



City Attorney

DATE: July 7, 2020

FROM: Janelle Combs, City Attorney

ITEM: Medieval Rush Temporary License to Use Premises Agreement

REQUEST

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

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

BACKGROUND INFORMATION

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

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

RECOMMENDED CITY COMMISSION ACTION

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

STAFF CONTACT INFORMATION

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

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

TEMPORARY LICENSE TO USE PREMISES AGREEMENT

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

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

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

NOW, THEREFORE, the parties agree as follows:

1. License to Use Licensed Space. City hereby grants Licensee permission to use the real property listed on Exhibit A (the “Licensed Space”) on August 1, 2020, and in accordance with the purposes, specified on Exhibit A hereto. Exhibit A must detail the activities, and planned management designed to ensure safe operations in the Licensed Space. The parties expressly acknowledge and agree that this Agreement is not a lease, and that it does not create or convey to the Licensee any interest in the Licensed Space. Licensee will be entitled to occupy the Licensed Space solely for the purposes herein provided for the term stated herein. In the event of breach of Licensee of any of the covenants hereof, and in any event upon the expiration of the term of the License Agreement, City shall be entitled to immediate possession of the Licensed Space, and the Licensee shall not be entitled to any of the rights of a tenant under law, including the law of forcible entry and detainer. No permission is given and is explicitly prohibited to use existing bike trails on the real property.
2. Fee. Licensee will pay City \$1.00 for the use of the property.
3. Independent Contractor. Licensee is an independent contractor and will have sole authority to control and direct the details of its performance and its activities. However, Licensee agrees that it will conduct all activities in accordance with applicable federal and state laws, and City policies and ordinances. In addition, Licensee agrees to employ the sufficient number of qualified staff for its operations. Licensee will not be the employee of City under the meaning or application of any federal or state laws, including but not limited to unemployment insurance or workers’ compensation laws, and will not be entitled to any of the benefits of a City employee.

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

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

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

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

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

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

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

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

11. Indemnification. City shall not be liable to Licensee's employees, agents or visitors or to any other person whomsoever, for any injury to a person or damage to property on or about the Licensed Space including sidewalks, parking lots, and other areas on or adjacent to the Licensed Space, caused by the negligence or misconduct of or situations involving the liability of the Licensee, its agents, servants, employees or of any other person entering upon the Licensed Space under express or implied invitation of Licensee. Licensee agrees to indemnify City from all liability, loss, or

other damage claims or obligations resulting from any injuries to property or persons or any other losses sustained as a result of the Licensee's use of the Licensed Space.

12. Notices. Each provision of this Agreement with reference to the sending, mailing or delivery of any notice or the making of any payment between the parties shall be deemed to be delivered, whether actually received or not, when deposited in the U.S. Mail, postage prepaid, Registered or Certified Mail, Return Receipt Requested and addressed to either party at the address as they have specified by written notice pursuant to this Agreement.

CITY: City of Bismarck
City Administrator
P O. Box 5503
Bismarck, ND 58506-5503

LICENSEE: Recreation Athletic Wellness, LLC
213 W Avenue A
Bismarck, ND 58501-3735

13. Termination. This Agreement shall automatically terminate after the event is completed and the Licensed Space is restored to the condition it was immediately prior to Licensee's use of the Licensed Space. In addition, City may immediately terminate this Agreement if Licensee fails to abide by the terms and condition of this Agreement.

14. Assignment. Licensee may not assign or sub-license this Agreement without the prior written consent of City.

15. Entire Agreement; Amendment. This Agreement contains the entire agreement of the parties, and no covenants, representatives, inducements or promises, oral or otherwise, not embodied herein, shall be in force or effect. This Agreement may not be modified, nor any of its provisions waived, except by a writing signed by both parties.

16. Governing Law. This Agreement will be governed by and construed in accordance with the law of the State of North Dakota. The parties consent to the exclusive jurisdiction of the Burleigh County, North Dakota courts for any dispute arising hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this contract the day and year above written in duplicate originals.

CITY: CITY OF BISMARCK

Dated this ____ day of _____, 2020.

By _____
Steve Bakken, President City Commission
City of Bismarck

Attest:

Keith J. Hunke, City
Administrator

LICENSEE: Recreation Athletic Wellness, LLC

Dated this ____ day of _____, 2020.

By _____
Tanner Schweitzer
Its Managing Member

EXHIBIT A – LICENSED SPACE

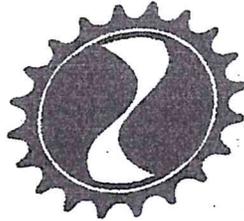
In the event of rain or a wet course as determined by the City Engineer, "Map 1" would be utilized and no race activity would take place on any City of Bismarck steep terrain but would take place on the old road bed. In normal conditions, "Map 2" would be utilized as per the above requirements.

Map 1:



Map 2:





I·M·B·A

INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION

Rules of the Trail

Thousands of miles of dirt trails have been closed to mountain bicyclists. The irresponsible riding habits of a few riders have been a factor. Do your part to maintain trail access by observing the following rules of the trail, formulated by the International Mountain Bicycling Association (IMBA). IMBA's mission is to promote environmentally sound and socially responsible mountain biking.

- 1. Ride on open trails only.** Respect trail and road closures (ask if not sure), avoid possible trespass on private land, obtain permits and authorization as may be required. Federal and state wilderness areas are closed to cycling. The way you ride will influence trail management decisions and policies.
- 2. Leave no trace.** Be sensitive to the dirt beneath you. Even on open (legal) trails, you should not ride under conditions where you will leave evidence of your passing, such as on certain soils after a rain. Recognize different types of soils and trail construction; practice low-impact cycling. This also means staying on existing trails and not creating any new ones. Be sure to pack out at least as much as you pack in.
- 3. Control your bicycle.** Inattention for even a second can cause problems. Obey all bicycle speed regulations and recommendations.
- 4. Always yield trail.** Make known your approach well in advance. A friendly greeting (or bell) is considerate and works well; don't startle others. Show your respect when passing by slowing to a walking pace or even stopping. Anticipate other trail users around corners or in blind spots.
- 5. Don't scare animals.** All animals are startled by an unannounced approach, a sudden movement, or a loud noise. This can be dangerous for you, others, and the animals. Give animals extra room and time to adjust to you. When passing horses use special care and follow directions from the horseback riders (ask if uncertain). Running cattle and disturbing wildlife is a serious offense. Leave gates as you found them, or as marked.
- 6. Plan ahead.** Know your equipment, your ability, and the area in which you are riding -- and prepare accordingly. Be self-sufficient at all times, keep your equipment in good repair, and carry necessary supplies for changes in weather or other conditions. A well-executed trip is a satisfaction to you and not a burden or offense to others. Always wear a helmet.

MOUNTAIN BIKERS

Help make outdoor recreation safe and enjoyable for everyone. Please follow IMBA's Rules of the Trail. Your cooperation will help preserve trails and reduce user conflict.

IMBA RULES OF THE TRAIL

- 1 Ride on open trails only.**
- 2 Leave no trace.**
- 3 Control your bicycle.**
- 4 Always yield trail.**
- 5 Never scare animals.**
- 6 Plan ahead.**



Riding on public trails is a privilege. Do your part:
RIDE RESPONSIBLY.



