



Board of City Commissioners

The Board of City Commissioners is scheduled to meet on Tuesday, January 9, 2024, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

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

The City of Bismarck encourages citizens to provide their comments for public hearing items on the Bismarck City Commission agenda via email to bismarckadmin@bismarcknd.gov. Please include the item number that your comment references. The comments will be sent to the members and placed with the minutes.

To ensure your comments are received before the meeting, please submit them by 3:30 PM on the day of the meeting and reference the item your comments address. If you would like to appear via video or audio link for a 3-5 minute comment on a regular agenda public hearing item, please provide your email address and contact information to the above email at least one business day before the meeting.

Live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM Radio, or streaming on multiple platforms, including [FreeTV.org](https://www.freeTV.org) and [Facebook LIVE](https://www.facebook.com/bismarckndgov). Agenda items can be found online at www.bismarcknd.gov/agendacenter.

Call to Order

FUTURE COMMISSION MEETINGS:

- January 23, 2024
- February 13, 2024 & February 27, 2024
- March 12, 2024 & March 26, 2024

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)
2. CONSENT AGENDA
 - A. Consider approval of minutes

Documents:

[December 26, 2023 - Minutes.pdf](#)

B. Consider approval of personnel actions

Documents:

[HR Personnel Report.pdf](#)

C. Consider approval of expenditures

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

1. Taxi License Application - Bismarck Transportation Services, Co.
2. Taxi License Application - Dakota Transportation Services, LLC.
3. Gaming Site Authorization for Bismarck Youth Baseball, LLC. to conduct gaming at the Scheels Youth Baseball Complex, 2000 Shiloh Drive.
4. Introduction of and call for a public hearing on a request for a new Class F2: Restaurant Beer and Wine Liquor license for Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro at 1825 N 13th Street.

Documents:

[C\) ADMIN - BTS Taxi Application.pdf](#)
[C\) ADMIN - DTS Taxi Application.pdf](#)
[C\) ADMIN - Gaming Site Authorization.pdf](#)
[C\) ADMIN - New Liquor License.pdf](#)

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

1. Introduction of and call for public hearing on Ordinance 6570, the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township where the Planning and Zoning Commission recommends approval.
2. Request of Donald and Cynthia Klym for approval of a minor subdivision final plat titled Centennial First Addition First Replat where the Planning and Zoning Commission recommends conditional approval.
3. Introduction of and call for public hearing on a zoning ordinance text amendment, requested by the City of Bismarck,

to amend certain dimensional requirements for residential accessory structures where the Planning and Zoning Commission recommends approval.

4. Consider the 2021 Annual Action Plan for CDBG – Substantial Amendment.
5. Request of the Bismarck-Mandan Metropolitan Planning Organization, on behalf of Bis-Man Transit, to approve the Updated Designation of Signature Authority for TrAMS and Authorization of User Manager Privileges for MPO staff.

Documents:

- C) CD - HayCreek Township Annexation.pdf
- C) CD - Centennial Park First Addition.pdf
- C) CD - Residential Accessory Structure Requirements.pdf
- C) CD - Annual Action Plan for CDBG.pdf
- C) CD - MPO TrAMS and User Manager Privileges Request.pdf

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

1. Encroachment agreement with Charity Lutheran Church.
2. Encroachment agreement with Hope Manor Foundation, Inc.
3. Resolution of necessity for Street Improvement District SI 578.
4. Resolution approving preliminary report and directing preparation of plans and specifications and resolution of necessity for Street Improvement District SI 579.

Documents:

- C) ENG - Encroachment Agreement - Charity Lutheran.pdf
- C) ENG - Encroachment Agreement - Hope Manor.pdf
- C) ENG - SI 578.pdf
- C) ENG - SI 579.pdf

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

1. Applications for Abatement
2. Receive, consider, and award bid for actuarial services.
3. Public Depositories for City Funds

Documents:

- C) FIN - Abatements.pdf

- C) [FIN - Actuarial Services RFP.pdf](#)
- C) [FIN- Designate Depositories.pdf](#)

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

1. Permission to sell two decommissioned Police patrol vehicles at auction.
2. Permission to sell a 2015 Chevrolet Equinox at auction and replace it with a forfeited 2015 GMC Sierra.

Documents:

- C) [PD - Auciton Decommissioned Police Vehicles.pdf](#)
- C) [PD - Sell and Incorporate Police Vehicles.pdf](#)

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

1. Time extension change orders for PKG Contracting and Edling Electric for the Water Treatment Plant High Lift No. 5 project.

Documents:

- C) [PW UO - Change Order 2 for PKG and Edling Electric - High Lift 5.pdf](#)

3. REGULAR AGENDA

A. Public hearing on a request for a new Class G: Catered Retail Beer, Wine, & Liquor license for Thomas & Moriarty's LLC (dba) Thomas & Moriarty's at 200 West Main Street, Mandan.

Documents:

- R) [ADMIN - New Alcohol License - Thomas and Moriartys.pdf](#)

B. Public hearing on a request for a new Class C-2: Hotel or Motel Liquor license for NHS, LLC. (dba) Wingate by Wyndham Bismarck at 1421 Skyline Blvd.

Documents:

- R) [ADMIN - New Alcohol License - Wingate by Wyndham.pdf](#)

C. Public hearing on Ordinance 6567 to amend portions of Title 9 - Personnel Regulations.

Documents:

- R) [LEGAL - Ord 6567.pdf](#)

D. Public hearing on Ordinance 6568 to amend the city pension.

Documents:

[R\) LEGAL - Ord 6568.pdf](#)

E. Public hearing on Ordinance 6569 to amend the city police pension.

Documents:

[R\) LEGAL - Ord 6569.pdf](#)

F. Consider approval of amendment 1 with Apex Engineering Group, Inc for design engineering services related to FEMA South Bismarck Flood Control Project.

Documents:

[R\) ENG - South Bismarck FEMA Project.pdf](#)

G. Receive an update from the City Commission Fact Finding Subcommittee.

Documents:

[R\) ADMIN - Fact Finding Subcommittee Update.pdf](#)

4. Other Business

Adjourn

Phone: 701-355-1300 | 221 North 5th Street | P.O. Box 5503 | Bismarck, ND 58501
www.bismarcknd.gov | TDD 711 | An Equal Opportunity-Affirmative Action Employer





MEETING OF THE BOARD OF CITY COMMISSIONERS

12/26/2023 - Minutes

Call to Order

The Board of City Commissioners met on December 26, 2023, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. Commissioner Cleary, Commissioner Connelly, Commissioner Marquardt, and Commissioner Zenker were present. Mayor Schmitz attended the meeting over Teams. Commissioner Marquardt resided over the meeting due to Mayor's online participation.

FUTURE COMMISSION MEETINGS:

- January 9, 2024 & January 23, 2024
- February 13, 2024 & February 27, 2024
- March 12, 2024 & March 26, 2024

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)

2. CONSENT AGENDA

Commissioner Zenker motioned to approve as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted, aye. M/C.

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

Vouchers: #1115053-1115345.

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

1. Appointing members to the Human Relations Committee.
2. Introduction of and call for a public hearing on a request for a new Class G: Catered Retail Beer, Wine, & Liquor license for Thomas & Moriarty's, LLC. (dba) Thomas & Moriarty's at 200 West Main Street, Mandan, ND.
3. Introduction of and call for a public hearing on a request for a new Class C-2: Hotel or Motel Liquor license for NHS, LLC. (dba) Wingate by Wyndham Bismarck at 1421 Skyline Blvd.

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

1. Appointing a member to the Board of Adjustment.
2. Appointing members to the Renaissance Zone Authority.
3. Appointing members to the Bismarck Historic Preservation Commission.
4. Appointing a member to the Bismarck Parking Authority.

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

1. Consider request for resolution approving contracts and bonds for previously awarded special assessed projects.
2. Consider approval of resolution of necessity for Street Improvement District SI 577.
3. Consider request for resolution creating district and ordering preparation of preliminary report and resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District SI 578.
4. Consider request for resolution creating district and ordering preparation of preliminary report for Street Improvement District SI 579.
5. Consider approving a contract for sidewalk snow removal services with Yard Butler for the 2023-2024 winter season.

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

1. Applications for abatement.
2. Consider approval of the Senior Project Engineer Position to manage City projects.

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

1. Contract Change with Electric Systems for a time extension for the Station 1 remodel.
2. Contract Change with HA Thompson & Sons for a time extension for the Station 1 remodel.

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

1. Permission to opt-out of CVS class action suit from Sheet Metal Workers and opt-in to the Blue Cross/CVS matter.

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

1. Permission to receive and consider the disposition of bids for the 2024 City of Bismarck Tow Contract.
2. Permission to accept a bid from Peraton to supply a bomb disposal robot to the BPD Bomb Team.

