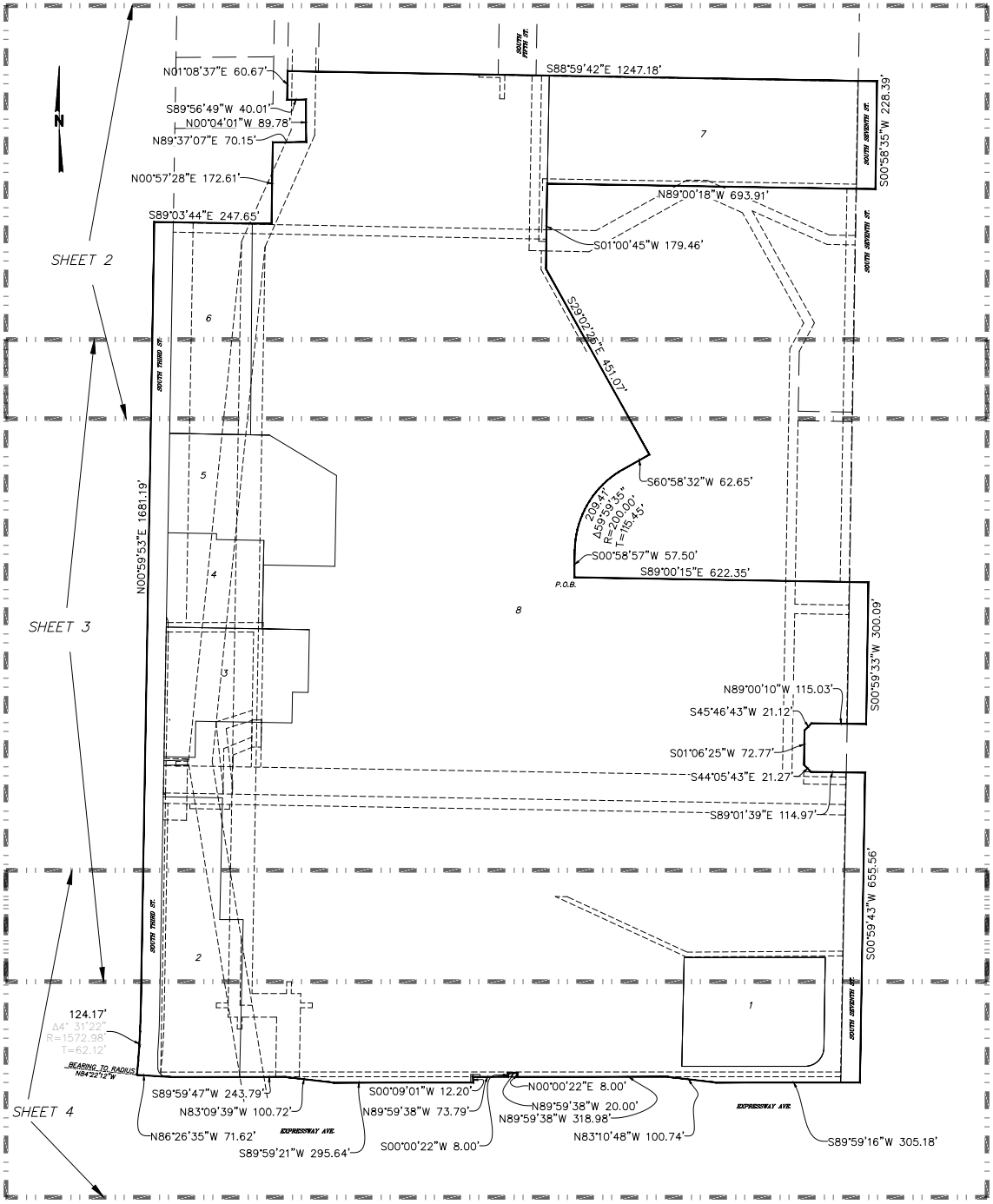
Proposed Changes
7/1/2020

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 STEET 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



Original Plat
(approved May 12, 2020)

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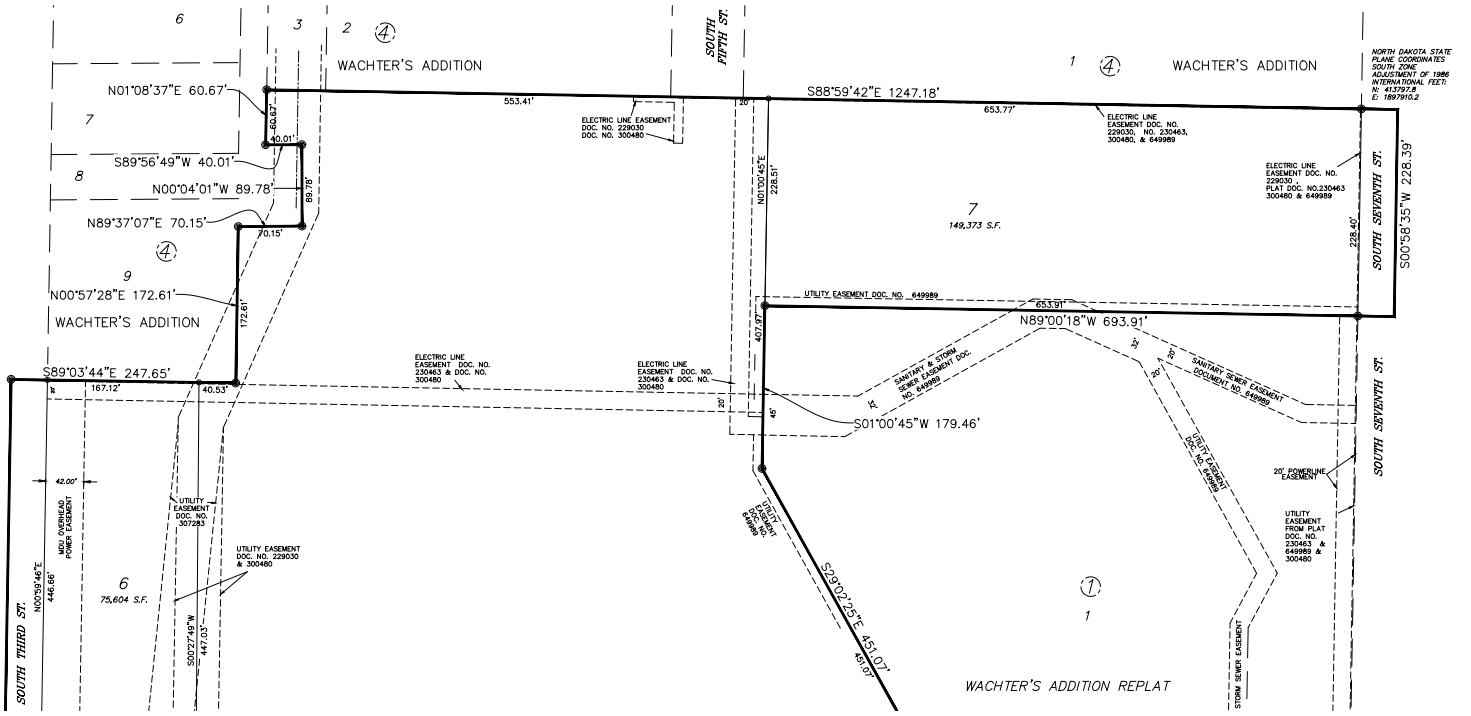


NOTES

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 305.18 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 SOUTH 00 DEGREES 00 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 1572.98 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, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 60.67 FEET TO THE SOUTH LINE OF LOT 3 BLOCK 4 WACHTER'S ADDITION; THENCE SOUTH 88 DEGREES 59 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOTS 1 & 2 BLOCK 4, AND THE OUSTH LINE OF SOUTH FIFTH STREET RIGHT-OF-WAY, WACHTER'S ADDITION AND THE EASTERLY EXTENSION OF SAID SOUTH LINES, A DISTANCE OF 1247.18 FEET TO THE CENTERLINE OF SOUTH SEVENTH STREET RIGHT-OF-WAY; THENCE SOUTH 00 DEGREES 58 MINUTES 35 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 228.39 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF THE BOUNDARY OF WACHTER'S ADDITION REPLAT; THENCE NORTH 89 DEGREES 00 MINUTES 18 SECONDS WEST, ALONG SAID EASTERLY EXTENSION AND SAID BOUNDARY, A DISTANCE OF 693.91 FEET THENCE SOUTH 01 DEGREE 00 MINUTES 45 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 179.46 FEET; THENCE SOUTH 29 DEGREES 02 MINUTES 25 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 451.07 FEET; THENCE SOUTH 60 DEGREES 58 MINUTES 32 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 62.65 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY, ON A 200.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 209.41 FEET; THENCE SOUTH 00 DEGREES 58 MINUTES 57 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 57.50 FEET; THENCE SOUTH 89 DEGREES 00 MINUTES 15 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 582.35 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)
)SS
COUNTY OF BURLEIGH)

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
BY: _____
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 GENRAL 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 _____

Original Plat
(approved May 12, 2020)

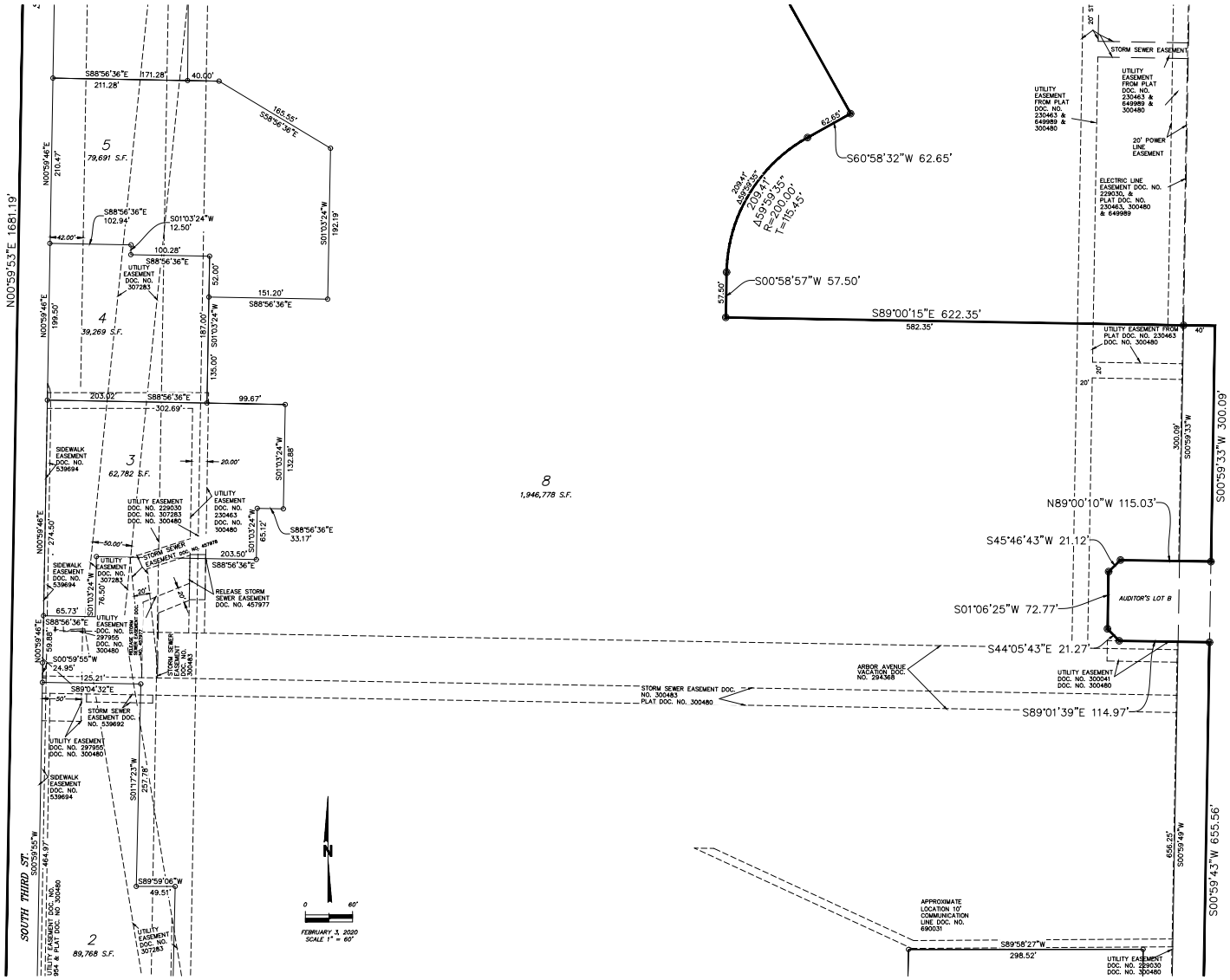
SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shcmp@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

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 STEET 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



Original Plat
(approved May 12, 2020)

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
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Bismarck, North Dakota 58504
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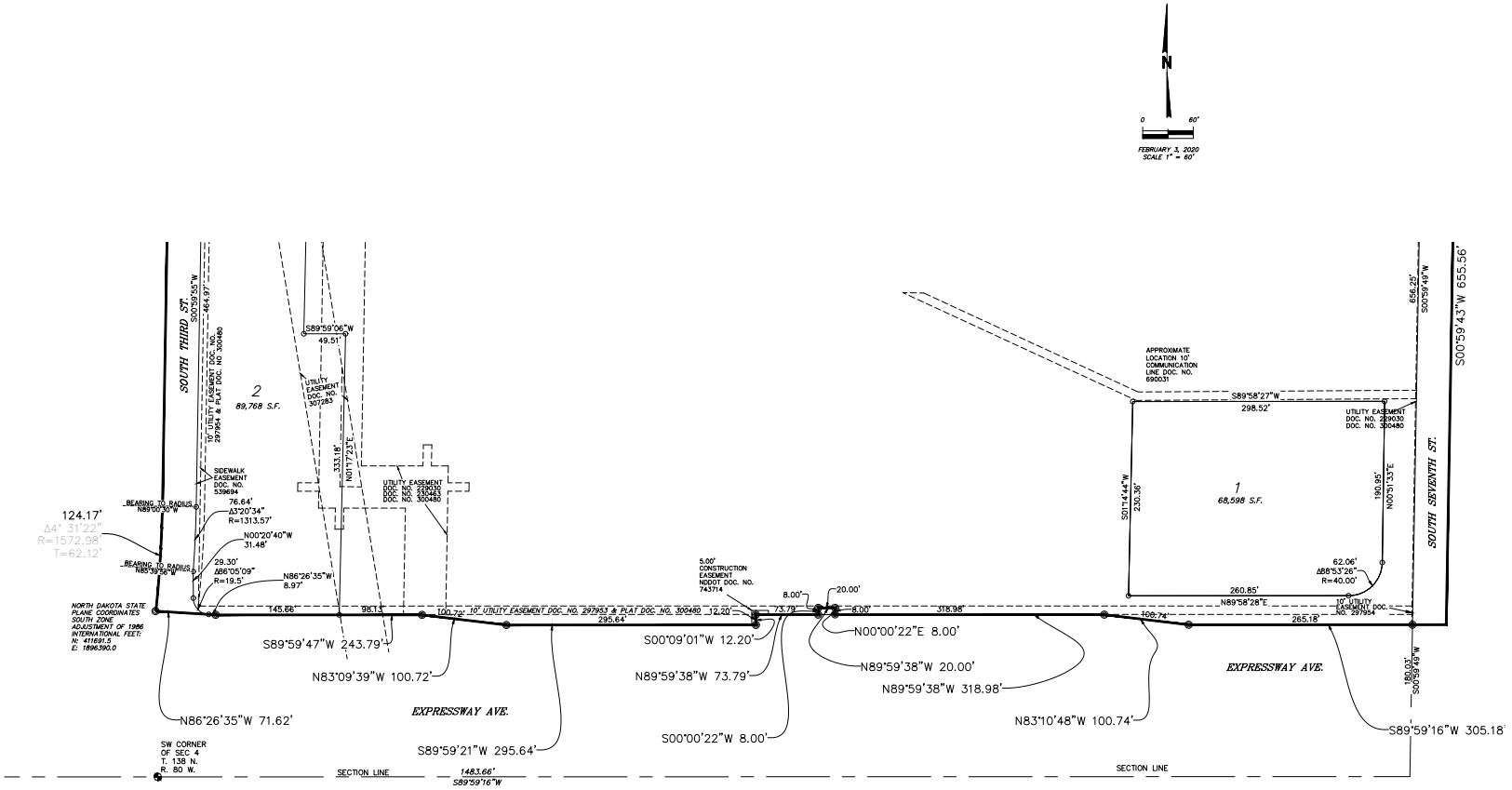
PART OF THE SOUTH 1/2 OF SECTION 4 TOWNSHIP 138 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



Original Plat
(approved May 12, 2020)

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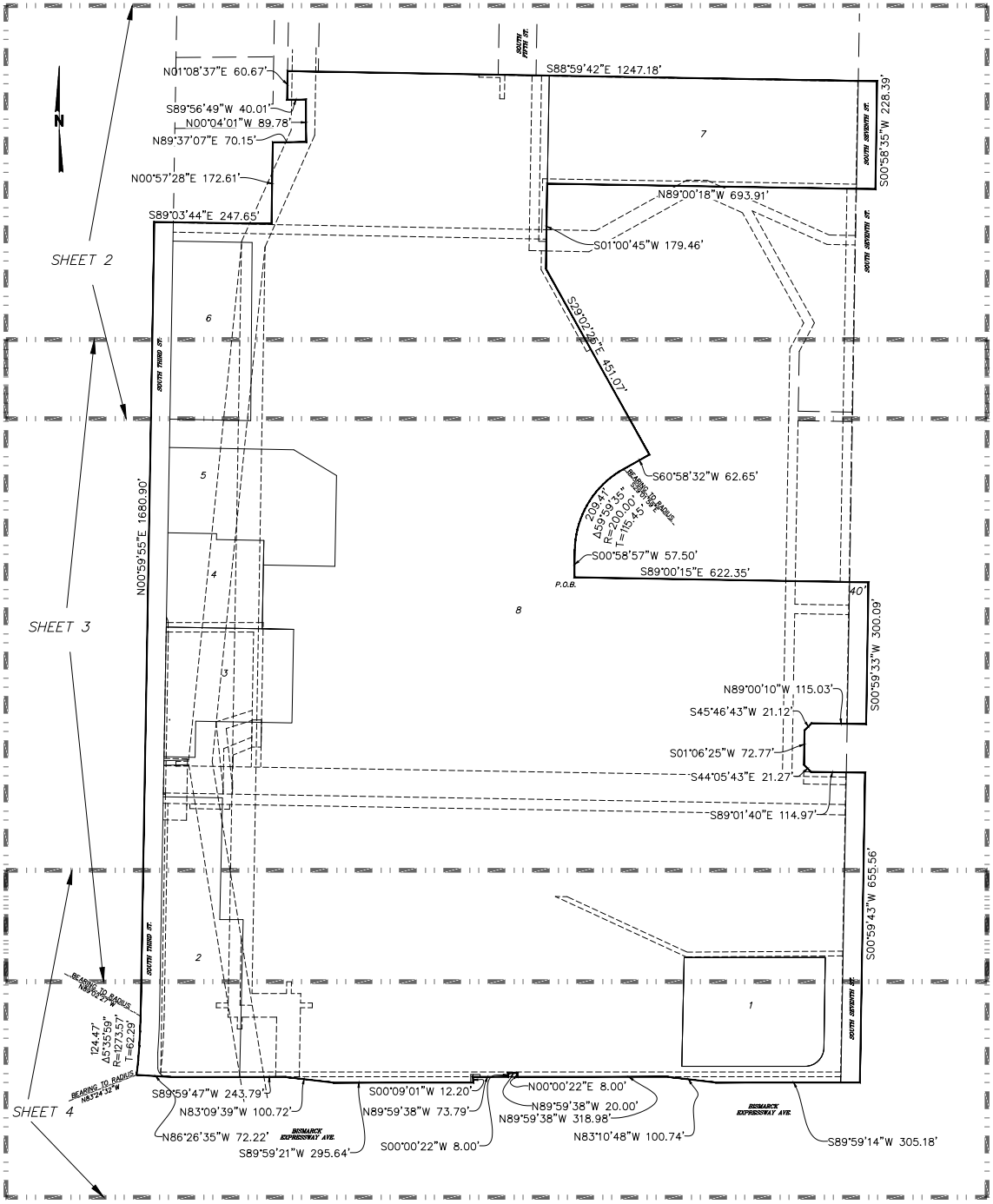
WACHTER'S ADDITION SECOND REPLAT

BEING A REPLAT OF AUDITOR'S LOTS L, E, F, K OF BLOCKS 3 & 4 AND PARTS OF SOUTH THIRD STREET AND SOUTH SEVENTH STEET 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



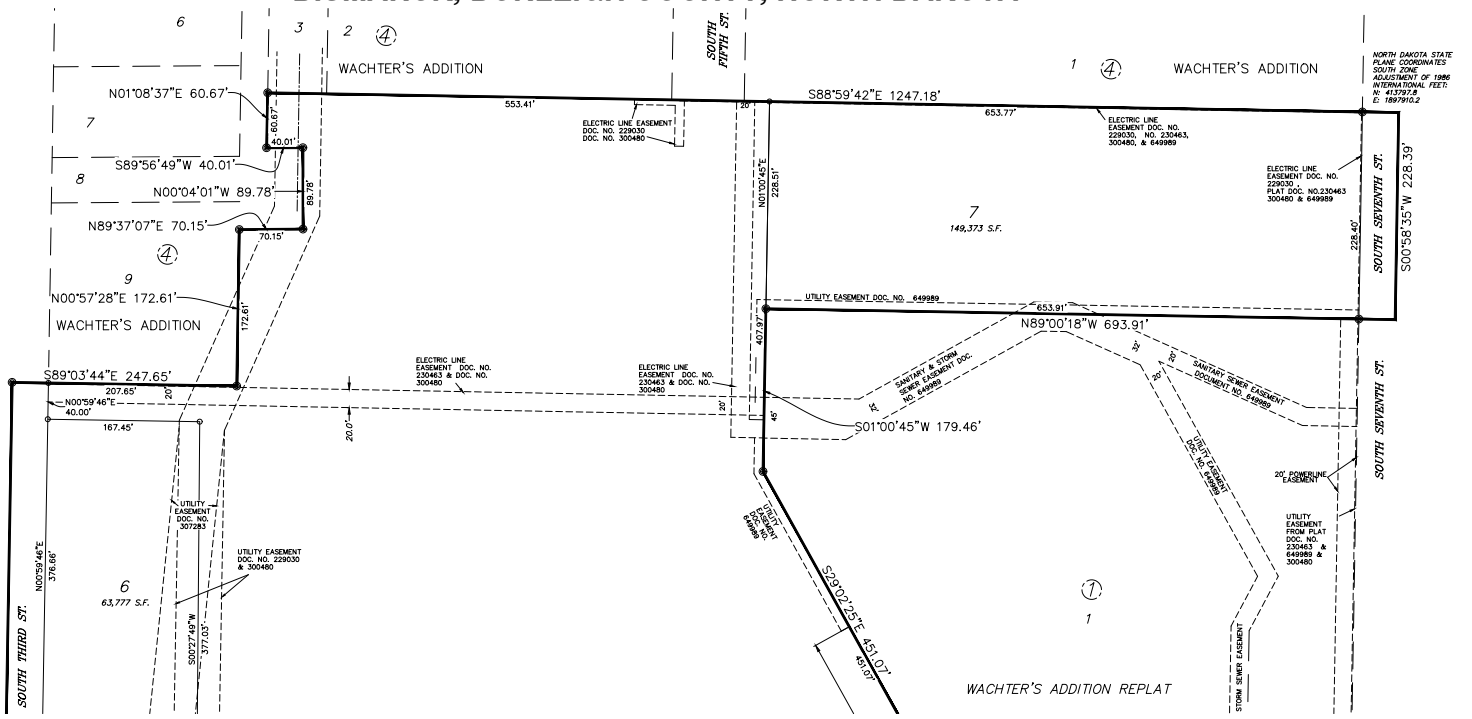
Revised Plat

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shcmg@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

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 STEET 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 OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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 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 OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

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 ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID REPLAT, A DISTANCE OF 40.00 FEET TO THE CENTERLINE OF SOUTH SEVENTH STREET RIGHT-OF-WAY; THENCE SOUTH 00 DEGREES 59 MINUTES 33 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 300.09 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF AUDITORS LOT B; THENCE NORTH 89 DEGREES 00 MINUTES 10 SECONDS WEST, ALONG SAID NORTH LINE AND EXTENSION OF AUDITORS LOT, A DISTANCE OF 115.03 FEET; THENCE SOUTH 45 DEGREES 46 MINUTES 43 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 21.12 FEET TO THE WEST LINE OF SAID AUDITORS LOT; THENCE SOUTH 01 DEGREES 06 MINUTES 25 SECONDS WEST, CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 72.77 FEET; THENCE SOUTH 44 DEGREES 05 MINUTES 43 SECONDS EAST, CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 21.27 FEET TO THE SOUTH LINE OF SAID LOT B; THENCE SOUTH 89 DEGREES 01 MINUTE 39 SECONDS EAST, CONTINUING ALONG SAID SOUTH LINE AND ITS EXTENSION EASTERLY, A DISTANCE OF 114.97 FEET TO THE CENTERLINE OF SOUTH SEVENTH STREET RIGHT-OF-WAY; THENCE SOUTH 00 DEGREES 59 MINUTES 43 SECONDS WEST, A DISTANCE OF 655.56 TO THE NORTHERLY LINE OF BISMARCK EXPRESSWAY AVENUE RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 59 MINUTES 14 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 305.18 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 SOUTH 00 DEGREES 00 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 72.22 FEET TO THE CENTERLINE OF SOUTH THIRD STREET RIGHT-OF-WAY; THENCE NORTHEASTERLY AND TO THE LEFT, ALONG SAID CENTERLINE, ON A 1273.57 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 83 DEGREES 24 MINUTES 31 SECONDS WEST, AN ARC LENGTH OF 124.47 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, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 60.67 FEET TO THE SOUTH LINE OF LOT 3 BLOCK 4 WACHTER'S ADDITION; THENCE SOUTH 88 DEGREES 59 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF LOTS 1 & 2 BLOCK 4, AND THE SOUTH LINE OF SOUTH FIFTH STREET RIGHT-OF-WAY, WACHTER'S ADDITION AND THE EASTERLY EXTENSION OF SAID SOUTH LINES, A DISTANCE OF 1247.18 FEET TO THE CENTERLINE OF SOUTH SEVENTH STREET RIGHT-OF-WAY; THENCE SOUTH 00 DEGREES 58 MINUTES 35 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 228.39 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF THE BOUNDARY OF WACHTER'S ADDITION REPLAT; THENCE NORTH 89 DEGREES 00 MINUTES 18 SECONDS WEST, ALONG SAID EASTERLY EXTENSION AND SAID BOUNDARY, A DISTANCE OF 693.91 FEET THENCE SOUTH 01 DEGREE 00 MINUTES 45 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 179.46 FEET; THENCE SOUTH 29 DEGREES 02 MINUTES 25 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 451.07 FEET; THENCE SOUTH 60 DEGREES 58 MINUTES 32 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 62.65 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY, ON A 200.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 209.41 FEET; THENCE SOUTH 00 DEGREES 58 MINUTES 57 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 57.50 FEET; THENCE SOUTH 89 DEGREES 00 MINUTES 15 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 582.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 60.41 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)
) SS
COUNTY OF BURLEIGH)

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 PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____ 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 PLAT, HAS ACCEPTED THE RE-DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE 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 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 & ASSOCIATES LIMITED PARTNERSHIP, ITS CHIEF MANAGER
BY: CBL HOLDINGS I, INC., ITS SOLE GENERAL PARTNER
BY: _____
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: _____
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 _____

Revised Plat

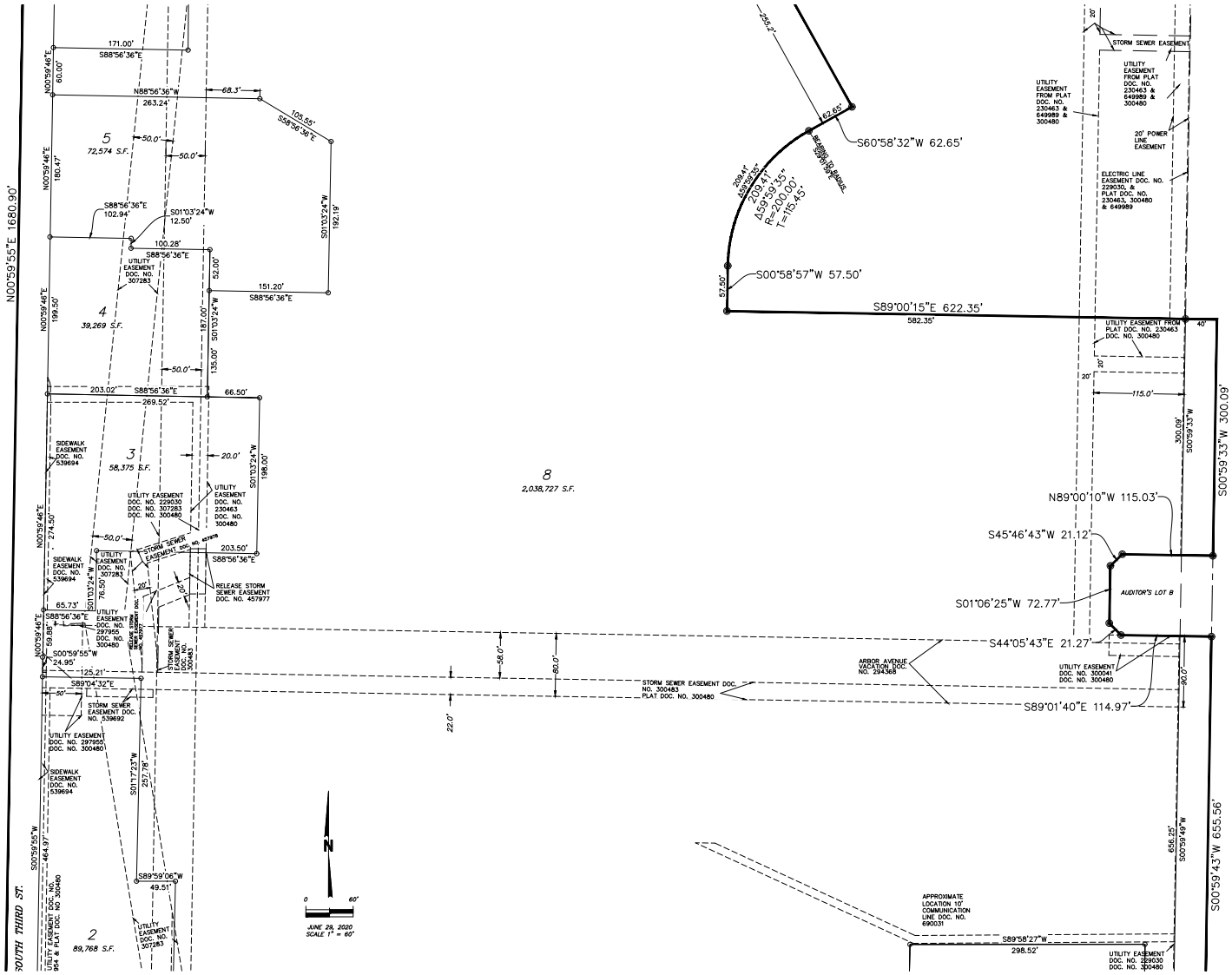
SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shcmp@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

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 STEET 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



Revised Plat

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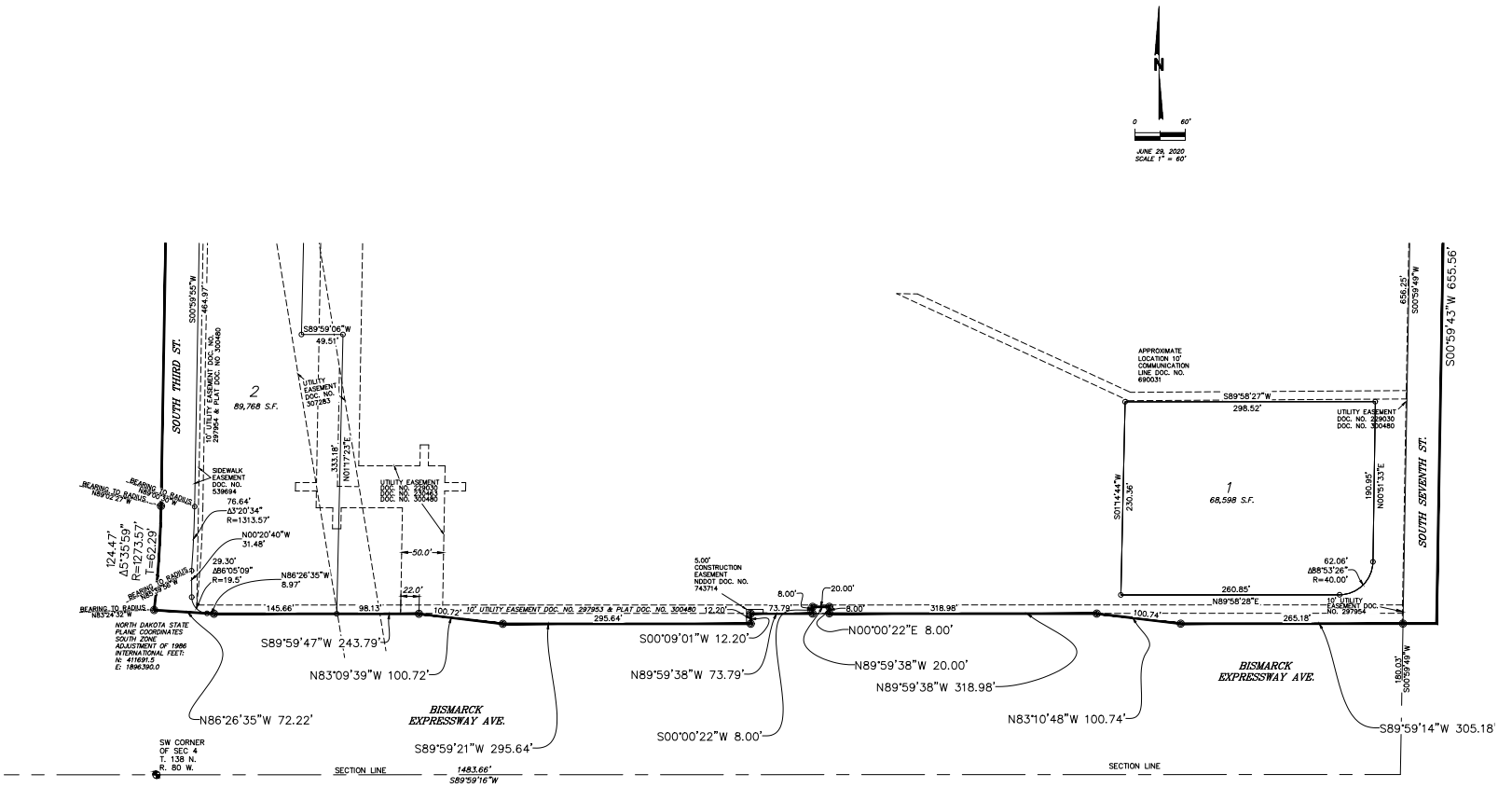


Revised Plat

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shemg@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

Community Development Department

DATE: July 7, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Contract Approval of Highland Acres Historic Survey Consultant

REQUEST

The City of Bismarck Historic Preservation Commission is requesting approval of a selected consultant to complete an historic architectural survey of portions of the Highland Acres neighborhood.

