August 25, 2020

Board of City Commissioners
Bismarck, ND

Dear Commissioners:

The Board of City Commissioners is scheduled to meet in regular session on Tuesday, Aug. 25, 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:

- September 8 & 22, 2020
- October 13 & 27, 2020
- November 10 & 24, 2020

MISSION STATEMENT

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

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:

   MN081120.pdf

3. CONSENT AGENDA

   A. Consider approval of expenditures.

   B. Consider approval of personnel actions.

   Documents:

   HR Personnel Report.pdf

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

      1. Approve Amendment 1 to the Dec. 20, 2017 lease with GSA for TSA break room/office and computer room space in terminal.
      2. Approve Amendment 1 to the Sept. 12, 2017 agreement with KLJ for Runway 13-31 Phase 3.
      3. Approve Change Order #4 with Strata Corporation for the Short -Term Economy and Long-Term Parking Expansion.
      4. Approve Change Order #9 with NIC for the Runway 13/31 Reconstruction Phase #3.

Documents:

(C) AIR - Amendment 1 GSA.pdf
(C) AIR - Amendment 1 KLJ.pdf
(C) AIR - Change Order 4.pdf
(C) AIR - Change Order 9.pdf

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

1. Ratify the August 12, 2020 State of Emergency Declaration relating to COVID-19 by President Bakken and extend its effect to September 11, 2020.

Documents:

(C) ATTY - Emergency Declaration.pdf

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

1. Approve Andrew and Sarah Rodenburg's request to release an access and utility easement over Lots 1 - 4, Block 1, Torrance Hill Addition, to allow construction of a single - family residence.

Documents:

(C) CD - Torrance Hill.pdf

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

1. Approve Amendment 7 with Apex Engineering Group for Storm Sewer Improvement District 563.
2. Approve encroachment agreements for the Bismarck Cancer Center's expansion.
3. Approve geotechnical service contract amendment with Terracon Consultants, Inc.
4. Sewer Utility Project SU 82 - Request bids and award contract for SU 82.
5. Street Improvement District No. 539 - Request for resolution approving plans and specifications for SI 539. Request for resolution directing the advertisement of bids and receive bids.
6. Water Improvement WA 333 and Sewer Improvement SE 577 - Request for resolution approving plans and specifications for Water Improvement District WA 333 and Sewer Improvement District SE 577.

Documents:

(C) ENG - Amendment 7.pdf
(C) ENG - Encroachment Agreements.pdf
(C) ENG - Geotechnical Service Contract Amendment.pdf
(C) ENG - SU 82.pdf
(C) ENG - SI 539.pdf
(C) ENG - WA333 and SE577.pdf

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

1. Application for abatement, 2020, Church for Truth Fellowship Live, 2702 E. Rosser Ave.

Documents:

(C) FIN - Abatement.pdf

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

1. Accept Change Order 1 with Skeels Electric Company for the HVAC renovation project at the Library.
2. Accept Change Order 4 with Custom Aire, Inc., for the HVAC renovation project at the Library.
3. Approve the sale fee of clay borrow material at the Bismarck Landfill.
4. Award bid for snow removal for the City parking lots and sidewalks to All Seasons Landscape and Bis-Man Outdoor Services.

Documents:

(C) PW-SO - Change Order 1.pdf
(C) PW-SO - Change Order 4.pdf
(C) PW-SO - Landfill Material.pdf
(C) PW-SO - Snow Removal Contracts.pdf

4. REGULAR AGENDA

5. Consider the request from the Community Development for Dennis Wetzel to appeal the July 2, 2020 decision of the Board of Adjustment to uphold an administrative zoning determination made by staff for the construction of a structure to be located on Lots 14 and 15, Block 4, Southbay Fifth Addition (4408 and 4412 Downing Street).

   Documents:

   (R) CD - Southbay Fifth Addition.pdf

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

   1. Public hearing on Ordinance 6432, a request for a zoning change from the RT - Residential and CA - Commercial zoning districts to the RT - Residential and CA - Commercial zoning districts for Northern Sky Second Addition.
   2. Final plat of Northern Sky Second Addition.

   Documents:

   (R) CD - Northern Sky Second Addition.pdf

7. Public hearing on a new Class I-1 Restaurant Full Alcohol Liquor License for Karman & Saiba Inc., doing business as India Clay Oven Bar & Grill, located at 510 E. Main Ave.

   Documents:

   (R) ADMIN - Liquor License - India Clay Oven.pdf

8. Consider the request from the Engineering Department to receive recommendations to convert a two - lane section of roadway to a three - lane section of roadway for HC 125.

   Documents:

   (R) ENG - HC 125.pdf

9. Receive a Financial Update from Finance Director, Dmitriy Chernyak.

10. Consider the request from the Attorney for discussion and provide policy for leave or accommodation for employees who have children participating in hybrid or online education.

    Documents:

    (R) ATTY - COVID-19 Child Care.pdf

Other Business

Adjourn

8/11/2020 - Minutes

MISSION STATEMENT

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

MEETING OF THE BOARD OF CITY COMMISSION

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

   Tamara Berger and Pat Spilman residents of Misty Waters, spoke on behalf of supporting the ordinance process in regards to the Misty Waters Planned Unit Setback item 12 on regular agenda.

   Jordan Anderson, owner of Big River Builders, defended the ordinance process and the work the Community Development Department did on the Misty Water Planned Unit Setback project.

2. Consider the approval of the minutes.

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

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

3. CONSENT AGENDA

   Commissioner Zenker moved to approve all items on the consent agenda. Commissioner Guy seconded the motion.

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

   A. Consider approval of expenditures.

      Vouchers: 1094199 - 1094379.

   B. Consider approval of personnel actions.

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

      1. Gaming Site Authorization - Sixteen03 Main Events, located at 1603 E. Main Ave.
      2. Introduction of and call for a public hearing on a new Class I-1 Restaurant Full Alcohol Liquor License for Karman & Saiba Inc., doing business as India Clay Oven Bar & Grill, located at 510 E. Main Ave.

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

      1. Introduction of and call for a public hearing on Ordinance 6432, a request for a zoning change from the RT - Residential and CA - Commercial zoning districts to the RT - Residential and CA - Commercial zoning districts for Northern Sky Second Addition.

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

1. Approve dedication of and acceptance of an access and utility easement on Lots 3 & 4, Block 38 Northern Pacific Second Addition.
2. Approve placement of street banners on Washington St. for the Bismarck Bobcats by the Bismarck Sports Group.
3. Sewer Improvement SE 577 - Request for resolution creating Water Improvement District WA 333 & Sewer Improvement District SE 577 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.
4. Street Improvement District No. 539 - Request for resolution declaring petitions for improvements has been received. Request for resolution creating district SI 539 and ordering preparation of the preliminary report. Request for resolution approving preliminary report and directing preparation of plans and specifications.

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

1. Approve the Resolution Directing Special Assessment to be levied.
2. Application for abatement, 2020, Church, for Truth Fellowship Live, 2702 E. Rosser Ave. The Assessing Division recommends denial of the application for abatement.

G. Consider the request for approval from the Human Resources Department for the following:

1. Permission to shred and destroy 24 boxes of Human Resources records.

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

1. Appoint Dianna Kindseth and Mike Fladeland to the Library Board of Trustees.

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

1. Approve Change Order 4 for Street Utility Project No. 52.
2. Approve purchase of an SUV for Bismarck-Burleigh Public Health.
3. Permission to provide garbage containers for the Tri-City Community Picnic on Aug. 29, 2020.
4. Permission to purchase a wing mower and offset hitch for the Solid Waste Disposal operations.
5. Permission to purchase roll-off containers for Solid Waste Collections and the Wastewater Treatment Plant.

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

1. Permission to support Great Plains Housing Authority and Community Action ND in their efforts in applying for the HUD Lead Hazard Reduction Grant.

4. REGULAR AGENDA

5. Consider the request from the Community Development Department for Dennis Wetzel to appeal the July 2, 2020 decision of the Board of Adjustment to uphold an administrative zoning determination made by staff for the construction of a structure to be located on Lots 14 and 15, Block 4, Southbay Fifth Addition (4408 and 4412 Downing Street).

The item was placed on hold at the appeal applicant's request.

Commissioner Zenker moved to approve placing the item on hold. Commissioner Marquardt seconded the motion.

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

6. Consider the request from the Finance Department for the approval of the 2019 Audited Comprehensive Annual Financial Report, the Schedule of Expenditures of Federal Awards and the Passenger Facility Charges Report.

   Finance Director, Dmitiry Chernyak, presented the 2019 Audited Comprehensive Annual Financial Report, the Schedule of Expenditures of Federal Awards and the Passenger Facility Charges Report to the Commission.

   Please see link for the full report: https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5324?fileID=12834.

   Commissioner Zenker approved the report as presented. Commissioner Sponskowski seconded the motion.

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

7. Public hearing on Ordinance 6429, a request for a annexation of the North 223 feet of Lot 1, Block 3, Timberlane Place Second Subdivision. 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.

8. Public hearing on Ordinance 6430, a request for a zoning change from the RM30 - Residential and HM - Medical Facility zoning districts to the HM - Medical Facility zoning district for Tract 500 of Blocks 27 & 38, and Lots 3, 4, the North 20 feet of Lot 5, and Lots 9 & 10, Block 38, Northern Pacific Second Addition, requested by the Bismarck Cancer Center.

   No member of the public appeared for comment.

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

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

9. Public hearing on Ordinance 6431, a request for a zoning change from the A - Agricultural, R5 - Residential, R10 - Residential, RM30 - Residential and RT - Residential zoning districts to the P-Public zoning district for part of the S 1/2 of Section 19 and part of the N 1/2 of Section 30, T139N - R80W/Hay Creek Township & City Lands, requested by Clairmont Family Trust.

   No member of the public appeared for comment.

   Commissioner Marquardt moved to approve the zoning change as presented. Commissioner Guy seconded the motion.

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

10. Public hearing on a request from the Community Development Department for a petition from the Bismarck Cancer Center to vacate the dedicated alley over the North 20 feet of Lot 5, the deeded alley over the East 8 feet of the North 20 feet of Lot 8, the deeded alley over the South 19.3 feet of the East 8 feet of Lot 9, and the deeded alley over the South 19.3 feet of the West 8 feet of Lot 4, all in Block 38, Northern Pacific Second Addition.

    No member of the public appeared for comment.

    Commissioner Guy moved to table the item until the September 8, 2020 regular City Commission Meeting. Commissioner Zenker seconded the motion.

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

11. Consider the request from the Community Development Department for verification on the easement release process.

    Ben Ehreth, the director of the Community Development Department, provided an overview of the easement release process and asked for direction from the Commission to ensure their process matched their standards.

    Commissioner Zenker asked if there was a way to make Bismarck residents aware of the easements on their property, as not everyone is aware they have one on their property. Director Ehreth stated that a lot survey is conducted when the applicant applies for a building permit.

    Commissioner Zenker then asked if they should make the neighbors of the applicants aware of easement release requests. Mayor Bakken stated that he felt comfortable alerting adjacent property owners of the requests. Director Ehreth stated that it will have a financial impact on the process and it would take staff additional time to meet the Commissioner request.

    City Attorney, Jannelle Combs, offered options for the Commission to move forward with their requests, such as requiring the application for easement release requests to go through the public hearing process.

    Commissioner Zenker motioned to have Director Ehreth to bring statistics of easement requests to the next meeting. Commissioner Splonskowski seconded the motion.

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

12. Consider the request from the Community Development Department for discussion on staff's interpretation of Misty Waters Planned Unit Development setback.

    Director Ehreth provided the Commission with a brief history of Misty Waters and how the Community Development Department came to their decision to support the Misty Waters builders request for an easement. He then asked the Commission for direction regarding the interpretation of the setback requirements and the language in the ordinance.

    Commissioner Guys stated she felt that if we have approved applications in the past, on staff's recommendations, based off of the ordinance, we should continue following that.

    Commissioner Splonskowski stated he would like to see a number in the ordinance that you can build up to, for example 30 feet from a home to a setback.

    Commissioner Zenker motioned to have staff hold a public input meeting with the Misty Waters landowners for clarification for the bay lots' rear setback. Commissioner Marquardt seconded the motion.

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

13. Consider the request from the Engineering Department to receive recommendations to convert a two-lane section of roadway to a three-lane section of roadway for HC 125.

    City Engineer, Gabe Schell, explained the proposed lane conversion from two-lane to three lanes on Interstate Ave. between 9th St. and Gateway Ave. and a two-lane to three-lane conversion on 26th St. from Broadway to Boulevard Ave.

    These conversions were brought to the Commission after the Engineering Department heard suggestions from the public, in addition to the observations made by the Engineering Department.

    Please see link to view a map with proposed lane conversions: https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5345?fileID=12878.

    The Commission discussed concerns with off-street parking upon approval of the conversion and asked if the Engineering Department has reached out to adjacent property owners.

    Commissioner Zenker motioned to have staff gather info from apartments and religious institutions on Valley View, and to keep off-street parking prohibited on all of 26th St. Commissioner Marquardt seconded the motion.

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

14. Receive a May 2020 Financial Update from Finance Director, Dmitriy Chernyak.

    Finance Director, Dmitriy Chernyak, provided the Commission with an overview on the City's collected sales, lodging, liquor, restaurant and highway distribution tax.

    Please see link for his full presentation: https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5349?fileID=12882.

    No motion was made for this item.

15. Consider the request from the Public Works - Utility Operations Department for review of the Wastewater Treatment Plant Facility Plan as part of the requirements for the State Revolving Fund Loan funding.

    Travis Carufel, the Superintendent of the Waste Water Treatment Plant, presented the facility plan to the Commission.

    Please see link for her full presentation: https://www.bismarcknd.gov/AgendaCenter/ViewFile/Item/5346?fileID=12873

    Commissioner Marquardt moved to accept the plan as presented. Commissioner Zenker seconded the motion.

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

16. Consider discussion of portfolio assignments.

    This item was tabled until the 2021 Budget is complete.

Other Business

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

Adjourn

The meeting was adjourned at 7:33 p.m.

PERSONNEL ACTIONS FOR THE MEETING ON Aug 25, 2020

Full-Time and Part-Time Appointments

Gefroh, Brittany Assistant City Attorney	Attorney	Probationary appointment @ $37.34/hr. 9/8/2020
Johnson, Cindy Communications Specialist	CenCom	Probationary appointment @ $20.94/hr. 8/31/2020
Jones, Sara Communications Specialist	CenCom	Probationary appointment @ $20.94/hr. 8/31/2020
Perez, Carly Communications Specialist	CenCom	Probationary appointment @ $20.94/hr. 10/5/2020
Smestad, Chad Communications Specialist	CenCom	Probationary appointment @ $20.94/hr. 8/31/2020
Wood, Malinda Communications Specialist	CenCom	Probationary appointment @ $20.94/hr. 8/31/2020
Visnjic, Minja HR Generalist	Human Resources	Probationary appointment @ $27.67/hr. 9/1/2020
Arumarajah, Joyanah Police Youth Worker	Police	Probationary appointment @ $23.08/hr. 9/8/2020
Schaeffer, Jostin Police Officer	Police	Probationary appointment @ $27.68/hr. 8/31/2020

Separations

Armstrong, Anasthasia B Concessions	Event Center	Resigned. 8/4/2020
Armstrong, Anasthasia V Concessions	Event Center	Resigned. 8/4/2020
Huddleson, John Maintenance Attendant I	Event Center	Resigned. 7/30/2020
Terry, Miles Maintenance Attendant I	Event Center	Resigned. 7/30/2020

Alagic, Ervin Police Officer	Police	Resigned. 8/12/2020
Nagle, Suzanne Mosquito Control Technician	Public Health	End of Season. 7/31/2020

Others

Balzum, Hilary Senior Administrative Assistant	Com Development	Promotion & salary adj. @ $22.18/hr. 8/23/2020
Bogaczyk, Sandra Office Assistant II	Com Development	Promotion & salary adj. @ $18.07/hr. 8/23/2020
Nairn, Daniel Senior Planner	Com Development	Reclassified – grade change only Grade 19 – 21 – 8/23/2020
Wollmulth, Jenny Senior Planner	Com Development	Reclassified – grade change only Grade 19 – 21 – 8/23/2020

Bismarck

Airport

DATE: August 17, 2020

FROM: for Greg Haug, Airport Director

ITEM: Consider Amendment 1 to the December 20, 2017 lease with GSA for TSA break room/office and space in the terminal.

REQUEST

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

On November 28, 2017, the Board approved a 5 year lease (LND00157) with the United States through the General Services Administration (GSA) for Transportation Security Administration (TSA) break room/office space and computer room in the commercial terminal. TSA desires the break room flooring to be changed from carpet to tile. GSA is using this Amendment 1 as the vehicle to reimburse Bismarck Airport for the flooring change. Amendment 1 adds $2,181 as an additional lease payment to Bismarck Airport. The payment and Amendment 1 language is agreeable to Airport Staff. The initial floor improvement cost is accommodated in the approved airport spending plan and the additional lease payment will reimburse the full cost of the floor improvement.

RECOMMENDED CITY COMMISSION ACTION

Approve Amendment 1 to the December 20, 2017 lease with GSA (LND00157) for TSA break room/office and computer room space in the terminal.

STAFF CONTACT INFORMATION

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

Enclosure:

1. Amendment 1 to the December 20, 2017 lease with GSA (LND00157).

ON AUGUST 25, 2020
AGENDA

CONTRACT REVIEW FORM

DEPARTMENT

Contract between the City of Bismarck and UNITED STATES of AMERICA (GSA for TSA LEASE SPACE)

Purpose of Contract: (LND0015T) LEASE FOR TSA BREAKROOM/OFFICES and COMPUTER ROOM : AMENDMENT 1

Contract Amount: ADDS $2,181

Contract Period: No change : 5YR LEASE STARTING JAN 1, 2018

Funding Source: INCOME TO AIRPORT ENTERPRISE FUND

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

Comments: AMENDMENT 1 FUNDS TILE FLOOR FOR BREAKROOM

After Mayor's Signature, route to: AIRPORT

Date:

Department Head Signature: for GREGORY B HAUG

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.

GENERAL SERVICES ADMINISTRATION PUBLIC BUILDINGS SERVICE **LEASE AMENDMENT**	LEASE AMENDMENT **No. 1** TO LEASE: **LND00157**
ADDRESS OF PREMISES: **2301 University Dr** **Bismarck, North Dakota**	PDN Number: **PS0047273**

THIS AMENDMENT is made and entered into between **CITY OF BISMARCK**

whose address is: **221 N 5th St, Bismarck, ND, 58501**

hereinafter called the Lessor, and the **UNITED STATES OF AMERICA**, hereinafter called the Government (the Lessor and the Government may be referred to in this Lease Amendment No. 1 collectively as the "Parties"):

WHEREAS, the Parties hereto desire to amend the above Lease and provide Notice to Proceed for Lessor to provide all labor, materials, and equipment for the installation of new VCT flooring in TSA's break room as specified in the Scope of Work attached at space located at 2301 University Drive, Bismarck, ND (the "Property"); and

NOW THEREFORE, the Parties for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree that the said Lease is amended, effective August 3, 2020, as follows:

Paragraph 5.04 is hereby added to the lease:
"5.04 REIMBURSABLE ITEM: The Lessor hereby agrees to provide all necessary labor, materials, and equipment for the installation of new VCT flooring in TSA's break room as specified in the Scope of Work attached. The Government agrees to reimburse Lessor in the total amount of **$2,181.40** upon receipt of an executed Lease Amendment #1 from Lessor and acceptance of the work by GSA. Lessor waives any rights of restoration as they pertain to this project and to release the Government from any and all obligations to restore the premises affected by the scope of this project.

All other terms and conditions of the Lease shall remain in force and effect.
IN WITNESS WHEREOF, the parties subscribed their names as of the below date.

FOR THE LESSOR:

Signature: _____
Name: _____
Title: _____
Entity Name: _____
Date: _____

FOR THE GOVERNMENT:

Signature: _____
Name: Randi Heller
Title: Lease Contracting Officer
GSA, Public Buildings Service
Date: _____

WITNESSED FOR THE LESSOR BY:

Signature: _____
Name: _____
Title: _____
Date: _____

The Vendor receiving payment shall issue the invoice. Additionally the invoice shall include a unique invoice number and cite the following PDN number **PS0047273.** [Invoices submitted without the PDN are immediately returned to the Vendor.] Invoices shall be submitted to the Greater Southwestern Finance Center electronically on the Finance Website at ***https://finance.ocfo.gsa.gov***. Vendors who are unable to process the invoices electronically, may mail the invoices to the following address: GSA, Greater Southwest Finance Center (7BCP), P.O. Box 17181, Fort Worth, Texas 76102. Any questions regarding the website may be directed to."

INITIALS: _____ & _____
LESSOR GOV'T

Bismarck

Airport

DATE: August 18, 2020

FROM: for Greg Haug, Airport Director

ITEM: Consider Amendment 1 to the September 12, 2017 Agreement with KLJ for Runway 13-31 Phase 3.

REQUEST

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

On September 20, 2017, the Board approved an engineering services agreement with KLJ for construction, inspection, administration, testing and closeout for Runway 13/31 Reconstruction Phase 3. The Federal Aviation Administration (FAA) funded the project with two (2) separate grants, which requires the completion of two (2) separate FAA project closeout reports. The original Agreement for Professional Services contained a task for one (1) FAA project closeout report. As a result, this Amendment to the Agreement adds an additional task to complete the second FAA project closeout report. The closeout task adds $16,862.87 to the current contract total of $2,008,852,07 for a new contract total of $2,025,714.93.

FAA concurs with Amendment 1. The cost is accommodated in the approved project budget and will be reimbursed by FAA grant amendment and/or by Passenger Facility Charge #7.

RECOMMENDED CITY COMMISSION ACTION

Approve Amendment 1 to the September 12, 2017 Agreement with KLJ.

STAFF CONTACT INFORMATION

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

Enclosure:

1. Amendment 1 to the September 12, 2017 Agreement with KLJ.

ON AUGUST 25, 2020 AGENDA

PROFESSIONAL SERVICES CONTRACT CHANGE FORM

DEPARTMENT

Contract between the City of Bismarck and KLJ

Purpose of Contract RUNWAY 13-31 RECONSTRUCTION (3rd Year of construction)

Contract Number: 2017-13 Project/Subproject Number: _____

Original Contract Amount: $2,008,852.07

Contract Change Amount: $16,861.86 NEW TOTAL: $2,025,714.93

Funding Source of Change Amount (If applicable) AIP 59, AIP 60, PFC #7

Change in Contract Timeline: NA

Change in Scope of Contract: NA - ADDS TASK FOR SECOND FAA GRANT CLOSEOUT.

Department Head Signature: for GREGORY B. HAUG Date: 8-18-20

COMMISSION APPROVAL

___ Change in contract amount less than 10% of the original contract amount or not greater than $15,000 placed on the City Commission consent agenda

X Change in contract amount that exceeds 10% of the original contract amount or $15,000 or greater, placed on City Commission regular agenda

___ Change to original scope of contract and/or contract period placed on City Commission consent agenda

City Commission Meeting Date: AUGUST 25, 2020

GRANTS COORDINATOR: _____

TO ALL DEPARTMENTS: Please attach verification of Commission approval and send to Fiscal Services.

ENCL 1

Timothy Thorsen

From: Holzer, Mark (FAA) <Mark.Holzer@faa.gov>
Sent: Tuesday, August 18, 2020 9:52 AM
To: Timothy Thorsen
Cc: Gregory Haug; 'tom.neigum@kljeng.com'; Anderson, David P (FAA); Peek, Andy (FAA)
Subject: BIS Runway 13-31 Reconstruction Phase 3 (KLJ 1518700) - Amendment 1 to the Agreement for Professional Services
Attachments: 20200817-Amendment1-Professional Services-1518700-Combined.pdf

Tim

The FAA concurs with BIS Runway 13-31 Reconstruction- Phase 3 for AIP 3-38-0003-060-2018 as Change Order Amendment #1 for Task 14A-FAA AIP 060 Project Closeout Report as follows:

The Federal Aviation Administration (FAA) funded the project with two (2) separate grants, which requires the completion of two (2) separate FAA project closeout reports. The original Agreement for Professional Services (Agreement) contained a task for one (1) FAA project closeout report. As a result, this Amendment to the Agreement adds an additional task to complete the second FAA project closeout report. See attached Attachment B – Detailed Scope of Services for additional information.
Agreement Summary (Entire Agreement)
a. Original Agreement amount $2,008,852.07
b. Net change for prior Amendments $0.00
c. This Amendment amount $16,862.86
d. Adjusted Agreement amount $2,025,714.93

In review of the change order that provided a cost price analysis performed by the sponsor, the FAA DMA ADO finds the amount to be fair and reasonable.

The following limitations apply to this action:

1- This determination is solely for the purpose of establishing eligibility of costs under the AIP or PFC program. This approval does not represent a commitment of Federal funds in addition to the original grant obligation. Please note the Supplemental Appropriation Grant No. 3-38-003-060-2018 Amendment No. 1 set forth in the Grant Agreement dated September 21, 2018 applies to this change order. Funding may be limited for this grant pending your future closeout final project costs and if availability of funding from this grant.

2-The incorporation of any non-participating work items must not directly or indirectly result in any additional cost to the AIP-eligible portion of the project. Please maintain a separate and accurate cost accounting of any non-participating work that will permit a third party auditor to verify proper allocation of costs.

3-The CATX document appears to include all the projects reflected in these change orders and if changes later are proposed, the sponsor shall update the NEPA determination.

We shall place your final accepted KLJ Amendment #1 change order – Phase 3 for Rwy 13/31 in the project files for these grants.

Your Closeout Report shall include this KLJ Amendment #1 Change order 8 as applicable.

Please forward a copy of the executed changes to my attention as soon as it is available and fully executed.

Mark J. Holzer
Program Manager
Federal Aviation Administration
Dakota Minnesota Airports District Office
2301 University Drive, Bldg 23B
Bismarck, ND 58504
701.323.7393

From: Timothy Thorsen <tthorsen@bismarcknd.gov>
Sent: Monday, August 17, 2020 4:09 PM
To: Holzer, Mark (FAA) <Mark.Holzer@faa.gov>
Cc: Tom Neigum <tom.neigum@kljeng.com> (tom.neigum@kljeng.com) <tom.neigum@kljeng.com>; Matthew Remynse <mremynse@bismarcknd.gov>; Payton Tivis <ptivis@bismarcknd.gov>; Cason P. Dunker <cdunker@bismarcknd.gov>
Subject: FW: BIS Runway 13-31 Reconstruction Phase 3 (KLJ 1518700) - Amendment 1 to the Agreement for Professional Services

Mark:
Here is a change order adding work for KLJ (Runway 13-31 Phase 3) for the second grant closeout because we got 2 grants for phase 3 rather than the expected single grant. The incremental increase appears reasonable and I would like to proceed with this amendment. Please review and let me know I can proceed.
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: Tom Neigum <tom.neigum@kljeng.com>
Sent: Monday, August 17, 2020 1:26 PM
To: Timothy Thorsen <tthorsen@bismarcknd.gov>
Subject: BIS Runway 13-31 Reconstruction Phase 3 (KLJ 1518700) - Amendment 1 to the Agreement for Professional Services

Good afternoon Tim,

See attached Amendment 1 to the Agreement for Professional Services. Recall that the FAA funded the project with two (2) separate grants, which requires the completion of two (2) separate FAA project closeout reports. The original

Agreement for Professional Services (Agreement) contained a task for one (1) FAA project closeout report. As a result, this Amendment to the Agreement adds an additional task to complete the second FAA project closeout report.

Let me know your thoughts.

Thanks!

Tom

Tom Neigum, PE (ND, SD, MN, MT, WY)

KLJ

701-355-8415 Direct
701-226-7301 Cell
4585 Coleman Street
Bismarck, ND 58503-0431

Amendment to Agreement for Professional Services

Project # 1518700 Amendment # 1

Background Data

a. Effective Date of Agreement for Professional Services: September 12, 2017

b. Engineer: KLJ Engineering LLC

c. Owner: City of Bismarck

d. Project: Runway 13-31 Reconstruction (Phase 4)

e. This Part of the Project: Task 14A - FAA AIP 060 Project Closeout Report (New Task)

Nature of Amendment (check all that apply)

- ☒ Additional services to be performed by Engineer
- ☐ Modifications to services of Engineer
- ☐ Modifications to responsibilities of Owner
- ☒ Modifications to payment to Engineer
- ☐ Modifications to time(s) for rendering Services

Description of Modifications

The Federal Aviation Administration (FAA) funded the project with two (2) separate grants, which requires the completion of two (2) separate FAA project closeout reports. The original Agreement for Professional Services (Agreement) contained a task for one (1) FAA project closeout report. As a result, this Amendment to the Agreement adds an additional task to complete the second FAA project closeout report. See attached Attachment B - Detailed Scope of Services for additional information.

Agreement Summary (Task 2 - Preliminary & Design Services)

a. Original Agreement amount	$638,073.24
b. Net change for prior Amendments	$0.00
c. This Amendment amount	$0.00
d. Adjusted Agreement amount	$638,073.24

Agreement Summary (Task 3 - Construction Observation & Records)

a. Original Agreement amount	$1,285,491.12
b. Net change for prior Amendments	$0.00
c. This Amendment amount	$0.00
d. Adjusted Agreement amount	$1,285,491.12

Agreement Summary (Task 14 - FAA Project Closeout Report)

a. Original Agreement amount	$85,287.71

b. Net change for prior Amendments	$0.00
c. This Amendment amount	$0.00
d. Adjusted Agreement amount	$85,287.71

Agreement Summary (Task 14A - FAA AIP 060 Project Closeout Report)

a. Original Agreement amount	$0.00
b. Net change for prior Amendments	$0.00
c. This Amendment amount	$16,862.86
d. Adjusted Agreement amount	$16,862.86

Agreement Summary (Entire Agreement)

a. Original Agreement amount	$2,008,852.07
b. Net change for prior Amendments	$0.00
c. This Amendment amount	$16,862.86
d. Adjusted Agreement amount	$2,025,714.93

Engineer and Owner hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is August 25, 2020.

Owner	City of Bismarck		
Signed		Attest	
Name	Steve Bakken	Name	Keith J. Hunke
Title	President, Board of City Commissioners	Title	City Administrator
Date			

Engineer	KLJ Engineering LLC		
Signed		Attest	
Name	Mark Anderson, PE	Name	Tom Neigum, PE
Title	VP, Environment & Infrastructure	Title	Project Manager
Date			

Attachment A - Amendment 1
Detailed Scope of Services
Runway 13-31 Reconstruction (Phase 4) Design, Construction Administration, Construction Observation and Project Closeout Report
Bismarck Airport, Bismarck, North Dakota
AIP Project # 3-38-0003-059-2018 and 3-38-0003-060-2018
KLJ# 1518700

EXECUTIVE SUMMARY

For this project, the FAA funding was broken out into two separate grant agreements, AIP 3-38-0003-059-2018 and AIP 3-38-0003-060-2018. The original Agreement for Professional Services (Agreement) included a task to complete one FAA project closeout report. Since there are two separate grant agreements, two FAA project closeout reports need to be completed. The following are the tasks to complete the additional FAA project closeout report for AIP 3-38-0003-060-2018.

FAA PROJECT CLOSEOUT REPORT

Overall Project Management. The Engineer shall provide project management services to manage the completion of the project within the conditions of this Agreement. Project management is crucial to the success of all projects; specifically, it is crucial to this project. The Engineer has Tom Neigum, PE identified as the project manager for the project. Project management is the discipline of planning, organizing, and managing resources to successfully meet this project's objectives and goals. It is the project manager's responsibility to notify the Owner of any issues, problems, or concerns regarding the project; the delegation of all activities to the project team; and handling all subconsultant coordination. In addition, if any items arise during the duration of the project that are outside this Detailed Scope of Services, the project manager shall address them with the Owner.

The Engineer shall perform the following closeout items per the requirements of the FAA:

Prepare Final Outlay and Acceptance Forms. Prepare final outlay request for final grant payment and required acceptance forms.

Prepare DBE Summary Report. Prepare required FAA documentation regarding DBE participation on the project based on data obtained from the Contractor.

Prepare Executive Summary. The work effort for this task is included in the FAA Project Closeout Report for AIP 3-38-0003-059-2018. As a result, no additional effort has been included under this closeout for this task.

Prepare Quantity Revision Summary. Perform three-way check of all project costs and explanations of cost variations from plan.

Prepare ALP Update. The work effort for this task is included in the FAA Project Closeout Report for AIP 3-38-0003-059-2018. As a result, no additional effort has been included under this closeout for this task.

Exhibit A Update. Preparation of an Exhibit A Update has not been included in the Detailed Scope of Services.

Prepare Record Drawings. The work effort for this task is included in the FAA Project Closeout Report for AIP 3-38-0003-059-2018. As a result, no additional effort has been included under this closeout for this task.

Prepare Closeout Report Document.

- Prepare summaries of all test results on materials installed as required and final testing report.
- Once FAA has approved the Closeout Report, the Engineer shall provide one (1) copy to the Owner.

Prepare Utility Maps. The work effort for this task is included in the FAA Project Closeout Report for AIP 3-38-0003-059-2018. As a result, no additional effort has been included under this closeout for this task.

Prepare Updated City of Bismarck GIS Map for Owner. The work effort for this task is included in the FAA Project Closeout Report for AIP 3-38-0003-059-2018. As a result, no additional effort has been included under this closeout for this task.

Prepare and Submit NDAC Pavement History Update. The work effort for this task is included in the FAA Project Closeout Report for AIP 3-38-0003-059-2018. As a result, no additional effort has been included under this closeout for this task.

Coordination of FAA Reimbursable Agreement Closeout. The work effort for this task is included in the FAA Project Closeout Report for AIP 3-38-0003-059-2018. As a result, no additional effort has been included under this closeout for this task.

Attachment B - Amendment 1
Bismarck Airport
Bismarck, North Dakota
KLJ 1518700, AIP #3-38-0003-059-2018
Hourly Rate and Cost Breakdown

KLJ

PHASE: FAA Project Closeout Report
FAA AIP 3-38-0003-060-2018

KLJ Title	Engineer V	Engineer IV	Engineer III	Engineer I	Engineering Technician IV	GIS Analyst II	CADD Technician II	GIS Analyst IV	Project Assistant III	Project Assistant II	Planner II	Planner IV			Task Direct Labor Cost
Overall Project Management	16														$ 1,088.00
Prepare Final Outlay and Acceptance Forms	2		4	8						24					1,124.00
Prepare DBE summary report										8					192.00
~~Prepare Executive Summary~~															-
Prepare Quantity Revision Summary	1		1	4						8					421.00
~~Prepare ALP Update ("as-built")~~															-
~~Exhibit A Update (if needed)~~															-
~~Prepare Record Drawings~~															-
Prepare closeout report document	16									60					2,528.00
~~Prepare Utility Maps~~															-
~~Prepare Updated City of Bismarck GIS Map for Owner~~															-
~~Prepare and Submit NDAC Pavement History Update~~															-
~~Coordination of FAA Reimbursable Agreement Closeout~~															-
															-
Subtotal															$ 5,353.00
Total Hours	35	0	5	12	0	0	0	0	0	100	0	0	0	0	
Hourly Rate	$68.00	$58.00	$45.00	$29.00	$56.00	$28.00	$30.00	$50.00	$27.50	$24.00	$42.00	$62.00	$0.00	$0.00	

Direct Labor Total	**$**	**5,353.00**
Indirect Labor Total (1.7298 Overhead Rate)	**$**	**9,259.62**
Direct and Indirect Labor Total =	**$**	**14,612.62**
Fixed Fee (15%)	**$**	**2,191.89**
Cost of Facilities (1.09%)	**$**	**58.35**
Subtotal	**$**	**16,862.86**

Expenses			
Air Charter	per trip @	trips	
Per Diem	per day @	days	
Materials and Supplies			
Subconsultant Services			

Expenses Total	**$**	**-**
FAA Project Closeout Report Total Cost	**$**	**16,862.86**

PROFESSIONAL SERVICES CONTRACT CHANGE FORM

DEPARTMENT

Contract between the City of Bismarck and _____

Purpose of Contract_____

Contract Number: _____ Project/Subproject Number: _____

Original Contract Amount: _____

Contract Change Amount: _____

Funding Source of Change Amount (If applicable)_____

Change in Contract Timeline: _____

Change in Scope of Contract:_____

_____

Department Head Signature:_____Date:_____

COMMISSION APPROVAL

___ Change in contract amount less than 10% of the original contract amount or not greater than $15,000 placed on the City Commission consent agenda

___ Change in contract amount that exceeds 10% of the original contract amount or $15,000 or greater, placed on City Commission regular agenda

___ Change to original scope of contract and/or contract period placed on City Commission consent agenda

City Commission Meeting Date:_____

TO ALL DEPARTMENTS: Please attach verification of Commission approval and send to Fiscal Services.

Bismarck

Airport

DATE: August 13, 2020

FROM: Greg Haug, Airport Director

ITEM: Consider Change Order #4 with Strata Corporation for Short-Term, Economy and Long-Term Parking Expansion.

REQUEST

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

On April 28, 2020, the Board approved award of bids to General Contractor Strata Corporation for Short-Term, Economy and Long-Term Parking Expansion. Airport Staff desires to add work to Strata's contract to construct a Electric Vehicle Charging Station Parking Pad and to change seeding mixture in irrigated areas so it matches other irrigated grass areas. Change Order 4 sets a completion date of November 18, 2020 for the added new work. Strata's 60 working days to complete current parking lot work will remain unchanged. Change Order 4 adds $23,647.30 for a new total of $1,193,647.30. The additional cost is accommodated in the approved project budget.

RECOMMENDED CITY COMMISSION ACTION

Approve Change Order #4 to the April 29, 2020, 2018 agreement with Strata Corporation for Short-Term, Economy and Long-Term Parking Expansion.

STAFF CONTACT INFORMATION

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

Enclosure:

1. Change Order #4 to the April 29, 2020, 2018 agreement with Strata Corporation.

ON AUGUST 25, 2020 AGENDA

CONTRACT CHANGE ORDER FORM

DEPARTMENT

Contract between the City of Bismarck and STRATA CORPORATION

Contract Number: 2020-0040 Change Order Number: 4

Project/Subproject: _____ Original Contract Amt: $1,442,857.10

Project Description: SHORT-TERM, SECONDARY AND LONG-TERM PARKING LOT EXPANSION

Previous Contract Amount: $1,169,760.90

Change Order Amount: $23,647.30 NEW TOTAL: $1,193,408.20

NEW TASKS COMPLETE NOV 18, 2020
OTHER TASKS: 60 WORKING DAYS

Original Contract Date: APRIL 29, 2020 Change in Contract Timeline: NOV 18, 2020 FOR CO4 TASKS

Within Project Scope: (Y) / N* Within Project Funding: (Y) / N**

*If not within project scope, attach description of change in scope for Board approval.

**If not within project funding, attach revised Project Budget for Board approval.

Type of Change Order

____ Non Design-related Change Order: These change orders include unforeseen conditions, code-related issues, and building inspector changes.

____ Design-related Change Order: These change orders include unforeseen conditions that affect the appearance, layout, functionality, dimensions, and/or quality of the project.

____ Emergency Field Condition Change Orders: These change orders include any condition that causes an emergency situation where safety or other immediate losses may occur.

X Other: (describe) ADDS ELECTRICAL VEHICLE CHARGING STATION AND SEEDING MIX change

Project Manager Signature: (<$15,000) _____
Date

Department Head Signature:(<$25,000) _____
Date

ADMINISTRATION

City Administrator Signature: (<$50,000) _____
Date

Add to Commission Consent Agenda

X **COMMISSION APPROVAL**

Commission Approval Date: _____

Attach minutes for Commission Approval

FISCAL

Comments: _____
Signature Date Completed

TO ALL DEPARTMENTS: Please attach a copy of the change order

Change Order No.	**4**
Date	August 11, 2020

Airport Name	Bismarck Airport
Location	Bismarck, North Dakota
Contract Description	Short-Term, Economy, and Long-Term Parking Lot Expansion
Contract Date	April 29, 2020

AIP Project #	Non-AIP
KLJ Project #	1905-00848
Owner Project #	APG.AIP62.NONAIPCONST

Owner	**Contractor**	**Engineer**
City of Bismarck	Strata Corporation	KLJ
PO Box 991	PO Box 13500	4585 Coleman Street
Bismarck, ND 58502-0991	Grand Forks, ND 58208-3500	Bismarck, ND 58503

General Reason for Change (quantify and explain details in sections 2 and 3)

1. Construct Electric Vehicle Charging Station Parking Pad
2. Change Seed Mixture in Irrigated Areas

	Total
Total Contract Amount Prior to this Change Order	$ 1,169,760.90
Change Resulting from this Change Order	23,647.30
Total Contract Amount After this Change Order	$ 1,193,408.20

Working Days	
Working days prior to this Change Order	60
Change resulting from this Change Order *	0
Revised working days from this Change Order	60

* For the Electric Vehicle Charging Station Parking Pad, the Contractor shall complete the items of work by November 18, 2020.

Change Order approved by:

8/13/2020
Date

KLJ

8/13/2020
Date

Strata Corporation

Date

City of Bismarck

Summary of Changes

Airport Name	Bismarck Airport		Change Order No. 4
Location	Bismarck, North Dakota		Section 2
AIP Project #	Non-AIP	KLJ Project #	1905-00848
Contractor	Strata Corporation		

Item #	Spec #	Item	Quantities Planned	Quantities Revised	Quantities Change	Unit	Unit Price	Revised Cost	Changed Cost
SCHEDULE 1, DIVISION 1 BASE BID									
1	C-105	Mobilization	1			L.S.	$ 127,000.00	$ -	$ -
2	Local and State	Contractor Staging / Storage Area	1			L.S.	24,000.00	-	-
3	Plan Notes	Remove and Dispose of Bituminous Pavement	232			S.Y.	18.00	-	-
4	Plan Notes	Remove and Dispose of Concrete Pavement	15	48	33	S.Y.	42.00	2,016.00	1,386.00
5	P-151	Tree Removal	2			EA.	2,000.00	-	-
6	P-151	Clearing and Grubbing	1.00			L.S.	18,000.00	-	-
7	Local and State	Unclassified Excavation	2,488	2,536	48	C.Y.	11.00	27,896.00	528.00
8	BIS-203	Watering	66.0			M Gal.	40.00	-	-
9	Plan Notes	Geogrid	5,064	5,161	97	S.Y.	3.60	18,579.60	349.20
10	Plan Notes	Mill and Salvage Bituminous Pavement	383			S.Y.	43.00	-	-
11	P-620	Surface Preparation	2,339			S.F.	2.60	-	-
12	P-620	Marking	2,126			S.F.	4.10	-	-
13	BIS-1212	Flat Sheet for Signs, Type II, IIIA, or IIIB Reflective Sheeting	18			S.F.	40.00	-	-
14	Plan Notes	Recycled Base Course	2,030	2,062	32	C.Y.	13.00	26,806.00	416.00
15	Local and State / BIS-401	AC Superpave (FAA 43)	1,765.00			Ton	94.00	-	-
16	BIS-402	Bituminous Tack Coat	521			Gal.	3.00	-	-
17	BIS-603	Standard Curb and Gutter	290	358	68	L.F.	38.00	13,604.00	2,584.00
18	BIS-603	Curb and Gutter Removed	26			L.F.	8.00	-	-
19	Local and State	Remove and Salvage Existing Bollards and Chain	21			EA.	40.00	-	-
20	Local and State	Bollards and Chain (Installation Only)	29			EA.	60.00	-	-
21	T-901	Seeding	2.00	2.10	0.10	Acre	1,210.00	2,541.00	121.00
22	T-905	Topsoil (On Site)	238	255	17	C.Y.	33.00	8,415.00	561.00
23	Plan Notes	Waste Area Topsoil (On Site)	500			C.Y.	20.00	-	-
24	T-908	Mulching	2.00	2.10	0.10	Acre	2,090.00	4,389.00	209.00
25	Local and State	Traffic Control	1			L.S.	2,600.00	-	-
26	Local and State	Utility Pothole	4			EA.	935.00	-	-
27	Plan Notes	Inlet Protection	5			EA.	220.00	-	-
28	Plan Notes	Hydrodynamic Separator (CDS 5668)	1			EA.	165,900.00	-	-
29	Plan Notes	Hydrodynamic Separator (Cascade CS-4)	1			EA.	34,540.00	-	-
30	D-701	12-Inch PVC Storm Sewer Pipe (SDR 26)	69			L.F.	154.00	-	-
31	BIS-1205	Concrete Manhole	1			EA.	6,600.00	-	-
32	BIS-1206	Adjust Manhole Casting with Rings	1			EA.	400.00	-	-
33	Plan Notes	Replace Manhole Casting	1			EA.	1,200.00	-	-
34	Local and State	Deciduous Tree, 2" Cal, Furnish and Install	6			EA.	550.00	-	-
35	Local and State	Shrubs #2 Container, Furnish and Install	10			EA.	55.00	-	-
36	Local and State	Landscape Rock, Furnish and Install	6			C.Y.	93.50	-	-
37	Local and State	Irrigation System	1			L.S.	2,090.00	-	-
							TOTAL SCHEDULE 1, DIVISION 1 BASE BID	**$ 104,246.60**	**$ 6,154.20**
SCHEDULE 1, DIVISION 2 BASE BID									
1	Plan Notes	Remove and Dispose of Bituminous Pavement	28			S.Y.	$ 18.00	$ -	$ -
2	Plan Notes	Remove and Dispose of Concrete Pavement	5			S.Y.	42.00	-	-
3	P-151	Tree Removal	16			EA.	2,000.00	-	-
4	P-151	Clearing And Grubbing	1.00			L.S.	18,000.00	-	-
5	Local and State	Unclassified Excavation	1,924			C.Y.	11.00	-	-
6	Local and State	Watering	46.0			M Gal.	40.00	-	-
7	Plan Notes	Geogrid	3,575			S.Y.	3.60	-	-
8	P-620	Surface Preparation	1,448			S.F.	2.60	-	-
9	P-620	Marking	1,316			S.F.	4.10	-	-
10	BIS-1212	Flat Sheet for Signs, Type II, IIIA, or IIIB Reflective Sheeting	21			S.F.	40.00	-	-
11	Plan Notes	Recycled Base Course	1,311			C.Y.	13.00	-	-
12	Local and State / BIS-401	AC Superpave (FAA 43)	1,132.00			Ton	94.00	-	-
13	BIS-402	Bituminous Tack Coat	340			Gal.	3.00	-	-
14	BIS-603	Standard Curb and Gutter	344			L.F.	38.00	-	-
15	Local and State	Remove and Salvage Existing Bollards and Chain	10			EA.	40.00	-	-
16	Local and State	Bollards and Chain (Installation Only)	28			EA.	60.00	-	-
17	T-901	Seeding	0.24			Acre	2,420.00	-	-
18	T-905	Topsoil (On Site)	254			C.Y.	33.00	-	-
19	T-908	Mulching	0.24			Acre	4,400.00	-	-
20	Plan Notes	Biorolls	500			L.F.	4.40	-	-
21	Local and State	Traffic Control	1			L.S.	1,200.00	-	-
22	Local and State	Utility Pothole	4			EA.	935.00	-	-
23	Local and State	Pipe Bollard	1			EA.	550.00	-	-
24	Local and State	Deciduous Tree, 2" Cal, Furnish and Install	3			EA.	550.00	-	-
25	Local and State	Shrubs #2 Container, Furnish and Install	12			EA.	55.00	-	-
26	Local and State	Landscape Rock, Furnish and Install	9.5			C.Y.	93.50	-	-
27	Local and State	Irrigation System	1			L.S.	935.00	-	-
							TOTAL SCHEDULE 1, DIVISION 2 BASE BID	**$ -**	**$ -**

Airport Name	Bismarck Airport		Change Order No. 4
Location	Bismarck, North Dakota		Section 2
AIP Project #	Non-AIP	KLJ Project #	1905-00848
Contractor	Strata Corporation		

Item #	Spec #	Item	Quantities Planned	Quantities Revised	Quantities Change	Unit	Unit Price	Revised Cost	Changed Cost
SCHEDULE 1, DIVISION 3 ALTERNATE A									
1	Plan Notes	Remove and Dispose of Bituminous Pavement	90			S.Y.	$ 18.00	$ -	$ -
2	P-151	Tree Removal	13			EA.	1,500.00	-	-
3	P-151	Clearing and Grubbing	1.00			L.S.	16,000.00	-	-
4	Plan Notes	Remove and Dispose of Existing Manhole	1			EA.	2,600.00	-	-
5	Plan Notes	Obliterate Existing Pavement Painting	790			L.F.	12.00	-	-
6	Local and State	Unclassified Excavation	572			C.Y.	11.00	-	-
7	Local and State	Watering	23.0			M Gal.	40.00	-	-
8	Plan Notes	Geogrid	2,315			S.Y.	3.60	-	-
9	P-620	Surface Preparation	1,524			S.F.	2.00	-	-
10	P-620	Marking	1,385			S.F.	4.20	-	-
11	Plan Notes	Recycled Base Course	849			C.Y.	13.00	-	-
12	Local and State / BIS-401	AC Superpave (FAA 43)	746.00			Ton	94.00	-	-
13	BIS-402	Bituminous Tack Coat	224			Gal.	3.00	-	-
14	BIS-603	Standard Curb and Gutter	79			L.F.	42.00	-	-
15	BIS-603	Curb and Gutter Removed	33			L.F.	8.00	-	-
16	Local and State	Remove and Salvage Existing Bollards and Chain	12			EA.	40.00	-	-
17	Local and State	Bollards and Chain (Installation Only)	20			EA.	60.00	-	-
18	T-901	Seeding	0.56			Acre	2,750.00	-	-
19	T-905	Topsoil (On Site)	137			C.Y.	33.00	-	-
20	T-908	Mulching	0.56			Acre	3,850.00	-	-
21	Plan Notes	Inlet Protection	1			EA.	220.00	-	-
22	Local and State	Traffic Control	1			L.S.	1,400.00	-	-
23	Local and State	Utility Pothole	3			EA.	935.00	-	-
24	Local and State	Deciduous Tree, 2" Cal, Furnish and Install	1			EA.	550.00	-	-
25	Local and State	Shrubs #2 Container, Furnish and Install	11			EA.	55.00	-	-
26	Local and State	Landscape Rock, Furnish and Install	5.5			C.Y.	93.50	-	-
27	Local and State	Irrigation System	1			L.S.	1,980.00	-	-
							TOTAL SCHEDULE 1, DIVISION 3 ALTERNATE A	**$ -**	**$ -**
CHANGE ORDER 1									
CO1-1	CO1	Mobilization Costs for Gate 185 Construction	1			L.S.	$ 6,166.80	$ -	$ -
							TOTAL CHANGE ORDER 1	**$ -**	**$ -**
CHANGE ORDER 2									
CO2-1	CO2	Replace MDU Quasite Box with Manhole in Economy Parking Lot	1			L.S.	$ 780.00	$ -	$ -
							TOTAL CHANGE ORDER 2	**$ -**	**$ -**
CHANGE ORDER 3									
CO3-1	CO3	Irrigation System Modifications	1			L.S.	$ 4,400.00	$ -	$ -
							TOTAL CHANGE ORDER 3	**$ -**	**$ -**
CHANGE ORDER 4									
CO4-1	CO4	Mobilization	-	1	1	L.S.	$ 3,500.00	$ 3,500.00	$ 3,500.00
CO4-2	CO4	Traffic Control	-	1	1	L.S.	2,200.00	2,200.00	2,200.00
CO4-3	CO4	Sawcut Approach Out of Existing Curb & Gutter	-	30	30	L.F.	15.40	462.00	462.00
CO4-4	CO4	6" PCC Pavement	-	32	32	S.Y.	165.00	5,280.00	5,280.00
CO4-5	CO4	6" Concrete Sidewalk	-	33	33	S.Y.	154.00	5,082.00	5,082.00
CO4-6	CO4	Joint Seal - Concrete	-	286	286	L.F.	1.85	529.10	529.10
CO4-7	CO4	Change Seed Mixture in Irrigated Areas	-	1	1	L.S.	440.00	440.00	440.00
							TOTAL CHANGE ORDER 4	**$ 17,493.10**	**$ 17,493.10**
							TOTAL CHANGE	**$ 121,739.70**	**$ 23,647.30**

Explanation of Changes

Airport Name	Bismarck Airport		Change Order No. 4
Location	Bismarck, North Dakota		Section 3
AIP Project #	Non-AIP	KLJ Project #	1905-00848
Contractor	Strata Corporation	Owner's Project #	APG.AIP62.NONAIPCONST

Item No. **CO4-1**

Description

Mobilization

Reason for Change

An Electrical Vehicle Charging Station is being added to this project. The Contractor has requested mobilization costs to come back and perform the work.