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

1. Permission to sell Unit # 1428, 4.0 Yard Grapple Bucket at Public Sale for the Roads and Streets Department.

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

1. Amendment to the 2019 South Central Regional Water District Contract.
2. Guaranteed Maximum Price 1 (GMP 1) Contract with PKG Contracting, Inc for the WWTP Effluent Flood Control Project.

3. REGULAR AGENDA

4. Consider the request for approval of the Silver Ranch Fourth Addition and part of Silver Ranch Third Addition, requested by Investcore, Inc and Chad Wachter, LLC.

Daniel Nairn, Planning Manager, provided information relating to Ordinance 6536 and 6537.

1. Public hearing on Ordinance 6536, a request for annexation of parts of Silver Ranch Third Addition and Silver Ranch Fourth Addition
2. Public hearing on Ordinance 6537, a request for zoning map amendment from the A – Agricultural zoning district to the Conditional RM20 – Residential, R10 – Residential, and P – Public zoning districts for Silver Ranch Fourth Addition
3. Major subdivision final plat of Silver Ranch Fourth Addition

Commissioner Marquardt opened the public hearing. No member of the public appeared for comment.

Mayor Schmitz motioned to approve the items related to Ordinance 6566 as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted, aye. M/C

5. Public hearing on Ordinances 6568 to amend the city pensions.

Attorney Combs addressed the commission regarding Ordinance 6568 to amend the City Employee Pensions. Due to publication constraints, the public hearing was not able to be advertised ten days prior to the public hearing, therefore, the public hearing will need to be extended to the January 9, 2024, meeting.

Commissioner Marquardt opened the public hearing. No member of the public appeared for comment.

Commissioner Cleary motioned to table items 5 and 6 to the January 9, 2024, City Commission meeting, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

6. Public hearing on Ordinances 6569 to amend the city pensions.

Attorney Combs addressed the commission regarding Ordinance 6569 to amend Police Pensions. Due to publication constraints, the public hearing was not able to be advertised ten days prior to the public hearing, therefore, the public hearing will need to be extended to the January 9, 2024, meeting.

Commissioner Marquardt opened the public hearing. No member of the public appeared for comment.

7. Consider the request from the Finance department to receive, consider, and award bid for actuarial services.

Chair Marquardt noted that Dmitriy Chernyak, Finance Director, requested that this item be pulled from the agenda prior to the meeting.

8. Consider the request from the Human Resources Department to receive additional information regarding personnel regulation changes.

Leanne Schmidt, Human Resources Director, provided information to the Commission regarding the recommendations of the Civil Service Commission.

The Commission received the information and discussed possible impacts if Department Director positions were changed from positions protected by Civil Service to Contract Positions including fiscal impacts, potential challenges with recruitment, and impacts on current directors' status as an employee protected by Civil Service. The consensus of the Commission was to keep directors as employees protected by the Civil Service and to avoid requiring them to operate as Contract Employees going forward.

<https://bismarcknd.gov/DocumentCenter/View/44556/Item-8-PDF>

9. Consider continued discussion and call for a public hearing on Ordinance 6567 to amend portions of Title 9 -Personnel Regulations.

Attorney Combs addressed the commission regarding Ordinance 6567 to amend portions of Title 9 -Personnel Regulations. Due to publication constraints, the public hearing was not able to be advertised ten days prior to the public hearing, therefore, the public hearing will need to be extended to the January 9, 2024, meeting.

Commissioner Marquardt opened the public hearing. No member of the public appeared for comment.

The Commission discussed the proposed changes as drafted. Commissioner Cleary noted that she supports the language and stated that she believes that the Commission is elected to make policy and not to regulate the organizations day to day operations.

Commissioner Marquardt noted that he would like to see the Commission take on the responsibility of providing personnel evaluations for the appointed positions, City Administrator, Assistant City Administrator, and the City Attorney.

Mayor Schmitz stated that he believes the ordinance should be passed as written and supported the remarks of Commissioner Marquardt in regard to annual evaluations of the three appointed position employees.

Commissioner Connelly motioned to leave the public hearing open and table the item until the January 9, 2024, Commission meeting, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

10. Discussion regarding appointing Jason Tomanek as acting City Administrator.

The Commission discussed the Mayor's recommendation to appoint Jason Tomanek, Assistant City Administrator, as acting City Administrator.

Commissioner Cleary motioned to appoint Jason Tomanek as acting City Administrator effective January 3, 2024, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

11. Other Business

Commissioner Cleary requested the Commission consider reassigning the Event Center portfolio to a member of the City Commission Fact Finding Subcommittee to avoid any potential violations of open meeting regulations. Mayor Schmitz encouraged the subcommittee to have Gordy Smith handle all interactions on behalf of the subcommittee to help avoid the need to shuffle portfolios at this time; Mayor Schmitz noted that portfolios will be reconsidered following the June 2024 election. The consensus of the group was to leave the portfolio assignments as-is.

Commissioner Marquardt thanked outgoing Administrator, Keith Hunke, for his 40 years of service and dedication to the City and community.

Administrator Hunke thanked the Commissioners for their support and remarked that it has been an honor and privilege to serve the community, and thanked his wife and family for their ongoing support.

Adjourn

There being no further business to discuss, the meeting adjourned at 6:36 PM.

*Phone: 701-355-1300 | 221 North 5th Street | P.O. Box 5503 | Bismarck, ND 58501
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PERSONNEL ACTIONS FOR THE MEETING ON January 9, 2024

Full-Time and Part-Time Appointments

Price, Heather Records Technician	Police	FT Appointment @\$20.15/hr 1/8/24
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Separations

Schnaible, Caden Concession Worker	Event Center	Resigned 12/19/23
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Others

Codenys, Amy Senior Communications Specialist	CenCom	Promotion @\$29.57/hr 12/24/23
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Mathias, Tyler Senior Communications Specialist	CenCom	Promotion @\$27.84/hr 12/24/23
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Roesler, Tammy Senior Communications Specialist	CenCom	Promotion @\$29.42/hr 12/24/23
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Werner, Rebekah Communications Specialist	CenCom	Leave w/out Pay 12/23/24
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Gilgallon, Paige Accountant	Finance/Fiscal	Leave w/out Pay 12/23/24
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Lund, Eric Accounting Supervisor	Finance/Fiscal	Acting Comptroller @\$49.01/hr 11/2/23
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Krause, Kaden Forestry Tech I (FT)	PW-Services	Promotion @\$22.24/hr 12/24/23
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Administration Department

DATE: January 9, 2024

FROM: Whitnie Olsen, Senior Administrative Assistant

ITEM: Taxi License Application - Bismarck Transportation Services Co.

REQUEST:

Consider approving the license for a new taxi company, Bismarck Transportation Services Co.

BACKGROUND INFORMATION:

Bismarck Transportation Services has submitted the necessary paperwork and documentation to consider the application for the license to operate a taxi service in Bismarck.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends considering the application and calling for a public hearing to be held on January 23, 2024 for the application of Bismarck Transportation Services Co.

STAFF CONTACT INFORMATION:

Jason Tomanek, Acting City Administrator, 701-355-1300, jtomanek@bismarcknd.gov

ATTACHMENTS:

1. ADMIN - BTS Taxi Application



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

TAXI CAB
LICENSE APPLICATION

LAST REVISED: 5/25/2023

Chapter 5-05-03 of the Code of Ordinances of the city of Bismarck requires that "a person may not operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without obtaining a license pursuant to this chapter."

Name of Applicant (Individual or Business): <i>Bismarck Transportation services</i>		Email Address: <i>bismarcktransportationservices@gmail.com</i>		
Business Address: <i>4326 Trenton Dr</i>	City: <i>Bis</i>	State: <i>ND</i>	Zip: <i>58503</i>	Business Phone Number: <i>7019550729</i>
Mailing Address: <i>4326 Trenton Dr</i>	City: <i>Bis</i>	State: <i>ND</i>	Zip: <i>58503</i>	After Hours Phone Number: <i>7013080718</i>
Applicant's experience in the transportation of passengers: <i>5 years</i>			Number of Vehicles to be operated or controlled by the applicant: <i>10</i>	

Location of proposed depots and terminals:
1513 South 12th St - Bismarck ND 58504

Color scheme of insignia to be used to designate the motor vehicle(s) of the applicant:
Red and Black design on the sides of the vehicle