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

BACKGROUND INFORMATION

The Historic Preservation Commission, at their meeting on June 17, 2020, unanimously recommended, with two abstentions, the selection of Metcalf Archaeological Consultants, Inc. to complete an historic architectural survey of 244 properties within the Highland Acres neighborhood. The main purpose of this survey is to determine this neighborhood's viability for nomination as a National Register of Historic Places recognized historic district.

The surveys are a fact-gathering activity that once completed will inform historic preservation professionals whether there is substantial historic significance and sufficient historic architectural integrity to be eligible for listing in the National Register program. The in-field research will consist of documentation of neighborhood and housing characteristics via written and photographic methods and will occur outside of each property from the street and/or sidewalk. After the architectural survey work is completed, the results will be provided to the Bismarck Historic Preservation Commission and verified by the State Historical Society of North Dakota. If enough historical integrity and significance is present, the City may elect to proceed with preparing a nomination to the National Register of Historic Places. Prior to submission of a nomination, property owners will be contacted by the North Dakota State Historic Preservation Office and may indicate their objection to the district listing. If over 50 percent of property owners object to the historic district it would not be forwarded to the National Park Service for nomination or would be proposed with a reduced district boundary.

The National Register of Historic Places is the nation's list of properties considered worthy of preservation. The documentation process for listing demonstrates that the resource is significant in some aspect of the nation's history. The City of Bismarck has two recognized historic districts: The Downtown Bismarck Historic District and the Cathedral Area Historic District.

The National Register program does not prevent owners from altering their property, restricting the use or sale of the property, or require that the owner establish times that the property must be open to the public. Entry into the National Register of Historic Places does give a property prestige, provides protection from federally assisted projects, and provides eligibility for certain preservation financial incentives.

Upon execution of the contract, Metcalf Archaeological Consultants Inc. will commence activities with a completion date no later than September 1, 2021. The contracted amount for this project is not to exceed $38,000 and is paid entirely from an Historic Preservation Fund grant the City has been awarded from the State Historic Preservation Office. Required local match funds for this grant award are 100% from staff, consultant and Historic Preservation Commissioners' tracked donated labor.

RECOMMENDED CITY COMMISSION ACTION

Approve the contract for Metcalf Archaeological Consultants Inc. to complete an historic architectural survey of properties within the Highland Acres neighborhood.

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

Will Hutchings | Planner, 355-1850 or whutchings@bismarcknd.gov

Bismarck

Community Development Department

DATE: July 7, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Release of Utility Easement in Lot 1, Block 4, Horizon Heights 5th Addition

REQUEST

Ryan and Courtney Heiser are requesting approval of the release of the North 4 feet of the 7-foot utility easement adjacent to the south property line of Lot 1, Block 4, Horizon Heights 5th Addition, less the West 10 feet of said utility easement. The release of a portion of this easement will allow construction of an accessory building on the lot without encroachment into the easement.

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

BACKGROUND INFORMATION

The easement was granted with the plat of Horizon Heights 5th Addition, which was recorded on May 21, 2011.

The City Engineer has affirmed that this easement is no longer needed to provide municipal services to the area. The applicant has obtained letters from Montana-Dakota Utilities, Capital Electric Cooperative, Century Link, and Midcontinent Communications consenting to the release of the easement.

RECOMMENDED CITY COMMISSION ACTION

Based on the above findings, staff recommends approval of the attached resolution to release the North 4 feet of the 7-foot utility easement adjacent to the south property line of Lot 1, Block 4, Horizon Heights 5th Addition, less the West 10 feet of said utility easement.

STAFF CONTACT INFORMATION

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

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

Daniel Nairn, AICP | Planner, 355-1854 or dnairn@bismarcknd.gov

RESOLUTION

RELEASE OF UTILITY EASEMENT
IN HORIZON HEIGHTS 5TH ADDITION

WHEREAS, the owners of property described as Lot 1, Block 4, Horizon Heights 5th Addition, adjoining and contiguous to a platted utility easement, have heretofore joined in petition requesting that part of said utility easement be released, verified by oath of at least one petitioner and accompanied by a plat of said utility easement to be released, having set forth the facts and reason for said release; and

WHEREAS, said platted utility easement was shown on the plat of Horizon Heights 5th Addition, which was recorded on May 21, 2011; and

WHEREAS, the City Engineer has determined that the part of the utility easement proposed for release is no longer necessary to provide utility services to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the petition to release the utility easement described as:

> North 4 feet of the 7-foot utility easement adjacent to the south property line of Lot 1, Block 4, Horizon Heights 5th Addition, less the West 10 feet of said utility easement in the City of Bismarck, Burleigh County, North Dakota.

is in all things allowed and granted.

BE IT FURTHER RESOLVED that the City Administrator be and is hereby authorized to file this resolution for record in the office of the County Recorder, Burleigh County, North Dakota.

Adopted this 14th day of July, 2020.

CERTIFICATE

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified Assistant City Administrator of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Board of City Commissioners held on July 14, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 14th day of July, 2020.

(SEAL)

_____
Jason Tomanek
Assistant City Administrator
Bismarck, North Dakota

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

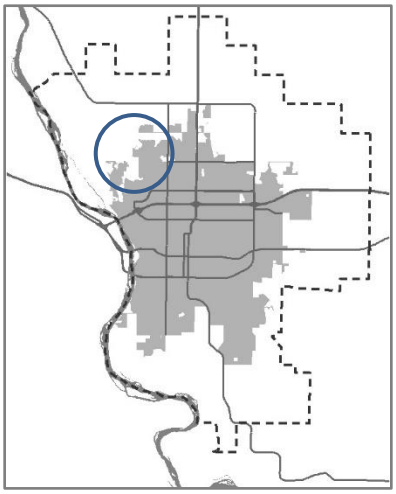
July 7, 2020

Application for: Plat Modification – Easement Release

TRAKiT Project ID: PLMD2020-008

Project Summary

Title:	Release Utility Easement in Lot 1, Block 4, Horizon Heights 5th Addition
Status:	Board of City of Commissioners
Owner(s):	Ryan and Courtney Heiser
Project Contact:	Ryan Heiser
Location:	In northwest Bismarck, west of North Washington Street in the southeast corner of Cornice Drive and Salmon Street (5125 Cornice Drive)
Project Size:	4 feet in width by 115 feet in length, more or less
Request:	Release portion of utility easement to allow construction of accessory building



Staff Analysis

Ryan and Courtney Heiser are requesting approval of the release of the North 4 feet of the 7-foot utility easement adjacent to the south property line of Lot 1, Block 4, Horizon Heights 5th Addition, less the West 10 feet of said utility easement. The release of a portion of this easement will allow construction of an accessory building on the lot without encroachment into the easement.

The easement was granted with the plat of Horizon Heights 5th Addition, which was recorded on May 21, 2011.

The City Engineer has affirmed that this easement is no longer needed to provide municipal services to the area. The applicant has obtained letters from Montana-Dakota Utilities, Capital Electric Cooperative, Century Link, and Midcontinent Communications consenting to the release of the easement.

Required Findings of Fact (relating to land use)

1. The easement, or part thereof, shown on the plat of record and proposed for release is no longer needed for the purpose for which it was dedicated;
2. The release of the easement is consistent with the general intent and purpose of the zoning ordinance; and
3. The release of the easement is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the attached resolution to release the North 4 feet of the 7-foot utility easement adjacent to the south property line of Lot 1, Block 4, Horizon Heights 5th Addition, less the West 10 feet of said utility easement.

(continued)

Attachments

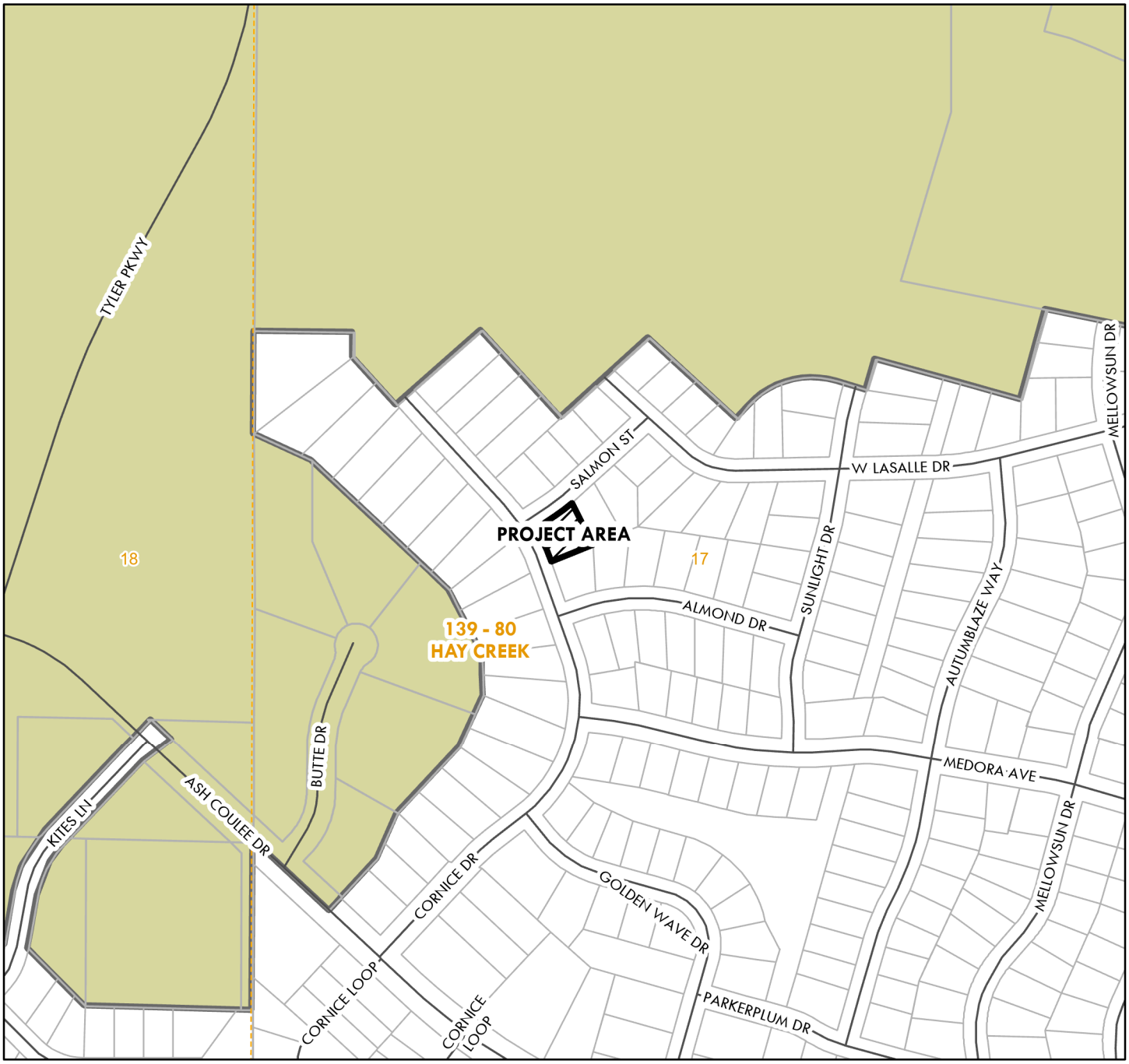
1. Location Map
2. Plat Map
3. Resolution
4. Application/Petition
5. Letter(s) from Utility

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

Location Map

HORIZON HEIGHTS 5TH ADDITION, L1, B4

PLMD2020-008



Miles

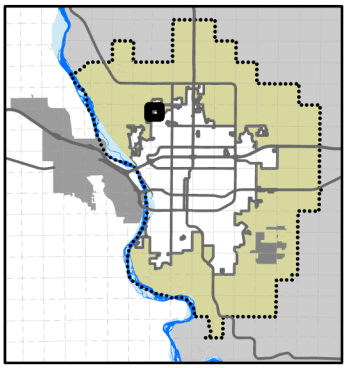
0 0.07 0.15 0.3

City Limits

County Outside ETA

Bismarck ETA Jurisdiction

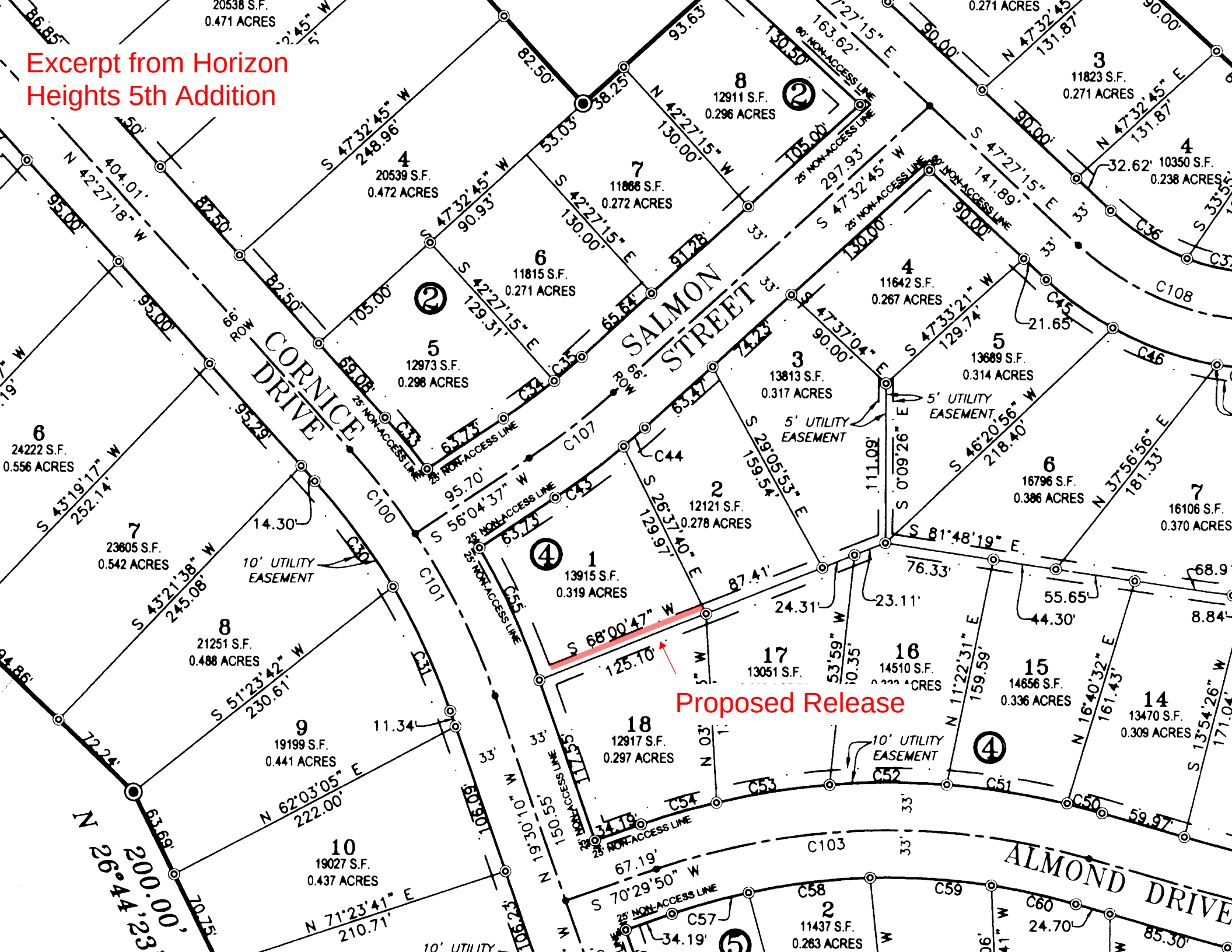
Section, township, and range indicated in orange



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

City of Bismarck
Community Development Department
Planning Division
June 29, 2020 (HLB)

Excerpt from Horizon Heights 5th Addition



Bismarck

City of Bismarck
Community Development Department
Planning Division
Phone: 701-355-1840 • FAX: 701-222-6450 • TDD: 711
PO Box 5503 • Bismarck, ND 58506-5503
planning@bismarcknd.gov

Last Revised: 1/1/2019

UNIFIED DEVELOPMENT APPLICATION

NOTE: APPLICATIONS ARE NOT COMPLETE UNTIL ALL REQUIRED SUBMITTALS HAVE BEEN RECEIVED

Application submitted for (check all that apply):

- ☐ Preliminary Major Plat
- ☐ Final Major Plat
- ☐ Minor Plat
- ☐ Plat Vacation
- ☐ Annexation
- ☐ Zoning Change
- ☐ PUD Zoning Change / PUD Amendment
- ☐ Special Use Permit
- ☐ Variance
- ☐ Rural Lot Split (RR & RR5)
- ☐ Fringe Area Road Master Plan Amendment
- ☐ Land Use Plan Amendment

Lot Modification

- ☐ Lot Line Adjustment
- ☐ Lot Split
- ☐ Lot Combination

Plat Modification

- ☐ Street/Alley Vacation
- ☒ Easement Release
- ☐ Non-Access Line Release

PROPERTY INFORMATION			
Project Name:	Horizon Heights Easement Release		
Legal description: (Lot, Block, Addition/Subdivision)	Lot 1 Block 4 Horizon Heights Fifth Addition		
Street address of property:	5125 Cornice Dr.		
Existing Zoning	R5	Proposed Zoning:	N/A
Acreage:	.32	Number of Lots:	1
Brief description of development proposal, including reason(s) for the request:	Release the northernmost 4' of the 7' utility easement adjacent to the southern property line of Lot 1, Block 4, Horizon Heights Fifth Addition, City of Bismarck, Burleigh County, North Dakota.		

APPLICANT/DEVELOPER	
Name:	Ryan Heiser
Mailing Address:	5125 Cornice Dr., Bismarck, ND 58503

PROPERTY OWNER (IF DIFFERENT THAN APPLICANT/DEVELOPER)	
Name:	
Mailing Address:	

CONTACT PERSON/CONSULTANT (IF DIFFERENT THAN APPLICANT/DEVELOPER)	
Name:	
Mailing Address:	

This application is filed complete with the required information as outlined in the attached submission checklist. If a subdivision plat application: because of scheduling and calendar considerations, your subdivision plat may not be finally approved within 30 days as per NDCC Section 40-48-21. I hereby waive said requirements in return for expeditious consideration of my application by the City. If an annexation application: the City will post legal notice of public hearing on behalf of the applicant rather than the applicant as specified in NDCC Section 40-51.2-05. I understand the regulations of the Bismarck Zoning Ordinance and the NDCC as they pertain to this request(s). I certify that all property owners have signed or ratified this application. I hereby request favorable consideration of the above described development application.

Ryan Heiser	Ryan Heiser	6-24-2020
(Applicant's Signature)	(Printed Name)	(Date)
(Owner's Signature, if different)	(Printed Name)	(Date)
(Additional Owner's Signature, if applicable)	(Printed Name)	(Date)
(Additional Owner's Signature, if applicable)	(Printed Name)	(Date)

VERIFICATION FOR PLAT MODIFICATION REQUESTS:

The oath of at least one petitioner is required for **plat modification requests only**
(vacation of street/alley, release of non-access line, or release of easement)

STATE OF NORTH DAKOTA)
: SS
COUNTY OF BURLEIGH)

On this 24 day of June, 2020, before me, a notary public in and for said county and state, appeared Ryan Heiser, known to be personally to be the same person described in and whom executed the above instrument, and severally acknowledged that he/she executed the same.

BLEAU HOGE
Notary Public
State of North Dakota
My Commission Expires Sept. 17, 2023

Notary Public
Burleigh County, State of North Dakota

Submission Deadlines:

The Planning and Zoning Commission regularly meets on the fourth Wednesday of each month. All development applications – except for variances, lot modifications and plat modifications – are due at **12:00 noon on the Friday that is 33 calendar days prior** to the meeting.

The Board of Adjustment regularly meets on the first Thursday of each month. All development applications for variances are due at **5:00 p.m. on the Monday that is 24 calendar days prior** to the meeting.

The Board of City Commissioners regularly meets on the second and fourth Tuesdays of each month. All development applications for plat modifications (street/alley vacation, non-access line release, easement release) are due at **5:00 p.m. on the Tuesday that is 14 calendar days prior** to the meeting.

Development applications for lot modifications are processed administratively and may be submitted at any time.

June 7, 2020

Mr. Greg Owen
Capital Electric Cooperative, Inc.
4111 State Street
Bismarck, ND 58503

Re: Utility Easement – 5125 Cornice Dr.

Dear Greg,

I, Ryan Heiser, wish to vacate the northernmost 4' of the 7' utility easement adjacent to the southern property line of Lot 1, Block 4, Horizon Heights Fifth Addition, City of Bismarck, Burleigh County, North Dakota. The 4' portion of the utility easement being referenced is highlighted in the attached exhibit labeled "7' Utility Easement".

If you agree with this utility easement vacation, please sign below to indicate your consent and return to me at your earliest convenience.

Sincerely,

Ryan Heiser

Ryan Heiser
Property Owner

RH

I, Greg Owen, a representative of Capital Electric Cooperative, Inc., hereby consent to the proposed vacation of the utility easement as described above.

Signature

6/9/2020
Date

June 11, 2020

Mr. Toby Gross
Montana-Dakota Utilities Co.
909 Airport Rd.
Bismarck, ND 58503

Re: Utility Easement – 5125 Cornice Dr.

Dear Toby,

I, Ryan Heiser, wish to vacate the northernmost 4' of the 7' utility easement adjacent to the southern property line of Lot 1, Block 4, Horizon Heights Fifth Addition, City of Bismarck, Burleigh County, North Dakota. The 4' portion of the utility easement being referenced is highlighted in the attached exhibit labeled "7' Utility Easement".

If you agree with this utility easement vacation, please sign below to indicate your consent and return to me at your earliest convenience.

Sincerely,

Ryan Heiser

Ryan Heiser
Property Owner

RH

I, Toby Gross (District Mgr), a representative of Montana-Dakota Utilities Co., hereby consent to the proposed vacation of the utility easement as described above.

Signature

6-15-20
Date

June 15, 2020

Mr. Derek Weigel
Midcontinent Communications
719 Memorial Highway
Bismarck, ND 58504

Re: Utility Easement – 5125 Cornice Dr.

Dear Derek,

I, Ryan Heiser, wish to vacate the northernmost 4' of the 7' utility easement adjacent to the southern property line of Lot 1, Block 4, Horizon Heights Fifth Addition, City of Bismarck, Burleigh County, North Dakota. The 4' portion of the utility easement being referenced is highlighted in the attached exhibit labeled "7' Utility Easement".

If you agree with this utility easement vacation, please sign below to indicate your consent and return to me at your earliest convenience.

Sincerely,

Ryan Heiser

Ryan Heiser
Property Owner

RH

I, Derek Weigel, a representative of Midcontinent Communications, hereby consent to the proposed vacation of the utility easement as described above.

Signature

6/17/20
Date

June 17, 2020

Ms. Connie Kassian
CenturyLink
1101 16th Street NE
Mandan, ND 58554

Re: Utility Easement – 5125 Cornice Dr.

Dear Connie,

I, Ryan Heiser, wish to vacate the northernmost 4' of the 7' utility easement adjacent to the southern property line of Lot 1, Block 4, Horizon Heights Fifth Addition, City of Bismarck, Burleigh County, North Dakota. The 4' portion of the utility easement being referenced is highlighted in the attached exhibit labeled "7' Utility Easement".

If you agree with this utility easement vacation, please sign below to indicate your consent and return to me at your earliest convenience.

Sincerely,

Ryan Heiser

Ryan Heiser
Property Owner

RH

I, CONNIE M KASSIAN, a representative of CenturyLink, hereby consent to the proposed vacation of the utility easement as described above.

Signature

6-18-2020
Date

Bismarck

Community Development Department

DATE: July 7, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Release of Drainage Easement in Lot 36, Block 1, Misty Waters

REQUEST

Jason and Krysta Sellers are requesting approval of the release of a drainage easement over Lot 36, Block 1, Misty Waters to allow installation of a swimming pool and landscaping retaining wall without encroachment into the easement. A new 20-foot drainage easement will be recorded on the same lot, to the south of the released easement.

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

BACKGROUND INFORMATION

The easement was granted with the plat of Misty Waters, which was recorded September 28, 2005. The provision of this easement was required by the U.S. Army Corps of Engineers in granting a permit for the initial construction of the bay and subdivision. The easement is intended to intercept runoff before it reaches the bay to prevent erosion. A consulting engineer for the applicant has indicated the revised drainage easement would prevent runoff from traversing the slope to the bay.

The Misty Waters Architectural Review Committee has consented to this change in the drainage easement, with a statement from the applicant placing any and all financial and/or landscaping responsibility on the homeowner should the drainage easement cause any issues to adjacent properties.

The City Engineer has affirmed that this easement would provide the drainage function on the lot, as stipulated in the U.S. Army Corps of Engineers permit.

RECOMMENDED CITY COMMISSION ACTION

Based on the findings in the staff report, staff recommends approval of the attached resolution to release the entire drainage easement over Lot 36, Block 1, Misty Waters,

on the condition that a replacement easement is granted that provides an equivalent function.

STAFF CONTACT INFORMATION

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

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

Daniel Nairn, AICP | Planner, 355-1854 or dnairn@bismarcknd.gov

RESOLUTION

RELEASE OF DRAINAGE EASEMENT
IN MISTY WATERS

WHEREAS, the owners of property described as Lot 36, Block 1, Misty Waters, adjoining and contiguous to a platted drainage easement, have heretofore joined in petition requesting that all of said drainage easement be released, verified by oath of at least one petitioner and accompanied by a plat of said drainage easement to be released, having set forth the facts and reason for said release; and

WHEREAS, said platted drainage easement was shown on the plat of Misty Waters, which was recorded on September 28, 2005; and

WHEREAS, the City Engineer has determined that the part of the drainage easement proposed for release is no longer necessary, on the condition that a replacement drainage easement is recorded that provides and equivalent drainage function on the lot, as stipulated in the U.S. Army Corps of Engineers permit for the development.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the petition to release the drainage easement described as:

> All of the drainage easement on Lot 36, Block 1, Misty Waters, Burleigh County, North Dakota

is in all things allowed and granted.

BE IT FURTHER RESOLVED that the City Administrator be and is hereby authorized to file this resolution for record in the office of the County Recorder, Burleigh County, North Dakota.

Adopted this 14th day of July, 2020.

CERTIFICATE

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified Assistant City Administrator of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Board of City Commissioners held on July 14, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 14th day of July, 2020.

(SEAL)

_____
Jason Tomanek
Assistant City Administrator
Bismarck, North Dakota

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

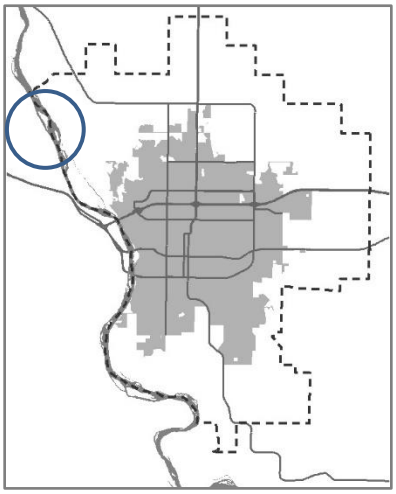
July 14, 2020

Application for: Plat Modification – Easement Release

TRAKiT Project ID: PLMD2020-007

Project Summary

Title:	Drainage Easement in Lot 36, Block 1, Misty Waters
Status:	Board of City of Commissioners
Owner(s):	Jason and Krysta Sellers
Project Contact:	Jordan Anderson, Big River Builders
Location:	Northwest of Bismarck, west of River Road on bay of Misty Waters
Project Size:	20-foot easement over approximately 82 feet
Request:	Release drainage easement to allow installation of swimming pool and landscaping retaining wall.



Staff Analysis

Jason and Krysta Sellers are requesting approval of the release of a drainage easement over Lot 36, Block 1, Misty Waters to allow installation of a swimming pool and landscaping retaining wall without encroachment into the easement. A new 20-foot drainage easement will be recorded on the same lot, to the south of the released easement. An exhibit showing the location of the proposed replacement easement is attached to this report.

The drainage easement was granted with the plat of Misty Waters, which was recorded September 28, 2005. The provision of this easement was required by the U.S. Army Corps of Engineers in granting a permit for the initial construction of the bay and subdivision. The easement is intended to intercept runoff before it reaches the bay to prevent erosion.

A consulting engineer for the applicant has indicated that the revised drainage easement would prevent runoff from traversing the slope to the bay. The City Engineer has affirmed that this replacement easement would provide the drainage function on the lot, as stipulated in the U.S. Army Corps of Engineers permit.

The Misty Waters Architectural Review Committee has consented to this change in the drainage easement, with a statement from the applicant placing any and all financial and/or landscaping responsibility on the homeowner should the drainage easement cause any issues to adjacent properties.

A representative from the U.S. Army Corps of Engineers has been contacted regarding this request, but has not formally provided an interpretation on whether this modification meets the terms of the permit.

Required Findings of Fact (relating to land use)

1. The easement, or part thereof, shown on the plat of record and proposed for release is no longer needed for the purpose for which it was dedicated;
2. The release of the easement is consistent with the general intent and purpose of the zoning ordinance; and
3. The release of the easement is consistent with the master plan, other adopted plans, policies and accepted planning practice.

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the attached resolution to release the entire drainage easement over Lot 36, Block 1, Misty Waters, with the following conditions:

1. A replacement drainage easement is granted that provides an equivalent function.
2. Any conditions or stipulations raised by the U.S. Army Corp of Engineers are addressed to the satisfaction of this entity prior to recordation of the resolution.