Mobilization shall be measured and paid for on a Lump Sum basis. This shall be paid as per Mobilization as defined in the Specification Section C-105.

The cost is determined to be reasonable.

Item No. **CO4-2**

Description

Traffic Control

Reason for Change

An Electrical Vehicle Charging Station is being added to this project. Construction of this charging station will require additional traffic control for vehicles and pedestrians near the construction site. Traffic control items shall meet the requirements of MUTCD and City of Bismarck Section 1211 standards.

Traffic Control shall be measured and paid for on a Lump Sum basis. This shall include setup, maintenance and removal of traffic control items completed, in place, and accepted by the Engineer.

The cost is determined to be reasonable.

Item No. CO4-3

Description

Sawcut Approach Out of Existing Curb & Gutter

Reason for Change

An Electrical Vehicle Charging Station is being added to this project. Existing curb and gutter shall be sawcut in place to provide for an approach to the charging station as shown in the change order plans. This shall be completed so as to not damage the curb and gutter that is to remain. The sawcut dimensions shall meet the requirements of the City of Bismarck Standard Detail No. 600-10. Any curb and gutter damaged beyond use, at the sole discretion of the Engineer, shall be removed and replaced at no additional cost to the Owner.

Sawcut Approach Out of Existing Curb & Gutter shall be measured and paid for per Linear Foot of curb and gutter sawcut completed and accepted by the Engineer for a vehicle approach.

The cost is determined to be reasonable.

Item No. CO4-4

Description

6" PCC Pavement

Reason for Change

An Electrical Vehicle Charging Station is being added to this project. 6" PCC pavement shall be installed for the vehicle parking location. The concrete shall meet the requirements of the City of Bismarck Section 602 - Concrete Driveways. Joints shall be installed per City of Bismarck standard details. Reinforcement shall be installed per the change order plan notes. The new concrete shall be reinforced with #3 reinforcing steel at 18 inches on center each way.

6" PCC Pavement shall be measured and paid for per Square Yard and include all required jointing and reinforcing steel completed, in place, and accepted by the Engineer.

The cost is determined to be reasonable.

Item No. CO4-5

Description

6" Concrete Sidewalk

Reason for Change

An Electrical Vehicle Charging Station is being added to this project. 6" concrete sidewalk shall be installed across the approach to the vehicle parking location. The concrete shall meet the requirements of the City of Bismarck Section 601. Joints shall be installed per City of Bismarck standard details. Existing sidewalk that is to remain shall be tied to the new sidewalk per change order plan notes. The new concrete sidewalk shall be reinforced with #3 reinforcing steel at 18 inches on center each way.

6" Concrete Sidewalk shall be measured and paid for per Square Yard and include all required reinforcing and joint steel completed, in place, and accepted by the Engineer.

The cost is determined to be reasonable.

Item No. **CO4-6**

Description

Joint Seal - Concrete

Reason for Change

An Electrical Vehicle Charging Station is being added to this project. The concrete joints for the additional work shall be sealed per the change order notes and details for expansion, construction and relief joints.

Joint Seal - Concrete shall be measured and paid for per Linear Foot completed, in place, and accepted by the Engineer.

The cost is determined to be reasonable.

Item No. **CO4-7**

Description

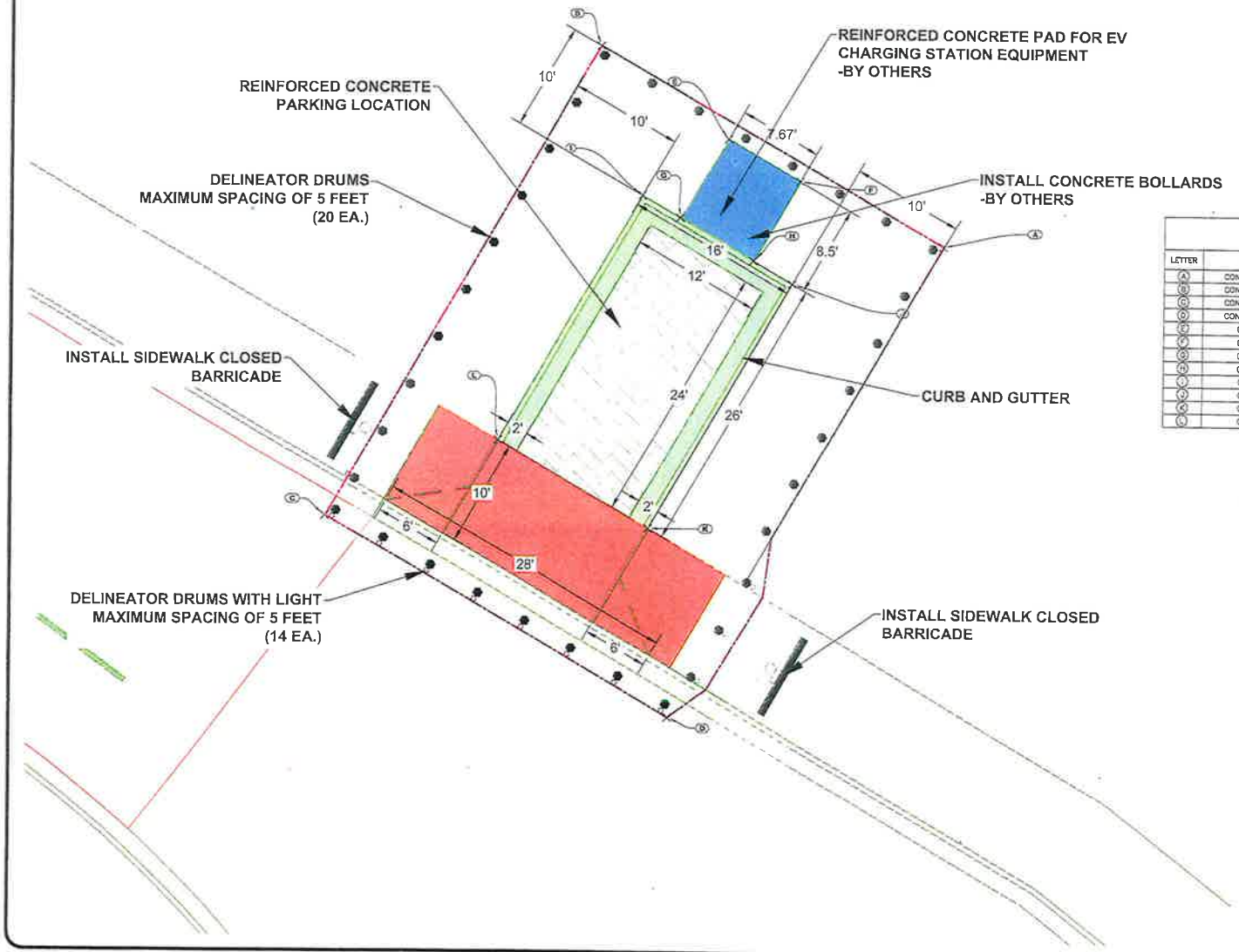
Change Seed Mixture in Irrigated Areas

Reason for Change

The Owner requested a different seed mixture for the irrigated areas. The Contractor shall provide the different seed mixture in the irrigated areas, and turn over the additional original seed mixture to the Owner.

This shall be paid for per Lump Sum.

The cost is determined to be reasonable.



CSP LEGEND

- DELINEATOR DRUM WITH CAUTION TAPE
- DELINEATOR DRUM WITH RED WARNING LIGHT (LOW INTENSITY, OPERATION DUSK TO DAWN) & CAUTION TAPE
- CONSTRUCTION LIMIT
- CURB AND GUTTER
- REINFORCED CONCRETE PAD
- REINFORCED CONCRETE PARKING
- CONCRETE SIDEWALK

COORDINATE DATA TABLE
LATITUDE AND LONGITUDE – NAD '83

LETTER	DESCRIPTION	NORTHING	EASTING	ELEVATION
A	CONSTRUCTION LIMITS	404558.35	1903653.97	1651.8'
B	CONSTRUCTION LIMITS	404576.59	1903622.50	1650.8'
C	CONSTRUCTION LIMITS	404533.36	1903597.48	1650'
D	CONSTRUCTION LIMITS	404515.11	1903628.96	1648.8'
E	CONCRETE PAD	404568.08	1903634.18	1651.0'
F	CONCRETE PAD	404564.23	1903640.80	1651.0'
G	CONCRETE PAD	404560.82	1903629.75	1651.0'
H	CONCRETE PAD	404558.88	1903636.52	1651.0'
I	CURB CORNER	404562.84	1903626.30	1651.0'
J	CURB CORNER	404554.78	1903640.12	1651.0'
K	CURB CORNER	404532.32	1903627.04	1650.4'
L	CURB CORNER	404540.37	1903613.22	1660.6'

SAFETY PLAN QUANTITIES

EV CHARGING STATION

DELINEATOR DRUM	20
DELINEATOR DRUM W/LIGHT	14
SIDEWALK CLOSED BARRICADE	2

N

5 0 5 10
scale feet

THOMAS J. NEIGUM
REGISTERED PROFESSIONAL ENGINEER
PE 4355
8/15/2020
NORTH DAKOTA

KLJ

Bismarck AIRPORT

PARKING LOT EXPANSION

BISMARCK AIRPORT - CITY OF BISMARCK

BISMARCK, NORTH DAKOTA

EV CHARGING STATION CONSTRUCTION SAFETY PHASING PLAN

DRAFTED: QED
REVIEWED: TJN
PROJECT NUMBER: 1905-00848.D
LAST REVISED DATE: 05/19/2020
SHEET: 1

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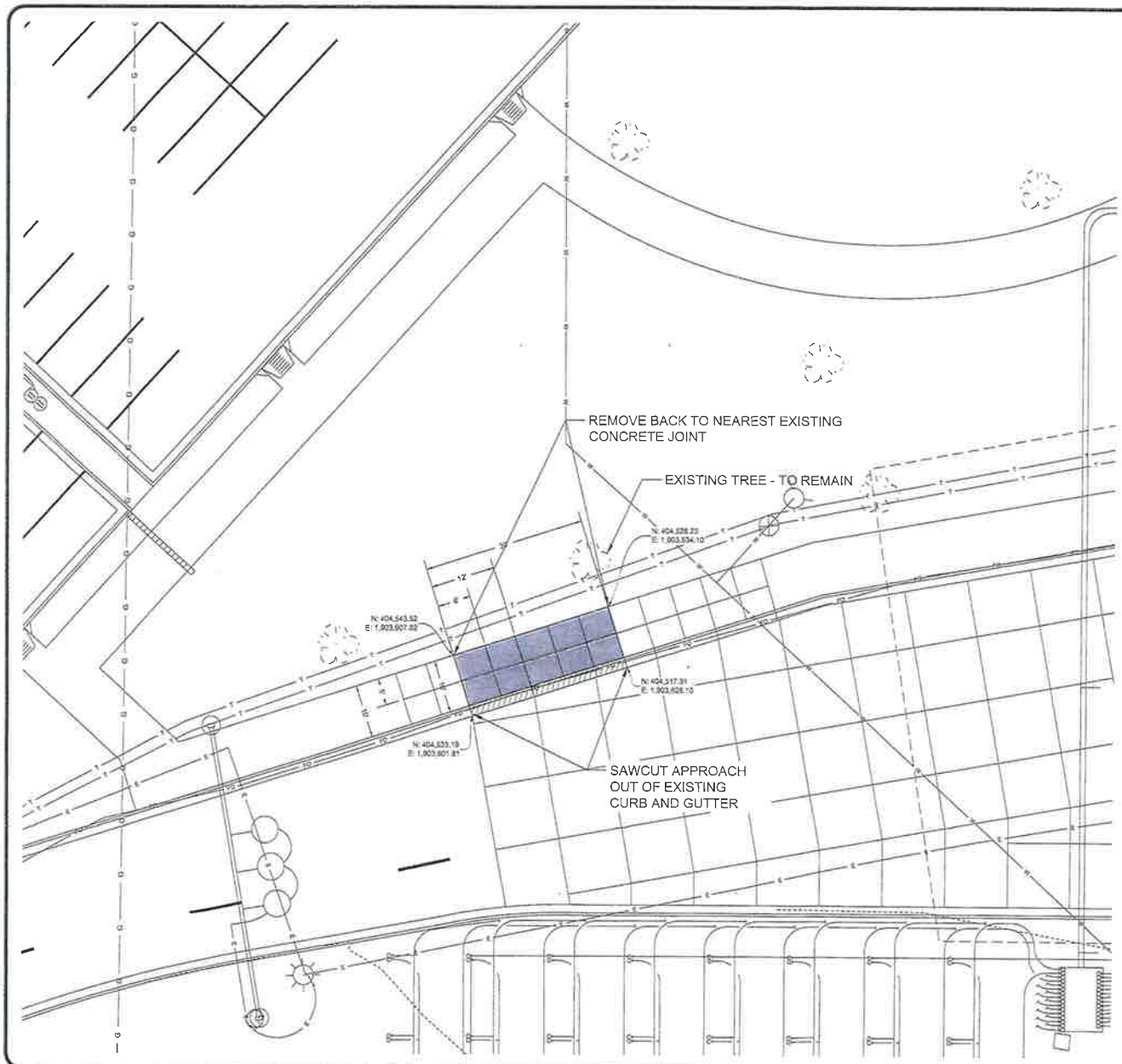
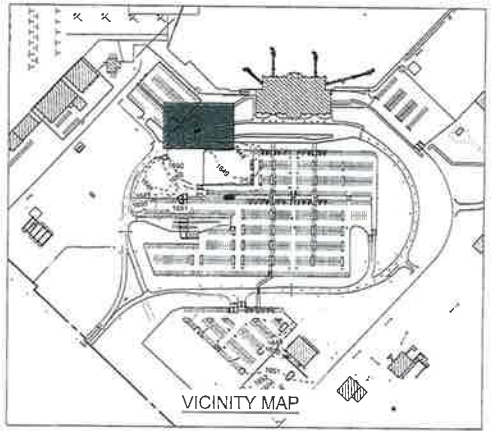
Aug 12, 2020 - 10:20pm - K:\Projects\Airport\ND\Bismarck_SIS\1905_00848_EcoPkgLot\CAD\Plan\1905-00848_csp_BIS.dwg (EV CHARGING STATION)





DEMOLITION NOTES:

1. SAW CUT EXISTING PAVEMENT AND REMOVE UP TO 1', AS DIRECTED BY THE ENGINEER, TO PROVIDE A CLEAN EDGE BEFORE PAVING.

LEGEND

REMOVE AND DISPOSE OF EXISTING CONCRETE

SAWCUT APPROACH OUT OF EXISTING CURB AND GUTTER

ESTIMATED QUANTITIES:

REMOVE AND DISPOSE OF CONCRETE PAVEMENT	- 33 S.Y.
SAWCUT APPROACH OUT OF EXISTING CURB AND GUTTER	- 30 L.F.

N

10 0 10 20
scale feet

THOMAS J. NEIGUM
REGISTERED PROFESSIONAL ENGINEER
PE 4555
8/13/2020
NORTH DAKOTA

KLJ

Bismarck AIRPORT

PARKING LOT EXPANSION

BISMARCK AIRPORT - CITY OF BISMARCK

BISMARCK, NORTH DAKOTA

DEMOLITION PLAN
EV CHARGING STATION

DRAFTED: QED
REVIEWED: TJN
PROJECT NUMBER: 1905-00848.D
LAST REVISED DATE: 05/18/2020

SHEET 2

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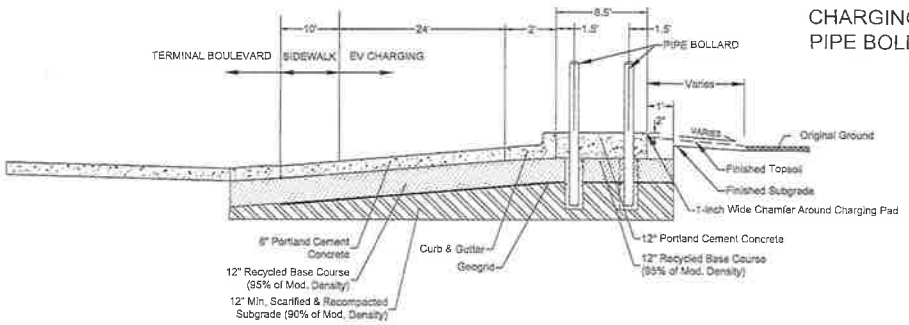
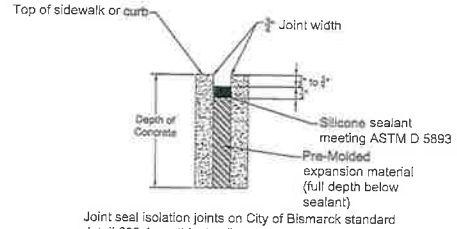
August 12, 2020 - 10:28 PM - K:\Projects\Airports\C\Bismarck_BIS\1905_00848_EcoPkgLot\CAD\Plan\1905-00848_Demolition Plan.dwg (EV CHARGING STATION)

CHARGING STATION PAD AND PIPE BOLLARDS - BY OTHERS



PROPOSED EV CHARGING STATION PAVEMENT

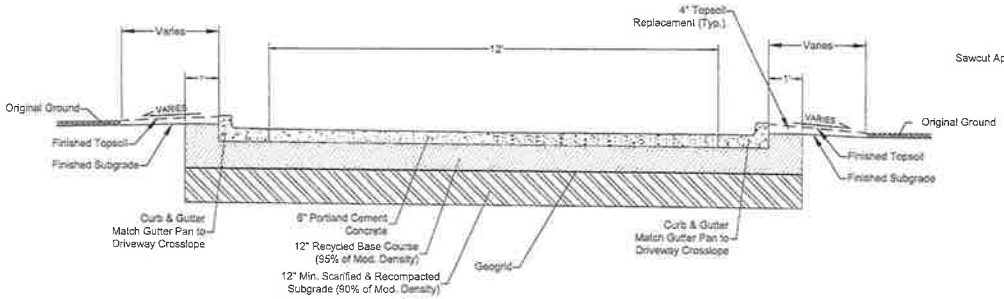
NO SCALE



Joint seal isolation joints on City of Bismarck standard detail 600-1 per this detail.

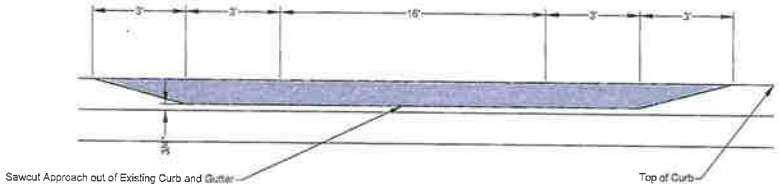
ISOLATION JOINT

NO SCALE



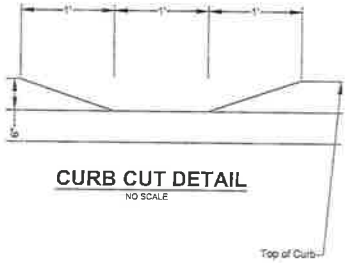
PROPOSED EV CHARGING STATION PAVEMENT

NO SCALE



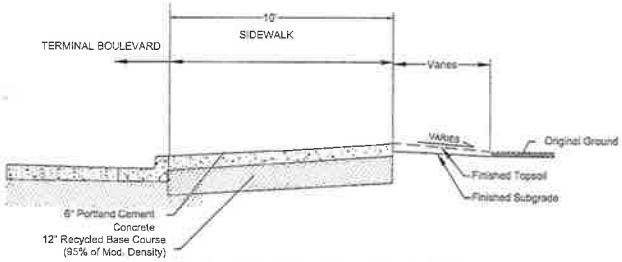
SAWCUT CONCRETE CURB AND GUTTER DETAIL

NO SCALE



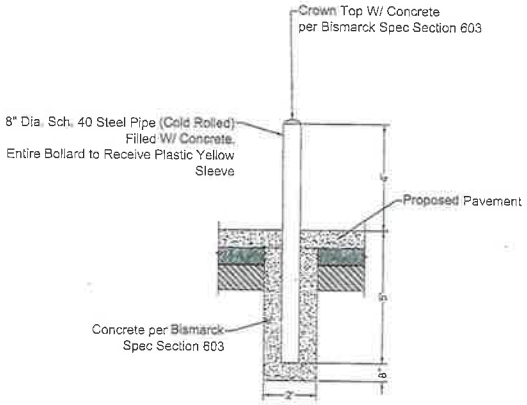
CURB CUT DETAIL

NO SCALE



PROPOSED SIDEWALK PAVEMENT

NO SCALE



PROPOSED PIPE BOLLARD - BY OTHERS

NO SCALE

THOMAS J. NEIGUM REGISTERED PROFESSIONAL PE 4355 8/13/2020 ENGINEER NORTH DAKOTA

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Bismarck

PARKING LOT EXPANSION

BISMARCK AIRPORT - CITY OF BISMARCK

BISMARCK, NORTH DAKOTA

TYPICAL SECTIONS AND DETAILS

DRAFTED	QED
REVIEWED	TJN
PROJECT NUMBER	1905-00848.D
LAST REVISED DATE	05/18/2020
SHEET	3

August 12, 2020 - 10:53 PM - K:\Projects\Airport\ND\Bismarck_BIS\1905_00848_EcoPkgLot\CAD\Plan\1905-00848_Typical Sections.dwg (EV Charging Station)

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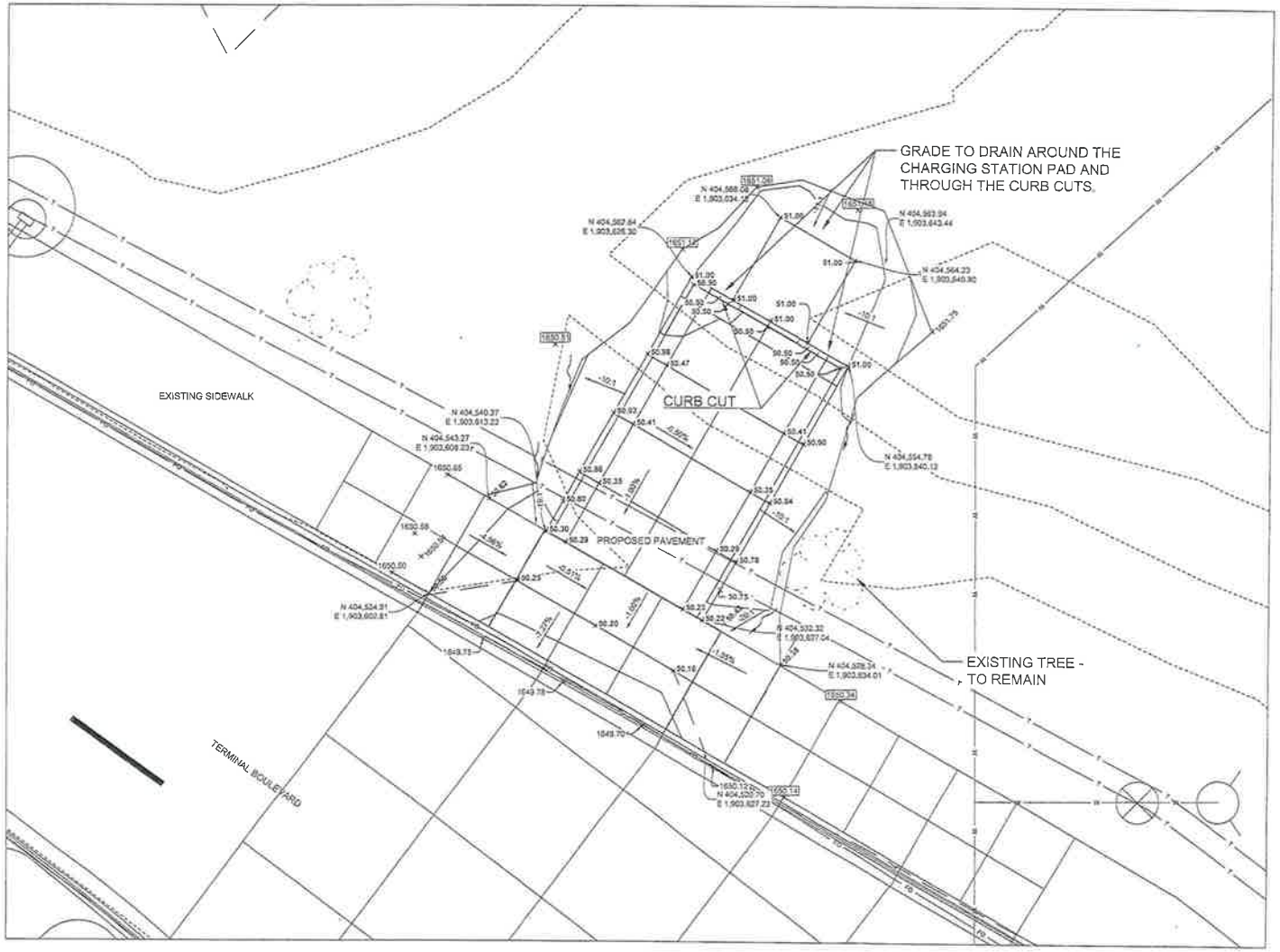

NOTES:

1. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR IT'S REPRESENTATIVES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. UNDERGROUND LOCATES MAY BE MADE USING THE "ONE CALL" NUMBER 1-800-795-0555 OR 811.

LEGEND

+ 24.50 PROPOSED FINISHED PAVEMENT GRADE

(24.50) PROPOSED FINISHED TOPSOIL GRADE

× 1624.50 EXISTING TOPSOIL GRADE

× 1624.50 EXISTING PAVEMENT GRADE

PROPOSED FINISHED CONTOURS (.5 INTERVAL)

EXISTING GROUND CONTOURS

N

scale 5 0 5 10 feet

ESTIMATED QUANTITIES:

TOPSOIL (ON SITE)	17 C.Y.
UNCLASSIFIED EXCAVATION	48 C.Y.
SEEDING	0.1 ACRES
MULCHING	0.1 ACRES

THOMAS J. NEIGUM REGISTERED PROFESSIONAL ENGINEER PE 4358 NORTH DAKOTA 5/19/2020

KLJ

PARKING LOT EXPANSION
BISMARCK AIRPORT - CITY OF BISMARCK
BISMARCK, NORTH DAKOTA

GRADING PLAN
EV CHARGING STATION

DRAFTED QED
REVIEWED TJN
PROJECT NUMBER 1905-00848.D
LAST REVISED DATE 05/19/2020

SHEET 4

Aug 12, 2020 - 11:09pm - K:\Projects\Airport\NO\Bismarck_Bl\01905_00848_EcoPlug\ut\CAD\Plan\1905-00848_Grading_EV_CHARINGSTATION_1.dwg (EV CHARGING STATION)

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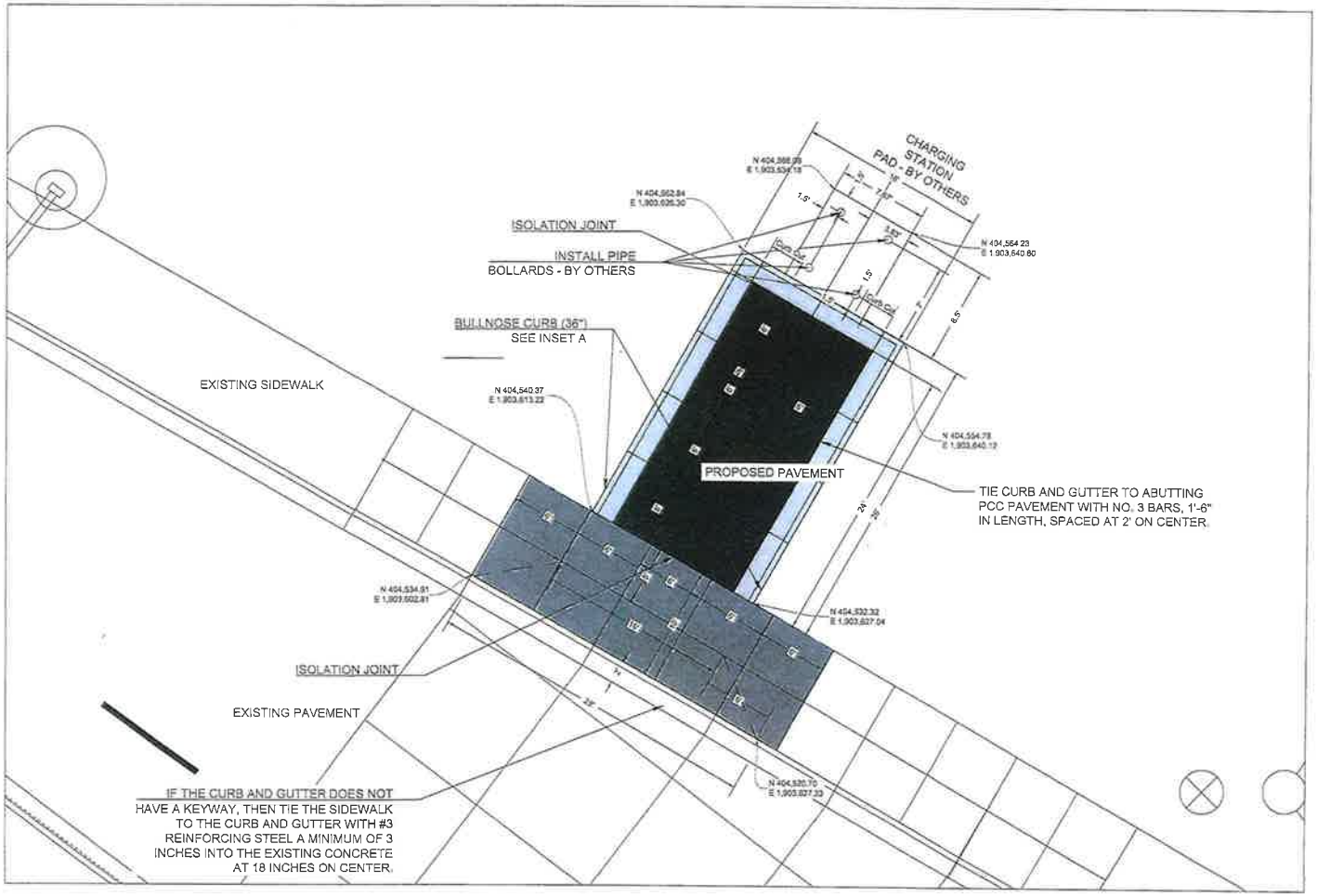
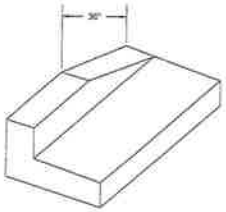


NOTES:

1. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR IT'S REPRESENTATIVES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. UNDERGROUND LOCATES MAY BE MADE USING THE "ONE CALL" NUMBER 1-800-795-0555 OR 811.
2. 6" PORTLAND CEMENT CONCRETE PAVEMENT SHALL BE REINFORCED WITH # 3 REINFORCING STEEL AT 18 INCHES ON CENTER EACH WAY.
3. TIE EXISTING AND PROPOSED SIDEWALK TOGETHER BY DRILLING AND EPOXYING IN #3 REINFORCING STEEL A MINIMUM OF 8 INCHES INTO THE EXISTING CONCRETE AT 18 INCHES ON CENTER.
4. INSTALL EV CHARGING STATION MOUNTING TEMPLATE PER MANUFACTURER'S INSTRUCTION. INCLUDE CONDUIT SWEEPS TO 5' OUTSIDE OF CHARGING STATION PAD. EV CHARGING STATION MOUNTING TEMPLATE WILL BE PROVIDED BY OWNER.
5. CONDUIT SWEEPS SHALL INCLUDE:
   AC CONDUIT: 2" RIGID STEEL OR SCHEDULE 80 PVC, 36" BELOW GRADE (FROM THE DISCONNECT TO CHARGER)
   DC CONDUIT: 3" SCHEDULE 80, CAPPED, 36" BELOW GRADE (FOR FUTURE EXPANSION)
   GROUND: $\frac{3}{4}$", SCHEDULE 40, 24" BELOW GRADE
   DATA: $\frac{1}{2}$", SCHEDULE 40, CAPPED, 24" BELOW GRADE (FOR FUTURE EXPANSION)
6. SEAL CONCRETE RELIEF JOINTS WITH SILICONE SEALANT MEETING ASTM D 5893.

6" PCC PAVEMENT
6" CONCRETE SIDEWALK
CURB & GUTTER



INSET A

N

scale 5 0 5 10 feet

ESTIMATED QUANTITIES:

STANDARD CURB & GUTTER	68 L.F.
6" PCC PAVEMENT	32 S.Y.
6" CONCRETE SIDEWALK	33 S.Y.
PIPE BOLLARD	4 EA

THOMAS J. NEIGUM REGISTERED PROFESSIONAL ENGINEER PE 4355 NORTH DAKOTA 5/13/2020

KLJ

PARKING LOT EXPANSION
BISMARCK AIRPORT - CITY OF BISMARCK
BISMARCK, NORTH DAKOTA

JOINT LAYOUT PLAN
EV CHARGING STATION

DRAFTED QED
REVIEWED TJN
PROJECT NUMBER 1905-00848.D
LAST REVISED DATE 05/19/2020
SHEET 5

Aug 12, 2020 - 10:53am - K:\Projects\Airport\MOB\Bismarck_BIS\1905_00848_EcoPlugLot\CAD\Plan\1905-00848_Grading_EV_CHARINGSTATION_1.dwg (EV CHARGING STATION JOINT LAYOUT)

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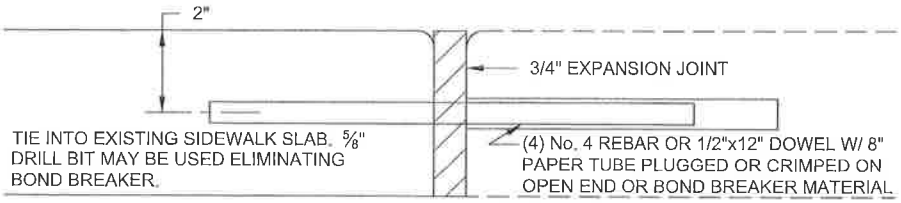
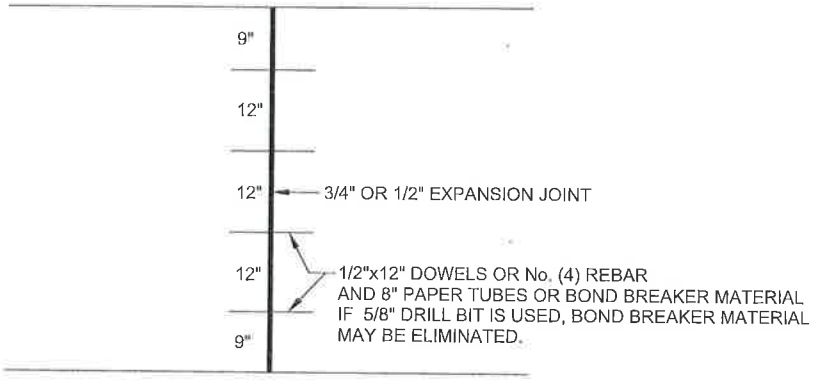
Silicone sealant required meeting ASTM D 5893.
See sheet 3 for detail.

Revise depth of rebar to the center of the sidewalk.



END OF SIDEWALK RUN OR AT EXPANSION JOINT, APPROXIMATELY 100' INTERVALS



TYPICAL 4.5' WIDE SIDEWALK AT LOT LINES, CROSSWALKS OR 100' INTERVALS

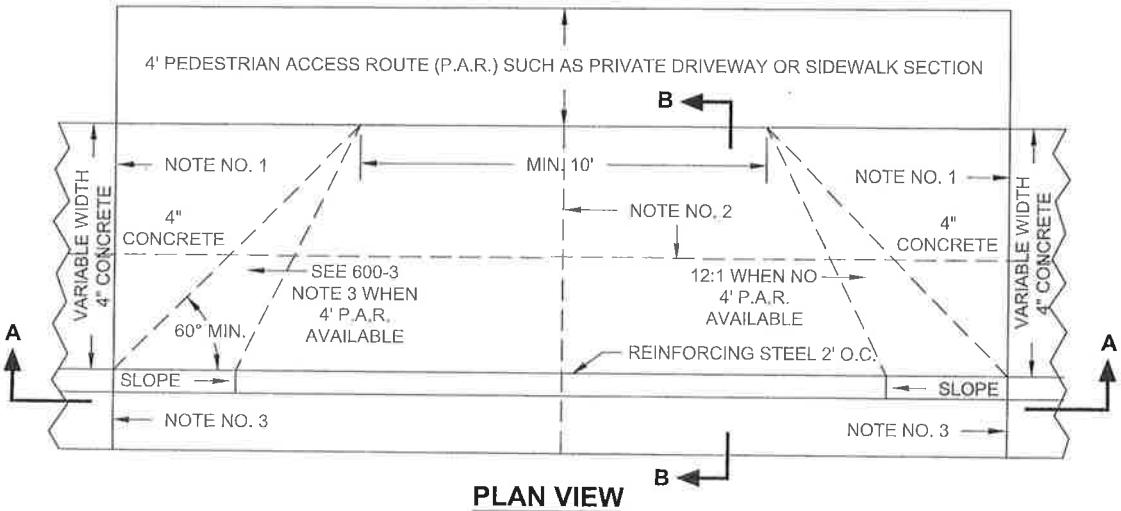
Bismarck Engineering Department	STANDARD CONCRETE SIDEWALK	SCALE: Not to Scale DATE: 3/2017	STANDARD DETAIL NO. 600-1

NOTE NO. 1 FOR 6" OR 8" CONCRETE THIS SHALL BE A SCORED OR SAWED JOINT, A MINIMUM OF 1/3 THE DEPTH OF THE CONCRETE.

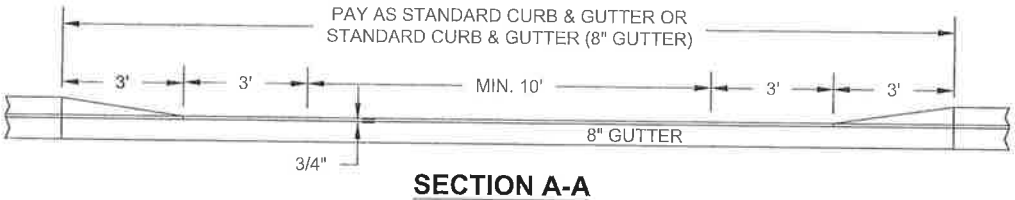
NOTE NO. 2 CENTER JOINT TO BE USED ON ALL DRIVEWAYS 23' IN WIDTH OR LESS. JOINT SHALL BE A SAWED CONSTRUCTION JOINT OR CONTRACTION JOINT SCORED, 1/3 THE DEPTH OF THE CONCRETE. JOINT SHALL BE SEALED. DRIVEWAYS 24' TO 33' IN TOP WIDTH SHALL BE DIVIDED INTO 3 PARTS. DRIVEWAYS 34' AND LARGER SHALL BE DIVIDED INTO 4 PARTS. HORIZONTAL CUTS SHALL FOLLOW JOINTS SAWED OR CONTRACTION JOINT OF 4" CONCRETE.

NOTE NO. 3 THIS SHALL BE A CONTRACTION JOINT. CONTRACTION JOINT SHALL BE SCORED 1/3 THE DEPTH OF THE CONCRETE. ALL JOINTS SHALL BE SEALED. IF THIS IS A CUT-IN DRIVEWAY, (2) 1/2"x12" SMOOTH REINFORCING STEEL OR (3) NO. 4 REINFORCING BARS SHALL BE DRILLED IN WITH A 5/8" BIT ON BOTH ENDS OF THE DRIVEWAY OR AS DIRECTED BY THE ENGINEER.

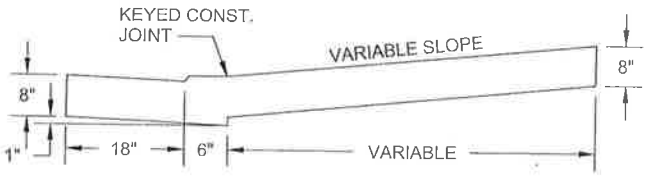
NOTE NO. 4 WHEN COMMERCIAL OR RESIDENTIAL DRIVEWAY DOES NOT HAVE A 4' LANDING, DRIVEWAY RUNNING SLOPE SHALL BE A MAXIMUM OF OF 12:1.



PLAN VIEW



SECTION A-A



SECTION B-B

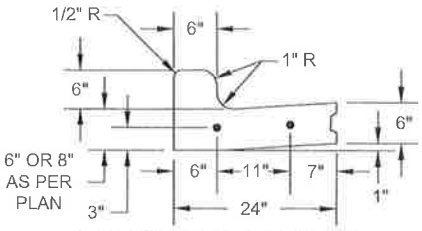
Bismarck Engineering Department	COMMERCIAL DRIVEWAY WITH 6" OR 8" CONCRETE	SCALE: Not to Scale DATE: 3/2017	STANDARD DETAIL NO. 600-10

NOTE NO. 1 — 3/4" EXPANSION WITH 3/4"x24" SMOOTH REINFORCING STEEL & 16" PAPER TUBES OR BOND BREAKER MATERIAL. DOWELS SHALL BE GREASED THE FULL LENGTH. ALL PAPER TUBES SHALL BE PLUGGED OR CRIMPED ON OPEN END. JOINTS SHALL BE PLACED EVERY 100' OR AS DETERMINED BY THE ENGINEER. JOINTS SHALL BE ½" LOWER THAN THE TOP OF CURB. THIS JOINT MUST BE SEALED.

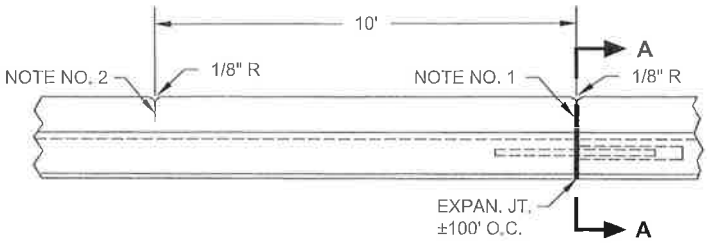
NOTE NO. 2 — CONTRACTION JOINT SCORED 1/3 THE DEPTH OF THE CONCRETE.

NOTE NO. 3 — THIS KEYED CONSTRUCTION JOINT WHEN SPECIFIED, SHALL BE PAID FOR AS "EXTRA WORK" IN ACCORDANCE WITH SECTION 104 UNLESS SPECIFICALLY CALLED FOR IN THE SPECIAL PROVISIONS OR SHOWN ON THE PLANS.

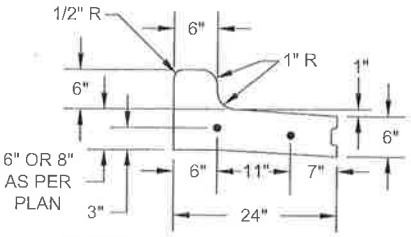
NOTE NO. 4 — CURB & GUTTER SHALL BE 6" AND UNREINFORCED UNLESS OTHERWISE SPECIFIED.



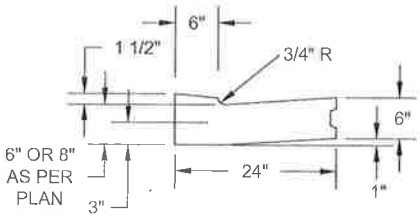
6" OR 8" CURB & GUTTER
SECTION A-A



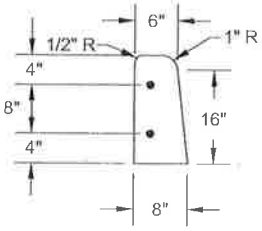
6" OR 8" CURB & GUTTER
FRONT VIEW



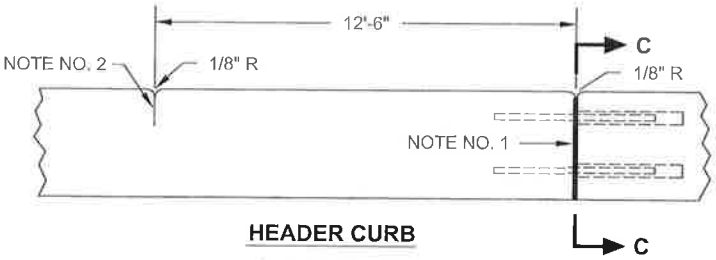
OUTFLOW CURB & GUTTER
SECTION A-A



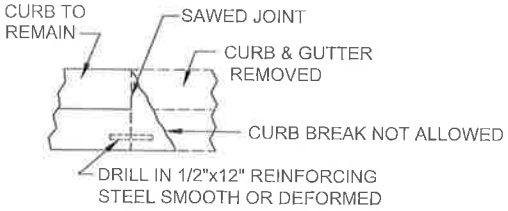
DEPRESSED CURB & GUTTER



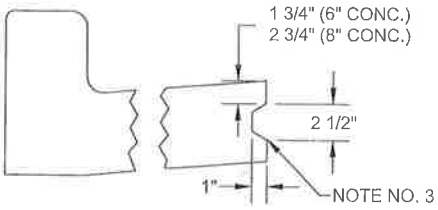
SECTION C-C



HEADER CURB
FRONT VIEW



CURB REPAIR



KEYED CONSTRUCTION JOINT DETAIL

Bismarck Engineering Department	STANDARD CURB, CURB & GUTTER	SCALE: Not to Scale DATE: 3/2017	STANDARD DETAIL NO. 600-12

Bismarck

Airport

DATE: August 13, 2020

FROM: for Greg Haug, Airport Director

ITEM: Consider Change Order #9-Final with Northern Improvement Company (NIC) for Runway 13-31 Phase 3.