I·M·B·A
INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION
P.O. BOX 7578 • BOULDER CO 80306

North Dakota Parks & Recreation Department

1835 Bismarck Expressway, Bismarck, ND 58504

Phone: (701) 328-5357

Fax: (701) 328-5363

E-Mail: parkrec@pioneer.state.nd.us

Visit us on the Web: <http://www.state.nd.us/ndparks>



Edward T. Schafer, Governor

Douglass A. Prchal, Director

Field Manager
Brad Pozarnsky
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4054

Cross Ranch
1403 River Road
Center, ND 58530
Ph. (701) 794-3731
• Little Missouri-Killdeer

Devils Lake
152 S. Duncan Dr.
Devils Lake, ND 58301
Ph. (701) 766-4015
• Black Tiger Bay
• Grahams Island
• Shelters Grove

Ft. Abraham Lincoln
4480 Fort Lincoln Road
Mandan, ND 58554
Ph. (701) 663-9571
• Sully Creek-Medora

Ft. Ransom
5981 Walt Hjelle Parkway
Ft. Ransom, ND 58033
Ph. (701) 973-4331
• Beaver Lake-Wishek
Ph. (701) 452-2752

Ft. Stevenson
1252A 41st Ave. NW
Garrison, ND 58540
Ph. (701) 337-5576

Icelandic
13571 Hwy. 5
Cavalier, ND 58220
Ph. (701) 265-4561

Lake Metigoshe
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4651

Lake Sakakawea
Box 732
Riverdale, ND 58565
Ph. (701) 487-3315

Lewis & Clark
4904 119th Rd. NW
Epping, ND 58843
Ph. (701) 859-3071

Turtle River
3084 Park Ave.
Aurilla, ND 58214
Ph. (701) 594-4445
• Elmwood-Grafton

TO: State Trails Advisory Board
FROM: Randy Harmon
Re: Fiscal Year 2000 Apportionments
DATE: December 22, 1999

Enclosed for your information is the list showing the apportionment that the state will receive next year from the Recreational Trails Program and a copy of the application.

We are currently accepting applications until April 1, 2000. If you know of any organization that might have a planned project and qualifies under the guidelines of the trails program, have them visit with me and I can get them an application.

As you can see from the apportionment list that our state will receive more funds than in past years. Many trail projects that received funding from this past year have finished their projects and are thankful for the help in receiving those trail funds to make their project a finished product.

If for some reason you are unable to continue to serve on the advisory board, please let me know.

Thanks for your time and serving on the board. Have a happy holiday season and new year in the millennium.

Recreational Trails Program

FY 2000 Apportionments

FHWA Administration = \$750,000

	Percent of Natl Off-Road Rec Fuel Use	Apportionment Based on Share of Fuel Use	Equal Apportionment	Total Apportionment	Code 38B 7% Max for Administration*	Code 38C 5% Max for Education*	Code 384 88% Min for Trail Projects	30% Min** Motorized & Nonmotorized	40% Min** Diverse Trail Use
Alabama	1.92931187%	\$475,093.05	\$482,843.14	\$957,936	\$67,055	\$47,896	\$842,985	\$267,264	\$356,352
Alaska	0.91420979%	\$225,124.16	\$482,843.14	\$707,967	\$49,557	\$35,398	\$623,012	\$197,523	\$263,364
Arizona	1.96774918%	\$484,558.23	\$482,843.14	\$967,401	\$67,718	\$48,370	\$851,313	\$269,905	\$359,873
Arkansas	1.65170020%	\$406,731.17	\$482,843.14	\$889,574	\$62,270	\$44,478	\$782,826	\$248,191	\$330,922
California	11.15019748%	\$2,745,736.1	\$482,843.14	\$3,228,579	\$226,000	\$161,428	\$2,841,151	\$900,774	\$1,201,032
Colorado	2.47674154%	\$609,897.60	\$482,843.14	\$1,092,741	\$76,491	\$54,637	\$961,613	\$304,875	\$406,500
Connecticut	0.47829090%	\$117,779.13	\$482,843.14	\$600,622	\$42,043	\$30,031	\$528,548	\$167,574	\$223,432
Delaware	0.17366527%	\$42,765.07	\$482,843.14	\$525,608	\$36,792	\$26,280	\$462,536	\$146,645	\$195,526
Dist of Columbia	0.00000000%	\$0.00	\$482,843.14	\$482,843	\$33,799	\$24,142	\$424,902	\$134,713	\$179,618
Florida	3.61924644%	\$891,239.44	\$482,843.14	\$1,374,083	\$96,185	\$68,704	\$1,209,194	\$383,369	\$511,159
Georgia	3.13131800%	\$771,087.06	\$482,843.14	\$1,253,930	\$87,775	\$62,696	\$1,103,459	\$349,847	\$466,462
Hawaii	0.19366161%	\$47,689.17	\$482,843.14	\$530,532	\$37,137	\$26,526	\$466,869	\$148,019	\$197,358
Idaho	1.55566319%	\$383,082.06	\$482,843.14	\$865,925	\$60,614	\$43,296	\$762,015	\$241,593	\$322,124
Illinois	2.79021813%	\$687,091.21	\$482,843.14	\$1,169,934	\$81,895	\$58,496	\$1,029,543	\$326,412	\$435,216
Indiana	1.53820517%	\$378,783.02	\$482,843.14	\$861,626	\$60,313	\$43,081	\$758,232	\$240,394	\$320,525
Iowa	1.27289925%	\$313,451.44	\$482,843.14	\$796,295	\$55,740	\$39,814	\$700,741	\$222,167	\$296,222
Kansas	1.28381477%	\$316,139.39	\$482,843.14	\$798,983	\$55,928	\$39,949	\$703,106	\$222,917	\$297,222
Kentucky	1.54275986%	\$379,904.61	\$482,843.14	\$862,748	\$60,392	\$43,137	\$759,219	\$240,707	\$320,942
Louisiana	2.51689528%	\$619,785.46	\$482,843.14	\$1,102,629	\$77,184	\$55,131	\$970,314	\$307,634	\$410,178
Maine	0.93727996%	\$230,805.19	\$482,843.14	\$713,648	\$49,955	\$35,682	\$628,011	\$199,108	\$265,477
Maryland	0.84425492%	\$207,897.77	\$482,843.14	\$690,741	\$48,351	\$34,537	\$607,853	\$192,717	\$256,956
Massachusetts	1.02869503%	\$253,316.15	\$482,843.14	\$736,159	\$51,531	\$36,807	\$647,821	\$205,388	\$273,851
Michigan	3.79554800%	\$934,653.69	\$482,843.14	\$1,417,497	\$99,224	\$70,874	\$1,247,399	\$395,482	\$527,309
Minnesota	2.80908501%	\$691,737.18	\$482,843.14	\$1,174,580	\$82,220	\$58,729	\$1,033,631	\$327,708	\$436,944
Mississippi	2.41436460%	\$594,537.28	\$482,843.14	\$1,077,381	\$75,416	\$53,869	\$948,096	\$300,590	\$400,786
Missouri	2.48185013%	\$611,155.59	\$482,843.14	\$1,093,999	\$76,579	\$54,699	\$962,721	\$305,226	\$406,968
Montana	1.24395644%	\$306,324.27	\$482,843.14	\$789,168	\$55,241	\$39,458	\$694,469	\$220,178	\$293,571
Nebraska	0.59218378%	\$145,825.26	\$482,843.14	\$628,668	\$44,006	\$31,433	\$553,229	\$175,399	\$233,865