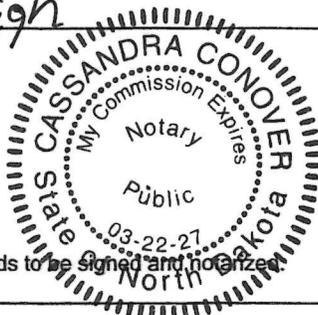
Make	Model	Vehicle ID Number	Capacity of Passengers
TOYOTA	PRIUS	JTDKN3DU5A5223	3
DODGE	CARAVAN	2C7WDG6BGXER162283	5
NISSAN	QUEST	JN8AE2KP9F9121259	6
NISSAN	QUEST	JN8AE2KP9F9128791	6
DODGE	CARAVAN	2D4RN4DE9AR265242	6
CHRYSLER	TOWN & COUNTRY	2C4RC1BG7FR562149	6
DODGE	CARAVAN	2C4RDG6G3ER122992	6
CHRYSLER	TOWN COUNTRY	2A4RR5DX5AR152004	6
DODGE	CARAVAN	2C7WDG6BG7ER162273	5
CHEVROLET	UPLANDER	1GBDV13W08D163684	6

The following must accompany this application:

<input checked="" type="checkbox"/> Photo of Cab/Logo	<input checked="" type="checkbox"/> Vehicle Title(s)	<input type="checkbox"/> Rate Fare Chart	<input checked="" type="checkbox"/> Payment of \$25.00 per vehicle
<input checked="" type="checkbox"/> \$100.00 Application Fee	<input type="checkbox"/> Vehicle Inspection report for each vehicle	<input checked="" type="checkbox"/> Certificate of Liability Insurance	

State of North Dakota
County of Burleigh

[Signature]
Applicant's Signature
Isaac Afoakwa
Print Name



Subscribed and sworn to before me this 16th
day of October, 2023
[Signature]
Notary Public

Note: Each application needs to be signed and notarized.

9/22/2023

BTS
BISMARCK
TRANSPORTATION
SERVICES



Vehicle Schedule

Year, Make, Model, VIN	Collision	Comp or Spec. Caus.	Stated Amount	Phys. Dam. Deductible	In-Tow Limit	Cargo Limit
2015 CHRYSLER TOWN & COUNTRY 2C4RC1BG7FR562149	Covered	Comp	N/A	N/A	N/A	N/A
2014 DODGE GRAND CARAVAN 2C7WDGBG7ER162273	Covered	Comp	N/A	N/A	N/A	N/A
2015 NISSAN QUEST JN8AE2KP9F9129259	Covered	Comp	N/A	N/A	N/A	N/A
2014 DODGE GRAND CARAVAN 2C7WDGBGXER162283	Covered	Comp	N/A	N/A	N/A	N/A
2015 NISSAN QUEST JN8AE2KP0F0128791	Covered	Comp	N/A	N/A	N/A	N/A
2010 DODGE GRAND CARAVAN 2D4RN4DE9AR265242	Covered	Comp	N/A	N/A	N/A	N/A
2010 CHRYSLER TOWN & COUNTRY 2A4RR5DX5AR152004	Covered	Comp	N/A	N/A	N/A	N/A
2011 CHRYSLER TOWN & COUNTRY 2A4RR6DG3BR698453	Covered	Comp	N/A	N/A	N/A	N/A



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB
CERTIFICATE OF VEHICLE
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 1GBDV13W08D 163684	Make: CHEVROLET	Model: UPLANDER	Year: 2008	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following? (See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Repets	Signature <i>[Signature]</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr	City BTS
	State ND	Zip 58503
		Phone Number 701 955 0729

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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CERTIFICATE OF TITLE FOR A VEHICLE
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION
 MOTOR VEHICLE DIVISION
 608 E BOULEVARD AVE
 BISMARCK ND 58505-0780
 Telephone: (701) 328-2725

VIN 1GBDV13W08D163684	YEAR MODEL 2008	YEAR REGISTERED 2008	MAKE CHEVROLET	BODY STYLE VAN CARGO	MODEL UPLANDER
OWNER(S) NAME VIVIAN AGYEMANG OWUSU	TITLE NUMBER ND268714496	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4570	DATE ISSUED 9/15/2022	ODOMETER READING ODOMETER STATUS EXEMPT

MAIL VIVIAN AGYEMANG OWUSU
 TO: 2700 HAWKEN ST APT 209
 BISMARCK ND 58503-1363



PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price

Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: Mileage stated is in excess of its mechanical limits. Odometer reading is not the actual mileage (**warning *odometer discrepancy**)

Odometer Reading	NO TENTHS
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Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

LEGAL TITLE OWNER (LIENHOLDER)
 Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



R857273

I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Robert Rehberg

Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF THE CERTIFICATE OF TITLE.
 SFN 2875 (7-2021)



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB
CERTIFICATE OF VEHICLE
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 2ARRR5DXSAR 152004	Make: CHRYSLER	Model: TOWN COUNTRY	Year: 2010	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield - Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
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Business Name B.T.S.	Mailing Address 4326 Trenton Dr.	City BIS	State ND	Zip 58803	Phone Number 7019550729
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This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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CERTIFICATE OF TITLE FOR A VEHICLE
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION
 MOTOR VEHICLE DIVISION
 608 E BOULEVARD AVE
 BISMARCK ND 58505-0780
 Telephone: (701) 328-2725

VIN ✓ 2A4RR5DX5AR152004	YEAR MODEL 2010	YEAR REGISTERED 2010	MAKE CHRYSLER	BODY STYLE VAN PASSENGER	MODEL TOWN & COUNTRY
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND1965691392	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4507	DATE ISSUED 2/7/2023	ODOMETER READING ODOMETER STATUS EXEMPT

MAIL BISMARCK TRANSPORTATION SERVICES
 TO: 4326 TRENTON DR
 BISMARCK ND 58503-1167

PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price

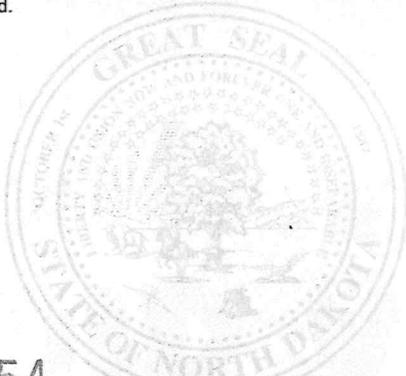
Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: Mileage stated is in excess of its mechanical limits. Odometer reading is not the actual mileage (warning *odometer discrepancy)

Odometer Reading	NO TENTHS
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Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

LEGAL TITLE OWNER (LIENHOLDER)

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Robert Rehberg

Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF

0000051



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB
CERTIFICATE OF VEHICLE
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 2C4RC1B G7FR 562149	Make: CHRYSLER	Model: TOLON & COUNTRY	Year: 2015	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following? (See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield - Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS
	State ND	Zip 58503
		Phone Number 701 955 0729

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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CERTIFICATE OF TITLE FOR A VEHICLE
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION
 MOTOR VEHICLE DIVISION
 608 E BOULEVARD AVE
 BISMARCK ND 58505-0780
 Telephone: (701) 328-2725

VIN 2C4RC1BG7FR562149	YEAR MODEL 2015	YEAR REGISTERED 2015	MAKE CHRYSLER	BODY STYLE VAN PASSENGER	MODEL TOWN & COUNTRY
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND458621440		VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4463	DATE ISSUED 8/5/2022
			ODOMETER READING 181205 MI	ODOMETER STATUS ACTUAL	

MAIL BISMARCK TRANSPORTATION SERVICES
 TO: 4626 TRENTON DR
 BISMARCK ND 58503-7899

PREVIOUSLY SALVAGED

THIS VEHICLE HAS BEEN PREVIOUSLY DAMAGED. IF YOU REQUIRE FURTHER INFORMATION, PLEASE CONTACT THE D.O.T.

PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One: <input type="checkbox"/> Or <input type="checkbox"/> And <input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)	Purchase Price		

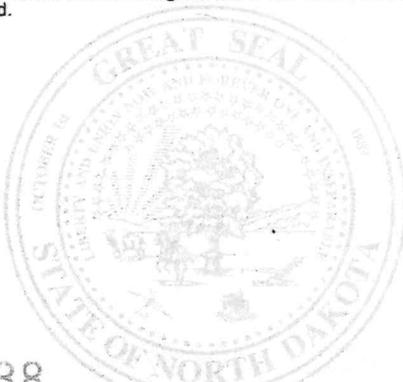
Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: Mileage stated is in excess of its mechanical limits. Odometer reading is not the actual mileage (warning *odometer discrepancy)

Odometer Reading NO TENTHS

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

LEGAL TITLE OWNER (LIENHOLDER)

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Robert Rehberg

Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF

R758032



**CITY OF BISMARCK
ADMINISTRATION DEPARTMENT**

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

LAST REVISED: 5/25/2023

**TAXI CAB
CERTIFICATE OF VEHICLE
INSPECTION**

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 2C4RDGC63ER 122992	Make: DODGE	Model: CARAVAN	Year: 2014	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following? (See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)		
	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS
	State ND	Zip 58503
	Phone Number 701 985 0729	