Attachments

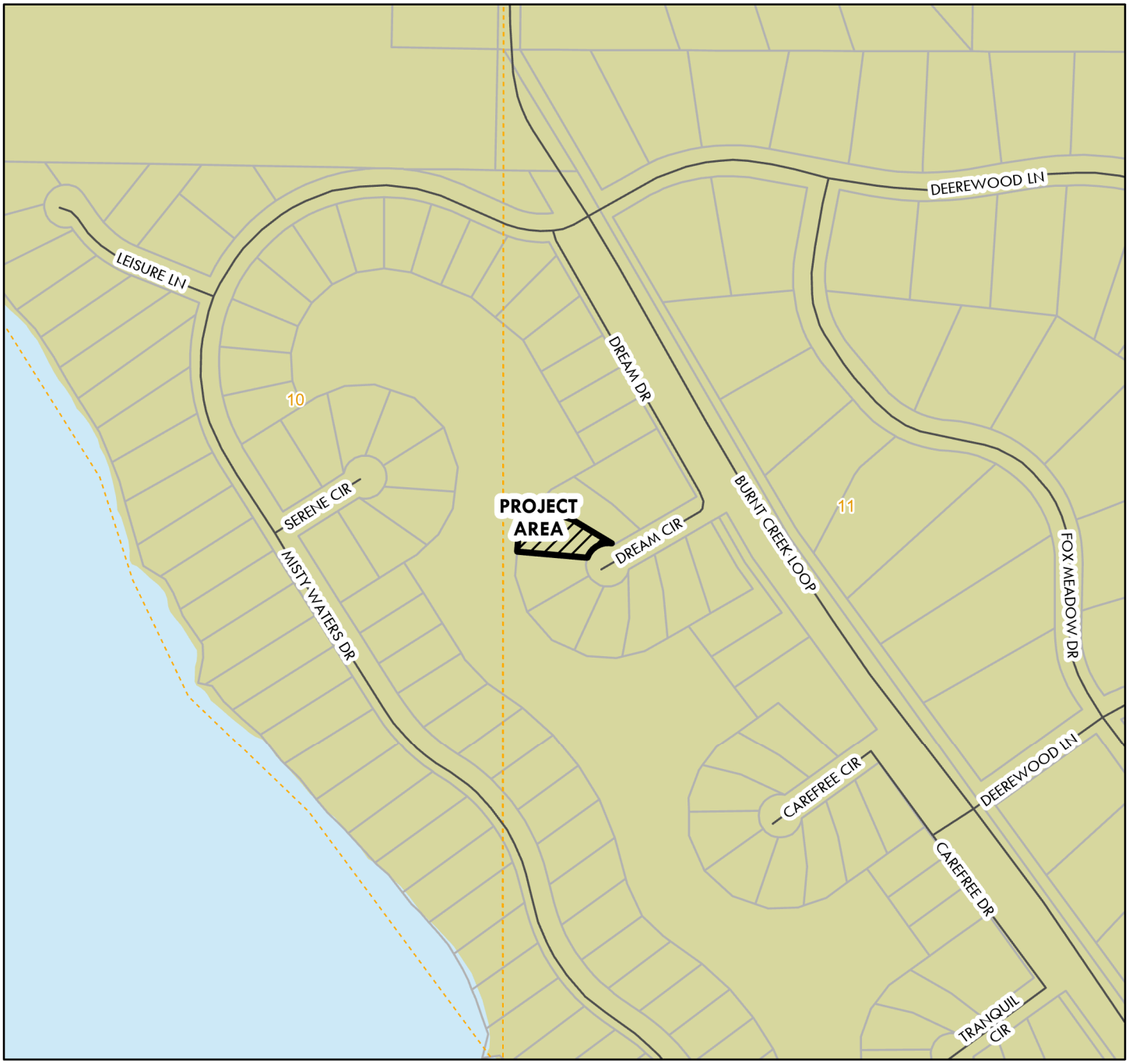
1. Location Map
2. Plat Map
3. Exhibit of Replacement Easement
4. Resolution
5. Application/Petition
6. Email from Architectural Review Committee

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

Location Map

MISTY WATERS, L36, B1

PLMD2020-007

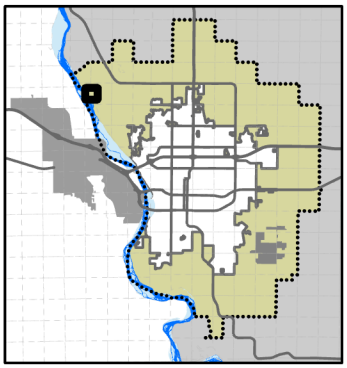


0 0.07 0.15 0.3 Miles

Bismarck ETA Jurisdiction

County Outside ETA

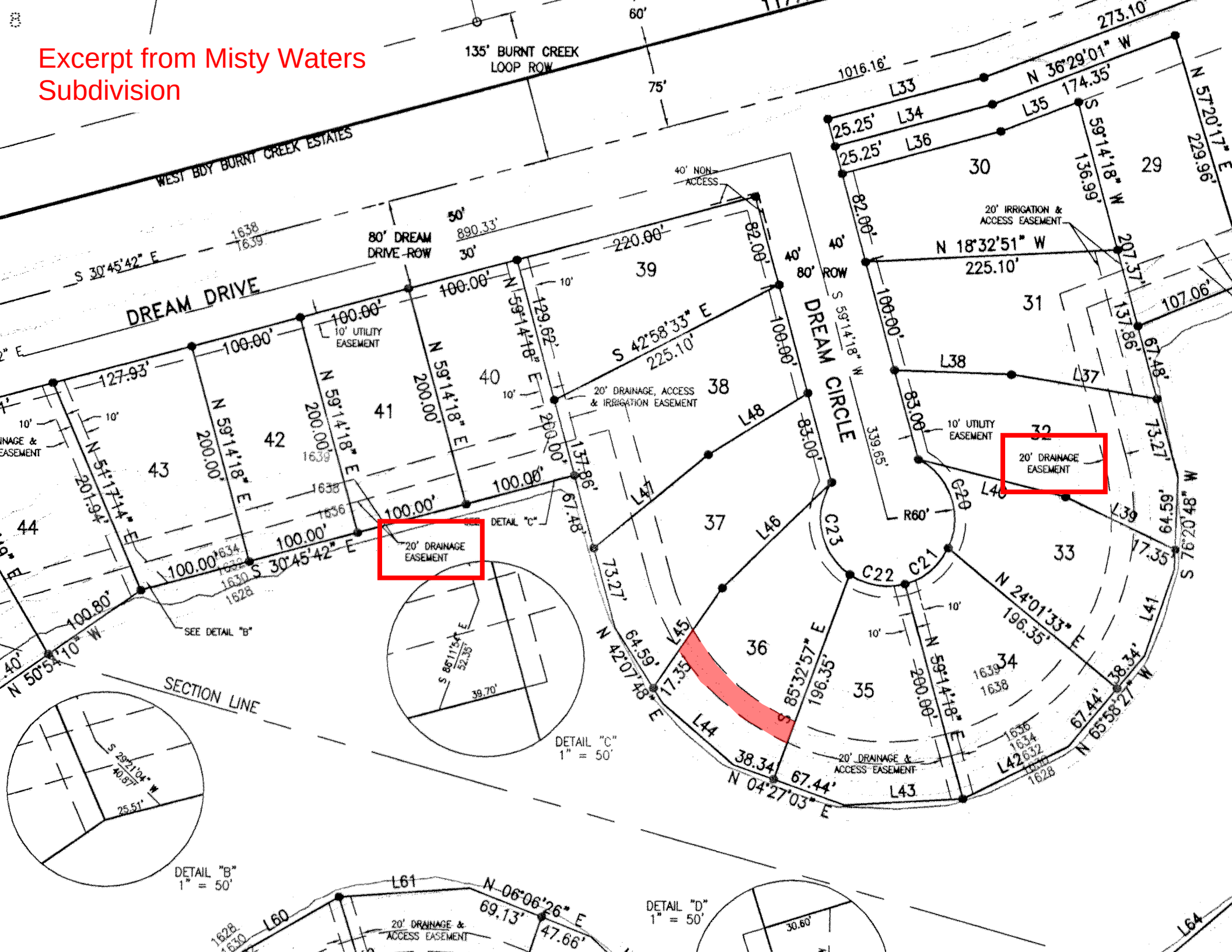
Section, township, and range indicated in orange

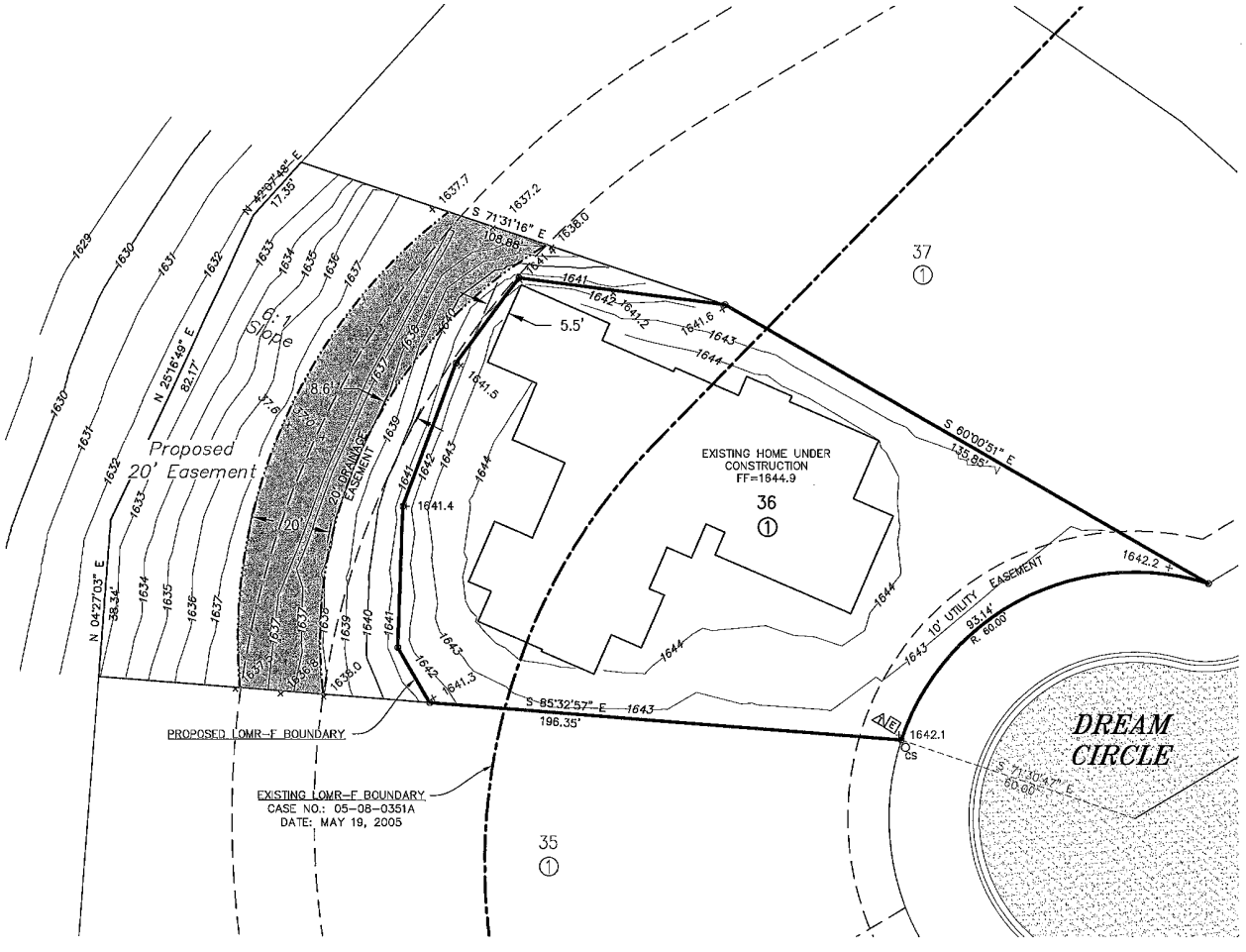


This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

City of Bismarck
Community Development Department
Planning Division
June 26, 2020 (HLB)

Excerpt from Misty Waters Subdivision





VERTICAL DATUM NAVD 88

BASE FLOOD PLAIN ELEVATION = 1640.9
TAKEN FROM FLOOD INSURANCE RATE MAP NUMBER 38015C0780D
DATED AUGUST 4, 2014

HORIZONTAL DATUM

BASIS OF BEARING AND COORDINATE DATUM IS ND STATE PLANE AS DERIVED FROM THE BISMARCK CORS STATION

PRELIMINARY-NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION

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SCALE: 1"=30'
APRIL 20, 2020
NAVD 88

REVISION: DATE:

PROPOSED EASEMENT
LOT 36, BLOCK 1, MISTY WATERS
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

DRAWN BY: CW
CHECK BY: TL, TB
DATE: 4-20-20
COMPUTER FILE:
S:Lot Survey Exhibits/Burleigh/Misty Waters/Lot 36 Block 1 LOMR-F

SHEET
1 OF 1

City of Bismarck
Community Development Department
Planning Division
Phone: 701-355-1840 • FAX: 701-222-6450 • TDD: 711
PO Box 5503 • Bismarck, ND 58506-5503
planning@bismarcknd.gov

Last Revised: 1/1/2019

UNIFIED DEVELOPMENT APPLICATION

RECEIVED JUN 0 2020

NOTE: APPLICATIONS ARE NOT COMPLETE UNTIL ALL REQUIRED SUBMITTALS HAVE BEEN RECEIVED

Application submitted for (check all that apply):

- ☐ Preliminary Major Plat
- ☐ Final Major Plat
- ☐ Minor Plat
- ☐ Plat Vacation
- ☐ Annexation
- ☐ Zoning Change
- ☐ PUD Zoning Change / PUD Amendment
- ☐ Special Use Permit
- ☐ Variance
- ☐ Rural Lot Split (RR & RR5)
- ☐ Fringe Area Road Master Plan Amendment
- ☒ Land Use Plan Amendment

Lot Modification

- ☐ Lot Line Adjustment
- ☐ Lot Split
- ☐ Lot Combination

Plat Modification

- ☐ Street/Alley Vacation
- ☒ Easement Release
- ☐ Non-Access Line Release

PROPERTY INFORMATION			
Project Name:	Big River Builders		
Legal description: (Lot, Block, Addition/Subdivision)	lot 36 Block 1 Misty Waters		
Street address of property:	6334 Dream Circle		
Existing Zoning		Proposed Zoning:	
Acreage:		Number of Lots:	1
Brief description of development proposal, including reason(s) for the request:	We intend to remove a portion of the property from the Drainage easement.		

APPLICANT/DEVELOPER	
Name:	Jordan Anderson
Mailing Address:	PO Box 7447 Bismarck, ND 58507

PROPERTY OWNER (IF DIFFERENT THAN APPLICANT/DEVELOPER)	
Name:	Jason Sellers
Mailing Address:	413 E Expy. Bismarck, ND 58504

CONTACT PERSON/CONSULTANT (IF DIFFERENT THAN APPLICANT/DEVELOPER)	
Name:	
Mailing Address:	

This application is filed complete with the required information as outlined in the attached submission checklist. If a subdivision plat application: because of scheduling and calendar considerations, your subdivision plat may not be finally approved within 30 days as per NDCC Section 40-48-21. I hereby waive said requirements in return for expeditious consideration of my application by the City. If an annexation application: the City will post legal notice of public hearing on behalf of the applicant rather than the applicant as specified in NDCC Section 40-51.2-05. I understand the regulations of the Bismarck Zoning Ordinance and the NDCC as they pertain to this request(s). I certify that all property owners have signed or ratified this application. I hereby request favorable consideration of the above described development application.

(Applicant's Signature)	Jordan Anderson (Printed Name)	6-5-2020 (Date)
(Owner's Signature, if different)	Jason Sellers (Printed Name)	6-5-2020 (Date)
(Additional Owner's Signature, if applicable)	(Printed Name)	(Date)
(Additional Owner's Signature, if applicable)	(Printed Name)	(Date)

VERIFICATION FOR PLAT MODIFICATION REQUESTS:

The oath of at least one petitioner is required for **plat modification requests only** (vacation of street/alley, release of non-access line, or release of easement)

STATE OF NORTH DAKOTA)
: SS
COUNTY OF BURLEIGH)

On this 5 day of June, 2020, before me, a notary public in and for said county and state, appeared Jordan Anderson & Jason Sellers, known to be personally to be the same person described in and whom executed the above instrument, and severally acknowledged that he/she executed the same.

HEIDI BELOHLAVEK
Notary Public
State of North Dakota
My Commission Expires Mar 26, 2022

Heidi Belohlavek
Notary Public
Burleigh County, State of North Dakota

Submission Deadlines:

The Planning and Zoning Commission regularly meets on the fourth Wednesday of each month. All development applications – except for variances, lot modifications and plat modifications – are due at **12:00 noon on the Friday that is 33 calendar days prior** to the meeting.

The Board of Adjustment regularly meets on the first Thursday of each month. All development applications for variances are due at **5:00 p.m. on the Monday that is 24 calendar days prior** to the meeting.

The Board of City Commissioners regularly meets on the second and fourth Tuesdays of each month. All development applications for plat modifications (street/alley vacation, non-access line release, easement release) are due at **5:00 p.m. on the Tuesday that is 14 calendar days prior** to the meeting.

Development applications for lot modifications are processed administratively and may be submitted at any time.

From: Jordan
To: Brady Blaskowski; Hilary Balzum
Subject: Fwd: Drainage Easement Approval
Date: Tuesday, June 23, 2020 2:52:15 PM

Sent from my iPhone

Begin forwarded message:

> **From:** Misty Waters Homeowners Assoc <[redacted]>
> **Date:** June 23, 2020 at 2:50:58 PM CDT
> **To:** Jordan <[redacted]>
> **Cc:** Joshua Kuntz <[redacted]>
> **Subject: Drainage Easement Approval**
>
> Hi Jordan,
>
> In regard to the change of easement at 6334 Dream Circle, Bismarck, ND 58503; the Architectural Review Committee approves the change of the easement. We will require a statement in writing that will place any and all financial and/or landscaping responsibility on the homeowner should the drainage easement cause any issues to adjacent properties.
>
> We look forward to having the Seller's as part of the Misty Waters Community!
>
> Respectfully,
>
> Sarah
> --
> Sarah M. Volk, President
> Misty Waters BOD

Community Development Department

DATE: July 7, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision – Annexation

REQUEST

John Lies is requesting approval of the annexation of the North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision. The annexation is being requested in order to obtain municipal water and sanitary sewer services for the existing residence on the property. The property is immediately adjacent to the current corporate limits. This action would allow the applicant to connect to municipal water and sanitary sewer in Riverwood Drive through the lot to the north (Lot 1A of Lot 1, Block 3, Southport), which is also owned by the applicant.

The property is located southwest of Bismarck, south of Riverwood Drive/Mills Avenue and east of Traynor Lane.

Please place this item on the July 14, 2020 and July 28, 2020 City Commission meeting agendas.

BACKGROUND INFORMATION

The Planning and Zoning Commission held final consideration of this item on June 24, 2020.

At the conclusion of final consideration, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the annexation of the North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision.

RECOMMENDED CITY COMMISSION ACTION

July 14th meeting of the Board of City Commissioners – consider the annexation of this parcel as outlined in Ordinance 6429 and call for a public hearing on this item for the July 28th meeting of the Board of City Commissioners.

July 28th meeting of the Board of City Commissioners – hold a public hearing on the annexation of this parcel as outlined in Ordinance 6429 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

ORDINANCE NO. 6429

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota, as follows:

The North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision.

The above described tract of land contains 1.79 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this Ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota.

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

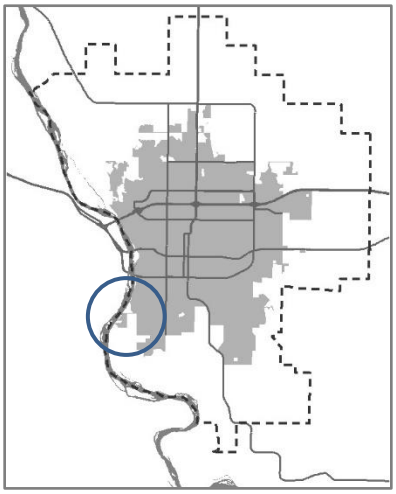
June 24, 2020

Application for: Annexation

TRAKiT Project ID: ANNX2020-006

Project Summary

Title:	North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	John Lies
Project Contact:	John Lies
Location:	Southwest of Bismarck, south of Riverwood Drive/Mills Avenue and east of Traynor Lane
Project Size:	1.79 acres
Request:	Annex property to allow connection of existing rural residence to municipal water and sanitary sewer services



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	Part of 1 lot	*Number of Lots:*	Part of 1 lot
Land Use:	Rural Residential	*Land Use:*	Urban Residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RR – Residential	*Zoning:*	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	RR – 1 unit per 65,000 square feet	*Max Density Allowed:*	RR – 1 unit per 65,000 square feet

Property History

Zoned:	*12/1976*	*Platted:*	*03/1978*	Annexed:	N/A

(continued)

Staff Analysis

John Lies is requesting approval of the annexation of the North 223 feet of Lot 1, Block 3, Timberlane Place Second Addition. The annexation is being requested in order to obtain municipal water and sanitary sewer services for the existing owner-occupied residence on the property. The existing on-site sewage treatment system has failed and the applicant believes that connecting to municipal services would be his best option.

The property is immediately adjacent to the current corporate limits and service can be provided from municipal utilities in Riverwood Drive/Mills Avenue through the lot to the north (Lot 1A of Lot 1, Block 3, Southport), which is also owned by the applicant. It is the applicant's intent to combine this parcel with the lot to the north upon annexation of this parcel. A zoning change to bring this parcel and the parcel to the north into the same zoning district will be required prior to combing the lots, but is complicated by the fact that the northern parcel is within the Southport PUD.

The property owner will be responsible for designing and constructing suitable connection to existing water and sewer service stubs located in Riverwood Drive.

Utility Capital Charges

The annexation of an existing lot to the City of Bismarck is subject to utility capital charges for municipal utilities. If the lots are not combined as proposed, the annexation of this lot would be subject to utility capital charges, which would be due prior recordation of the annexation ordinance.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of the North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision.

Attachments

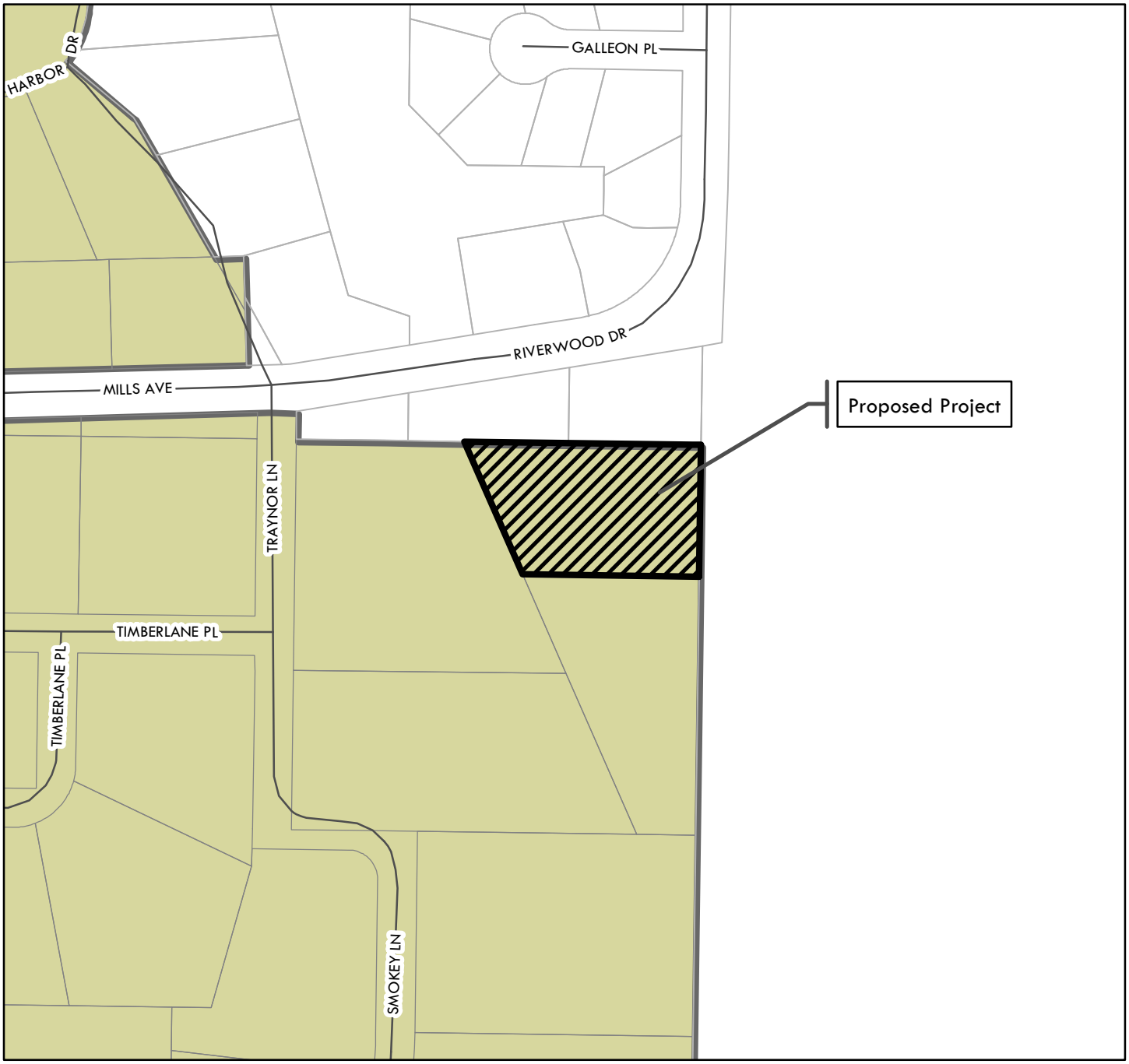
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

Location Map

North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision

ANNX2020-006



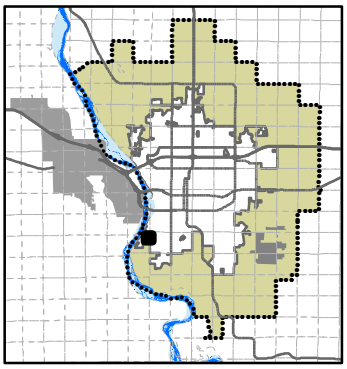
0 0.05 0.1 0.2 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
July 7, 2020 (Klee)

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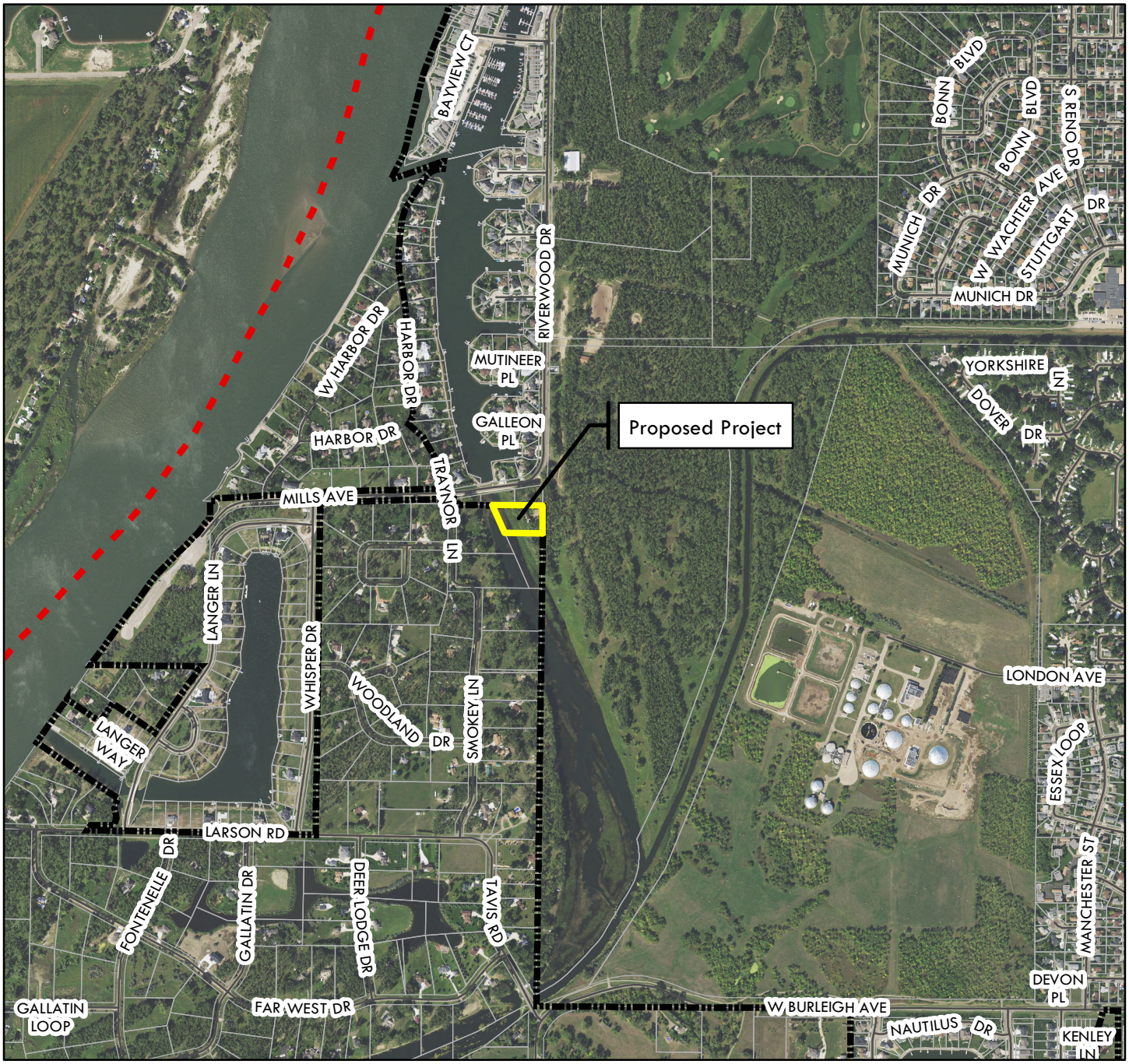
Aerial Map

ANNX2020-006

North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision

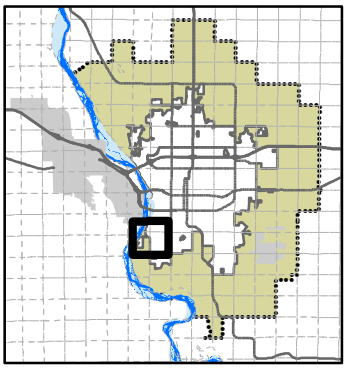


0 0.275 0.55 1.1 Miles

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from 2018



City of Bismarck
Community Development Department
Planning Division
June 18, 2020

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Zoning and Plan Reference Map

North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision

ANNX2020-006

Project Area - No Change Proposed

Zoning or Plan Change Proposed

Zoning Districts

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

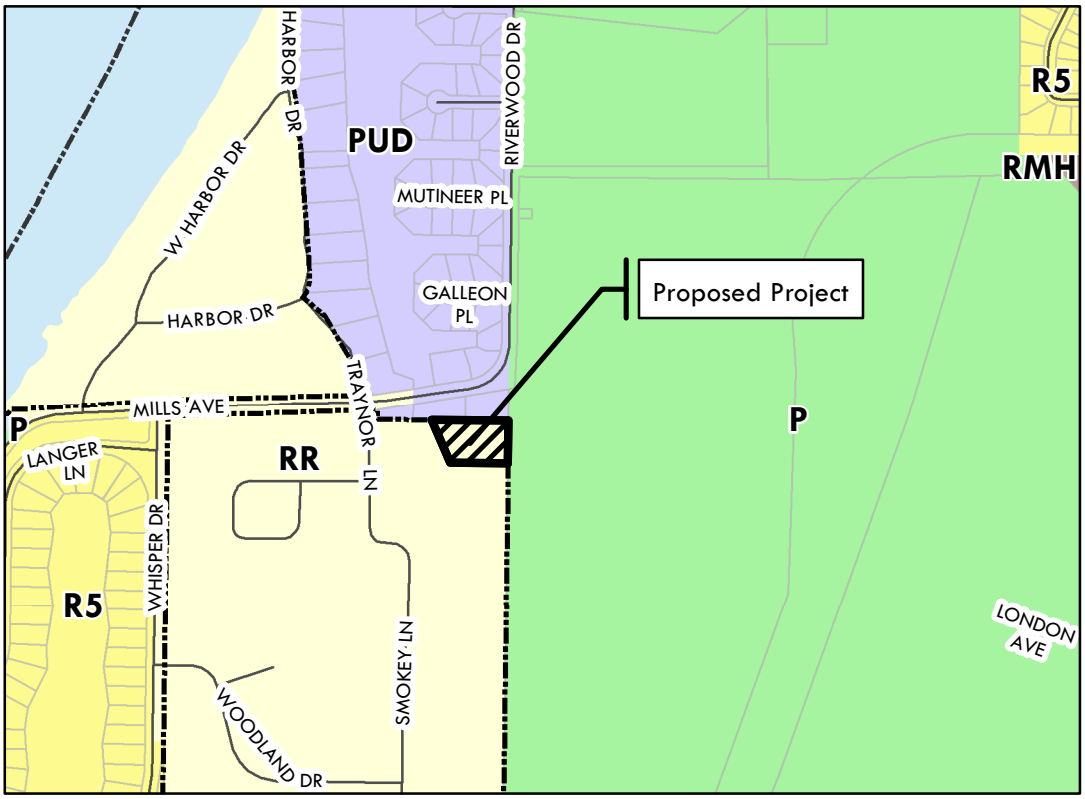
Diagonal lines indicate special condition

Future Land Use Plan

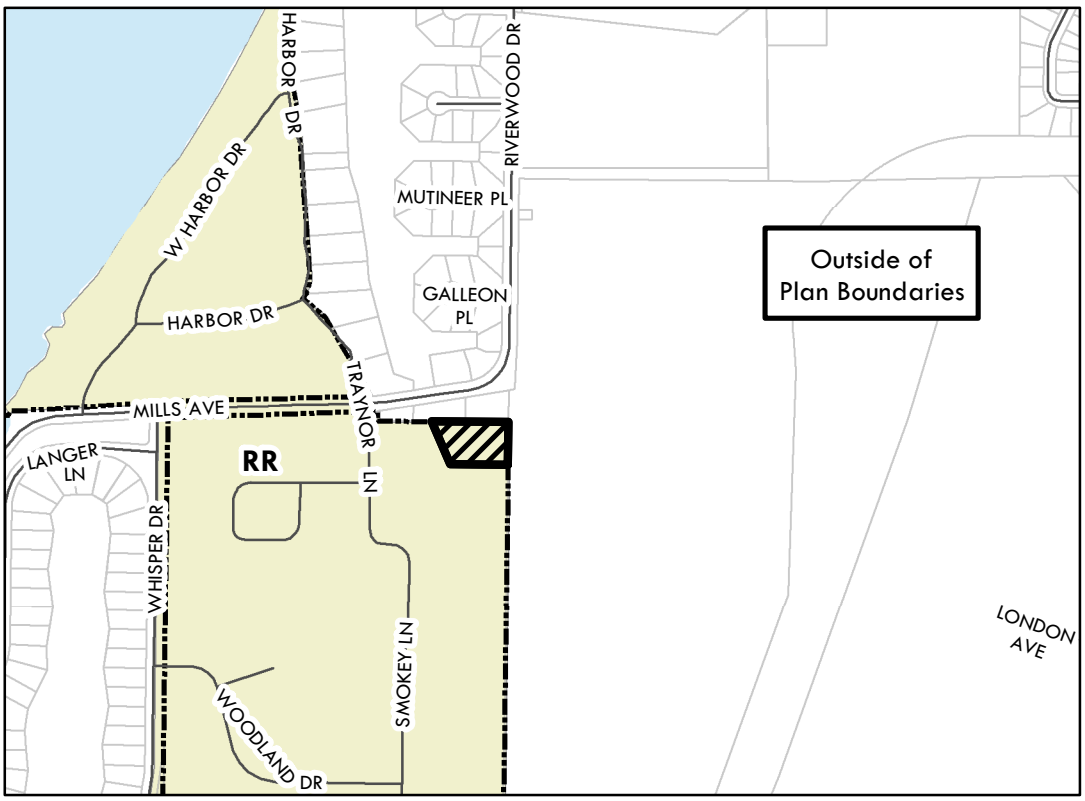
CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard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

Fringe Area Road Master Plan

Zoning



Future Land Use Plan



0 0.15 0.3 0.6 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
June 18, 2020

Bismarck

Engineering Department

DATE: July 7, 2020

FROM: Gabe Schell, City Engineer

ITEM: North Dakota Department of Transportation (NDDOT) Transportation Alternatives (TA) Funding – School Safety Project

REQUEST

Request acceptance of NDDOT TA funding for School Safety Project

Please place this item on the 7/14/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

NDDOT has notified the City that they have awarded a maximum of $27,516 in federal funding for a school safety project. This project is to reduce traffic speeds in the area around schools through the installation of 20 MPH speed limit signs to remind drivers of the speed reduction around schools when students can be anticipated crossing the roadway. The Board approved applying for this funding at their 11/12/19 meeting.