REQUEST

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

On September 18, 2018, the Board approved award of bids to General Contractor NIC for Runway 13/31 Reconstruction Phase 3, third year of construction (Federal Aviation Administration (FAA) Phase 4). NIC's work on the project is substantially complete and Runway 13-31 is open. Change Order #9-Final is to balance final quantities to those actually installed, apply a deduct for concrete smoothness and close NIC's portion of the project. Change order #9-Final reduces the $10,815,426.73 contract cost by $190,266.50 for balancing adjustments, and reduces $12,271.33 as a deduct for concrete smoothness for a final total of $10,612,888.90.

RECOMMENDED CITY COMMISSION ACTION

Approve Change Order #9-Final to the September 24, 2018 agreement with NIC for Runway 13/31 Reconstruction Phase 3.

STAFF CONTACT INFORMATION

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

Enclosure:

1. Change Order #9-Final to the September 24, 2018 agreement with NIC.

ON AUGUST 25, 2020 AGENDA

CONTRACT CHANGE ORDER FORM

DEPARTMENT

Contract between the City of Bismarck and NIC

Contract Number: 2018 - 42 Change Order Number: 9-FINAL

Project/Subproject: APG. AIP 59. CONST / APG. AIP 60. CONST / APG. AIP 60. NON AIP CONST Original Contract Amt: $10,685,964.10

Project Description: RECONSTRUCT PORTION of RUNWAY 13-31 PHASE 3 (FAA PHASE 4)

Previous Contract Amount: $10,815,426.73

Change Order Amount: ($202,537.83) FINAL TOTAL: $10,612,888.90

PREREQUISITES TO FINAL ACCEPTANCE AUGUST 1, 2020

Original Contract Date: SEPT 24, 2020 Change in Contract Timeline: NA

Within Project Scope: (Y) / N* Within Project Funding: (Y) / N**

*If not within project scope, attach description of change in scope for Board approval.

**If not within project funding, attach revised Project Budget for Board approval.

Type of Change Order

_____ Non Design-related Change Order: These change orders include unforeseen conditions, code-related issues, and building inspector changes.

_____ Design-related Change Order: These change orders include unforeseen conditions that affect the appearance, layout, functionality, dimensions, and/or quality of the project.

_____ Emergency Field Condition Change Orders: These change orders include any condition that causes an emergency situation where safety or other immediate losses may occur.

X Other: (describe) ADJUST TO FINAL QUANTITIES INSTALLED, APPLY CONCRETE SMOOTHNESS DEDUCT.

Project Manager Signature: (<$15,000) _____ Date

Department Head Signature:(<$25,000) _____ Date

ADMINISTRATION

City Administrator Signature: (<$50,000) _____ Date

Add to Commission Consent Agenda

X

COMMISSION APPROVAL

Commission Approval Date: _____

Attach minutes for Commission Approval

FISCAL

Comments: _____

Signature Date Completed

GRANTS COORDINATOR: _____ DATE: _____

TO ALL DEPARTMENTS: Please attach a copy of the change order

Change Order No. **9 - FINAL**
Date July 31, 2020

Airport Name	Bismarck Airport
Location	Bismarck, ND
Contract Description	Reconstruct Portion of Runway 13-31 (Phase 3), including Portions of Taxiway C1, Taxiway C2, Taxiway B and Runway 13 Blast Pad
Contract Date	September 24, 2018
AIP Project #	3-38-0003-059-2018 and 3-38-0003-060-2018
KLJ Project #	1518700
Owner's Project #	600-620-603-6630-210 APG.AIP59.31CONST
	600-620-603-6630-210 APG.AIP60.31CONST
	600-620-603-6630-210 APG.AIP60.NONAIPCONS SCH1, DIV 3, 5, 7

Owner
City of Bismarck
PO Box 991
Bismarck, ND 58502-0991

Contractor
Northern Improvement Company
PO Box 1254
Bismarck, ND 58502

Engineer
KLJ
4585 Coleman Street
Bismarck, ND 58503

General Reason for Change (quantify and explain details in sections 2 and 3)

Project quantities adjusted to the final amounts

	AIP Grant 059	AIP Grant 060	Non-AIP	Total
Total Contract Amount Prior to this Change Order	$ 1,987,766.40	$ 8,751,867.93	$ 75,792.40	$ 10,815,426.73
Change Resulting from this Change Order	999.93	(191,266.43)	-	(190,266.50)
Change Resulting P-501 Concrete Pavement Smoothness Pay Adjustment	-	(12,271.33)	-	(12,271.33)
Total Contract Amount After this Change Order	$ 1,988,766.33	$ 8,548,330.17	$ 75,792.40	$ 10,612,888.90

Calendar Days	
Start Up Stage completion date prior to this Change Order	May 8, 2019
Change resulting from this Change Order	0
Start Up Stage completion date from this Change Order	May 8, 2019
Steady Stage completion date prior to this Change Order	October 7, 2019
Change resulting from this Change Order	0
Steady Stage completion date from this Change Order	October 7, 2019
Final Stage completion date prior to this Change Order	October 19, 2019
Change resulting from this Change Order *	0
Final Stage completion date from this Change Order *	October 19, 2019
Prerequisites to Substantial Completion date prior to this Change Order	October 19, 2019
Change resulting from this Change Order *	0
Revised Prerequisites to Substantial Completion date from this Change Order *	October 19, 2019
Prerequisites to Final Acceptance completion date prior to this Change Order	August 1, 2020
Change resulting from this Change Order	0
Revised Prerequisites to Final Acceptance completion date from this Change Order	August 1, 2020

Change Order approved by:

8/5/2020
Date

KLJ

8-7-2020
Date

Bruce Thompson
Northern Improvement Company

Date

City of Bismarck

Summary of Changes

Airport Name	Bismarck Airport		Change Order No. 9 - FINAL
Location	Bismarck, ND		Section 2
AIP Project #	3-38-0003-059-2018 and 3-38-0003-060-2018	KLJ Project #	1518700
Contractor	Northern Improvement Company	Owner's Project #	600-620-603-6630-210

Item #	Spec #	Item	Quantities Planned	Quantities Revised	Quantities Change	Unit	Unit Price	Revised Cost	Changed Cost
		AIP Grant 060							
Schedule 1, Division 1 - Reconstruct Portion of Runway 13-31 and Runway 13 Blast Pad (24,194 S.Y. Paved, 24,194 S.Y. PCC) - General Construction - AIP									
1	P-152	Unclassified Excavation	217,251	217,251	-	C.Y.	$ 4.20	$ 912,454.20	$ -
2	Plan Notes	Water	2,889	1,631.6	(1,257.4)	M Gal.	27.80	45,358.48	(34,955.72)
3	P-154	Subbase Course	9,657	9,657	-	C.Y.	48.30	466,433.10	-
4	P-160	Recycled Asphalt Pavement for Subgrade Stabilization	7,049	7,076	27	C.Y.	13.70	96,941.20	369.90
5	P-181	Soil Stabilization Material	21,066	21,066	-	S.Y.	2.30	48,451.80	-
6	P-209	Crushed Aggregate Base Course	6,148	6,148	-	C.Y.	113.40	697,183.20	-
7	P-230	Geotextile Fabric	25,866	25,866	-	S.Y.	1.60	41,385.60	-
8	P-304	6-Inch Cement-Treated Base Course	20,540	20,540	-	S.Y.	22.90	470,366.00	-
9	P-401	HMA Surface Course	11	-	(11.00)	Ton	119.20	-	(1,311.20)
10	P-401	HMA Base Course	18	46.37	28.37	Ton	100.00	4,637.00	2,837.00
11	P-412	Remove, Salvage & Process Asphalt Pavement for Subgrade Stabilization (Full Depth)	23,455	23,534	79	S.Y.	8.40	197,685.60	663.60
12	P-412	Mill and Salvage Asphalt Pavement for Subgrade Stabilization (1-6 Inch Depth)	18	36	18	S.Y.	5.50	198.00	99.00
13	P-412	Stockpile Salvaged Asphalt Pavement in the Permanent Stockpile Site (If Needed)	6,000	2,155	(3,845)	C.Y.	13.80	29,739.00	(53,061.00)
14	Plan Notes	Remove and Dispose of Concrete Pavement	303	303	-	S.Y.	151.60	45,934.80	-
15	P-501	12-Inch Portland Cement Concrete Pavement (Non-Reinforced Unless Shown)	4,444	4,444	-	S.Y.	91.00	404,404.00	-
16	P-501	16-Inch Portland Cement Concrete Pavement (Non-Reinforced Unless Shown)	19,750	19,750	-	S.Y.	93.20	1,840,700.00	-
17	P-603	Bituminous Tack Coat	8	14	6	Gal.	2.00	28.00	12.00
18	P-605	Joint Sealing - PCC Pavement (New)	30,880	30,880	-	L.F.	2.00	61,760.00	-
19	Plan Notes	Obliterate Pavement Markings	94,969	96,747	1,778	S.F.	0.70	67,722.90	1,244.60
20	Plan Notes	Temporary Runway and Taxiway Markings	32,600	32,600	-	S.F.	0.90	29,340.00	-
21	P-620	Runway and Taxiway Marking	66,591	71,080	4,489	S.F.	1.60	113,728.00	7,182.40
22	P-621	Grooving	17,044	17,044	-	S.Y.	3.80	64,767.20	-
23	F-162	10 Ft. Chain-Link Fence	1,946	1,946	-	L.F.	30.30	58,963.80	-
24	F-162	8 Ft. Chain-Link Fence	30	30	-	L.F.	27.50	825.00	-
25	F-162	30 Ft. x 8 Ft. Double Swing, Chain-Link Gate	1	-	(1)	Each	3,990.50	-	(3,990.50)
26	F-162	32 Ft. x 8 Ft. Double Swing, Chain-Link Gate	1	1	-	Each	3,990.50	3,990.50	-
27	F-162	32 Ft. x 10 Ft. Double Slide, Chain-Link Gate	1	1	-	Each	7,743.40	7,743.40	-
28	Plan Notes	Remove and Salvage 8-Foot Chain-Link Fence	2,126	2,126	-	L.F.	5.70	12,118.20	-
29	Plan Notes	Remove 30 Ft. x 8 Ft. Double Swing, Chain Link Gate	1	1	-	Each	721.50	721.50	-
30	Plan Notes	Remove 32 Ft. x 8 Ft. Double Swing, Chain Link Gate	1	1	-	Each	721.50	721.50	-
31	Plan Notes	Insulate Water Main	28	28	-	L.F.	108.80	3,046.40	-
32	Plan Notes	Adjust Gate Valve	1	1	-	Each	738.20	738.20	-
33	Plan Notes	Automated Sluice Gate	-	-	-	Each	15,066.00	-	-
34	Plan Notes	Remove and Dispose of Existing Reinforced Concrete Pipe (All Sizes)	1,224	1,276	52	L.F.	13.90	17,736.40	722.80
35	Plan Notes	Remove and Dispose of Existing PVC Pipe (All Sizes)	46	183	137	L.F.	16.70	3,056.10	2,287.90
36	Plan Notes	Abandon Existing Pipe (All Types and Sizes)	604	604	-	L.F.	7.20	4,348.80	-
37	D-701	18-Inch Reinforced Concrete Pipe, Cl. V	1,455	1,455	-	L.F.	78.80	114,654.00	-
38	D-701	24-Inch Reinforced Concrete Pipe, Cl. V	1,732	1,732	-	L.F.	108.80	188,441.60	-
39	D-701	30-Inch Reinforced Concrete Pipe, Cl. V	475	475	-	L.F.	153.20	72,770.00	-
40	D-701	18-Inch Corrugated Steel Pipe (0.064")	50	50	-	L.F.	55.50	2,775.00	-
41	D-701	18-Inch Corrugated Steel End Section (0.064")	2	2	-	Each	849.20	1,698.40	-
42	D-701	12-Inch PVC Storm Sewer Pipe (SDR 26 Sewer Pipe)	1,830	1,830	-	L.F.	48.80	89,304.00	-
43	D-701	18-Inch RC End Section with Trash Guard	6	6	-	Each	1,443.00	8,658.00	-
44	D-701	30-Inch RC End Section with Trash Guard	1	1	-	Each	2,886.00	2,886.00	-
45	D-701	30-Inch RC End Section (If Needed)	-	-	-	Each	1,731.60	-	-
46	Plan Notes	18-Inch Jacked and Bored Steel Pipe	-	-	-	L.F.	546.10	-	-
47	Plan Notes	30-Inch Jacked and Bored Steel Pipe (If Needed)	157	157	-	L.F.	600.50	94,278.50	-
48	D-705	6-Inch Perforated PVC Edgedrain Pipe with Filter Sock	2,317	2,317	-	L.F.	12.80	29,657.60	-
49	D-705	6-Inch PVC Outlet Line	1,506	1,506	-	L.F.	16.90	25,451.40	-
50	Plan Notes	Edgedrain Cleanout	6	6	-	Each	1,814.90	10,889.40	-
51	D-751	30-Inch Manhole	4	4	-	Each	3,346.70	13,386.80	-
52	D-751	48-Inch Manhole	7	6	(1)	Each	5,522.30	33,133.80	(5,522.30)
53	D-751	60-Inch Manhole	2	2	-	Each	7,903.20	15,806.40	-
54	D-751	72-Inch Manhole	1	1	-	Each	8,713.50	8,713.50	-
55	D-751	84-Inch Manhole	1	1	-	Each	13,347.80	13,347.80	-
56	Plan Notes	Remove and Dispose of Existing Manhole (All Sizes)	6	6	-	Each	466.20	2,797.20	-
57	Plan Notes	Abandon Existing Manhole (All Sizes)	3	3	-	Each	921.30	2,763.90	-
58	Plan Notes	Adjust Existing Manhole (All Sizes)	6	6	-	Each	3,024.80	18,148.80	-
59	T-901	Seeding	72	62.78	(9.22)	Acre	688.20	43,205.20	(6,345.20)

Airport Name	Bismarck Airport		Change Order No. 9 - FINAL
Location	Bismarck, ND		Section 2
AIP Project #	3-38-0003-059-2018 and 3-38-0003-060-2018	KLJ Project #	1518700
Contractor	Northern Improvement Company	Owner's Project #	600-620-603-6630-210

Item #	Spec #	Item	Quantities Planned	Quantities Revised	Quantities Change	Unit	Unit Price	Revised Cost	Changed Cost
60	Plan Notes	Seeding (Waste Excavation Area, If Needed)	13	13.00	-	Acre	688.20	8,946.60	-
61	T-905	Topsoiling	37,749	43,245	5,496	C.Y.	3.90	168,655.50	21,434.40
62	Plan Notes	Topsoiling (Waste Excavation Area, If Needed)	5,968	5,968	-	C.Y.	4.40	26,259.20	-
63	T-908	Mulching	72	62.78	(9.22)	Acre	1,576.20	98,953.84	(14,532.56)
64	Plan Notes	Mulching (Waste Excavation Area)	13	13.00	-	Acre	1,576.20	20,490.60	-
65	Plan Notes	Biorolls	2,761	2,295	(466)	L.F.	2.40	5,508.00	(1,118.40)
66	Plan Notes	Sediment Control Fence (If Needed)	200	60	(140)	L.F.	2.90	174.00	(406.00)
67	Plan Notes	Inlet Protection	9	-	(9)	Each	161.00	-	(1,449.00)
68	Plan Notes	CC-45 Cable Concrete Mat with Geotextile Fabric	512	512	-	S.F.	16.10	8,243.20	-
69	Plan Notes	Stockpile Grading	1	1.00	-	L.S.	12,790.00	12,790.00	-
70	Local	Field Office / Laboratory	1	1.00	-	L.S.	25,380.00	25,380.00	-
71	Local	Airside Traffic Control	1	1.00	-	L.S.	104,420.00	104,420.00	-
72	Local	Install Construction Safety Fence	4,825	5,070	245	L.F.	1.70	8,619.00	416.50
73	Local	Remove Construction Safety Fence	4,825	5,070	245	L.F.	0.60	3,042.00	147.00
74	Local	Mobilization	1	1.00	-	L.S.	960,780.00	960,780.00	-
							TOTAL SCHEDULE 1, DIVISION 1 - AIP 060	$ 7,998,257.12	$ (85,274.78)
		AIP Grant 059							
Schedule 1, Division 2 - Reconstruct Portion of Taxiway C1, (3,806 S.Y. Paved, 2,435 S.Y. PCC, 1,371 S.Y. HMA) - General Construction - AIP									
1	P-152	Unclassified Excavation	3,688	3,688	-	C.Y.	$ 4.20	$ 15,489.60	$ -
2	Plan Notes	Water	111	141.5	30.5	M Gal.	27.80	3,933.70	847.90
3	P-154	Subbase Course	1,219	1,219	-	C.Y.	48.30	58,877.70	-
4	P-160	Recycled Asphalt Pavement for Subgrade Stabilization	1,094	1,094	-	C.Y.	13.70	14,987.80	-
5	P-181	Soil Stabilization Material	3,342	3,342	-	S.Y.	2.30	7,686.60	-
6	P-209	Crushed Aggregate Base Course	1,392	1,392	-	C.Y.	113.40	157,852.80	-
7	P-230	Geotextile Fabric	3,772	3,772	-	S.Y.	1.60	6,035.20	-
8	P-304	6-Inch Cement-Treated Base Course	2,560	2,560	-	S.Y.	22.90	58,624.00	-
9	P-401	HMA Surface Course	321	287.51	(33.49)	Ton	119.20	34,271.19	(3,992.01)
10	P-401	HMA Base Course	395	415.29	20.29	Ton	100.00	41,529.00	2,029.00
11	P-412	Remove, Salvage & Process Asphalt Pavement for Subgrade Stabilization (Full Depth)	3,808	3,808	-	S.Y.	8.40	31,987.20	-
12	P-412	Mill and Salvage Asphalt Pavement for Subgrade Stabilization (1-6 Inch Depth)	342	342	-	S.Y.	5.50	1,881.00	-
13	P-501	16-Inch Portland Cement Concrete Pavement (Non-Reinforced Unless Shown)	2,435	2,435	-	S.Y.	93.20	226,942.00	-
14	P-603	Bituminous Tack Coat	240	183	(57)	Gal.	2.00	366.00	(114.00)
15	P-605	Joint Sealing - PCC Pavement (New)	3,393	3,393	-	L.F.	2.00	6,786.00	-
16	Plan Notes	Joint Sealing - Asphalt Pavement (Route & Seal)	82	82	-	L.F.	6.10	500.20	-
17	D-705	6-Inch Perforated PVC Edgedrain Pipe with Filter Sock	511	511	-	L.F.	12.80	6,540.80	-
18	Plan Notes	Edgedrain Cleanout	2	2	-	Each	1,814.90	3,629.80	-
							TOTAL SCHEDULE 1, DIVISION 2 - AIP 059	$ 677,920.59	$ (1,229.11)
		Non-AIP							
Schedule 1, Division 3 - Reconstruct Portion of Taxiway C1 - (114 S.Y. PCC) - General Construction - NON-AIP									
1	P-152	Unclassified Excavation	198	198	-	C.Y.	$ 4.20	$ 831.60	$ -
2	Plan Notes	Water	5	5.0	-	M Gal.	27.80	139.00	-
3	P-154	Subbase Course	66	66	-	C.Y.	48.30	3,187.80	-
4	P-160	Recycled Asphalt Pavement for Subgrade Stabilization	47	47	-	C.Y.	13.70	643.90	-
5	P-181	Soil Stabilization Material	140	140	-	S.Y.	2.30	322.00	-
6	P-209	Crushed Aggregate Base Course	31	31	-	C.Y.	113.40	3,515.40	-
7	P-230	Geotextile Fabric	140	140	-	S.Y.	1.60	224.00	-
8	P-304	6-Inch Cement-Treated Base Course	140	140	-	S.Y.	22.90	3,206.00	-
9	P-501	16-Inch Portland Cement Concrete Pavement (Non-Reinforced Unless Shown)	114	114	-	S.Y.	93.20	10,624.80	-
10	P-605	Joint Sealing - PCC Pavement (New)	113	113	-	L.F.	2.00	226.00	-
							TOTAL SCHEDULE 1, DIVISION 3 - NON-AIP	$ 22,920.50	$ -
		AIP Grant 059							
Schedule 1, Division 4 - Reconstruct Portion of Taxiway C2, (3,749 S.Y. Paved, 2,272 S.Y. PCC, 1,477 S.Y. HMA) - General Construction - AIP									
1	P-152	Unclassified Excavation	3,985	3,985	-	C.Y.	$ 4.20	$ 16,737.00	$ -
2	Plan Notes	Water	109	128.8	19.8	M Gal.	27.80	3,580.64	550.44
3	P-154	Subbase Course	1,114	1,114	-	C.Y.	48.30	53,806.20	-
4	P-160	Recycled Asphalt Pavement for Subgrade Stabilization	1,021	1,021	-	C.Y.	13.70	13,987.70	-
5	P-181	Soil Stabilization Material	3,126	3,126	-	S.Y.	2.30	7,189.80	-
6	P-209	Crushed Aggregate Base Course	1,326	1,326	-	C.Y.	113.40	150,368.40	-
7	P-230	Geotextile Fabric	3,629	3,629	-	S.Y.	1.60	5,806.40	-
8	P-304	6-Inch Cement-Treated Base Course	2,362	2,362	-	S.Y.	22.90	54,089.80	-
9	P-401	HMA Surface Course	342	310.99	(31.01)	Ton	119.20	37,070.01	(3,696.39)
10	P-401	HMA Base Course	400	421.96	21.96	Ton	100.00	42,196.00	2,196.00

Airport Name	Bismarck Airport		Change Order No. 9 - FINAL
Location	Bismarck, ND		Section 2
AIP Project #	3-38-0003-059-2018 and 3-38-0003-060-2018	KLJ Project #	1518700
Contractor	Northern Improvement Company	Owner's Project #	600-620-603-6630-210

Item #	Spec #	Item	Quantities Planned	Quantities Revised	Quantities Change	Unit	Unit Price	Revised Cost	Changed Cost
11	P-412	Remove, Salvage & Process Asphalt Pavement for Subgrade Stabilization (Full Depth)	4,933	4,933	-	S.Y.	8.40	41,437.20	-
12	P-412	Mill and Salvage Asphalt Pavement for Subgrade Stabilization (1-6 Inch Depth)	434	434	-	S.Y.	5.50	2,387.00	-
13	P-501	16-Inch Portland Cement Concrete Pavement (Non-Reinforced Unless Shown)	2,272	2,272	-	S.Y.	93.20	211,750.40	-
14	P-603	Bituminous Tack Coat	252	183	(69)	Gal.	2.00	366.00	(138.00)
15	P-605	Joint Sealing - PCC Pavement (New)	3,570	3,570	-	L.F.	2.00	7,140.00	-
16	Plan Notes	Joint Sealing - Asphalt Pavement (Route & Seal)	58	58	-	L.F.	6.10	353.80	-
17	D-705	6-Inch Perforated PVC Edgedrain Pipe with Filter Sock	575	575	-	L.F.	12.80	7,360.00	-
18	Plan Notes	Edgedrain Cleanout	2	2	-	Each	1,814.90	3,629.80	-
							TOTAL SCHEDULE 1, DIVISION 4 - AIP 059	$ 659,256.15	$ (1,087.95)
		Non-AIP							
Schedule 1, Division 5 - Reconstruct Portion of Taxiway C2 - (235 S.Y. PCC) - General Construction - NON-AIP									
1	P-152	Unclassified Excavation	382	382	-	C.Y.	$ 4.20	$ 1,604.40	$ -
2	Plan Notes	Water	9	9.0	-	M Gal.	27.80	250.20	-
3	P-154	Subbase Course	128	128	-	C.Y.	48.30	6,182.40	-
4	P-160	Recycled Asphalt Pavement for Subgrade Stabilization	90	90	-	C.Y.	13.70	1,233.00	-
5	P-181	Soil Stabilization Material	270	270	-	S.Y.	2.30	621.00	-
6	P-209	Crushed Aggregate Base Course	60	60	-	C.Y.	113.40	6,804.00	-
7	P-230	Geotextile Fabric	270	270	-	S.Y.	1.60	432.00	-
8	P-304	6-Inch Cement-Treated Base Course	270	270	-	S.Y.	22.90	6,183.00	-
9	P-501	16-Inch Portland Cement Concrete Pavement (Non-Reinforced Unless Shown)	235	235	-	S.Y.	93.20	21,902.00	-
10	P-605	Joint Sealing - PCC Pavement (New)	214	214	-	L.F.	2.00	428.00	-
							TOTAL SCHEDULE 1, DIVISION 5 - NON-AIP	$ 45,640.00	$ -
		AIP Grant 059							
Schedule 1, Division 6 - Reconstruct Portion of Taxiway B, (5,612 S.Y. Paved, 1,052 S.Y. PCC, 4,560 S.Y. HMA) - General Construction - AIP									
1	P-152	Unclassified Excavation	22,044	22,044	-	C.Y.	$ 4.20	$ 92,584.80	$ -
2	Plan Notes	Water	278	56.0	(222.0)	M Gal.	27.80	1,556.80	(6,171.60)
3	P-160	Recycled Asphalt Pavement for Subgrade Stabilization	394	394	-	C.Y.	13.70	5,397.80	-
4	P-181	Soil Stabilization Material	6,040	6,040	-	S.Y.	2.30	13,892.00	-
5	P-209	Crushed Aggregate Base Course	2,453	2,453	-	C.Y.	113.40	278,170.20	-
6	P-230	Geotextile Fabric	1,266	1,266	-	S.Y.	1.60	2,025.60	-
7	P-401	HMA Surface Course	555	573.26	18.26	Ton	119.20	68,332.59	2,176.59
8	P-401	HMA Base Course	551	625.90	74.90	Ton	100.00	62,590.00	7,490.00
9	P-412	Remove, Salvage & Process Asphalt Pavement for Subgrade Stabilization (Full Depth)	4,978	4,978	-	S.Y.	8.40	41,815.20	-
10	P-412	Mill and Salvage Asphalt Pavement for Subgrade Stabilization (1-6 Inch Depth)	39	39	-	S.Y.	5.50	214.50	-
11	P-501	7-Inch Portland Cement Concrete Pavement (Non-Reinforced Unless Shown)	1,052	1,052	-	S.Y.	67.30	70,799.60	-
12	P-603	Bituminous Tack Coat	226	137	(89)	Gal.	2.00	274.00	(178.00)
13	P-605	Joint Sealing - PCC Pavement (New)	2,013	2,013	-	L.F.	2.00	4,026.00	-
14	Plan Notes	Joint Sealing - Asphalt Pavement (Route & Seal)	35	35	-	L.F.	6.10	213.50	-
15	D-705	6-Inch Perforated PVC Edgedrain Pipe with Filter Sock	474	474	-	L.F.	12.80	6,067.20	-
16	Plan Notes	Edgedrain Cleanout	2	2	-	Each	1,814.90	3,629.80	-
							TOTAL SCHEDULE 1, DIVISION 6 - AIP 059	$ 651,589.59	$ 3,316.99
		Non-AIP							
Schedule 1, Division 7 - Reconstruct Portion of Taxiway B - (28 S.Y. PCC) - General Construction - NON-AIP									
1	P-152	Unclassified Excavation	38	38	-	C.Y.	$ 4.20	$ 159.60	$ -
2	Plan Notes	Water	1	1.0	-	M Gal.	27.80	27.80	-
3	P-160	Recycled Asphalt Pavement for Subgrade Stabilization	12	12	-	C.Y.	13.70	164.40	-
4	P-181	Soil Stabilization Material	55	55	-	S.Y.	2.30	126.50	-
5	P-209	Crushed Aggregate Base Course	38	38	-	C.Y.	113.40	4,309.20	-
6	P-230	Geotextile Fabric	36	36	-	S.Y.	1.60	57.60	-
7	P-401	HMA Surface Course	2	2.00	-	Ton	119.20	238.40	-
8	P-401	HMA Base Course	2	2.00	-	Ton	100.00	200.00	-
9	P-501	7-Inch Portland Cement Concrete Pavement (Non-Reinforced Unless Shown)	28	28	-	S.Y.	67.30	1,884.40	-
10	P-603	Bituminous Tack Coat	2	2	-	Gal.	2.00	4.00	-
11	P-605	Joint Sealing - PCC Pavement (New)	30	30	-	L.F.	2.00	60.00	-
							TOTAL SCHEDULE 1, DIVISION 7 - NON-AIP	$ 7,231.90	$ -

Airport Name	Bismarck Airport		Change Order No. 9 - FINAL
Location	Bismarck, ND		Section 2
AIP Project #	3-38-0003-059-2018 and 3-38-0003-060-2018	KLJ Project #	1518700
Contractor	Northern Improvement Company	Owner's Project #	600-620-603-6630-210

Item #	Spec #	Item	Quantities Planned	Quantities Revised	Quantities Change	Unit	Unit Price	Revised Cost	Changed Cost
		AIP Grant 060							
Change Order 1									
Schedule 1, Division 1 - Reconstruct Portion of Runway 13-31 and Runway 13 Blast Pad (24,194 S.Y. Paved, 24,194 S.Y. PCC) - General Construction - AIP									
CO 1-1	D-701 / CO1	Trash Guard for Existing 48-Inch RC End Section	1	1	-	Each	$ 2,615.80	$ 2,615.80	$ -
CO 1-2	D-751 / CO1	12-Foot x 4-Foot Manhole Structure	1	1	-	Each	38,931.20	38,931.20	-
CO 1-3	CO1	Landside Traffic Control (University Drive)	1	-	(1)	L.S.	1,886.50	-	(1,886.50)
CO 1-4	P-152	Unclassified Excavation (Truck Haul from West Detention Area)	19,270	-	(19,270)	C.Y.	18.83	-	(362,854.10)
CO 1-5	CO1	Mobilization for Jack and Bore Pipe	1	1	-	L.S.	11,805.00	11,805.00	-
CO 1-6	CO1	Landside Traffic Control (Recreational Trail west of Univ. Drive)	1	-	(1)	L.S.	538.45	-	(538.45)
CO 1-7	CO1	Change Barricade Spacing from 5 Feet to 4 Feet	1	1	-	L.S.	4,023.25	4,023.25	-
CO 1-8	CO1	Additional Barricades across Runway 13-31 South of Taxiway D	1	1	-	L.S.	2,994.75	2,994.75	-
							TOTAL CHANGE ORDER 1	**$ 60,370.00**	**$ (365,279.05)**
		AIP Grant 060							
Change Order 2									
Schedule 1, Division 1 - Reconstruct Portion of Runway 13-31 and Runway 13 Blast Pad (24,194 S.Y. Paved, 24,194 S.Y. PCC) - General Construction - AIP									
CO 2-1	CO2	Disposal of Debris	500	5,124.54	4,624.54	Ton	$ 34.10	$ 174,746.81	$ 157,696.81
CO 2-2	CO2	Bismarck Landfill Tipping Fees	$ 7,000.00	$115,025.59	$108,025.59	Actual Cost		$ 115,025.59	$ 108,025.59
							TOTAL CHANGE ORDER 2	**$ 289,772.40**	**$ 265,722.40**
		AIP Grant 060							
Change Order 3									
Schedule 1, Division 1 - Reconstruct Portion of Runway 13-31 and Runway 13 Blast Pad (24,194 S.Y. Paved, 24,194 S.Y. PCC) - General Construction - AIP									
CO 3-1	CO3	Disposal of Large Debris	100	-	(100)	Ton	$ 64.35	$ -	$ (6,435.00)
							TOTAL CHANGE ORDER 3	**$ -**	**$ (6,435.00)**
		AIP Grant 060							
Change Order 5									
Schedule 1, Division 1 - Reconstruct Portion of Runway 13-31 and Runway 13 Blast Pad (24,194 S.Y. Paved, 24,194 S.Y. PCC) - General Construction - AIP									
CO 5-1	CO5	Gate 147 Sign and Delineators	1	1	-	L.S.	$ 1,094.50	$ 1,094.50	$ -
							TOTAL CHANGE ORDER 5	**$ 1,094.50**	**$ -**
		AIP Grant 060							
Change Order 7									
Schedule 1, Division 1 - Reconstruct Portion of Runway 13-31 and Runway 13 Blast Pad (24,194 S.Y. Paved, 24,194 S.Y. PCC) - General Construction - AIP									
CO 7-1	CO7	Stockpile of CC-45 Cable Concrete Mat with Geotextile Fabric	1	1	-	L.S.	$ 205,158.42	$ 205,158.42	$ -
							TOTAL CHANGE ORDER 7	**$ 205,158.42**	**$ -**
		AIP Grant 060							
Change Order 8									
Schedule 1, Division 1 - Reconstruct Portion of Runway 13-31 and Runway 13 Blast Pad (24,194 S.Y. Paved, 24,194 S.Y. PCC) - General Construction - AIP									
CO 8-1	CO8	Additional Stockpile of CC-45 Cable Concrete Mat with Geotextile Fabric	1	1	-	L.S.	$ 5,949.06	$ 5,949.06	$ -
							TOTAL CHANGE ORDER 8	**$ 5,949.06**	**$ -**
							TOTAL AIP 059 CHANGE	**$ 1,988,766.33**	**$ 999.93**
							TOTAL AIP 060 CHANGE	**$ 8,560,601.50**	**$ (191,266.43)**
							TOTAL NON-AIP	**$ 75,792.40**	**$ -**
							TOTAL CHANGE	**$ 10,625,160.23**	**$ (190,266.50)**

NOTE: The items highlighted above in orange are items that are funded 90 percent under AIP Grant 059

NOTE: The items highlighted above in blue are items that are funded 90 percent under AIP Grant 060

NOTE: The items highlighted above in yellow are items that are funded 100 percent non-AIP and 0 percent AIP.

Explanation of Changes

Airport Name	Bismarck Airport		Change Order No. 9 - FINAL
Location	Bismarck, ND		Section 3
AIP Project #	3-38-0003-059-2018 and 3-38-0003-060-2018	KLJ Project #	1518700
Contractor	Northern Improvement Company	Owner's Project #	600-620-603-6630-210

Item No.

Description

Project quantities adjusted to the final amounts

Reason for Change

All project quantities were adjusted to the final amounts.

City Attorney

DATE: August 13, 2020

FROM: Jannelle Combs, City Attorney

ITEM: State of Emergency Declaration ratification

REQUEST

Ratify the August 12, 2020, state of emergency declaration relating to COVID-19 by the President of City Commission and extend its effect to September 11, 2020.

Please place this item on the 8/25/2020 City Commission consent meeting agenda.

BACKGROUND INFORMATION

The July 13 2020, emergency declaration lapsed August 12, 2020. Mayor Bakken signed a new declaration August 12, 2020. Bismarck City ordinance 2-08-03 provides that the President of the City Commission can declare a local state of emergency. The emergency declaration will exist for a period not to exceed 15 days, unless the City Commission ratifies the declaration within the 15-day period. If it is ratified, it is then valid for another 15 days. There is a continuing need for emergency bidding protocols for Covid-19 response that continue to be an immediate possibility. We do have confirmation with the State that FEMA reimbursement does not require the City to have its own emergency declaration for this event at this time. This continuation is to deal with certain issues related to homeless individuals who have been ordered to isolate or quarantine and the lack of services for them to do so since the State is no longer providing that service. Based on what the State was paying for the service, it could exceed our fiscal procedures for bidding that would require us to do a formal bid procedure, for which there would be no time.

RECOMMENDED CITY COMMISSION ACTION

Ratify the August 12, 2020 state of emergency declaration relating to COVID-19 by President Bakken and extend its effect to September 11, 2020.

STAFF CONTACT INFORMATION

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

NEWS RELEASE

For Immediate Release:
August 12, 2020

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

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

Bismarck, N.D.

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

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

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

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

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

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

WHEREAS, on March 15, 2020, the City of Bismarck declared a disaster emergency, which was ratified by the City Commission, and a second declaration was declared and ratified by the City Commission on April 14, 2020, which extended the emergency to May 14, 2020, and a third declaration on May 14, 2020, which was ratified by the City Commission on May 26, 2020, a fourth declaration on June 13, 2020, which was ratified by the City Commission on June

23, 2020, and a fifth declaration on July 13, 2020, which was ratified by the City Commission on July 13, 2020, but such emergency still exists,

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

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

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

DATED at Bismarck, North Dakota this 12th day of August, 2020.

Steve Bakken, President
City of Bismarck Commission

Community Development Department

DATE: August 18, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Release of Access and Utility Easement over Lots 1-4, Block 1, Torrance Hill Addition.

REQUEST

Andrew and Sarah Rodenburg are requesting approval of an access and utility easement release over Lots 1-4, Block 1, Torrance Hill Addition to allow construction of a single-family residence.

Please place this item on the August 25, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Torrance Hill Addition was originally platted in 1986 to support the construction of six single-family homes. However, for various reasons, the area has not developed in the intervening 34 years. During this time, portions of these platted lots have been combined with adjacent residential lots to the north.

The applicant intends to combine the remaining portions of Lots 1-4, Block 1, Torrance Hill Addition to allow construction of one single-family home. Access and utilities for this new residence would be obtained from the west through Lot 12, Block 1, Highland Acres, which is also owned by the applicants. An access easement to allow fire access and other governmental uses through this lot will be necessary prior to recordation of the resolution approving this access and utility easement release.

Because both lots are currently under the same ownership, a private access and utility easement is not possible or necessary at this time. However, if Lot 12, Block 1, Highland Acres is ever sold to another party, it is highly recommended that the applicant retain an easement through this property for private utilities and access.

The City Engineer has affirmed that this access and utility 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, subject to retaining 10 feet of the easement along the southern border of the lots for continued utility use.

RECOMMENDED CITY COMMISSION ACTION

Based on the findings contained in the staff report, staff recommends approval of the attached resolution to release the access and utility easement described as parts of Lots 1-4, Block 1, Torrance Hill Addition, as identified in the attached Certificate of Survey, with the following conditions:

1. All property under ownership by the applicants in Lots 1-4, Block 1, Torrance Hill Addition is combined prior to recordation of the resolution releasing the access and utility easement.

2. An access easement is provided through Lot 12, Block 1, Highland Acres for fire access and other governmental uses prior to recordation of the resolution releasing the access and 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 ACCESS AND UTILITY EASEMENT IN TORRANCE HILL ADDITION

WHEREAS, the owners of property described as Lot 1, Lot 2 less the North 16 feet, Lot 3 less the North 16 feet, and Lot 4 less the East 29 feet, Block 1, Torrance Hill Addition, adjoining and contiguous to a platted access and utility easement, have heretofore joined in petition requesting that said access and utility easement be released, verified by oath of at least one petitioner and accompanied by a plat of said access and utility easement to be released, having set forth the facts and reason for said release; and

WHEREAS, said platted access and utility easement was shown on the plat of Torrance Hill Addition, which was recorded on December 15, 1986; and

WHEREAS, the City Engineer and representatives from Montana-Dakota Utilities, Century Link, Capital Electric Cooperative, and Midcontinent have determined that the access and utility easement proposed for release is no longer necessary to provide 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 access and utility easement described as:

> Parts of Lots 1-4, Block 1, Torrance Hill Addition, as identified in the attached Certificate of Survey, 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 25th day of August, 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 August 25, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 25th day of August, 2020.

(SEAL)

_____
Jason Tomanek
Assistant City Administrator
Bismarck, North Dakota

20936

CERTIFICATE OF SURVEY

LOT 1 AND PART OF LOTS 2, 3 & 4, BLOCK 1, TORRANCE HILL ADDITION, BURLEIGH COUNTY, NORTH DAKOTA

PRESENT OWNER: ANDREW AND SARAH RODENBURG

N
W E
S

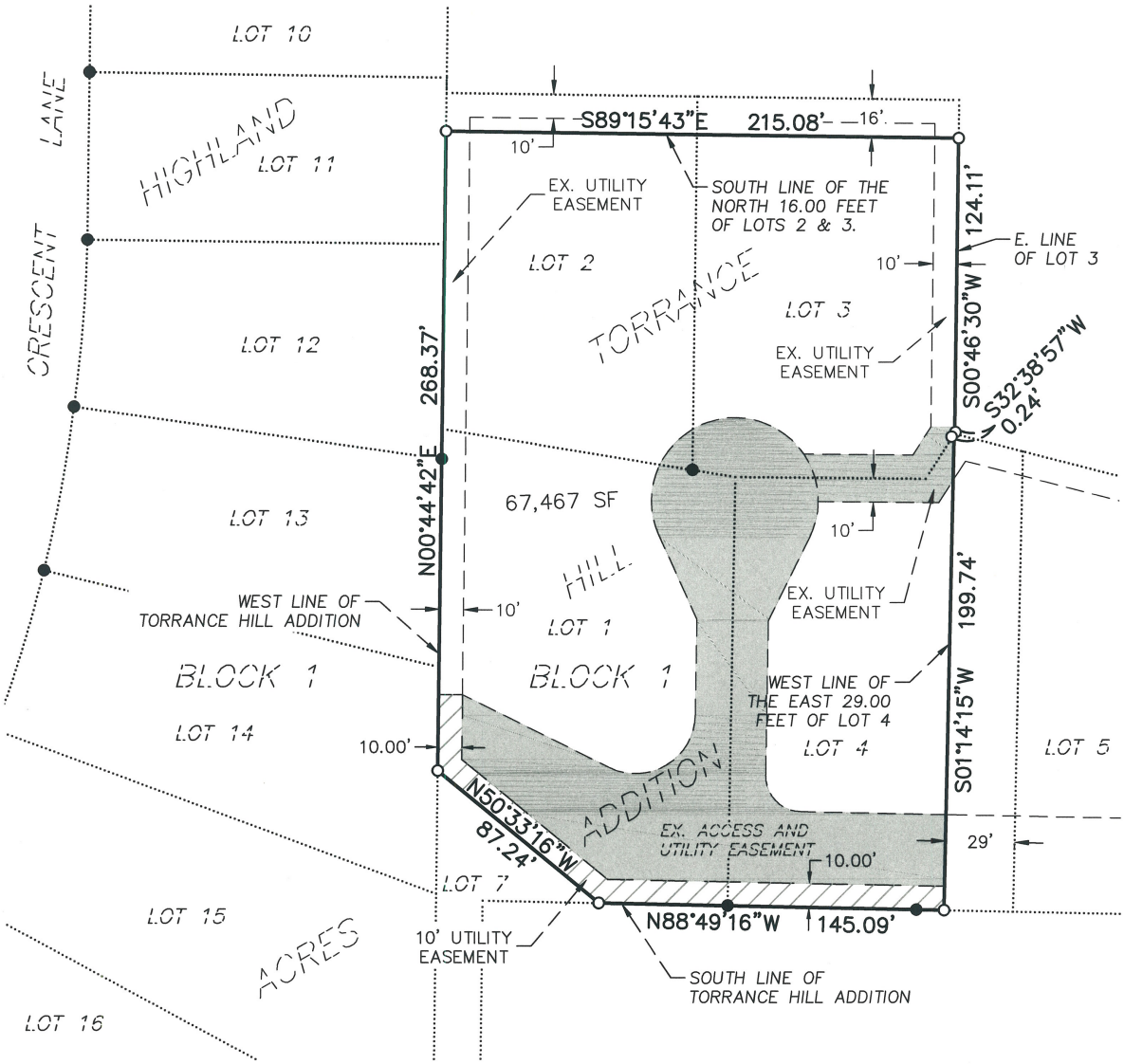
0 40
Scale in Feet

BASIS OF BEARING:
THE WEST LINE OF TORRANCE HILL ADDITION HAS AN ASSUMED BEARING OF N00°44'42"E

LEGEND

- IRON MONUMENT FOUND
- SET 5/8" REBAR WITH YELLOW PLASTIC CAP #4730
- EXISTING EASEMENTS TO BE VACATED
- EXISTING ACCESS AND UTILITY EASEMENT NOT BEING VACATED

REGISTERED LAND SURVEYOR
SHAWN M. THOMASSON
LS-5900
DATE 8/12/20
NORTH DAKOTA



DESCRIPTION: (PER WARRANTY DEED DOC. NO. 875215)

All of Lot 1, Lots 2 and 3, EXCEPT the north 16.00 feet thereof, Lot 4, EXCEPT the east 29.00 feet thereof, all in Block 1, TORRANCE HILL ADDITION to the City of Bismarck, Burleigh County, North Dakota.

NOTE: Existing Access and Utility Easements created by TORRANCE HILL ADDITION, except the southerly and westerly 10.00 feet as shown on this survey, are to be vacated as they are no longer required for their intended use.

CERTIFICATE OF SURVEY

LOT 1 AND PART OF LOTS 2, 3 & 4, BLOCK 1, TORRANCE HILL ADDITION, BURLEIGH COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I Shawn M. Thomasson, do hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Land Surveyor under the laws of the State of North Dakota.

Shawn M. Thomasson

Shawn M. Thomasson
Registered Land Surveyor
Reg. No. LS-5900

REGISTERED LAND SURVEYOR
SHAWN M. THOMASSON
LS-5900
DATE 8/12/20
NORTH DAKOTA

State of North Dakota)
County of Cass)

On this 12th day of August, 2020, before me, a Notary Public in and for said county and state, personally appeared Shawn M. Thomasson, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

Brenda Jo Koski

Notary Public, Cass County, North Dakota

BRENDA JO KOSKI
Notary Public
State of North Dakota
My Commission Expires May 9, 2022

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

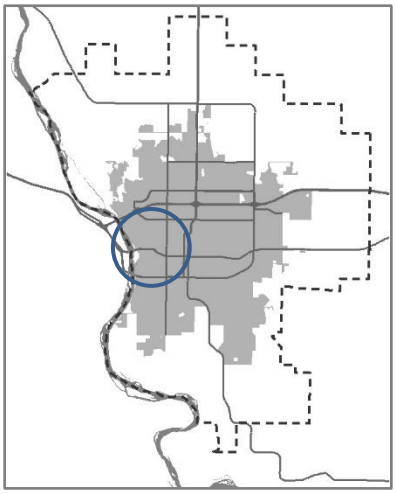
August 25, 2020

Application for: Plat Modification – Easement Release

TRAKiT Project ID: PLMD2020-012

Project Summary

Title:	Release of Access and Utility Easement over Lots 1-4, Block 1, Torrance Hill Addition
Status:	Board of City of Commissioners
Owner(s):	Andrew and Sarah Rodenburg
Project Contact:	Tom Klabunde, PE, Moore Engineering
Location:	In west Bismarck, North of West Avenue C and East of Crescent Lane
Project Size:	7,646 square feet, more or less (area of easement)
Request:	Release access and utility easement to allow construction of a single-family residence



Staff Analysis

Andrew and Sarah Rodenburg are requesting approval of an access and utility easement release over Lots 1-4, Block 1, Torrance Hill Addition to allow construction of a single-family residence.

The easements were granted with the plat of Torrance Hill Addition, which was recorded December 15, 1986.

Torrance Hill Addition was originally platted to support the construction of six single-family homes. However, for various reasons, the area has not developed in the intervening 34 years. During this time, portions of these platted lots have been combined with adjacent residential lots to the north.

The applicant intends to combine the remaining portions of Lots 1-4, Block 1, Torrance Hill Addition to allow construction of one single family home. Access and utilities for this new residence would be obtained from the west through Lot 12, Block 1, Highland Acres, which is also owned by the applicants. An access easement to allow fire access and other governmental uses through this lot will be necessary prior to recordation of this easement release.

Because both lots are currently under the same ownership, a private access and utility easement is not possible or necessary at this time. However, if Lot 12, Block 1, Highland Acres is ever sold to another party, it is highly recommended that the applicant retain an easement through this property for private utilities and access.

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, subject to retaining 10 feet of the easement along the southern border of the lots for continued utility use.

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;

(continued)

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 access and utility easement described as parts of Lots 1-4, Block 1, Torrance Hill Addition, as identified in the attached Certificate of Survey, with the following conditions:

1. All property under ownership by the applicants in Lots 1-4, Block 1, Torrance Hill Addition is combined prior to recordation of the resolution releasing the access and utility easement.
2. An access easement is provided through Lot 12, Block 1, Highland Acres for fire access and other governmental uses prior to recordation of the resolution releasing the access and utility easement.