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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CERTIFICATE OF TITLE FOR A VEHICLE
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION
 MOTOR VEHICLE DIVISION
 608 E BOULEVARD AVE
 BISMARCK ND 58505-0780
 Telephone: (701) 328-2725

VIN ✓ 2C4RDGCG3ER122992	YEAR MODEL 2014	YEAR REGISTERED 2014	MAKE DODGE	BODY STYLE VAN PASSENGER	MODEL CARAVAN/GRAND
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND1236406784	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4483	DATE ISSUED 2/1/2023	ODOMETER READING 232985 MI
					ODOMETER STATUS ACTUAL

MAIL BISMARCK TRANSPORTATION SERVICES
 TO: 4326 TRENTON DR
 BISMARCK ND 58503-1167

PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price

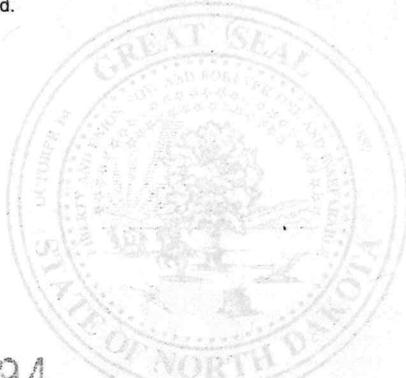
Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: Mileage stated is in excess of its mechanical limits. Odometer reading is not the actual mileage (warning *odometer discrepancy)

Odometer Reading _____ NO TENTHS

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

LEGAL TITLE OWNER (LIENHOLDER)

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Robert Rehberg

Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF

RRR0001



**CITY OF BISMARCK
ADMINISTRATION DEPARTMENT**

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

LAST REVISED: 5/25/2023

**TAXI CAB
CERTIFICATE OF VEHICLE
INSPECTION**

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Vehicle ID Number: 2C7WDCBG7EK 162273	Make: DODGE	Model: GRAND CARAVAN	Year: 2014	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>Roman Kupets</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS
	State ND	Zip 58503
		Phone Number 701 955 0729

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>Carrie Lopez</i>	Date 10-17-2023
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CERTIFICATE OF TITLE FOR A VEHICLE
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION
 MOTOR VEHICLE DIVISION
 608 E BOULEVARD AVE
 BISMARCK ND 58505-0780
 Telephone: (701) 328-2725

VIN 2C7WDGBG7ER162273	YEAR MODEL 2014	YEAR REGISTERED 2014	MAKE DODGE	BODY STYLE VAN PASSENGER	MODEL GRAND CARAVAN
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND985279488	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4321	DATE ISSUED 8/31/2021	
	ODOMETER READING 270325 MI	ODOMETER STATUS ACTUAL			

MAIL BISMARCK TRANSPORTATION SERVICES
 TO: 4326 TRENTON DR
 BISMARCK ND 58503-1167

PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

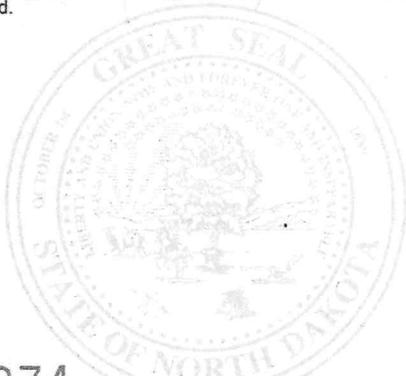
Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One: <input type="checkbox"/> Or <input type="checkbox"/> And <input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)	Purchase Price		

Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: Mileage stated is in excess of its mechanical limits. Odometer reading is not the actual mileage (warning *odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

LEGAL TITLE OWNER (LIENHOLDER)

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Robin Rehberg

Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB
CERTIFICATE OF VEHICLE
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 2C7WDGBGXE B162283	Make: DODGE	Model: GRAND CARAVAN	Year: 2014	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature 	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS
	State ND	Zip 58503
	Phone Number 7019550729	

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature 	Date 10-17-2023
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CERTIFICATE OF TITLE FOR A VEHICLE
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION
 MOTOR VEHICLE DIVISION
 608 E BOULEVARD AVE
 BISMARCK ND 58505-0780
 Telephone: (701) 328-2725

VIN ✓ 2C7WDGBGXER162283	YEAR MODEL 2014	YEAR REGISTERED 2014	MAKE DODGE	BODY STYLE VAN PASSENGER	MODEL GRAND CARAVAN
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND465218560	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4321	DATE ISSUED 8/31/2021	ODOMETER READING 279317 MI
				ODOMETER STATUS ACTUAL	

MAIL BISMARCK TRANSPORTATION SERVICES
 TO: 4326 TRENTON DR
 BISMARCK ND 58503-1167

PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License <input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License <input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code County
Check One: <input type="checkbox"/> Or <input type="checkbox"/> And <input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)	Purchase Price	

Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: Mileage stated is in excess of its mechanical limits. Odometer reading is not the actual mileage (warning *odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

LEGAL TITLE OWNER (LIENHOLDER)

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Robert Rehberg

Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB
CERTIFICATE OF VEHICLE
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 204RN4DE9AR 265242	Make: DODGE	Model: GRAND CARAVAN	Year: 2010	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr Bis	City ND
	State ND	Zip 58503
	Phone Number 7019550729	

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Cooper	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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CERTIFICATE OF TITLE FOR A VEHICLE

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION
 MOTOR VEHICLE DIVISION
 608 E BOULEVARD AVE
 BISMARCK ND 58505-0780
 Telephone: (701) 328-2725

VIN ✓ 2D4RN4DE9AR265242	YEAR MODEL 2010	YEAR REGISTERED 2010	MAKE DODGE	BODY STYLE VAN PASSENGER	MODEL CARAVAN/GRAND
OWNER(S) NAME GRACE ACTION CHAPEL INT	TITLE NUMBER ND543023616	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4321	DATE ISSUED 2/1/2023	ODOMETER READING ODOMETER STATUS EXEMPT

MAIL GRACE ACTION CHAPEL INT
 TO: 4326 TRENTON DR
 BISMARCK ND 58503-1167

PREVIOUSLY SALVAGED

THIS VEHICLE HAS BEEN PREVIOUSLY
 DAMAGED. IF YOU REQUIRE FURTHER
 INFORMATION, PLEASE CONTACT THE
 D.O.T.

PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price

Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: Mileage stated is in excess of its mechanical limits. Odometer reading is not the actual mileage (warning *odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

LEGAL TITLE OWNER (LIENHOLDER)

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Robert Rehberg

Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB
CERTIFICATE OF VEHICLE
INSPECTION

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Vehicle ID Number: 0TV8AE2K P9F912 8791	Make: NISSAN	Model: QUEST	Year: 2015	Body Style: VAN
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following? (See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
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Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS	State ND	Zip 58503	Phone Number 7019550729
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This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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CERTIFICATE OF TITLE FOR A VEHICLE
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION
 MOTOR VEHICLE DIVISION
 608 E BOULEVARD AVE
 BISMARCK ND 58505-0780
 Telephone: (701) 328-2725

VIN ✓ JN8AE2KP9F9128791	YEAR MODEL 2015	YEAR REGISTERED 2015	MAKE NISSAN	BODY STYLE VAN PASSENGER	MODEL QUEST
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES			TITLE NUMBER ND154459136	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4349
				ODOMETER READING 262956 MI	DATE ISSUED 4/4/2022
				ODOMETER STATUS ACTUAL	

MAIL BISMARCK TRANSPORTATION SERVICES
 TO: 4326 TRENTON DR
 BISMARCK ND 58503-1167

PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price

Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.
 I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: Mileage stated is in excess of its mechanical limits. Odometer reading is not the actual mileage (warning *odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

LEGAL TITLE OWNER (LIENHOLDER)
 Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Robert Rehberg

Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB
CERTIFICATE OF VEHICLE
INSPECTION

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Vehicle ID Number: JN8AE2KP9F9 1292859	Make: NISSAN	Model: QUEST	Year: 2015	Body Style: VAN
--	-----------------	-----------------	---------------	--------------------

Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following? (See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield - Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Keepets	Signature <i>[Signature]</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr.	City Bis State ND Zip 58503 Phone Number 7019850729

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Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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CERTIFICATE OF TITLE FOR A VEHICLE

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION
 MOTOR VEHICLE DIVISION
 608 E BOULEVARD AVE
 BISMARCK ND 58505-0780
 Telephone: (701) 328-2725

VIN ✓ JN8AE2KP9F9129259	YEAR MODEL 2015	YEAR REGISTERED	MAKE NISSAN	BODY STYLE VAN PASSENGER	MODEL QUEST
OWNER(S) NAME GRACE ACTION CHAPEL INT	TITLE NUMBER ND1196018688	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4349	DATE ISSUED 7/20/2021	ODOMETER READING 281476 MI
				ODOMETER STATUS ACTUAL	