The long-term benefits after implementation will be realized through improved safety for students walking to school by informing and/or reminding drivers of the reduction of speed around school or where they may anticipate students crossing the roadways.

The locations selected for placement of speed limit signs was based on recommendations from the Bismarck-Mandan School Safety Crossing Study. This funding is for the materials, static speed limit signs and posts for this project. Funding is for federal fiscal year 2022. Source of local match would be identified during the 2022 budget process. Installation of the static speed limit signage will be completed by city staff.

RECOMMENDED CITY COMMISSION ACTION

Accept NDDOT TA Funding for School Safety Project

STAFF CONTACT INFORMATION

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

NORTH Dakota | Transportation
Be Legendary.™

RECEIVED
JUL 01 2020
BY

June 25, 2020

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

Subject: Bismarck Public Schools Safety Improvement Project

Congratulations on the recent award of Transportation Alternatives (TA) funds for your Bismarck Public Schools Safety Improvement Project.

The federal aid project will be funded with 80.93% federal TA funds up to a maximum of $27,516. These funds are for construction costs only.

Because of the high demand for TA funded projects, please notify us by July 31, 2020, that the local finances needed to plan and design this project are available.

It is presently planned that this project be developed, bids taken, and constructed by the end of the 2022 construction season. To meet this date, we encourage you to start project development and work towards a plan completion date between December 1, 2021, and March 15, 2022. The TA funds are for federal FY 2022 and these funds must be authorized by FHWA before the end of the fiscal year. The latest date that a completed set of plans can be submitted to the NDDOT is August 12, 2022. If you do not meet this date, your award of funds may be rescinded.

The process for the development of DOT projects shall be used and I will be able to assist you in the development of your project.

Once again, please notify us by July 31, 2020, what the wishes of the city of Bismarck are in regard to this project. You can contact me at 701-328-4787 if you have any questions.

Pam Wenger

Pam Wenger
Local Government Division

38/sbh
C: Mark Berg, Bismarck Traffic Engineer

Bismarck

Engineering Department

DATE: July 7, 2020

FROM: Gabe Schell, City Engineer

ITEM: Street Closure for 47th Annual Downtowners Street Fair Amendment

REQUEST

Consider amending approval of street closure for 47th Annual Downtowners Street Fair.

Please place this item on the 7/14/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The 47th Annual Downtowners Street Fair is scheduled for September 18-19, 2020. The areas and timeframes requested for closure are the same as requested for the 2019 Street Fair.

In an effort to implement social distancing into the Street Fair the Downtowners are requesting the closure of Broadway from 2nd Street to 3rd Street to provide additional space between vendor booths. See attached request from Downtown Business Association.

RECOMMENDED CITY COMMISSION ACTION

Approve street closure request.

STAFF CONTACT INFORMATION

Mark Berg, PE | Traffic Engineer, 355-1505 or mberg@bismarcknd.gov

June 30, 2020

Keith Hunke, City Administrator
Mayor Steve Bakken & City Commissioners
Mark Berg, City Traffic Engineer
PO Box 5503
Bismarck ND 58502-5503

Re: Additional 2020 Street Closure Request

Dear Mr. Hunke, Mayor Bakken, City Commissioners, and Mr. Berg:

Due to the COVID-19 pandemic and the need for social distancing, the Downtown Business Association requests the following additional street closing for the following annual community event. These additional closures will allow us to more adequately space vendors apart creating more space.

1. 47th Annual Downtowners Street Fair - September 17-19, 2020

Additional street closure: 200 E Broadway Ave. Time schedule: close after 5 pm on Thursday, September 17 for vendor setup and reopen after final cleanup on Saturday night, September 19. The Downtowners agree to post "No Parking" signs along all streets occupied by Street Fair within the time required. If the 200 block of E Broadway Avenue is utilized, 3rd Street would not be closed.

Please contact the Downtowners with any questions or concerns.

Thank you,

Dawn Kopp, CEO
getit@downtownbismarck.com
(701) 223-1958

Bismarck

Engineering Department

DATE: July 6, 2020

FROM: Gabe Schell, City Engineer

ITEM: Private Utility and Private Drive Agreement – Heritage Development, Inc.

REQUEST

Approve Private Utility and Private Drive Agreement with Heritage Development, Inc.

Please place this item on the 7/14/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Heritage Development, Inc is currently developing a series of row houses located in northwest Bismarck in Heritage Park Addition First Replat. These properties will utilize an access and utility easement, namely Colony Place and Colony Point, for access and to bring utility services to each parcel.

The Private Utility and Private Drive Agreement outlines the responsibilities of the property owners, along with an agreement of services the City will provide. The agreement also provides the City and other applicable government authorities rights and easement to enter said property to perform duties designated in this agreement.

RECOMMENDED CITY COMMISSION ACTION

Approve Private Utility and Private Drive Agreement with Heritage Development, Inc.

STAFF CONTACT INFORMATION

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

PRIVATE DRIVE AND PRIVATE UTILITY AGREEMENT

The City of Bismarck (the "City") and Heritage Development, Inc (the "Owner") make this Development Agreement with regard to the development of the property located in Bismarck, North Dakota and with the property ("the Property") described as follows:

> Block 1, Lots 1-12, Heritage Park Addition First Replat to the City of Bismarck, Burleigh County, North Dakota

The Owner desires to develop the Property for residential use and is requesting utilizing a private drive(s), road(s) or access easement(s) (the "Private Drive") to provide access and services to the parcels platted within the Property and identified above. The Property is located East of Sonora Way between 57th Avenue NW and 64th Avenue NW.

The City agrees to the proposed use of a Private Drive provided the utilities listed below ("Private Utilities") which serve the individual parcels within the Property are also privately owned, except where the City has agreed in writing to own Utilities.

The Private Drive and Private Utilities will include but not be limited to the following:

> Private Drive: The paved roadway or access from the City right-of-way, including all curb and gutter, pavement surface, subgrade and drain tile, driveway approaches and all signage including the private drive name and no parking fire lane signage if required by emergency services.
>
> Water: The water main from the city main, all curb stops between the City main and individual properties being served, water hydrants and valves and all equipment needed to operate the private water system in accordance with state and local requirements.
>
> Sanitary Sewer: The sewer main from the city sewer main, including the Y-connection at the city main, the Y-connections and manholes between the city main and individual

properties and all equipment needed to operate the private sanitary sewer system in accordance with state and local requirements.

Street Lighting: Streetlight poles, streetlight fixtures, electrical conduit and conductor, equipment needed to power and control the streetlights and all equipment needed to operate the private streetlighting system.

Storm Water Facilities: Storm sewer from the City storm system, inlets, manholes, detention ponds, water quality control systems, pump stations and all other equipment and facilities needed to operate the private storm sewer system in compliance with federal, state and local storm water requirements.

The construction, maintenance, operation and replacement of the Private Drive and Private Utilities located with the Property, or located outside the Property but serving exclusively the Property, are all entirely the responsibility of the Owner and its assigns, and the City shall have no responsibility with regard thereto, except that the City will maintain and repair utilities owned by the City.

The installation and use of the Private Drive and Private Utilities does not relieve the Owner from participating in the construction, maintenance, operation and replacement of City facilities as it relates to City funding methods and policies to fund City improvements.

A non-exclusive easement in favor of the City and any other applicable government authority or agency who has jurisdiction over the Property, is granted by this document upon and across the Property for purposes of performing such duties related to law enforcement, fire protection, life safety, health, sanitation and other matters as shall be required from time to time for the purpose of performing their authorized duties.

The Owner has the authority to grant an Easement to the City for purposes of servicing the Private Utilities within the Property and has the authority to expand such grant as deemed appropriate by the Owner.

The City, and the Owner, for good and valuable consideration hereby acknowledged, agree to the following terms and conditions:

1. The Owner agrees to submit a site plan for approval which demonstrates the location and dimension of the Private Drive in relation to the intended structures. The site plan will also show the location, size and material of the Private Utilities along with the required storm water submittals.

2. The Owner agrees to grant the City access over, across and on the Property to permit the City to accomplish the purpose as stated in this agreement.

3. The Owner agrees and understands that the City has no obligation to perform any maintenance or repair of any of the Private Utilities on the Property.

4. The City agrees to provide the following services:
    - Scheduled yearly fire hydrant flushing.
    - Technical assistance in the event a water main break or sewer failure should it occur.
    - Locating and providing curb stop shut-offs such that the Owner can service the Private Utilities

5. The City agrees to provide solid waste collection service consistent with the zoning and use of the Property during the normal course and operation of this service within the City.

6. The City agrees to exercise reasonable care when performing the maintenance described herein. Further, the City agrees to perform all services in a workmanlike manner, and to schedule the maintenance by the City Public Works Department in a manner which will provide efficiency and economy consistent with timeliness.

7. The Owner agrees to hold the City harmless from any and all damages that may occur due to the process and actions taken during or following any and all of services provided herein, except if the City, its employees, agents, or contractors breaches the duty of reasonable care outlined in paragraph 6 above, or fails to perform services in a workmanlike manner as outlined in paragraph 6 above, or for any negligent act by City employees, agents, or contractors.

8. The Owner will release, defend, indemnify, protect, and hold harmless the CITY and City officers, agents, representatives, employees, and contractors from and against any and all claims of personal injury, property damage or any other actions, administrative proceedings, judgments, damages, penalties, fines, costs, liabilities, interests, or losses, including costs, expenses, and attorneys' fees, arising out of the services provided under this agreement, except if the City, its employees, agents, or contractors breaches the duty of reasonable care outlined in paragraph 6 above, or fails to perform services in a workmanlike manner as outlined in paragraph 6 above, or for any negligent act by City employees, agents, or contractors.

9. This Agreement will run with the land as to the parcels within the Property and shall be recorded with the Burleigh County Recorder. The terms of this agreement shall be considered a covenant running with the land and bind all future owners in the same manner as if they had personally entered this agreement.

10. This Agreement may not be modified, except in writing and signed by both parties.

11. This Agreement shall be controlled by the laws of the State of North Dakota, and any action brought as a result of any claim, demand or cause of action arising under the terms of this Agreement shall be brought in an appropriate venue in the State of North Dakota.

This Agreement shall bind the parties, their successors, assigns and heirs.

Dated this 23rd day of June, 2020

Heritage Development, Inc.
Chad Moldenhauer, President

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

On this 23rd day of June, 2020, before me personally appeared Chad Moldenhauer, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that s/he executed the same.

Notary Public
State of North Dakota

(SEAL)

SAMUEL J BROWN
Notary Public
State of North Dakota
My Commission Expires December 12, 2023

Version 1.0

Dated this _____ day of _____, 20___

_____

Steve Bakken
President, Board of City Commissioners

Attest: _____

Keith J. Hunke
City Administrator

STATE OF NORTH DAKOTA)

) ss.

COUNTY OF BURLEIGH)

On this _____ day of _____, 20___, before me personally appeared _____, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that s/he executed the same.

_____

Notary Public
State of North Dakota

(SEAL)

Bismarck

Engineering Department

DATE: July 6, 2020

FROM: Gabe Schell, City Engineer

ITEM: Development Agreement - Innovative Solutions, LLC

REQUEST

Approve Development Agreement with Innovative Solutions, LCC

Please place this item on the 7/14/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Innovative Solutions is single parcel development in south Bismarck in the northeast quadrant of the Airway Avenue and Burlington Drive intersection. There is approximately 6,000 feet of Airway Avenue that is currently constructed as a ditch section roadway, of which approximately 350 feet is adjacent to the Innovative Solutions site.

The City of Bismarck development policy would require that Airway Avenue adjacent to the Innovative Solutions site be constructed to the current City standard as part of this development. This seems impractical given that there is no current mechanism to complete the improvements for the remainder of Airway Avenue.

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

RECOMMENDED CITY COMMISSION ACTION

Approve the Development Agreement with Chris Loraas, Innovative Solutions, LLC.

STAFF CONTACT INFORMATION

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

DEVELOPMENT AGREEMENT

The City of Bismarck (the "City) and Chris Loraas make this Development Agreement with regard to the development of a parcel (the Parcel) located in Bismarck, North Dakota and described as follows:

Lot 3, Block 4, Trillium 4th Addition to the City of Bismarck, Burleigh County, North Dakota

Chris Loraas desires to develop the Parcel for commercial use. The Parcel is located on the north side of Airway Avenue and east of Grumann Lane. The city would normally require the improvement of Airway Avenue adjacent to the Parcel at the time of the development of the Parcel. The parties are in agreement that the improvement of Airway Avenue adjacent to the Parcel is not necessary for the development of the Parcel at this time and can be delayed until such time as the City receives a petition to improve Airway Avenue from any parcel located on Airway Avenue between Airport Road and Northern Plains Drive.

In exchange for the City's agreement to delay the requirement of the improvement of Airway Avenue, between Airport Road and Northern Plains Drive, the parties agree as follows:

1. The City will approve the site plan and issue building permits in its normal course of business. Prior to such approvals or permits being issued, Chris Loraas will execute and deliver a petition for the improvement of Airway Avenue for that portion adjacent to the Parcel. The petition will be conditioned that it will be deemed to be submitted upon the receipt of another valid petition for improvement of any portion of Airway Avenue between Airport Road and Northern Plains Drive. By entering into this Agreement, Chris Loraas also agrees to waive their right to protest a special assessment district formed to improve Airway Avenue that includes the roadway between Airport Road and Northern Plains Drive. This agreement will be placed of record in the title for the Parcel and all successors in interest agree to waive their right to protest the special assessment district under N.D.C.C. Ch 40-22 by accepting delivery of title. The City also agrees that in order to activate the petition, any project for the improvement of Airway Avenue between Airport Road and Northern Plains Drive must include the entire width of the roadway.

2. It is the intention of the parties that this Agreement will run with the land as to Lot 3, Block 4, Trillium 4th Addition and that Chris Loraas will have the obligation to inform any successor in interest of the terms of this Agreement and the successor's obligation to abide by this Agreement and include compliance with this Agreement as a condition in any written instrument of conveyance of real property related to Lot 3, Block4, Trillium 4th Addition.

3. The terms of this agreement shall be considered a covenant running with the land and bind all future owners in the same manner as if they had personally entered this agreement.

This Agreement shall bind the parties, their successors, assigns and heirs.
Dated this 22nd day of June, 2020

Chris Loraas

Chris Loraas

STATE OF NORTH DAKOTA)

) ss.

COUNTY OF BURLEIGH)

On this 22nd day of June, 2020, before me personally appeared Chris Loraas, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that s/he executed the same.

LISA MACDONALD
Notary Public
State of North Dakota
My Commission Expires Jul 31, 2022

(SEAL)

Lisa Macdonald

Notary Public
State of North Dakota

Dated this _____ day of _____, 2020

_____

Steve Bakken
President, Board of City Commissioners

Attest: _____

Keith J. Hunke
City Administrator

STATE OF NORTH DAKOTA)

) ss.

COUNTY OF BURLEIGH)

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

_____

Notary Public
State of North Dakota

(SEAL)

PETITION FOR PERMANENT STREET IMPROVEMENT

DATE: June 22, 2020

To the Honorable Board of City Commissioners
Bismarck, North Dakota
Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent street improvements completed on:

Airway Avenue - Burlington Drive to 360 feet east of Burlington Drive

It is agreed that the necessary permanent street improvements be completed following the installation of the necessary water and sewer service line stubouts by the abutting property owner(s) and that 100% of the paving cost of said permanent street improvements be assessed to or other funding arrangements made by the benefitted property according to the Current Development Costs Policy. For parcels not zoned residential, 40% of the permanent street improvement cost will be prepaid by the benefitted petitioned property It is agreed that 100% of any temporary street improvements shall be prepaid by the benefited petitioned property.

PROPERTY DESCRIPTION	**SIGNATURE and ADDRESS (Property Owner/s)**
Lot 3, Block 4, Trillium 4th Addition	Innovative Solutions, LLC Chris Loraas Chris Loraas ~~5605~~ 4605 Preston Loop Bismarck, ND 58504

For City Engineer Use Only

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

Date

Bismarck

Engineering Department

DATE: July 7, 2020

FROM: Gabe Schell, City Engineer

ITEM: State Historical Society of ND Camp Hancock Banner Replacement

REQUEST

Consider approval of new banner design for Camp Hancock historical site

Please place this item on the 7/14/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

State Historical Society of ND is requesting approval of a new banner design for their street light mounted banners adjacent to Camp Handcock on Main Ave. The Downtowners have requested approval on their behalf and the banners would be compatible with existing hardware.

RECOMMENDED CITY COMMISSION ACTION

Approve new banner design for street light mounted banner.

STAFF CONTACT INFORMATION

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

DOWNTOWNERS
BISMARCK

Bismarck City Commissioners
Gabe Schell, City Engineer

REQUEST: State Historical Society of ND Camp Hancock Banner Replacement

The State Historical Society of ND is requesting approval of a new banner design for their Camp Hancock historical site along Bismarck's Main Ave. Banners were previously approved by the Bismarck City Commission a few years ago and the site managers would like to add a similar but new design to the four poles adjacent to the site that were previously approved. See attached the new design for consideration. Johnathan Campbell is the main contact with the SHSND for this project. The Downtowners worked with them previously on the first set of banners purchased privately. These new banners would also be supplied by SHSND and meet our existing banner hardware specifications.

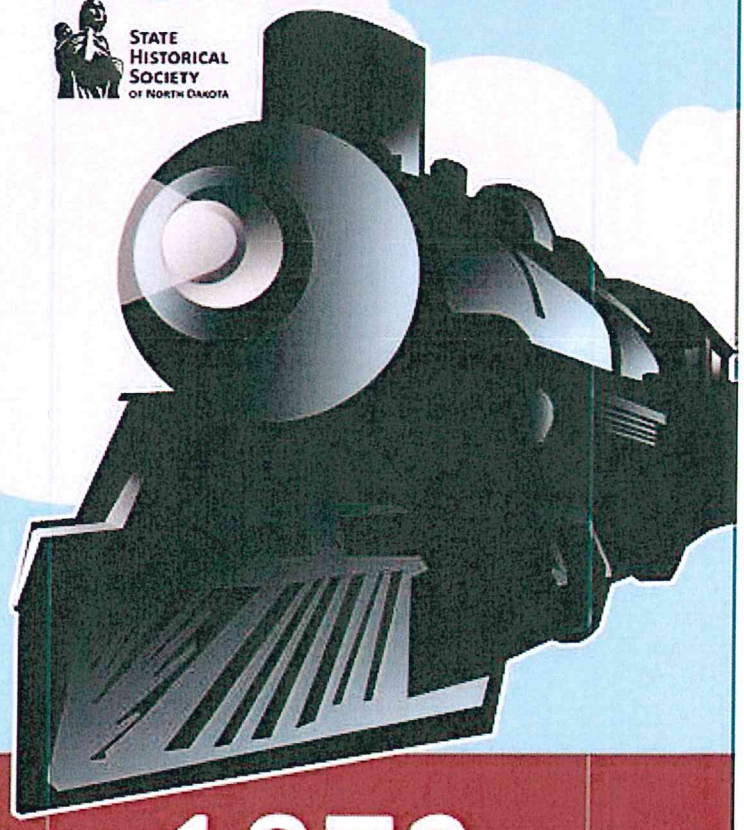
Please let me know if you have any questions

Thank you,

Kate Herzog
Chief Operating Officer
Downtown Business Association of Bismarck

Camp Hancock
State Historic Site

STATE HISTORICAL SOCIETY OF NORTH DAKOTA



1872

Where Bismarck Began

Bismarck

Engineering Department

DATE: July 7, 2020

FROM: Gabe Schell, City Engineer

ITEM: NDDOT Urban Road Program

REQUEST

Consider request to discuss NDDOT Urban Road program projects.

Please place this item on the 7/14/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The North Dakota Department of Transportation (NDDOT) annually solicits local public agencies for projects for the Urban Road programs. This activity is managed through the Bismarck-Mandan Metropolitan Planning Organization (MPO) for ranking and prioritization before sending to the NDDOT for review and potential award.

The Urban Road program is for functionally classified roadways within the MPO's urbanized boundary. The dollars within the Urban Road program are eligible for projects from Morton County, Mandan, Burleigh County, Lincoln or Bismarck as long as they are on functionally classified roadways. The projects are programmed by the MPO policy board which has representation from each of the previous-mentioned political subdivisions.

The MPO's Metropolitan Transportation Plan developed a short-range project list that is intended to be used as the basis for identifying projects for the Urban Road program. The list is fiscally constrained using anticipated federal revenue but also recognizes that Bismarck has additional ½ cent sales tax revenue that could be applied to these types of projects. The additional sales tax revenue would allow the short-range project lists to fund deeper into the list than if it was constrained only through federal funds alone.

The MPO programmed $4.8 million in 2024 federal funds for the upcoming 43rd Avenue reconstruction project between State Street and 26th Street. This project was identified as the number one prioritized project out of the Metropolitan Transportation Plan. The

City of Bismarck would be responsible for the remaining $9.2 million construction cost as well as engineering and right of way related expenses.

The second prioritized project is a Mandan Old Red Trail project between 56th Avenue and 40th Avenue. It is my recommendation to support the Old Red Trail project for 2025 funding.

RECOMMENDED CITY COMMISSION ACTION

Approve request to support Mandan Old Red Trail project for 2025 federal aid solicitation.

STAFF CONTACT INFORMATION

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

Bismarck

EVENT CENTER

DATE: July 7, 2020

FROM: Charlie Jeske, Director

ITEM: Belle Mehus theater lighting project

REQUEST

Please place on the July 14 Commission agenda the request to approve the recommendation for the company based on the scores attached.

BACKGROUND INFORMATION

Belle Mehus theater lighting project is budgeted for 2020 at $20,000 city, $40,000 Francis Leach Foundation and $60,000 CAP. The proposal from Nightlife Sound and Lighting was $110,200. See attached information.

RECOMMENDED CITY COMMISSION ACTION

The scoring committee recommends Nightlife Sound and Lighting based on the interview scores.

STAFF CONTACT INFORMATION

I will be present at the City Commission meeting so please contact me at 355-1370 or cjeske@bismarcknd.gov if you have any questions or require additional information prior to the meeting.

Belle Mehus Lighting RFQ Interview Scores

Nightlife Sound and Lighting	HB Sound & Light	Schuler Shook	Precision AV	LightMedia
33	32	31	No Score	No Score
34	29	31	No Score	No Score
30	28	26	No Score	No Score
97	**89**	**88**	**0**	**0**

1505 E. Main Ave. - Bismarck, ND 50501
Phone: (701).222.0202
Fax: (701).663.9040
Web: www.movethenoise.com
Email: jory@movethenoise.com

Installation Proposal #273782

Project Location:

Belle Mehus Auditorium
201 N 6th St, Bismarck, ND 58501

Project Overview:

Remove current lighting fixtures
Replace ETC dimmer cards w/switch packs to power batons
Install address and cable new fixtures
Program current lighting console with NEW fixture profiles
Build patch lists and magic sheets for local programmers/tour LD's
Program system presets for event operations
Train Belle staff basic programming and live operation of the system
Provide local warranty/operation support for all installed equipment and console

Requested Date of Completion:

2020 Calendar Year

Proposal Payment Terms:

60% down payment needed before ordering equipment and/or installation will take place.
Remaining 40% due after competition of the proposed project overview.

1505 E. Main Ave. - Bismarck, ND 50501
Phone: (701).222.0202
Fax: (701).663.9040
Web: www.movethenoise.com
Email: jory@movethenoise.com

Project Qualification

Nightlife has been operating for 22 years and has extensive experience in the live event/ AV installation industry. For over 15 years we have been providing audio, lighting and video systems for live events all over the region. We have built a reputation on providing high quality equipment at reasonable rates to local/touring clients and venues. We have helped produce and design temporary systems for thousands of events and venues in that time. We also have worked on hundreds of events specifically at the Belle Mehus Auditorium and have a firsthand understanding of artist/renters needs an d expectations in that Venue for theatrical lighting. We believe we are more qualified than anyone to complete this project and program the system to cover the needs of city personal and renters of the Belle Mehus. As an end user of installed systems in venues across the region we know what is ideal for programming and training for the proper use of the equipment proposed. We have experience in concert and theater rigging systems which allows us to operate the Belle Mehuse Fly system properly. This will assure a safe installation with correct weighting of the baton fly system currently installed.

Recent Lighting Installations

Simile Middle School Theater
Bismarck, ND 2019: New LED Lighting, New Conventional Front Wash Lighting with IPad remote control of the system.

Inspire Family Fellowship Church
Bismarck, ND 2020: New Conventional Front Wash Lighting with wireless control.

Grand Hotel and Convention Center
Williston, ND 2018: New Conventional Front Wash Lighting with wireless control.

Project Estimated Completion

30 days from the signed purchase order. Nightlife will work with the Belle Mehus staff to find adequate time to comlete the work without interruption to currently scheduled events. Any equipment back orders due to manufacture shortages can delay this timeline but currently all items are in stock and ready to ship as of 6/9/20. Purchaser will be notified on date of PO signing if any equipment is unavailable. Substitution will be presented as well as restock dates on currently proposed equipment.

1505 E. Main Ave. - Bismarck, ND 58501
Phone: (701).222.0202
Fax: (701).663.9040
Web: www.movethenoise.com
Email: jory@movethenoise.com

Installation Proposal
#273782

Charlie Jeske
Director
Bismarck Event Center
315 S 5th Street
Bismarck, ND 58504
701.355.1372
cjeske@bismarcknd.gov

Project: Belle Mehuse LED Lighting Conversion

Proposal Date: 6/09/20

QTY	Description	Rate	Total
8	Chauvet C-640FC Cyc	$1,350.00	$10,800.00
24	Chauvet F-915FC Fresnel	$1,600.00	$38,400.00
32	Chauvet E-910FC (Source 4 Ellipsoidal LED Replacement)	$1,300.00	$41,600.00
230	Labor HR (Equipment Removal, Prep, Installation, Training)	$75.00	$17,250 .00
1	MISC DMX Cables/DMX Splitter/DMX Converters	$2,150.00	$2,150.00

Tax: NA
Additions:
Total: $110,200.00

Thanks for choosing Nightlife Sound and Lighting!

The **quotation** contained in the **Proposal**, is **valid for 30 (thirty) days** commencing on the date of this document. Following the **expiry** period of **thirty days**, and before the Agreement is accepted and signed by the client, prices are subject to change upon prior notification to the Client.

1505 E. Main Ave. - Bismarck, ND 50501
Phone: (701).222.0202
Fax: (701).663.9040
Web: www.movethenoise.com
Email: jory@movethenoise.com

Warranty/Service Terms

Nightlife will provide One year full/part and labor coverage on the entire system installed. We will also include One year of tech support for program and operation.

Chauvet Fixture Warranty: **CHAUVET** Professional provides a 24-month limited **warranty** on DMX-controllable lighting fixtures, video displays, and DMX-512 controllers

ETC Switch Card Warranty: **ETC** provides a 24-month limited **warranty** on dimmer/swtich pack cards.

Bismarck

Finance Department

DATE: July 7, 2020

FROM: Dmitriy Chernyak, Finance Director DC bay aj

ITEM: Application for Abatement

REQUEST

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

Application for Abatement for 2019 – Market value reduction
Property Owner – David & Hannah Vetter
Property Address – 5428 Duncan Dr (1580-005-020)

Please place this item on the 7/14/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Due to an error in the basement finish.

RECOMMENDED CITY COMMISSION ACTION

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

STAFF CONTACT INFORMATION

Allison Jensen / ajensen@bismarcknd.gov
355-1630

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota **Assessment District** _____

County of BURLEIGH **Property I.D. No.** 1580-005-020

Name DAVID S VETTER AND HANNAH M VETTER **Telephone No.** _____

Address 5428 DUNCAN DR

Legal description of the property involved in this application:

LOT 5
BLOCK 5
SONNET HEIGHTS SUBDIVISION

Total true and full value of the property described above for the year 2020 **is:**

Land	$ 65,000
Improvements	$ 346,900
Total	$ 411,900 (1)

Total true and full value of the property described above for the year 2020 **should be:**

Land	$ 65,000
Improvements	$ 322,600
Total	$ 387,600 (2)

The difference of $ 24,300.00 **true and full value between (1) and (2) above is due to the following reason(s):**

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

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

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

Applicant asks that THE 2020 MARKET VALUE BE REDUCED FROM 411,900 TO 387,600.