Attachments

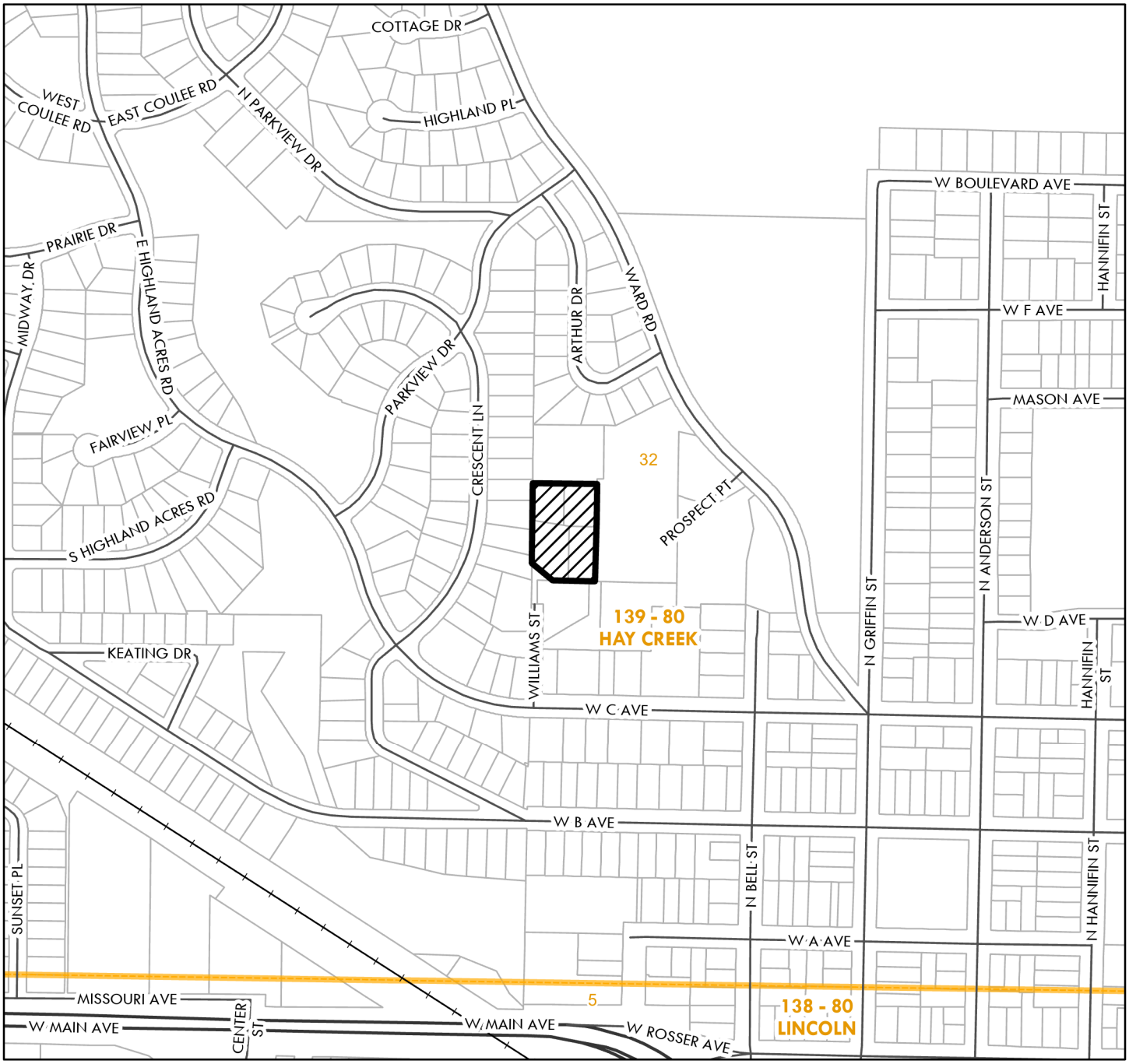
1. Location Map
2. Aerial Map
3. Resolution
4. Certificate of Survey for easement release
5. Application/Petition
6. Letter(s) from Utility
7. Proposed access and utility easement

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

Location Map

TORRANCE HILL ADDITION, L1-4, B1

PLMD2020-012



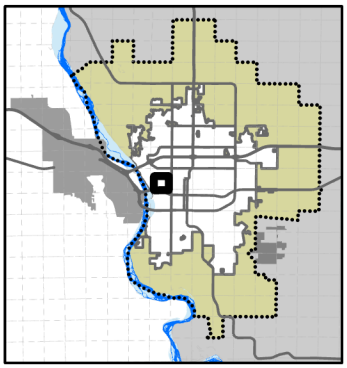
0 0.1 0.2 0.4 Miles

City Limits

County Outside ETA

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
August 4, 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

TORRANCE HILL ADDITION, L1-4, B1

PLMD2020-012

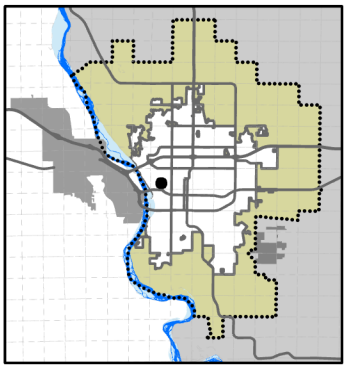
0 0.03 0.06 0.12 Miles

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from 2019

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
August 13, 2020

JUN 3 0 2020

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:	Torrance Hill Lot Combination		
Legal description: (Lot, Block, Addition/Subdivision)	All of Lot 1, Lots 2 and 3, Except the north 16 feet thereof, Lot 4, Except the east 29 feet thereof, all in Block 1, Torrance Hill Addition to the City of Bismarck, Burleigh County, North Dakota.		
Street address of property:	811, 815, 819, 823 Torrance Place, Bismarck, ND 58501		
Existing Zoning	R5	Proposed Zoning:	R5
Acreage:	1.546	Number of Lots:	4
Brief description of development proposal, including reason(s) for the request:	Construction of a Single Family Residence		

APPLICANT/DEVELOPER	
Name:	Andrew & Sarah Rodenburg
Mailing Address:	833 Crescent Lane, Bismarck ND 58501

PROPERTY OWNER (IF DIFFERENT THAN APPLICANT/DEVELOPER)	
Name:	Andrew & Sarah Rodenburg
Mailing Address:	833 Crescent Lane, Bismarck ND 58501

CONTACT PERSON/CONSULTANT (IF DIFFERENT THAN APPLICANT/DEVELOPER)	
Name:	Moore Engineering, Inc. - Tom Klabunde, PE
Mailing Address:	2911 North 14th Street, Suite 301, Bismarck, ND 58503

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)	(Printed Name)	6/30/20 (Date)
(Owner's Signature, if different)	(Printed Name)	(Date)
(Additional Owner's Signature, if applicable)	Sarah S Rodenburg (Printed Name)	6-30-20 (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 30 day of June, 2020, before me, a notary public in and for said county and state, appeared Andrew Rodenburg, 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.

MARCI LOOMIS
Notary Public
State of North Dakota
My Commission Expires Nov 7, 2021

Marci Loomis
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.

MONTANA-DAKOTA
UTILITIES CO.
A Division of MDU Resources Group, Inc.

P.O. Box 1457
Bismarck, ND 58502

JUL 30 2020

July 27, 2020

Gabe Schell
City Engineer
PO Box 5503
Bismarck, ND 58506

RE: 815 Torrance Place Lot Modification
Bismarck, ND 58501

Dear Gabe:

Montana-Dakota Utilities has no objections to the easement release requested. We consent to the release of the access and utility easement shown in the Certificate of Survey. MDU would like a utility easement along the south property lines of Lots 1 & 4 of Block 1 Torrance Hill Addition (map included).

Sincerely,

Montana-Dakota Utilities

Toby Gross
District Operations Manager
Montana-Dakota Utilities

Enclosures

20936

CERTIFICATE OF SURVEY

LOT 1 AND PART OF LOTS 2, 3 & 4, BLOCK 1, TORRANCE HILL ADDITION, BURLEIGH COUNTY, NORTH DAKOTA

PRESENT OWNER: ANDREW AND SARAH RODENBURG

PRELIMINARY

REGISTERED LAND SURVEYOR
SHAWN M. THOMASSON
LS-5900
DATE
NORTH DAKOTA

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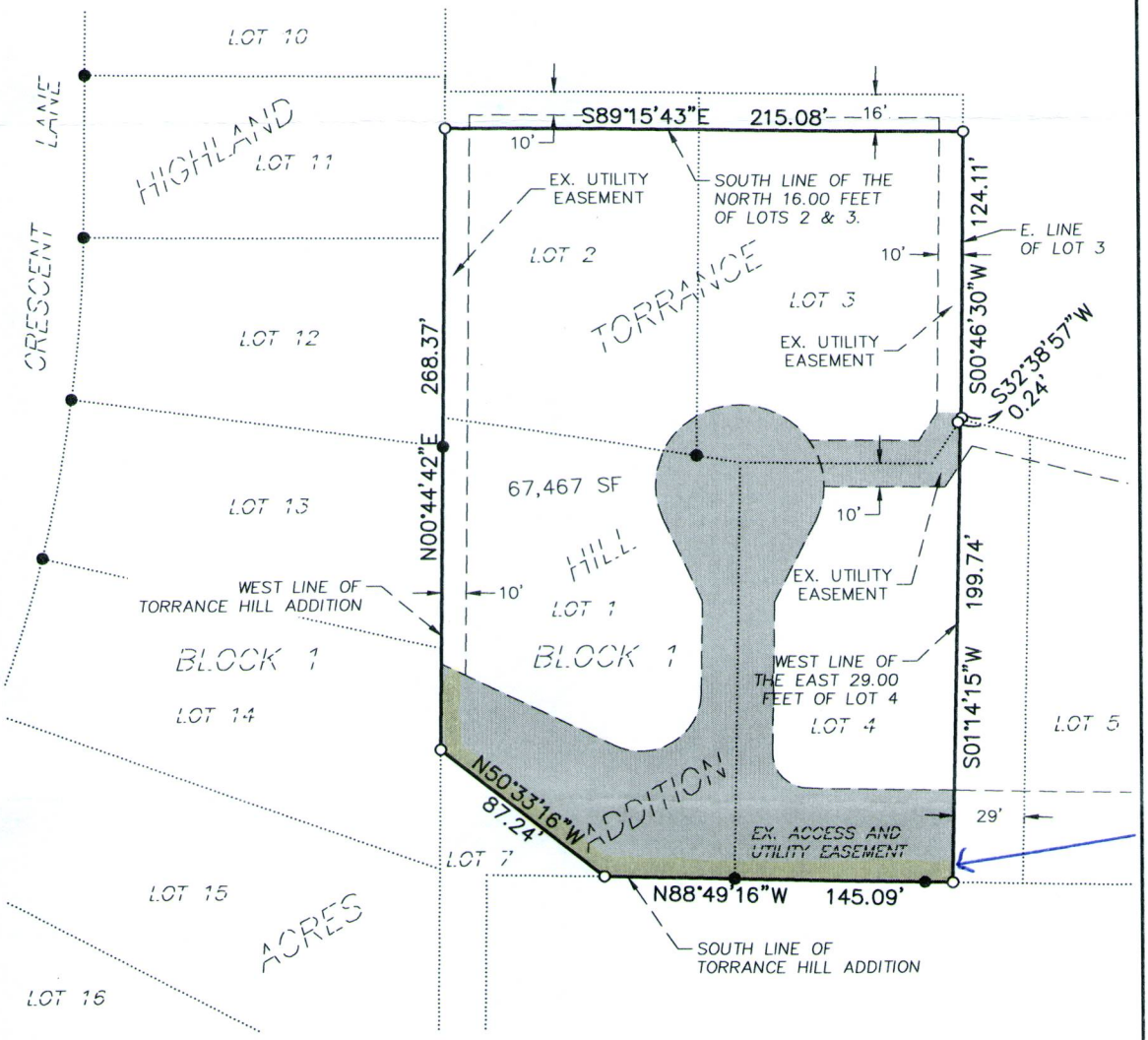
Scale in Feet

BASIS OF BEARING:
THE WEST LINE OF TORRANCE HILL ADDITION HAS AN ASSUMED BEARING OF N00°44'42"E

LEGEND

- ● IRON MONUMENT FOUND
- ○ SET 5/8" REBAR WITH YELLOW PLASTIC CAP #4730
- EXISTING EASEMENTS TO BE VACATED



New 10' Utility Easement

DESCRIPTION: (PER WARRANTY DEED DOC. NO. 875215)

All of Lot 1, Lots 2 and 3, EXCEPT the north 16.00 feet thereof, Lot 4, EXCEPT the east 29.00 feet thereof, all in Block 1, TORRANCE HILL ADDITION to the City of Bismarck, Burleigh County, North Dakota.

NOTE: Existing Access and Utility Easements created by TORRANCE HILL ADDITION are to be vacated as they are no longer required for their intended use.

JUL 27 2020

July 16, 2020

Gabe Schell
City Engineer
PO Box 5503
Bismarck, ND 58506

RE: 815 Torrance Place Lot Modification
Bismarck, ND 58501

Dear Gabe:

Century Link has no objections to the easement release requested. We consent to the release of the access and utility easement shown in the Certificate of Survey. PROVIDED CENTURYLINK FACILITIES ARE NOT IN THIS EASEMENT, IF SO, THE OWNER WILL RELOCATE CTL'S FACILITIES AT THE OWNER'S COST AND PROVIDE AN EASEMENT TO RELOCATE INTO.

Sincerely,

Century Link

Connie M. Kassian
Engineering & Construction
1101 16th St. NE
Mandan, ND 58554

Enclosures

20936

SHEET 1 OF 2

CERTIFICATE OF SURVEY

LOT 1 AND PART OF LOTS 2, 3 & 4, BLOCK 1, TORRANCE HILL ADDITION, BURLEIGH COUNTY, NORTH DAKOTA

PRESENT OWNER: ANDREW AND SARAH RODENBURG

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Scale in Feet

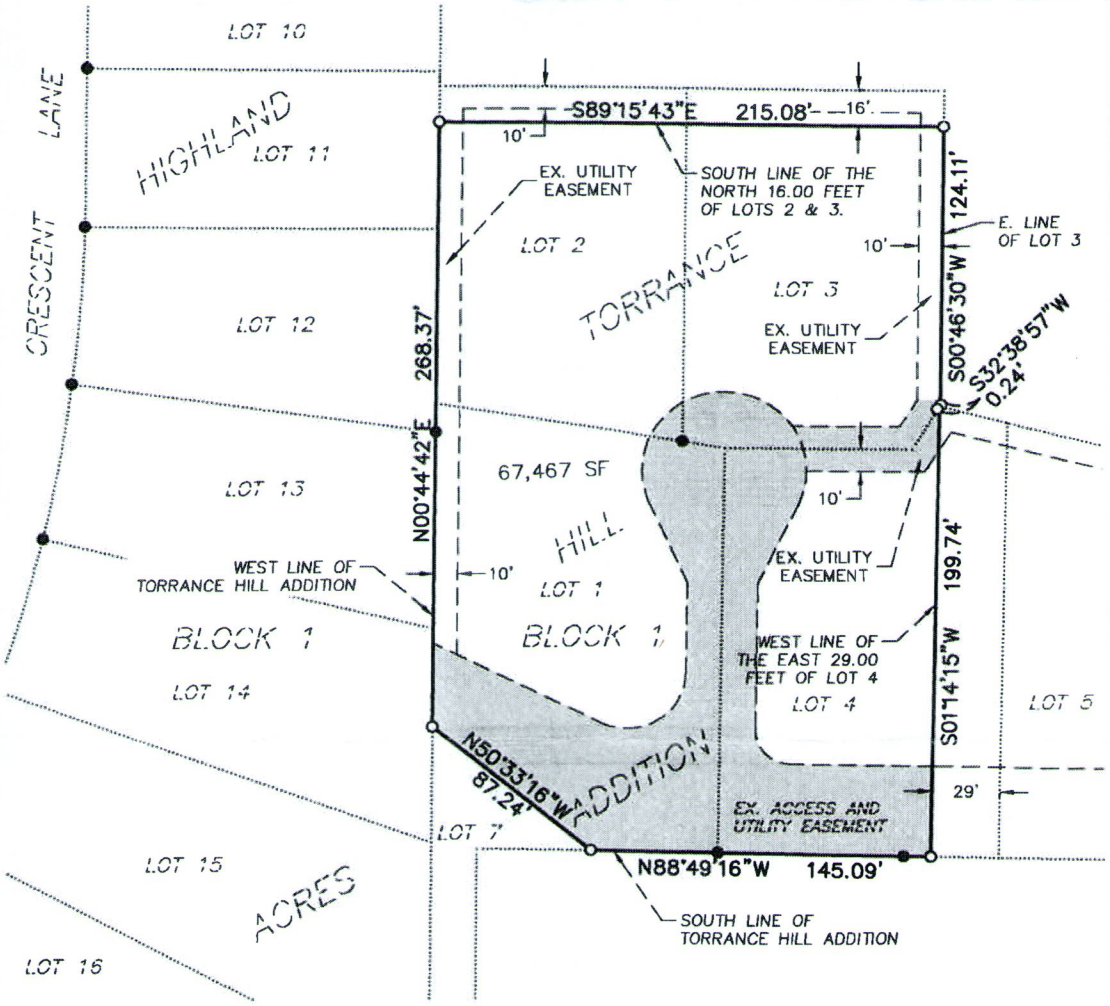
BASIS OF BEARING:
THE WEST LINE OF TORRANCE HILL ADDITION HAS AN ASSUMED BEARING OF N00°44'42"E

LEGEND

- ● IRON MONUMENT FOUND
- ○ SET 5/8" REBAR WITH YELLOW PLASTIC CAP #4730
- EXISTING EASEMENTS TO BE VACATED

REGISTERED LAND SURVEYOR
SHAWN M. THOMASSON
LS-5900
DATE
NORTH DAKOTA

PRELIMINARY



DESCRIPTION: (PER WARRANTY DEED DOC. NO. 875215)

All of Lot 1, Lots 2 and 3, EXCEPT the north 16.00 feet thereof, Lot 4, EXCEPT the east 29.00 feet thereof, all in Block 1, TORRANCE HILL ADDITION to the City of Bismarck, Burleigh County, North Dakota.

NOTE: Existing Access and Utility Easements created by TORRANCE HILL ADDITION are to be vacated as they are no longer required for their intended use.

JUL 24 2020

July 16, 2020

Gabe Schell
City Engineer
PO Box 5503
Bismarck, ND 58506

RE: 815 Torrance Place Lot Modification
Bismarck, ND 58501

Dear Gabe:

The Torrance Hill Addition residential area is not within Capital Electric's Service territory. Therefore, we have no objections and consent to the Easement Release.

We have enclosed a copy of the Certificate of Survey Showing the proposed Easement Release.

Sincerely,

Capital Electric Cooperative, Inc.

Greg Owen, PE
Manager of Engineering Services
Capital Electric Cooperative, Inc.
4111 State Street
Bismarck, ND 58503

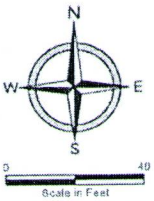
Enclosures

20936

CERTIFICATE OF SURVEY

LOT 1 AND PART OF LOTS 2, 3 & 4, BLOCK 1, TORRANCE HILL ADDITION, BURLEIGH COUNTY, NORTH DAKOTA

PRESENT OWNER: ANDREW AND SARAH RODENBURG



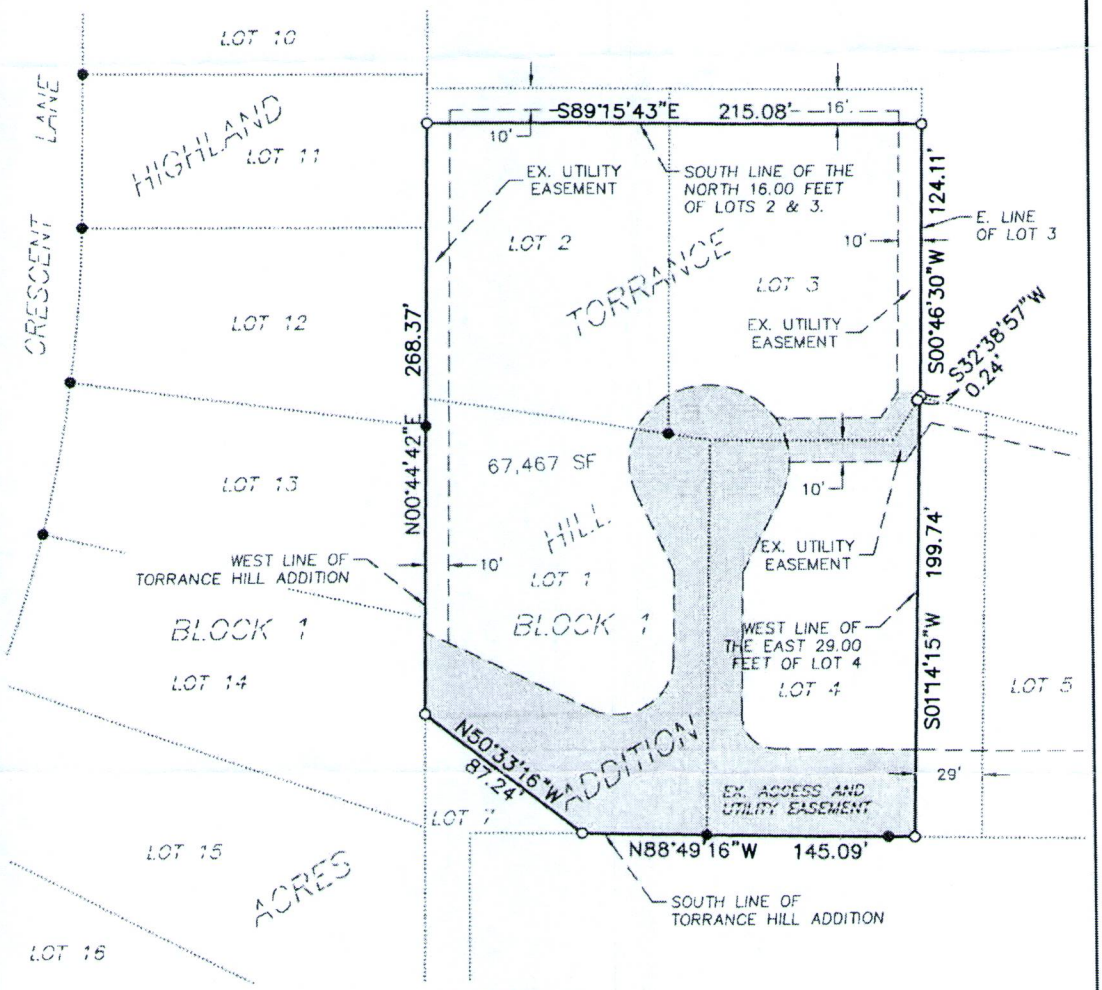
BASIS OF BEARING:
THE WEST LINE OF TORRANCE HILL ADDITION HAS AN ASSUMED BEARING OF N00°44'42"E

LEGEND

- ● IRON MONUMENT FOUND
- ○ SET 5/8" REBAR WITH YELLOW PLASTIC CAP #4730
- EXISTING EASEMENTS TO BE VACATED

REGISTERED LAND SURVEYOR
SHAWN M. THOMASSON
LS-5900
DATE
NORTH DAKOTA

PRELIMINARY



DESCRIPTION: (PER WARRANTY DEED DOC. NO. 875215)

All of Lot 1, Lots 2 and 3, EXCEPT the north 16.00 feet thereof, Lot 4, EXCEPT the east 29.00 feet thereof, all in Block 1, TORRANCE HILL ADDITION to the City of Bismarck, Burleigh County, North Dakota.

NOTE: Existing Access and Utility Easements created by TORRANCE HILL ADDITION are to be vacated as they are no longer required for their intended use.

JUL 23 2020

July 21, 2020

Gabe Schell
City Engineer
PO Box 5503
Bismarck, ND 58506

RE: 815 Torrance Place Lot Modification
Bismarck, ND 58501

Dear Gabe:

Midco has no objections to the easement release requested. We consent to the release of the access and utility easement shown in the Certificate of Survey.

Sincerely,

Midco

Derek Weigel
Construction Manager

Enclosures

20936

EASEMENT EXHIBIT

PART OF LOT 12, BLOCK 1, HIGHLAND ACRES, BURLEIGH COUNTY, NORTH DAKOTA

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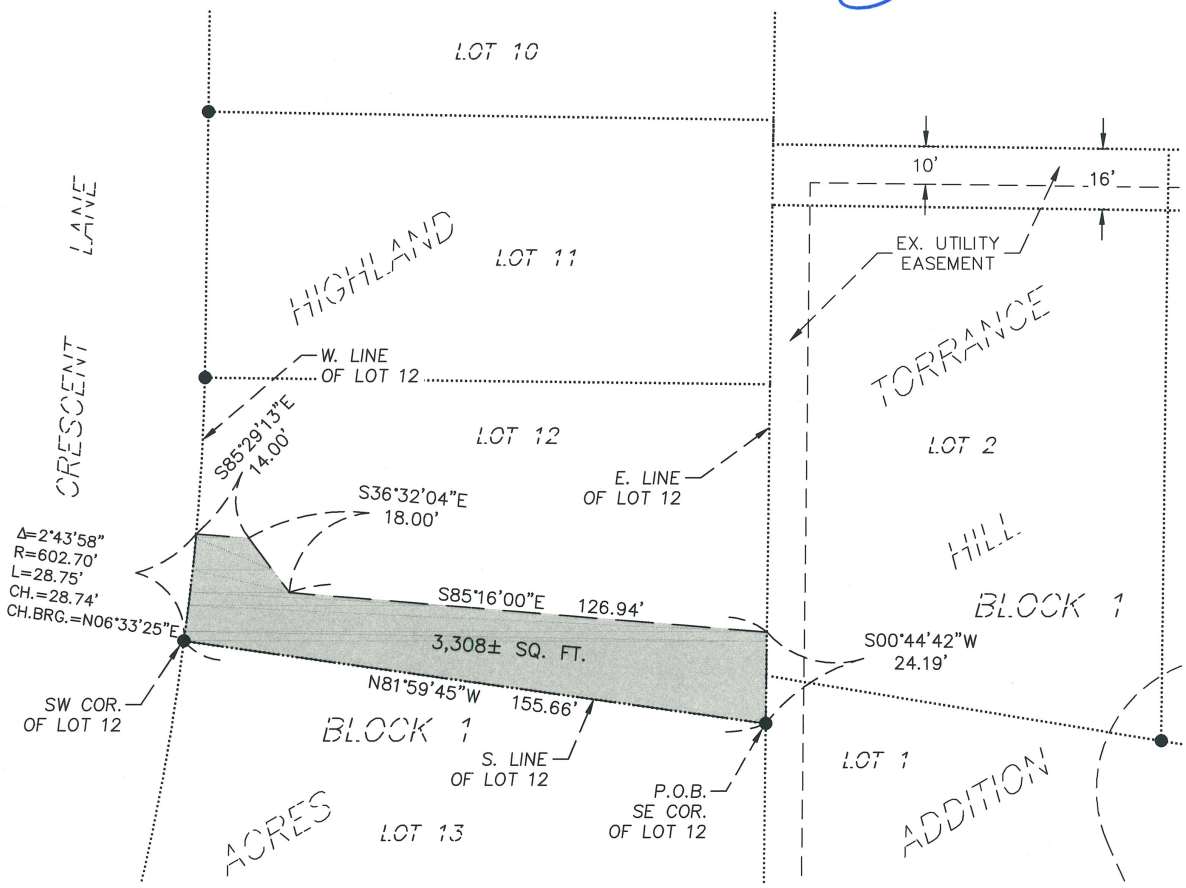
Scale in Feet

BASIS OF BEARING:
THE SOUTH LINE OF LOT 12, BLOCK 1, HIGHLAND ACRES HAS AN ASSUMED BEARING OF N81°59'45"W

LEGEND

●	IRON MONUMENT FOUND
▭	PROPOSED ACCESS EASEMENT
P.O.B.	POINT OF BEGINNING

REGISTERED LAND SURVEYOR
SHAWN M. THOMASSON
LS-5900
DATE 8/12/20
NORTH DAKOTA



DESCRIPTION

That part of Lot 12, Block 1, HIGHLAND ACRES, according to the recorded plat thereof, on file and of record in the office of the Recorder, Burleigh County, North Dakota, described as follows:

Beginning at a found iron monument which designates the southeast corner of said Lot 12; thence North 81 degrees 59 minutes 45 seconds West on an assumed bearing along the south line of said Lot 12 for a distance of 155.66 to a found iron monument at the southwest corner of said Lot 12; thence northerly along the west line of said Lot 12, on a non-tangential curve concave to the west, having a radius of 602.70 feet, a central angle of 02 degrees 43 minutes 58 seconds, a chord bearing of North 06 degrees 33 minutes 25 seconds East, for an arc distance of 28.75 feet; thence South 85 degrees 29 minutes 13 seconds East for a distance of 14.00 feet; thence South 36 degrees 32 minutes 04 seconds East for a distance of 18.00 feet; thence South 85 degrees 16 minutes 00 seconds East for a distance of 126.94 feet to the east line of said Lot 12; thence South 00 degrees 44 minutes 42 seconds West for a distance of 24.19 feet to the point of beginning.

Said tract contains 3,308 square feet, more or less and is subject to all easements, restrictions, reservations and rights of way of record, if any.

EASEMENT EXHIBIT

PART OF LOT 12, BLOCK 1, HIGHLAND ACRES, BURLEIGH COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I Shawn M. Thomasson, do hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Land Surveyor under the laws of the State of North Dakota.

Shawn M. Thomasson

Shawn M. Thomasson
Registered Land Surveyor
Reg. No. LS-5900

REGISTERED LAND SURVEYOR
SHAWN M. THOMASSON
LS-5900
DATE 8/12/20
NORTH DAKOTA

State of North Dakota)
County of Cass)

On this 12th day of August, 2020, before me, a Notary Public in and for said county and state, personally appeared Shawn M. Thomasson, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

Brenda Jo Koski

Notary Public, Cass County, North Dakota

BRENDA JO KOSKI
Notary Public
State of North Dakota
My Commission Expires May 9, 2022

Engineering Department

DATE: August 18, 2020

FROM: Gabe Schell, City Engineer

ITEM: Amendment 7 to Existing Agreement for Professional Services with Apex Engineering Group for Storm Sewer Improvement District 563

REQUEST

Approval of Amended Consultant Agreement with Apex Engineering Group for Professional Services relating to North Washington Street Regional Storm Water Detention Pond construction engineering services.

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The construction for SE 563 had an initial substantial completion date of October 4, 2019 and a final completion of June 15, 2020. Due to the wet fall in 2019 the project now has a substantial completion date of August 14, 2020 and a final completion of August 21, 2020. Amendment 7 is to address the additional construction administration task performed by Apex Engineering Group on this project due to the longer project schedule.

Attached is amendment 7 for construction engineering services along with the amended scope and fee. The amendment amount is $24,475.00 bringing the total contract for engineering services amount to $551,235.00 (hourly not to exceed).

The amendment is within the project budget contingency.

RECOMMENDED CITY COMMISSION ACTION

Approval of contract amendment 7 with Apex Engineering Group.

STAFF CONTACT INFORMATION

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

Apex Engineering Group
Water | Transportation| Municipal | Facilities

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

August 4, 2020

Michael Mart, PE
City of Bismarck – Engineering
PO Box 5503
Bismarck, ND 58506

RE: Sewer Improvement District No. 563
Amendment 7 Additional Construction Observation and Survey

Dear Mr. Mart:

The construction for SE 563 had an initial substantial completion date of October 4, 2019 and a final completion of June 15, 2020. The project now has a substantial completion date of August 14, 2020 and a final of August 21, 2020. Due to various reasons such as wet 2019 Fall and increased earthwork activity the project took approximately 3 months longer than initially scoped under construction services agreement. Apex is requesting the additional time for construction observation and project management to complete the project, including time for 8 additional progress meetings that were conducted after the original substantial completion date of October 4, 2019 due to the longer project schedule.

Apex is also requesting additional survey and earthwork calculations time due to the shortage material onsite and the required borrow approved under a change order.

The attached Amendment 7 estimated fee is attached reflecting the additional time requests. If you have any questions, please contact me at 701-323-3967. Thank you for taking your time to review.

Sincerely,
Apex Engineering Group, Inc.

Jennifer Malloy, PE, CFM
Project Manager

Attachments: Amendment 7 Agreement
Amendment 7 Scope and Fee

Encl.

Apex Engineering Group

Water | Transportation| Municipal | Facilities

Amendment 7
Attachment 1 - Scope of Services

Sewer Improvement District No. 563
North Washington Street Watershed– Section 17 Regional Stormwater Facilities – Construction Administration

City of Bismarck, North Dakota

August 4, 2020

Phase No.	Description
2	Construction Administration

Project Background

The NE ¼ of Section 17 within the North Washington Street watershed is poised to see future development. Four regional stormwater facilities were identified for this area in the most recent planning/modeling and coordination with the landowners. The Contractor bids were opened on April 18, 2019 with an estimated start date of Summer 2019. The construction for SE 563 had an initial substantial completion date of October 4, 2019 and a final completion of June 15, 2020. Due to the wet fall in 2019 the project now has a substantial completion date of August 14, 2020 and a final of August 21, 2020. This scope addresses the additional Construction Administration task for the project.

Phase 2 – Construction Administration

Objective:
Phase 2 includes construction administration for the construction of the stormwater facilities

Activities:
Phase 2 – Task 1, Project Management
Progress reporting, management of construction operations through all phases of the project

2.1.1 This work included additional project correspondence such as emails, phone calls and meetings with the City of Bismarck due to the extended timeline of the project
2.1.3 Progress Meetings: An additional eight progress meetings with the Contractor, Subcontractors, and the City of Bismarck. This additional eight progress meeting occurred after the substantial completion date of October 4, 2019.

Phase 2 – Task 2, Construction Administration and Record Drawings

2.2.3 Construction Observation:
- Assuming three weeks of 20 hours/week, August 3 to August 21, 2020, for construction observation, record keeping and preparation of pay application to complete the project. Apex will visit the project site daily when a Contractor or Subcontractor is present.
- This work also includes an additional 60 hours of construction observation time due to the longer project schedule.

Phase 2 – Task 3, Construction Staking/Survey

2.3.2 Earthwork Survey: This task consists of the topographic surveys to quantify the borrow material from two sites (Roers and Clairmont) described in Change Order 9.
- A topographic survey would be conducted once all the material is placed from Roers stockpile is placed.
- A topographic survey would be conducted once the topsoil is removed and another topographic survey once ground is to final subgrade prior to topsoil placement at the Clairmont borrow site.
- A topographic survey at proposed subgrade prior to topsoil placement between the south pond and west pond.

It is assumed three different areas will be surveyed for earthwork quantities with two topographic surveys for each area. This task includes importing the survey points and calculating the earthwork quantity.

City of Bismarck Responsibilities:

- ✓ Execute contract between Bismarck and Apex.

Apex Responsibilities and Deliverables:

- ✓ Review and execute contract with Bismarck in a timely manner.
- ✓ Communicate with Bismarck on project updates and schedule.
- ✓ Manage Project Staff to complete project tasks.

Apex Engineering Group

Amendment 7 - Construction Administration
City of Bismarck, North Dakota
North Washington Street Watershed– Section 17 Regional Stormwater Facilities

Phase/Task	Senior Engineer	Lead Engineer	Graduate Engineer	Senior Survey Crew Chief	Surveyor	Lead Engineering Technician	Total
Phase 2- Task 1.0, Project Management							
2.1.1 Coordination with City of Bismarck & other agencies		2	2				**$548**
2.1.2 Preconstruction Meeting							
2.1.3 Progress Meetings (assumed 8 meetings)		8	8				**$2,192**
2.1.4 Construction Change Orders							
2.1.5 Progress Payments							
Phase 2 - Task 1.0 Subtotal	**0**	**10**	**10**	**0**	**0**	**0**	**$2,740**
Phase 2 - Task 2.0, Construction Administration							
2.2.1 Control/Coordination of Field Survey							
2.2.2 Shop Drawing Review							
2.2.3 Construction Observation		12	120				**$15,384**
2.2.4 Record Drawings/Project Closeout							
Phase 2 - Task 2.0 Subtotal	**0**	**12**	**120**	**0**	**0**	**0**	**$15,384**
Phase 2 - Task 3.0, Construction Staking/Survey							
2.3.1 Contruction Staking							
2.3.2 Earthwork survey		2	6	24		16	**$6,148**
2.3.3 Setting Monuments							
2.3.4 As Built Survey							
Phase 2 - Task 3.0 Subtotal	**0**	**2**	**6**	**24**	**0**	**16**	**$6,148**
Phase 2 Total	**0**	**24**	**136**	**24**	**0**	**16**	**$24,272**
Phase 3 - Task 1.0, LOMR MT-2 Application							
3.1.1 MT-2 Forms 1, 2, and 3, Project Narrative							
3.1.2 Hydrologic Computations							
3.1.3 Hydraulic Computations							
3.1.4 Certified Topographic Work Map & Annotated FIRM							
Phase 3 - Total	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Phase 4 - Task 1.0, Additional Services							
4.1.1 Coordination and meetings with the City							
4.1.2 Auditor's Lot review and Revision							
Phase 4 - Total	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Reimbursables:							**$203**
Project Total							
Phase 2, Phase 3 and Reimbursables							**$24,475**

REIMBURSABLE ITEMS

Vehicle Mileage

	Round Trip From-To		No. of Trips	Per Trip Mileage	Total Mileage	Cost (@ $0.75/mile)
Task 2.2.1 Control/Coordination of Field Survey	Bismarck	Project	0	15	0	$0
2.2.3 Construction Observation	Bismarck	Project	15	15	225	$169
2.3.1 Contruction Staking	Bismarck	Project	0	15	0	$0
2.3.2 Earthwork survey	Bismarck	Project	3	15	45	$34
2.3.3 Setting Monuments	Bismarck	Project	0	15	0	$0
3.1.4 Certified Topographic Work Map & Annotated FIRM	Bismarck	Project	0	15	0	$0
				Vehicle Mileage Totals	270	$202.50

Equipment/Supplies

	No. of days	No. of ATV	Total No. of days	Cost (@ $75/day)
Task 2.2.1 Control/Coordination of Field Survey	0	1	0	$0
2.3.2 Earthwork survey	0	1	0	$0
2.3.3 Setting Monuments	0	1	0	$0
3.1.4 Certified Topographic Work Map & Annotated FIRM	0	1	0	$0
		Subsistence Totals	0	$0

Reimbursable Total **$203**

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated July 26, 2016.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 7

1. *Background Data:*

   a. Effective Date of Owner-Engineer Agreement: July 26, 2016

   b. Owner: City of Bismarck

   c. Engineer: Apex Engineering Group, Inc.

   d. Project: North Washington Street Watershed– Section 17 Regional Stormwater Facilities

2. *Description of Modifications:*

   a. Engineer shall perform or furnish the following Additional Services:
      1) Progress meetings, surveys and site inspection – Includes additional time for construction observation and earthwork surveys, progress meetings due to the longer project schedule.

   b. The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows: See Scope of Services

   c. The responsibilities of Owner are modified as follows: NA

   d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation: See attached Fee schedule

   e. The schedule for rendering services is modified as follows: NA

   f. Other portions of the Agreement (including previous amendments, if any) are modified as follows: NA

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3. *Agreement Summary (Reference only)*

a. Original Agreement amount:	$ 157,771.00
b. Net change for prior amendments:	$ 368,989.00
c. This amendment amount:	$ 24,475.00
d. Adjusted Agreement amount:	$ 551,235.00

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is August 25, 2020.

OWNER:	ENGINEER:
	Mike Berg
By: Steve Bakken	By: Mike Berg, PE
Title: Mayor	Title: Vice President/Principal
Date Signed:	Date Signed: 8/10/20

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Engineering Department

DATE: August 18, 2020

FROM: Gabe Schell, City Engineer

ITEM: Encroachment Agreements – Bismarck Cancer Center Expansion

REQUEST

Request consideration for encroachment agreement for helical piers and caps in an existing alley proposed to be vacated and an encroachment agreement for foundation caps in a newly dedicated alley.

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The Bismarck Cancer Center is proposing an addition to the north side of their existing building at 500 N 8th Street. As a result of this expansion they have requested an encroachment agreement to place helical piers and caps in the existing alley that has been requested to be vacated. In the event the request to vacate the alley is denied, the agreement stipulates the encroaching materials be removed.

The second encroachment agreement is for the pier caps that would be below the surface of the newly dedicated replacement alley. The caps would project 4" into the alley that was accepted by the commission at the 8/11/20 meeting. The term of this encroachment would be for 50 years.

RECOMMENDED CITY COMMISSION ACTION

Approve encroachment agreements as requested.

STAFF CONTACT INFORMATION

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

ENCROACHMENT AGREEMENT AND WAIVER

The City of Bismarck (City) hereby grants Bismarck Cancer Center (Grantee) the right to install and maintain helical piers and concrete caps (Encroachments) located in the existing alley within Lots 5 and 8, Block 38, Northern Pacific 2nd Addition, City of Bismarck, Burleigh County, North Dakota. Exhibits will be stored with the original signed document in the Engineering Department, subject to the following conditions:

1. The Grantee shall comply with all rules regarding maintenance of the Encroachments in the public right of way as set by the City Engineer.
2. The term of this grant shall be for one (1) year.
3. Upon the end of the term or prior abandonment of the Encroachments by the Grantee, the Grantee shall, at its own expense, remove the Encroachments and restore the right of way to its original condition, if so required by the City. If said existing alley is vacated by the City prior to the end of term, this agreement will terminate due to merger of title of the alley and adjacent property owner.
4. For and in consideration of the sum of One Dollar ($1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, for the City's permission to operate and maintain the Encroachments in the right of way, Grantee agrees to release

the City, its assigns or other franchised utilities from and waive any and all claims relating to said Encroachments, but not limited to, damages arising from damage to the Encroachments, loss of business, or other personal injury or property damage resulting from damage to the Encroachments by the City, its assigns or other franchised utilities.

5. Grantee agrees that it is using the right of way at its own risk. Grantee shall not look to the City, its assigns, or other franchised utilities, to pay for any expense or damage to the Encroachments by the City, its assigns or other franchised utilities. Grantee agrees that it will hold harmless and indemnify the City, its assigns, or other franchised utilities from any and all claims in any way resulting from the placement of the Encroachments on the right of way. Grantee agrees that after installation of the Encroachments, Grantee will restore the right of way or street to its original condition.
6. In the event the City is required to perform street maintenance or construction on the right of way at the location of the Encroachments, Grantee shall cooperate with the City in temporarily protecting the Encroachments and accommodating the City's project, at Grantee's sole expense.
7. This Encroachment Agreement and Waiver and the covenants, agreements and restrictions contained herein, shall run with the land benefitted and burdened hereunder.

Bismarck Cancer Center

By: Amy J. Gross

Print: Amy J. Gross

Title: Executive Director

8/13/2020
Date

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

On this 13th day of AUGUST, 2020, before me personally appeared AMY J. GROSS, and that executed the within instrument, and acknowledged to me that such entity executed the same.

LANDON NIEMILLER
Notary Public
State of North Dakota
My Commission Expires Mar 23, 2022

Landon Niemiller
Notary Public
My commission expires: 3-23-22

City of Bismarck

Gabe Schell, PE
City Engineer

Date

Keith Hunke
City Administrator

Date

Steve Bakken
President, Board of City Commissioners

Date

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COUNTY OF _____)

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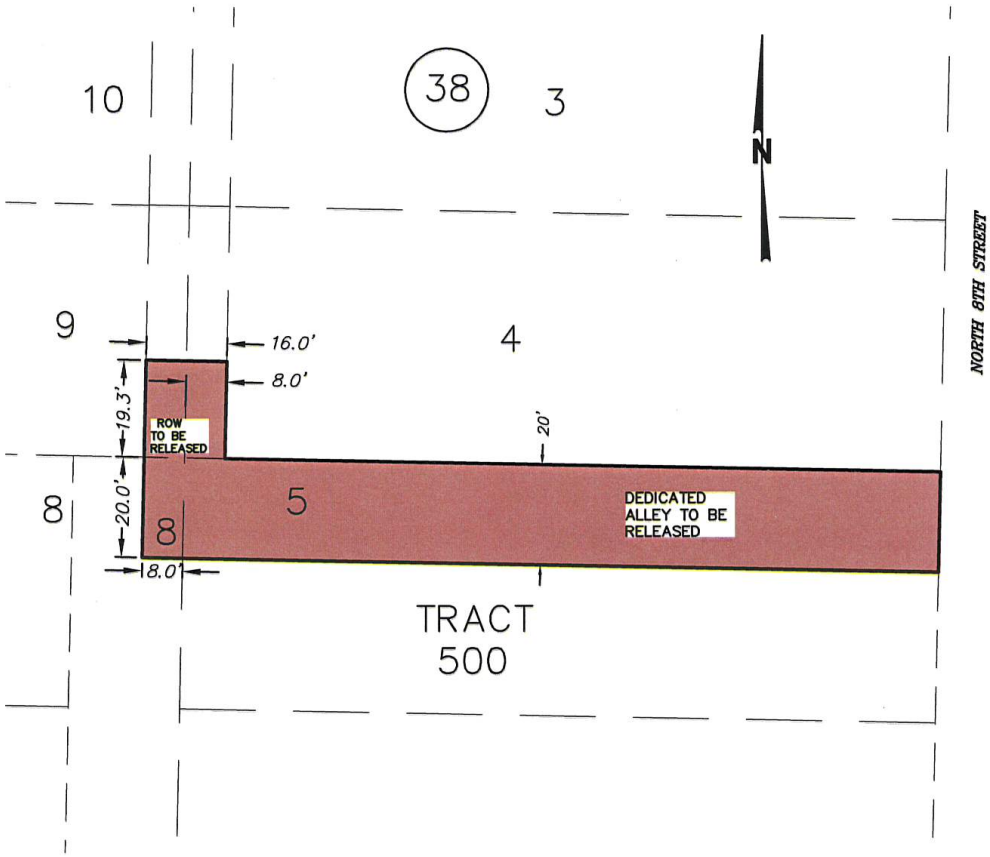
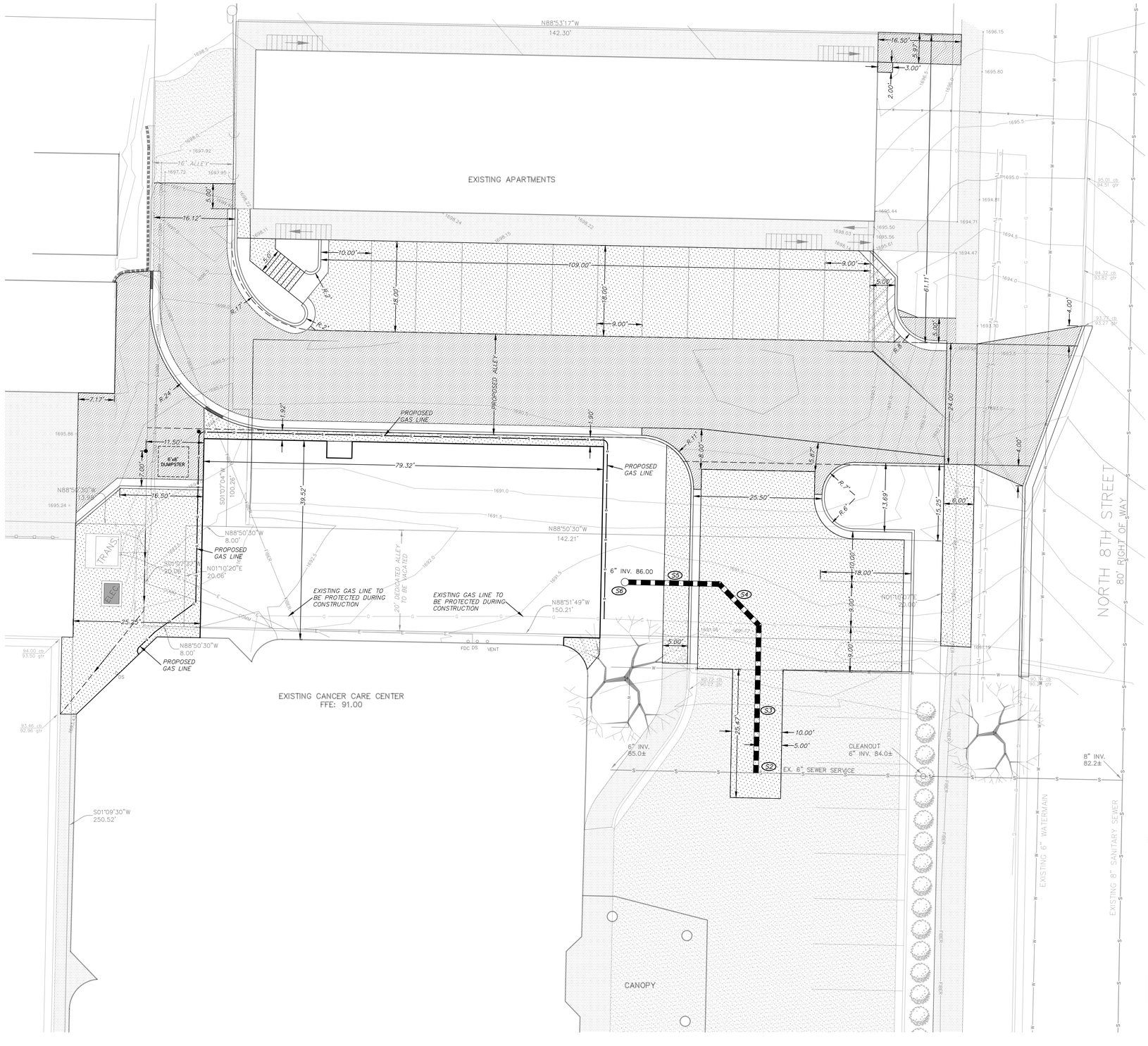
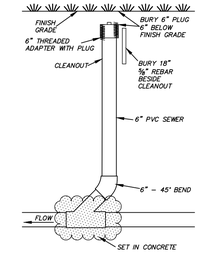
My commission expires:

ALLEY VACATE EXHIBIT



Vacate the dedicated alley of the North 20' of Lot 5
& Vacate the deeded alley of the E 8' of the N. 20' of Lot 8
& the S. 19.3' of the E 8' of Lot 9 & the S. 19.3' of the W 8' of Lot 4





CLEAN OUT DETAIL

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S6 COORDINATE WITH MECHANICAL CONTRACTOR FOR CONNECTION INTO BUILDING.