MAIL GRACE ACTION CHAPEL INT
 TO: 2700 HAWKEN ST
 BISMARCK ND 58503-1361

PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

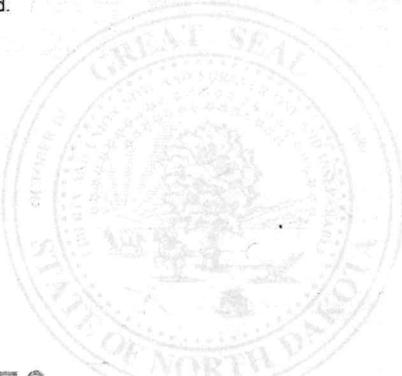
Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price

Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: Mileage stated is in excess of its mechanical limits. Odometer reading is not the actual mileage (warning *odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

LEGAL TITLE OWNER (LIENHOLDER)

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Robert Rehberg
 Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB
CERTIFICATE OF VEHICLE
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: JTIDKN3DU5A 5223275	Make: TOYOTA	Model: PRIUS	Year: 2010	Body Style: Salon
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following? (See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield - Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Roman Kupets	Signature <i>[Signature]</i>	Date 10/16/2023
Business Name BTS	Mailing Address 4326 Trenton Dr	City BIS
	State ND	Zip 58503
		Phone Number 7019550729

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Carrie Lopez	Agent's Signature <i>[Signature]</i>	Date 10-17-2023
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CERTIFICATE OF TITLE FOR A VEHICLE
 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
 SFN 2875 (Rev. 11-2019)



ND DEPT. OF TRANSPORTATION
 MOTOR VEHICLE DIVISION
 608 E BOULEVARD AVE
 BISMARCK ND 58505-0780
 Telephone: (701) 328-2725

VIN ✓ JTDKN3DU5A5223275	YEAR MODEL 2010	YEAR REGISTERED 2010	MAKE TOYOTA	BODY STYLE HATCHBACK/FASTBACK	MODEL PRIUS
OWNER(S) NAME BISMARCK TRANSPORTATION SERVICES	TITLE NUMBER ND2138853888	VEHICLE TYPE PASSENGER	SHIPPING WEIGHT 3042	DATE ISSUED 4/14/2023	ODOMETER READING ODOMETER STATUS EXEMPT

MAIL BISMARCK TRANSPORTATION SERVICES
 TO: 4326 TRENTON DR
 BISMARCK ND 58503-1167

PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):	<input type="checkbox"/> Driver's License <input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State ZIP Code County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):	<input type="checkbox"/> Driver's License <input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State ZIP Code County
Check One: <input type="checkbox"/> Or <input type="checkbox"/> And <input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)	Purchase Price

Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: Mileage stated is in excess of its mechanical limits. Odometer reading is not the actual mileage (warning *odometer discrepancy)

Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)	

LEGAL TITLE OWNER (LIENHOLDER)

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.



I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Robert Rehberg

Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name	
Signature of Agent	Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF



Administration Department

DATE: January 9, 2024

FROM: Whitnie Olsen, Senior Administrative Assistant

ITEM: Taxi License Application - Dakota Transportation Services LLC.

REQUEST:

Consider approving the license for a new taxi company, Dakota Transportation Services LLC.

BACKGROUND INFORMATION:

Dakota Transportation Services has submitted the necessary paperwork and documentation to consider the application for the license to operate a taxi service in Bismarck.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends considering the application and calling for a public hearing to be held on January 23, 2024 for the application of Dakota Transportation Services Co.

STAFF CONTACT INFORMATION:

Jason Tomanek, Acting City Administrator, 701-355-1300, jtomanek@bismarcknd.gov

ATTACHMENTS:

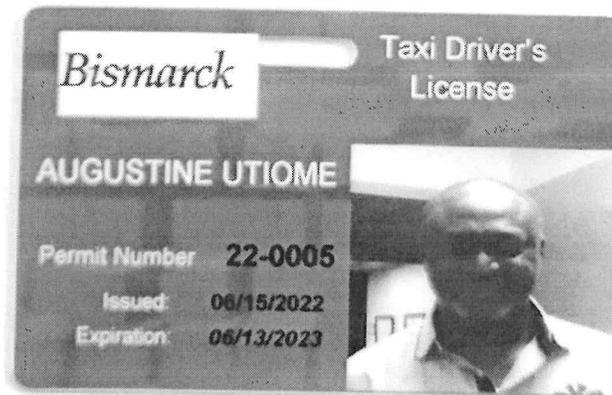
1. ADMIN - DTS Taxi Application

PAYMENT DATE
12/01/2023
COLLECTION STATION
Police Reception/Records N
RECEIVED FROM
AUGUSTINE E UTIOME
DESCRIPTION
Taxi Permit- New

City of Bismarck
PO Box 5503
Bismarck, ND 58506-5503

BATCH NO.
2023-12006724
RECEIPT NO.
2023-00216797
CASHIER
Kaitlyn K

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																
LTAX	License-Taxi Drivers Taxi Permit- New	\$60.00																
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Total Cash</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Check</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Charge</td> <td style="text-align: right;">\$60.00</td> </tr> <tr> <td>Total Wire</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Other</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Remitted</td> <td style="text-align: right; border-top: 1px solid black;">\$60.00</td> </tr> <tr> <td>Change</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> </tr> <tr> <td>Total Received</td> <td style="text-align: right; border-top: 1px solid black;">\$60.00</td> </tr> </table>	Total Cash	\$0.00	Total Check	\$0.00	Total Charge	\$60.00	Total Wire	\$0.00	Total Other	\$0.00	Total Remitted	\$60.00	Change	\$0.00	Total Received	\$60.00	
Total Cash	\$0.00																	
Total Check	\$0.00																	
Total Charge	\$60.00																	
Total Wire	\$0.00																	
Total Other	\$0.00																	
Total Remitted	\$60.00																	
Change	\$0.00																	
Total Received	\$60.00																	



Total Amount: \$60.00

Customer Copy





ADDITIONAL REMARKS SCHEDULE

AGENCY Western Frontier Insurance Agency, Inc		NAMED INSURED Dakota Transportation Services, LLC 1634 MAPLETON AVE APT 4 Bismarck, ND 58503	
POLICY NUMBER 975349648		EFFECTIVE DATE: 12/01/2023	
CARRIER United Financial Casualty Company	NAIC CODE 11770		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 **FORM TITLE:** Certificate of Liability Insurance

Additional Coverages

Insurance coverage(s)	Limits
Personal Injury Protection	Basic PIP \$30,000
Uninsured Motorist Bodily Injury	\$500,000 Combined Single Limit
Underinsured Motorist Bodily Injury	\$500,000 Combined Single Limit

Description of Location/Vehicles/Special Items

Scheduled autos only

2013 CHRYSLER TOWN & COUNTRY 2C4RC1CG9DR559314	
Comprehensive	\$1,000 Ded
Collision	\$1,000 Ded
Rental Reimbursement	\$40 Per Day (\$1,200 Max)
Roadside Assistance	Selected w/\$0 Ded

Liability coverage may not apply to all scheduled vehicles.

Additional Information

We will endeavor to provide 30 days notice of cancellation to the certificate holder, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

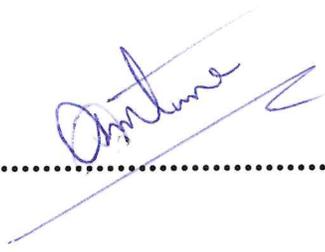
Dakota Transportation Services LLC

1634 Mapleton Ave #4
Bismark, ND, 58503

RATE FARE CHART

- \$4.00 INITIAL CHARGE AND \$3.00 PER MILES
OR
- AGREED FLAT RATE AS AGREED WITH THE RIDER.

Signature.....

A handwritten signature in blue ink, appearing to read "Antone", is written over a dotted line. The signature is written in a cursive style and extends above and below the dotted line.



CITY OF BISMARCK
ADMINISTRATION DEPARTMENT

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

LAST REVISED: 5/25/2023

TAXI CAB
CERTIFICATE OF VEHICLE
INSPECTION

The vehicle described must be inspected by a qualified business to verify compliance with state laws before a taxi license will be issued by the City of Bismarck. If the vehicle passes inspection, this form, bearing the signature of the qualified business and accompanied by all required documents, must be forwarded to the City Administration Department with the Taxi License application, before the public hearing will be scheduled.