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.

_____ _____ Hannah Vetter [signature] 6/17/20

Signature of Preparer (if other than applicant) Date Signature of Applicant Date

24775
(2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____
County Auditor

_____
Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant Vetter David + Hannah

County Auditor's File No. 20-132

Date Application Was Filed With The County Auditor 10/22/2020

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

Allan Vietmeier by epb

FINANCE DEPARTMENT

DATE: June 29, 2020

FROM: Dmitriy Chernyak, Director of Finance

ITEM: Ordinances 6427-6428

REQUEST

Please schedule the introduction of and call for public hearing on Ordinances 6427-6428 to create special assessment districts for annexed properties.

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

BACKGROUND INFORMATION

Sections 40-23-17 through 40-23-21 of the North Dakota Century Code allows assessments on annexed property that previously benefited from the infrastructure constructed before the parcels were annexed. Ordinances 6427-6428 rural road charges and storm sewer charges to be assessed to benefiting property that were outside the city limits at the time of construction.

Creation of these ordinances allows the applicable fees to be calculated. After the fees are calculated, the assessment lists will be published in the Bismarck Tribune and presented to the Special Assessment Commission for approval. The final step in the assessment process is confirmation of the assessment lists by the Board of City Commissioners.

RECOMMENDED CITY COMMISSION ACTION

At the July 14th meeting of the City Commission, schedule the introduction of ordinances 6427-6428 and call for a public hearing and approval of the ordinances at the July 28th meeting.

STAFF CONTACT INFORMATION

Tawny Wagner, Financial Analyst, 355-1600, twagner@bismarcknd.gov

ORDINANCE NO. 6427

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE CREATING STORM SEWER IMPROVEMENT DISTRICT NUMBER ONE HUNDRED (100), UNIT NUMBERS FORTY-TWO THROUGH FORTY-THREE (42-43), OF THE CITY OF BISMARCK, NORTH DAKOTA.

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA.

Section 1. Pursuant to the provisions of Sections 40-23-17 through 40-23-21 of the North Dakota Century Code as amended, providing for assessments on annexed property previously benefited, it is hereby determined that the property within the boundary lines as hereinafter set forth was at the time of contracting for a storm sewer improvement district, therein located outside the corporate limits and which was benefited by the storm sewer improvement was, thereby subsequently annexed to the City of Bismarck, and there is hereby created sewer improvement district hereinafter designated as Storm Sewer Improvement District Number One Hundred (100), Unit Numbers Forty-Two through Forty-Three (42-43) whereas Units Forty-Two through Forty-Three (42-43) are associated with the storm sewer improvement contracted under SE541.

Section 2. Consultation with respect thereto has been made with the City Engineer of the City of Bismarck, said district shall include all lots, tracts and parcels of land lying within the following described property:

Unit #42	MEADOW VILLAGE ADDITION Lots 1-6, Block 1; Lots 1-11, Block 2, and Lots 1-2, Block 3
Unit #43	COTTONWOOD PARKVIEW ADDITION Lots 1-9, Block 1; Lot 1, Block 2; Lot 1, Block 3; Lots 1-30, Block 4; Lots 1-28, Block 5; Lots 1-24, Block 6; Lot 1, Block 7; and Lot 1, Block 8

Section 3. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

ORDINANCE NO. 6428

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE CREATING RURAL ROAD STREET IMPROVEMENT DISTRICT NUMBER ONE HUNDRED (100), UNIT NUMBER SIX (6), OF THE CITY OF BISMARCK, NORTH DAKOTA.

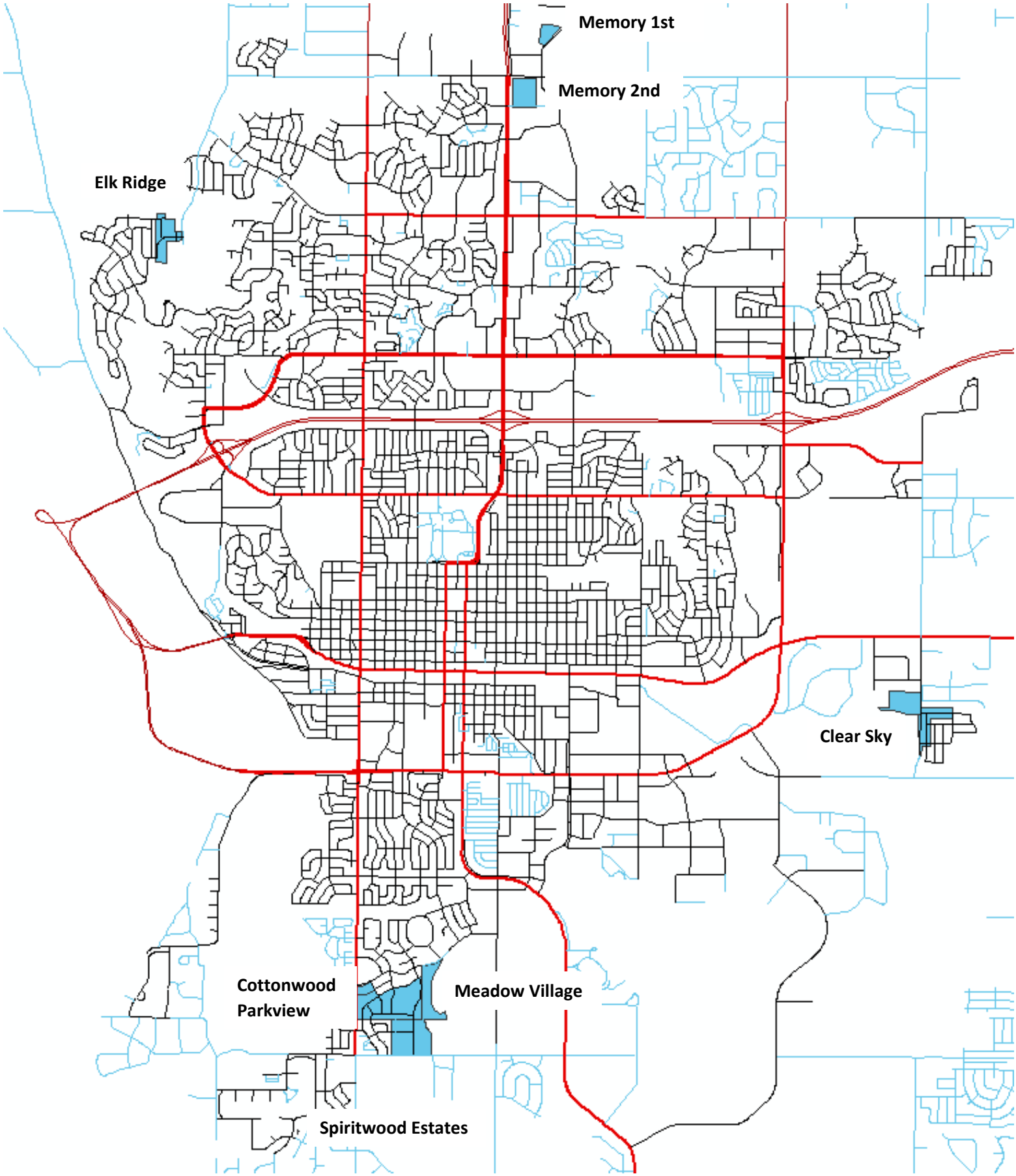
BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA.

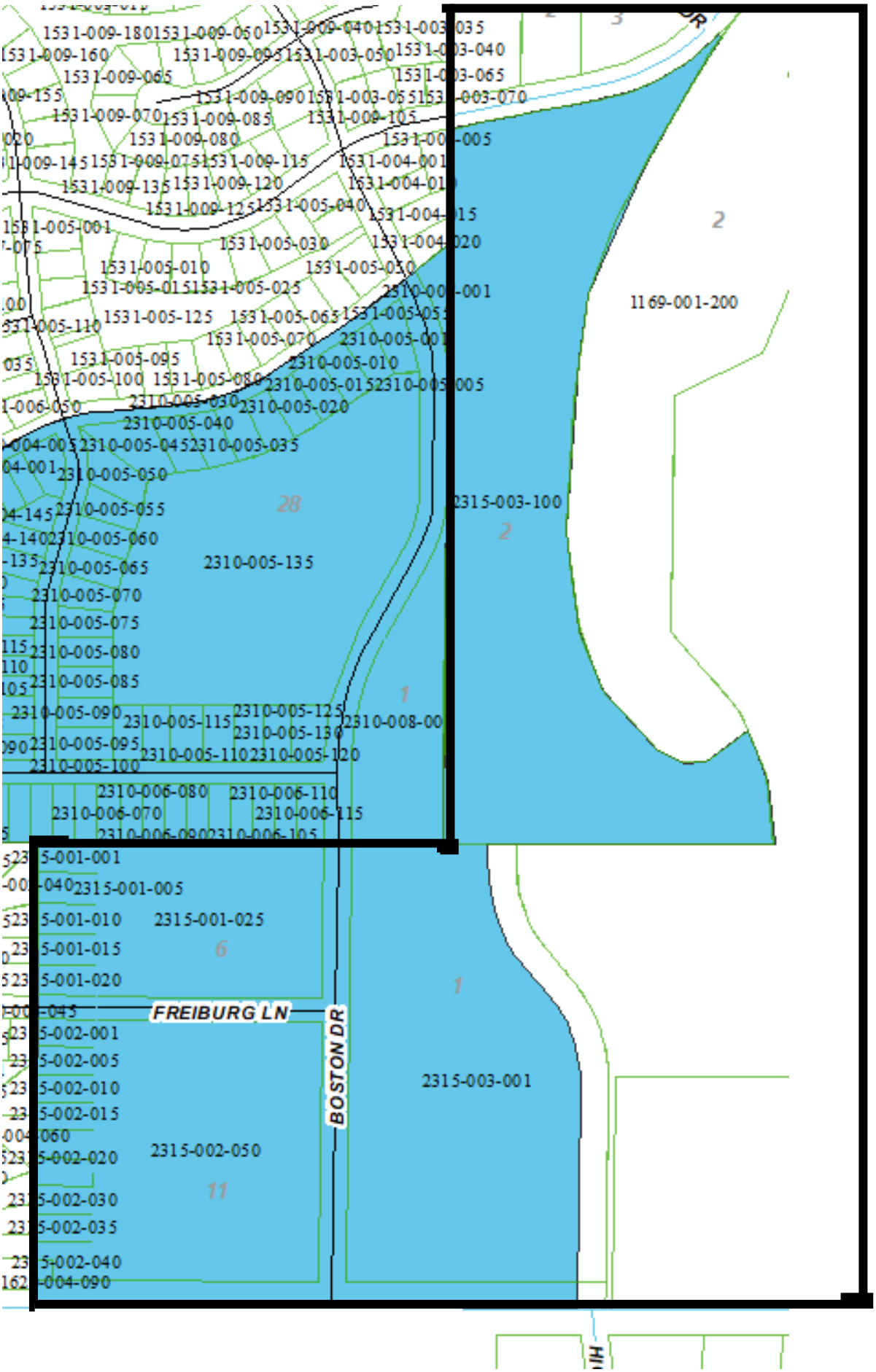
Section 1. Pursuant to the provisions of Sections 40-23-17 through 40-23-21 of the North Dakota Century Code as amended, providing for assessments on annexed property previously benefited, it is hereby determined that the property within the boundary lines as hereinafter set forth was at the time of contracting for a street improvement district, therein located outside the corporate limits and which was benefited by the street improvement was, thereby subsequently annexed to the City of Bismarck, and there is hereby created street improvement district hereinafter designated as Rural Road Street Improvement District Number One Hundred (100), Unit Number Six (6) whereas Unit Number Six (6) is associated with a street improvement contracted under SI515.

Section 2. Consultation with respect thereto has been made with the City Engineer of the City of Bismarck, said district shall include all lots, tracts and parcels of land lying within the following described property:

Unit #6	MEMORY 1ST ADDITION Lot 2, Block 2

Section 3. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.


Memory 1st
Memory 2nd
Elk Ridge
Clear Sky
Cottonwood
Parkview
Meadow Village
Spiritwood Estates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FREIBURG LN
BOSTON DR
2315-002-001
2315-002-005
2315-002-010
2315-002-015
2315-002-020
2315-002-050
2315-002-030
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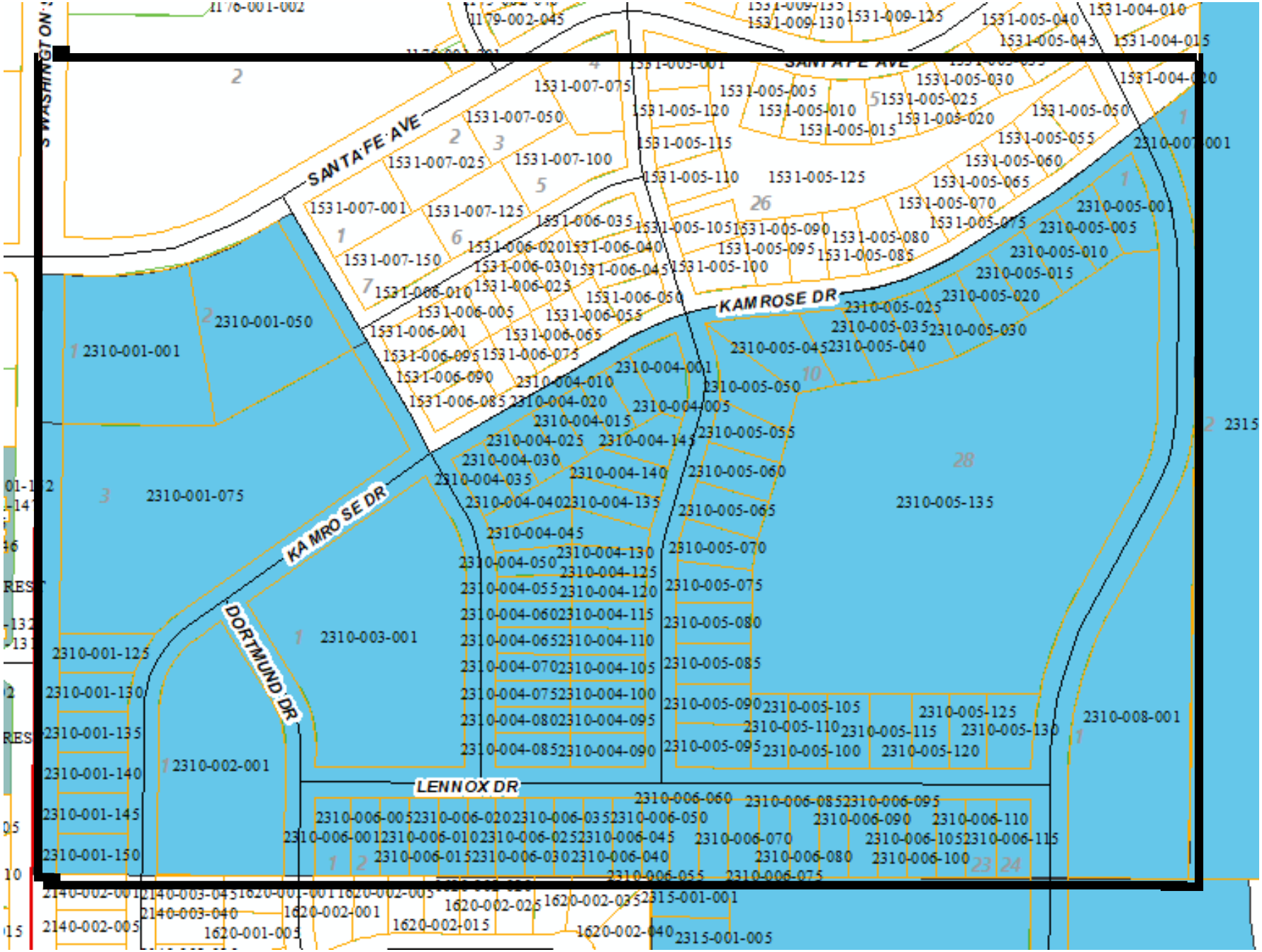
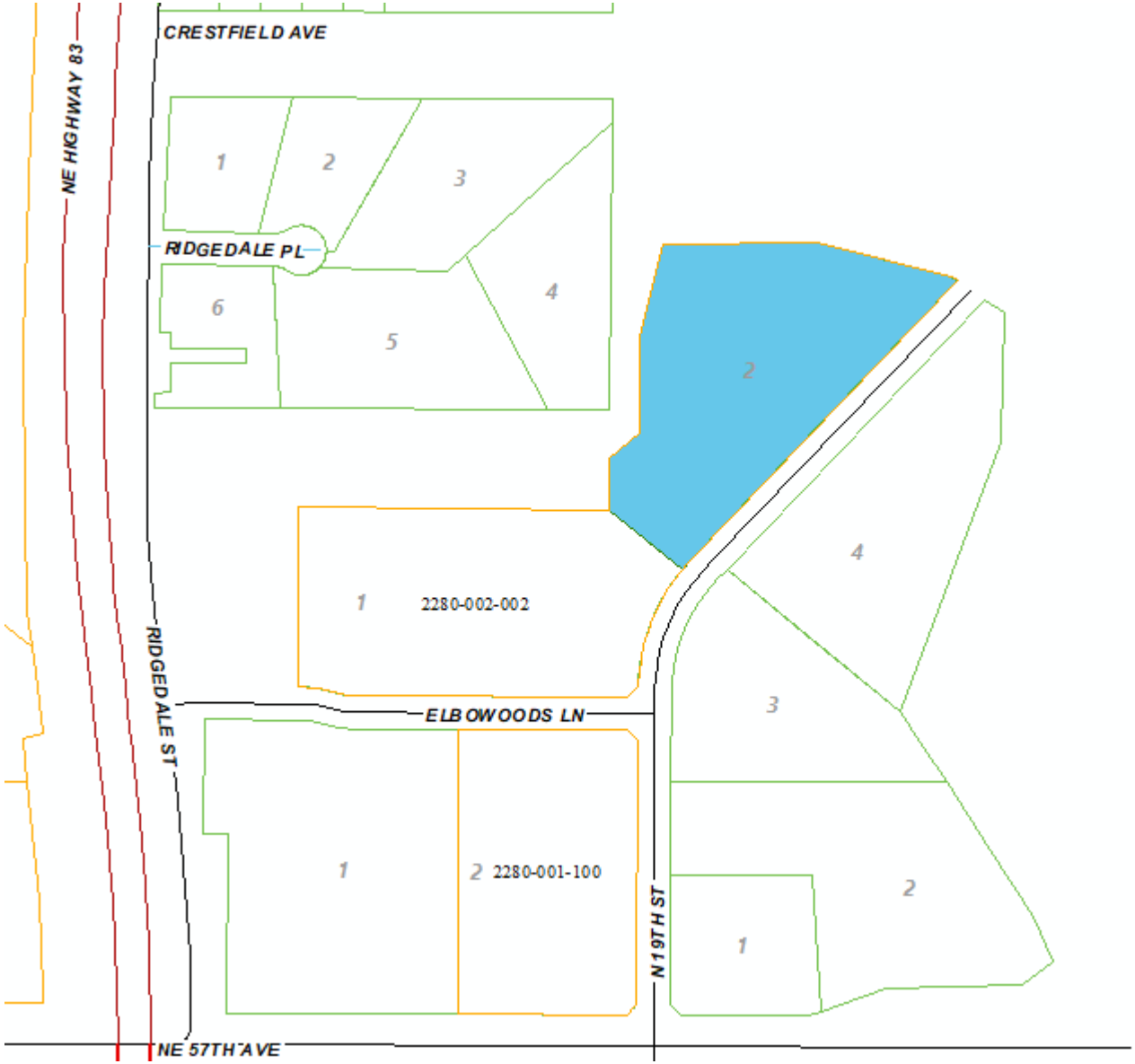
Cottonwood Parkview



Memory 1st


CRESTFIELD AVE
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2
3
RIDGEDALE PL
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6
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2280-002-002
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ELBOWOODS LN
RIDGEDALE ST
1
2 2280-001-100
N 19TH ST
2
1
NE 57TH AVE

PUBLIC WORKS – SERVICE OPERATIONS

DATE: June 24, 2020

FROM: Jeff Heintz, Director of Service Operations JGH

ITEM: Award bid for Asphalt and Concrete Crushing at the Municipal Landfill

REQUEST

Award of bid for asphalt and concrete crushing at the Municipal Landfill.

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

BACKGROUND INFORMATION

The Public Works Service Operations Department received bids at 4:00 p.m. on Monday, June 22, 2020 for asphalt and concrete crushing at the Municipal Landfill. Two bids were received. It is the recommendation to award to the low bidder, Hoffer Landscaping as per the bid tab.

RECOMMENDED CITY COMMISSION ACTION

Award the contract for asphalt and concrete crushing to Hoffer Landscaping for $8.25/ton to crush concrete and $6.00/ton to crush asphalt.

STAFF CONTACT INFORMATION

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

CITY OF BISMARCK
2020 ASPHALT AND CONCRETE CRUSHING BID TAB
BIDS RECEIVED BY 3:00 P.M. JUNE 22, 2020
BIDS OPENED 4:00 P.M. JUNE 22, 2020

Municipal Landfill Location

	VENDOR ▶	HOFFER LANDSCAPING		RTS SHEARING, LLC	
MATERIAL	ESTIMATED QUANTITY	Unit Price per Ton	Extended Cost	Unit Price per Ton	Extended Cost
ASPHALT	1,630	$ 6.00	$ 9,780.00	$ 8.50	$ 13,855.00
CONCRETE	TBD	$ 8.25		$ 9.50	
MOBILIZATION FEE			$ 2,500.00		$ 5,000.00
		TOTAL SUM BID	$ 12,280.00	**TOTAL SUM BID**	$ 18,855.00

Bismarck

Public Works Service Operations Department

DATE: June 24, 2020

FROM: Jeff Heintz, Service Operations Director

ITEM: Bid Award for City County Building Backup Generator Project

REQUEST

Award the bid for the City/County Building backup generator project.

Please place this item on the 7/14/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Bids were received on June 24, 2020 for the City/County Building backup generator project. The bid tabulation is attached for your review. Recommendation is to award the bid to Western Edge Electric, Inc. for $208,600.00.

RECOMMENDED CITY COMMISSION ACTION

Award the City/County Building backup generator project bid to Western Edge, Inc. for $208,600.00.

STAFF CONTACT INFORMATION

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

Apex Engineering Group

Water | Transportation| Municipal | Facilities

Bid Tabulation

City / County Building – Generator Replacement

City of Bismarck

June 24, 2020 | 4:00 p.m. | Administration Offices, City/County Building

Apex Project No. 19.118.0190

Bidder's Name	Bid Bond	Contractor's License	Acknowledged Addendum No. 1 & 2	Base Bid
Edling Electric, Inc.	5%	28638	Yes	$261,500.00
Skeels Electric Company	5%	545	Yes	$236,779.00
Western Edge Electric, Inc. (1)	**5%**	**45799**	**Yes**	**$208,600.00**
Ystaas Electrical Service, LLC	5%	42423	Yes	$281,876.00

(1) Apparent Low Bidder

Certification

I certify that these bids were opened on June 24, 2020 at 4:00 PM, in 4Th - Floor Conference Room, City/County Building, Bismarck, ND and via virtual meeting.

John Klein, PE

Apex Engineering Group
Water | Transportation| Municipal | Facilities

701.323.3950
600 South 2nd Street – Suite 145
Bismarck, ND 58504

June 25, 2020

Mr. Jeff Heintz
Director of Service Operations
City of Bismarck
601 South 26th Street
Bismarck, ND 58504

Re: City / County Building Generator Replacement
City of Bismarck
Bismarck, North Dakota
Apex Project No. 19.118.0190

Dear Mr. Heintz:

The bids have been reviewed for the City / County Building Generator Replacement project and are summarized on the attached Bid Tabulation. The low construction bid received for the required scope of work was from Western Edge Electric, Inc. in the amount of:

Base Bid:	$208,600.00
Total Bid:	**$208,600.00**

Based on the bids received and the bid amount being within the budgeted amount for this project, we recommend the City of Bismarck award this project to Western Edge Electric, Inc. in the amount of $208,600.00.

If you have any questions regarding this matter, please feel free to call me at 701-323-3961.

Sincerely,

John M. Klein, PE
Apex Engineering Group, Inc.

Cc: File

Bismarck

Finance Department

DATE: July 7, 2020

FROM: Dmitriy Chernyak, Finance Director DC by ay

ITEM: Application for Abatement

REQUEST

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

Application for Abatement for 2020 – Market value reduction
Property Owner – William Raymond Sherwin
Property Address – 315 Linden Ln (0760-002-100)

Please place this item on the 7/14/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Property owner feels the 2020 market value is too high.

RECOMMENDED CITY COMMISSION ACTION

The Assessing Division recommends denial of the application for abatement as presented.

STAFF CONTACT INFORMATION

Allison Jensen / ajensen@bismarcknd.gov
355-1630

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota **Assessment District** BISMARCK

County of BURLEIGH **Property I.D. No.** 0760-002-100

Name SHERWIN, WILLIAM RAYMOND **Telephone No.** 701-202-7360

Address 315 LINDEN LN, BISMARCK, ND 58503-0256

please mail me

Legal description of the property involved in this application:

PINEHURST 3RD REPLAT Block: 2 LOT 19

Total true and full value of the property described above for the year 2020 **is:**

Land $ 338,000 (Land value 70,000)

Improvements $ 0 (Bldg value 268,300)

Total $ 338,000 (338,300)

(1)

Total true and full value of the property described above for the year 2020 **should be:**

Land $ 315,000

Improvements $ 0

Total $ 315,000

(2)

The difference of $ -23,000 **true and full value between (1) and (2) above is due to the following reason(s):**

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

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: $ 315,000 Date of purchase: 8-1-2019

   Terms: Cash _____ Contract X Trade _____ Other (explain) _____

   Was there personal property involved in the purchase price? no (yes/no) Estimated value: $ _____

2. Has the property been offered for sale on the open market? ~~no~~ yes (yes/no). If yes, how long? 5 days

   Asking price: $ 335,000 Terms of sale: _____

3. The property was independently appraised: yes (yes/no) Purpose of appraisal: Financing for mortgage

   Market value estimate: $ 315,000

   Appraisal was made by whom? Guaranteed Title

4. The applicant's estimate of market value of the property involved in this application is $ 315,000

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

Applicant asks that I would respectfully request that my "true and full value" of my property be reduced $23,000 to $315,000. I believe that is the true and full valuation.

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

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

Signature of Preparer (if other than applicant) _____ Date _____ Signature of Applicant [signature] Date 7-1-2020

24775
(2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____ _____
County Auditor Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant Sherwin Williams Raymond

County Auditor's File No. 20-144

Date Application Was Filed With The County Auditor 7/1/2020

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

Allan Outhuer by epb.

	Subject	Comp 1	Comp 2	Comp 3	Comp 4	Comp 5	Comp 6
Address	**315 Linden Ln**	**301 Juniper Dr**	**425 Aspen Ave**	**406 W Brandon Dr**	**3309 Overlook Dr**	**123 W Wachter Ave**	**3063 Greenwood Dr**
Prop ID	0760-002-100	0760-002-040	0761-001-010	1045-002-060	1043-006-015	0609-006-010	0928-007-070
Sale Date	8/2/2019	6/21/2019	7/30/2019	6/3/2019	8/2/2019	11/18/2019	6/4/2019
Sale Price	$325,000	$365,000	$355,000	$338,000	$391,000	$317,000	$328,000
Year Blt/Age	1985/35 yrs	1983/37 yrs	1983/37 yrs	1983/37 yrs	1983/37 yrs	1984/36 yrs	1993/27 yrs
Quality	Normal	Normal	Above Normal	Normal	Above Normal	Above Normal	Normal
Style	2 story	2 story	2 story	2 story	2 story	2 story	2 story
Bed	3	3	3	3	3	4	3
Baths	3.5	3	3.5	3	3.5	3.5	3.5
Square Ft	2,341	2,360	2,341	2,253	2,964	1,800	1,830
Bsmt	Standard	Semi	Semi/Walkout	Standard	Walkout	Standard	Standard
Bsmt Area	845	1,040	1,411	1,255	1,656	1,200	612
Bsmt Fin	485	1,000	904	1,137	1,389	893	528
Bed Below	None	1	1	1	1	1	1
Gar	3 stall	2 stall	2 stall	2 stall	2 stall	2 stall	3 stall
Land Value	$70,000	$70,000	$70,000	$70,000	$70,000	$66,000	$70,000
2020 MV Per Sq Ft Less Land	$115	$121	$112	$99	$118	$119	$125
2020 MV	$338,300	$356,700	$333,100	$292,700	$418,300	$279,800	$299,100

Bismarck

Community Development Department

DATE: July 7, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: First Responders Addition – Major Subdivision Final Plat

REQUEST

161 Commercial, LLC is requesting approval of a major subdivision final plat for First Responders Addition. This action would allow the development of light industrial uses on the property, which is zoned Conditional MA – Industrial and within the corporate limits.

The property is located in east Bismarck, between East Main Avenue/County Highway 10 and Apple Creek Road, along the west side of 52nd Street SE (part of Auditor's Lot 6 of the E½, and part of Lot 7B of Auditor's Lot 7 of the SE¼ of Section 1, T138N-R80W/City Lands).

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

BACKGROUND INFORMATION

The Planning and Zoning Commission held a public hearing on this item on June 24, 2020.

No residents spoke at the public hearing; however, several inquiries were received prior to the meeting regarding the proposed use and the buffer yard.

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 major subdivision final plat for First Responders Addition.

RECOMMENDED CITY COMMISSION ACTION

Consider the request for approval of the major subdivision final plat for First Responders Addition 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

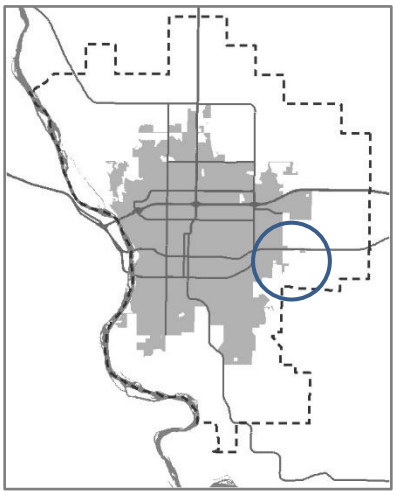
June 24, 2020

Application for: Major Subdivision Final Plat

TRAKiT Project ID: FPLT2020-007

Project Summary

Title:	First Responders Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	161 Commercial, LLC
Project Contact:	Harvey Schneider, PE, Toman Engineering
Location:	In east Bismarck, between East Main Avenue / County Highway 10 and Apple Creek Road, along the west side of 52nd Street SE (part of Auditor's Lot 6 of the E½, and part of Lot 7B of Auditor's Lot 7 of the SE¼ of Section 1, T138N-R80W/City Lands)
Project Size:	4.65 acres
Request:	Plat property for future light industrial development



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	2 parcels	*Number of Lots:*	1 lot in 1 block
Land Use:	Undeveloped	*Land Use:*	Light Industrial
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:	Conditional MA – Industrial	*Zoning:*	Conditional MA – Industrial
Uses Allowed:	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos with additional design and aesthetic standards	*Uses Allowed:*	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos with additional design and aesthetic standards
Max Density Allowed:	Conditional MA – N/A	*Max Density Allowed:*	Conditional MA – N/A

(continued)

Property History

Zoned:	*07/2016 (northern portion)* *03/2017 (southern portion)*	*Platted:*	*N/A*	Annexed:	07/2019

Staff Analysis

161 Commercial, LLC is requesting approval of a major subdivision final plat for First Responders Addition. Approval of the proposed plat would allow for the future development of the one lot plat.

The proposed plat is located within cooperate limits and is zoned Conditional MA – Industrial, which allows certain light industrial uses with additional requirements for building design and a landscape buffer along the eastern edge of the plat.

The Planning and Zoning Commission considered this request at their meeting of April 22, 2020 and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 12th and June 19th and 42 letters were mailed to the owners of nearby properties on June 12th.

The proposed plat would be accessed from the south via Midwest Drive, which would be constructed along the southern boundary of this plat in conjunction with site development. The proposed plat also includes a 50-foot landscape buffer along the west side of 52nd Street SE, which will be installed in conjunction with site development.