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- EXISTING ASPHALT
- EXISTING CONCRETE
- EXISTING CONTOUR
- EXISTING GRADE
- PROPOSED SANITARY SEWER
- PROPOSED CONCRETE

N W E S

0 10' 20'

SCALE – 1" = 10'
NGVD 29 DATUM
JUNE 19, 2020

REGISTERED PROFESSIONAL ENGINEER
CLINTON E. KITCHEN
PE-9473
DATE 06/19/2020
NORTH DAKOTA

WARRANTY / DISCLAIMER

The designs represented in these plans are in accordance with established practices of civil engineering. However, neither Swenson, Hagen & Co. nor its personnel can or do warranty these plans as constructed except in the specific cases where Swenson, Hagen & Co personnel inspect and control the physical construction on a full time basis

SAFETY NOTICE TO CONTRACTOR

In accordance with generally accepted construction practices the contractor will be solely and completely responsible for conditions of the job site, including safety of all persons and property during performance of the work. This requirement will apply continuously and not be limited to normal business hours.

NOTICE TO CONTRACTOR

The location of existing underground utilities are shown in an approximate way only and have not been independently verified by the owner or its representatives. The Contractor shall determine the exact location of all existing utilities before commencing work, and agrees to be fully responsible for any and all damages which might be occasioned by the Contractor's failure to exactly locate and preserve any and all underground utilities.

CALL BEFORE YOU DIG
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UTILITIES UNDERGROUND LOCATION SERVICE
1-800-795-0555

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BISMARCK CANCER CENTER LINEAR ACCELERATOR & 2ND FLOOR ADDITION
BISMARCK, NORTH DAKOTA

DIMENSION & UTILITY PLAN

REVISIONS

DRAWN BY CK
DATE 06–19–20
PROJECT NO. 1905

SWENSON, HAGEN & COMPANY P.C.
Civil Engineering
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Land Surveying
Landscape & Site Design
Construction Management
Bismarck, North Dakota 58504
1124 E. Capitol Avenue
Phone (701) 223-2000
Fax (701) 223-2006

SHEET NO.
C3.0

MASS CONCRETE NOTE:
G.C. SEE G.S.N. & SPECS FOR REQUIREMENTS FOR CASTING/CURING MASS CONCRETE POURS

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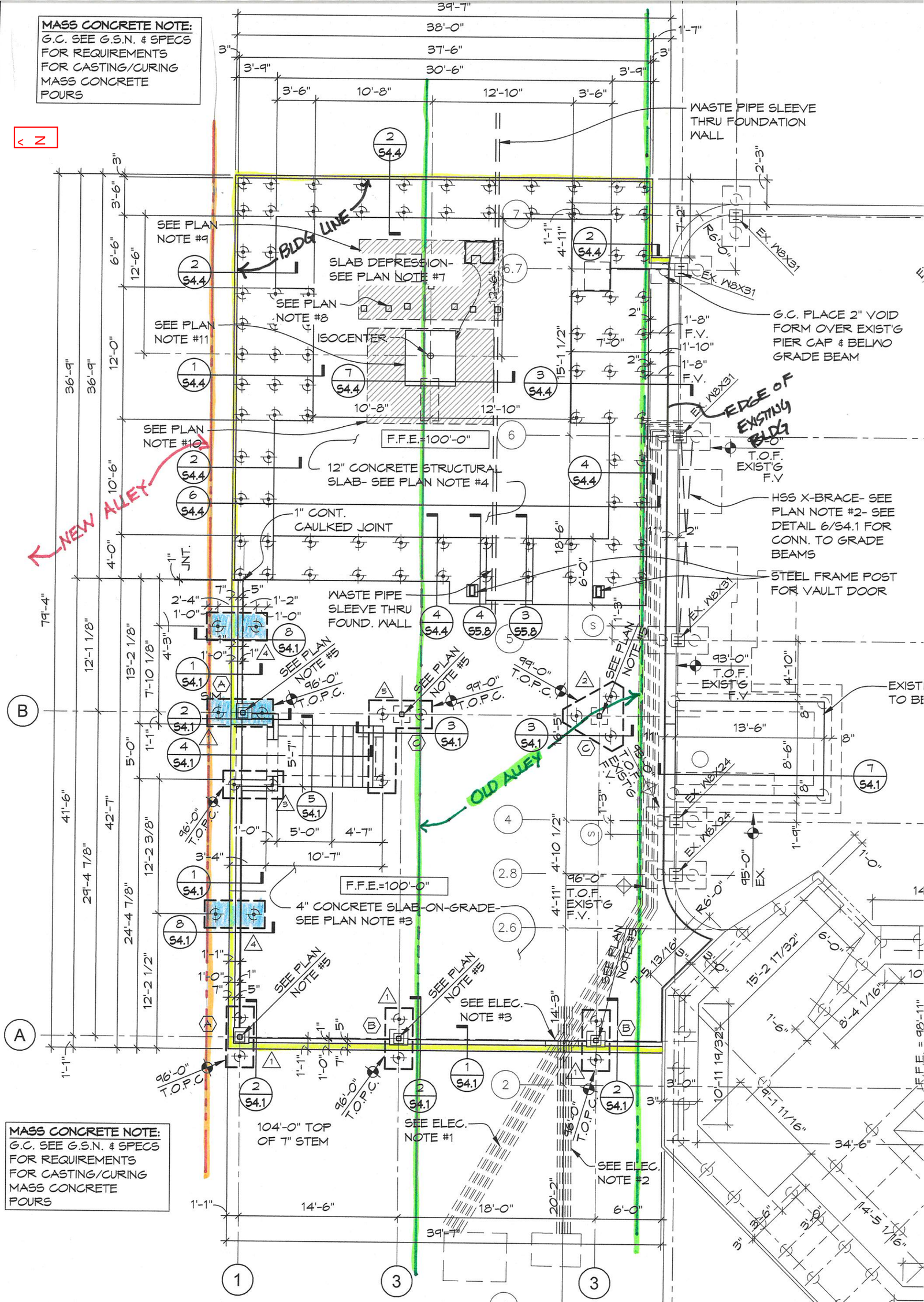

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(1) EXISTING (2) 2" COMMUNICATION & (4) 3" ELECTRICAL CONDUITS (36"+/- BELOW GRADE FIELD VERIFY) TO BE LEFT INPLACE AND OPERATIONAL UNTIL NEW PIER CAP & GRADE BEAM IS IN PLACE. (G.C. FIELD VERIFY CONDUIT NUMBER & LOCATION AND BUILD NEW GRADE BEAM AROUND W/ BLOCKOUT IN G.B.- VERIFY BLOCKOUT TO BE 24" SIDE MAX. x 12" HIGH. ORIENTATION OF CONDUITS IS NOT KNOW- FIELD VERIFY)

(2) G.C. TO COORDINATE WITH E.C. ON NUMBER, SIZE & LOCATION OF NEW (4) 3" CONDUITS SLEEVES THRU GRADE BEAM FOR NEW ELECTRICAL SERVICE LINES. MAINTAIN MIN. 8" CLR. TO VERT. &

ENCROACHMENT AGREEMENT AND WAIVER

The City of Bismarck (City) hereby grants Bismarck Cancer Center (Grantee) the right to install and maintain foundation pier caps (Encroachments) located in the Access & Utility Easement Lots 3 and 4, Block 38, Northern Pacific 2nd Addition, City of Bismarck, Burleigh County, North Dakota. Exhibits will be stored with the original signed document in the Engineering Department, subject to the following conditions:

1. The Grantee shall comply with all rules regarding maintenance of the Encroachments in the public right of way as set by the City Engineer.
2. The term of this grant shall be for fifty (50) years and shall continue thereafter from year to year. The City may cancel this grant at any time after the initial fifty-year term upon six month's written notice to the Grantee.
3. Upon the end of the term or prior abandonment of the Encroachments by the Grantee, the Grantee shall, at its own expense, remove the Encroachments and restore the right of way to its original condition, if so required by the City.

4. For and in consideration of the sum of One Dollar ($1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, for the City's permission to operate and maintain the Encroachments in the right of way, Grantee agrees to release the City, its assigns or other franchised utilities from and waive any and all claims relating to said Encroachments, but not limited to, damages arising from damage to the Encroachments, loss of business, or other personal injury or property damage resulting from damage to the Encroachments by the City, its assigns or other franchised utilities.
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Bismarck Cancer Center

By: Amy J Gross

Print: Amy J. Gross

Title: Executive Director

8/13/2020
Date

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

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LANDON NIEMILLER
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My Commission Expires Mar 23, 2022

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My commission expires: 3-23-22

City of Bismarck

Gabe Schell, PE
City Engineer

Date

Keith Hunke
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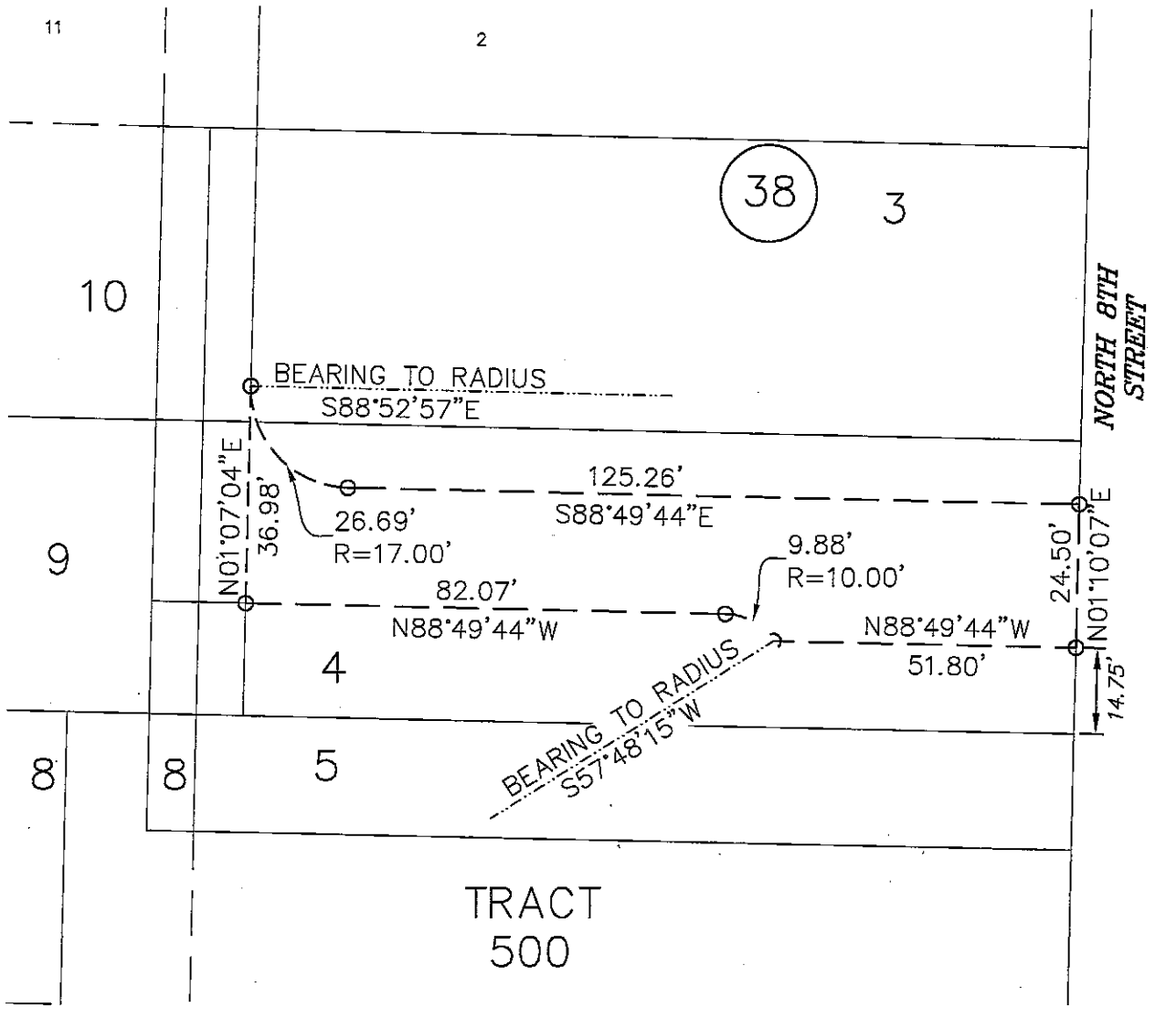
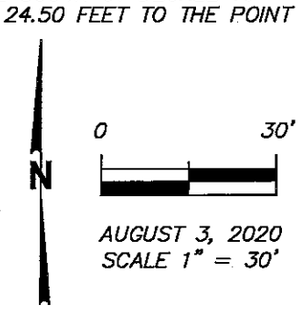
ACCESS & UTILITY EASEMENT EXHIBIT



ACCESS & UTILITY EASEMENT

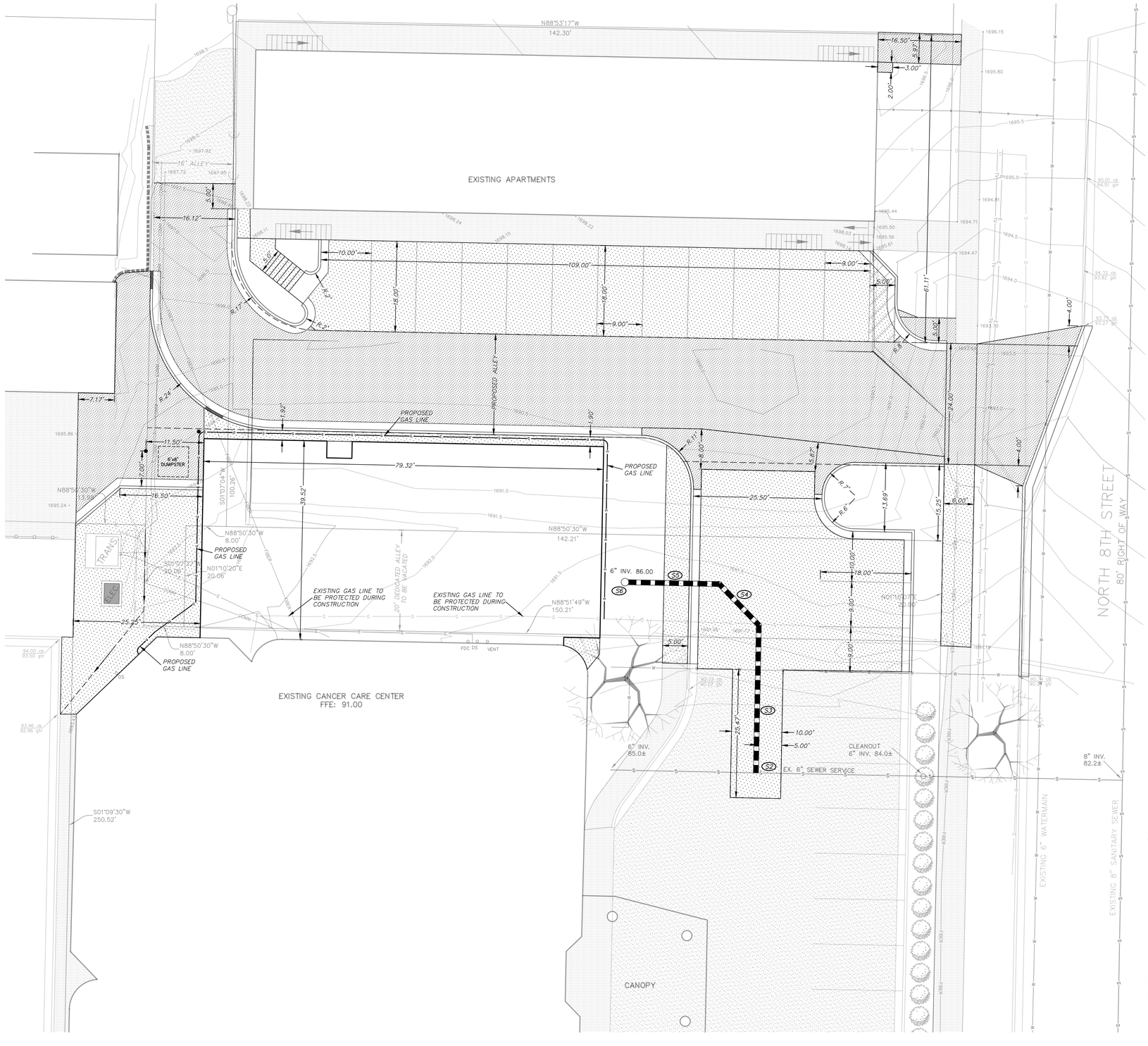
ALL THAT PART OF LOTS 3 & 4 BLOCK 38 OF NORTHERN PACIFIC SECOND ADDITION OF THE SOUTH 1/2 OF SECTION 33, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

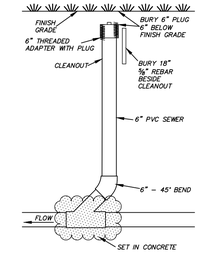
BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 4 THAT IS NORTH 01 DEGREE 10 MINUTES 07 SECONDS EAST, A DISTANCE OF 14.75 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 4; THENCE NORTH 88 DEGREES 49 MINUTES 44 SECONDS WEST, A DISTANCE OF 51.80 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, ON A 10.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 57 DEGREES 48 MINUTES 15 SECONDS WEST, AN ARC LENGTH OF 9.88 FEET; THENCE NORTH 88 DEGREES 49 MINUTES 44 SECONDS WEST, A DISTANCE OF 82.07 FEET TO THE EAST LINE OF QUIT CLAIM DEED DOC. #317304 OF LOTS 3 & 4 BLOCK 38 NORTHERN PACIFIC SECOND ADDITION; THENCE NORTH 01 DEGREES 07 MINUTES 04 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 36.98 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, ON A 17.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 88 DEGREES 52 MINUTES 57 SECONDS EAST, AN ARC LENGTH OF 26.69 FEET; THENCE SOUTH 88 DEGREES 49 MINUTES 44 SECONDS EAST, A DISTANCE OF 125.26 FEET TO THE EAST LINE OF SAID LOT 4; THENCE SOUTH 01 DEGREE 10 MINUTES 07 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 24.50 FEET TO THE POINT OF BEGINNING.



AUGUST 3, 2020
SCALE 1" = 30'

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





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NGVD 29 DATUM
JUNE 19, 2020

REGISTERED PROFESSIONAL ENGINEER
CLINTON E. KITCHEN
PE-9473
DATE 06/19/2020
NORTH DAKOTA

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BISMARCK CANCER CENTER LINEAR ACCELERATOR & 2ND FLOOR ADDITION
BISMARCK, NORTH DAKOTA

DIMENSION & UTILITY PLAN

REVISIONS

DRAWN BY CK
DATE 06–19–20
PROJECT NO. 1905

SWENSON, HAGEN & COMPANY P.C.
Civil Engineering
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Land Surveying
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Bismarck, North Dakota 58504
1124 E. Capitol Avenue
Phone (701) 223-2000
Fax (701) 223-2006

SHEET NO.
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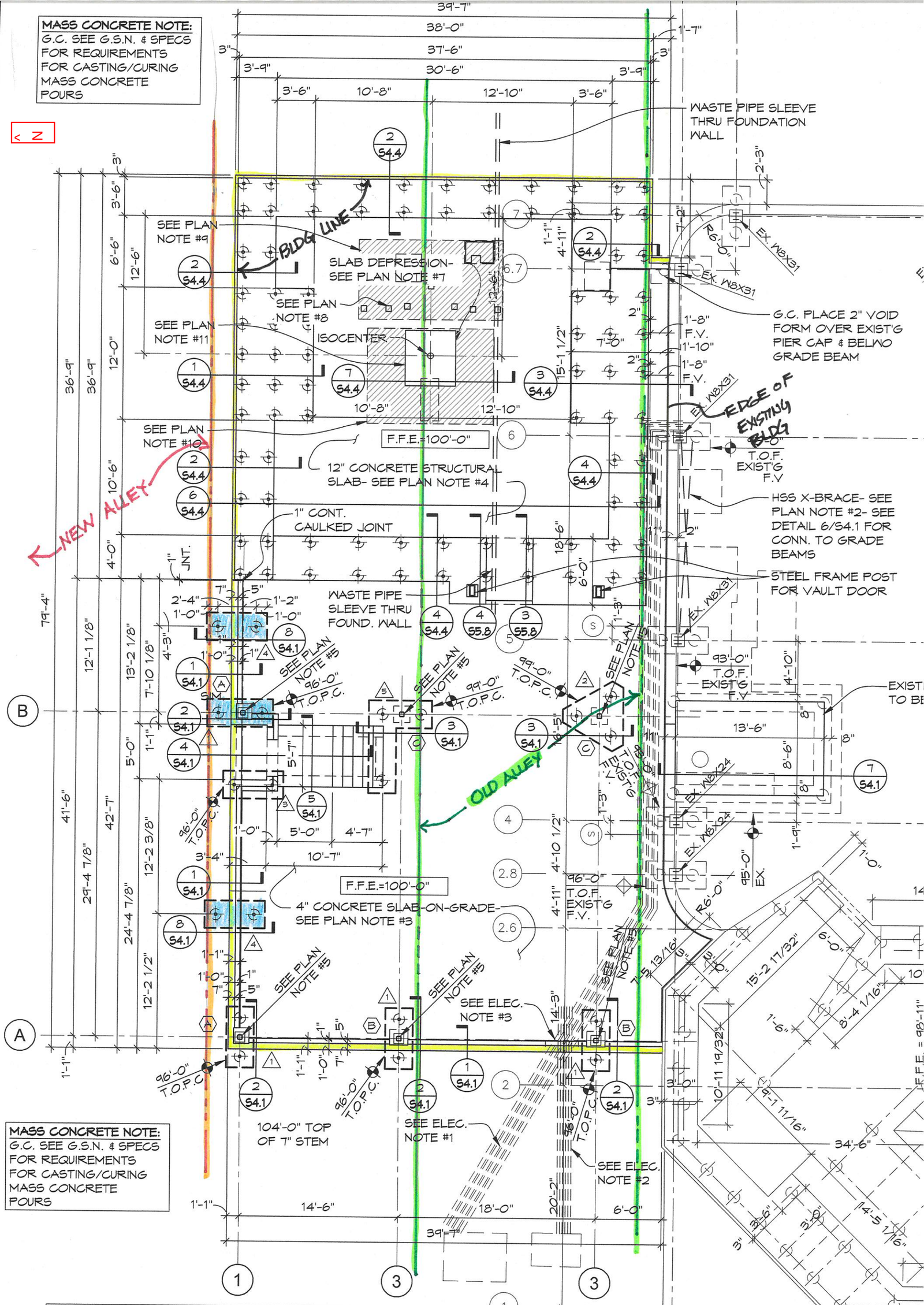

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Engineering Department

DATE: August 18, 2020

FROM: Gabe Schell, City Engineer

ITEM: Geotechnical Service Contract Amendment

REQUEST

Consider approval of amended consultant agreement with Terracon Consultants, Inc (Terracon) relating to River Road slope stability for engineering design services.

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

On September 24, 2019 the Board of City Commissioners approved geotechnical services for River Road slope stability contract with Terracon. The preliminary findings indicate subsurface movement of 200 feet in length on the west side of River Road is taking place at an approximate depth of 18 to 20 feet below existing grades. There has been approximately 0.25 to 0.3 inches of movement that took place from October 30, 2019 to December 5, 2019 during the monitoring period.

On March, 24, 2020, the Board of City Commissioners approved additional services with Terracon for additional monitoring or River Road slope stability. A final report was delivered to the City on June 30, 2020 that indicated a decrease in movement during the spring of this year due to abnormally dry weather. The report indicated that the construction of a toe buttress would be the most feasible option for slowing or stopping the movement.

The City has negotiated a scope of work and fee for $64,140 for engineer design services, bringing the total contract amount relating to this issue to $100,003.00 (hourly not to exceed)

These services are to be funded by sales tax initially and eventually allocated to the special assessment district once one is created. See attached scope of services.

RECOMMENDED CITY COMMISSION ACTION

Approval of the contract amendment with Terracon for engineering design services.

STAFF CONTACT INFORMATION

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

August 17, 2020

City of Bismarck Engineering Department
221 North 5th Street
Bismarck, ND 58506

Attn: Mr. Gabe Schell
P: (701) 355 1505
E: gschell@bismarcknd.gov

Re: Proposal for Engineering Design Services
River Road Slope Stabilization System
Slope Stabilization Design
500 to 600 ft North of Grant Marsh Bridge
Bismarck, North Dakota
Terracon Proposal No. P65205206

Dear Mr. Schell:

Terracon Consultants, Inc. (Terracon) appreciates the opportunity to submit this proposal to provide Engineering Design services for the above referenced project. This proposal includes an outline of the project information provided to us, the proposed scope of services, our fees, and the proposed schedule. We have also relied on information provided during our July 21, 2020 telephone conference call with the City of Bismarck in developing our scope and fee for this project.

A. PROJECT INFORMATION

We understand the City of Bismarck (the City) will be undertaking stabilization of a segment of River Road that has experienced distress. Approximately 200 lineal feet of the roadway is currently impacted by slope instability along a portion of River Road located approximately 500 to 600 feet north of the Grant Marsh Bridge. The documented distress primarily consists of a crack, up to 6 inches in width, within the pavement and underlying pavement subgrade. The crack is suspected of being associated with the apparent head scarp of a landslide causing the instability. Reportedly, the crack extends to depths of over 5 feet in some places along this section of River Road. We understand the crack in the pavement was filled with milling material, then patched with asphalt after our initial site visit, to reduce the potential for water infiltration. Accordingly, the City engaged Terracon to perform a geotechnical study to evaluate the area of concern and develop repair recommendations. Details of that study and recommended mitigation options to stabilize the slope are presented in the Terracon Geotechnical Engineering Report for River Road Slope Stabilization, Terracon Project No. M2195090, dated June 30, 2020.

B. SCOPE OF SERVICES

Based upon our understanding of the project and discussions with the City, Terracon is proposing to undertake the following engineering services for the project stabilization design:

Task 1 – Project Coordination, Project Management, and Document Review:

Work under this task will include review of available information to determine if data gaps exist and if any additional services necessary to complete the design. Terracon understands that the City will provide survey data in the form of AutoCAD files including project limits and any other boundaries necessary for consideration in our design of the selected slope stability mitigation system. We anticipate that the City will also provide specification templates to Terracon for our use in preparing project specifications. We will advise the City if any other information is necessary.

Task 2 - Stockpile Sampling, Laboratory Testing, Inclinometer Readings - This task will include sampling of available stockpile material within the City's landfill to determine suitability for use in buttress construction planned for the stabilization design. We have assumed that materials within the stockpile may vary and for this reason, and purposes of this proposal, we are including two sets of each test. We propose to perform the following tests on the soil samples collected from stockpiles:

Laboratory Test	Number of Tests
Atterberg Limits (ASTM D4318)	4
Grain Size Distribution (ASTM C136 and C117)	4
Laboratory Moisture-Density Relationships (Proctor) Test (ASTM D698)	4
Direct Shear (ASTM D3080)	2
Triaxial Shear Test (ASTM D4767 or D7181)	2

Note: The number and types of tests may be modified depending on the type of material encountered at the landfill.

This task will also include time for a Terracon Staff Engineer to perform periodic inclinometer readings and prepare daily reports for each visit. For purposes of this cost proposal, we have assumed a total of 12 trips will be necessary for inclinometer readings at a cost of $750 per trip.

Task 3 - Geotechnical Report Update- This task will include updating the referenced Geotechnical Engineering Report to include laboratory test results. The update will include a summary of laboratory testing, shear strength parameters and other design recommendations for

the proposed buttress material. We estimate the report update will require a total of up to 12 hours of Project Principal, Project Manager and Staff Engineer's time.

Task 4 – Buttress Design, Construction Documents and Specification Development: This task will include engineering analyses to determine the geometry of the buttress necessary to stabilize the slope within the 200 ft segment, preparation of Construction Documents and Technical Specifications, including material quantity estimates necessary to construct the stabilization system. This information will be used by the City to solicit bids from potential contractors. The technical specification will be included on City provided templates if available, and where necessary, we will work collaboratively with the City to develop and tailor specification to the project. This task will include the following elements:

- Performing slope stability analyses using data collected from Tasks 1 through 3 to refine the geometry of the buttress necessary to stabilize the slope. We anticipate a maximum of three sections will be analyzed.

- Preparation of Construction Documents, specification and material quantity estimates. We anticipate the construction documents may include up to 10 plan sheets that include a Cover Sheet, Technical Scope of Work, Site Plan, Repair Cross Sections showing integration of the buttress into the existing slope, Construction Details, including drainage measure requirements.

- Preparation of the technical scope of work, including material specifications and construction requirements. The specification will include earthwork requirements, vegetation removal and re-vegetation, and other works necessary to stabilize the slope following the guidelines presented in the City's 2019 Construction Specifications for Municipal Public Works Improvements, Revised dated March 2019.

It is our understanding that the City will not require Terracon's assistance during the bid process, however, for purposes of this cost proposal, we have allowed up to 10 hours of time for a Senior Engineer to respond to questions that may arise during the bidding phase of the project.

C. SCHEDULE

Terracon will work within the schedule requirements of the project and in coordination with the City's overall project schedule. The start of our services outlined in Task 2 – Sampling and Testing, could commence within five days of authorization to proceed, following the City's authorization to access the stockpiles. Laboratory testing is expected to take up to two weeks to complete. Geotechnical analysis and updated reporting will occur coincidentally with laboratory testing. The revised geotechnical engineering report will be prepared within one week of completion of the laboratory testing program. The start of the buttress design and Construction

Document and Specification preparation will typically be contingent upon receipt of all necessary documents, including survey data from the City and completion of laboratory shear strength testing. Based on our telephone conference call, we understand the City will require 30%, 95% and 100% document submittals. We anticipate submitting the 30% plans within three weeks of completion of the updated Geotechnical Engineering Report, provided requested documents are provided to us at the onset of our design services. The 95% submittal will be completed within three weeks of receipt of 30% review comments from the City. The final construction documents will be submitted within 2 weeks of receipt of the City's review comments on the 95% plans. As we understand, the City will plans to advertise the project and invite bids in February of 2021.

D. COMPENSATION

The cost for our services, including sampling, laboratory testing, engineering analyses, design services and documentation preparation (one electronic copy will be provided) will be on a time and materials basis in accordance with our unit rates presented on the attached Estimated Costs for Engineering Services, and summarized below:

Task No.	Task	Estimated Fee
Task 1	Project Coordination, Project Management	$3,150
Task 2	Stockpile Sampling, Laboratory Testing, Inclinometer Readings	$19,285
Task 3	Geotechnical Report Update	$1,895
Task 4	Design Document Preparation	$37,860
Task 4A	Response to Bid Questions	$1,950
	Total Estimated Not to Exceed Fee	**$64,140**

Should additional services be required beyond the scope of work outlined above, our standard unit rates will be applicable. If more than one review and revised set of plans is required, additional fees may be incurred. Please note that the above fee does not include post design services.

E. AUTHORIZATION

We appreciate the opportunity of submitting this proposal and are available to discuss the details with you. We are assuming that the work under this scope of services will be a supplement to the

Terracon scope completed under Project No. M2195090. To authorize us to proceed with the proposed services please sign and return one executed copy of this agreement to us.

We appreciate the opportunity to provide this proposal and look forward to the opportunity of working with you on this project.

Sincerely,
Terracon Consultants, Inc.

Tom Mando Kapita, P.E.
Senior Associate

Donald R. Clark, P.E.
Senior Principal

Copies: Addressee (1 via email)

Attachments: Estimated Costs for Engineering Services
Supplement to Agreement of Services

City of Bismarck Engineering Department
Estimated Costs for Engineering Services
Slope Stabilization Design, Construction Documents and Specification Preparation
Terracon Reference No. P65205206

Terracon
4685 South Ash Avenue, Suite H-4
Tempe, Arizona 85282
480-897-8200 Fax:480-897-1133

PAY ITEM	Work Tasks (Proposed Hours/Units) 1	2	3	4	Total HRS/UNITS	Unit RATE	Total COST
Senior Engineer	4	2	2	24	32	200.00	$ 6,400.00
Project Manager	12	8	4	40	64	185.00	$ 11,840.00
Project Engineer		10		60	70	150.00	$ 10,500.00
Field/Staff Engineer			6	80	86	115.00	$ 9,890.00
CADD Technician				80	80	90.00	$ 7,200.00
Clerical	2	1	1	4	8	65.00	$ 520.00
Subtotal Labor Costs:							**46,350.00**
Other Direct Project Costs:							
Response to Bid Questions				10	10	195.00	1,950.00
Inclinometer Reading		12			12	750.00	9,000.00
					0		
Subtotal Direct Costs:					0		**10,950.00**
Laboratory Testing:							
Triaxial Shear Test		2			2	1,700.00	3,400.00
Sieve Analysis, Fine, Washed (ASTM C136, AASHTO T27, ARIZ 201)		4			4	50.00	200.00
Plasticity Index (ASTM D4318, AASHTO T89/90)		4			4	85.00	340.00
Direct Shear Test with Residual Strength (3 points)		2			2	750.00	1,500.00
Proctor-Std		4			4	175.00	700.00
Hydrometer Plus Sieve		4			4	175.00	700.00
Subtotal for Laboratory Testing:					0		**6,840.00**
Estimated Man Hours For Project	18	21	13	288	340		**$ 64,140.00**

Terracon Task	Estimate
Task 1 - Project Cordination, Project Management	$ 3,150.00
Task 2 - Sampling, Lab Testing and Inclinometer Readings	$ 19,285.00
Task 3 - Geotechnical Report Update	$ 1,895.00
Task 4 - Buttress Design and Construction Document Preparation	$ 37,860.00
Task 4A - Response to Bid Questions	$ 1,950.00
Total for Above Services	$ 64,140.00

Reference Number: P65205206

SUPPLEMENT TO AGREEMENT FOR SERVICES

CHANGE TO
SCOPE OF SERVICES AND FEES

This **SUPPLEMENT to AGREEMENT FOR SERVICES** to the original Agreement for Services (original Agreement dated 09/16/2019, Agreement reference number PM2195090) is between City of Bismarck ND ("Client") and Terracon Consultants, Inc. ("Consultant") for additional or changed Services to be provided by Consultant for Client on the Project, as described in the Agreement for Services. This Supplement is incorporated into and part of the Agreement for Services.

1. **Scope of Services**. The scope of the additional or changed Services are described in the Scope of Services section of the Consultant's Supplemental Proposal, unless Services are otherwise described below or in Exhibit B to this Supplement (which section or exhibit are incorporated into the Supplement).

   See Attached Proposal P65205206

2. **Compensation.** Client shall pay compensation for the additional or changed Services performed at the fees stated in the Supplemental Proposal unless fees are otherwise stated below or in Exhibit C to this Supplement (which section or exhibit are incorporated into the Supplement).

   See Attached Proposal P65205206

All terms and conditions of the **Agreement for Services** shall continue in full force and effect. This Supplement is accepted and Consultant is authorized to proceed.

Consultant:	**Terracon Consultants, Inc.**	Client:	**City of Bismarck ND**
By:	Date: **8/17/2020**	By:	Date:
Name/Title:	**Donald R Clark, P.E. / Senior Consultant**	Name/Title:	**Gabe Schell /**
Address:	**4685 S Ash Ave, Ste H-4**	Address:	**PO Box 5503**
	Tempe, AZ 85282-6767		**Bismarck, ND 58506-5503**
Phone:	**(480) 897-8200** Fax: **(480) 897-1133**	Phone:	**(701) 355-1505** Fax:
Email:	**Don.Clark@terracon.com**	Email:	**gschell@bismarcknd.gov**

Engineering Department

DATE: August 18, 2020

FROM: Gabe Schell, City Engineer

ITEM: Sewer Utility Project SU 82

REQUEST

Request to Receive Bids and Award Contract for SU 82

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

A recent annual State Water Commission (SWC) inspection of Jackman Coulee Dam located on the Tom O'Leary Municipal Golf Course property identified the facility in poor condition and recommended completion of an emergency action plan. The emergency action plan identified repairs to the outlet structure for the dam embankment. Sewer Utility Project SU 82 is a storm water repair project which will address the concerns identified during the SWC inspection and in the emergency action plan.

The City has received a grant from the State Water Commission to assist with cost of the repair for this high-hazard dam on a 50-50 cost share up to $65,000 ($130,000 total project cost).

The engineer's estimate for SU 82 was $105,500.00. Two bids were received on August 10, 2020. Only one bid was opened, as the other bid was non-responsive. Innovative Foundation Supportworks submitted a bid of $97,999.60. The bid summary and project budget are attached.

This project is included in the 2020 CIP. Funding for this project is provided by Public Works Utility Operations in addition to the SWC cost sharing assistance.

RECOMMENDED CITY COMMISSION ACTION

Receive Bids and Award Contract for SU 82 to Innovative Foundation Supportworks for $97,999.60.

STAFF CONTACT INFORMATION

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

BID TABULATION
FOR
SEWER UTILITY PROJECT NO. 82

August 10, 2020

ENGINEER'S ESTIMATE: $105,500.00

BIDDER	BOND	LICENSE	SIGNATURE	AMOUNT
Innovative Foundation Supportworks	X	X	X	$97,999.60** ~~$98,000.00~~
Subsurface, Inc.				NON- REPSPONSIVE*
Weisz & Sons, Inc				
Black Water Environment				
National Power Rodding Corp				

*pre-bid submittal not received
**corrected upon verification of bids

PROJECT BUDGET

Number	SU-82	Description	Jackman Coulee Dam Pipe Rehabilitation

Scheduled Start	9/1/2020	Scheduled End	12/31/2020

Project Contracts

Project Construction Contracts			Amount
Innovative Foundation Support Works			97,999.60
Subtotal			97,999.60
Contingencies		10%	9,799.96
	Total Construction Contracts		107,799.56

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

Work by Other City Departments			Amount
NA			
Subtotal			-
*Contingencies		10%	-
	Total Work by Other City Departments		-

SUMMARY

Construction Cost - No Contingencies			**97,999.60**
TOTAL CONSTRUCTION COST WITH CONTINGENCIES			107,799.56
Engineering	10%		10,779.96
Administration			-
Advertising and Legal			-
Interest During Construction			-
SU-82 TOTAL PROJECT COST			**118,579.52**

Project Funding		Amount
Stormwater Utility Fund		59,289.76
State Water Comm. Cost Share		59,289.76
	Total Funding	118,579.52

Date	8/17/2020

Engineering Department

DATE: August 17, 2020

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District No. 539

REQUEST

Request for Resolution Approving Plans and Specifications for SI 539.

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

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Street Improvement District No. 539 consists of 1 unit of new asphalt roadway in Stein's Fourth Addition and Hay Creek Park Addition of approximately 1100 LF of street improvements with new asphalt pavement, curb and gutter and related items (see attached map).

The street improvement district was petitioned by the adjoining landowners. This district will be bid and constructed in conjunction with Water Improvement District WA 333 and Sewer Improvement District SE 577.

<u>Unit No. 1 (57.0% petitioned of protestable properties)</u>

26th Street – 65' north of Grant Drive to Capitol Avenue

<u>Project Schedule</u>

Receipt and Opening of Bids:	September 15, 2020
Award of Bid:	September 22, 2020
Project Completion:	July 2022

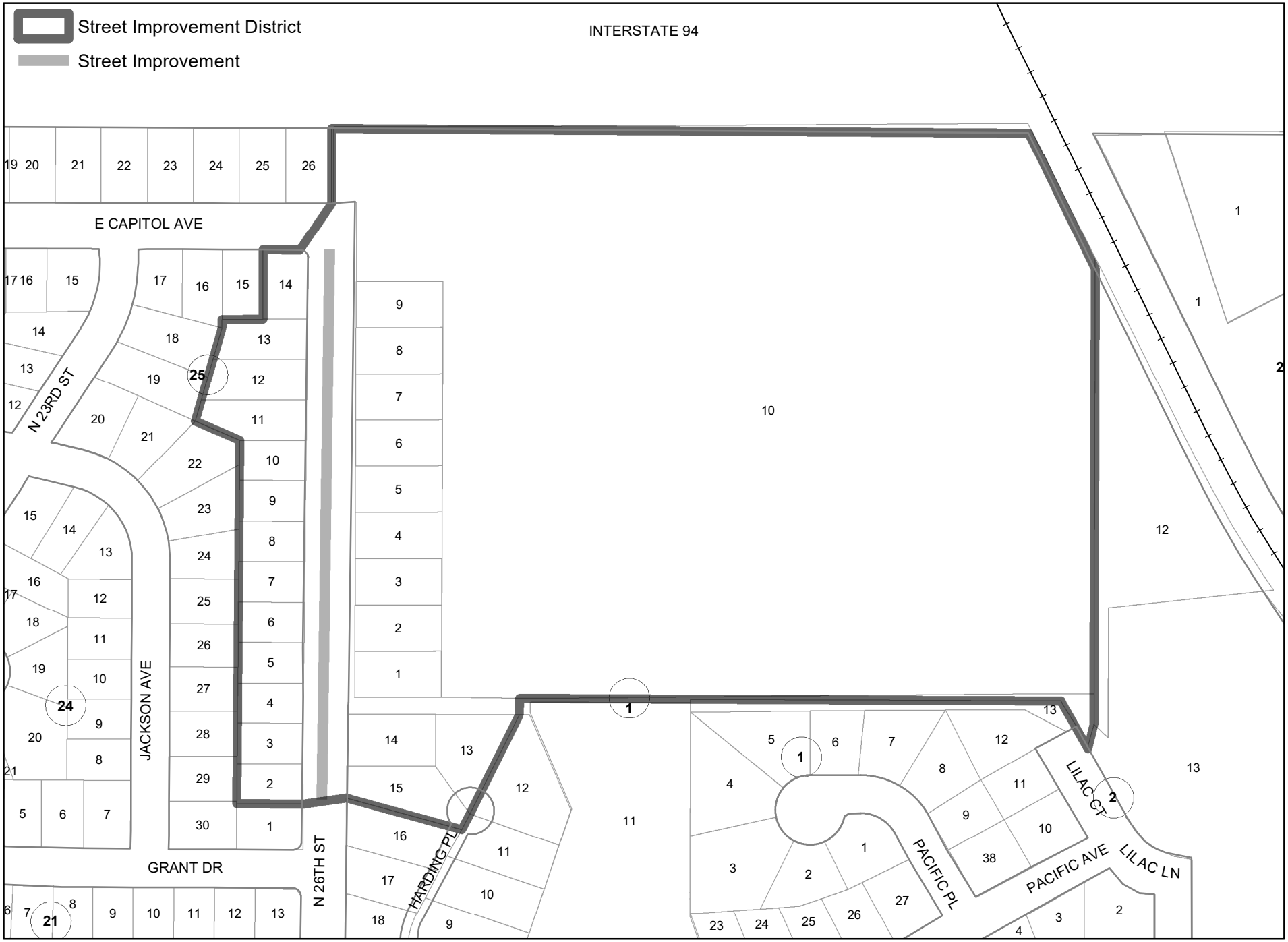
RECOMMENDED CITY COMMISSION ACTION

Consider request for Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receive Bids for SI 539.

STAFF CONTACT INFORMATION

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

SI 539 - UNIT 1


Street Improvement District
Street Improvement
INTERSTATE 94
E CAPITOL AVE
N 23RD ST
JACKSON AVE
GRANT DR
N 26TH ST
HARDING PL
PACIFIC PL
PACIFIC AVE
LILAC CT
LILAC LN

Engineering Department

DATE: August 17, 2020

FROM: Gabe Schell, City Engineer

ITEM: Water Improvement WA 333 & Sewer Improvement SE 577

REQUEST

Request for Resolution Approving Plans and Specifications for Water Improvement District WA 333 & Sewer Improvement District SE 577

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

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

In 2019, a request was made by a group of property owners of the undeveloped properties west of 26th Street in Stein's Fourth Addition for the City to design, construct and assess the municipal facilities and the roadway improvements within the right of way in order to develop their lots for sale. The municipal facilities would consist of extensions of sanitary sewer previously stubbed into the right of way and looping of watermain stubbed into both ends of the right of way. However, the City's special assessment policy was modified in early 2019 to no longer allow water and sewer improvements to be assessed to the lots in areas of non-unified ownership.

On August 27, 2019, at the property owners' requests, the Board of City Commissioners agreed to create an assessment district for the municipal facilities provided the City received petitions for roadway improvements for more than 50% properties (by area) within the proposed street improvement district.

To date the City has received petitions for street improvements from eight property owners which accounts for 57% of the protestable area. This district will be bid and constructed in conjunction with Street Improvement District SI 529.

Since the special assessment policy no longer includes water and sewer improvement districts, staff has no policy to guide on how the cost should be spread among the

parcels in the district. Previous special assessment policy had assessed water and sewer improvement districts based on the lot front footage of the lot. Given that each parcel within the boundary receives an equal benefit for the improvements, staff recommends that each parcel is assessed on a per each basis.

Project Schedule

Receipt and Opening of Bids:	September 15, 2020
Award of Bid:	September 22, 2020
Project Completion:	June 2021

RECOMMENDED CITY COMMISSION ACTION

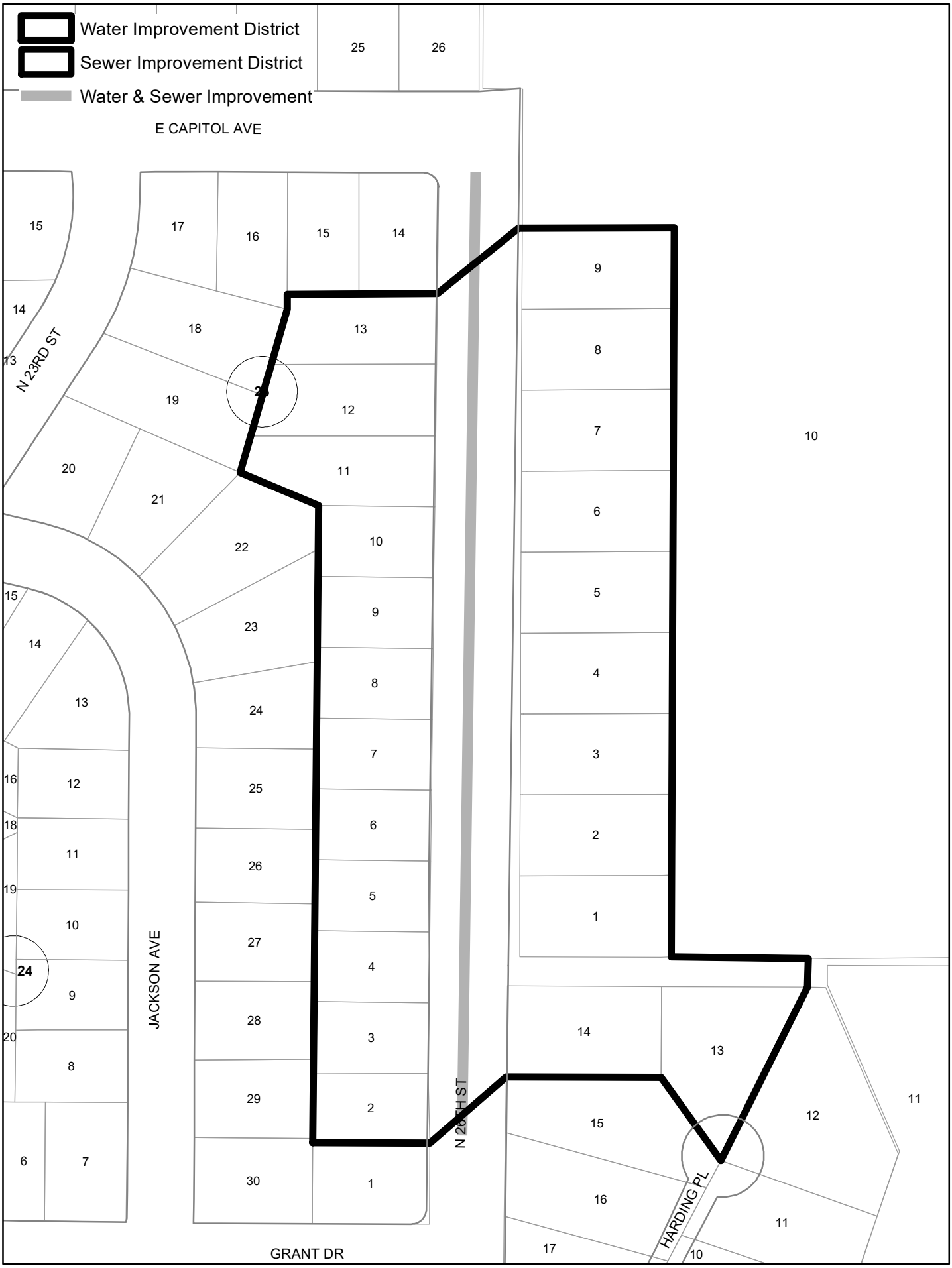
Consider request for Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receive Bids for Water Improvement District WA 333 and Sewer Improvement District SE 577.