Nevada	0.66176982%	\$162,960.82	\$482,843.14	\$645,804	\$45,206	\$32,290	\$568,308	\$180,179	\$240,239
New Hampshire	0.44637330%	\$109,919.42	\$482,843.14	\$592,763	\$41,493	\$29,638	\$521,632	\$165,381	\$220,508
New Jersey	1.85670592%	\$457,213.83	\$482,843.14	\$940,057	\$65,803	\$47,002	\$827,252	\$262,276	\$349,702
New Mexico	1.74048185%	\$428,593.66	\$482,843.14	\$911,437	\$63,800	\$45,571	\$802,066	\$254,291	\$339,055
New York	3.39806081%	\$836,772.47	\$482,843.14	\$1,319,616	\$92,373	\$65,980	\$1,161,263	\$368,173	\$490,897
North Carolina	2.58477980%	\$636,502.03	\$482,843.14	\$1,119,345	\$78,354	\$55,967	\$985,024	\$312,297	\$416,396
North Dakota	0.44781668%	\$110,274.86	\$482,843.14	\$593,118	\$41,518	\$29,655	\$521,945	\$165,480	\$220,640
Ohio	3.10608358%	\$764,873.08	\$482,843.14	\$1,247,716	\$87,340	\$62,385	\$1,097,991	\$348,113	\$464,150
Oklahoma	1.95058879%	\$480,332.49	\$482,843.14	\$963,176	\$67,422	\$48,158	\$847,596	\$268,726	\$358,302
Oregon	1.94307513%	\$478,482.25	\$482,843.14	\$961,325	\$67,292	\$48,066	\$845,967	\$268,210	\$357,613
Pennsylvania	2.42099586%	\$596,170.23	\$482,843.14	\$1,079,013	\$75,530	\$53,950	\$949,533	\$301,045	\$401,393
Rhode Island	0.17807559%	\$43,851.11	\$482,843.14	\$526,694	\$36,868	\$26,334	\$463,492	\$146,948	\$195,930
South Carolina	1.29011430%	\$317,690.65	\$482,843.14	\$800,534	\$56,037	\$40,026	\$704,471	\$223,349	\$297,799
South Dakota	0.41723517%	\$102,744.16	\$482,843.14	\$585,587	\$40,991	\$29,279	\$515,317	\$163,379	\$217,838
Tennessee	2.03784299%	\$501,818.84	\$482,843.14	\$984,662	\$68,926	\$49,233	\$866,503	\$274,721	\$366,294
Texas	8.08542499%	\$1,991,035.9	\$482,843.14	\$2,473,879	\$173,171	\$123,693	\$2,177,015	\$690,212	\$920,283
Utah	1.16849171%	\$287,741.08	\$482,843.14	\$770,584	\$53,940	\$38,529	\$678,115	\$214,993	\$286,658
Vermont	0.33661509%	\$82,891.47	\$482,843.14	\$565,735	\$39,601	\$28,286	\$497,848	\$157,840	\$210,454
Virginia	2.64415231%	\$651,122.51	\$482,843.14	\$1,133,966	\$79,377	\$56,698	\$997,891	\$316,377	\$421,836
Washington	2.69602414%	\$663,895.94	\$482,843.14	\$1,146,739	\$80,271	\$57,336	\$1,009,132	\$319,940	\$426,587
West Virginia	0.87441155%	\$215,323.84	\$482,843.14	\$698,167	\$48,871	\$34,908	\$614,388	\$194,789	\$259,718
Wisconsin	2.34263111%	\$576,872.91	\$482,843.14	\$1,059,716	\$74,180	\$52,985	\$932,551	\$295,661	\$394,214
Wyoming	1.03848375%	\$255,726.62	\$482,843.14	\$738,570	\$51,699	\$36,928	\$649,943	\$206,061	\$274,748
TOTAL USA	100.00000000%	\$24,625,000.00	\$24,625,000.00	\$49,250,000	\$3,447,474	\$2,462,475	\$43,340,051	\$13,740,758	\$18,321,010

*rounded down *rounded down *rounded down *rounded up ** The 30% and 40% requirements apply to all funds except Administration. They apply to the combined total for Education and Trail Projects. The figures are calculated as (Total Apportionment - Administration).

Total Apportionments are rounded to the nearest dollar. To correct for rounding error, any "apportionment based on fuel use" with a remainder of 28 cents or less is rounded up, which provides \$1 extra to Mississippi and Montana.

Connecticut, Delaware, the District of Columbia, and Rhode Island are exempt from the 30% requirements.



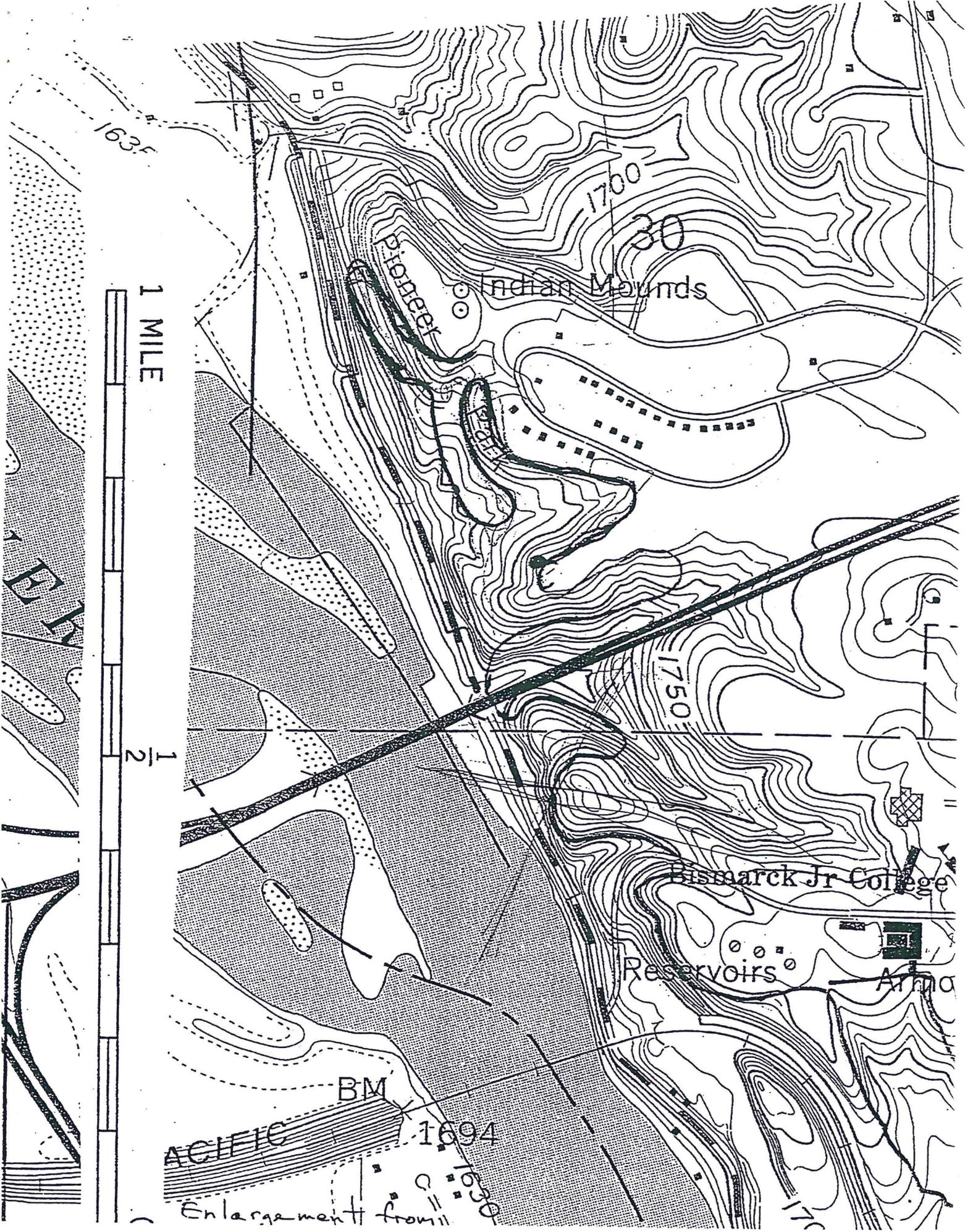
1606 East Main
Bismarck, North Dakota 58501
(701) 222-1218

Attention Bill Wocken:

Enclosed is our complete application for the proposed Pioneer Park trail. Please let me know as soon as possible on the "easement"

status. Thankyou

Jennifer Morlock
manager



1635

1 MILE

1/2

Pioneer

Indian Mounds

Bismarck Jr College

Reservoirs

Arma

BM

1694

PACIFIC

Enlargement from

Bismarck

City Administration

May 26, 1999

MS JENNIFER MORLOCK
DAKOTA CYCLERY
1606 E MAIN AVE
BISMARCK ND 58501-4601

Dear Ms. Morlock:

On Tuesday, May 25, 1999 the Board of City Commissioners considered your request on behalf of the Dakota Roughriders Bike Club for an easement for a two-mile mountain bike trail from Pioneer Park to Bismarck State College on city property.

The Board did approve this easement with the stipulation that the city concerns listed in my letter of May 20, 1999, be followed.