Vehicle ID Number: 7C4RC1CG9DR559314	Make: Chrysler	Model: Town & Country	Year: 2013	Body Style: Van
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Does the vehicle meet the statutory requirements including all electronic components that give power to any of the following?
(See Chapter 39-21 NDCC, Article 37-12 NDAC, and Bismarck City Ord. 12-14-01)

	Pass	Fail
Accessible (Title 5, Chapter 5-05-02)	✓	
Brakes (39-21-32, 39-21-33) (37-12-02-03(1))	✓	
Bumper Height (39-21-45.1) (37-12-02-03(2))	✓	
Clearance Lights and Reflectors (39-21-05, 39-21-07 through 39-21-12)	✓	
Door Latches (37-12-02-02(1))	✓	
Exhaust System ((39-21-37) (37-12-02-03(3))	✓	
Fenders (37-12-02-03(4))	✓	
Floor Pan (37-12-02-02(2))	✓	
Fuel System (37-12-02-03(5))	✓	
Headlights (39-21-02, 39-21-03, 39-21-20)	✓	
Hood Latches (37-12-02-02(3))	✓	
Horn (39-21-36) (37-12-02-04)	✓	
License Plate Light (39-21-04) (3)	✓	
Mirrors (39-21-38) (37-12-02-02(5))	✓	
Steering and Suspension (37-12-02-03(6))	✓	
Steering Wheel (37-12-02-02(4))	✓	
Stoplights (39-21-06) (1)	✓	
Taillights (39-21-04)	✓	
Tires (37-12-02-03(7))	✓	
Turn Signals (39-21-06(2), 39-21-19)	✓	
Windshield – Tinted windows (39-21-39 (1) (4)	✓	
Windshield Wipers (39-21-39 (2) (3)	✓	

Repairs Completed By Joe Glas	Signature <i>Joe Glas</i>	Date 11-27-23
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Business Name 1 Stop Repair LLC.	Mailing Address 1309 S 22nd St	City Bismarck	State ND	Zip 58503	Phone Number 701-527-4240
--	--	-------------------------	--------------------	---------------------	-------------------------------------

This inspection is "only" to verify the above-described vehicle has met minimum equipment requirements as required by state law.

I certify that I am a business that is registered with the secretary of state, is in good standing, and offers motor vehicle repair to the public. The business completing the inspection may not be the same business that reconstructed the vehicle as required by NDCC Section 39-05-20.2. If you own the vehicle being inspected, the inspection must be completed by another qualified business.

Inspecting Agent Kasey Glas	Agent's Signature <i>Kasey Glas</i>	Date 11-27-23
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CERTIFICATE OF TITLE FOR A VEHICLE

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
SFN 2875



ND DEPT. OF TRANSPORTATION
MOTOR VEHICLE DIVISION
608 E BOULEVARD AVE
BISMARCK ND 58505-0780
Telephone: (701) 328-2725

VIN 2C4RC1CG9DR559314	YEAR MODEL 2013	YEAR REGISTERED 2013	MAKE CHRYSLER	BODY STYLE VAN PASSENGER	MODEL TOWN & COUNTRY
OWNER(S) NAME AUGUSTINE ENERIAKPOZE UTIOME	TITLE NUMBER ND1103907328	VEHICLE TYPE TRUCK	SHIPPING WEIGHT 4652	DATE ISSUED 10/9/2023	ODOMETER READING 154097 MI
				ODOMETER STATUS ACTUAL	

MAIL TO: AUGUSTINE ENERIAKPOZE UTIOME
1634 MAPLETON AVE APT 4
BISMARCK ND 58503-5365

PREVIOUSLY SALVAGED

THIS VEHICLE HAS BEEN PREVIOUSLY DAMAGED. IF YOU REQUIRE FURTHER INFORMATION, PLEASE CONTACT THE D.O.T.

PART 1. ASSIGNMENT AND WARRANTY OF TITLE (DELIVER TITLE TO BUYER WITHIN 15 DAYS FROM DATE OF SALE)

Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessor, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Co-Applicant's/Buyer's Legal Name (first, middle, last) or Firm Name (Lessee, Trust):		<input type="checkbox"/> Driver's License	<input type="checkbox"/> FEIN	Telephone Number
Mailing Address	City	State	ZIP Code	County
Check One:	<input type="checkbox"/> Or	<input type="checkbox"/> And	<input type="checkbox"/> And/Joint Tenants with Right of Survivorship	Purchase Date (Mo., Day, Year)
				Purchase Price
Odometer Disclosure: Federal and State laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: <input type="checkbox"/> Mileage stated is in excess of its mechanical limits. <input type="checkbox"/> Odometer reading is not the actual mileage (warning *odometer discrepancy)				Odometer Reading <small>NO TENTHS</small>
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)	
Signature of Seller/Transferor	Date (Mo., Day, Year)	Signature of Applicant/Buyer/Transferee	Date (Mo., Day, Year)	
Hand-Printed Name(s) of Seller(s)/Transferor(s)	Daytime Telephone No.	Hand-Printed Name(s) of Applicant(s)/Buyer(s)/Transferee(s)		

LEGAL TITLE OWNER (LIENHOLDER)

Any lien recorded in the office of the Department of Transportation is shown below. The lien holder named is and shall remain legal owner of the vehicle until the encumbrance is released or satisfied.

I certify that the applicant has complied with the requirements of Title 39 of the North Dakota Century Code relative to the issuance of a certificate of title for a vehicle.

Robert Rehberg

Deputy Director for Driver Safety

LIEN RELEASE - ALL INTERESTS IN THE VEHICLE DESCRIBED ABOVE ARE RELEASED.

Lienholder Name

Signature of Agent

Date (Mo., Day, Year)

THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR FALSE OR FRAUDULENT STATEMENTS MADE IN THE ASSIGNMENT OF THE CERTIFICATE OF TITLE.

SFN 2875 (7-2021)

S209787





Administration Department

DATE: January 9, 2024

FROM: Whitnie Olsen, Senior Administrative Assistant

ITEM: Gaming Site Authorization

REQUEST:

Consider the request to approve Bismarck Youth Baseball, LLC to conduct gaming at the Scheels Youth Baseball Complex, 2000 Shiloh Drive.

BACKGROUND INFORMATION:

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

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming application.

STAFF CONTACT INFORMATION:

Jason Tomanek, Acting City Administrator, 701-355-1300, jtomanek@bismarcknd.gov

ATTACHMENTS:

1. ADMIN - Gaming Site Authorization



STATE GAMING LICENSE - APPLICATION FORM
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 53839 (7-2023)

License Number G-
License Year Ending June 30, 2024

1. Official, Legal Name of Organization (Do Not Abbreviate) BISMARCK YOUTH BASEBALL INC		Business Telephone Number	
Business Address (Street) 1237 WEST DIVIDE AVE	City BISMARCK	State ND	ZIP Code 58501
Mailing Address PO BOX 176	City BISMARCK	State ND	ZIP Code 58501
E-mail Address INFO@BISMARCKYOUTHBASEBALL.COM	Contact Person	Official Position of Contact Person	
2. To be applicable for a State Gaming License an eligible organization must demonstrate that they have been actively fulfilling their primary purpose by submitting copies of the non-profit corporation's charter, articles of incorporation, corporate certificate, organizational by-laws and minutes of board meetings for the last two years with this application for state gaming license.		Have the materials for demonstrating a primary purpose been included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
3. Is the Organization recognized as tax exempt by the Internal Revenue Service a.) If yes, enclose copy of tax exemption letter received from IRS; if letter has not been received, enclose a letter of explanation (New Applicants Only)		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4. Provide Organization's Federal Employer Identification Number (EIN) 45-0420820			
5. Type of ELIGIBLE Organization (Check One)		6. Is the Organization Chartered By	
<input type="checkbox"/> a) Charitable	<input type="checkbox"/> e) Public Safety	<input type="checkbox"/> International Organization	
<input type="checkbox"/> b) Civic & Service	<input checked="" type="checkbox"/> f) Public Spirited	<input type="checkbox"/> National Organization	
<input type="checkbox"/> c) Educational	<input type="checkbox"/> g) Religious	<input type="checkbox"/> State Organization	
<input type="checkbox"/> d) Fraternal	<input type="checkbox"/> h) Veterans	<input checked="" type="checkbox"/> None of the Above	
7. How long has the Organization existed in North Dakota? FORMED IN 1997			
8. Name and Title of Organization's Top Executive Official (i.e., Cmdr, Pres., etc.) MATT SAGSVEEN		Daytime Telephone Number 701-527-2526	
9. Name of Gaming Manager <i>Jesse Wiedrich</i>		Daytime Telephone Number <i>701-870-1302</i>	
9a. Signature of Gaming Manager <i>[Signature]</i>		Date <i>12/14/23</i>	
10. List the <u>Full</u> Governing Board of the Organization (The full Governing Board of the organization is primarily responsible and may be held accountable for the proper determination and use of net proceeds)			
Name MATT SAGSVEEN	Daytime Telephone Number 701-527-2526	Name JESSE WIEDRICH	Daytime Telephone Number 701-870-1302
Name RYAN LARSON	Daytime Telephone Number 701-471-6495	Name ERIC BARTSCH	Daytime Telephone Number 701-425-1932
Name DALON GRIMM	Daytime Telephone Number 701-471-6495	Name PAULA HUBER	Daytime Telephone Number 701-400-1097
Name STEVE KRALJIC	Daytime Telephone Number 701-224-1693	Name CHRIS NYHUS	Daytime Telephone Number 701-341-7920
Name JIM PATTON	Daytime Telephone Number 701-400-4390	Name ZACH PELHAM	Daytime Telephone Number 701-751-3034
Name JON PETERSEN	Daytime Telephone Number 303-829-6405	Name TYLER SCHAFFER	Daytime Telephone Number 701-367-3464
11. Has the Organization ever been Convicted of a Felony, Class A Misdemeanor Unlawful Gambling or Organized Criminal Activity?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
12. Is organization properly registered as a non profit organization with the North Dakota Secretary of State?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
13. Does the Organization currently have a <u>Local / Restricted Event Permit</u> that was issued by a City/County?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
14. Does the Organization Own or Rent the premises at which Games of Chance will be conducted?		<input checked="" type="checkbox"/> Rent <input type="checkbox"/> Own	