Approve the Basis of the Special Assessment for parcels in the boundary as per each.

STAFF CONTACT INFORMATION

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

WA 333 & SE 577 - UNIT 1



Bismarck

Finance Department

DATE: August 18, 2020

FROM: Dmitriy Chernyak, Finance Director DC by AJ

ITEM: Application for Abatement

REQUEST

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

Application for Abatement for 2020 – Church
Property Owner – Truth Fellowship Live
Property Address – 2702 E Rosser Ave (655-001-025)

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

The above applicant has met the requirements set forth in the NDCC 57-02-08 to apply for the property tax exemption.

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 #1

County of BURLEIGH

Property I.D. No. 0655-001-025

Name TRUTH FELLOWSHIP LIVE

Telephone No.

Address 2702 E ROSSER AVE, BISMARCK

Legal description of the property involved in this application:

EASTDALE
Block: 1
LOTS 2-3-4 LESS EAST 80.63' OF LOT 4

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

Land	$ 149,200
Improvements	$ 291,900
Total	$ 441,100 (1)

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

Land	$ 12,400
Improvements	$ 24,300
Total	$ 36,700 (2)

The difference of $ 404,400.00 **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) Taxable for one month

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 application be approved as presented.

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

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

Signature of Preparer (if other than applicant)	Date	Signature of Applicant	Date
		[signature]	8/6/2020

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: Truth Fellowship Live

County Auditor's File No.: 20-158

Date Application Was Filed With The County Auditor: 8/11/20

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

Allan Vietmeier by BMO

Public Works Service Operations Department

DATE: August 17, 2020

FROM: Jeff Heintz, Service Operations Director

ITEM: Approve Change Order 1 to the Agreement with Skeels Electric Company for the HVAC renovation project at the Library

REQUEST

Approval to accept change order 1 to the contract with Skeels Electric Company for the Library HVAC renovation project.

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Change Order 1 with Skeels Electric Company changes the completion date to accommodate the completion of system balancing. In order to balance the entire system as required, the heating/boiler system will need to be operational and running.

RECOMMENDED CITY COMMISSION ACTION

Approve Change Order 1 with Skeels Electric Company for the Library HVAC renovation project.

STAFF CONTACT INFORMATION

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

CONTRACT CHANGE ORDER FORM

DEPARTMENT

City Department	**Public Works - Service**		
Contractor	**Skeels Electric Company**		
Contract Number	**2020-15**	Change Order Number	**1**
Project Number		Change Order Date	**8/7/2020**
Project Description	**BLDGCONST.BLDGI.LIBRARYHVAC2019**		
Original Contract Amount	**$ 33,640.00**	Approved Contract Budget	**$ 33,640.00**
Previous Contract Amount	**$ 33,640.00**		
Change Order Amount	**$0**		**ACTION REQUIRED (SEE BELOW)**
Proposed Contract Amount	**$ 33,640.00**		
Within Project Scope	**YES**	Within Project Funding	**YES**
Completion Date	**7/1/2020**	Change in Completion Date	**YES**
Revised Completion Date*	**11/2/2020**	**REV COMP DATE REQ'D**	**If completion date changed on this Change Order*
Type of Change Order	**Non Design-related**	Work Order No(s).	

Description:

The completion date for the project shall be changed to accommodate the completion of system balancing. In order to balance the entire system as required, the heating/boiler system will need to be operational and running.

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

Send to Fiscal if change is ≤$15,000, completion date ≤5 days, no scope change or no revised budget — Date

Department Head Signature (≤$25,000) _____

Send to Fiscal if change is ≤$25,000, completion date ≤15 days, no scope change or no revised budget — Date

ADMINISTRATION

City Administrator Signature (≤$50,000) _____

Add to Commission Agenda — Date

COMMISSION APPROVAL

Commission Approval Date _____ **COMMISSION APPROVAL REQUIRED**

Attach Commission approval memo and send to Fiscal

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

CONTRACT CHANGE ORDER FORM

FISCAL

Comments

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

AIA® Document G701™ – 2017

Change Order

PROJECT: *(Name and address)*
Bismarck Veterans Memorial Public Library HVAC Upgrade
515 North 5th Street, Bismarck, North Dakota

CONTRACT INFORMATION:
Contract For: Electrical Construction

Date: 01/08/2020

CHANGE ORDER INFORMATION:
Change Order Number: E001

Date: 08/07/2020

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

ARCHITECT: *(Name and address)*
Architectural Concepts Inc.
122 East Main Avenue
Suite 202
Bismarck, ND 58501

CONTRACTOR: *(Name and address)*
Skeels Electric Company
217 North 23rd Street
Bismarck, ND 58501

THE CONTRACT IS CHANGED AS FOLLOWS:
(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

ITEM 1: Change of Completion Date:

The completion date fo the project shall be changed to accommodate the completion of system balancing. In order to balance the entire system as required, the heating/boiler system will need to be operational and running and for the comfort of staff and patrons, we do not want this until heating is needed. Therefore the completion dates will be changed as follows:

Substantial Completion Date: October 22,2020
Final Completion Date: November 2, 2020

There is no change to the contract amount for this extension of time.

TOTAL CHANGE ORDER E001 **$ 0.00**

The original Contract Sum was	$	33,640.00
The net change by previously authorized Change Orders	$	0.00
The Contract Sum prior to this Change Order was	$	33,640.00
The Contract Sum will be unchanged by this Change Order in the amount of	$	0.00
The new Contract Sum including this Change Order will be	$	33,640.00

The Contract Time will be increased by Ninty nine (99) days.
The new date of Substantial Completion will be October 22, 2020

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Architectural Concepts Inc.	Skeels Electric Company	City of Bismarck
ARCHITECT *(Firm name)*	CONTRACTOR *(Firm name)*	OWNER *(Firm name)*
SIGNATURE	SIGNATURE	SIGNATURE
Richard Bohrer, President	Thomas Wolf, Vice President	
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
08/07/20	8/11/20	
DATE	DATE	DATE

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User Notes: (3B9ADA59)

AIA® Document G701™ – 2017

Change Order

PROJECT: *(Name and address)*
Bismarck Veterans Memorial Public Library HVAC Upgrade
515 North 5th Street, Bismarck, North Dakota

CONTRACT INFORMATION:
Contract For: Electrical Construction

Date: 01/08/2020

CHANGE ORDER INFORMATION:
Change Order Number: E001

Date: 08/07/2020

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

ARCHITECT: *(Name and address)*
Architectural Concepts Inc.
122 East Main Avenue
Suite 202
Bismarck, ND 58501

CONTRACTOR: *(Name and address)*
Skeels Electric Company
217 North 23rd Street
Bismarck, ND 58501

THE CONTRACT IS CHANGED AS FOLLOWS:
(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

ITEM 1: Change of Completion Date:

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ARCHITECT *(Firm name)*	CONTRACTOR *(Firm name)*	OWNER *(Firm name)*
SIGNATURE	SIGNATURE	SIGNATURE
Richard Bohrer, President	Thomas Wolf, Vice President	
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
08/07/20	8/11/20	
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User Notes: (3B9ADA59)

AIA® Document G701™ – 2017

Change Order

PROJECT: *(Name and address)*
Bismarck Veterans Memorial Public Library HVAC Upgrade
515 North 5th Street, Bismarck, North Dakota

CONTRACT INFORMATION:
Contract For: Electrical Construction

Date: 01/08/2020

CHANGE ORDER INFORMATION:
Change Order Number: E001

Date: 08/07/2020

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

ARCHITECT: *(Name and address)*
Architectural Concepts Inc.
122 East Main Avenue
Suite 202
Bismarck, ND 58501

CONTRACTOR: *(Name and address)*
Skeels Electric Company
217 North 23rd Street
Bismarck, ND 58501

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(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

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NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Architectural Concepts Inc.	Skeels Electric Company	City of Bismarck
ARCHITECT *(Firm name)*	**CONTRACTOR** *(Firm name)*	**OWNER** *(Firm name)*
SIGNATURE	**SIGNATURE**	**SIGNATURE**
Richard Bohrer, President	Thomas Wolf, Vice President	
PRINTED NAME AND TITLE	**PRINTED NAME AND TITLE**	**PRINTED NAME AND TITLE**
08/07/20	8/11/20	
DATE	**DATE**	**DATE**

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User Notes: (3B9ADA59)

Tel: 701.255.3057
Fax: 701.255.3062
email: rbohrer@acind.net
122 East Main Avenue, Suite 202
Bismarck, North Dakota 58501

ARCHITECTURAL CONCEPTS, INC.

TRANSMITTAL

To: .City of Bismarck
.601 South 26th St.
.Bismarck, ND 58504
._____

ATTN: .Bruce Schirado

Date: **August 12, 2020**

From: .Richard Bohrer
._____

Project: .Veterans Memorial Public Library
.HVAC Upgrade

Proj. No. ._____

ENCLOSURES

- ☐ Drawings
- ☐ Specifications
- ☒ Change Order
- ☐ Pay Request
- ☐ Samples
- ☐ Product Literature
- ☐
- ☐
- ☐

TRANSMITTED FOR YOUR:

- ☒ Signature
- ☐ Payment
- ☐ Review and Comment
- ☐ Record
- ☐ Information
- ☐ Approval
- ☐ Distrib. to Parties
- ☐ Use
- ☐

SEND VIA

- ☒ First Class Mail
- ☐ Priority Mail
- ☐ Overnight
- ☐ 2nd Day
- ☐ Deliver
- ☐ Call For Pickup
- ☐ Separate Cover
- ☐

ACTION

A Indicated on Item Transmitted
B None Required
C For Signature and Return to This Office
D For Signature and Forward as Noted Below
E See "REMARKS" Below
F

QTY	DATE	DESCRIPTION	ACTION
3	8.12.20	Change Order E001 - Skeels Electric	E

REMARKS: Please sign all three Change Orders E001 and return two to our office, keeping one copy for your records. Thank you.

CC: ☒ FILE ☒ WITH ENCLOSURES OTHER:

If enclosures are not as noted above please contact our office immediately.

Public Works Service Operations Department

DATE: August 17, 2020

FROM: Jeff Heintz, Service Operations Director

ITEM: Approve Change Order 4 to the Agreement with Custom Aire, Inc. for the HVAC renovation project at the Library

REQUEST

Approval to accept change order 4 to the contract with Custom Aire, Inc. for the Library HVAC renovation project.

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Change Order 4 with Custom Aire, Inc. changes the completion date to accommodate the completion of system balancing. In order to balance the entire system as required, the heating/boiler system will need to be operational and running.

RECOMMENDED CITY COMMISSION ACTION

Approve Change Order 4 with Custom Aire, Inc. for the Library HVAC renovation project.

STAFF CONTACT INFORMATION

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

CONTRACT CHANGE ORDER FORM

DEPARTMENT

City Department	**Public Works - Service**		
Contractor	**Custom Aire, Inc.**		
Contract Number	**2020-014**	Change Order Number	**4**
Project Number		Change Order Date	**8/7/2020**
Project Description	**BLDGCONST.BLDGI.LIBRARYHVAC2019**		
Original Contract Amount	**$ 535,500.00**	Approved Contract Budget	**$ 648,551.96**
Previous Contract Amount	**$ 653,959.84**		
Change Order Amount	**$0**		**ACTION REQUIRED (SEE BELOW)**
Proposed Contract Amount	**$ 653,959.84**		
Within Project Scope	**YES**	Within Project Funding	**YES**
Completion Date	**7/22/2020**	Change in Completion Date	**YES**
Revised Completion Date*	**11/2/2020**	**REV COMP DATE REQ'D**	**If completion date changed on this Change Order*
Type of Change Order	**Non Design-related**	Work Order No(s).	

Description:

The completion date for the project shall be changed to accommodate the completion of system balancing. In order to balance the entire system as required, the heating/boiler system will need to be operational and running.

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

Send to Fiscal if change is ≤$15,000, completion date ≤5 days, no scope change or no revised budget — Date

Department Head Signature (≤$25,000) _____

Send to Fiscal if change is ≤$25,000, completion date ≤15 days, no scope change or no revised budget — Date

ADMINISTRATION

City Administrator Signature (≤$50,000) _____

Add to Commission Agenda — Date

COMMISSION APPROVAL

Commission Approval Date _____ **COMMISSION APPROVAL REQUIRED**

Attach Commission approval memo and send to Fiscal

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

CONTRACT CHANGE ORDER FORM

FISCAL

Comments

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

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Change Order

PROJECT: *(Name and address)*
Bismarck Veterans Memorial Public Library HVAC Upgrade
515 North 5th Street, Bismarck, North Dakota

CONTRACT INFORMATION:
Contract For: General and Mechanical Construction
Date: 01/08/2020

CHANGE ORDER INFORMATION:
Change Order Number: M004

Date: 08/07/2020

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

ARCHITECT: *(Name and address)*
Architectural Concepts Inc.
122 East Main Avenue
Suite 202
Bismarck, ND 58501

CONTRACTOR: *(Name and address)*
Custom Aire, Inc.
5525 1st Avenue North
Grand Forks, ND 58203

THE CONTRACT IS CHANGED AS FOLLOWS:
(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

ITEM 1: Change of Completion Date.

The completion date for the project shall be changed to accommodate the completion of system balancing. In order to balance the entire system as reqiured, the heating/boiler system will need to be operational and running and for the comfort of staff and patrons we do not want to do this until the heating is needed. Therefore the completion dates will be changed as follows:

Substantial Completion Date: October 22,2020
Final Completion Date: November 2, 2020

There is no change to the contract amount for this extention of time.

TOTAL CHANGE ORDER M004: **$ 0.00**

The original Contract Sum was	$	535,500.00
The net change by previously authorized Change Orders	$	118,459.84
The Contract Sum prior to this Change Order was	$	653,959.84
The Contract Sum will be unchanged by this Change Order in the amount of	$	0.00
The new Contract Sum including this Change Order will be	$	653,959.84

The Contract Time will be increased by eighty three (83) days.
The new date of Substantial Completion will be October 22, 2020

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Architectural Concepts Inc.	Custom Aire, Inc.	City of Bismarck
ARCHITECT *(Firm name)*	CONTRACTOR *(Firm name)*	OWNER *(Firm name)*
SIGNATURE	SIGNATURE	SIGNATURE
Richard Bohrer, President	Corey Wanner, Project Manager	Steve Bakken, President of Board of City Commissioners
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
08/07/20	8-7-2020	8.25.20
DATE	DATE	DATE

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User Notes:
(3B9ADA54)

AIA® Document G701™ – 2017

Change Order

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Bismarck Veterans Memorial Public Library HVAC Upgrade
515 North 5th Street, Bismarck, North Dakota

CONTRACT INFORMATION:
Contract For: General and Mechanical Construction
Date: 01/08/2020

CHANGE ORDER INFORMATION:
Change Order Number: M004

Date: 08/07/2020

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

ARCHITECT: *(Name and address)*
Architectural Concepts Inc.
122 East Main Avenue
Suite 202
Bismarck, ND 58501

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Grand Forks, ND 58203

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Architectural Concepts Inc.	Custom Aire, Inc.	City of Bismarck
ARCHITECT *(Firm name)*	CONTRACTOR *(Firm name)*	OWNER *(Firm name)*
SIGNATURE	SIGNATURE	SIGNATURE
Richard Bohrer, President	Corey Wanner, Project Manager	Steve Bakken, President of Board of City Commissioners
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
08/07/20	8-7-2020	8.25.20
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Change Order

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CHANGE ORDER INFORMATION:
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Date: 08/07/2020

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P.O. Box 5503
Bismarck, ND 58506-5503

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SIGNATURE	SIGNATURE	SIGNATURE
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User Notes:
(3B9ADA54)

Public Works Service Operations Department

DATE: August 17, 2020

FROM: Jeff Heintz, Service Operations Director

ITEM: Approve fee for sale of borrow material at the Bismarck Landfill

REQUEST

Request Commission Approval to incorporate a clay borrow material fee at the landfill.

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

In March, 2020 the solid waste facility expansion area cell 1 excavation and site improvements for the solid waste utility project took place. Upon completion of the excavation project, a large amount of borrow material was excavated and stockpiled. Currently, the Solid Waste Utility has spent $2.56/cubic yard to excavate and stockpile the material.

RECOMMENDED CITY COMMISSION ACTION

Approve a fee of $2.56/cubic yard for the sale of clay borrow material at the Bismarck Landfill and allow the Public Works Director to negotiate the sale of borrow material with potential buyers.

STAFF CONTACT INFORMATION

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

Public Works Service Operations Department

DATE: August 17, 2020

FROM: Jeff Heintz, Service Operations Director

ITEM: Award bid for snow removal at the City/County Building parking lot, Public Health parking lot, Public Library sidewalks and parking lot, the Bismarck Event Center sidewalks and parking lots, and public sidewalk sites

REQUEST

Permission to award the bid for snow removal at the City/County Building parking lot, Public Health parking lot, Public Library sidewalks and parking lot, the Bismarck Event Center sidewalks and parking lots, and public sidewalk sites.

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Bids were opened on August 10, 2020 for Snow removal at the City/County Building parking lot, Public Health parking lot, Public Library sidewalks and parking lot, the Bismarck Event Center sidewalks and parking lots, and public sidewalk sites. Four contractors submitted bids. After review of the bid tab, I recommend to award the 2020-21 contract year and option years 2021-2022 and 2022-2023 as follows:

2020-23 Snow Removal Services

YEAR	GROUP	VENDOR
2020-2021	1	All Seasons Landscape
	2	Bis-Man Outdoor Services
	3	All Seasons Landscape
2021-2022	1	Bis-Man Outdoor Services
	2	Bis-Man Outdoor Services
	3	All Seasons Landscape
2022-2023	1	Bis-Man Outdoor Services
	2	Bis-Man Outdoor Services
	3	All Seasons Landscape

RECOMMENDED CITY COMMISSION ACTION

Approve the 2020-21 snow removal contract and 2021-22 and 2022-23 option years to All Seasons Landscape and Bis-Man Outdoor Services per the bid tab for the City/County Building parking lot, Public Health parking lot, Public Library sidewalks and parking lot, the Bismarck Event Center sidewalks and parking lots, and public sidewalk sites.

STAFF CONTACT INFORMATION

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

2020-21 PARKING LOT AND SIDEWALK SNOW REMOVAL SERVICES

Downtown Sites – Group 1

SITE	LOCATION	ALL SEASONS LANDSCAPING						BISMARCK-MANDAN OUTDOOR SERVICES						GUTHMILLER & SON DIRTWORKS						444 LLC dba LOTS AND LINES					
		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt	
Parking Lot Paved Surfaces		per event	5 events	per inch	10 inches	per event	2 or 3 events	per event	5 events	per inch	10 inches	per event	2 or 3 events	per event	5 events	per inch	10 inches	per event	2 or 3 events	per event	5 events	per inch	10 inches	per event	2 or 3 events
A-1	City/County Building East Parking & Alley from Thayer Ave to Broadway Ave	$ 110	$ 550	$ 10	$ 100	$ 45	$ 135	$ 120	$ 600	$ 50	$ 500	$ 25	$ 75	$ -	$ -	$ -	$ -	$ -	$ -	$ 275	$ 1,375	$ 50	$ 500	$ 125	$ 375
A-2	Public Health Center N&E Lots *(2 events)	$ 400	$ 2,000	$ 30	$ 300	$ 55	$ 110	$ 295	$ 1,475	$ 110	$ 1,100	$ 75	$ 150	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,288	$ 6,440	$ 117	$ 1,170	$ 675	$ 1,350
A-3	Veterans Memorial Public Library N&W Lots *(2 events)	$ 245	$ 1,225	$ 20	$ 200	$ 45	$ 90	$ 195	$ 975	$ 70	$ 700	$ 40	$ 80	$ -	$ -	$ -	$ -	$ -	$ -	$ 835	$ 4,175	$ 85	$ 850	$ 425	$ 850
			$ 3,775		$ 600		$ 335		$ 3,050		$ 2,300		$ 305		$ -		$ -		$ -		$ 11,990		$ 2,520		$ 2,575
	Total						**$ 4,710**						**$ 5,655**						$ -						**$ 17,085**
Sidewalk and Egress Paved Surfaces			4 events				0		4 events		0				4 events				0		4 events		0		
C-1	Veterans Memorial Public Library	$ 125	$ 500	$ 8	$ 80	$ 45	$ 45	$ 150	$ 600	$ 60	$ 600	$ 105	$ 105	$ -	$ -	$ -	$ -	$ -	$ -	$ 250	$ 1,000	$ 25	$ 250	$ 125	$ 125
	(Exits of Egress and sidewalks)																								
	Total						**$ 625**						**$ 1,305**						$ -						**$ 1,375**
Load/Haul	**Truck Capacity/Price:**	CY	per load	10 loads	Total CY	$/CY	400 CY	CY	per load	10 loads	Total CY	$/CY	400 CY	CY	per load	10 loads	Total CY	$/CY	400 CY	CY	per load	10 loads	Total CY	$/CY	400 CY
		16	$ 150	$ 1,500	160			16	$ 90	$ 900	160			20	$ 175	$ 1,750	200			6	$ 65	$ 650	60		
		25	$ 240	$ 2,400	250			18	$ 100	$ 1,000	180			20	$ 175	$ 1,750	200			8	$ 75	$ 750	80		
	Total			$ 3,900	410	$ 9.51	**$ 3,805**			$ 1,900	340	$ 5.59	**$ 2,235**			$ 3,500	400	$ 8.75	**$ 3,500**			$ 1,400	140	$ 10.00	**$ 4,000**
	Group 1 Total Bid					**$**	**9,140**					**$**	**9,195**					**$**	**3,500**					**$**	**22,460**

Event Center Sites - Group 2

SITE	LOCATION	ALL SEASONS LANDSCAPING						BISMARCK-MANDAN OUTDOOR SERVICES						GUTHMILLER & SON DIRTWORKS						444 LLC dba LOTS AND LINES					
		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt	
Parking Lot Paved Surfaces		per event	5 events	per inch	10 inches	per event	1 event	per event	5 events	per inch	10 inches	per event	1 event	per event	5 events	per inch	10 inches	per event	1 event	per event	5 events	per inch	10 inches	per event	1 event
E-1	Event Center Lot A	$ 75	$ 375	$ 7	$ 70	$ 20	$ 20	$ 1	$ 5	$ 1	$ 10	$ 1	$ 1	$ -	$ -	$ 7	$ 70	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-2	Event Center Lot B	$ 245	$ 1,225	$ 12	$ 120	$ 65	$ 65	$ 200	$ 1,000	$ 50	$ 500	$ 75	$ 75	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-3	Event Center Lot C	$ 425	$ 2,125	$ 40	$ 400	$ 120	$ 120	$ 350	$ 1,750	$ 100	$ 1,000	$ 150	$ 150	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-4	Event Center Lot D	$ 575	$ 2,875	$ 50	$ 500	$ 125	$ 125	$ 475	$ 2,375	$ 150	$ 1,500	$ 200	$ 200	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-5	Event Center Lot E	$ 220	$ 1,100	$ 25	$ 250	$ 40	$ 40	$ 325	$ 1,625	$ 75	$ 750	$ 75	$ 75	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Sidewalk and Egress Paved Surfaces		1 event	4 events					1 event	4 events					1 event	4 events					1 event	4 events				
E-6	Event Center Sidewalk at Lot B	$ 75	$ 300	$ 5	$ 50	$ 30	$ 30	$ 350	$ 1,400	$ 150	$ 1,500	$ 150	$ 150	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Total	$	8,000	$	1,390	$	400	$	8,155	$	5,260	$	651	$	-	$	70	$	-	$	-	$	-	$	-
							$ 9,790						**$ 14,066**						**$ 70**						**$ -**
Load/Haul	**Truck Capacity/Price:**	CY	per load	150 loads	Total CY	$/CY	6000 CY	CY	per load	150 loads	Total CY	$/CY	6000 CY	CY	per load	150 loads	Total CY	$/CY	6000 CY	CY	per load	150 loads	Total CY	$/CY	6000 CY
		16	$ 155	$ 23,250	2400			16	$ 85	$ 12,750	2400			20	$ 225	$ 33,750	3000			0	$ -	$ -	0		
		25	$ 240	$ 36,000	3750			18	$ 95	$ 14,250	2700			20	$ 225	$ 33,750	3000			0	$ -	$ -	0		
				$ 59,250	6150	$ 9.63	**$ 57,804.88**			$ 27,000	5100	$ 5.29	**$ 31,764.71**			$ 67,500	6000	$ 11.25	**$ 67,500.00**			$ -	0	$ -	**$ -**
	Group 2 Total Bid						**$ 67,594.88**						**$ 45,830.71**						**$ 67,570.00**						**$ -**

Public Sidewalk Sites - Group 3

SITE	LOCATION	ALL SEASONS LANDSCAPING						BISMARCK-MANDAN OUTDOOR SERVICES						GUTHMILLER & SON DIRTWORKS						444 LLC dba LOTS AND LINES					
		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt	
Sidewalk and Egress Paved Surfaces		per event	4 events	per inch	10 inches	per event	1 inch	per event	4 events	per inch	10 inches	per event	1 inch	per event	4 events	per inch	10 inches	per event	1 inch	per event	4 events	per inch	10 inches	per event	1 inch
P-1	9th St railroad underpass both sides from Front Ave to Main Ave	$ 140	$ 560	$ 10	$ 100	$ 90	$ 90	$ 125	$ 500	$ 50	$ 500	$ 20	$ 20	$ 350	$ 1,400	$ 20	$ 200	$ 395	$ 395	$ 300	$ 1,200	$ 25	$ 250	$ 175	$ 175
P-2	7th Street underpass west side Front Ave to Main Ave and west on Main Ave to McDonald's driveway	$ 75	$ 300	$ 10	$ 100	$ 55	$ 55	$ 150	$ 600	$ 50	$ 500	$ 20	$ 20	$ 375	$ 1,500	$ 20	$ 200	$ 395	$ 395	$ 300	$ 1,200	$ 25	$ 250	$ 150	$ 150
P-3	Washington St – East side, from Title Co. property line north to Front Ave, then east on south side of Front Ave to driveway	$ 80	$ 320	$ 10	$ 100	$ 45	$ 45	$ 90	$ 360	$ 30	$ 300	$ 20	$ 20	$ 375	$ 1,500	$ 20	$ 200	$ 395	$ 395	$ 275	$ 1,100	$ 25	$ 250	$ 150	$ 150
P-4	Lake Ave and Hill St sidewalk-walking trail north to alley, then blow catwalk snow onto the walkway until it is off of the bridge, then clear sidewalk on north Main east to the property owner fence at 400 N Bell St	$ 150	$ 600	$ 10	$ 100	$ 85	$ 85	$ 200	$ 800	$ 60	$ 600	$ 20	$ 20	$ 1,000	$ 4,000	$ 50	$ 500	$ 575	$ 575	$ 1,050	$ 4,200	$ 150	$ 1,500	$ 525	$ 525
P-5	N 4th St I-94 underpass from south to north DOT chain link ROW fences on both sides of street	$ 160	$ 640	$ 10	$ 100	$ 110	$ 110	$ 175	$ 700	$ 70	$ 700	$ 20	$ 20	$ 375	$ 1,500	$ 20	$ 200	$ 395	$ 395	$ 250	$ 1,000	$ 25	$ 250	$ 150	$ 150
P-6	North Washington St I-94 underpass west side from Turnpike Ave to fence on north side of I-94, and east side from south DOT ROW fence to north DOT ROW fence.	$ 160	$ 640	$ 10	$ 100	$ 110	$ 110	$ 175	$ 700	$ 70	$ 700	$ 20	$ 20	$ 375	$ 1,500	$ 20	$ 200	$ 395	$ 395	$ 250	$ 1,000	$ 25	$ 250	$ 150	$ 150
	Total	**$**	**3,060**	**$**	**600**	**$**	**495**	**$**	**3,660**	**$**	**3,300**	**$**	**120**	**$**	**11,400**	**$**	**1,500**	**$**	**2,550**	**$**	**9,700**	**$**	**2,750**	**$**	**1,300**
	Group 3 Total Bid					**$**	**4,155**					**$**	**7,080**					**$**	**15,450**					**$**	**13,750**

2020-21 PARKING LOT AND SIDEWALK SNOW REMOVAL SERVICES
Option Year October 1, 2021-September 30, 2022

Downtown Sites – Group 1

SITE	LOCATION	ALL SEASONS LANDSCAPING						BISMARCK-MANDAN OUTDOOR SERVICES						GUTHMILLER & SON DIRTWORKS						444 LLC dba LOTS AND LINES					
		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt	
	Parking Lot Paved Surfaces	per event	5 events	per inch	10 inches	per event	2 or 3 events	per event	5 events	per inch	10 inches	per event	2 or 3 events	per event	5 events	per inch	10 inches	per event	2 or 3 events	per event	5 events	per inch	10 inches	per event	2 or 3 events
A-1	City/County Building East Parking & Alley from Thayer Ave to Broadway Ave	$ 120	$ 600	$ 10	$ 100	$ 50	$ 150	$ 120	$ 600	$ 50	$ 500	$ 25	$ 75	$ -	$ -	$ -	$ -	$ -	$ -	$ 300	$ 1,500	$ 55	$ 550	$ 135	$ 405
A-2	Public Health Center N&E Lots *(2 events)	$ 410	$ 2,050	$ 35	$ 350	$ 65	$ 130	$ 295	$ 1,475	$ 110	$ 1,100	$ 75	$ 150	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,400	$ 7,000	$ 130	$ 1,300	$ 725	$ 1,450
A-3	Veterans Memorial Public Library N&W Lots *(2 events)	$ 250	$ 1,250	$ 20	$ 200	$ 45	$ 90	$ 195	$ 975	$ 70	$ 700	$ 40	$ 80	$ -	$ -	$ -	$ -	$ -	$ -	$ 900	$ 4,500	$ 95	$ 950	$ 460	$ 920
			$ 3,900		$ 650		$ 370		$ 3,050		$ 2,300		$ 305		$ -		$ -		$ -		$ 13,000		$ 2,800		$ 2,775
	Total						**$ 4,920**						**$ 5,655**						$ -						**$ 18,575**
	Sidewalk and Egress Paved Surfaces		4 events						4 events						4 events						4 events				
C-1	Veterans Memorial Public Library (Exits of Egress and sidewalks)	$ 125	$ 500	$ 8	$ 80	$ 45	$ 45	$ 150	$ 600	$ 60	$ 600	$ 105	$ 105	$ -	$ -	$ -	$ -	$ -	$ -	$ 275	$ 1,100	$ 28	$ 280	$ 135	$ 135
	Total					**$**	**625**					**$**	**1,305**					**$**	**-**					**$**	**1,515**
Load/Haul	**Truck Capacity/Price:**	CY	per load	10 loads	Total CY	$/CY	400 CY	CY	per load	10 loads	Total CY	$/CY	400 CY	CY	per load	10 loads	Total CY	$/CY	400 CY	CY	per load	10 loads	Total CY	$/CY	400 CY
		16	$ 155	$ 1,550	160		$ -	16	$ 90	$ 900	160		$ -	20	$ 200	$ 2,000	200			6	$ 65	$ 650	60		$ -
		25	$ 240	$ 2,400	250		$ -	18	$ 100	$ 1,000	180		$ -	20	$ 200	$ 2,000	200			8	$ 75	$ 750	80		$ -
	Total			$ 3,950	410	$ 9.63	**$ 3,853.66**			$ 1,900	340	$ 5.59	**$ 2,235.29**			$ 4,000	400	$ 10	**$ 4,000**			$ 1,400	140	$ 10.00	**$ 4,000.00**
	Group 1 Total Bid						**$ 9,398.66**						**$ 9,195.29**						**$ 4,000**						**$ 24,090.00**

Event Center Sites - Group 2

SITE	LOCATION	ALL SEASONS LANDSCAPING						BISMARCK-MANDAN OUTDOOR SERVICES						GUTHMILLER & SON DIRTWORKS						444 LLC dba LOTS AND LINES					
		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt	
	Parking Lot Paved Surfaces	per event	5 events	per inch	10 inches	per event	1 event	per event	5 events	per inch	10 inches	per event	1 event	per event	5 events	per inch	10 inches	per event	1 event	per event	5 events	per inch	10 inches	per event	1 event
E-1	Event Center Lot A	$ 75	$ 375	$ 7	$ 70	$ 30	$ 30	$ 1	$ 5	$ 1	$ 10	$ 1	$ 1	$ -	$ -	$ 7	$ 70	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-2	Event Center Lot B	$ 250	$ 1,250	$ 12	$ 120	$ 65	$ 65	$ 200	$ 1,000	$ 50	$ 500	$ 75	$ 75	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-3	Event Center Lot C	$ 440	$ 2,200	$ 40	$ 400	$ 125	$ 125	$ 350	$ 1,750	$ 100	$ 1,000	$ 150	$ 150	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-4	Event Center Lot D	$ 590	$ 2,950	$ 50	$ 500	$ 125	$ 125	$ 475	$ 2,375	$ 150	$ 1,500	$ 200	$ 200	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-5	Event Center Lot E	$ 225	$ 1,125	$ 25	$ 250	$ 45	$ 45	$ 325	$ 1,625	$ 75	$ 750	$ 75	$ 75	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Sidewalk and Egress Paved Surfaces	1 event	4 events					1 event	4 events					1 event	4 events					1 event	4 events				
E-6	Event Center Sidewalk at Lot B	$ 75	$ 300	$ 5	$ 50	$ 35	$ 35	$ 350	$ 1,400	$ 150	$ 1,500	$ 150	$ 150	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Total	$	8,200	$	1,390	$	425	$	8,155	$	5,260	$	651	$	-	$	70	$	-	$	-	$	-	$	-
							$ 10,015						**$ 14,066**						**$ 70**						**$ -**
Load/Haul	Truck Capacity/Price:																								
		CY	per load	150 loads	Total CY	$/CY	6000 CY	CY	per load	150 loads	Total CY	$/CY	6000 CY	CY	per load	150 loads	Total CY	$/CY	6000 CY	CY	per load	150 loads	Total CY	$/CY	6000 CY
		16	$ 155	$ 23,250	2400			16	$ 85	$ 12,750	2400			20	$ 250	$ 37,500	3000			0	$ -	$ -	0		
		25	$ 240	$ 36,000	3750			18	$ 95	$ 14,250	2700			20	$ 250	$ 37,500	3000			0	$ -	$ -	0		
				$ 59,250	6150	$ 9.63	**$ 57,804.88**			$ 27,000	5100	$ 5.29	**$ 31,764.71**			$ 75,000	6000	$ 12.50	**$ 75,000.00**			$ -	0		
	Group 2 Total Bid						**$ 67,819.88**						**$ 45,830.71**						**$ 75,070.00**						**$ -**

Public Sidewalk Sites - Group 3

SITE	LOCATION	ALL SEASONS LANDSCAPING						BISMARCK-MANDAN OUTDOOR SERVICES						GUTHMILLER & SON DIRTWORKS						444 LLC dba LOTS AND LINES					
		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt	
	Sidewalk and Egress Paved Surfaces	per event	4 events	per inch	10 inches	per event	1 inch	per event	4 events	per inch	10 inches	per event	1 inch	per event	4 events	per inch	10 inches	per event	1 inch	per event	4 events	per inch	10 inches	per event	1 inch
P-1	9th St railroad underpass both sides from Front Ave to Main Ave	$ 150	$ 600	$ 12	$ 120	$ 95	$ 95	$ 125	$ 500	$ 50	$ 500	$ 20	$ 20	$ 375	$ 1,500	$ 30	$ 300	$ 425	$ 425	$ 325	$ 1,300	$ 27	$ 270	$ 190	$ 190
P-2	7th Street underpass west side Front Ave to Main Ave and west on Main Ave to McDonald's driveway	$ 85	$ 340	$ 10	$ 100	$ 60	$ 60	$ 150	$ 600	$ 50	$ 500	$ 20	$ 20	$ 400	$ 1,600	$ 30	$ 300	$ 425	$ 425	$ 325	$ 1,300	$ 27	$ 270	$ 165	$ 165
P-3	Washington St – East side, from Title Co. property line north to Front Ave, then east on south side of Front Ave to driveway	$ 85	$ 340	$ 10	$ 100	$ 50	$ 50	$ 90	$ 360	$ 30	$ 300	$ 20	$ 20	$ 375	$ 1,500	$ 30	$ 300	$ 425	$ 425	$ 300	$ 1,200	$ 27	$ 270	$ 165	$ 165
P-4	Lake Ave and Hill St sidewalk-walking trail north to alley, then blow catwalk snow onto the walkway until it is off of the bridge, then clear sidewalk on north Main east to the property owner fence at 400 N Bell St	$ 160	$ 640	$ 12	$ 120	$ 90	$ 90	$ 200	$ 800	$ 60	$ 600	$ 20	$ 20	$ 1,000	$ 4,000	$ 60	$ 600	$ 600	$ 600	$ 1,150	$ 4,600	$ 160	$ 1,600	$ 575	$ 575
P-5	N 4th St I-94 underpass from south to north DOT chain link ROW fences on both sides of street	$ 170	$ 680	$ 12	$ 120	$ 110	$ 110	$ 175	$ 700	$ 70	$ 700	$ 20	$ 20	$ 375	$ 1,500	$ 30	$ 300	$ 425	$ 425	$ 275	$ 1,100	$ 27	$ 270	$ 165	$ 165
P-6	North Washington St I-94 underpass west side from Turnpike Ave to fence on north side of I-94, and east side from south DOT ROW fence to north DOT ROW fence.	$ 170	$ 680	$ 12	$ 120	$ 110	$ 110	$ 175	$ 700	$ 70	$ 700	$ 20	$ 20	$ 375	$ 1,500	$ 30	$ 300	$ 425	$ 425	$ 275	$ 1,100	$ 27	$ 270	$ 165	$ 165
	Total	**$**	**3,280**	**$**	**680**	**$**	**515**	**$**	**3,660**	**$**	**3,300**	**$**	**120**	**$**	**11,600**	**$**	**2,100**	**$**	**2,725**	**$**	**10,600**	**$**	**2,950**	**$**	**1,425**
	Group 3 Total Bid						**$ 4,475**						**$ 7,080**						**$ 16,425**						**$ 14,975**

2020-21 PARKING LOT AND SIDEWALK SNOW REMOVAL SERVICES
Option Year October 1, 2022-September 30, 2023

Downtown Sites – Group 1

SITE	LOCATION	ALL SEASONS LANDSCAPING						BISMARCK-MANDAN OUTDOOR SERVICES						GUTHMILLER & SON DIRTWORKS						444 LLC dba LOTS AND LINES					
		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt	
	Parking Lot Paved Surfaces	per event	5 events	per inch	10 inches	per event	2 or 3 events	per event	5 events	per inch	10 inches	per event	2 or 3 events	per event	5 events	per inch	10 inches	per event	2 or 3 events	per event	5 events	per inch	10 inches	per event	2 or 3 events
A-1	City/County Building East Parking & Alley from Thayer Ave to Broadway Ave	$ 130	$ 650	$ 10	$ 100	$ 75	$ 225	$ 120	$ 600	$ 50	$ 500	$ 25	$ 75	$ -	$ -	$ -	$ -	$ -	$ -	$ 300	$ 1,500	$ 55	$ 550	$ 135	$ 405
A-2	Public Health Center N&E Lots *(2 events)	$ 420	$ 2,100	$ 40	$ 400	$ 75	$ 150	$ 295	$ 1,475	$ 110	$ 1,100	$ 75	$ 150	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,400	$ 7,000	$ 130	$ 1,300	$ 725	$ 1,450
A-3	Veterans Memorial Public Library N&W Lots *(2 events)	$ 260	$ 1,300	$ 20	$ 200	$ 50	$ 100	$ 195	$ 975	$ 70	$ 700	$ 40	$ 80	$ -	$ -	$ -	$ -	$ -	$ -	$ 900	$ 4,500	$ 95	$ 950	$ 460	$ 920
			$ 4,050		$ 700		$ 475		$ 3,050		$ 2,300		$ 305		$ -		$ -		$ -		$ 13,000		$ 2,800		$ 2,775
	Total						**$ 5,225**						**$ 5,655**						**$ -**						**$ 18,575**
	Sidewalk and Egress Paved Surfaces		4 events						4 events						4 events						4 events				
C-1	Veterans Memorial Public Library	$ 125	$ 500	$ 10	$ 100	$ 50	$ 50	$ 150	$ 600	$ 60	$ 600	$ 105	$ 105	$ -	$ -	$ -	$ -	$ -	$ -	$ 275	$ 1,100	$ 28	$ 280	$ 135	$ 135
	(Exits of Egress and sidewalks)																								
	Total					**$**	**650**					**$**	**1,305**					**$**	**-**					**$**	**1,515**
Load/Haul	**Truck Capacity/Price:**	CY	per load	10 loads	Total CY	$/CY	400 CY	CY	per load	10 loads	Total CY	$/CY	400 CY	CY	per load	10 loads	Total CY	$/CY	400 CY	CY	per load	10 loads	Total CY	$/CY	400 CY
		16	$ 160	$ 1,600	160			16	$ 90	$ 900	160			20	$ 225	$ 2,250	200			6	$ 65	$ 650	60		
		25	$ 255	$ 2,550	250			18	$ 100	$ 1,000	180			20	$ 225	$ 2,250	200			8	$ 75	$ 750	80		
	Total			$ 4,150	410	$ 10.12	**$ 4,048.78**			$ 1,900	340	$ 5.59	**$ 2,235.29**			$ 4,500	400	$ 11.25	**$ 4,500.00**			$ 1,400	140	$ 10	**$ 4,000**
	Group 1 Total Bid						**$ 9,923.78**						**$ 9,195.29**						**$ 4,500.00**						**$ 24,090**

Event Center Sites - Group 2

SITE	LOCATION	ALL SEASONS LANDSCAPING						BISMARCK-MANDAN OUTDOOR SERVICES						GUTHMILLER & SON DIRTWORKS						444 LLC dba LOTS AND LINES					
		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt	
	Parking Lot Paved Surfaces	per event	5 events	per inch	10 inches	per event	1 event	per event	5 events	per inch	10 inches	per event	1 event	per event	5 events	per inch	10 inches	per event	1 event	per event	5 events	per inch	10 inches	per event	1 event
E-1	Event Center Lot A	$ 80	$ 400	$ 8	$ 80	$ 35	$ 35	$ 1	$ 5	$ 1	$ 10	$ 1	$ 1	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-2	Event Center Lot B	$ 255	$ 1,275	$ 15	$ 150	$ 70	$ 70	$ 200	$ 1,000	$ 50	$ 500	$ 75	$ 75	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-3	Event Center Lot C	$ 440	$ 2,200	$ 40	$ 400	$ 125	$ 125	$ 350	$ 1,750	$ 100	$ 1,000	$ 150	$ 150	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-4	Event Center Lot D	$ 595	$ 2,975	$ 50	$ 500	$ 125	$ 125	$ 475	$ 2,375	$ 150	$ 1,500	$ 200	$ 200	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
E-5	Event Center Lot E	$ 230	$ 1,150	$ 25	$ 250	$ 45	$ 45	$ 325	$ 1,625	$ 75	$ 750	$ 75	$ 75	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Sidewalk and Egress Paved Surfaces	1 event	4 events					1 event	4 events					1 event	4 events					1 event	4 events				
E-6	Event Center Sidewalk at Lot B	$ 75	$ 300	$ 7	$ 70	$ 35	$ 35	$ 350	$ 1,400	$ 150	$ 1,500	$ 150	$ 150	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Total	$	8,300	$	1,450	$	435	$	8,155	$	5,260	$	651	$	-	$	-	$	-	$	-	$	-	$	-
							$ 10,185						**$ 14,066**						**$ -**						**$ -**
Load/Haul	Truck Capacity/Price:																								
		CY	per load	150 loads	Total CY	$/CY	6000 CY	CY	per load	150 loads	Total CY	$/CY	6000 CY	CY	per load	150 loads	Total CY	$/CY	6000 CY	CY	per load	150 loads	Total CY	$/CY	6000 CY
		16	$ 160	$ 24,000	2400			16	$ 85	$ 12,750	2400			20	$ 275	$ 41,250	3000			0	$ -	$ -			
		25	$ 255	$ 38,250	3750			18	$ 95	$ 14,250	2700			20	$ 275	$ 41,250	3000								
				$ 62,250	6150	$ 10.12	**$ 60,731.71**			$ 27,000	5100	$ 5.29	**$ 31,764.71**			$ 82,500	6000	$ 13.75	**$ 82,500.00**						
	Group 2 Total Bid						**$ 70,916.71**						**$ 45,830.71**												**$ -**

Public Sidewalk Sites - Group 3

SITE	LOCATION	ALL SEASONS LANDSCAPING						BISMARCK-MANDAN OUTDOOR SERVICES						GUTHMILLER & SON DIRTWORKS						444 LLC dba LOTS AND LINES					
		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt		Base		Additional Inch		Sanding/Ice Melt	
	Sidewalk and Egress Paved Surfaces	per event	4 events	per inch	10 inches	per event	1 inch	per event	4 events	per inch	10 inches	per event	1 inch	per event	4 events	per inch	10 inches	per event	1 inch	per event	4 events	per inch	10 inches	per event	1 inch
P-1	9th St railroad underpass both sides from Front Ave to Main Ave	$ 160	$ 640	$ 15	$ 150	$ 95	$ 95	$ 125	$ 500	$ 50	$ 500	$ 20	$ 20	$ 400	$ 1,600	$ 35	$ 350	$ 450	$ 450	$ 325	$ 1,300	$ 27	$ 270	$ 190	$ 190
P-2	7th Street underpass west side Front Ave to Main Ave and west on Main Ave to McDonald's driveway	$ 90	$ 360	$ 10	$ 100	$ 65	$ 65	$ 150	$ 600	$ 50	$ 500	$ 20	$ 20	$ 425	$ 1,700	$ 35	$ 350	$ 450	$ 450	$ 325	$ 1,300	$ 27	$ 270	$ 165	$ 165
P-3	Washington St – East side, from Title Co. property line north to Front Ave, then east on south side of Front Ave to driveway	$ 90	$ 360	$ 10	$ 100	$ 55	$ 55	$ 90	$ 360	$ 30	$ 300	$ 20	$ 20	$ 400	$ 1,600	$ 35	$ 350	$ 450	$ 450	$ 300	$ 1,200	$ 27	$ 270	$ 165	$ 165
P-4	Lake Ave and Hill St sidewalk-walking trail north to alley, then blow catwalk snow onto the walkway until it is off of the bridge, then clear sidewalk on north Main east to the property owner fence at 400 N Bell St	$ 170	$ 680	$ 12	$ 120	$ 95	$ 95	$ 200	$ 800	$ 60	$ 600	$ 20	$ 20	$ 1,100	$ 4,400	$ 65	$ 650	$ 650	$ 650	$ 1,150	$ 4,600	$ 160	$ 1,600	$ 575	$ 575
P-5	N 4th St I-94 underpass from south to north DOT chain link ROW fences on both sides of street	$ 175	$ 700	$ 15	$ 150	$ 110	$ 110	$ 175	$ 700	$ 70	$ 700	$ 20	$ 20	$ 400	$ 1,600	$ 35	$ 350	$ 450	$ 450	$ 275	$ 1,100	$ 27	$ 270	$ 165	$ 165
P-6	North Washington St I-94 underpass west side from Turnpike Ave to fence on north side of I-94, and east side from south DOT ROW fence to north DOT ROW fence.	$ 180	$ 720	$ 15	$ 150	$ 110	$ 110	$ 175	$ 700	$ 70	$ 700	$ 20	$ 20	$ 400	$ 1,600	$ 35	$ 350	$ 450	$ 450	$ 275	$ 1,100	$ 27	$ 270	$ 165	$ 165
	Total	**$**	**3,460**	**$**	**770**	**$**	**530**	**$**	**3,660**	**$**	**3,300**	**$**	**120**	**$**	**12,500**	**$**	**2,400**	**$**	**2,900**	**$**	**10,600**	**$**	**2,950**	**$**	**1,425**
	Group 3 Total Bid						**$ 4,760**						**$ 7,080**						**$ 17,800**						**$ 14,975**

Bismarck

Community Development Department

DATE: August 4, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Appeal of Board of Adjustment Decision – Lots 14 & 15, Block 4, Southbay Fifth Addition

REQUEST

Dennis Wetzel is appealing the decision of the Board of Adjustment to uphold an administrative zoning determination made in regard to the proposed construction of a structure to be located on Lots 14 & 15, Block 4, Southbay Fifth Addition (4408 and 4412 Downing Street).