Sincerely,



W. C. Wocken
City Administrator

WCW/kr

Bismarck City Administration

May 20, 1999

Jennifer Morlock
Dakota Cyclery
1606 E Main Avenue
Bismarck, ND 58501

Dear Jennifer:

The items the city staff is most concerned for relative to this grant are as follows:

- The affected area has been preliminarily identified for a possible storm water impoundment. Any trail use of this property would need to be subject to this potential impoundment.
- Once established, the continued maintenance of the trails is a concern. This maintenance will need to be handled by someone able to guarantee future condition of the trails.
- The city will need to be indemnified for claims resulting from the use of these trails.
- This area is likely to host Native American artifacts. The ND Historical Society will need to be involved in the trail construction process to eliminate negative impacts.
- The city will need to be insulated from any grant penalties if these trails need to be discontinued.
- We will recommend the easement be granted only if cancelable on six months notice due to the changing plans for this area.

Please review these comments and, if there is a desire to proceed with the project with these noted concerns, please advise me of your intentions.

You are not presently scheduled for the City Commission meeting of May 25, 1999 (5:15 p.m.), but I will put you on this agenda if you wish.

Please let me know of your wishes.

Sincerely,


Bill Wocken
City Administrator



May 25, 1999

Jennifer Morlock
Dakota Cyclery
1606 E Main
Bismarck, ND. 50501

Dear Jennifer,

As follow-up to the letter you forwarded to me dated May 20, from Bill Wocken, City Administrator, my comments are:

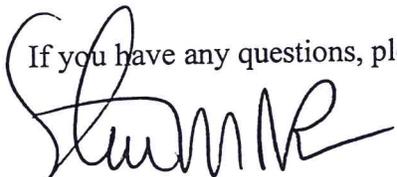
1. It is understood that a storm water impoundment has been discussed for a part of the proposed trail area. This was a project discussed between the City and Park District. If the trail is impacted by a future impoundment, the trail will have to be adjusted accordingly
2. The Park District will enter into an agreement with the club to assist with maintenance of the trails as well to define any conditions of development that are the responsibility of the club.
3. Although there is already trail use of the city and park property by the general public, we will need an agreement between the City and the Park District to indemnify the City from any claims resulting from trail use as a designated trail.
4. It is understood that we are in an environmentally and historically sensitive area. Standard procedure must be to develop the trails with minimal movement of soils and that if any artifacts are found the project cease until proper agencies have been notified.
5. The City will be protected from any contract/project obligations as the Park District will be the local agency signing for any grant funds that may be received through ND State Parks and Recreation



5. With the agreements developed between the City and the Park District and the club, the terms and conditions can be developed for cancellations and easements.

I hope this answers the question adequately. As you can tell we will need to develop the agreements for development between the City and Park District and the club and the District before any development can really take place.

If you have any questions, please call

A handwritten signature in black ink, appearing to read 'Steven M. Neu', written in a cursive style.

Steven M. Neu
Director of Parks and Recreation



5-26-99

1606 East Main
Bismarck, North Dakota 58501
(701) 222-1218

Attention Bill Wocken:

Bill, Thank you very much for all your help in expediting the Roughrider Bicycle Club's request for Trail access on the Pioneer Park Area. Attached is a letter from Steve Neu which addresses the City's concerns. It's been a pleasure working with you.

Sincerely,
Dennis Morlock
manager



May 25, 1999

Jennifer Morlock
Dakota Cyclery
1606 E Main
Bismarck, ND. 50501

Dear Jennifer,

As follow-up to the letter you forwarded to me dated May 20, from Bill Wocken, City Administrator, my comments are:

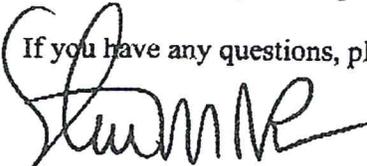
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5. The City will be protected from any contract/project obligations as the Park District will be the local agency signing for any grant funds that may be received through ND State Parks and Recreation



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I hope this answers the question adequately. As you can tell we will need to develop the agreements for development between the City and Park District and the club and the District before any development can really take place.

If you have any questions, please call



Steven M. Neu
Director of Parks and Recreation



PO BOX 3145
BISMARCK, ND 58502

Mr. Steve Neu
Bismarck Parks & Recreation
420 East Front Ave.
Bismarck, ND 58504

Steve,

Dakota Roughriders Bicycle Club is requesting to build a mountain bike trail at Pioneer Park. The area to be used is the eastern section of the Park, east of River Road and north of Bismarck State College. This area of the Park is currently unusable due to its steep and hilly terrain.

Our proposed trail project will produce a trail that winds its way around the Park making use of the entire Park. The trail will be about 2 miles in length when completed. The trail will be constructed with correct camber and grade for low erosion by use and weather.

Along with the trail project, we will be conducting a general park clean-up. Pre-existing steep, and highly eroded trails will be blocked off and repaired.

This trail will in no way interfere with the Mandan Indian Village.
Please feel free to contact me if you need further info.

Steve Stelton
President
Dakota Roughriders Bicycle Club
ND State IMBA Representative
P.O. Box 3145
Bismarck, ND 58502

*Received
6/18/99
sw*



June 23, 1999

Mr. Steve Stelton, President
Dakota Roughriders Bicycle Club
Box 3145
Bismarck, ND 58502

Steve:

Thank you for your letter outlining your proposed club activity and assistance in developing the Pioneer Park to BSC mountain bike trail.

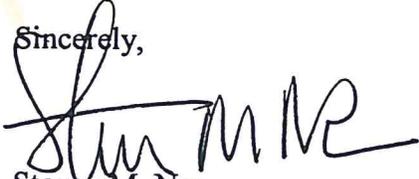
As you are aware, the club was given approval to proceed by the City Commission with conditions stipulated on City property. With this letter, the Park District provides approval for your project on Park District property with the conditions outlined in the attached May 25, 1999 letter to Jennifer Morlock.

There are two additional parties involved with the proposed trail, BSC and the State of North Dakota Department of Transportation. You may want to touch base with Dave Clark at BSC and Francis Ziegler, Regional Engineer at DOT District Office, for their approval since this trail will now be recognized and signed. I have forwarded a copy of this letter to Dave and Francis.

I will forward a draft agreement to you within the week for your review and signature. We also will need to clarify the funding process and signage design for the project with ND State Parks.

Good luck with your club's efforts. We look forward to this new and improved community offering.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven M. Neu". The signature is fluid and cursive, with a large initial "S" and "M".

Steven M. Neu

Director of Parks and Recreation

cc: Bill Wocken, City Administrator
Dave Clark, BSC
Francis Ziegler, NDDOT
✓ Jennifer Morlock, Dakota Cyclery, State Trails Committee
Randy Harmon, ND State Parks



North Dakota Parks & Recreation Department

1835 Bismarck Expressway, Bismarck, ND 58504

Phone: (701) 328-5357

Fax: (701) 328-5363

E-Mail: parkrec@pioneer.state.nd.us

Visit us on the Web: <http://www.state.nd.us/ndparks>

Edward T. Schafer, Governor

Douglass A. Prchal, Director

June 24, 1999

Field Manager

Brad Pozarnsky

#2 Lake Metigoshe State Park

Botineau, ND 58318

Ph. (701) 263-4054

Cross Ranch

1403 River Road

Center, ND 58530

Ph. (701) 794-3731

• Little Missouri-Killdeer

Devils Lake

152 S. Duncan Dr.

Devils Lake, ND 58301

Ph. (701) 766-4015

• Black Tiger Bay

• Grahams Island

• Shelters Grove

Ft. Abraham Lincoln

4480 Fort Lincoln Road

Mandan, ND 58554

Ph. (701) 663-9571

• Sully Creek-Medora

Ft. Ransom

5981 Walt Hjelle Parkway

Ft. Ransom, ND 58033

Ph. (701) 973-4331

• Beaver Lake-Wishek

Ph. (701) 452-2752

Ft. Stevenson

1252A 41st Ave. NW

Garrison, ND 58540

Ph. (701) 337-5576

Icelandic

13571 Hwy. 5

Cavalier, ND 58220

Ph. (701) 265-4561

Lake Metigoshe

#2 Lake Metigoshe State Park

Botineau, ND 58318

Ph. (701) 263-4651

Lake Sakakawea

Box 732

Riverdale, ND 58565

Ph. (701) 487-3315

Lewis & Clark

4904 119th Rd. NW

Epping, ND 58843

Ph. (701) 859-3071

Turtle River

3084 Park Ave.

Arvilla, ND 58214

Ph. (701) 594-4445

• Elmwood-Grafton

Jennifer Morlock
Dakota Cyclery
1606 E. Main Ave
Bismarck, ND 58501

Dear Ms. Morlock:

The application submitted for funding to the Recreational Trails Program has been approved by the Federal Highway Administration.