AFFIDAVIT

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official <i>[Signature]</i>	Date <i>12/14/23</i>
--	---	-------------------------

Additional List of Board Members for Bismarck Youth Baseball

Kent Schweigert

701-333-8780

Chantel Shorey

701-426-2652

Germain Krueger

701-220-6525

Krystall Atkinson

701-471-4277



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) BISMARCK PARKS AND REC		Site Name SCHEELS BASEBALL COMP		Site Phone Number
Site Address 2000 SHILOH DR	City BISMARCK	State ND	Zip Code 58501	County BURLEIGH
Organization BISMARCK YOUTH BASEBALL INC		Rental Period 7/14/2024 to 7/14/2024		Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input type="checkbox"/> No	<input type="checkbox"/> Yes	\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
Total Monthly Rent				\$
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. <input checked="" type="checkbox"/>				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance. The LESSOR agrees that no game will be directly operated as part of the lessor's business.

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

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

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

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

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

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

A LESSOR who is an officer or board member of an organization may not participate in the organization's decision-making that is a conflict of interest.

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

Signature of Lessor 	Title Executive Director	Date 12/15/2023
Signature of Lessee 	Title President	Date 12/15/2023

North Dakota Century Code § 53-06.1-11 (Gross Proceeds - Allowable Expenses - Rent Limits)

4. For a site where bingo is conducted:
 - a. If bingo is the primary game, the monthly rent must be reasonable
 - b. If bingo is not the primary game, but is conducted with twenty-one, paddlewheels, or pull tabs, no additional rent is allowed.
5. For a site where bingo is not the primary game.
 - a. If twenty-one or paddlewheels is conducted, the monthly rent may not exceed two hundred dollars multiplied by the necessary number of tables based on criteria prescribed by gaming rule. For each twenty-one table with a wager greater than five dollars, an additional amount up to one hundred dollars may be added to the monthly rent. If pull tabs is also conducted involving only a jar bar, the monthly rent for pull tabs may not exceed an additional one hundred seventy-five dollars. If pull tabs is conducted involving only a dispensing device or a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional three hundred twenty-five dollars.
 - b. If twenty-one and paddlewheels are not conducted but pull tabs is conducted involving either a jar bar or dispensing device, the monthly rent may not exceed four hundred dollars.
 - c. If pull tabs is conducted using one or more electronic pull tab devices, the monthly rent may not exceed one hundred seventy-five dollars per machine for the first five machines in the same venue. For each additional machine in the same venue beyond five, the monthly rent may not exceed seventy-five dollars per machine up to a maximum of one thousand two hundred fifty dollars per month for all electronic pull tab devices in a single venue.

North Dakota Administrative Code § 99-01.3-02-06 (Rental Agreement)

3. Rent must be a fixed dollar amount per month
 - a. A participatory or graduated rate arrangement based on gross proceeds or adjusted gross proceeds is prohibited.
 - b. If bingo is the primary game or if a site is leased by an organization that has the alcoholic beverage license for that site, the monthly rent must be reasonable. Factors include time usage, floor space, local prevailing rates, and available sites and services. An organization may pay seasonal expenses, such as snow removal, air-conditioning, and heating, to a vendor.
 - c. If bingo is not the primary game, the maximum monthly rent must be according to subsection 5 of North Dakota Century Code section 53-06.1-11.

Special considerations are:

 - (1) If two or more organizations conduct twenty-one or paddlewheels, or both, involving a table and pull tabs for less than a month at a temporary site which is a public or private premise, or if two or more organizations are issued site authorizations to conduct games at a site on different days of the week, the maximum monthly rent, in the aggregate, may not exceed the limit set by subsection 5 of North Dakota Century Code section 53-06.1-11; and
 - (2) If a raffle, calcutta, sports pool, or poker is conducted with twenty-one, paddlewheels or pull tabs, no additional rent is allowed.
 - d. Except for applying subsection 3 or 4 of section 99-01.3-03-04, and additional rent paid to a lessor for simulcast racing, an organization or employee may not pay any additional rent or expense, from any source, or for any other purpose, including office or storage space, snow removal, maintenance or cleaning fees, equipment, furnishings, entertainment, or utilities. Except for a leased site at which bingo is the primary game conducted, an organization may not pay for any capital or leasehold improvements or remodeling.
- *4. If there is a change in the monthly rent or any other material change to a rental agreement, the agreement must be amended and a copy received by the attorney general before its effective date.

North Dakota Administrative Code § 99-01.3-08-01 (Restrictions and Requirements)

4. An organization may pay monthly rent for more than one table provided that each additional table is used at least thirteen times a quarter. This level of activity is based on a site's historical experience, or seasonal activity, for each of the previous four quarters, regardless of which organization conducted twenty-one at the site. For a new site or a site that has been completely remodeled in appearance and function, the level of activity must be reviewed and reestablished after the first full quarter. If an additional table is used at least thirteen times in at least one but not all of the previous four quarters, the allowable monthly rent for that table must be prorated over all the active months of the licensing year. For example, if a second table was used at least thirteen times in only two of the previous four quarters, the additional monthly rent for the second table would be a maximum of two hundred dollars per month (or three hundred dollars per month if a wager greater than five dollars is accepted on the table) multiplied by six months (totaling one thousand two hundred dollars) and prorated to one hundred dollars per month for the licensing year. The organization shall document each table's usage, which includes the date, table number, and drop box cash amount for each table and how the prorated rental amounts were determined. This documentation must be retained with the organization's twenty-one records for three years.



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

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

Fee is \$15.

- New Employee
 Renewal

- Indian Gaming
 Manufacturer
 Distributor
 Charitable Organization

Please Type or Print Legibly Using Blue or Black Ink

EMPLOYEE INFORMATION							
Last Name <i>Wiedrich</i>			First Name <i>Jesse</i>			Middle Name <i>Tyler</i>	
Social Security Number <i>502-02-1064</i>		Date of Birth <i>11-1-83</i>		Place of Birth (city and state) <i>Bismarck ND</i>			
Mailing Address <i>4126 Daniel St</i>						MALE <input checked="" type="checkbox"/> FEMALE <input type="checkbox"/>	
City <i>Bismarck</i>		State <i>ND</i>	Zip Code <i>58504</i>		Work Phone Number <i>701-667-0509</i>	Other Phone Number <i>701-870-1302</i>	
Have you ever previously used any other first or last name, including a maiden name? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "YES", list all other names used:							
PRIVACY ACT NOTIFICATION Your social security number is requested to permit the Gaming Division to conduct a background investigation pursuant to N.D.C.C. § 53-06.1-03. Disclosure of your social security number is voluntary. However, not providing this information will result in the requirement that other information be provided, including the submission of fingerprints.							
PREVIOUS RESIDENCE(S)							
CHARITABLE ORGANIZATIONS, MANUFACTURERS AND DISTRIBUTORS				INDIAN GAMING			
Charitable organizations are responsible for completing out of state record checks. Disclose all of the states in which you have lived during the previous 5 years.				Out-of-State record checks will be completed by (select one): <input type="checkbox"/> Gaming Division <input type="checkbox"/> Tribe Disclose all of the states in which you have lived during the previous 10 years.			
State <i>ND</i>	Month & Year <i>11/83 to 12/23</i>	State	Month & Year / to /	State	Month & Year / to /	State	Month & Year / to /
State	Month & Year / to /	State	Month & Year / to /	State	Month & Year / to /	State	Month & Year / to /
CERTIFICATION AND AUTHORIZATION							
I declare that the employee information on this form is true and correct. I authorize the Office of Attorney General to obtain information about my background and to release information on any criminal record found, including a copy of a "Report of Arrest and Prosecution," to the organization, distributor, manufacturer, or tribe referenced below. I understand that knowingly making any false or misleading statement is a criminal offense and will result in denial of my application and may also result in criminal prosecution.							
Applicant Signature <i>[Signature]</i>						Date <i>12-14-23</i>	
ORGANIZATION, DISTRIBUTOR, MANUFACTURER, OR TRIBE							
Organization, Distributor, Manufacturer, or Tribe Requesting the Record Check <i>Bismarck Youth Baseball</i>						Organization /Distributor /Manufacturer License No.	
Employment Statement: This person will be employed on: <u><i>12-1-23</i></u> Date of Employment				If Indian Gaming Casino, this person will be employed as: <input type="checkbox"/> Gaming Employee <input type="checkbox"/> Non-Gaming Employee			
Signature of Organization, Distributor, Manufacturer, or Tribal Representative <i>[Signature] Treasurer</i>				Title <i>Treasurer</i>		Date <i>12-15-23</i>	
OFFICE OF ATTORNEY GENERAL USE ONLY						Date Stamp	
_____ No information is available because either no information exists or dissemination is prohibited.							
_____ No check has been done in the state of _____ because access to record system was denied.							
_____ Criminal Record Found (read attached copy of Report of Arrest and Prosecution)							