Adjacent uses include developing light industrial property to the north and undeveloped light industrial property to the west and south, and existing rural residential and developing urban residential to the east across 52nd Street SE.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to utility capital charges for municipal utilities. As this property is already zoned and annexed, the Public Works Department – Utility Operations Division has determined that utility capital charges will be due at the time petitions are submitted for street improvements for Midwest Drive.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a major subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PSCSMP) with the following conditions: 1) the two proposed ponds outside of the plat are temporary as a permanent area-wide stormwater management system is being planned to include the proposed plat and all unplatted properties adjacent to the plat; and 2) two offsite stormwater and drainage easements are provided and approved by the City Commission and recorded with the Burleigh County Recorder prior to the recordation of final 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 major subdivision final plat for First Responders Addition, with the understanding that required off-site stormwater and drainage easements

(continued)

are approved and recorded prior to recordation of the final plat.

Attachments

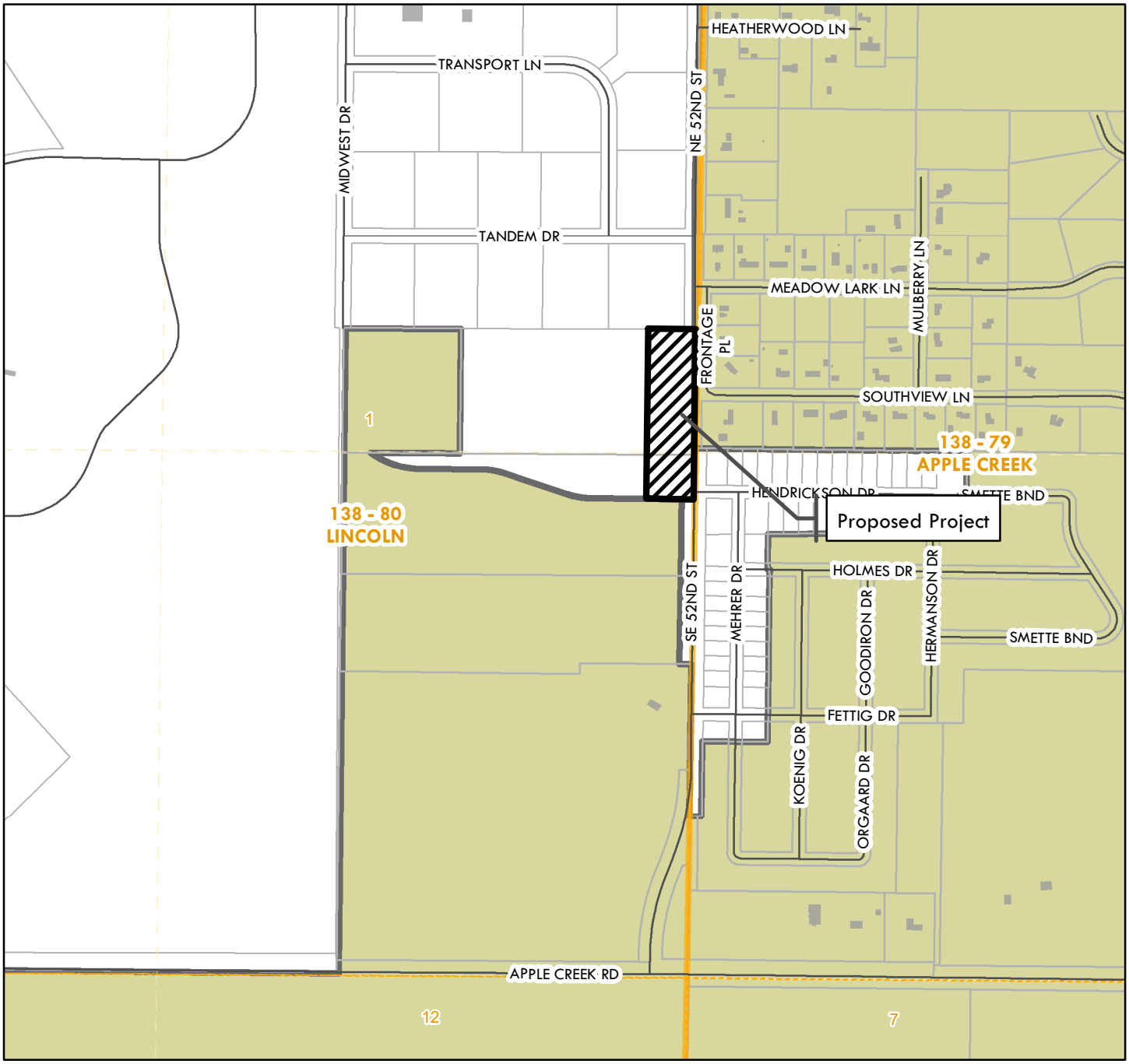
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat

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

Location Map

First Responders Addition

PPLT2020-003
FPLT2020-007



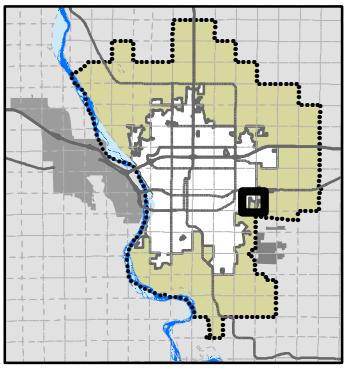
0 0.15 0.3 0.6 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



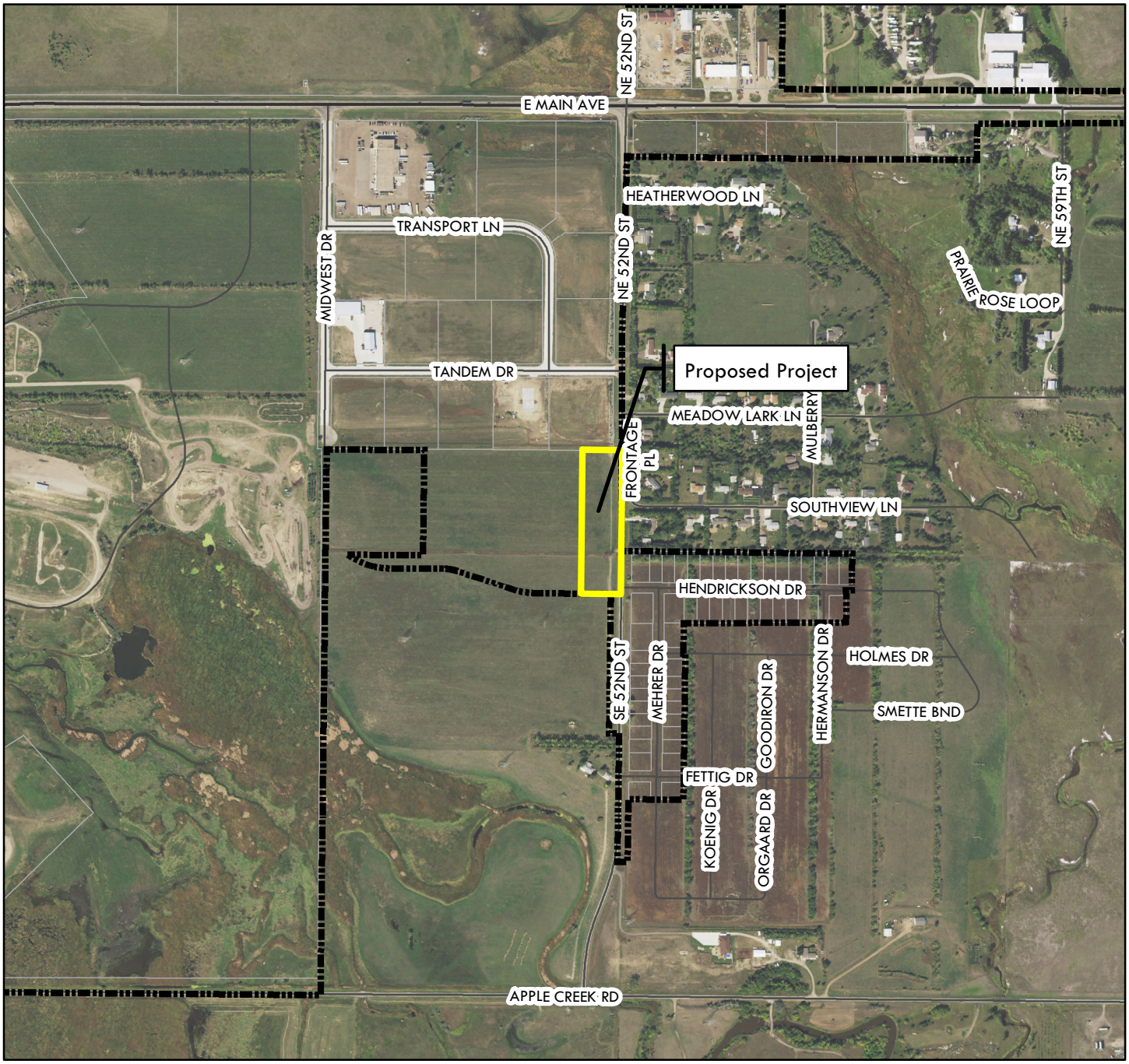
City of Bismarck
Community Development Department
Planning Division
March 20, 2020 (HLB)

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

First Responders Addition

PPLT2020-003
FPLT2020-007

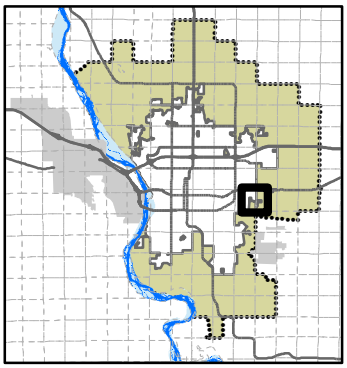


0 0.2 0.4 0.8 Miles

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from 2018



City of Bismarck
Community Development Department
Planning Division
April 7, 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

First Responders Addition

PPLT2020-003
FPLT2020-007

Project Area - No Change Proposed

Zoning or Plan Change Proposed

Zoning Districts

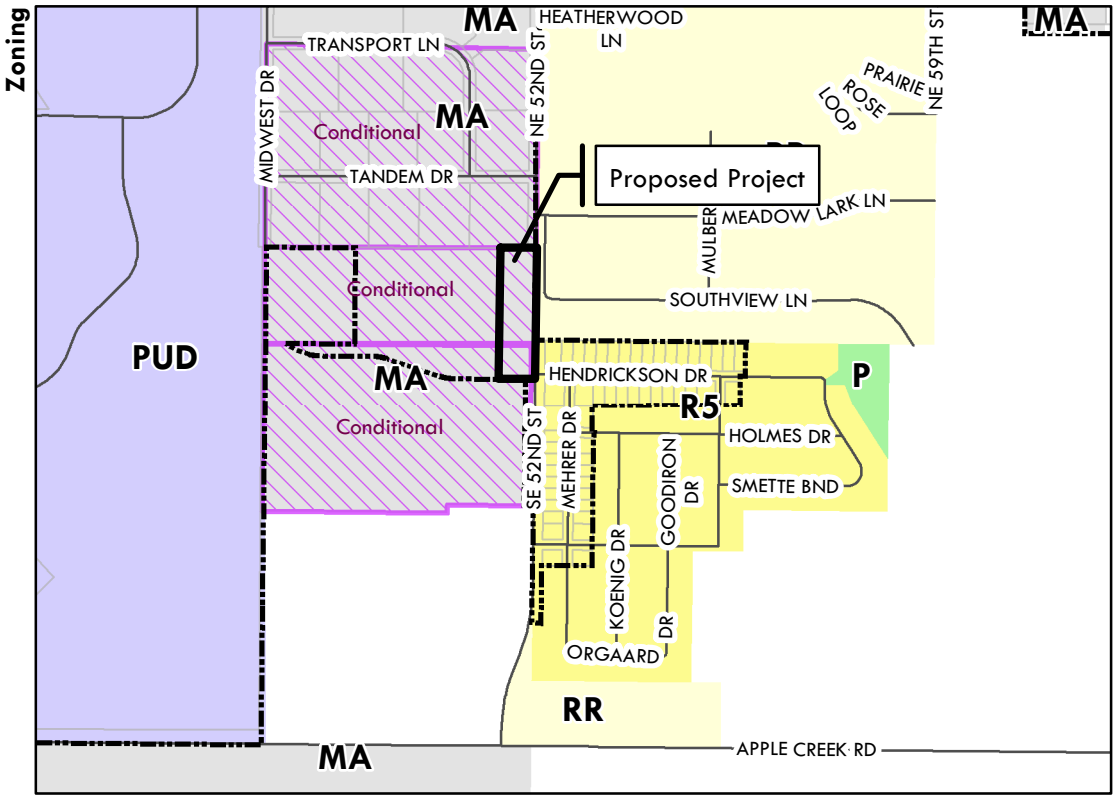
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

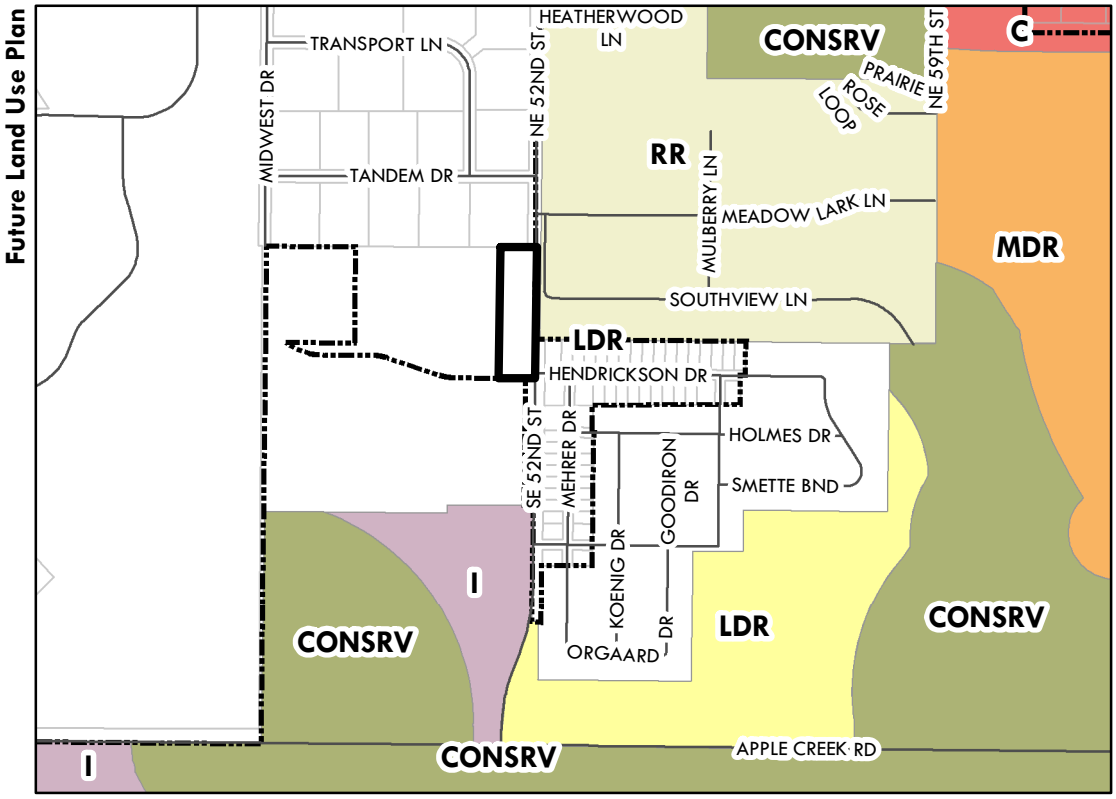
Diagonal lines indicate special condition

Future Land Use Plan

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

Fringe Area Road Master Plan





0 0.175 0.35 0.7 Miles

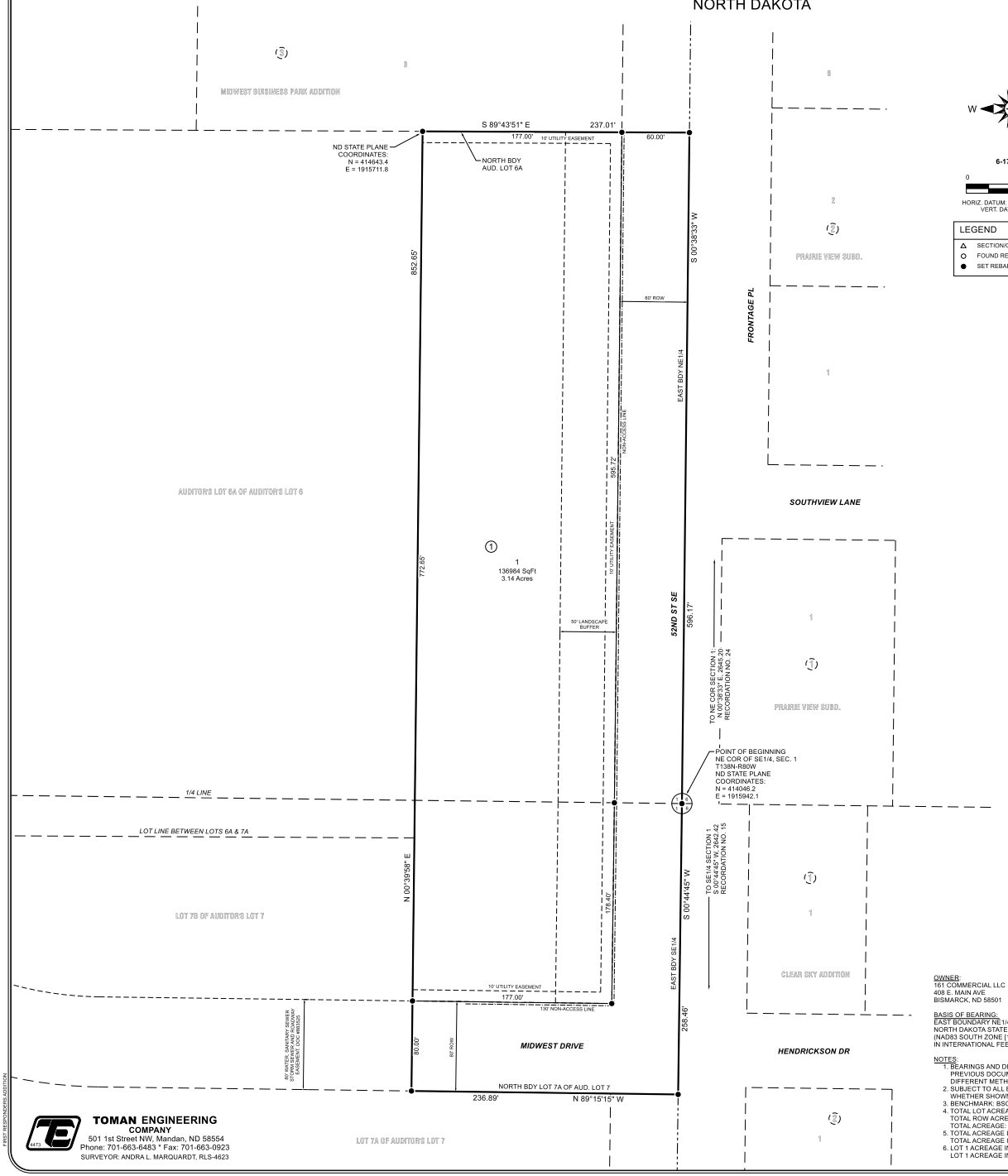
City Limits

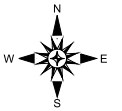
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

City of Bismarck
Community Development Dept.
Planning Division
April 7, 2020

FIRST RESPONDERS ADDITION

PART OF AUDITOR'S LOT 6A OF AUDITOR'S LOT 6 OF THE E1/2, PART OF LOT 7B OF AUDITOR'S LOT 7 OF THE SE1/4, AND PART OF 52ND ST SE OF SECTION 1, T138N-R80W OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA





6-17-2020

0 40' 80'

HORIZ. DATUM: CITY OF BISMARCK
VERT. DATUM: NAVD88

LEGEND

- △ SECTION/QUARTER CORNER
- ○ FOUND REBAR MONUMENT
- ● SET REBAR MONUMENT

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING A PART OF AUDITOR'S LOT 6A OF AUDITOR'S LOT 6 OF THE E1/2, PART OF LOT 7B OF AUDITOR'S LOT 7, AND PART OF 52ND ST SE OF THE SE1/4 OF SECTION 1, TOWNSHIP 138 NORTH RANGE 80 WEST OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SE1/4 OF SECTION 1, T138N-R80W; THENCE SOUTH 00°44'45" WEST ALONG THE EAST BOUNDARY LINE OF SAID SE1/4 FOR 258.46 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF LOT 7A OF AUDITOR'S LOT 7 OF SAID SE1/4 AND EXTENDED EASTERLY; THENCE NORTH 89° 15'15" WEST ALONG SAID NORTH BOUNDARY LINE FOR 236.89 FEET; THENCE NORTH 00°39'58" EAST FOR 852.65 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF AUDITOR'S LOT 6A OF AUDITOR'S LOT 6 OF THE E1/2 OF SAID SECTION 1; THENCE SOUTH 89°43'51" EAST ALONG SAID NORTH BOUNDARY LINE FOR 237.01 FEET TO A POINT ON THE EAST BOUNDARY LINE OF THE NE1/4 OF SAID SECTION 1; THENCE SOUTH 00°38'33" WEST ALONG SAID EAST BOUNDARY LINE FOR 596.17 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 202,402 SQFT OR 4.65 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

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

ANDRA L. MARQUARDT, RLS 4623 DATE

OWNER'S CERTIFICATE AND DEDICATION

WE OF 161 COMMERCIAL LLC, BEING THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "FIRST RESPONDERS ADDITION", AND DEDICATE 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 FURTHER GRANT ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND AND THOSE THAT ARE RECORDED BUT NOT SHOWN.

MATT GEIGER
MANAGING PARTNER
161 COMMERCIAL LLC

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS____DAY OF _____, 2020.

_____ NOTARY PUBLIC
_____COUNTY, _____
MY COMMISSION EXPIRES:_____

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE_____DAY OF _____2020, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN ATTEST: BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE____DAY OF_____, 2020.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVES THIS PLAT THIS____DAY OF _____, 2020.

GABRIEL J. SCHELL - CITY ENGINEER

OWNER:
161 COMMERCIAL LLC
408 E. MAIN AVE.
BISMARCK, ND 58501

BASIS OF BEARING:
EAST BOUNDARY NE1/4 SEC. 1: SOUTH 00° 38' 33" WEST NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83 SOUTH ZONE [1986 ADJUSTMENT]. UNITS ARE IN INTERNATIONAL FEET.

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. BENCHMARK: BSC BASE STATION, ELEV: 1881.60
4. TOTAL LOT ACREAGE: 3.15
   TOTAL ROW ACREAGE: 1.50
   TOTAL ACREAGE: 4.65
5. TOTAL ACREAGE IN NE1/4: 3.24
   TOTAL ACREAGE IN SE1/4: 1.41
6. LOT 1 ACREAGE IN NE1/4: 2.42
   LOT 1 ACREAGE IN SE1/4: 0.72

TOMAN ENGINEERING COMPANY
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923
SURVEYOR: ANDRA L. MARQUARDT, RLS-4623

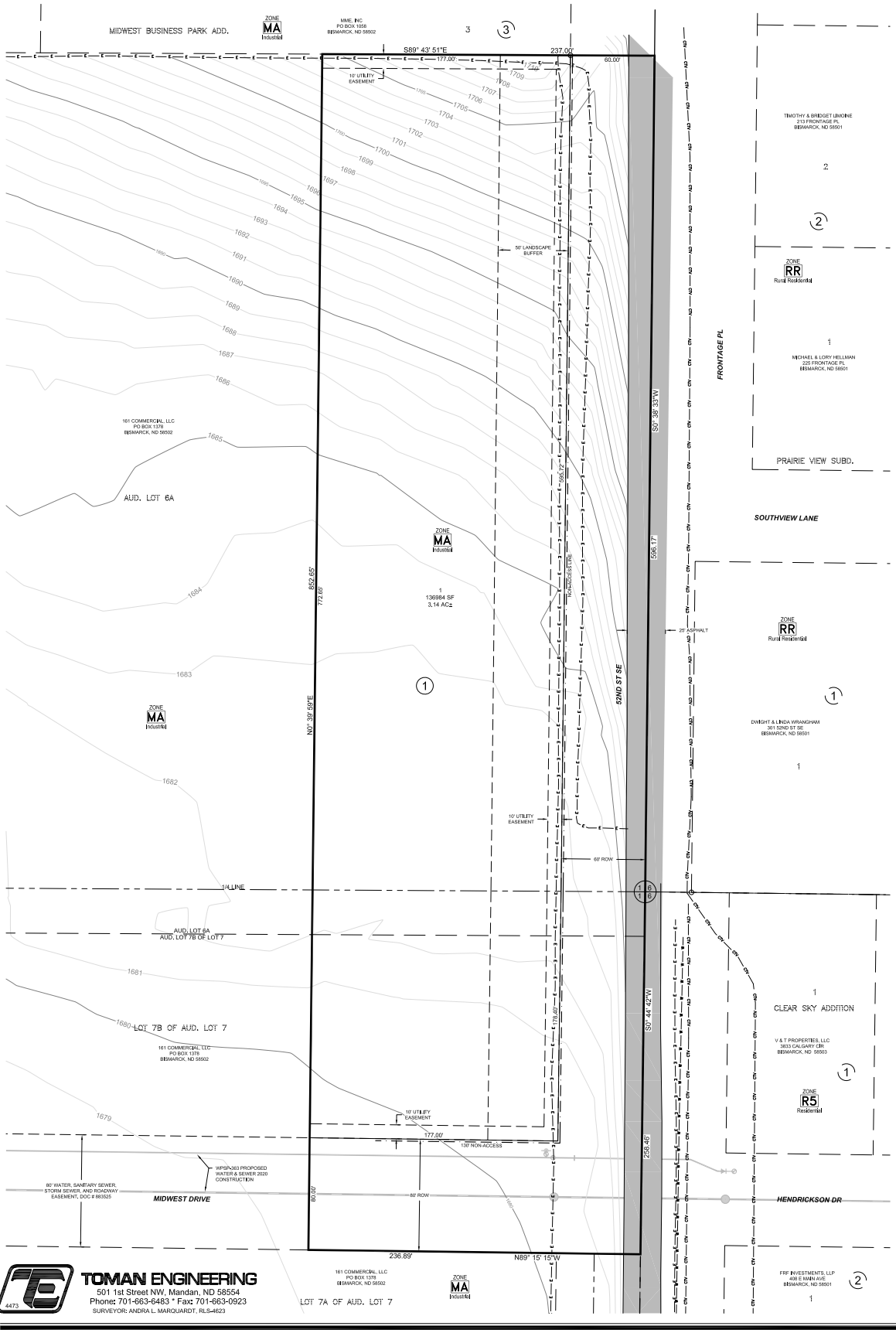
FIRST RESPONDERS ADDITION

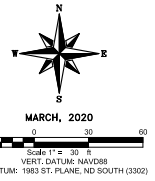
PRELIMINARY PLAT OF

FIRST RESPONDERS ADDITION

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

PART OF AUDITOR'S LOT 6 OF THE E1/2 AND PART OF LOT 7B OF AUDITOR'S LOT 7 OF THE SE1/4 OF SECTION 1, T138N-R80W OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA





LEGEND

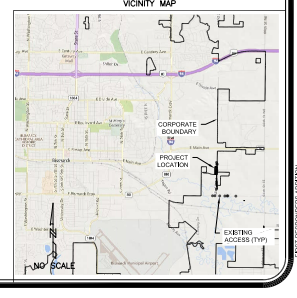
- FOUND PROPERTY CORNER
- SECTION/QUARTER CORNER
- ELECTRIC/UTILITY BOX
- POWER POLE
- FO — FIBER OPTIC LINE
- CTV — CABLE TV
- E — UNDERGROUND ELECTRIC
- OH — OVERHEAD POWER
- W — WATERMAIN
- QUARTER/GOV'T LOT LINE
- X — FENCE LINE
- ASPHALT ROAD

OWNERS:
161 COMMERCIAL, LLC
408 E. MAIN AVE
BISMARCK, ND 58501

BASIS OF BEARING:
BASIS OF BEARING: EAST BOUNDARY LINE OF THE NW1/4, SECTION 1, T138N-R80W SOUTH 00° 44' 45" EAST.

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. TOTAL LOT ACREAGE: 3.14
   TOTAL ROW ACREAGE: 1.51
   TOTAL ACREAGE: 4.65

VICINITY MAP



TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923
SURVEYOR: ANDRA L. MARQUARDT, RLS-4623

FIRST RESPONDERS ADDITION

City Attorney

DATE: July 7, 2020

FROM: Jannelle Combs, City Attorney

ITEM: Medieval Rush Temporary License to Use Premises Agreement

REQUEST

Discuss approval of the Temporary License to Use Premises Agreement for the August 1, 2020, Medieval Rush event.

Please place this item on the 7/14/2020 City Commission regular meeting agenda.

BACKGROUND INFORMATION

This matter came before the City Commission at the June 23, 2020, meeting and was continued. Since the meeting, Tanner Schweitzer, City Engineer Schell and Ian Easton visited the potential site and revised the location. A revised contract that incorporates all of the condictions raised at that meeting is attached. The information provided in the last memo is below:

Tanner Schweitzer is the managing member of Recreation Athletic Wellness, LLC, which entity does the Medieval Rush event each year. He has previously held events at the fairgrounds and in New Salem. He has requested to use portions of bare land owned by the City of Bismarck near the Community Bowl for his course. In consultation with the City Engineer, the attached agreement was reached, which includes usual protections for indemnification to the City, as well as insurance and a $25,000 bond for reclamation of the site after the event. A few citizens have expressed concern with the use of the lands for this event, so we believed it appropriate for those who wish to express their concerns to do so in public comment at this meeting so the Commission can decide how best to proceed.

RECOMMENDED CITY COMMISSION ACTION

Discuss approval of the Temporary License to Use Premises Agreement for the August 1, 2020, Medieval Rush event.

STAFF CONTACT INFORMATION

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

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

TEMPORARY LICENSE TO USE PREMISES AGREEMENT

This License Agreement is entered into as of the_____, 2020, by and between City of Bismarck, PO Box 5503, Bismarck North Dakota ("City") and Recreation Athletic Wellness, LLC, whose address is 213 W Avenue A, Bismarck, ND 58501-3735 ("Licensee").

WHEREAS, City owns real property located near Bismarck State College, Bismarck, North Dakota, and WHEREAS, Licensee desires to have temporary use of property, as specified in Exhibit A, to host a race according to the schedule in Exhibit A; and

WHEREAS, City is willing to permit the Licensee to use the designated property for such purpose subject to the terms and conditions of this Temporary License to Use Premises Agreement ("Agreement");

NOW, THEREFORE, the parties agree as follows:

1. License to Use Licensed Space. City hereby grants Licensee permission to use the real property listed on Exhibit A (the "Licensed Space") on August 1, 2020, and in accordance with the purposes, specified on Exhibit A hereto. Exhibit A must detail the activities, and planned management designed to ensure safe operations in the Licensed Space. The parties expressly acknowledge and agree that this Agreement is not a lease, and that it does not create or convey to the Licensee any interest in the Licensed Space. Licensee will be entitled to occupy the Licensed Space solely for the purposes herein provided for the term stated herein. In the event of breach of Licensee of any of the covenants hereof, and in any event upon the expiration of the term of the License Agreement, City shall be entitled to immediate possession of the Licensed Space, and the Licensee shall not be entitled to any of the rights of a tenant under law, including the law of forcible entry and detainer. No permission is given and is explicitly prohibited to use existing bike trails on the real property.

2. Fee. Licensee will pay City $1.00 for the use of the property.

3. Independent Contractor. Licensee is an independent contractor and will have sole authority to control and direct the details of its performance and its activities. However, Licensee agrees that it will conduct all activities in accordance with applicable federal and state laws, and City policies and ordinances. In addition, Licensee agrees to employ the sufficient number of qualified staff for its operations. Licensee will not be the employee of City under the meaning or application of any federal or state laws, including but not limited to unemployment insurance or workers' compensation laws, and will not be entitled to any of the benefits of a City employee.

Licensee assumes all liabilities and obligations imposed by any such laws. Licensee will have no authority to act as an agent of City and will not hold itself out as such.

4. Use of Name. Licensee agrees not to use City's name, logos or marks for any advertising or other commercial purposes without the prior written approval of City.

5. Use of Licensed Space. Licensee shall use the Licensed Space only to conduct its activities in accordance with Exhibit A, utilizing only staff and materials supplied by Licensee. Licensee shall not use or permit the use of the Licensed Space for any other purpose. Licensee shall use and occupy the Licensed Space in a careful, safe and lawful manner which does not interfere with the use of the surrounding premises. Licensee agrees that its use of the Licensed Space shall at all times be in full compliance with all applicable laws, regulations and City policies and ordinances. Licensee agrees to remove all garbage and debris from the Licensed Space upon termination of this Agreement and return of the premises to their prior or improved condition. Licensee shall be responsible for any unreasonable wear or tear caused to the premises and/or any damage to equipment, including any costs incurred to clean or repair same. City, its agents and its employees shall have the right to enter the Licensed Space at all times. City shall in no event be liable for any inconvenience, disturbance, or other damage to Licensee by reason of the performance by City of any activities or work in, upon, above, or under the Licensed Space or for bringing materials, tools, and equipment in, through, above, or under the Licensed Space, nor shall the same constitute any ground for the abatement of any payments hereunder.