You are now authorized to begin your project and in order to be reimbursed for costs, I need to have copies of bills or statements showing the costs and copies of a cancelled check or checks (front and back) and submit these to our office for reimbursement procedures.

The project needs to be completed by December 31, 2000. If for some reason you do not complete it by then, let me know and I can possibly do an extension on the completion date.

If you may have any questions, please let me know.

Sincerely,

Randy Hatmon
Recreation Planner/Grants Coordinator

#13

North Dakota Parks & Recreation Department

National Recreational Trails

Project Application

1. Describe the proposed work on the trail

General Project Information

Project/Trail Name: PIONEER PARK MULTI-USE TRAIL

Applicant Agency: DAKOTA ROUGH RIDERS BIKE CLUB

Project sponsor type (check one): Municipal Federal Nonprofit corporation
 Partnership State For-profit corporation

Project Contact: LOREN MORLOCK

Address: 1606 E. MAIN AVE, BISMARCK, ND 58501

Telephone No.: (work) (701) 222-1218 (home) _____

County: BURLEIGH City/Township: BISMARCK

Project Funding Information

Total project cost \$ 11918 Amount requested \$ 7818

Local match* \$ 4100 Match % 34 Source of matching funds Vol. Labor

* - In kind donations of labor and/or materials are eligible sources of matching "funds."

1. Description of project (include quantitative measurements e.g. acres, linear miles, trail width, etc. and a map of the area and proposed trail project):

1. This Project will include the construction of single track, non-motorized, multi-use trail mainly for mountain bicycling and hiking/walking. The trail is within the eastern section to Pioneer Park which covers about 1/2 sq. mile. The trail will be about 18" wide and approximately 2 miles long. Trail construction will include digging and clearing land with correct camber and grade for low impact of use and low erosion. Preexisting steep, high erosion trails will be blocked off. Signs, trail markers and railroad ties will be placed along the trail.

2. Intended trail use (check one):

- motorized use non-motorized use combination motorized/non-motorized use
- combination of motorized uses combination of non-motorized uses

3. Type(s) of use (check all that apply):

- bicycling snowmobiling cross-country skiing aquatic or water activity
- hiking motorcycling walking/jogging interpretive/nature activities
- equestrian four-wheel driving mountain bicycling all terrain vehicle riding

ENVIRONMENTAL ASSESSMENT

1. Describe the proposed action (include the project location, project specifications and proposed work plan):

1. This trail project is proposed for the eastern section of Pioneer Park (City of Bismarck Park) that is located east of River Road (Hwy. 1804) and north of Bismarck State College (straddling 1-94) and covers about 1/2 square mile in Bismarck, ND. This section of Pioneer Park that has been neglected for years with outdated and destructive trails. This part of the Park has limited access and is unusable for other types of recreation due to its steep and hilly terrain that is devoid of any large, level areas.

The proposed trail project will produce a trail that winds its way around the Park making use of the entire Park area. The trail will be about 2 miles in length and a maximum of 18" wide within the Park area. The construction of the trail will involve digging and clearing land for the trail. The trail will be constructed with correct camber and grade for low erosion by use and weather. Limited tree removal, except dead fall, and no yucca plant removal will be conducted along with general park clean-up. Preexisting steep, high erosion trails will be blocked off. Signs, trail markers and railroad ties will be placed along the trail. The trail will not interfere with the Mandan Indian Village site that is located in the northeastern part of the Park.

The labor for design, construction and maintenance of the project will consist of volunteer effort of the Dakota Rough Riders Bike Club members.

2. Describe the environment:

2. Pioneer Park is located along the banks of the Missouri River. This terrain consists of steep hills, valleys and gullies not suitable for use other than trails. This area is lightly wooded in parts but mostly consists of steep grass covered slopes. Yucca plants and Prickly Pear cactus are prevalent in the area. This area also contains the remains of a Mandan Indian Village in the northeastern section of the Park which has been clearly marked and is the only part of this area that is maintained by the City of Bismarck. Numerous old, unmaintained trails cover this area. These trails mostly run straight up and down the steep slopes in the Park producing deep rutted trails open to erosion.

3. Describe the anticipated impact of this project:

3. This project will have a very positive impact by producing an accessible trail that utilizes the entire Park area. The new trail will supersede the old and destructive trails in favor of an updated and modern trail that is constructed with due respect to the environment. The new trail will make the Park usable to more people by opening up the Park that has seen limited access and use in the past.

4. Will project be used seasonally or year round? SEASONALLY

5. Describe unique and/or important circumstances surrounding this project (e.g. loss of opportunity for the trail project, community support, etc.)

5. This project will help fill the need for more multi-use trails in the Bismarck/Mandan area. Also, this project will produce a better, low impact and continuous trail in Pioneer Park, ultimately opening up a park that has seen little use.

6. Describe project site as is, and changes to the site if project is constructed (e.g. tree removal, drainage area filled, etc.)

6. The project site consists of valleys and gullies along the banks of the Missouri River. Existing trails are old, unplanned, unmaintained, very steep and have high erosion of topsoil. This project will block off old trails in favor of a newly constructed trail. Limited tree removal, except dead fall, and no yucca plant removal will be conducted along with general park clean-up.

7. Classification of land (check one):

public land private land combination of public/private lands

Who has title to the project land? (indicate if ownership is via warranty deed or leasehold interest and attach a copy of deed or lease.)

7. City of Bismarck, City Park

8. Will the project link to or be an integral part of any other trail(s)? Yes No
If yes, please describe:

8. This project will be accessible and be a continuation of the Pioneer Park paved trail.

9. Describe any partnerships developed to complete this project (e.g. agreements between public agencies; public/private partnerships; or private/private partnerships): _____

9. There is a continuing partnership between the Dakota Rough Riders Bike Club and the City of Bismarck, Parks and Recreation for the Dakota Rough Riders Bike Club to construct and maintain new multi-use trails and remove old trails.

10. Time schedule

Anticipated starting date: ASAP/ongoing Project time frame: ongoing

11. Does the project facilitate access/use of trails by persons with disabilities, older citizens and/or other special populations or groups? Yes No

If yes, please describe:

11. This project will make Pioneer Park more usable to anyone but mostly by mountain bicyclists and hikers. As is, this section of Pioneer Park is unusable, the existing trails are very steep and loose packed. The steep and hilly nature of this Park precludes any other use except by trails.

12. Is project identified in a regional/municipal, state or national park plan? Yes No

If yes, please identify: _____

13. Have area citizens been involved in project development? Yes No

If yes, how? _____

13. The local mountain bicycling group has been involved in the development of this project by volunteering their labor including: designing the trail; preliminary construction; and the start of blocking off old trails.

14. What type of agreement will exist regarding project operation and maintenance?

14. The Dakota Rough Riders Bike Club will design, build and maintain the trail.

15. How will trail construction/maintenance be performed? Note any volunteer labor. _____

15. The trail will be contracted and maintained totally by volunteer labor of members of the Dakota Rough Riders Bike Club.