The property is located in south Bismarck, between West Burleigh Avenue and 48th Avenue SW along the west side of Downing Street Avenue B, and between North 7th Street and North 8th Street.

Please place this item on the August 11, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION

On April 13, 2020, the Planning Manager, in her role as Zoning Administrator, determined that the residential building proposed by Mr. Wetzel was a three-unit building rather than a two-unit building and would not be permitted within the R10 – Residential zoning district.

In accordance with Section 14-06-03(1) of the City Code of Ordinances (Appeal Procedure / Appeal – How Taken), Mr. Wetzel appealed staff's administrative decision on June 8, 2020 and the appeal was forwarded to the Board of Adjustment for consideration.

The appeal was heard by the Board of Adjustment on July 2, 2020. Staff presented an overview of the determination made and the subsequent appeal. The Board members asked questions of both Mr. Wetzel and staff during their consideration of the appeal. At the conclusion of their discussion, the Board of Adjustment, on a 4-2 vote, voted to uphold staff's determination.

Mr. Wetzel was informed that he could appeal the decision of the Board of Adjustment to the Board of City Commissioner and such an appeal was filed on July 17, 2020.

RECOMMENDED CITY COMMISSION ACTION

Consider Mr. Wetzel's appeal of the Board of Adjustment's decision to uphold a determination made by the Planning Manager, in her role as Zoning Administrator, that the residential building proposed for construction on Lots 14 & 15, Block 4, Southbay Fifth Addition is a three-unit building and not allowed in the R10 – Residential zoning district.

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

From: Jenny Wollmuth
To: Jason Tomanek; Kristine Kostuck
Cc: Kim Lee; Hilary Balzum
Subject: FW: Re[2]: APPL2020-001 4408 DOWNING ST
Date: Friday, July 17, 2020 1:05:17 PM

Jason –

Dennis Wetzel would like to appeal the Board of Adjustment's July 2, 2020 decision to uphold an administrative zoning determination made by Planning staff. In doing so the Board of Adjustment found that a structure Mr. Wetzel is proposing to construct at 4408 and 442 Downing Street in the R10 – Residential zoning district is a three-unit dwelling. A three-unit building is not a permitted use within the R10 – Residential zoning district which allows for the construction of one and two-family dwellings.

Per Mr. Wetzel's email below, please schedule this appeal for the August 11, 2020 meeting of the Bismarck City Commission.

Hilary – please set up an appeal project in TRAKiT.

Thanks,

Jenny Wollmuth, AICP, CFM
Planner | Planning Division
Community Development Department
701.355.1840-Department
701.355.1845- Direct
www.bismarcknd.gov

From: [mailto:]
Sent: Friday, July 17, 2020 12:58 PM
To: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: Re[2]: APPL2020-001 4408 DOWNING ST

yes

On Fri, Jul 17, 2020 at 12:16 PM, Jenny Wollmuth <jwollmuth@bismarcknd.gov> wrote:

Dennis –

I am sure we can schedule you for the first meeting in August (8/11/20). Would you like to appeal?

Bismarck

STAFF MEMO

City of Bismarck
Community Development Department
Planning Division

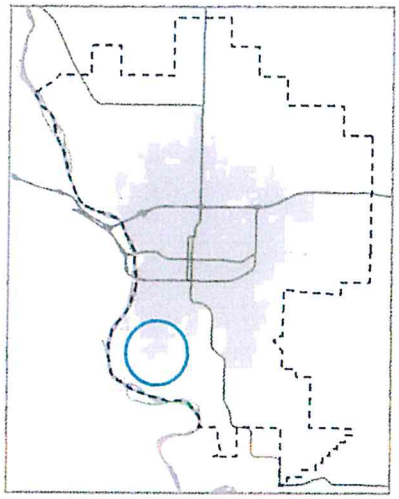
Agenda Item #2
July 2, 2020

Application for: Appeal of Zoning Determination

TRAKiT Project ID: APPL2020-001

Project Summary

Title:	Lots 14 and 15, Block 4, Southbay Fifth Addition (4408 and 4412 Downing Street)
Status:	Board of Adjustment
Owner(s):	Dennis Wetzel
Project Contact:	Dennis Wetzel
Location:	In south Bismarck, between West Burleigh Avenue and 48th Avenue SW along the west side of Downing Street
Request:	Appeal of Zoning Determination



Dennis Wetzel is requesting an appeal of a zoning determination made in April 2020 by the Planning Manager / Zoning Administrator in accordance with Section 14-06-03 of the City Code of Ordinances (Board of Adjustment / Appeal Procedure) for properties located in the R10 – Residential zoning district legally described as Lots 14 and 15, Block 4, Southbay Fifth Addition.

Applicable Sections of the Zoning Ordinance

Section 14-02-03 of the City Code of Ordinances (General Provisions and Definitions/Definitions) defines a dwelling unit as, "A building or portion thereof providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, easting, cooking and sanitation."

Section 14-04-06(1) of the City Code of Ordinances (R10 – Residential District / General Description) states, "The R10 – Residential district is established as a district in which the principal use of land is for single-family and two-family dwellings. For the R10 – Residential district, in promoting the general purposes of this article, the specific intent of the section is: a. To encourage the construction or placement of and the continued use of the land for single-family and two-family dwelling on urban lots, b. To prohibit commercial and industrial use of the land and to prohibit any other use which would substantially interfere with development or continuation of single-family and two-family dwellings in the district, c. To encourage the discontinuation of existing uses that would not be permitted as new uses under the provisions of this ordinance, d. to discourage any use which would generate traffic on minor streets other than normal traffic to serve residences of those streets, e. To discourage any use which because of its character of size would create requirements and costs for public services such as police and fire protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were development solely for single-family and two-family dwellings."

Section 14-04-06(2) of the City Code of Ordinances (R10 – Residential/Uses Permitted) states, "The following uses are permitted: a. Single-family dwelling, b. Two-family dwelling, c. Education group, d. Public recreation group, e. Row house, attached single-family dwelling in groups of two (2)."

(continued)

Section 14-06-03(1) of the City Code of Ordinances (Appeal Procedure / Appeal – How Taken) states, "An appeal to the board of adjustment may be taken by any aggrieved applicant, including any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Zoning Administrator based in whole or in part upon the provisions of this article. Such appeal shall be taken within such time as shall be prescribed by the board of adjustment by general rule, by filing with the Zoning Administrator and with the board of adjustment at the community development department, a notice of appeal and specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the board of adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, and notice to the Zoning Administrator and on due cause shown."

Staff analysis and determination

Staff have reviewed the building plans for the proposed structure and have found that all of the features that indicate a separate dwelling unit including independent access, separate sanitation facilities, and separate eating/or cooking facilities are present in each of the units. Therefore, the Planning Manager / Zoning Administrator has determined that the proposed structure is a three-unit dwelling. A three-unit dwelling is not permitted within the R10 – Residential zoning district and cannot be constructed as proposed by the applicant on Lots 14 and 15, Block 4, Southbay Fifth Addition.

Attachments

1. Location Map
2. Aerial Map
3. Appeal of Zoning Determination
4. Building Plans Submitted with Appeal
5. Zoning Determination Email
6. Original Building Plans – Version 1
7. Original Building Plans – Version 2
8. Zoning Interpretation – Definition of a Dwelling Unit
9. Section 14-04-06 of the City Code of Ordinances (R10 Zoning District)

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

Bismarck

Location Map

AAPL2020-001

0 0.05 0.1 0.2 Miles

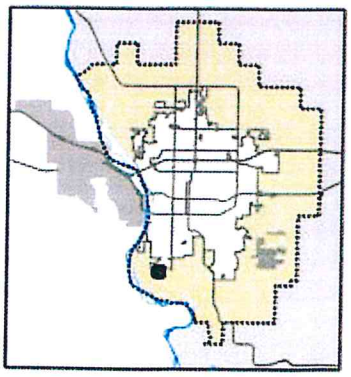
City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Lots Pending Approval

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
June 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.

Bismarck

Aerial Map

APPL2020-001

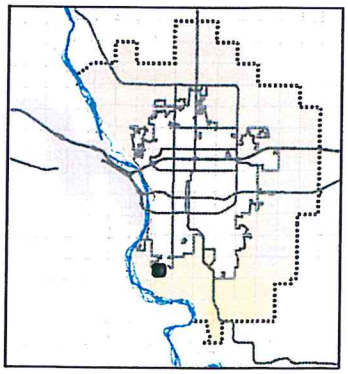
Lot 14 and Lot 15, Block 4, Southbay 5th Addition

0 0.05 0.1 0.2 Miles

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from 2018



City of Bismarck
Community Development Department
Planning Division
June 24, 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.

June 7, 2020

To: Board of Adjustmet

From: Dennis Wetzel

Subject: Lots 14 and 15 Block 4 Southbay 5th addition

I am not requesting a variance but to appeal a determination by the Planning Department regarding my proposed project. I want to build a 2 unit twin home, townhouse, row house, whatever you call it on a R10 zoned property. This is a slab on grade structure and I am building the left portion as one unit to account for the fact there is no basement. The left part has a family room, a 2nd kitchen and additional bedrooms along with a 3 stall garage. There is no door the separates this townhome. There will be an address of 4412 Downing Street, one water line, sewer line, electrical service etc. Lot 14 will be a separate townhome with it own entrance, water and sewer line, electrical, heating, etc.

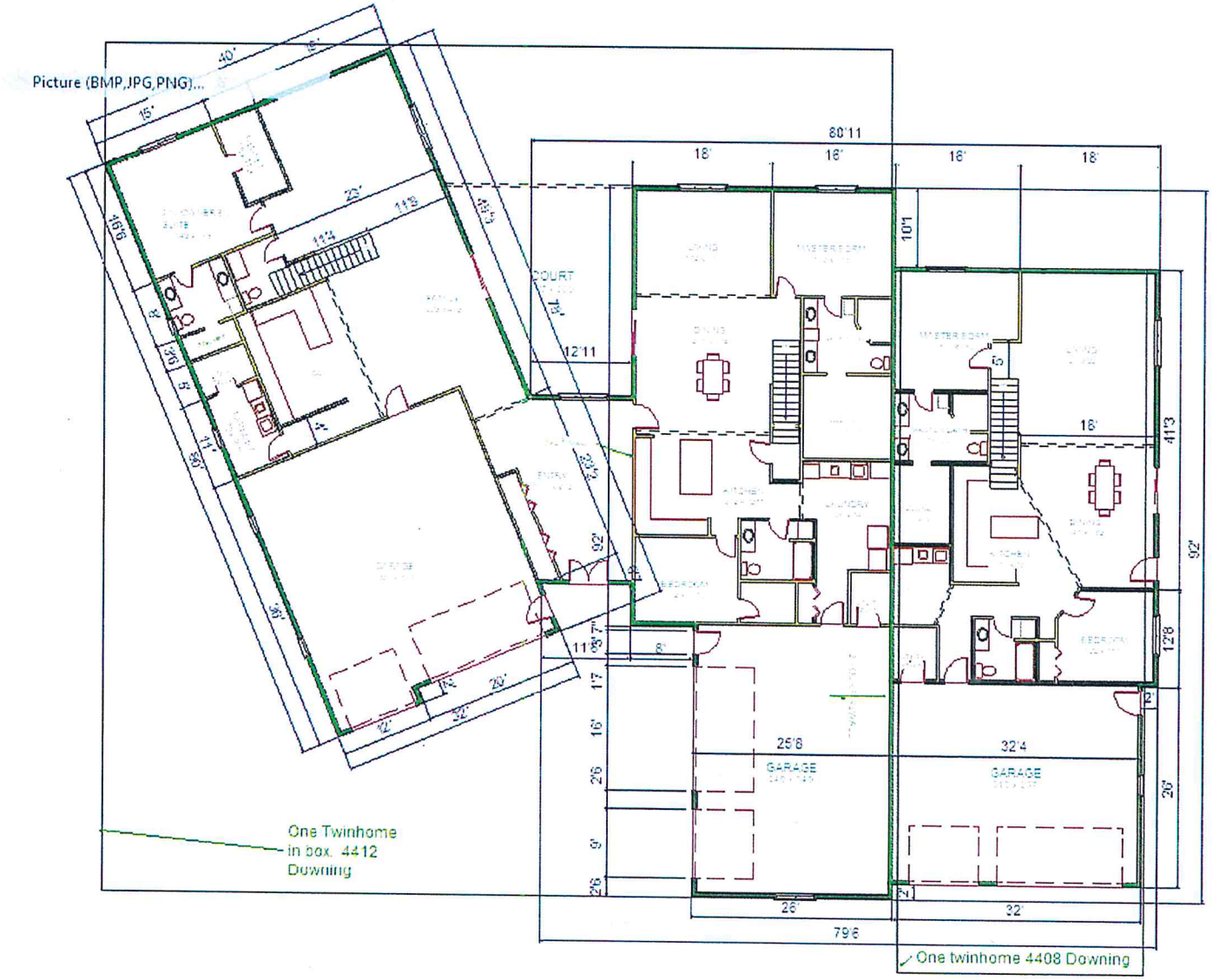
The project fits under the row house/townhouse definition. The definition states "each unit in a townhouse has a private front entrance". A row house states "each unit in a row house has private front and rear entrances". I disagree with item 2 in Kim Lee's letter and left townhome 4412, Downing is designed to only have one private entrance. If it will make the planning department happy, I can remove the one door that separates 4412. I put a door in just because one side will be used more than the other and a lot of homes have an interior door leading to the basement.

Please review the information below specifically section 14-04-06. This project fits the requirements for lot size, width, depth and other requirements and I don't feel a variance is required. I want an independent party to review the project, existing zoning. I have received little to no assistance from the planning department and I first met with the planning department back in March. I have had Swenson Hagen do the site plan etc. I can't find the language in item 2 of Kim's letter she has stated in section 14. The plan is designed to be a 2 unit townhome, with only 2 private entrances consistent with 14-04-06..

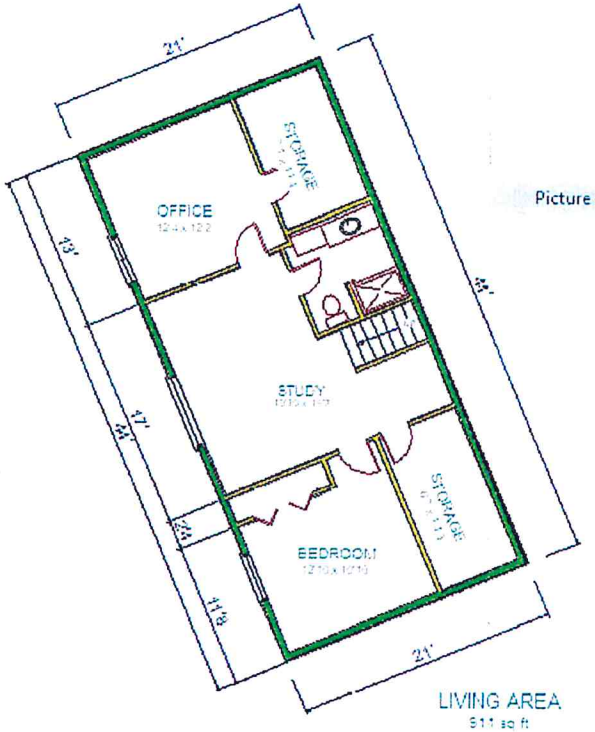
I have copied sections from an overview of the purpose of the Board of Adjustment, an email IO received from Kim Lee and section 14-04-06 regarding R10 residential district.

1. The Board of Adjustment is a six member board appointed by the Bismarck City Commission to decide appeals from an order, requirement or determination made by an administrative official of the City of Bismarck. The Board of Adjustment is empowered to make interpretations and grant variances related to zoning regulations.

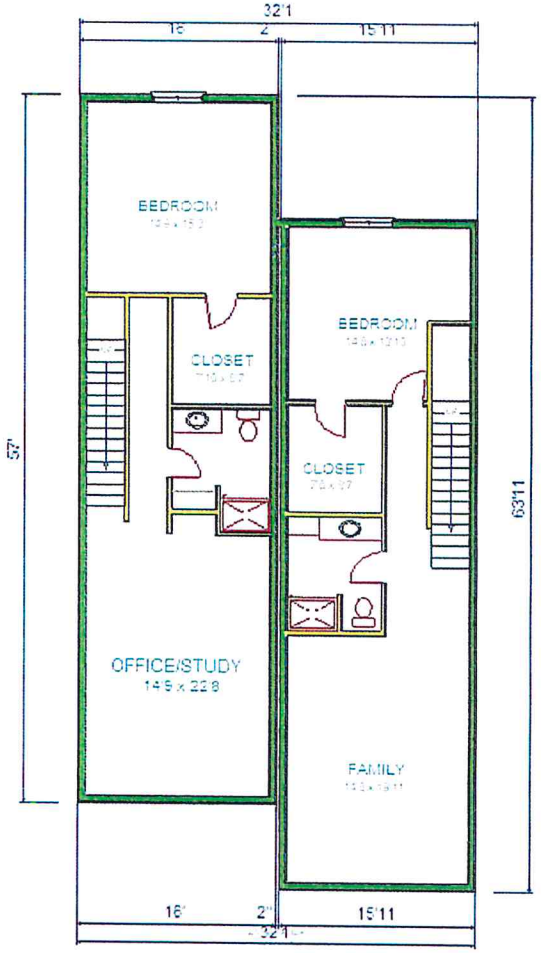
Building Plans - First Floor
Submitted with Appeal



Building Plans - Second Floor
Submitted with Appeal



Picture (BMP,JPG,PNG)...



Original Email from Kim Lee

Kim Lee

From: Kim Lee <klee@bismarcknd.gov>
Sent: Monday, April 13, 2020 3:41 PM
To: dennisw@bis.midco.net
Cc: Brady Blaskowski; Ben Ehreth
Subject: RE: Re[2]: Two unit house plan

Mr. Wetzel –

Please accept my apologies for a delayed response, but I was checking with others in the office before I provided you with a written response.

Based on the information submitted, we have determined that the proposed building on Lots 14 & 15, Block 4, SouthBay 5th Addition is a three-unit dwelling. As the R10 – Residential zoning district only allows one and two-family dwellings, this building would not be permitted in this location.

Section 14-02-03 of the City Code of Ordinances (General Provisions and Definitions/ Definitions) defines a dwelling unit as, "a building or portion thereof providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation."

It is our opinion that the presence of three dwelling units is apparent in the building plans submitted. In making this determination, we also found that all of the following features, which would indicate a separate dwelling unit, are present in each of the three units:

1. Independent Living - The building or portion thereof is capable of being utilized for independent living and has complete and permanent provisions sufficient for living, sleeping, eating, cooking and sanitation;
2. Independent Access - The building or portion thereof has independent access to the exterior, either directly or through a separate garage or a common foyer or lobby;
3. Separate Sanitation Facilities - The building or portion thereof has separate sanitation facilities, including a full bathroom with a sink, toilet, bathtub and/or shower or plumbing rough-ins for a full bath or shower; and
4. Separate Eating and/or Cooking Facilities - The building or portion thereof has separate eating or cooking facilities, including a kitchen with at least a stove and sink, separate from the full bath or laundry sinks, or rough-ins for a stove and sink, such as a gas line and/or 220 electric outlet for a stove or a plumbing connection for a separate sink.

You have the right to appeal any interpretation or determination made by the Zoning Administrator or other administrative official to the City's Board of Adjustment.

Please let me know if you have any questions, need any additional information, or if you would prefer this same information in a letter format.

Kim L. Lee, AICP | Planning Manager
City of Bismarck | Community Development Department
221 North 5th Street | PO Box 5503
Bismarck, ND 58506-5503
Office: 701.355.1840
Direct: 701.355.1846
Website: www.bismarcknd.gov
Facebook: www.facebook.com/bismarcknd.gov
Twitter: www.twitter.com/BismarckNDGov

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please consider the environment before printing this e-mail

From: dennisw@bis.midco.net [mailto:dennisw@bis.midco.net]
Sent: Wednesday, April 8, 2020 9:56 AM
To: Kim Lee <klee@bismarcknd.gov>
Subject: Re[2]: Two unit house plan

In your email you stated you would get back to me on March 26 or 27th. It has almost 2 weeks since your last email. In part this may be due to the COVID-19 but I understand all staff at the City is still working either in the office or at home.

I see the mayor's portfolio includes Community Development and I plan on copying him in on the communication I have had with your office regarding this project. I have spent a considerable amount of time and money to build this twinhome for our family. It is not a 3 unit.

I would appreciate a response and it seems your office is trying to find a reason to deny my proposed project.

On Thu, Mar 26, 2020 at 02:47 PM, Kim Lee <klee@bismarcknd.gov> wrote:

> Dennis -
>
> I received your email and will get back to you later today or tomorrow.
>
> Kim
>
> Sent from my iPad
>
> On Mar 26, 2020, at 2:45 PM, "dennisw@bis.midco.net" <dennisw@bis.midco.net> wrote:
>
>> I have attached two plans. The first plan should be similar to the one I gave Will with a courtyard in the front and back. The second plan has a bigger entrance area with a courtyard in the back. Both only have one common entrance with no doorway to one of the units. The one also has a closet in front that would make it almost impossible to add a separate

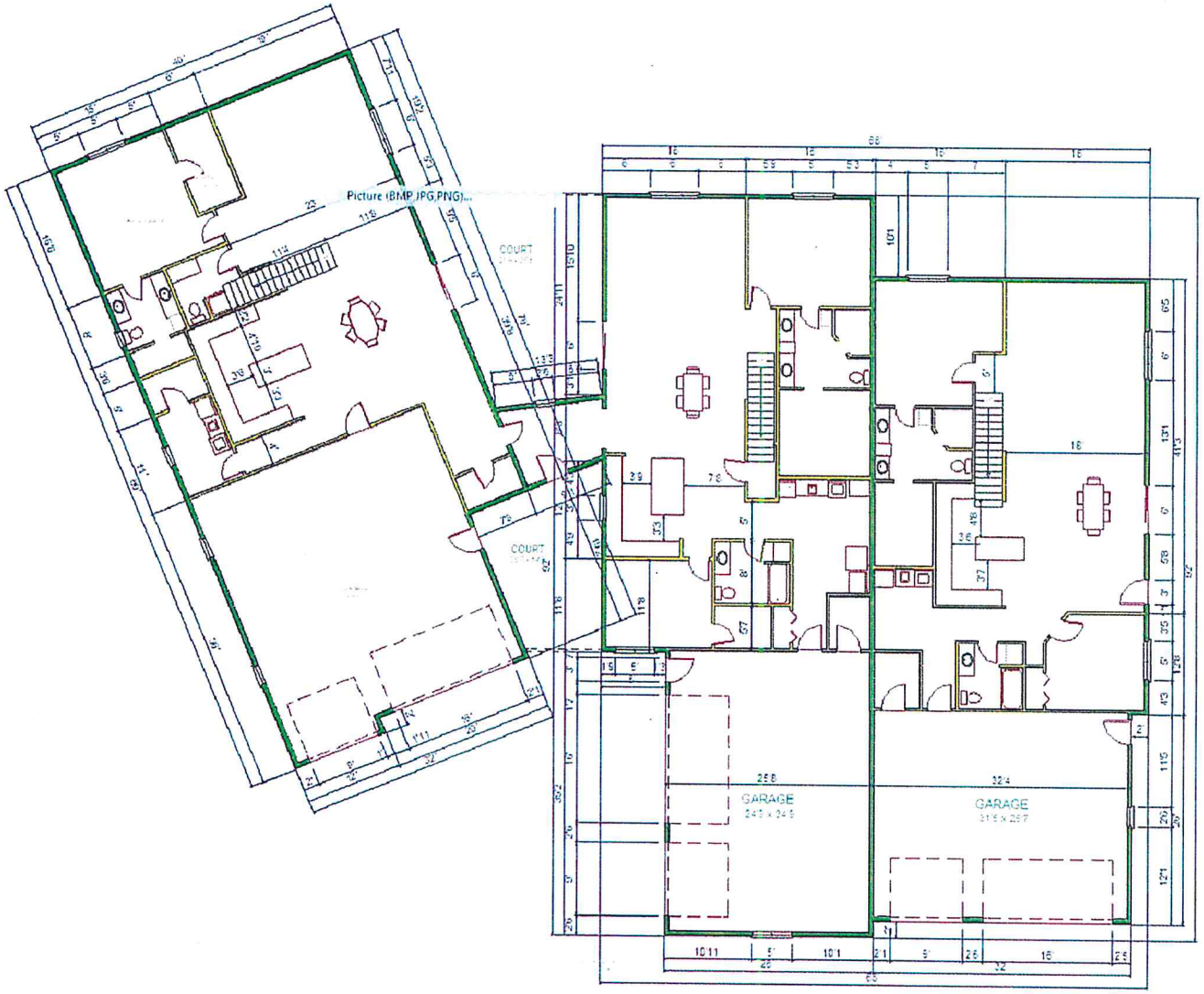
entrance. Both designs are basically the same square footage, with the exception of the bigger entrance.

Please send me a message to confirm you have received. I want to build this as two units with one entrance to the middle and left unit. This will have one address and the right unit will have a separate address.

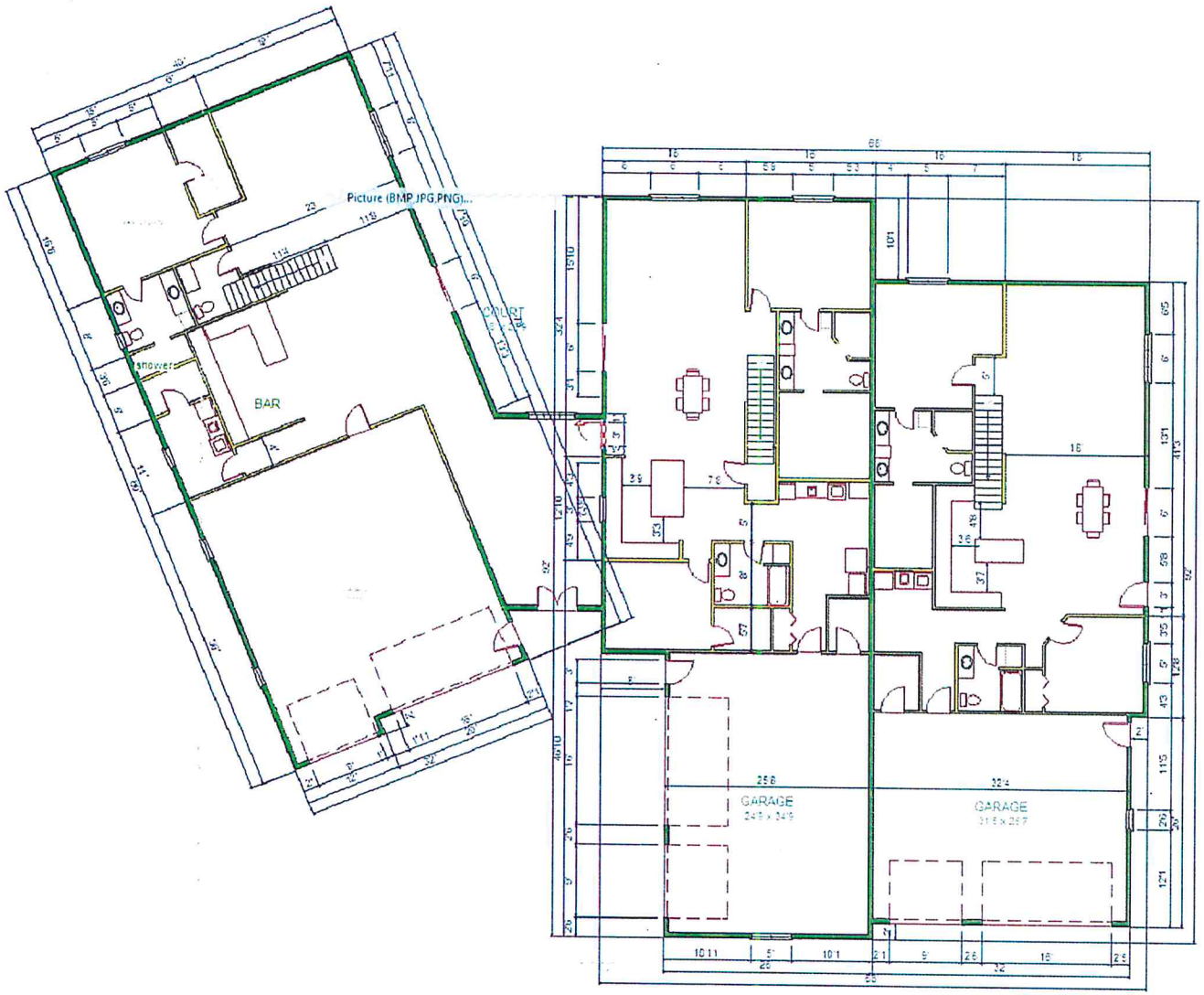
<southbaybiggarageshorterfirstfloor.bmp>

<southbaybiggarageshorterfirstfloorbiggerentrance.bmp>

Original Building Plans - Version 1



Original Building Plans - Version 2



ZONING INTERPRETATION - Definition of Dwelling Unit

Purpose
The purpose of this interpretation is to define what elements constitute a separate dwelling unit for purposes of compliance with limitations in the zoning ordinance on the number of dwelling units allowed by zoning district.

Definition
Section 14-02-03 of the City Code of Ordinances (General Provisions and Definitions/ Definitions) defines a dwelling unit as, "a building or portion thereof providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation."

Interpretation
Generally, the presence of a separate dwelling unit is apparent based on building plans or the use of a building or portion thereof by a separate household. However, if there is a question as to whether or not a building or portion thereof is a separate dwelling unit, the presence of all of the following features should be considered indicative of a separate dwelling unit:

1. Independent Living - The building or portion thereof is capable of being utilized for independent living and has complete and permanent provisions sufficient for living, sleeping, eating, cooking and sanitation;
2. Independent Access - The building or portion thereof has independent access to the exterior, either directly or through a separate garage or a common foyer or lobby;
3. Separate Sanitation Facilities - The building or portion thereof has separate sanitation facilities, including a full bathroom with a sink, toilet, bathtub and/or shower or plumbing rough-ins for a full bath or shower; and
4. Separate Eating and/or Cooking Facilities - The building or portion thereof has separate eating or cooking facilities, including a kitchen with at least a stove and sink, separate from the full bath or laundry sinks, or rough-ins for a stove and sink, such as a gas line and/or 220 electric outlet for a stove or a plumbing connection for a separate sink.

The following factors shall not be considered in determining whether a separate dwelling unit exists:

1. Utility connections – The configuration of water and sewer mains into the building shall not be considered. A building with a single water meter and single sewer connection may contain multiple dwelling units.
2. Addressing – The current or future address(es) shall not be considered. A building seeking or granted a single address may contain multiple dwelling units.
3. Intended tenure – The intention stated by the property owner for future occupation, whether or not rent would be collected, is not considered as a factor.

A building or portion thereof that meets the City's definition of a dwelling unit and includes the above features will be considered a dwelling unit regardless of how it is labeled on the building plans.

04/09/2020
Kim L. Lee, AICP, Planning Manager

f. Site Plan. No community storage building or buildings shall be constructed until a site plan has been approved by the Zoning Administrator.

5. Additional Manufactured Home Requirements. All mobile and manufactured homes shall be installed in conformance with the requirements of Chapter 4-12 of the Code of Ordinances.

(Ord. 4756, 05-14-96; Ord. 4936, 09-08-98; Ord. 5728, 05-26-09; Ord. 6028, 01-28-14; Ord. 6235, 10-25-16; Ord. 6287, 10-24-17)

14-04-06. R10 Residential District. In any R10 residential district, the following regulations shall apply:

1. General description. The R10 residential district is established as a district in which the principal use of land is for single-family and two-family dwellings. For the R10 residential district, in promoting the general purposes of this article, the specific intent of this section is:

a. To encourage the construction or placement of and the continued use of the land for single-family and two-family dwellings on urban lots.

b. To prohibit commercial and industrial use of the land and to prohibit any other use which would substantially interfere with development or continuation of single-family and two-family dwellings in the district.

c. To encourage the discontinuation of existing uses that would not be permitted as new uses under the provisions of this ordinance.

d. To discourage any use which would generate traffic on minor streets other than normal traffic to serve residences of those streets.

e. To discourage any use which because of its character or size would create requirements and costs for public services such as police and fire protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family and two-family dwellings.

2. Uses permitted. The following uses are permitted:

a. Single-family dwelling.

b. Two-family dwelling.

c. Education group.

d. Public recreation group.

e. Row house. Attached single-family dwelling in groups of two (2).

1) Density. The maximum allowable density shall be ten (10) families per gross acre.

2) Lot area.

a) Lot and yard requirement regulations for row house, townhouse or zero lot line attached units. Each attached single-family dwelling hereafter erected shall conform to the following minimums:

Lot area in square feet--not less than 3,500 feet per unit;

Lot width of front building line-not less than 30 feet, provided, however, that on a record lot corresponding to a plat or deed recorded prior to 1953, the minimum lot width measured along the front building line may be reduced to not less than twenty-five (25) feet;

Width of each side yard in feet--not less than 6 feet, except 25 feet shall be maintained at corner lots.

Depth of rear yard in feet—not less than 20 feet.

3) Height regulations. The maximum height of any principal building shall be forty (40) feet.

4) Safety provisions. Row house, townhouse or zero lot line attached units shall have wall separations between each dwelling unit of at least a two-hour, fire-resistant wall which shall extend from the footing to and through the

roof at least thirty (30) inches except as may be allowed by the city building code pertaining to area separation walls.

5) Off-street parking. Off-street parking spaces shall be provided for each dwelling unit in compliance with Section 14-03-10 hereof.

6) Regulations Imposed on Overall Structure. The lot coverage requirements and the minimum front, side and rear yard setbacks shall be imposed on the overall structure rather than on each individual unit.

f. Family foster home for adults.

g. Family child care, when located in a detached single family dwelling.

The following special uses are permitted as per Section 14-03-08 hereof:

a. Child care center.

b. Religious institution.

c. Accessory dwelling unit.

3. Density. The maximum allowable density is ten (10) families per gross acre.

4. Lot area. Each permitted structure hereafter erected, together with its accessory buildings, shall be located on a lot having an area of not less than seven thousand (7,000) square feet. Provided, however, that on a record lot corresponding to a plat recorded prior to 1953, a single-family or two-family dwelling and accessory buildings may be erected, provided said lot contains not less than five thousand (5,000) square feet.

5. Lot width. Each lot shall have a front property line width of not less than forty (40) feet, and in addition, shall have a width of not less than sixty (60) feet, measured along a line approximately parallel to and forty (40) feet back from the front property line. Provided, however, that on a record lot corresponding to a plat or deed recorded prior to 1953, the minimum lot width measured along the front building line may be reduced to not less than fifty (50) feet.

6. Lot coverage. The ground area occupied by the principal and accessory buildings shall not exceed forty (40) per cent of the total area of the lot. In computing lot coverage, off-street parking areas complying with Section 14-03-10 hereof shall be added to the actual area of the buildings, if such parking space is not furnished within a building.

7. Front yard. Each lot or parcel shall have a front yard for principal or accessory structures of not less than twenty-five (25) feet in depth, provided, however, that on a record lot corresponding to a plat recorded prior to 1979, the following setback standards apply:

a. Reference Lots. A sample of reference lots in the vicinity of the proposed activity are used as the basis for front yard setbacks. Reference lots shall be selected as follows:

1. Reference lots are the three (3) closest adjacent lots or parcels on either side of the proposed activity, for a total of six (6) reference lots.

2. Reference lots are on the same side of the same street.

3. Reference lots contain residential structures, irrespective of the orientation of the structure. Vacant lots or lots with non-residential structures are skipped over for the next closest lot or parcel.

4. Reference lots may be selected across local streets, but may not be selected across collector or arterial streets.

5. Reference lots must be in the same zoning district as the proposed activity.

6. If three (3) lots or parcels that comply with the rules of this section are not available on any side, a corresponding number of lots or parcels are selected on the opposite side of the proposed activity, so that a total number of six (6) reference lots are selected.

7. The zoning administrator may adjust the number of reference lots, if necessary to determine a sample representative of the context.

b. Contextual Setback. The required front yard for principal or accessory structures shall be the median of all existing front yards measured from reference lots, plus or minus three (3) feet, but no less than the shortest front yard setback or more than the longest front yard setback measured from all reference lots.

c. Garage Exception. Notwithstanding the requirements of this section, no front face of a garage or vehicle storage unit shall be closer than twenty (20) feet from a right-of-way line to allow an additional parking spot in front of the garage without encroaching into the right-of-way.

8. Side yards. Each lot shall have two (2) side yards, one on each side of the principal building. Each side yard shall be no less than six (6) feet in width. No building on a corner lot shall have a side yard on the side street less than twenty-five (25) feet in width.

9. Rear yard. Each lot shall have a rear yard not less than twenty (20) feet in depth.

10. Height limits. No single-family dwelling and no two-family dwelling shall exceed forty (40) feet in height. No principal building for any other permitted use shall exceed fifty (50) feet in height. No accessory buildings shall exceed twenty-five (25) feet in height.

(Ord. 4486, 04-27-93; Ord. 4564, 11-23-93; Ord. 4610, 05-24-94; Ord. 4649, 12-06-94; Ord. 4703, 06-13-95; Ord. 4756, 05-14-96; Ord. 4828, 03-25-97; Ord. 4991, 06-22-99; Ord. 5027, 02-08-00; Ord. 5666, 05-27-08; Ord. 5958, 03-26-13; Ord. 6040, 04-22-14; Ord. 6176, 11-24-15; Ord. 6218, 07-26-16; Ord. 6287, 10-24-17; Ord. 6361, 01-22-19)

14-04-07. RM Residential District. In any RM residential district, the following regulations shall apply:

1. General description. The RM residential district is established as a district in which the principal use of land is for multifamily dwellings and similar high density residential development. For the RM residential district, in promoting the general purposes of this title, the specific intent of this section is:

BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES EXCERPT
July 2, 2020

The Bismarck Board of Adjustment met on July 2, 2020, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, the meeting was also held via Zoom. Chair Marback presided and was present in the Tom Baker Meeting Room.

Members present were Jennifer Clark, Ken Hoff, Michael Marback, Curtis Janssen, Chris Seifert and Rick Wohl.

Staff members present were Ben Ehreth – Community Development Director, Kim Lee – Planning Manager, Brady Blaskowski – City Building Official, Jannelle Combs – City Attorney, Bruce Govig – Assistant City Attorney, Jenny Wollmuth – Planner and Hilary Balzum – Community Development Administrative Assistant.

*****

APPEAL OF ZONING DETERMINATION – LOTS 14 AND 15, BLOCK 4, SOUTHBAY FIFTH ADDITION (4408 AND 4412 DOWNING STREET)

Ms. Wollmuth said Dennis Wetzel is appealing a zoning determination made in April 2020 by the Planning Manager/Zoning Administrator in accordance with Section 14-06-03 of the City Code of Ordinances (Board of Adjustment/Appeal Procedure) for properties located in the R10 – Residential zoning district legally described as Lots 14 and 15, Block 4, Southbay Fifth Addition.

Ms. Wollmuth reviewed the proposed building plans for the structure as well as the applicable sections in the zoning ordinance, referring to dwelling units and permitted uses within the R10 – Residential zoning district, and have found that all of the features that indicate a separate dwelling unit, including independent access, separate sanitation facilities, and separate eating/or cooking facilities are present in each of the units within the proposed structure. Therefore, the Planning Manager / Zoning Administrator has determined that the proposed structure is a three-unit building.

Ms. Wollmuth also stated that as three-unit building is not permitted within the R10 – Residential zoning district, which allows single and two-family dwellings, it cannot be constructed as proposed by the applicant.

Dennis Wetzel, 6111 Apple Creek Drive, said he wants to build this twinhome and when looking for a lot to purchase for that purpose this was the biggest one he could find. He said he wants to move into town and the structure would not have a door leading to the left side unit. He said he would live in one side and sell the other half. He added that Planning staff is calling it a three-unit structure and the R10-Residential zoning district only allows one and two-unit rowhouses or

townhouses, which require private entrances. He said this building would only have two private entrances.

Ms. Lee said the interpretation does identify access as being allowed through a garage, which the additional unit is proposed to have.

Mr. Wetzel said if he were to build a twinhome elsewhere in Bismarck everything would be required to be kept separate, including the permits. He said Ms. Lee referenced the utilities and he has always been required to have all utilities separate as well as the addresses. He then said there would not be a firewall on that side because one is only required between the two units.

Mr. Wohl asked why there is a goal of having an extra kitchen.

Mr. Wetzel said the stove can be removed and he had wanted a bar area there but he can eliminate it if he needs to. He said he would live in 4412, the southernmost unit, and it is designed and separated in a way that would require a major remodel in order to separate out the westernmost part of the building as a third unit.

Mr. Wohl said he makes some good points, but it does look like an additional unit; however, in some ways it would not be a far stretch to separate another unit if he decided to.

Mr. Wetzel said that would require a building permit review and he can take out the kitchen. He said the lot is large and he can modify the structure as needed.

Mr. Wohl asked if there is the intention of having it as a living area for other family members.

Mr. Wetzel said that could be a possibility as they get older and have caretaking needs.

Mr. Hoff asked if one unit could be made bigger and still have the same amount of garage space.

Mr. Wetzel said it would be a gabled roof and he would also like to have a kitchen behind the foyer with a gazebo while keeping the middle area private and protected.

Chair Marback asked if that would be the area labeled court in the back.

Mr. Wetzel said that is correct and added that he cannot detach any of the garages because of the restrictive covenants of the subdivision.

Mr. Janssen said his perspective is that this is a three-unit. He said there is not a twinhome with six garages and said all it would take is a partition to be built and a separate unit could be created. He said the lot is not zoned to handle this type of a use and he sees a three-unit dwelling with this proposal. He said if it was zoned correctly it could work, but the zoning is in place to help avoid anomalies such as this. He said this does not fit the area and there is just too much separation for it to be considered a twinhome.

Mr. Wohl said he sees the potential for this to cause problems; however, he is not sure the interpretation is correct either. He said there is not a private entrance on the one side with the exception of that in the garage. He said this could have some features of a single-family home and nobody would call it a two-unit dwelling. He said it does not meet the definition of a three-unit building, but it does look like one.

Mr. Wetzel provided building specifications from his title insurance company at this time and explained that the garage and the connecting point would have one fire wall and one roof each.

Mr. Wohl said a dwelling unit is defined is that for eating, sleeping, living and sanitation, but it is not defined anywhere that there is a maximum number of how many of each of those needs is allowed. He said they are getting hung up on the entrance points and the semantics of an entrance versus an exit are not one in the same.

Mr. Janssen said with the two layouts it is critical to realize it could be changed to a different dwelling size, which is not within the allowances of the R10-Residential zoning district. He said he is concerned this could be a trend tough to handle and, since staff made the determination, he would like to know if there is a similar situation anywhere else like this one.

Ms. Lee said there are some properties that are questionable and suspected by staff that they are aware of, but she does not want to point them out publicly. She said a staff discussion was had as to what to put in the written opinion to the owner that they could all agree on.

Mr. Wohl asked if there is a different opinion of if there could be a door or not to the supposed third unit or kitchen area.

Ms. Lee said based on it being three very similar floor plans and the impact of the units on each other it was felt that if the owner wanted to change that part into a third unit they could easily do so.

MOTION: A motion was made by Mr. Seifert to uphold the zoning determination made by staff and found that the proposed structure, located in the R10 – Residential zoning district, is a three-unit and is not permitted to be constructed in the R10 – Residential zoning district which allows for the construction of one and two-family dwelling units. The motion was seconded by Mr. Hoff and with Board Members Clark, Hoff, Janssen, and Seifert voting in favor of the motion and Board Members Wohl and Marback opposing the motion, the motion was approved and the appeal of the administrative determination was denied.

Chair Marback informed Mr. Wetzel that he could appeal the decision of the Board of Adjustment to the City Commission, and that staff would help him with that process.

Community Development Department

DATE: August 4, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Northern Sky Second Addition – Major Subdivision Final Plat and Zoning Change

REQUEST

Wilment Development, LLC is requesting approval of a zoning change from the RT – Residential and CA – Commercial zoning districts to the RT – Residential and CA – Commercial zoning districts and a major subdivision final plat for Northern Sky Second Addition. The request considered by the Planning and Zoning Commission also included a request for partial annexation; however, that portion of the request has now been withdrawn by the applicant. The requests are being made to allow the future development of the property.

The withdrawal of the annexation request means that the planned construction of Northern Sky Drive in the proposed plat would not be allowed until the applicant resubmits an application for annexation. A previously approved development agreement for the construction of Northern Sky Drive was approved by the City Commission on February 25, 2020 with the understanding that the applicant is required to also submit a petition for the annexation of all lots adjacent to Northern Sky Drive no later than 10 years from the executed development agreement.

The property is located in northwest Bismarck, along the west side of North Washington Street and the north side of Ash Coulee Drive.

Please place this item on the August 11, 2020 and August 25, 2020 City Commission meeting agendas.

BACKGROUND INFORMATION

The Planning and Zoning Commission held final consideration of the partial annexation and a public hearing on the zoning change and minor subdivision final plat requests on July 22, 2020.

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

At the conclusion of the final consideration and public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the partial annexation (subsequently withdrawn), the zoning change from the RT – Residential and CA – Commercial zoning districts to the RT – Residential and CA – Commercial zoning districts and a major subdivision final plat for Northern Sky Second Addition.

RECOMMENDED CITY COMMISSION ACTION

August 11th meeting of the Board of City Commissioners – consider the zoning change as outlined in Ordinance 6432 and call for a public hearing on this item for the August 25th meeting of the Board of City Commissioners.

August 25th meeting of the Board of City Commissioners – hold a public hearing on the zoning change as outlined in Ordinance 6432, consider the major subdivision final hearing, and take final action on these two related 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

Will Hutchings | Planner, 355-1854 or whutchings@bismarcknd.gov

ORDINANCE NO. 6432

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RT-Residential and CA-Commercial zoning districts and included in the RT-Residential zoning district:

Lot 1, Block 1, Northern Sky Second Addition.

The following described property shall be excluded from the RT-Residential and CA-Commercial zoning districts and included in the CA-Commercial zoning district:

Lot 1, Block 2 and Lot 1, Block 3, Northern Sky Second Addition.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

STAFF REPORT

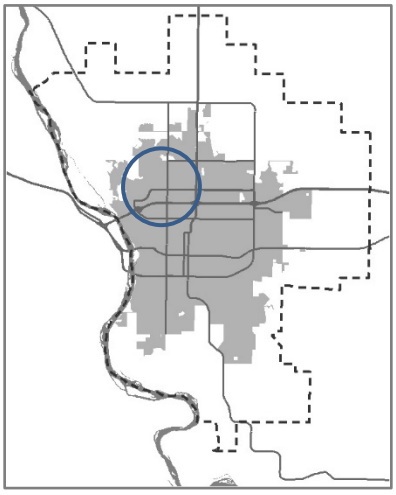
City of Bismarck
Community Development Department
Planning Division

July 22, 2020

Application for: Major Subdivision Final Plat — *TRAKiT Project ID:* FPLT2020-008
Zoning Change — ZC2020-003
Annexation — ANNX2020-003

Project Summary

Title:	Northern Sky Second Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Wilment Development, LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	Northwest Bismarck, along the west side of North Washington Street and the north side of Ash Coulee Drive (a replat of Lot 2, Block 2, Northern Sky Addition and part of Lot 3, Block 1, Replat of Millennium Addition and part of Lot C-3 of the SE¼ of Section 17, T139N-R80W/Hay Creek Township)
Project Size:	23.4 acres
Request:	Plat, zone, and partially annex property to allow the construction of Northern Sky Drive



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	2 parcels	*Number of Lots:*	3 lots in 3 blocks
Land Use:	Undeveloped	*Land Use:*	Residential/Office and Light Commercial
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RT – Residential CA – Commercial	*Zoning:*	RT – Residential CA – Commercial
Uses Allowed:	RT – Offices and multi-family residential CA – Neighborhood commercial	*Uses Allowed:*	RT – Offices and multi-family residential CA – Neighborhood commercial
Max Density Allowed:	RT – 30 units / acre CA – 30 units / acre	*Max Density Allowed:*	RT – 30 units / acre CA – 30 units / acre

(continued)

Property History

Zoned:	*04/2015*	*Platted:*	*08/2012 (Northern Sky Add)* *05/2003 (Millennium Add Replat)*	Annexed:	N/A

Staff Analysis

Wilment Development, LLC is requesting approval of a zoning change from the RT – Residential and CA – Commercial zoning districts to the RT – Residential and CA – Commercial zoning districts, a major subdivision final plat for Northern Sky Second Addition and partial annexation.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on July 10, 2020 and July 17, 2020, and 29 letters were mailed to the owners of nearby properties on July 10, 2020.