6. Condition of Premises. City makes no warranties whatsoever regarding the condition of the Licensed Space. Licensee has inspected the Licensed Space and found it suitable for Licensee's purposes. City shall not be liable for any personal injury or damage to property which Licensee or its guests or invitees may incur, regardless of the cause thereof. Licensee hereby releases City from all such liability, it being the intent of the parties that Licensee shall maintain adequate insurance to cover any such losses. Licensee hereby agrees to defend, indemnify and hold harmless City, its trustees, officers, employees and agents from and against any and all claims, damages, losses, suits, judgments, costs and expenses arising from Licensee's occupation of the Licensed Space including, but not limited to, the amounts of deductibles on Licensee's insurance policies, or any costs resulting from Licensee's failure to acquire insurance coverage as required hereunder, and any costs arising from subrogation under worker's compensation or liability claims. No existing trees will be trimmed or cut. There will be only one location dug, which will be allowed only in the previously disturbed upper parking area near the water reservoir. The approximate size will be 25 feet by 150 feet and only to a depth of three fee.

7. Cultural Resource Preservation. If cultural materials are encountered while disturbing the soil, digging must stop until a recommendation by the qualified archaeologist is made and followed regarding that excavation area.

8. Insurance/Bond. Licensee agrees, at its sole cost and expense, to procure and maintain in full force during the term of this Agreement (i) statutory worker's compensation, (ii) general liability insurance, with limits of at least $1,000,000/$2,000,000 and (iii) surety bond, in favor of the City, in the amount of $25,000.00 from a company licensed to do business in North Dakota to insure Licensee's restoration of the property after completion of the event. Licensee agrees to name City as an additional insured on these policies. Licensee shall provide a certificate of proof of such insurance and bond at least 30 days prior to the event.

9. Compliance with Laws. Licensee agrees to comply with all applicable federal, state and local laws and regulations. Licensee will not discriminate on the basis of race, religion, age, sex, color, disability, sexual orientation, political affiliation, national or ethnic origin, or veteran status. Licensee will obtain the appropriate permits from any other City department, including but not limited to the City Traffic Engineer, and other entities for this event. Licensee appropriately sign closures of Edwards Ave at Schafer St with barricade mounted "Road Closed to Thru Traffic" and full road closures with barricades on Edwards Avenue west of reservoir driveway, as well as appropriately sign closures of Canary Ave at Raven Dr with barricade mounted "Road Closed to Thru Traffic" and full road closures with barricades on Canary Ave west of BSC Bowl parking lot driveway in coordination with final race route location.

10. Liens. Licensee shall keep the Licensed Space free and clear of all construction, mechanic's or material men's liens or any other liens on account of any work done on the Licensed Space at Licensee's request. Licensee agrees to and shall indemnify, and hold the City free from and harmless against all liability, loss, damage, cost, attorney's fees (where allowable by law) and all other expenses on account of claims of lien of laborers or material men, or others, for work performed or materials or supplies furnished to Licensee for use on the Licensed Space.

11. Indemnification. City shall not be liable to Licensee's employees, agents or visitors or to any other person whomsoever, for any injury to a person or damage to property on or about the Licensed Space including sidewalks, parking lots, and other areas on or adjacent to the Licensed Space, caused by the negligence or misconduct of or situations involving the liability of the Licensee, its agents, servants, employees or of any other person entering upon the Licensed Space under express or implied invitation of Licensee. Licensee agrees to indemnify City from all liability, loss, or

other damage claims or obligations resulting from any injuries to property or persons or any other losses sustained as a result of the Licensee's use of the Licensed Space.

12. Notices. Each provision of this Agreement with reference to the sending, mailing or delivery of any notice or the making of any payment between the parties shall be deemed to be delivered, whether actually received or not, when deposited in the U.S. Mail, postage prepaid, Registered or Certified Mail, Return Receipt Requested and addressed to either party at the address as they have specified by written notice pursuant to this Agreement.

CITY: City of Bismarck
City Administrator
P O. Box 5503
Bismarck, ND 58506-5503

LICENSEE: Recreation Athletic Wellness, LLC
213 W Avenue A
Bismarck, ND 58501-3735

13. Termination. This Agreement shall automatically terminate after the event is completed and the Licensed Space is restored to the condition it was immediately prior to Licensee's use of the Licensed Space. In addition, City may immediately terminate this Agreement if Licensee fails to abide by the terms and condition of this Agreement.

14. Assignment. Licensee may not assign or sub-license this Agreement without the prior written consent of City.

15. Entire Agreement; Amendment. This Agreement contains the entire agreement of the parties, and no covenants, representatives, inducements or promises, oral or otherwise, not embodied herein, shall be in force or effect. This Agreement may not be modified, nor any of its provisions waived, except by a writing signed by both parties.

16. Governing Law. This Agreement will be governed by and construed in accordance with the law of the State of North Dakota. The parties consent to the exclusive jurisdiction of the Burleigh County, North Dakota courts for any dispute arising hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this contract the day and year above written in duplicate originals.

CITY: CITY OF BISMARCK

Dated this ____ day of _____, 2020.

By_____
Steve Bakken, President City Commission
City of Bismarck

Attest:

_____
Keith J. Hunke, City
Administrator

LICENSEE: Recreation Athletic Wellness, LLC

Dated this ____ day of _____, 2020.

By_____
Tanner Schweitzer
Its Managing Member

EXHIBIT A – LICENSED SPACE

In the event of rain or a wet course as determined by the City Engineer, "Map 1" would be utilized and no race activity would take place on any City of Bismarck steep terrain but would take place on the old road bed. In normal conditions, "Map 2" would be utilized as per the above requirements.

Map 1:

Map 2:

STATE OF NORTH
DAKOTA % BSC
CANARY AVE
MEDIEVAL RUSH
BIS STATE
OLLEGE %
ATEWAY T
BISMARCK, CITY
(SPECIAL
DEFIC
ST ND
EDWARDS AVE
BISMARCK
CITY OF
REVOLVING
BISMARCK, CITY
OF REVOLVING
BISMARCK,
CITY OF
REVOLVING

I·M·B·A

INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION

Rules of the Trail

Thousands of miles of dirt trails have been closed to mountain bicyclists. The irresponsible riding habits of a few riders have been a factor. Do your part to maintain trail access by observing the following rules of the trail, formulated by the International Mountain Bicycling Association (IMBA). IMBA's mission is to promote environmentally sound and socially responsible mountain biking.

1. Ride on open trails only. Respect trail and road closures (ask if not sure), avoid possible trespass on private land, obtain permits and authorization as may be required. Federal and state wilderness areas are closed to cycling. The way you ride will influence trail management decisions and policies.

2. Leave no trace. Be sensitive to the dirt beneath you. Even on open (legal) trails, you should not ride under conditions where you will leave evidence of your passing, such as on certain soils after a rain. Recognize different types of soils and trail construction; practice low-impact cycling. This also means staying on existing trails and not creating any new ones. Be sure to pack out at least as much as you pack in.

3. Control your bicycle. Inattention for even a second can cause problems. Obey all bicycle speed regulations and recommendations.

4. Always yield trail. Make known your approach well in advance. A friendly greeting (or bell) is considerate and works well; don't startle others. Show your respect when passing by slowing to a walking pace or even stopping. Anticipate other trail users around corners or in blind spots.

5. Don't scare animals. All animals are startled by an unannounced approach, a sudden movement, or a loud noise. This can be dangerous for you, others, and the animals. Give animals extra room and time to adjust to you. When passing horses use special care and follow directions from the hroseback riders (ask if uncertain). Running cattle and distrubing wildlife is a serious offense. Leave gates as you found them, or as marked.

6. Plan ahead. Know your equipment, your ability, and the area in which you are riding -- and prepare accordingly. Be self-sufficient at all times, keep your equipment in good repair, and carry necessary supplies for changes in weather or other conditions. A well-executed trip is a satisfaction to you and not a burden or offense to others. Always wear a helmet.

PO Box 7578, Boulder, CO 80306 • (303) 545-9011 • FAX (303) 545-9026

MOUNTAIN BIKERS

Help make outdoor recreation safe and enjoyable for everyone. Please follow IMBA's Rules of the Trail. Your cooperation will help preserve trails and reduce user conflict .

IMBA RULES OF THE TRAIL

1. **Ride on open trails only.**
2. **Leave no trace.**
3. **Control your bicycle.**
4. **Always yield trail.**
5. **Never scare animals.**
6. **Plan ahead.**

Riding on public trails is a privilege. Do your part: RIDE RESPONSIBLY.

I·M·B·A
INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION
P.O. BOX 7578 • BOULDER CO 80306

North Dakota Parks & Recreation Department

1835 Bismarck Expressway, Bismarck, ND 58504
Phone: (701) 328-5357 Fax: (701) 328-5363 E-Mail: parkrec@pioneer.state.nd.us
Visit us on the Web: http://www.state.nd.us/ndparks

Edward T. Schafer, Governor

Douglass A. Prchal, Director

—

Field Manager
Brad Pozarnsky
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4054

—

Cross Ranch
1403 River Road
Center, ND 58530
Ph. (701) 794-3731
• Little Missouri-Killdeer

Devils Lake
152 S. Duncan Dr.
Devils Lake, ND 58301
Ph. (701) 766-4015
• Black Tiger Bay
• Grahams Island
• Shelvers Grove

Ft. Abraham Lincoln
4480 Fort Lincoln Road
Mandan, ND 58554
Ph. (701) 663-9571
• Sully Creek-Medora

Ft. Ransom
5981 Walt Hjelle Parkway
Ft. Ransom, ND 58033
Ph. (701) 973-4331
• Beaver Lake-Wishek
Ph. (701) 452-2752

Ft. Stevenson
1252A 41st Ave. NW
Garrison, ND 58540
Ph. (701) 337-5576

Icelandic
13571 Hwy. 5
Cavalier, ND 58220
Ph. (701) 265-4561

Lake Metigoshe
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4651

Lake Sakakawea
Box 732
Riverdale, ND 58565
Ph. (701) 487-3315

Lewis & Clark
4904 119th Rd. NW
Epping, ND 58843
Ph. (701) 859-3071

Turtle River
3084 Park Ave.
Arvilla, ND 58214
Ph. (701) 594-4445
• Elmwood-Grafton

TO: State Trails Advisory Board
FROM: Randy Harmon
Re: Fiscal Year 2000 Apportionments
DATE: December 22, 1999

Enclosed for your information is the list showing the apportionment that the state will receive next year from the Recreational Trails Program and a copy of the application.

We are currently accepting applications until April 1, 2000. If you know of any organization that might have a planned project and qualifies under the guidelines of the trails program, have them visit with me and I can get them an application.

As you can see from the apportionment list that our state will receive more funds than in past years. Many trail projects that received funding from this past year have finished their projects and are thankful for the help in receiving those trail funds to make their project a finished product.

If for some reason you are unable to continue to serve on the advisory board, please let me know.

Thanks for your time and serving on the board. Have a happy holiday season and new year in the millennium.

Recreational Trails Program
FY 2000 Apportionments
FHWA Administration = $750,000

	Percent of Natl Off-Road Rec Fuel Use	Apportionment Based on Share of Fuel Use	Equal Apportionment	Total Apportionment	Code 38B 7% Max for Administration*	Code 38C 5% Max for Education*	Code 384 88% Min for Trail Projects	30% Min** Motorized & Nonmotorized	40% Min** Diverse Trail Use
Alabama	1.92931187%	$475,093.05	$482,843.14	**$957,936**	$67,055	$47,896	$842,985	$267,264	$356,352
Alaska	0.91420979%	$225,124.16	$482,843.14	**$707,967**	$49,557	$35,398	$623,012	$197,523	$263,364
Arizona	1.96774918%	$484,558.23	$482,843.14	**$967,401**	$67,718	$48,370	$851,313	$269,905	$359,873
Arkansas	1.65170020%	$406,731.17	$482,843.14	**$889,574**	$62,270	$44,478	$782,826	$248,191	$330,922
California	11.15019748%	$2,745,736.13	$482,843.14	**$3,228,579**	$226,000	$161,428	$2,841,151	$900,774	$1,201,032
Colorado	2.47674154%	$609,897.60	$482,843.14	**$1,092,741**	$76,491	$54,637	$961,613	$304,875	$406,500
Connecticut	0.47829090%	$117,779.13	$482,843.14	**$600,622**	$42,043	$30,031	$528,548	$167,574	$223,432
Delaware	0.17366527%	$42,765.07	$482,843.14	**$525,608**	$36,792	$26,280	$462,536	$146,645	$195,526
Dist of Columbia	0.00000000%	$0.00	$482,843.14	**$482,843**	$33,799	$24,142	$424,902	$134,713	$179,618
Florida	3.61924644%	$891,239.44	$482,843.14	**$1,374,083**	$96,185	$68,704	$1,209,194	$383,369	$511,159
Georgia	3.13131800%	$771,087.06	$482,843.14	**$1,253,930**	$87,775	$62,696	$1,103,459	$349,847	$466,462
Hawaii	0.19366161%	$47,689.17	$482,843.14	**$530,532**	$37,137	$26,526	$466,869	$148,019	$197,358
Idaho	1.55566319%	$383,082.06	$482,843.14	**$865,925**	$60,614	$43,296	$762,015	$241,593	$322,124
Illinois	2.79021813%	$687,091.21	$482,843.14	**$1,169,934**	$81,895	$58,496	$1,029,543	$326,412	$435,216
Indiana	1.53820517%	$378,783.02	$482,843.14	**$861,626**	$60,313	$43,081	$758,232	$240,394	$320,525
Iowa	1.27289925%	$313,451.44	$482,843.14	**$796,295**	$55,740	$39,814	$700,741	$222,167	$296,222
Kansas	1.28381477%	$316,139.39	$482,843.14	**$798,983**	$55,928	$39,949	$703,106	$222,917	$297,222
Kentucky	1.54275986%	$379,904.61	$482,843.14	**$862,748**	$60,392	$43,137	$759,219	$240,707	$320,942
Louisiana	2.51689528%	$619,785.46	$482,843.14	**$1,102,629**	$77,184	$55,131	$970,314	$307,634	$410,178
Maine	0.93727996%	$230,805.19	$482,843.14	**$713,648**	$49,955	$35,682	$628,011	$199,108	$265,477
Maryland	0.84425492%	$207,897.77	$482,843.14	**$690,741**	$48,351	$34,537	$607,853	$192,717	$256,956
Massachusetts	1.02869503%	$253,316.15	$482,843.14	**$736,159**	$51,531	$36,807	$647,821	$205,388	$273,851
Michigan	3.79554800%	$934,653.69	$482,843.14	**$1,417,497**	$99,224	$70,874	$1,247,399	$395,482	$527,309
Minnesota	2.80908501%	$691,737.18	$482,843.14	**$1,174,580**	$82,220	$58,729	$1,033,631	$327,708	$436,944
Mississippi	2.41436460%	$594,537.28	$482,843.14	**$1,077,381**	$75,416	$53,869	$948,096	$300,590	$400,786
Missouri	2.48185013%	$611,155.59	$482,843.14	**$1,093,999**	$76,579	$54,699	$962,721	$305,226	$406,968
Montana	1.24395644%	$306,324.27	$482,843.14	**$789,168**	$55,241	$39,458	$694,469	$220,178	$293,571
Nebraska	0.59218378%	$145,825.26	$482,843.14	**$628,668**	$44,006	$31,433	$553,229	$175,399	$233,865

Nevada	0.66176982%	$162,960.82	$482,843.14	**$645,804**	$45,206	$32,290	$568,308	$180,179	$240,239
New Hampshire	0.44637330%	$109,919.42	$482,843.14	**$592,763**	$41,493	$29,638	$521,632	$165,381	$220,508
New Jersey	1.85670592%	$457,213.83	$482,843.14	**$940,057**	$65,803	$47,002	$827,252	$262,276	$349,702
New Mexico	1.74048185%	$428,593.66	$482,843.14	**$911,437**	$63,800	$45,571	$802,066	$254,291	$339,055
New York	3.39806081%	$836,772.47	$482,843.14	**$1,319,616**	$92,373	$65,980	$1,161,263	$368,173	$490,897
North Carolina	2.58477980%	$636,502.03	$482,843.14	**$1,119,345**	$78,354	$55,967	$985,024	$312,297	$416,396
North Dakota	0.44781668%	$110,274.86	$482,843.14	**$593,118**	$41,518	$29,655	$521,945	$165,480	$220,640
Ohio	3.10608358%	$764,873.08	$482,843.14	**$1,247,716**	$87,340	$62,385	$1,097,991	$348,113	$464,150
Oklahoma	1.95058879%	$480,332.49	$482,843.14	**$963,176**	$67,422	$48,158	$847,596	$268,726	$358,302
Oregon	1.94307513%	$478,482.25	$482,843.14	**$961,325**	$67,292	$48,066	$845,967	$268,210	$357,613
Pennsylvania	2.42099586%	$596,170.23	$482,843.14	**$1,079,013**	$75,530	$53,950	$949,533	$301,045	$401,393
Rhode Island	0.17807559%	$43,851.11	$482,843.14	**$526,694**	$36,868	$26,334	$463,492	$146,948	$195,930
South Carolina	1.29011430%	$317,690.65	$482,843.14	**$800,534**	$56,037	$40,026	$704,471	$223,349	$297,799
South Dakota	0.41723517%	$102,744.16	$482,843.14	**$585,587**	$40,991	$29,279	$515,317	$163,379	$217,838
Tennessee	2.03784299%	$501,818.84	$482,843.14	**$984,662**	$68,926	$49,233	$866,503	$274,721	$366,294
Texas	8.08542499%	$1,991,035.90	$482,843.14	**$2,473,879**	$173,171	$123,693	$2,177,015	$690,212	$920,283
Utah	1.16849171%	$287,741.08	$482,843.14	**$770,584**	$53,940	$38,529	$678,115	$214,993	$286,658
Vermont	0.33661509%	$82,891.47	$482,843.14	**$565,735**	$39,601	$28,286	$497,848	$157,840	$210,454
Virginia	2.64415231%	$651,122.51	$482,843.14	**$1,133,966**	$79,377	$56,698	$997,891	$316,377	$421,836
Washington	2.69602414%	$663,895.94	$482,843.14	**$1,146,739**	$80,271	$57,336	$1,009,132	$319,940	$426,587
West Virginia	0.87441155%	$215,323.84	$482,843.14	**$698,167**	$48,871	$34,908	$614,388	$194,789	$259,718
Wisconsin	2.34263111%	$576,872.91	$482,843.14	**$1,059,716**	$74,180	$52,985	$932,551	$295,661	$394,214
Wyoming	1.03848375%	$255,726.62	$482,843.14	**$738,570**	$51,699	$36,928	$649,943	$206,061	$274,748
TOTAL USA	100.00000000%	$24,625,000.00	$24,625,000.00	**$49,250,000**	$3,447,474	$2,462,475	$43,340,051	$13,740,758	$18,321,010

*rounded down *rounded down *rounded up ** The 30% and 40% requirements apply to all funds except Administration. They apply to the combined total for Education and Trail Projects. The figures are calcu lated as (Total Apportionment - Administration).

· Total Apportionments are rounded to the nearest dollar. To correct for rounding error, any "apportionment based on fuel use" with a remainder of 28 cents or less is rounded *up*, which provides $1 extra to Mississippi and Montana.

· Connecticut, Delaware, the District of Columbia, and Rhode Island are exempt from the 30% requirements.

Table revised 15 September 1999

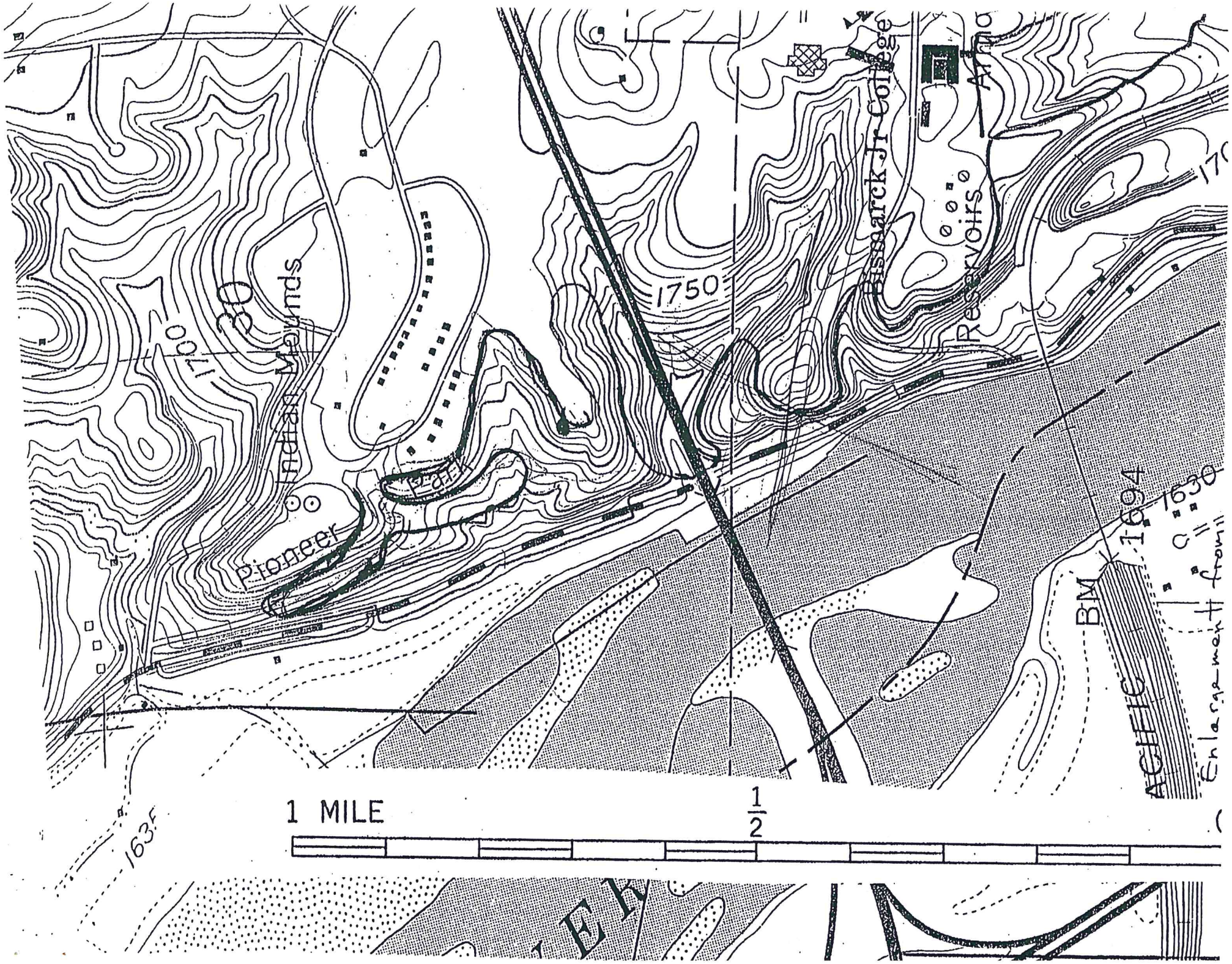
DAKOTA CYCLERY
Est. 1980
Quality Bicycles

1606 East Main
Bismarck, North Dakota 58501
(701) 222-1218

Attention Bill Wocken:

Enclosed is our complete application for the proposed Pioneer Park trail. Please let me know as soon as possible on the "easement" status. Thank you

Jennifer Morlock
Manager


Indian Mounds
Pioneer
Trail
1700
1750
Bismarck Jr College
Reservoirs
BM
1694
1630
1635
1 MILE
1/2

Bismarck City Administration

May 26, 1999

MS JENNIFER MORLOCK
DAKOTA CYCLERY
1606 E MAIN AVE
BISMARCK ND 58501-4601

Dear Ms. Morlock:

On Tuesday, May 25, 1999 the Board of City Commissioners considered your request on behalf of the Dakota Roughriders Bike Club for an easement for a two-mile mountain bike trail from Pioneer Park to Bismarck State College on city property.

The Board did approve this easement with the stipulation that the city concerns listed in my letter of May 20, 1999, be followed.

Sincerely,

W. C. Wocken
City Administrator

WCW/kr

Phone: 701-222-6471 ★ FAX: 701-222-6470 ★ 221 N. Fifth St. ★ P.O. Box 5503 ★ Bismarck, ND 58506-5503

Bismarck *City Administration*

May 20, 1999

Jennifer Morlock
Dakota Cyclery
1606 E Main Avenue
Bismarck, ND 58501

Dear Jennifer:

The items the city staff is most concerned for relative to this grant are as follows:

- The affected area has been preliminarily identified for a possible storm water impoundment. Any trail use of this property would need to be subject to this potential impoundment.
- Once established, the continued maintenance of the trails is a concern. This maintenance will need to be handled by someone able to guarantee future condition of the trails.
- The city will need to be indemnified for claims resulting from the use of these trails.
- This area is likely to host Native American artifacts. The ND Historical Society will need to be involved in the trail construction process to eliminate negative impacts.
- The city will need to be insulated from any grant penalties if these trails need to be discontinued.
- We will recommend the easement be granted only if cancelable on six months notice due to the changing plans for this area.

Please review these comments and, if there is a desire to proceed with the project with these noted concerns, please advise me of your intentions.

You are not presently scheduled for the City Commission meeting of May 25, 1999 (5:15 p.m.), but I will put you on this agenda if you wish.

Please let me know of your wishes.

Sincerely,

Bill Wocken
City Administrator

Phone: 701-222-6471 ♦ FAX: 701-223-6470 ♦ 221 N. Fifth St. ♦ P.O. Box 5503 ♦ Bismarck, ND 58506-5503

bismarck parks and recreation district

NATIONAL GOLD MEDAL AWARD '93 BISMARCK PARKS & REC. DIST.

May 25, 1999

Jennifer Morlock
Dakota Cyclery
1606 E Main
Bismarck, ND. 50501

Dear Jennifer,

As follow-up to the letter you forwarded to me dated May 20, from Bill Wocken, City Administrator, my comments are:

1. It is understood that a storm water impoundment has been discussed for a part of the proposed trail area. This was a project discussed between the City and Park District. If the trail is impacted by a future impoundment, the trail will have to be adjusted accordingly

2. The Park District will enter into an agreement with the club to assist with maintenance of the trails as well to define any conditions of development that are the responsibility of the club.

3. Although there is already trail use of the city and park property by the general public, we will need an agreement between the City and the Park District to indemnify the City from any claims resulting from trail use as a designated trail.

4. It is understood that we are in an environmentally and historically sensitive area. Standard procedure must be to develop the trails with minimal movement of soils and that if any artifacts are found the project cease until proper agencies have been notified.

5. The City will be protected from any contract/project obligations as the Park District will be the local agency signing for any grant funds that may be received through ND State Parks and Recreation

420 E. Front Ave. • Bismarck, ND 58504 • Phone 701/222-6455 • Fax 701/221-6838

5. With the agreements developed between the City and the Park District and the club, the terms and conditions can be developed for cancellations and easements.

I hope this answers the question adequately. As you can tell we will need to develop the agreements for development between the City and Park District and the club and the District before any development can really take place.

If you have any questions, please call

Steven M. Neu
Director of Parks and Recreation

DAKOTA CYCLERY
Est. 1980
Quality Bicycles

1606 East Main
Bismarck, North Dakota 58501
(701) 222-1218

5-26-99

Attention Bill Wocken:

Bill, Thank you very much for all your help in expediting the Roughrider Bicycle Club's request for Trail access on the Pioneer Park Area. Attached is a letter from Steve New which addresses the Cities' concerns. It's been a pleasure working with you.

Sincerely,
Jennifer Morlock
manager

bismarck parks and recreation district

NATIONAL GOLD MEDAL AWARD '93 BISMARCK PARKS & REC. DIST.

May 25, 1999

Jennifer Morlock
Dakota Cyclery
1606 E Main
Bismarck, ND. 50501

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420 E. Front Ave. • Bismarck, ND 58504 • Phone 701/222-6455 • Fax 701/221-6838

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If you have any questions, please call

Steven M. Neu
Director of Parks and Recreation

Dakota Rough Riders Bike Club
PO BOX 3145
BISMARCK, ND 58502

Mr. Steve Neu
Bismarck Parks & Recreation
420 East Front Ave.
Bismarck, ND 58504

Steve,

Dakota Roughriders Bicycle Club is requesting to build a mountain bike trail at Pioneer Park. The area to be used is the eastern section of the Park, east of River Road and north of Bismarck State College. This area of the Park is currently unusable due to its steep and hilly terrain.

Our proposed trail project will produce a trail that winds its way around the Park making use of the entire Park. The trail will be about 2 miles in length when completed. The trail will be constructed with correct camber and grade for low erosion by use and weather.

Along with the trail project, we will be conducting a general park clean-up. Pre-existing steep, and highly eroded trails will blocked off and repaired.

This trail will in no way interfere with the Mandan Indian Village.

Please feel free to contact me if you need further info.

Steve Stelton
President
Dakota Roughriders Bicycle Club
ND State IMBA Representative
P.O. Box 3145
Bismarck, ND 58502

Received 6/18/99

bismarck parks and recreation district

NATIONAL GOLD MEDAL AWARD '93 BISMARCK PARKS & REC. DIST.

June 23, 1999

Mr. Steve Stelton, President
Dakota Roughriders Bicycle Club
Box 3145
Bismarck, ND 58502

Steve:

Thank you for your letter outlining your proposed club activity and assistance in developing the Pioneer Park to BSC mountain bike trail.

As you are aware, the club was given approval to proceed by the City Commission with conditions stipulated on City property. With this letter, the Park District provides approval for your project on Park District property with the conditions outlined in the attached May 25, 1999 letter to Jennifer Morlock.

There are two additional parties involved with the proposed trail, BSC and the State of North Dakota Department of Transportation. You may want to touch base with Dave Clark at BSC and Francis Ziegler, Regional Engineer at DOT District Office, for their approval since this trail will now be recognized and signed. I have forwarded a copy of this letter to Dave and Francis.

I will forward a draft agreement to you within the week for your review and signature. We also will need to clarify the funding process and signage design for the project with ND State Parks.

420 E. Front Ave. • Bismarck, ND 58504 • Phone 701/222-6455 • Fax 701/221-6838

Good luck with your club's efforts. We look forward to this new and improved community offering.

Sincerely,

Steven M. Neu
Director of Parks and Recreation

cc: Bill Wocken, City Administrator
Dave Clark, BSC
Francis Ziegler, NDDOT
Jennifer Morlock, Dakota Cyclery, State Trails Committee
Randy Harmon, ND State Parks

North Dakota Parks & Recreation Department

1835 Bismarck Expressway, Bismarck, ND 58504
Phone: (701) 328-5357 Fax: (701) 328-5363 E-Mail: parkrec@pioneer.state.nd.us
Visit us on the Web: http://www.state.nd.us/ndparks

Edward T. Schafer, Governor

Douglass A. Prchal, Director

—

Field Manager
Brad Pozarnsky
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4054

—

Cross Ranch
1403 River Road
Center, ND 58530
Ph. (701) 794-3731
• Little Missouri-Killdeer

Devils Lake
152 S. Duncan Dr.
Devils Lake, ND 58301
Ph. (701) 766-4015
• Black Tiger Bay
• Grahams Island
• Shelvers Grove

Ft. Abraham Lincoln
4480 Fort Lincoln Road
Mandan, ND 58554
Ph. (701) 663-9571
• Sully Creek-Medora

Ft. Ransom
5981 Walt Hjelle Parkway
Ft. Ransom, ND 58033
Ph. (701) 973-4331
• Beaver Lake-Wishek
Ph. (701) 452-2752

Ft. Stevenson
1252A 41st Ave. NW
Garrison, ND 58540
Ph. (701) 337-5576

Icelandic
13571 Hwy. 5
Cavalier, ND 58220
Ph. (701) 265-4561

Lake Metigoshe
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4651

Lake Sakakawea
Box 732
Riverdale, ND 58565
Ph. (701) 487-3315

Lewis & Clark
4904 119th Rd. NW
Epping, ND 58843
Ph. (701) 859-3071

Turtle River
3084 Park Ave.
Arvilla, ND 58214
Ph. (701) 594-4445
• Elmwood-Grafton

June 24, 1999

Jennifer Morlock
Dakota Cyclery
1606 E. Main Ave
Bismarck, ND 58501

Dear Ms. Morlock:

The application submitted for funding to the Recreational Trails Program has been approved by the Federal Highway Administration.