16. Will federal funds, other than NRT funds, be utilized for project development?

Yes No If yes, please identify: _____

17. Will the required 20% minimum match be immediately available? Yes No

Please explain: _____

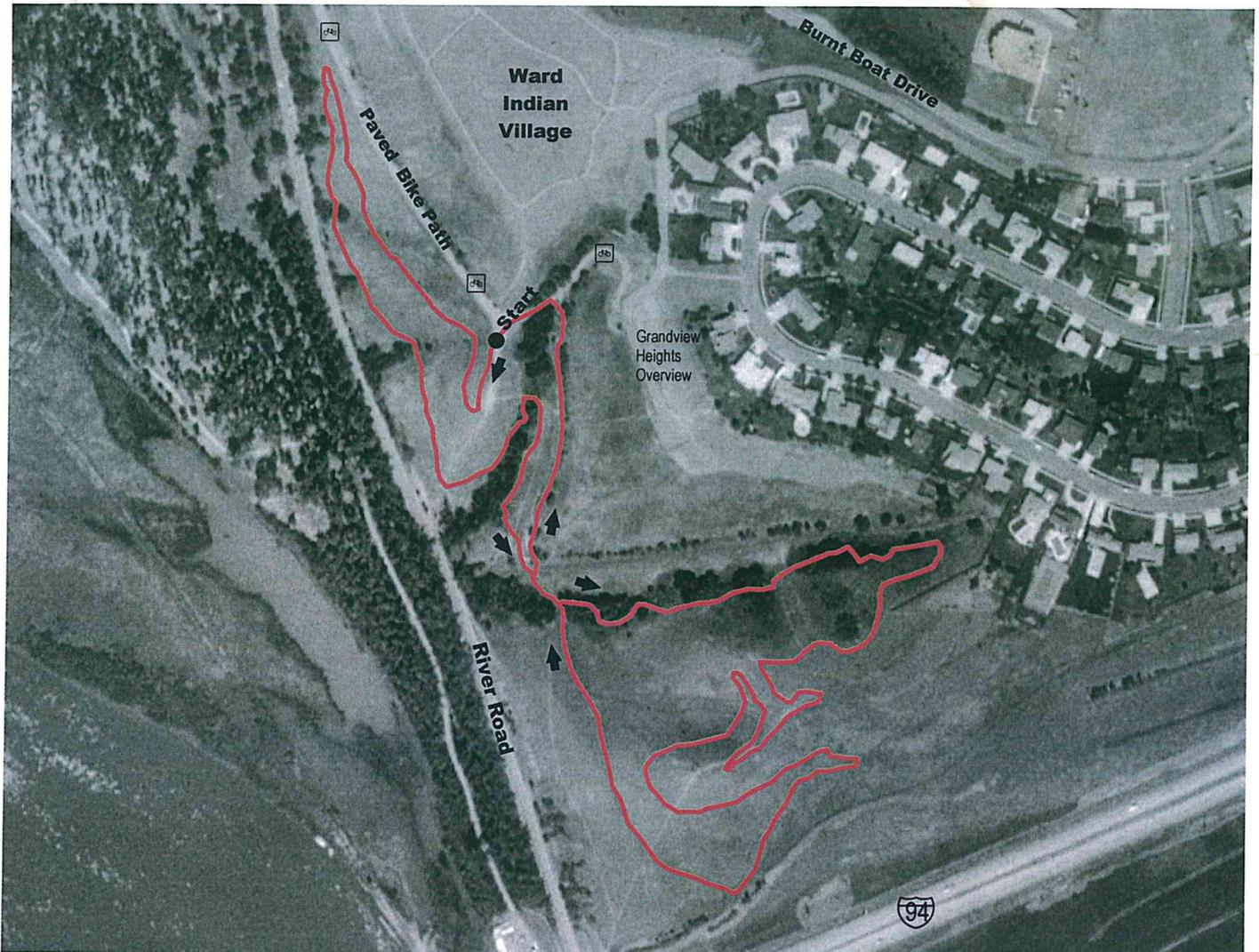
17. Volunteer labor will be immediately available.

18. Will the sponsor's share equal more than 20% of the overall project cost? Yes No

If yes, please explain: _____

18. The Volunteer labor will total about \$4100.00. This figures about 6.5 labor hours to construct 100 ft. of trail with a total of 686 hrs. to construct 10560 ft. (2 miles) at \$6.00/hr.

PIONEER PARK MOUNTAIN BIKE TRAIL



0.03 0 0.03 0.06 Miles



Trail Length - 1.6 miles



This trail was developed by Bismarck Parks and Recreation District, Dakota Cyclery, and Dakota Roughriders Bike Club.

Bismarck *City Administration*

May 20, 1999

Honorable Board of City Commissioners
Bismarck, North Dakota

Honorable Commissioners:

A regular meeting of the Board of City Commissioners is scheduled for May 25, 1999 at the hour of 5:15 PM, in the Tom Baker Meeting Room of the City/County Office Building at 221 North Fifth Street.

Future Commission meetings are scheduled as follows:

- June 8 and 22
- July 13 and 27
- August 10 and 24

Invocation - Chaplain of the Bismarck Police Department.

MEETING OF THE BOARD OF CITY COMMISSIONERS

1. Consider the approval of the minutes of the Board of City Commissioners meeting of May 11, 1999.
2. CONSENT AGENDA:
 - A. Consider the approval of the monthly bills.
 - B. Review personnel actions (See attached information).
 - C. Consider the request by Wallace Perman for vacation of part of Railroad Avenue in Governor Pierce Addition. (See attached information)
Action by the Board would be to call for a public hearing.
 - D. Consider the request of Mary Stevens, Director of the Downtowners Business Association, for permission to close streets for various functions in the downtown area. (See attached information)
 - E. Consider the approval of the following appointments to the Library Board of Trustees: Marcia Harris – New Member and Dr. Kermit Lidstrom – reappointment. (See attached information)

7. PUBLIC HEARING and second reading on Ordinance 4980 relating to alcoholic beverages. (See attached information)
8. PUBLIC HEARING and second reading on Ordinance 4988 relating to offenses involving minors or alcohol. (See attached information)
9. PUBLIC HEARING and second reading on Ordinance 4989 relating to evaluation or appraisal of performance. (See attached information)
10. PUBLIC HEARING and second readings on Ordinances 4981 to 4987 relating to water and sewer trunk line and water reservoir charges. (See attached information)
11. PUBLIC HEARING on the Resolution of Necessity and award of bid for Street Improvement District Number Three Hundred Forty One (342). (See attached information)
12. Consider the request from Mel Bullinger, City Engineer, to approve the contract for the shared-use path on South Washington Street. (See attached information)
13. Receive and award bid for Street Improvement District Number Three Hundred Forty One. (See attached information)
14. Receive and award bid for Sewer Utility Project 99-30 – detour-signing for sewer utility main replacement.
15. Receive bids on the following:
 - a. One or more Single Axle Truck Chassis and one or more Aerial Device with Chipper Box or Service Body.
 - b. One or more Single Axle Truck Chassis and one or more Aerial Device with Chipper Box or Service Body.
16. Receive and award bid for Bulk Lime Storage Unit.
17. Receive and award bid for Street Utility Project 99-12.
18. Consider final approval of plat of Country West XXI. (See attached information)
19. Consider request of Joel Boespflug, Director of Fire and Inspections, for approval of a department reorganization plan. Materials relative to this topic will be distributed under separate cover.

Adjourn.

Sincerely,


Dennis Schlenker, Investment/Finance Officer
Attachments

Project No. 12
Dakota Rough Riders Bike Club

→ 7818.00

RECREATIONAL TRAILS PROGRAM
PROJECT RATING QUESTIONS

Total
Points

25

Project will qualify as: motorized non-motorized diversified

Select all applicable answers per question. Maximum point value for each section is given at the end of each main question. Some sections may be left unanswered thereby leaving zero balances.

1. Is the project supported by or included in a:

- a. local recreation plan (1) Pts
b. regional recreation plan (1) Pts
c. statewide recreation plan SCORP (1) Pts 1

Project is specifically referenced as a project to be implemented in the local, regional or statewide recreation plan.

Is the trail project sited on suitable soils and grades, designed to prevent erosion and suitably mitigated in problem areas? (1) Pts 1

The trail must be laid out in a manner which will result in the least amount of erosion problems and placing the trail on stable soils.

Does the project provide for use of trails by persons with disabilities, older citizens and other special populations or groups?

Project expands recreation opportunities for populations with recreation deficiencies.

- Two or more groups (2pts) Pts 1
One group (1pt)

Type of trail project:

Choose one only.

The trail is placed in a category listed below. Only one category can be chosen.