Adjacent uses include offices and a convenience store with a filling station to the north, undeveloped property to the east across North Washington Street, developing neighborhood commercial and residential uses to the south across Ash Coulee Drive, and a City-owned water tower and Horizon Middle School to the west.

The proposed plat and zoning change would allow the owner to annex and construct the remainder of Northern Sky Drive to create a connection from Durango Drive to Ash Coulee Drive. The City Commission, at their regular meeting on February 25, 2020, approved a development agreement for the construction of Northern Sky Drive and the partial annexation of the proposed plat with the understanding that the developer shall file a petition for the annexation of all lots adjacent to Northern Sky Drive no later than 10 years from the executed development agreement.

The north half of Ash Coulee Drive adjacent to the proposed plat would also be annexed in conjunction with annexation of Northern Sky Drive.

The proposed zoning change will not be a substantial change compared to the current zoning but is required to ensure that each zoning district aligns with the proposed lots and right-of-way.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points; annexation and platting; water and sewer escrow; or petition for street improvement.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

(continued)

8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
5. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
6. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
7. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Annexation

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 a zoning change from the RT – Residential and CA – Commercial zoning districts zoning district to the RT – Residential and CA – Commercial zoning districts, final plat of Northern Sky Second Addition and the annexation of Northern Sky Drive and the north half of Ash Coulee Drive adjacent to Northern Sky Second Addition.

Attachments

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

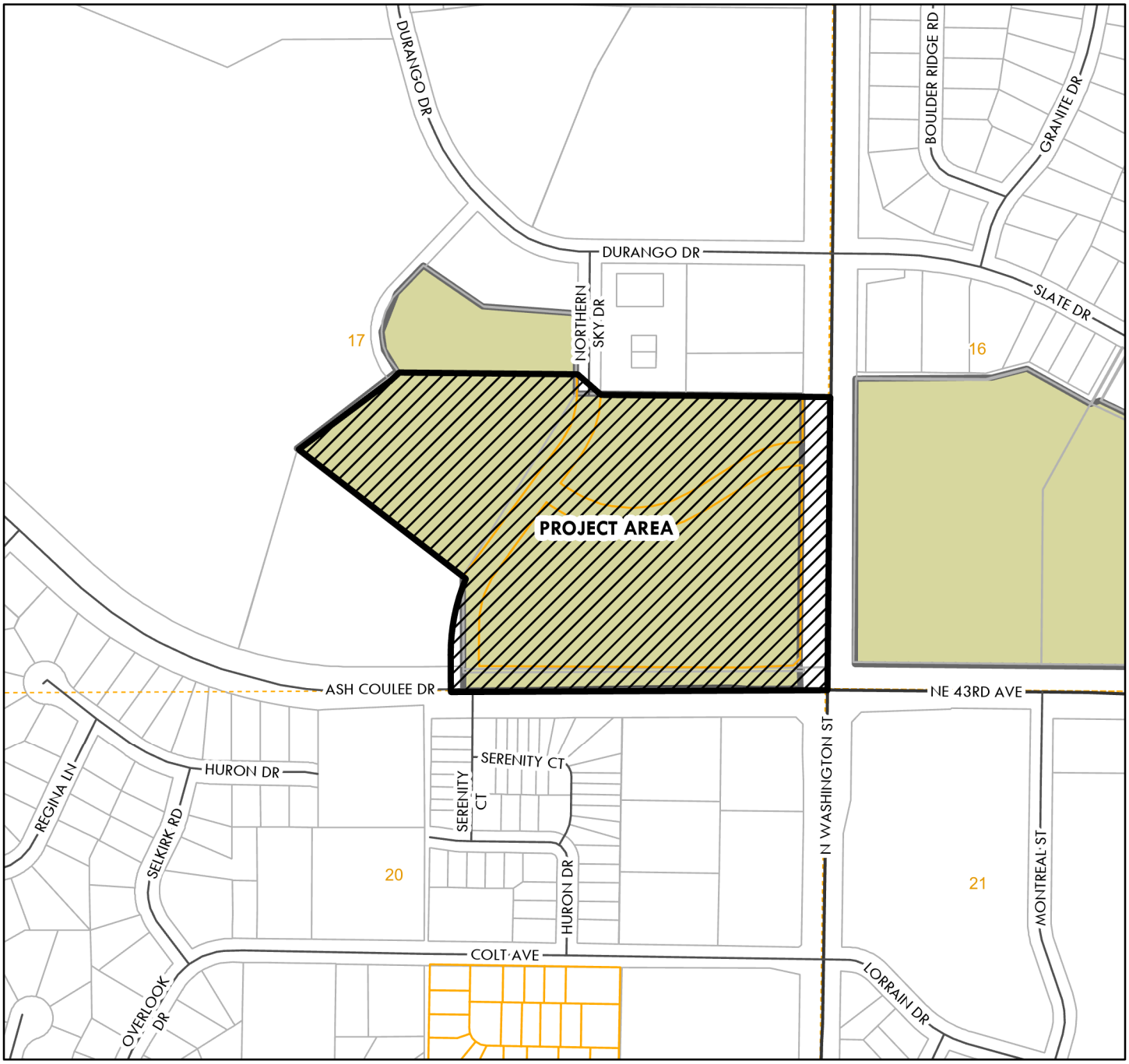
(continued)

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

Location Map

NORTHERN SKY SECOND ADDITION

PPLT2020-002
ANNX2020-003
ZC2020-003
FPLT2020-008



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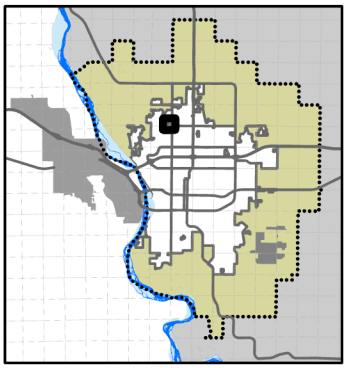
City Limits
Bismarck ETA Jurisdiction
County Outside ETA
Lots Pending Approval

Section, township, and range indicated in orange



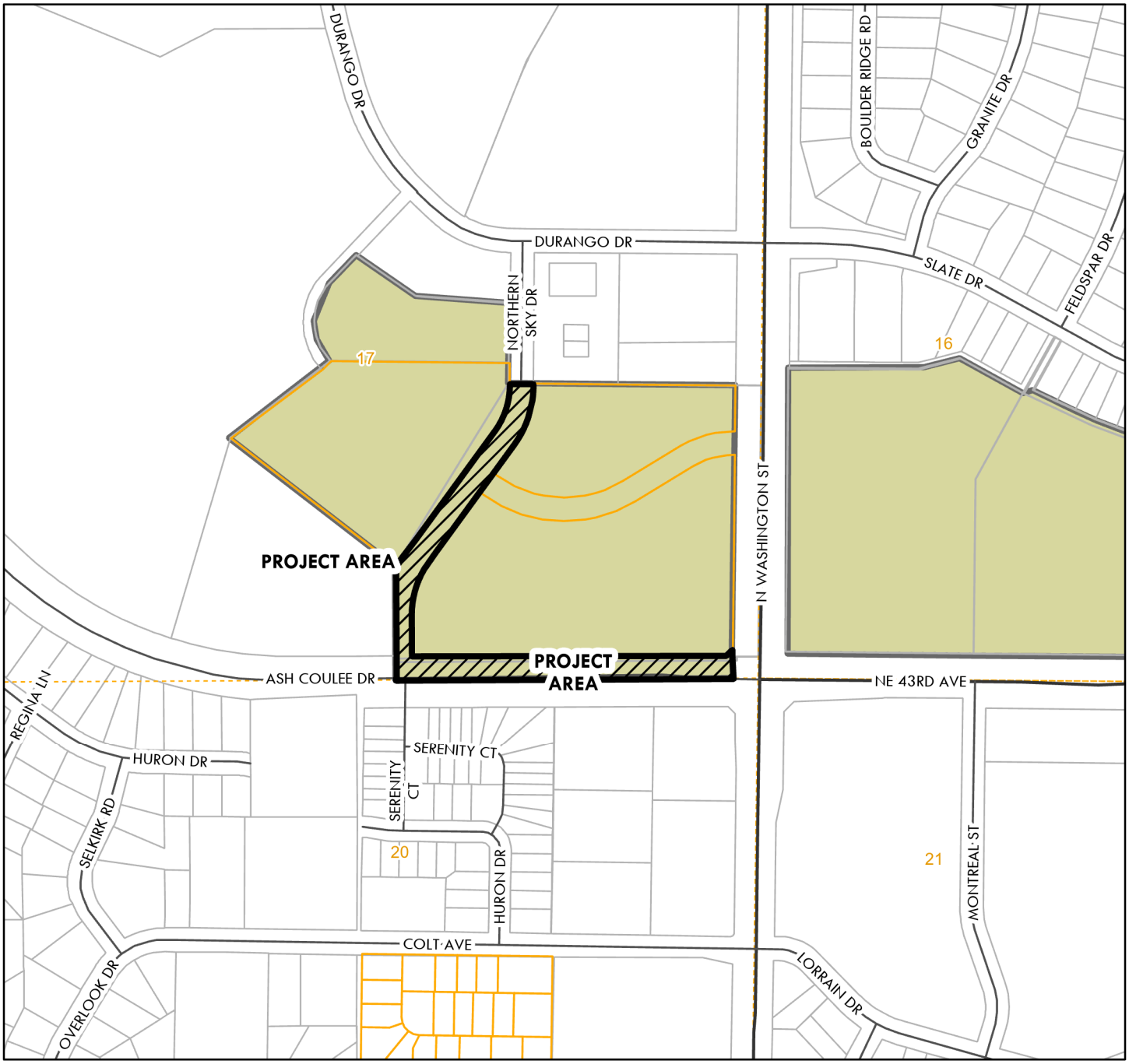
City of Bismarck
Community Development Department
Planning Division
July 15, 2020 (HLB)

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.

Location Map

ANNEXATION
NORTHERN SKY SECOND ADDITION

ANNX2020-003



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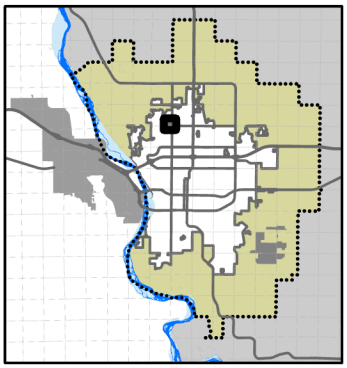
City Limits
Bismarck ETA Jurisdiction
County Outside ETA
Lots Pending Approval

Section, township, and range indicated in orange



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

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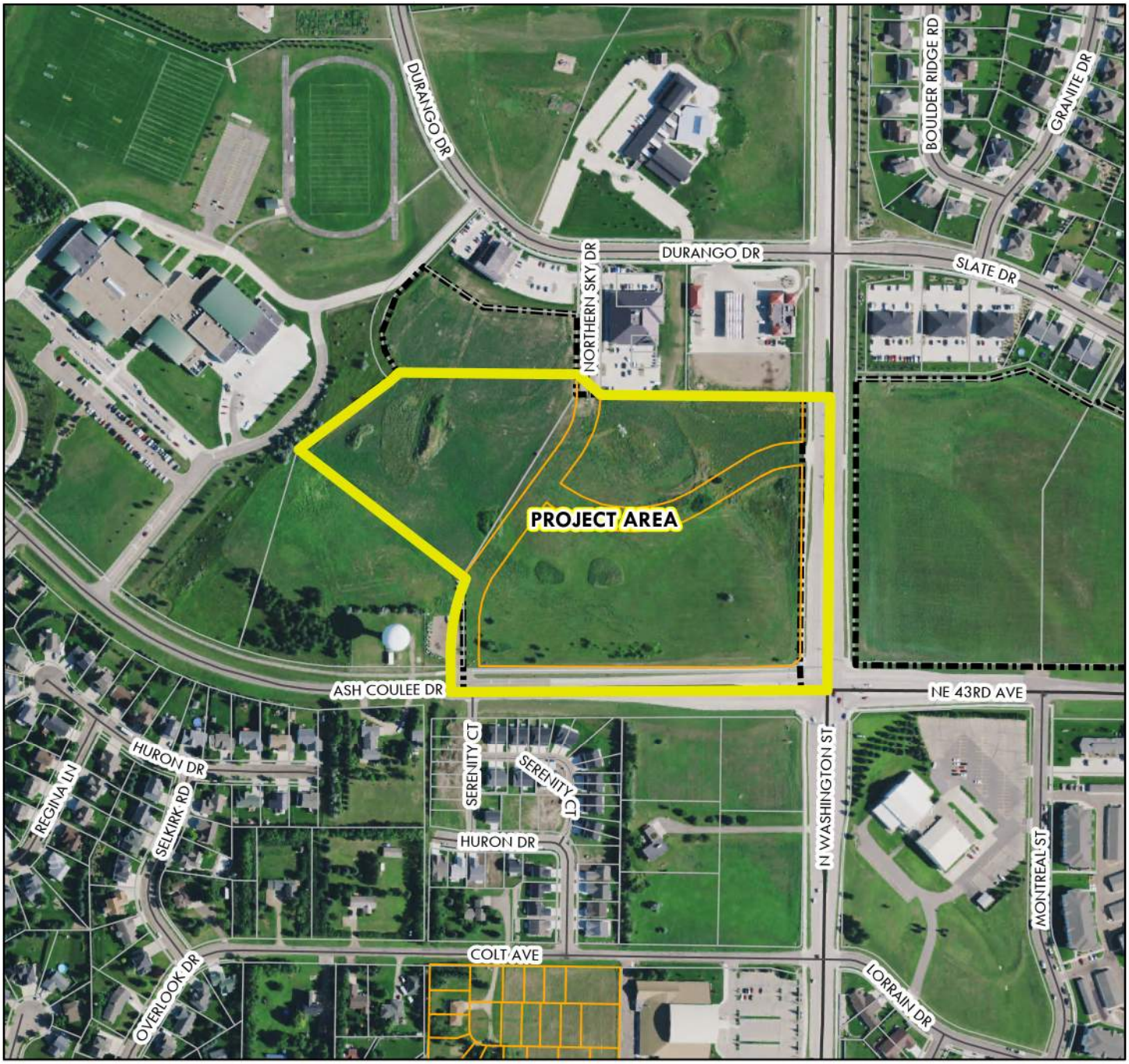
Aerial Map

NORTHERN SKY SECOND ADDITION

PPLT2020-002
ANNX2020-003
ZC2020-003
FPLT2020-008



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Lots Pending Approval

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from 2019

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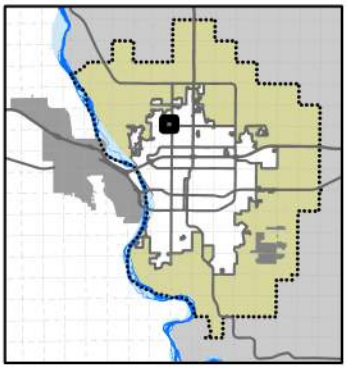


City of Bismarck
Community Development Department
Planning Division
July 15, 2020

Zoning and Plan Reference Map

NORTHERN SKY SECOND ADDITION

PPLT2020-002
ANNX2020-003
ZC2020-003
FPLT2020-008

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

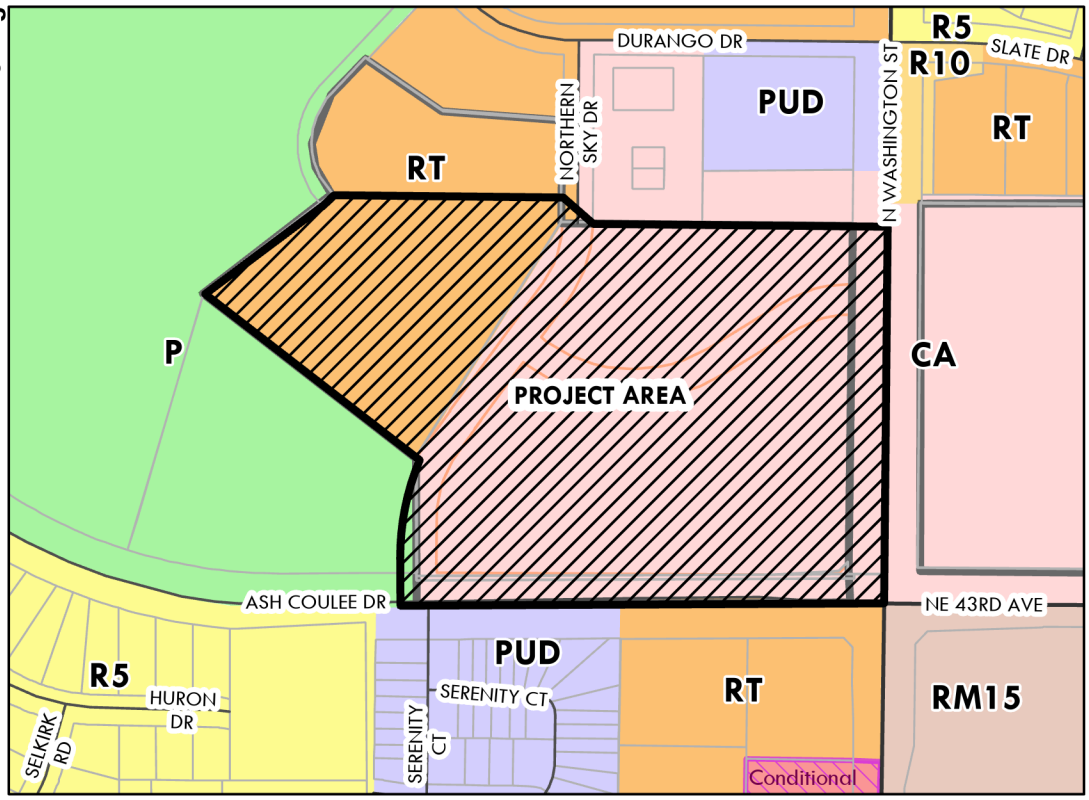
Future Land Use Plan

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

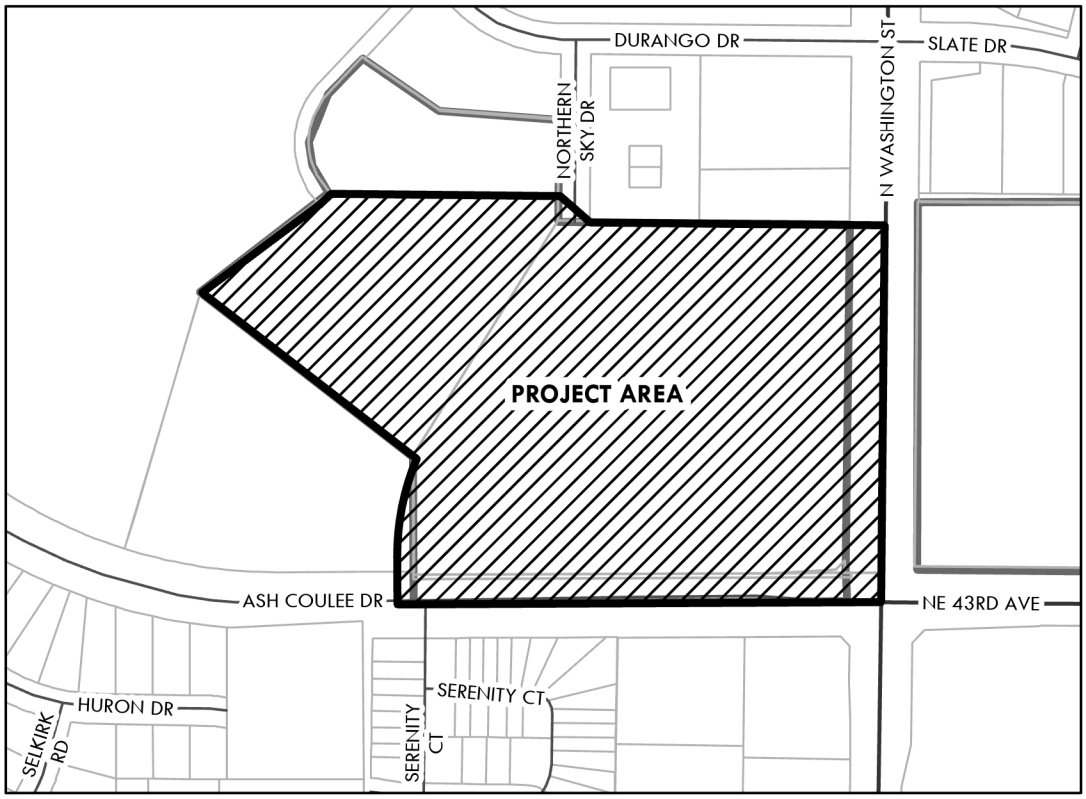
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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City of Bismarck
Community Development Dept.
Planning Division
July 15, 2020

NORTHERN SKY SECOND ADDITION

BEING A REPLAT OF LOT 2 BLOCK 2 NORTHERN SKY ADDITION AND PART OF LOT 3 BLOCK 1 REPLAT OF MILLENNIUM ADDITION AND THE WEST HALF OF NORTH WASHINGTON STREET AND THE NORTH HALF OF ASH COULEE DRIVE RIGHTS-OF-WAY, AND AUDITOR'S LOT C-3 OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOT 2 BLOCK 2 NORTHERN SKY ADDITION AND PART OF LOT 3 BLOCK 1 REPLAT OF MILLENNIUM ADDITION AND PART OF THE WEST HALF OF NORTH WASHINGTON STREET AND THE NORTH HALF OF ASH COULEE DRIVE RIGHTS-OF-WAY AND AUDITOR'S LOT C-3 OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST

DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 BLOCK 1 NORTHERN SKY ADDITION; THENCE SOUTH 89 DEGREES 27 MINUTES 15 SECONDS EAST, ALONG THE SOUTH LINE OF NORTHERN SKY ADDITION, A DISTANCE OF 638.72 FEET TO THE EAST LINE OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE SOUTH 00 DEGREES 32 MINUTES 16 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 817.18 FEET TO THE SOUTH LINE OF SAID SE 1/4; THENCE SOUTH 89 DEGREES 43 MINUTES 28 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1049.24 FEET; THENCE NORTH 00 DEGREES 23 MINUTES 39 SECONDS WEST, A DISTANCE OF 187.22 FEET; THENCE NORTHEASTERLY AND TO THE RIGHT, ON A 250.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 139.66 FEET; THENCE NORTH 52 DEGREES 16 MINUTES 05 SECONDS WEST, ALONG THE NORTHEASTERLY LINE OF LOT 3 BLOCK 1 MILLENIUM ADDITION REPLAT, A DISTANCE OF 582.03 FEET TO THE EASTERLY LINE OF LOT 2 BLOCK 1 MILLENIUM ADDITION REPLAT; THENCE NORTH 53 DEGREES 10 MINUTES 53 SECONDS EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 319.92 FEET; THENCE NORTH 46 DEGREES 29 MINUTES 40 SECONDS EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 32.98 FEET TO THE SOUTH LINE OF LOT 1A OF LOT 1 BLOCK 2 NORTHERN SKY ADDITION; THENCE SOUTH 89 DEGREES 25 MINUTES 44 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 496.99 FEET; THENCE SOUTH 48 DEGREES 48 MINUTES 41 SECONDS EAST, A DISTANCE OF 86.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 23.38 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 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.

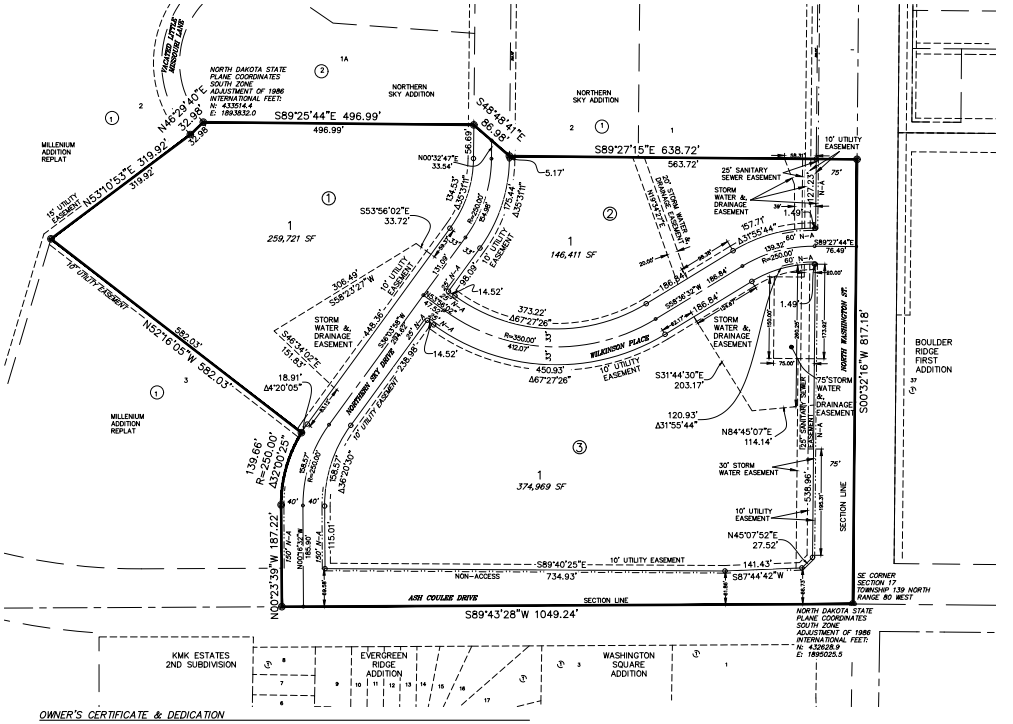
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2020.

_____
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 "NORTHERN SKY SECOND ADDITION", 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 WILMENT DEVELOPMENT, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "NORTHERN SKY 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 _____)

_____
DON CLEMENT
WILMENT DEVELOPMENT, LLC
3250 ROCK ISLAND PLACE, STE. 4
BISMARCK, ND 58504

ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED DON CLEMENT OF WILMENT DEVELOPMENT, 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 _____)

_____
CITY OF BISMARCK
221 N 5TH ST
BISMARCK, ND 58503

IN THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED DON CLEMENT OF WILMENT DEVELOPMENT, 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 _____

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 DATUM
NGVD 29

N

JULY 16, 2020
SCALE 1" = 100'
0 50' 100'

AREA DATA

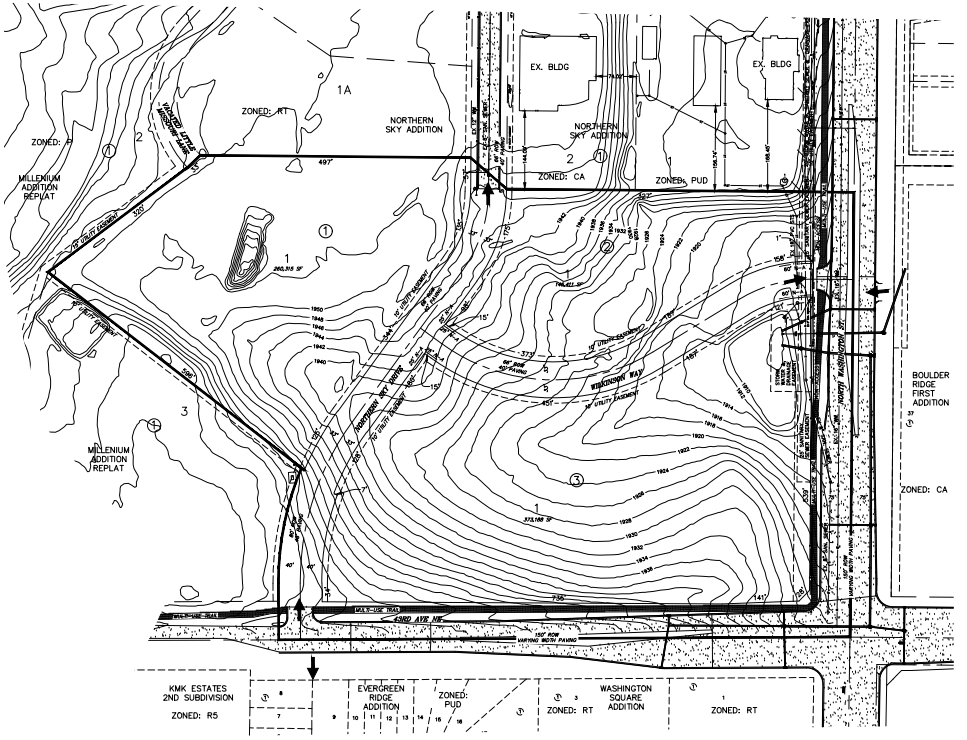
LOTS	781,102 S.F.	17.9 ACRES
STREETS	237,291 S.F.	5.4 ACRES
TOTAL	1,018,393 S.F.	23.3 ACRES

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

NORTHERN SKY SECOND ADDITION

BEING A REPLAT OF LOT 2 BLOCK 2 NORTHERN SKY ADDITION AND PART OF LOT 3 BLOCK 1 REPLAT OF MILLENNIUM ADDITION AND PART OF LOT C-3 OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



LOCATION MAP

23.34 ACRES
EXISTING ZONING: RT/CA

3 LOTS
3 BLOCKS

OWNER: WILMENT DEVELOPMENT, LLC

ADDRESS: 3250 ROCK ISLAND PL
STE. 4
BISMARCK, ND 58504

N
W E
S

0 100' 200'

SCALE – 1" = 100"

VERTICAL DATUM: NAVD 88

FEBRUARY 17, 2020

SWENSON, HAGEN & COMPANY P.C.
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909 Basin Avenue
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Phone (701) 223 - 2600
Fax (701) 223 - 2606

City Administration

DATE: August 4, 2020

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Karman & Saiba Inc. (dba) India Clay Oven Bar & Grill Application for a New Class I-1 Restaurant Full Alcohol Liquor License.

REQUEST

Introduction of and call for a public hearing on a request for a new Class I-1 Restaurant Full Alcohol Liquor License for Karman & Saiba Inc. (dba) India Clay Oven Bar & Grill.

Please place this item on the August 11, 2020 City Commission meeting agenda.

BACKGROUND INFORMATION:

Karman & Saiba Inc. (dba) India Clay Oven Bar & Grill is applying for a Class I-1 Restaurant Full Alcohol Liquor License for address, 510 East Main Avenue, Unit 1B.

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

Class I-1 – Alcoholic beverages.

1. Gross sales of alcoholic beverages may not be greater than 30% of total gross sales. All Class I license holders shall file with the application for license renewal a sworn statement executed by the licensee and a certified public accountant retained by the licensee certifying that gross food sales and gross liquor sales for the previous calendar year meet the requirements of this section. The board of city commissioners may, in its discretion, discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary. All sales of alcoholic beverages by Class I licensees must be separately receipted to the customer by cash register receipt and clearly identified as sales of liquor, beer or wine on all receipts.

2. The license is for on-sale only, and no off-sale is permitted.

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

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

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

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

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

RECOMMENDED CITY COMMISSION ACTION

Staff recommends approval of the introduction of and call for a public hearing on the request from Karman & Saiba Inc. (dba) India Clay Oven Bar & Grill with the public hearing scheduled for Tuesday, August 25, 2020. Staff also recommends approval of the new Class I-1 Restaurant Full Alcohol Liquor License.

STAFF CONTACT INFORMATION

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

CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

LAST REVISED: 5/1/2019

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

License Type: Individual ☐ Corporation ☑ Partnership ☐

New Application ☑ Renewal ☐ Transfer ☐ Relocation ☐

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

Location Information:

Name of Partnership or Corporation: KARMAN & SAIBA INC.			Date of Incorporation: 8/3/2020	State Business ID Number:
Name of business for which license is requested (DBA): INDIA CLAY OVEN BAR & GRILL			If out of state corporation, is corporation registered in North Dakota? Yes ☐ No ☐	
Location Address: 510 E. MAIN ST. 1B	City: BISMARCK	State: ND	Zip: 58501	Phone Number: 505-930-0734
Owner of Building or Premises:				

Correspondence Information (Where correspondence is to be sent):

Primary Contact: MANPREET SINGH	Phone Number: 417-425-9203	Email Address: JIT.SAROYA12@GMAIL.COM	
Mailing Address: ~~P.O. BOX 3317 MINOT ND 58702~~	City: ~~MINOT~~	State: ~~ND~~	Zip: ~~58702~~

* 510 E MAIN ST 1B BISMARCK ND. 58501

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

Manager's Name:			Date of Birth:	Race:
MANPREET SINGH			05/28/1971	ASIAN
Driver's License Number:			State Issued:	Gender:
SIN-71-0832			ND.	MALE
Home Address:		City:	State:	Zip:
2717 5th ST NW 104E		MINOT	ND	58703
Occupation:	Phone Number:	Title:	Email Address:	
CHEF	417-425-9203	OWNER	JIT.SAROYA 12@GMAIL.COM	

Name:			Date of Birth:	Race:
SURJIT SAROYA			06/29/1984	ASIAN
Driver's License Number:			State Issued:	Gender:
Y084275001			MO	MALE
Home Address:		City:	State:	Zip:
145 LOYALBERRY RD.		BRANSON	MO	65616
Occupation:	Phone Number:	Title:	Email Address:	
CHEF	505-930-0734	OWNER	SSURJIT 98@ ICLOUD.COM	

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

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

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

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

2ND OWNER WILL MOVE TO ND NEXT WEEK.

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

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

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

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

SURJIT SAROYA OWNS A RESTAURANT IN MO AND SELLS ALCOHOLIC

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

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

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

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

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

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

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

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

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

NORTH DAKOTA
State of

Signature of Applicant

BURLEIGH
County of

MANPREET SINGH
Print Name

License transfers require signatures from both parties.

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

Signature of Current Owner of Liquor License

Signature of Applicant

WHITNIE L. OLSEN
Notary Public
State of North Dakota
My Commission Expires May 15, 2023

Subscribed and sworn to before me this 4th

day of August, 2020

Whitnie L. Olsen
Notary Public

Note: Each application needs to be signed and notarized.

Restaurant Requirements:

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

Liquor License Site Diagram Requirements:

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

□ The licensed area shall be identified within the margins.

□ The agency name shall be included on the diagram.

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

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

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

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

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

Engineering Department

DATE: August 18, 2020

FROM: Gabe Schell, City Engineer

ITEM: 3 Lane Conversion Safety Project Recommended Decisions - HC 125

REQUEST

Receive recommendations for Two-Lane to Three-Lane Conversion project and provide project decisions.

Please place this item on the 8/25/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

At the August 11, 2020 meeting of the Board of City Commissioners, recommendations were presented for the conversion of 2 lane roadways to 3 lanes roadways with center turn lanes. The Board instructed staff to contact adjacent multi-family housing units and churches adjacent to 26th Street where on-street parking was proposed to be removed for their input. This commission memo supersedes previous recommendations in the technical memo.

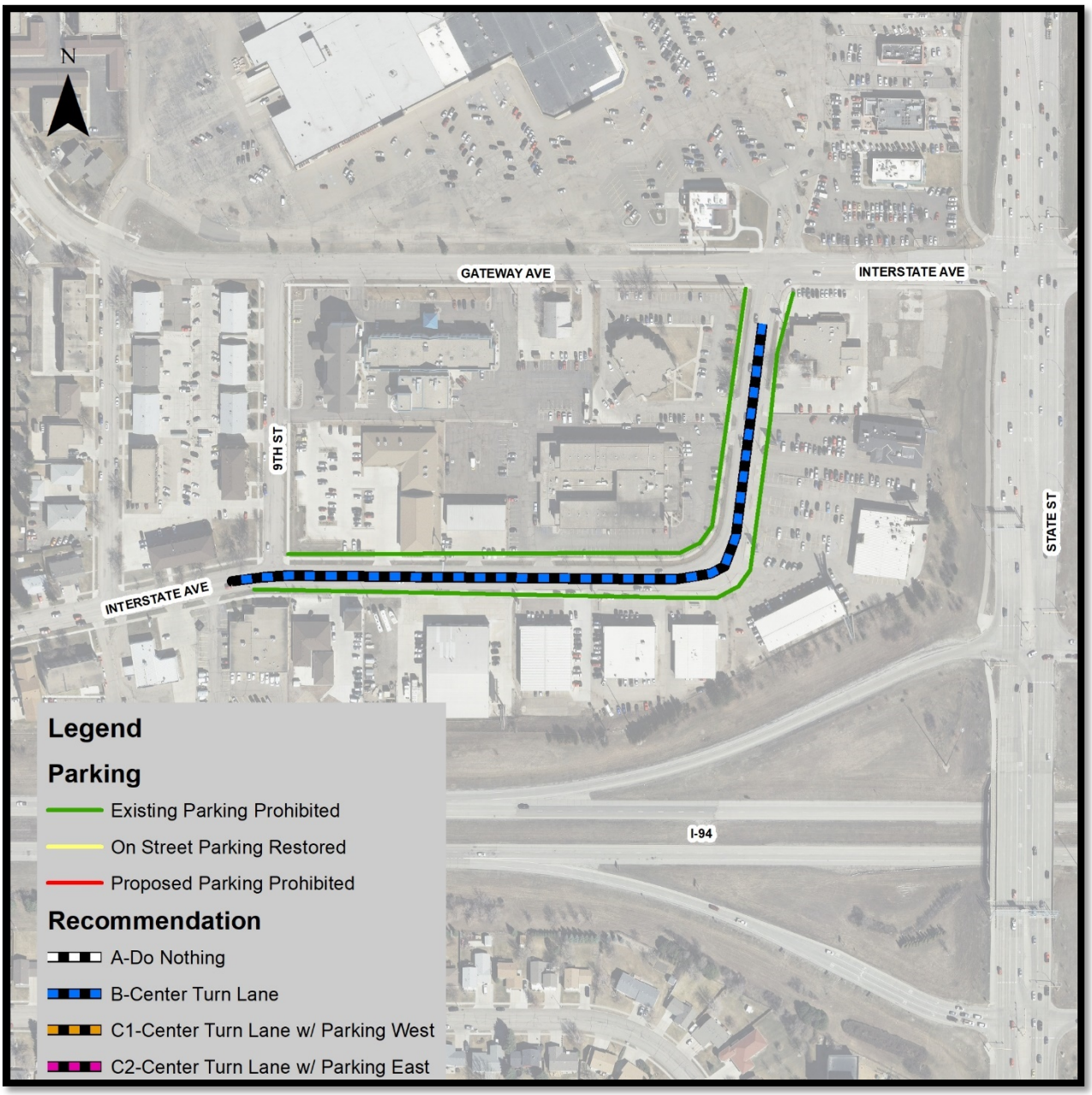
Lord of Life Lutheran Church and ND Conference Association of 7-Day Adventist were contacted by phone and their response was that their members do not park along 26th Street to attend services or functions. Both churches provide off street parking.

The respective owners of the 4 multi-family housing units were contacted with each responding that their renters or guests do not utilize parking along 26th Street. They also provide off street parking. They also commented that their renters and guests typically park on the side streets, East Avenue D and East Avenue F if additional parking is required.

All persons who were contacted commented that they would support converting 26th Street to a 3-lanes.

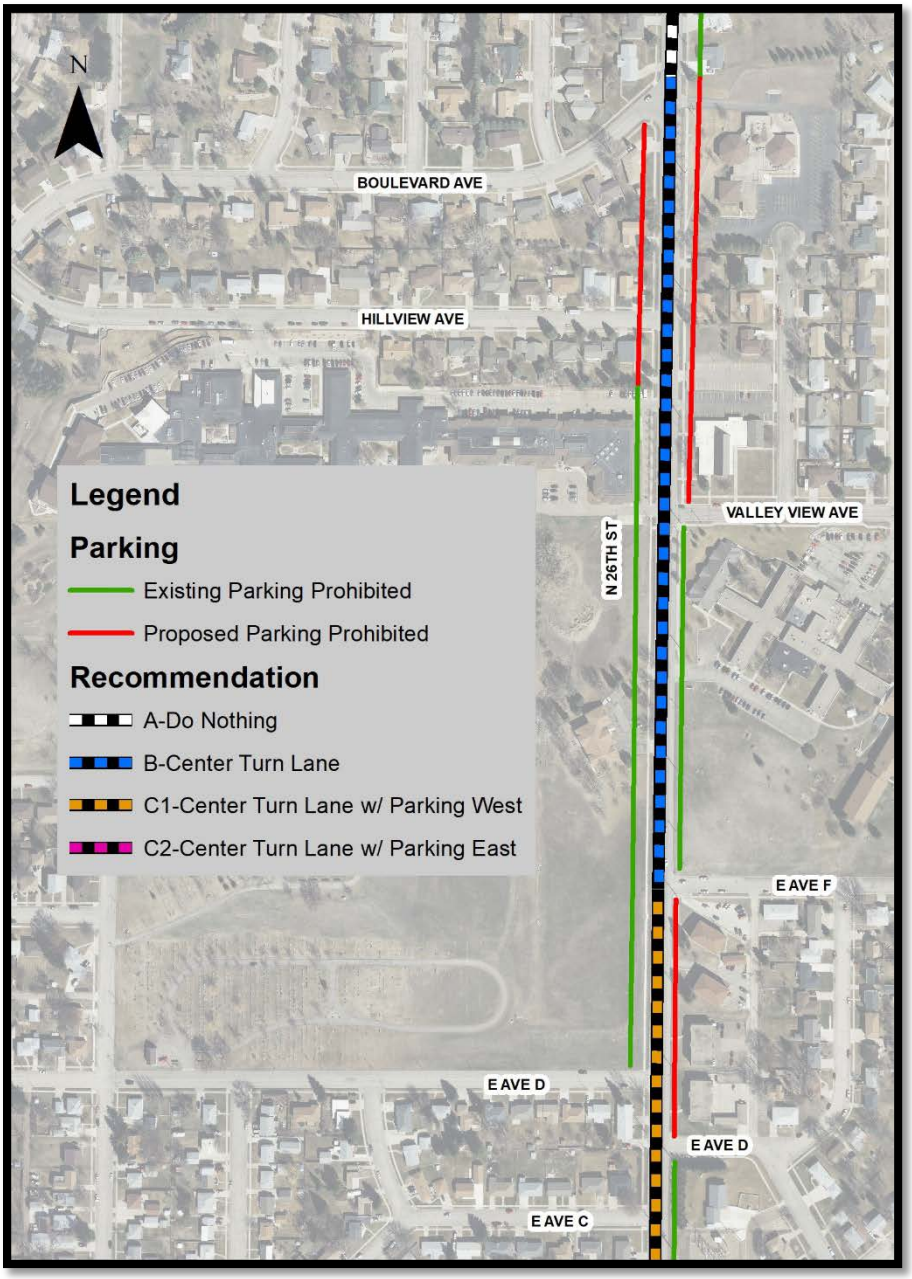
Interstate Ave (No change from 8/11/20 memo)

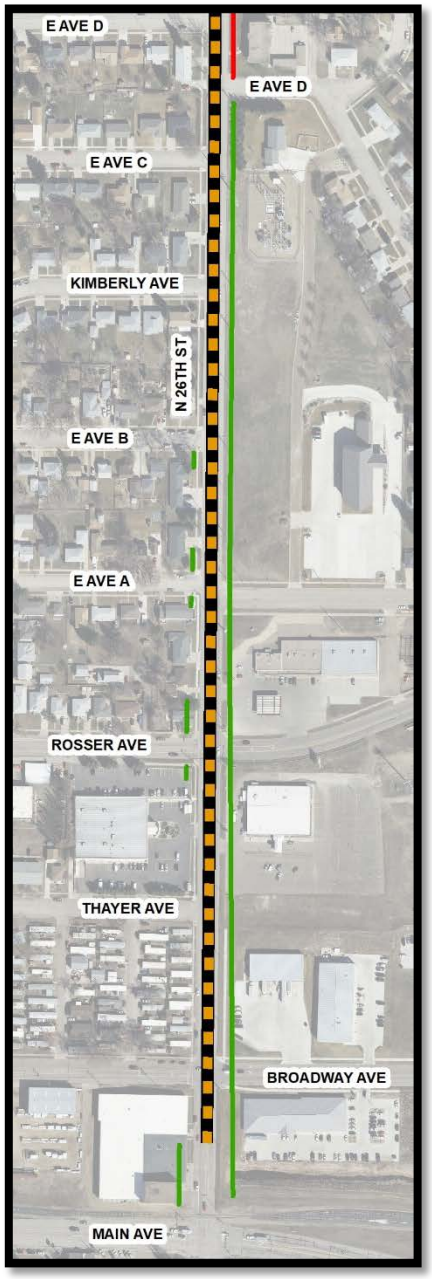
Interstate Avenue currently does not have on-street parking between 9th Street and Gateway Avenue. A three-lane section is recommended for this segment. No changes to on-street parking is recommended. The conversion to a three-lane section would provide opportunity for a left-turning vehicle to slow down and complete its maneuver without impacting the through traffic behind them. It is likely that a trailing vehicle in this location currently overtakes the slower moving or stopped left-turning vehicle. While overtaking on the right is permitted when it can be accomplished in safety, this maneuver could contribute to higher crash rates. I would recommend providing a roadway environment where the maneuver that traffic wants to make, can be made safely and legally in all circumstances.



N 26th Street (On street parking recommendation changed from 8/11/20 memo)

N 26th Street carries between 11,500 to 7,500 vehicles per day according to data recorded in 2019. The heavier utilized segments are closer to Main Avenue with traffic volumes decreasing further north closer to E Divide Avenue. There is a mix of on-street parking that is allowed and prohibited on the corridor. It is recommended to incorporate a three-lane section from Broadway Ave to E Avenue D and maintain the on-street parking where it is currently allowed on the west side of the roadway. North of E Ave D, it is recommended to continue the three-lane section to Boulevard Avenue. Members of the public have previously provided un-solicited input regarding the desire for a northbound to westbound left turn lane from 26th Street to Boulevard Avenue.





This recommendation would impact existing on-street parking. Based on the additional comments received from the multi-family housing owners, it is recommended to remove on-street parking on the east side of 26th Street between E Avenue D and E Avenue F. North of Valley View Avenue, parking is recommended to be prohibited on both sides through an area of single-family residential housing and the two church properties. The churches input states they do not utilize parking on 26th Street. Of the six single-family homes potentially affected by the change in on-street parking, three are corner lots with other on-street parking options available.

It is recommended to carry the left turn lane to Boulevard Avenue in order to provide the turning opportunity at the intersection where more of these movements are occurring.

RECOMMENDED CITY COMMISSION ACTION

Receive project recommendations and approve project concepts as presented.

STAFF CONTACT INFORMATION

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

City Attorney

DATE: August 18, 2020

FROM: Jannelle Combs, City Attorney

ITEM: Approval of method for leave or accommodation for school aged child care

REQUEST

Discuss and provide policy for leave or accommodation for employees who have dependents that have school in hybrid or online mode.

Please place this item on the 8/25/2020 City Commission regular meeting agenda.

BACKGROUND INFORMATION

Bismarck Public Schools has announced that their school system with start the year with all grades having hybrid instruction which would mean online, at home instruction for two or three days each week with the student able to attend school in person two days a week. Mandan School District has kept elementary children (up to Grade 5) with on-line instruction but moved their middle and high school students to hybrid instruction as well. This will impact our workforce with many parents who have children in these schools.

The federal government passed the Families First Coronavirus Response Act (FFCRA), which as an employer with over 500 employees, the City must follow. The City is compliant with its provisions for employees who are Covid-19 positive or quarantining pursuant to Health Department order. It also provides up to twelve weeks of paid sick leave at 2/3rds the employee's rate of pay if the employees must care for a child under 18 years of age whose school or child care provider is closed or unavailable due to reasons related to Covid -19. FFCRA caps the leave at $200 per day or $12,000 in the aggregate and is currently set to sunset on December 31, 2020. FFCRA contains notes indicating that the intent is to encourage employers to use flexible and telework solutions but also provide for instances when that is not possible. It encourages intermittent leave use of this benefit with flexible schedules for the employee. The Act also allows employers to choose to exclude first responders and healthcare providers. And while there are payroll tax credits for private businesses subject to the rule, there are no such protections for any governmental unit.

After reviewing the law and information, staff would recommend City adopt the intent of the rule and provide this benefit as listed above for all employees and to not exclude first responders and healthcare workers, and to encourage flexible schedules, which may require remote work or other flexible solutions, for parent employees until December 31, 2020.

RECOMMENDED CITY COMMISSION ACTION

Adopt the terms of the FFCRA, to include first responders and healthcare provider employees, as well as to encourage flexible schedules and telework or other creative solutions, where appropriate for employees that need to supervise school age children on days that are listed as online for school.

STAFF CONTACT INFORMATION

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