You are now authorized to begin your project and in order to be reimbursed for costs, I need to have copies of bills or statements showing the costs and copies of a cancelled check or checks (front and back) and submit these to our office for reimbursement procedures.

The project needs to be completed by December 31, 2000. If for some reason you do not complete it by then, let me know and I can possibly do an extension on the completion date.

If you may have any questions, please let me know.

Sincerely,

Randy Harmon
Recreation Planner/Grants Coordinator

#13

North Dakota Parks & Recreation Department

National Recreational Trails Project Application

General Project Information

Project/Trail Name: PIONEER PARK MULTI-USE TRAIL

Applicant Agency: DAKOTA ROUGH RIDERS BIKE CLUB

Project sponsor type (check one): ☐ Municipal ☐ Federal ☒ Nonprofit corporation ☐ Partnership ☐ State ☐ For-profit corporation

Project Contact: LOREN MORLOCK

Address: 1606 E. MAIN AVE, BISMARCK, ND 58501

Telephone No.: (work) (701) 222-1218 (home) _____

County: BURLEIGH City/Township: BISMARCK

Project Funding Information

Total project cost $ 11918 Amount requested $ 7818

Local match* $ 4100 Match % 34 Source of matching funds Vol. Labor

* - *In kind donations of labor and/or materials are eligible sources of matching "funds."*

1. **Description of project** (include quantitative measurements e.g. acres, linear miles, trail width, etc. and a map of the area and proposed trail project):

   1. This Project will include the construction of single track, non-motorized, multi-use trail mainly for mountain bicycling and hiking/walking. The trail is within the eastern section to Pioneer Park which covers about 1/2 sq. mile. The trail will be about 18" wide and approximately 2 miles long. Trail construction will include digging and clearing land with correct camber and grade for low impact of use and low erosion. Preexisting steep, high erosion trails will be blocked off. Signs, trail markers and railroad ties will be placed along the trail.

2. **Intended trail use** (check one):
   ☐ motorized use ☐ non-motorized use ☐ combination motorized/non-motorized use
   ☐ combination of motorized uses ☒ combination of non-motorized uses

3. **Type(s) of use** (check all that apply):
   ☐ bicycling ☐ snowmobiling ☐ cross-country skiing ☐ aquatic or water activity
   ☒ hiking ☐ motorcycling ☒ walking/jogging ☐ interpretive/nature activities
   ☐ equestrian ☐ four-wheel driving ☒ mountain bicycling ☐ all terrain vehicle riding

ENVIRONMENTAL ASSESSMENT

1. Describe the proposed action (include the project location, project specifications and proprosed work plan):

1. This trail project is proposed for the eastern section of Pioneer Park (City of Bismarck Park) that is located east of River Road (Hwy. 1804) and north of Bismarck State College (straddling 1-94) and covers about 1/2 square mile in Bismarck, ND. This section of Pioneer Park that has been neglected for years with outdated and destructive trails. This part of the Park has limited access and is unusable for other types of recreation due to its steep and hilly terrain that is devoid of any large, level areas.

The proposed trail project will produce a trail that winds its way around the Park making use of the entire Park area. The trail will be about 2 miles in length and a maximum of 18" wide within the Park area. The construction of the trail will involve digging and clearing land for the trail. The trail will be constructed with correct camber and grade for low erosion by use and weather. Limited tree removal, except dead fall, and no yucca plant removal will be conducted along with general park clean-up. Preexisting steep, high erosion trails will be blocked off. Signs, trail markers and railroad ties will be placed along the trail. The trail will not interfere with the Mandan Indian Village site that is located in the northeastern part of the Park.

The labor for design, construction and maintenance of the project will consist of volunteer effort of the Dakota Rough Riders Bike Club members.

2. Describe the environment:

2. Pioneer Park is located along the banks of the Missouri River. This terrain consists of steep hills, valleys and gullies not suitable for use other than trails. This area is lightly wooded in parts but mostly consists of steep grass covered slopes. Yucca plants and Prickly Pear cactus are prevalent in the area. This area also contains the remains of a Mandan Indian Village in the northeastern section of the Park which has been clearly marked and is the only part of this area that is maintained by the City of Bismarck. Numerous old, unmaintained trails cover this area. These trails mostly run straight up and down the steep slopes in the Park producing deep rutted trails open to erosion.

3. Describe the anticipated impact of this project:

3. This project will have a very positive impact by producing an accessible trail that utilizes the entire Park area. The new trail will supersede the old and destructive trails in favor of an updated and modern trail that is constructed with due respect to the environment. The new trail will make the Park usable to more people by opening up the Park that has seen limited access and use in the past.

4. **Will project be used seasonally or year round?** SEASONALLY

5. **Describe unique and/or important circumstances surrounding this project (e.g. loss of opportunity for the trail project, community support, etc.)**

5. This project will help fill the need for more multi-use trails in the Bismarck/Mandan area. Also, this project will produce a better, low impact and continuous trail in Pioneer Park, ultimately opening up a park that has seen little use.

6. **Describe project site as is, and changes to the site if project is constructed (e.g. tree removal, drainage area filled, etc.)**

6. The project site consists of valleys and gullies along the banks of the Missouri River. Existing trails are old, unplanned, unmaintained, very steep and have high erosion of topsoil. This project will block off old trails in favor of a newly constructed trail. Limited tree removal, except dead fall, and no yucca plant removal will be conducted along with general park clean-up.

7. **Classification of land** (check one):
☒ public land ☐ private land ☐ combination of public/private lands

Who has title to the project land? (indicate if ownership is via warranty deed or leasehold interest and attach a copy of deed or lease.)

7. City of Bismarck, City Park

8. **Will the project link to or be an integral part of any other trail(s)?** ☒ Yes ☐ No
If yes, please describe:

8. This project will be accessible and be a continuation of the Pioneer Park paved trail.

9. **Describe any partnerships developed to complete this project** (e.g. agreements between public agencies; public/private partnerships; or private/private private partnerships):

9. There is a continuing partnership between the Dakota Rough Riders Bike Club and the City of Bismarck, Parks and Recreation for the Dakota Rough Riders Bike Club to construct and maintain new multi-use trails and remove old trails.

10. **Time schedule**
Anticipated starting date: ASAP/ongoing Project time frame: ongoing

11. **Does the project facilitate access/use of trails by persons with disabilities, older citizens and/or other special populations or groups?** ☒ Yes ☐ No

If yes, please describe:

11. This project will make Pioneer Park more usable to anyone but mostly by mountain bicyclists and hikers. As is, this section of Pioneer Park is unusable, the existing trails are very steep and loose packed. The steep and hilly nature of this Park precludes any other use except by trails.

12. **Is project identified in a regional/municipal, state or national park plan?** ☐ Yes ☒ No

If yes, please identify: _____

13. **Have area citizens been involved in project development?** ☒ Yes ☐ No

If yes, how? _____

13. The local mountain bicycling group has been involved in the development of this project by volunteering their labor including: designing the trail; preliminary construction; and the start of blocking off old trails.

14. **What type of agreement will exist regarding project operation and maintenance?**

14. The Dakota Rough Riders Bike Club will design, build and maintain the trail.

15. **How will trail construction/maintenance be performed?** Note any volunteer labor. _____

15. The trail will be contracted and maintained totally by volunteer labor of members of the Dakota Rough Riders Bike Club.

16. **Will federal funds, other than NRT funds, be utilized for project development?**

☐ Yes ☒ No If yes, please identify: _____

17. **Will the required 20% minimum match be immediately available?** ☒ Yes ☐ No

Please explain: _____

17. Volunteer labor will be immediately available.

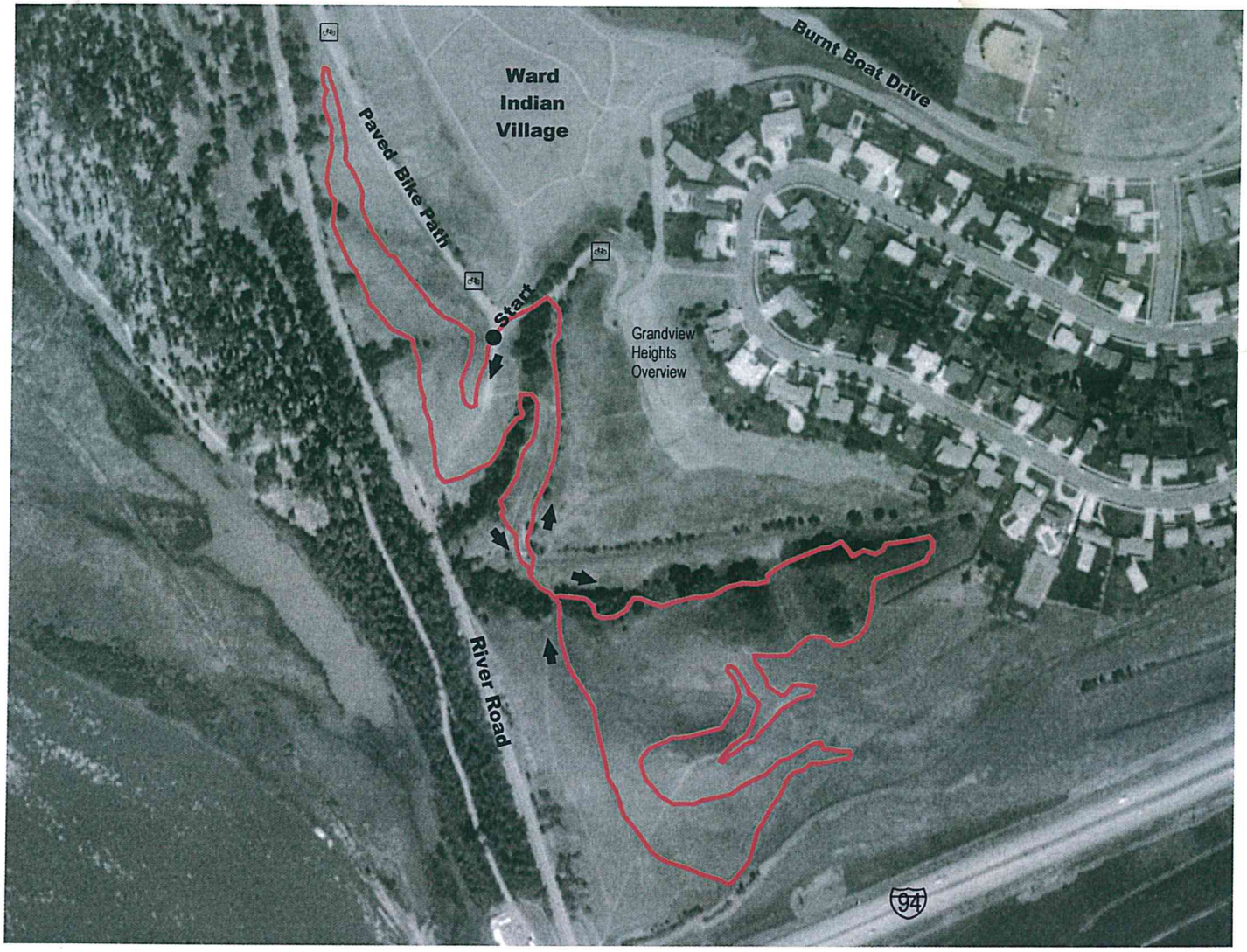
18. **Will the sponsor's share equal more than 20% of the overall project cost?** ☒ Yes ☐ No

If yes, please explain: _____

18. The Volunteer labor will total about $4100.00. This figures about 6.5 labor hours to construct 100 ft. of trail with a total of 686 hrs. to construct 10560 ft. (2 miles) at $6.00/hr.

PIONEER PARK MOUNTAIN BIKE TRAIL

N



0.03 0 0.03 0.06 Miles

Trail

Trail Length - 1.6 miles

This trail was developed by Bismarck Parks and Recreation District , Dakota Cyclery, and Dakota Roughriders Bike Club.

Bismarck City Administration

May 20, 1999

Honorable Board of City Commissioners
Bismarck, North Dakota

Honorable Commissioners:

A regular meeting of the Board of City Commissioners is scheduled for May 25, 1999 at the hour of 5:15 PM, in the Tom Baker Meeting Room of the City/County Office Building at 221 North Fifth Street.

Future Commission meetings are scheduled as follows:

- June 8 and 22
- July 13 and 27
- August 10 and 24

Invocation - Chaplain of the Bismarck Police Department.

MEETING OF THE BOARD OF CITY COMMISSIONERS

1. Consider the approval of the minutes of the Board of City Commissioners meeting of May 11, 1999.

2. CONSENT AGENDA:

   A. Consider the approval of the monthly bills.

   B. Review personnel actions (See attached information).

   C. Consider the request by Wallace Perman for vacation of part of Railroad Avenue in Governor Pierce Addition. (See attached information)
   Action by the Board would be to call for a public hearing.

   D. Consider the request of Mary Stevens, Director of the Downtowners Business Association, for permission to close streets for various functions in the downtown area. (See attached information)

   E. Consider the approval of the following appointments to the Library Board of Trustees: Marcia Harris – New Member and Dr. Kermit Lidstrom – reappointment. (See attached information)

Phone: 701-222-6471 ★ FAX: 701-222-6470 ★ 221 N. Fifth St. ★ P.O. Box 5503 ★ Bismarck, ND 58506-5503

7. PUBLIC HEARING and second reading on Ordinance 4980 relating to alcoholic beverages. (See attached information)

8. PUBLIC HEARING and second reading on Ordinance 4988 relating to offenses involving minors or alcohol. (See attached information)

9. PUBLIC HEARING and second reading on Ordinance 4989 relating to evaluation or appraisal of performance. (See attached information)

10. PUBLIC HEARING and second readings on Ordinances 4981 to 4987 relating to water and sewer trunk line and water reservoir charges. (See attached information)

11. PUBLIC HEARING on the Resolution of Necessity and award of bid for Street Improvement District Number Three Hundred Forty One (342). (See attached information)

12. Consider the request from Mel Bullinger, City Engineer, to approve the contract for the shared-use path on South Washington Street. (See attached information)

13. Receive and award bid for Street Improvement District Number Three Hundred Forty One. (See attached information)

14. Receive and award bid for Sewer Utility Project 99-30 – detour-signing for sewer utility main replacement.

15. Receive bids on the following:
    a. One or more Single Axle Truck Chassis and one or more Aerial Device with Chipper Box or Service Body.
    b. One or more Single Axle Truck Chassis and one or more Aerial Device with Chipper Box or Service Body.

16. Receive and award bid for Bulk Lime Storage Unit.

17. Receive and award bid for Street Utility Project 99-12.

18. Consider final approval of plat of Country West XXI. (See attached information)

19. Consider request of Joel Boespflug, Director of Fire and Inspections, for approval of a department reorganization plan. Materials relative to this topic will be distributed under separate cover.

Adjourn.

Sincerely,

Dennis Schlenker, Investment/Finance Officer
Attachments

Project No. 12 → 7818.00

Dakota Rough Riders Bike Club

Total Points 25

RECREATIONAL TRAILS PROGRAM
PROJECT RATING QUESTIONS

Project will qualify as: __motorized ✓non-motorized ✓diversified

Select all applicable answers per question. Maximum point value for each section is given at the end of each main question. Some sections may be left unanswered thereby leaving zero balances.

1. **Is the project supported by or included in a:**
   - **a. local recreation plan (1)** Pts____
   - **b. regional recreation plan (1)** Pts____
   - **c. statewide recreation plan SCORP (1)** Pts 1
   - Project is specifically referenced as a project to be implemented in the local, regional or statewide recreation plan.

Is the trail project sited on suitable soils and grades, designed to prevent erosion and suitably mitigated in problem areas? (1) Pts 1

The trail must be laid out in a manner which will result in the least amount of erosion problems and placing the trail on stable soils.

Does the project provide for use of trails by persons with disabilities, older citizens and other special populations or groups?

Project expands recreation opportunities for populations with recreation deficiencies.

- **Two or more groups (2pts)** Pts 1
- **One group (1pt)**

Type of trail project:

Choose one only.

The trail is placed in a category listed below. Only one category can be chosen.

- **Rehabilitation (4)** Pts 4
- **Maintenance (3)** Pts____
- **Development (2)** Pts____
- **Acquisition (1)** Pts____

How many trail uses will this project provide?

Trail corridors are maximized.

- **Four or more uses (4)** Pts____
- **Three (3)** Pts 3
- **Two (2)** Pts____
- **One (1)** Pts____

Will this project be used year round or seasonally?

Trail corridor usage is maximized.

- **Year round (2)** Pts____
- **Seasonally (1)** Pts 1

Does the project provide for corridor sharing to accommodate motorized/non-motorized trail use.
Trail corridors attempt to accommodate multiple uses while avoiding dangerous situations.

Project involves innovative multiuse corridor sharing (3) Pts____
Project involves multiuse corridor sharing (2) Pts____ 0
Project involves seasonal time sharing of trail (1) Pts____

Is the project in proximity to high population areas?
Project be implemented in proximity to potential users. Visitation counts may be used as population indicators.

Project is within ten miles of 1,000 or more people (1) Pts 1
Project is within 50 miles of 1,000 or more people (1) Pts____
Project is within ten miles of a state or national recreation/tourism attraction. (1) Pts____

Is the trail project located on land where the control of the trail is long term? Maximum pts (3)
Trail is located on public or private land with a minimum 20 year use period. (3) Pts 2
Trail is on private land with a use period of at least 3 years but less than 20 years. (2) Pts____

What is the commitment to continue operation and maintenance of the project?
Is the grant recipient willing to continue the maintenance and operation of this project on a long-term basis.

Project sponsor has made a written commitment to continue full project maintenance. (3) Pts____
Project sponsor has made a written commitment to continue donating labor for the maintenance of this project. (1) Pts 1
Maintenance agreement is uncertain. (0) Pts____

Does the project provide development of trail linkages?
Project will improve the quality and quantity of recreational experiences by offering other methods of transportation from home to recreational, shopping and places of work.

To another trail (2) Pts____
To a recreation area, home, work and school area. (2) Pts 2

What is the degree of citizen involvement in the proposed trail project?
Project is responding to citizen-identified needs.

Project originated with citizens or community organization (1) Pts 1
Citizens/community participated in project development (1) Pts____
Project is responsive to expressed needs of the community (1) Pts____

Does the project promote safe trail use?
The project sponsor describes how the project will keep the users safe on the trail system.

Yes (1) Pts 1
No (0)

Sponsor of the project has included with the application evidence of support for the project. **Pts** 2

Application includes letter of support, resolutions, public meetings, etc.

Yes (2)

No (0)

The sponsor of the project has submitted all documents as required to make the application complete and was submitted by the deadline date. **Pts** 2

Examples: maps, deeds or leases, copies of estimate costs or invoices of project or equipment.

Maximum pts (3) Choose form 0-3 pts.

Evidence of sponsor to demonstrate the ability to carry out the project. **Pts** 2

Sponsor demonstrates to carry out project by approved past projects or to operate, maintain and protect trail for future use. **Maximum pts (3) Choose from 0-3 pts.**

North Dakota Parks & Recreation Department

1835 Bismarck Expressway, Bismarck, ND 58504
Phone: (701) 328-5357 Fax: (701) 328-5363 E-Mail: parkrec@pioneer.state.nd.us
Visit us on the Web: http://www.state.nd.us/ndparks

Edward T. Schafer, Governor

Douglass A. Prchal, Director

Field Manager
Brad Pozarnsky
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4054

Cross Ranch
1403 River Road
Center, ND 58530
Ph. (701) 794-3731
• Little Missouri-Killdeer

Devils Lake
152 S. Duncan Dr.
Devils Lake, ND 58301
Ph. (701) 766-4015
• Black Tiger Bay
• Grahams Island
• Shelvers Grove

Ft. Abraham Lincoln
4480 Fort Lincoln Road
Mandan, ND 58554
Ph. (701) 663-9571
• Sully Creek-Medora

Ft. Ransom
5981 Walt Hjelle Parkway
Ft. Ransom, ND 58033
Ph. (701) 973-4331
• Beaver Lake-Wishek
Ph. (701) 452-2752

Ft. Stevenson
1252A 41st Ave. NW
Garrison, ND 58540
Ph. (701) 337-5576

Icelandic
13571 Hwy. 5
Cavalier, ND 58220
Ph. (701) 265-4561

Lake Metigoshe
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4651

Lake Sakakawea
Box 732
Riverdale, ND 58565
Ph. (701) 487-3315

Lewis & Clark
4904 119th Rd. NW
Epping, ND 58843
Ph. (701) 859-3071

Turtle River
3084 Park Ave.
Arvilla, ND 58214
Ph. (701) 594-4445
• Elmwood-Grafton

TO: Trails Advisory Board Members
FROM: Randy Harmon RH
Re: Funding for Fiscal Year "99" Trail Projects
DATE: May 7, 1998

This is to inform you that the board will meet on Tuesday, May 25 at 9:00 am. The meeting will take place at the North Dakota Parks and Recreation Department in the meeting conference room.

I have enclosed copies of all applications, rating sheet, information sheets on motorized and non-motorized projects, past funded projects and copies of my ratings for each project. We have received a total of $160,240.00 in requests for motorized funding with $124,754.00 available for use. The non-motorized projects total $1,261,720.50 in requests for funding with $291,093.00 available for use. I have enclosed a sheet showing the distribution of funds available in our state.

A rating sheet is enclosed to rate all projects. I have enclosed my rating sheet copies for review. Keep track of all total scores for each project. If you have access to a copy machine, you may want to copy the rating sheet for each project to be rated. It is important to rate the projects so we can compare and determine at the meeting how the funds should be distributed to approved projects. Please bring you envelope packets with you at the meeting.

This year we received more requests for funding than ever before. We need to discuss at the meeting about limiting grants. (Ex: $5,000 - $50,000) With the change from the 50/50 match to the 80/20 match, we are going to see an increase in the number of applications for funding.

If traveling from out of town, your travel and lodging expenses are reimbursed. I will have the necessary forms available for you.

If you are unable to attend the meeting and want your rating scores included, send those results to me and I will include them with the rest of the groups results.

Thank you for taking the time to do this important task and being a representative on the trails advisory board. If for some reason you cannot continue to serve on the board, please let me know. If you have any questions, I can be reached at 701-328-5369.

Thanks again and I hope to see you on the 25th of May.

Bismarck City Administration

May 20, 1999

Jennifer Morlock
Dakota Cyclery
1606 E Main Avenue
Bismarck, ND 58501

Dear Jennifer:

The items the city staff is most concerned for relative to this grant are as follows:

- The affected area has been preliminarily identified for a possible storm water impoundment. Any trail use of this property would need to be subject to this potential impoundment.
- Once established, the continued maintenance of the trails is a concern. This maintenance will need to be handled by someone able to guarantee future condition of the trails.
- The city will need to be indemnified for claims resulting from the use of these trails.
- This area is likely to host Native American artifacts. The ND Historical Society will need to be involved in the trail construction process to eliminate negative impacts.
- The city will need to be insulated from any grant penalties if these trails need to be discontinued.
- We will recommend the easement be granted only if cancelable on six months notice due to the changing plans for this area.

Please review these comments and, if there is a desire to proceed with the project with these noted concerns, please advise me of your intentions.

You are not presently scheduled for the City Commission meeting of May 25, 1999 (5:15 p.m.), but I will put you on this agenda if you wish.

Please let me know of your wishes.

Sincerely,

Bill Wocken
City Administrator

Phone: 701-222-6471 ★ FAX: 701-222-6470 ★ 221 N. Fifth St. ★ P.O. Box 5503 ★ Bismarck, ND 58506-5503

Bismarck City Administration

May 26, 1999

MS JENNIFER MORLOCK
DAKOTA CYCLERY
1606 E MAIN AVE
BISMARCK ND 58501-4601

Dear Ms. Morlock:

On Tuesday, May 25, 1999 the Board of City Commissioners considered your request on behalf of the Dakota Roughriders Bike Club for an easement for a two-mile mountain bike trail from Pioneer Park to Bismarck State College on city property.

The Board did approve this easement with the stipulation that the city concerns listed in my letter of May 20, 1999, be followed.

Sincerely,

W. C. Wocken
City Administrator

WCW/kr

Phone: 701-222-6471 ★ FAX: 701-222-6470 ★ 221 N. Fifth St. ★ P.O. Box 5503 ★ Bismarck, ND 58506-5503

Development Item	Unit	Estimated Cost
Trailer for tools (see attatched estimate)	1	$3700
Post hole digger (motorized)	1	$1250
Post hole digger (manual)	3	$75 (@$25)
Shovels (round nose)	3	$90 (@$30)
Shovels (square nose)	3	$90 (@$30)
Rake (large landscape)	3	$180 (@$60)
Rake (small)	3	$120 (@$40)
Hoes	3	$108 (@$36)
Wheel Barrow	3	$120 (@$60)
Pruners	3	$90 (@$30)
Bow Saws	3	$45 (@$15)
Signs, Trail system, Park info.	1	$1000
Posts, round, fence	25	$250 (@ $10)
Railroad ties	25	$175 (@ $7)
Trail Markers	100	$15
McCloud, trail rake	3	$120 (@ $40)
Poloski, brush tool	3	$90 (@ $30)

$

Volunteer labor of 686 hr.
to construct 10560 ft. (2 miles)
@ 6.5 hr/100 ft of trail and
$6/hr labor cost.

$4100.

May 30, 2001

Dan Scheoskel
ND Parks & Recreation
1835 Bismarck Expressway
Bismarck, ND 58504

Dear Dan:

Enclosed is a list of employees who worked on the Pioneer Park Trail Project. The list includes dates worked, hours worked, rate of pay, and total reimbursement being requested. This information will complete our funding request for the Recreational Trails Program. Please review the information and send reimbursement to us as soon as possible.

Also enclosed is a receipt showing additional costs to complete the project. We will also need reimbursement for this charge. Thank you for your attention to this matter.

Sincerely,

Jennifer Morlock
Dakota Cyclery

May 30, 2001

Dan Scheoskel
ND Parks & Recreation
1835 Bismarck Expressway
Bismarck, ND 58504

Dear Dan:

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Also enclosed is a receipt showing additional costs to complete the project. We will also need reimbursement for this charge. Thank you for your attention to this matter.

Sincerely,

Jennifer Morlock
Dakota Cyclery

Name	Date	Hours	Rate	Total Reimbursement
Jeff Bakken	10/24/99	1	$10.00	$10.00
	10/30/99	6	$10.00	$60.00
	10/31/99	3	$10.00	$30.00
	4/12/00	3	$10.00	$30.00
	5/15/00	3	$10.00	$30.00
	6/3/00	6.5	$10.00	$65.00
	8/28/00	3	$10.00	$30.00
	8/30/00	7	$10.00	$70.00
	9/30/00	8	$10.00	$80.00
	10/11/00	4	$10.00	$40.00
	10/21/00	9	$10.00	$90.00
	10/31/00	3	$10.00	$30.00
	11/1/00	4	$10.00	$40.00
	11/4/00	9	$10.00	$90.00
Brian Crawford	10/30/99	6	$10.00	$60.00
	10/7/00	5	$10.00	$50.00
	10/21/00	6	$10.00	$60.00
	11/4/00	5	$10.00	$50.00
Thomas Crawford	10/21/00	2	$10.00	$20.00
David DeSautel	10/30/99	6	$10.00	$60.00
	6/10/00	6	$10.00	$60.00
	11/2/00	2	$10.00	$20.00
	11/4/00	3.5	$10.00	$35.00
Tom Everson	4/22/00	1	$10.00	$10.00
Alex Felderman	10/7/00	4	$10.00	$40.00
Sarah Fricke	10/7/00	1	$10.00	$10.00
Steve Held	10/7/00	5	$10.00	$50.00
	10/21/00	6	$10.00	$60.00
	11/4/00	5	$10.00	$50.00
Jay Helseth	10/30/99	6	$10.00	$60.00
	6/3/00	3	$10.00	$30.00
Dwight Hertz	10/21/00	2.5	$10.00	$25.00
Tom Hotchkiss	10/30/99	6	$10.00	$60.00
	6/3/00	3	$10.00	$30.00
	6/10/00	6	$10.00	$60.00
	10/21/00	3	$10.00	$30.00
	11/4/00	3	$10.00	$30.00
Dave Jensen	6/3/00	3	$10.00	$30.00
	6/10/00	2.5	$10.00	$25.00
Joey Klein	6/10/00	10	$10.00	$100.00
Lance Larson	7/12/00	2	$10.00	$20.00
Aileen Luethe	6/3/00	3	$10.00	$30.00
	6/10/00	8	$10.00	$80.00
	10/7/00	4	$10.00	$40.00
	10/21/00	3	$10.00	$30.00
	11/4/00	4.5	$10.00	$45.00
			Subtotal	$2,055.00

Name	Date	Hours	Rate	Total Reimbursement
Ron Luethe	4/18/00	3	$10.00	$30.00
	6/3/00	5.5	$10.00	$55.00
	6/10/00	8	$10.00	$80.00
	10/7/00	5	$10.00	$50.00
	10/21/00	6.5	$10.00	$65.00
	11/4/00	6.5	$10.00	$65.00
Tom Marple	10/7/00	5	$10.00	$50.00
John Morgan	11/4/00	4.5	$10.00	$45.00
Todd Morken	7/12/00	1	$10.00	$10.00
	11/4/00	5	$10.00	$50.00
Loren Morlock	10/24/99	3	$10.00	$30.00
	10/30/99	6	$10.00	$60.00
	10/31/99	3	$10.00	$30.00
	4/12/00	3	$10.00	$30.00
	4/18/00	3	$10.00	$30.00
	4/22/00	1	$10.00	$10.00
	4/24/00	1	$10.00	$10.00
	5/15/00	3	$10.00	$30.00
	6/3/00	6.5	$10.00	$65.00
	6/10/00	7	$10.00	$70.00
	7/7/00	8	$10.00	$80.00
	7/12/00	2	$10.00	$20.00
	8/6/00	2	$10.00	$20.00
	8/28/00	3	$10.00	$30.00
	8/30/00	7	$10.00	$70.00
	9/30/00	8	$10.00	$80.00
	10/7/00	5	$10.00	$50.00
	10/11/00	4	$10.00	$40.00
	10/21/00	8	$10.00	$80.00
	10/31/00	3	$10.00	$30.00
	11/1/00	4	$10.00	$40.00
	11/3/00	4	$10.00	$40.00
	11/4/00	9	$10.00	$90.00
Bob Shannon	6/3/00	4	$10.00	$40.00
	11/4/00	1	$10.00	$10.00
Steve Shannon	11/4/00	1	$10.00	$10.00
John Steiner	10/21/00	2.5	$10.00	$25.00
Steve Stelton	10/24/99	3	$10.00	$30.00
	10/30/99	6	$10.00	$60.00
	10/31/99	3	$10.00	$30.00
	6/10/00	5	$10.00	$50.00
	8/30/00	3	$10.00	$30.00
	10/7/00	5	$10.00	$50.00
	10/21/00	4	$10.00	$40.00
	11/4/00	5	$10.00	$50.00
Kathy Summers	6/10/00	10	$10.00	$100.00
Kyle Thomas	10/7/00	5	$10.00	$50.00
	11/4/00	7	$10.00	$70.00
			Subtotal	$2,180.00

Name	Date	Hours	Rate	Total Reimbursement
Marnie Walth	10/7/00	3	$10.00	$30.00
	11/4/00	2	$10.00	$20.00
Luke Weiser	10/7/00	1	$10.00	$10.00
			Subtotal	$60.00
			Total	**$4,295.00**

City Attorney

DATE: July 7, 2020

FROM: Jannelle Combs, City Attorney

ITEM: Discussion on fireworks displays within City limits

REQUEST

Consider discussion on fireworks displays within City limits.

Please place this item on the 7/14/20 City Commission consent meeting agenda.

BACKGROUND INFORMATION

Mayor Bakken requested that this item be put on the agenda for discussion. I would need the two June meetings in order to accomplish any change in an ordinance, if that is the direction of the City Commission. I have attached some of the ordinances that would be relevant to consider changing.

RECOMMENDED CITY COMMISSION ACTION

Consider discussion on fireworks displays within City limits.

STAFF CONTACT INFORMATION

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

4-07-06. Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.
Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608.

Section 5601.2.4., Financial Responsibility. The permittee shall furnish a bond or insurance in an amount deemed adequate by the board of city commissioners, but not less than two hundred and fifty thousand dollars ($250,000.00) per individual or one million dollars ($1,000,000.00) per occurrence, conditioned for the payment of all potential damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any act of the permittee, its agents, employees or subcontractors.