- Rehabilitation (4) Pts 4
Maintenance (3) Pts
Development (2) Pts
Acquisition (1) Pts

How many trail uses will this project provide?

Trail corridors are maximized.

- Four or more uses (4) Pts
Three (3) Pts 3
Two (2) Pts
One (1) Pts

Will this project be used year round or seasonally?

Trail corridor usage is maximized.

- Year round (2) Pts
Seasonally (1) Pts 1

Does the project provide for corridor sharing to accommodate motorized/non-motorized trail use.
Trail corridors attempt to accommodate multiple uses while avoiding dangerous situations.

Project involves innovative multiuse corridor sharing (3)

Pts

Project involves multiuse corridor sharing (2)

Pts

Project involves seasonal time sharing of trail (1)

Pts

0

Is the project in proximity to high population areas?

Project be implemented in proximity to potential users. Visitation counts may be used as population indicators.

Project is within ten miles of 1,000 or more people (1)

Pts 1

Project is within 50 miles of 1,000 or more people (1)

Pts

Project is within ten miles of a state or national recreation/tourism attraction. (1)

Pts

Is the trail project located on land where the control of the trail is long term? Maximum pts (3)

Trail is located on public or private land with a minimum 20 year use period. (3)

Pts 2

Trail is on private land with a use period of at least 3 years but less than 20 years. (2)

Pts

What is the commitment to continue operation and maintenance of the project?

Is the grant recipient willing to continue the maintenance and operation of this project on a long-term basis.

Project sponsor has made a written commitment to continue full project maintenance. (3)

Pts

Project sponsor has made a written commitment to continue donating labor for the maintenance of this project. (1)

Pts 1

Maintenance agreement is uncertain. (0)

Pts

Does the project provide development of trail linkages?

Project will improve the quality and quantity of recreational experiences by offering other methods of transportation from home to recreational, shopping and places of work.

To another trail (2)

Pts

To a recreation area, home, work and school area. (2)

Pts 2

What is the degree of citizen involvement in the proposed trail project?

Project is responding to citizen-identified needs.

Project originated with citizens or community organization (1)

Pts 1

Citizens/community participated in project development (1)

Pts

Project is responsive to expressed needs of the community (1)

Pts

Does the project promote safe trail use?

The project sponsor describes how the project will keep the users safe on the trail system.

Yes (1)

Pts 1

No (0)

Sponsor of the project has included with the application evidence of support for the project.

Pts 2

Application includes letter of support, resolutions, public meetings, etc.

Yes (2)

No (0)

The sponsor of the project has submitted all documents as required to make the application complete and was submitted by the deadline date.

Pts 2

Examples: maps, deeds or leases, copies of estimate costs or invoices of project or equipment.

Maximum pts (3) Choose from 0-3 pts.

Evidence of sponsor to demonstrate the ability to carry out the project.

Pts 2

Sponsor demonstrates to carry out project by approved past projects or to operate, maintain and protect trail

for future use. **Maximum pts (3) Choose from 0-3 pts.**



North Dakota Parks & Recreation Department

1835 Bismarck Expressway, Bismarck, ND 58504
Phone: (701) 328-5357 Fax: (701) 328-5363 E-Mail: parkrec@pioneer.state.nd.us
Visit us on the Web: <http://www.state.nd.us/ndparks>

Edward T. Schafer, Governor
Douglass A. Prchal, Director

TO: Trails Advisory Board Members
FROM: Randy Harmon *RH*
Re: Funding for Fiscal Year "99" Trail Projects
DATE: May 7, 1998

Field Manager
Brad Pozarnsky
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4054

This is to inform you that the board will meet on Tuesday, May 25 at 9:00 am. The meeting will take place at the North Dakota Parks and Recreation Department in the meeting conference room.

Cross Ranch
1403 River Road
Center, ND 58530
Ph. (701) 794-3731
• Little Missouri-Killdeer

I have enclosed copies of all applications, rating sheet, information sheets on motorized and non-motorized projects, past funded projects and copies of my ratings for each project. We have received a total of \$160,240.00 in requests for motorized funding with \$124,754.00 available for use. The non-motorized projects total \$1,261,720.50 in requests for funding with \$291,093.00 available for use. I have enclosed a sheet showing the distribution of funds available in our state.

Devils Lake
152 S. Duncan Dr.
Devils Lake, ND 58301
Ph. (701) 766-4015
• Black Tiger Bay
• Grahams Island
• Shelters Grove

A rating sheet is enclosed to rate all projects. I have enclosed my rating sheet copies for review. Keep track of all total scores for each project. If you have access to a copy machine, you may want to copy the rating sheet for each project to be rated. It is important to rate the projects so we can compare and determine at the meeting how the funds should be distributed to approved projects. Please bring you envelope packets with you at the meeting.

Ft. Abraham Lincoln
4480 Fort Lincoln Road
Mandan, ND 58554
Ph. (701) 663-9571
• Sully Creek-Medora

Ft. Ransom
5981 Walt Hjelle Parkway
Ft. Ransom, ND 58033
Ph. (701) 973-4331
• Beaver Lake-Wishek
Ph. (701) 452-2752

This year we received more requests for funding than ever before. We need to discuss at the meeting about limiting grants. (Ex: \$5,000 - \$50,000) With the change from the 50/50 match to the 80/20 match, we are going to see an increase in the number of applications for funding.

Ft. Stevenson
1252A 41st Ave. NW
Garrison, ND 58540
Ph. (701) 337-5576

If traveling from out of town, your travel and lodging expenses are reimbursed. I will have the necessary forms available for you.

Icelandic
13571 Hwy. 5
Cavalier, ND 58220
Ph. (701) 265-4561

If you are unable to attend the meeting and want your rating scores included, send those results to me and I will include them with the rest of the groups results.

Lake Metigoshe
#2 Lake Metigoshe State Park
Bottineau, ND 58318
Ph. (701) 263-4651

Thank you for taking the time to do this important task and being a representative on the trails advisory board. If for some reason you cannot continue to serve on the board, please let me know. If you have any questions, I can be reached at 701-328-5369.

Lake Sakakawea
Box 732
Riverdale, ND 58565
Ph. (701) 487-3315

Lewis & Clark
4904 119th Rd. NW
Epping, ND 58843
Ph. (701) 859-3071

Thanks again and I hope to see you on the 25th of May.

Turtle River
3084 Park Ave.
Arvilla, ND 58214
Ph. (701) 594-4445
• Elmwood-Grafton

Bismarck *City Administration*

May 20, 1999

Jennifer Morlock
Dakota Cyclery
1606 E Main Avenue
Bismarck, ND 58501

Dear Jennifer:

The items the city staff is most concerned for relative to this grant are as follows:

- The affected area has been preliminarily identified for a possible storm water impoundment. Any trail use of this property would need to be subject to this potential impoundment.
- Once established, the continued maintenance of the trails is a concern. This maintenance will need to be handled by someone able to guarantee future condition of the trails.
- The city will need to be indemnified for claims resulting from the use of these trails.
- This area is likely to host Native American artifacts. The ND Historical Society will need to be involved in the trail construction process to eliminate negative impacts.
- The city will need to be insulated from any grant penalties if these trails need to be discontinued.
- We will recommend the easement be granted only if cancelable on six months notice due to the changing plans for this area.

Please review these comments and, if there is a desire to proceed with the project with these noted concerns, please advise me of your intentions.

You are not presently scheduled for the City Commission meeting of May 25, 1999 (5:15 p.m.), but I will put you on this agenda if you wish.

Please let me know of your wishes.

Sincerely,



Bill Wocken
City Administrator

Bismarck City Administration

May 26, 1999

MS JENNIFER MORLOCK
DAKOTA CYCLERY
1606 E MAIN AVE
BISMARCK ND 58501-4601

Dear Ms. Morlock:

On Tuesday, May 25, 1999 the Board of City Commissioners considered your request on behalf of the Dakota Roughriders Bike Club for an easement for a two-mile mountain bike trail from Pioneer Park to Bismarck State College on city property.

The Board did approve this easement with the stipulation that the city concerns listed in my letter of May 20, 1999, be followed.

Sincerely,



W. C. Wocken
City Administrator

WCW/kr

Development Item	Unit	Estimated Cost
Trailer for tools (see attached estimate)	1	\$ 3700
Post hole digger (motorized)	1	\$1250
Post hole digger (manual)	3	\$75 (@\$25)
Shovels (round nose)	3	\$90 (@\$30)
Shovels (square nose)	3	\$90 (@\$30)
Rake (large landscape)	3	\$180 (@\$60)
Rake (small)	3	\$120 (@\$40)
Hoes	3	\$108 (@\$36)
Wheel Barrow	3	\$120 (@\$60)
Pruners	3	\$90 (@\$30)
Bow Saws	3	\$45 (@\$15)
Signs, Trail system, Park info.	1	\$ 1000
Posts, round, fence	25	\$250 (@ \$10)
Railroad ties	25	\$175 (@ \$7)
Trail Markers	100	\$ 15
McCloud, trail rake	3	\$120 (@ \$40)
Poloski, brush tool	3	\$ 90 (@ \$30)

\$

Volunteer labor of 686 hr.
to construct 10560 ft. (2 miles)
@ 6.5 hr/100ft of trail and
\$6/hr labor cost.

\$ 4100.

May 30, 2001

Dan Scheoskel
ND Parks & Recreation
1835 Bismarck Expressway
Bismarck, ND 58504

Dear Dan:

Enclosed is a list of employees who worked on the Pioneer Park Trail Project. The list includes dates worked, hours worked, rate of pay, and total reimbursement being requested. This information will complete our funding request for the Recreational Trails Program. Please review the information and send reimbursement to us as soon as possible.

Also enclosed is a receipt showing additional costs to complete the project. We will also need reimbursement for this charge. Thank you for your attention to this matter.

Sincerely,

Jennifer Morlock
Dakota Cyclery

May 30, 2001

Dan Scheoskel
ND Parks & Recreation
1835 Bismarck Expressway
Bismarck, ND 58504

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Also enclosed is a receipt showing additional costs to complete the project. We will also need reimbursement for this charge. Thank you for your attention to this matter.

Sincerely,

Jennifer Morlock
Dakota Cyclery

Name	Date	Hours	Rate	Total Reimbursement
Jeff Bakken	10/24/99	1	\$10.00	\$10.00
	10/30/99	6	\$10.00	\$60.00
	10/31/99	3	\$10.00	\$30.00
	4/12/00	3	\$10.00	\$30.00
	5/15/00	3	\$10.00	\$30.00
	6/3/00	6.5	\$10.00	\$65.00
	8/28/00	3	\$10.00	\$30.00
	8/30/00	7	\$10.00	\$70.00
	9/30/00	8	\$10.00	\$80.00
	10/11/00	4	\$10.00	\$40.00
	10/21/00	9	\$10.00	\$90.00
	10/31/00	3	\$10.00	\$30.00
	11/1/00	4	\$10.00	\$40.00
	11/4/00	9	\$10.00	\$90.00
	Brian Crawford	10/30/99	6	\$10.00
10/7/00		5	\$10.00	\$50.00
10/21/00		6	\$10.00	\$60.00
11/4/00		5	\$10.00	\$50.00
Thomas Crawford	10/21/00	2	\$10.00	\$20.00
David DeSautel	10/30/99	6	\$10.00	\$60.00
	6/10/00	6	\$10.00	\$60.00
	11/2/00	2	\$10.00	\$20.00
	11/4/00	3.5	\$10.00	\$35.00
Tom Everson	4/22/00	1	\$10.00	\$10.00
Alex Felderman	10/7/00	4	\$10.00	\$40.00
Sarah Fricke	10/7/00	1	\$10.00	\$10.00
Steve Held	10/7/00	5	\$10.00	\$50.00
	10/21/00	6	\$10.00	\$60.00
	11/4/00	5	\$10.00	\$50.00
	10/30/99	6	\$10.00	\$60.00
Jay Helseth	6/3/00	3	\$10.00	\$30.00
Dwight Hertz	10/21/00	2.5	\$10.00	\$25.00
Tom Hotchkiss	10/30/99	6	\$10.00	\$60.00
	6/3/00	3	\$10.00	\$30.00
	6/10/00	6	\$10.00	\$60.00
	10/21/00	3	\$10.00	\$30.00
	11/4/00	3	\$10.00	\$30.00
Dave Jensen	6/3/00	3	\$10.00	\$30.00
	6/10/00	2.5	\$10.00	\$25.00
Joey Klein	6/10/00	10	\$10.00	\$100.00
Lance Larson	7/12/00	2	\$10.00	\$20.00
Aileen Luethe	6/3/00	3	\$10.00	\$30.00
	6/10/00	8	\$10.00	\$80.00
	10/7/00	4	\$10.00	\$40.00
	10/21/00	3	\$10.00	\$30.00
	11/4/00	4.5	\$10.00	\$45.00
			Subtotal	\$2,055.00

Name	Date	Hours	Rate	Total Reimbursement	
Ron Luethe	4/18/00	3	\$10.00	\$30.00	
	6/3/00	5.5	\$10.00	\$55.00	
	6/10/00	8	\$10.00	\$80.00	
	10/7/00	5	\$10.00	\$50.00	
	10/21/00	6.5	\$10.00	\$65.00	
	11/4/00	6.5	\$10.00	\$65.00	
Tom Marple	10/7/00	5	\$10.00	\$50.00	
John Morgan	11/4/00	4.5	\$10.00	\$45.00	
Todd Morken	7/12/00	1	\$10.00	\$10.00	
	11/4/00	5	\$10.00	\$50.00	
Loren Morlock	10/24/99	3	\$10.00	\$30.00	
	10/30/99	6	\$10.00	\$60.00	
	10/31/99	3	\$10.00	\$30.00	
	4/12/00	3	\$10.00	\$30.00	
	4/18/00	3	\$10.00	\$30.00	
	4/22/00	1	\$10.00	\$10.00	
	4/24/00	1	\$10.00	\$10.00	
	5/15/00	3	\$10.00	\$30.00	
	6/3/00	6.5	\$10.00	\$65.00	
	6/10/00	7	\$10.00	\$70.00	
	7/7/00	8	\$10.00	\$80.00	
	7/12/00	2	\$10.00	\$20.00	
	8/6/00	2	\$10.00	\$20.00	
	8/28/00	3	\$10.00	\$30.00	
	8/30/00	7	\$10.00	\$70.00	
	9/30/00	8	\$10.00	\$80.00	
	10/7/00	5	\$10.00	\$50.00	
	10/11/00	4	\$10.00	\$40.00	
	10/21/00	8	\$10.00	\$80.00	
	10/31/00	3	\$10.00	\$30.00	
	11/1/00	4	\$10.00	\$40.00	
	11/3/00	4	\$10.00	\$40.00	
	11/4/00	9	\$10.00	\$90.00	
	Bob Shannon	6/3/00	4	\$10.00	\$40.00
		11/4/00	1	\$10.00	\$10.00
	Steve Shannon	11/4/00	1	\$10.00	\$10.00
	John Steiner	10/21/00	2.5	\$10.00	\$25.00
Steve Stelton	10/24/99	3	\$10.00	\$30.00	
	10/30/99	6	\$10.00	\$60.00	
	10/31/99	3	\$10.00	\$30.00	
	6/10/00	5	\$10.00	\$50.00	
	8/30/00	3	\$10.00	\$30.00	
	10/7/00	5	\$10.00	\$50.00	
	10/21/00	4	\$10.00	\$40.00	
	11/4/00	5	\$10.00	\$50.00	
	Kathy Summers	6/10/00	10	\$10.00	\$100.00
	Kyle Thomas	10/7/00	5	\$10.00	\$50.00
11/4/00		7	\$10.00	\$70.00	
			Subtotal	\$2,180.00	

Name	Date	Hours	Rate	Total Reimbursement
Marnie Walth	10/7/00	3	\$10.00	\$30.00
	11/4/00	2	\$10.00	\$20.00
Luke Weiser	10/7/00	1	\$10.00	\$10.00
			Subtotal	\$60.00
			Total	\$4,295.00