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



GAMING ORGANIZATION E-MAIL CONTACT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
SFN 54481 (5-2023)

License No. G- _ _ _ _

This form should be to used update, add, or change information regarding a licensed gaming organizations point of contacts.

<input checked="" type="checkbox"/> New Contact	<input type="checkbox"/> Replacing Previous Contact	<input type="checkbox"/> Additional Contact
Official, Legal Name of Gaming Organization <i>Bismarck Youth Baseball</i>		
Name of the Contact Person <i>Jesse Wiedrich</i>		Title of Contact Person <i>Vice President</i>
Contact Person's E-mail <i>jwiedrich@dakota community bank.com</i>		Contact Person's Daytime Telephone Number <i>701-570-1302</i>

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

Signature of Contact Person 	Date <i>12-14-23</i>
RETURN TO: Email: agolicensing@nd.gov Fax: (701) 328-3535 OFFICE OF ATTORNEY GENERAL LICENSING SECTION 600 EAST BOULEVARD AVENUE - DEPT 125 BISMARCK ND 58505-0040 Questions Regarding Licensing (701) 328-2329	



Administration Department

DATE: January 9, 2024

FROM: Whitnie Olsen, Senior Administrative Assistant

ITEM: Application for a new Class F2: Restaurant Beer and Wine Liquor license for Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro at 1825 N 13th Street.

REQUEST:

Introduction of and call for a public hearing on a request for a new Class F2: Restaurant Beer and Wine Liquor license for Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro at 1825 N 13th Street.

BACKGROUND INFORMATION:

Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro is requesting the issuance of a new Class F2: Restaurant Beer and Wine Liquor license at 1825 N 13th Street.

Class F. To any restaurant applicant for a food and beverage license to sell at retail, subject to the following:

Class F-2 - Beer and wine only.

1. Gross sales of alcoholic beverages may not be greater than 45 percent of total gross sales of food and alcoholic beverages. All Class F license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The board of city commissioners may, in its 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 F 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 restaurant complies with state law regarding minors in licensed premises as listed in North Dakota Century Code Title 5.
3. The license is for on-sale only, and off-sale is not permitted. A cessation of business at a licensed location for a period of ninety days or longer shall constitute cause to revoke such license pursuant to section 5- 01-09.
4. Once a license has been established at a particular location, the license may not be transferred to another location.
5. Minors are allowed on the licensed premises only as permitted by NDCC Section 5-02-06

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the introduction of and call for a public hearing on the request for a new Class F2: Restaurant Beer and Wine Liquor license for Dakota Asian Fusion Cuisine (dba) Ichiban Ramen Japanese & Asian Bistro at 1825 N 13th Street, with the public hearing scheduled for Tuesday, January 23, 2024.

Staff also recommends approval of the new Class F2: Restaurant Beer and Wine Liquor license.

STAFF CONTACT INFORMATION:

Whitnie Olsen, Senior Administrative Assistant, wolsen@bismarcknd.gov

ATTACHMENTS:

1. Ichiban Ramen Japanese & Asian Bistro Application
2. Ichiban Ramen Japanese & Asian Bistro Site Diagram



APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

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

LAST REVISED: 5/15/2023

License Type:	<input checked="" type="checkbox"/> New Application	<input type="checkbox"/> Renewal	<input type="checkbox"/> Transfer	<input type="checkbox"/> Relocation
Class A: Nationally Organized Fraternal Order or Club ☐ \$3,700	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building ☐ \$650	Class B-2: Concession at the Bismarck Municipal Country Club ☐ \$650	Class B-3: Commercial passenger vessels on the Missouri River ☐ \$650	Class B-4: Sale of Beer & Wine at the Bismarck Event Center ☐ \$650
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations ☐ \$650	Class B-6: Commercial Airline ☐ \$650	Class C-1: Hotel or Motel Full Service ☐ \$3,800	Class C-2: Hotel or Motel ☐ \$1,000	Class D: Sale at Retail of Alcoholic Beverages ☐ \$4,100
Class E: Sale at Retail of Beer Only ☐ \$800	Class F-1: Restaurant - Alcoholic Beverages ☐ \$3,500	Class F-2: Restaurant - Beer & Wine Only <input checked="" type="checkbox"/> \$1,100	Class G: Catered Retail Beer, Wine, & Liqueur ☐ \$650	Class H: Domestic Brewery / Distillery / Winery ☐ \$800
Class I: Senior Living Community / Complimentary ☐ \$350	All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.			

Location Information:				
Legal Business Name: DAKOTA ASIAN FUSION CUISINE		Date of Incorporation: 08/25/2023	State Business ID Number: 0006358747	
Doing Business As (DBA) Name, if Applicable: ICHIBAN RAMEN JAPANESE & ASIAN BISTRO		If out of state corporation, is corporation registered in North Dakota? ☐ Yes ☐ No		
Location Address: 1825 N 13th ST	City: Bismarck	State: ND	Zip: 58501	Phone Number: 626-376-0633
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): Lifang Lin Manager				

Contact Information (Where correspondence is to be sent):			
Primary Contact: YiWu Xie	Phone Number: 701-800-3188	Email Address: ryanxie55@gmail.com	
Mailing Address: 1116 Ranch Loop	City: Bismarck	State: ND	Zip: 58503

Manager's Name: Lifang Lin		Date of Birth: 01/09/1988	Percentage of Ownership:
Driver's License Number: LN-88-3540	State Issued: ND	Gender: Female	Race: Asian
Home Address: 1116 Ranch Loop		City: Bismarck	State: ND
Occupation: Manager	Phone Number: 626-376-0633	Title:	Zip: 58503
		Email Address: lifang.lin669@gmail.com	

List all officers or directors of corporation or partners and percentage of ownership:

Name: YiWuXie		Date of Birth: 10/19/1986	Percentage of Ownership: 100%
Driver's License Number: X1B-86-9382	State Issued: ND	Gender: Male	Race: Asian
Home Address: 1116 Ranch Loop	City: Bismarck	State: ND	Zip: 58503
Occupation: Owner	Phone Number: 701-800-3188	Title:	Email Address: ryanxie55@gmail.com

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

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

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

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

<p>1. Are the manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If no, please explain:</p>
---	-------------------------------

<p>2. Have any of the persons listed above been convicted of any crime within the past five years?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, list all convictions and the dates, locations and sentence of disposition of each:</p>
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<p>3. Does the building meet all state and local sanitation and safety requirements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
---	--

<p>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?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
---	-------------------------------------

<p>5. If a new application, has the applicant or any of the persons listed above engaged in the sale or transportation of alcoholic beverages previously?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
--	-------------------------------------

<p>6. Has the 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?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
---	-------------------------------------

<p>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?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
---	-------------------------------------

<p>8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
--	-------------------------------------

<p>9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other licensed liquor establishment within or without the State of North Dakota?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
--	-------------------------------------

<p>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?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
---	-------------------------------------

<p>11. Have all property taxes and special assessments currently due been paid?</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If no, please give details:</p>
--	------------------------------------

Signature:

- 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.

YiWu Xie

Signature of Applicant

12/20/2023
Date

YiWu Xie

Print Name / Title of Officer

Liquor License Transfers (only use if license is being transferred):

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

Signature of Current License Holder

Signature of New Applicant

Print Name

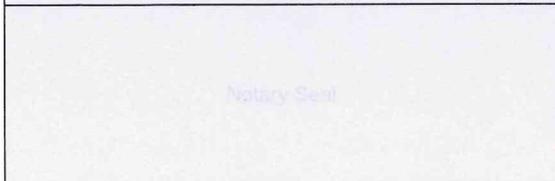
Print Name

State of _____

Subscribed and sworn to before me this _____

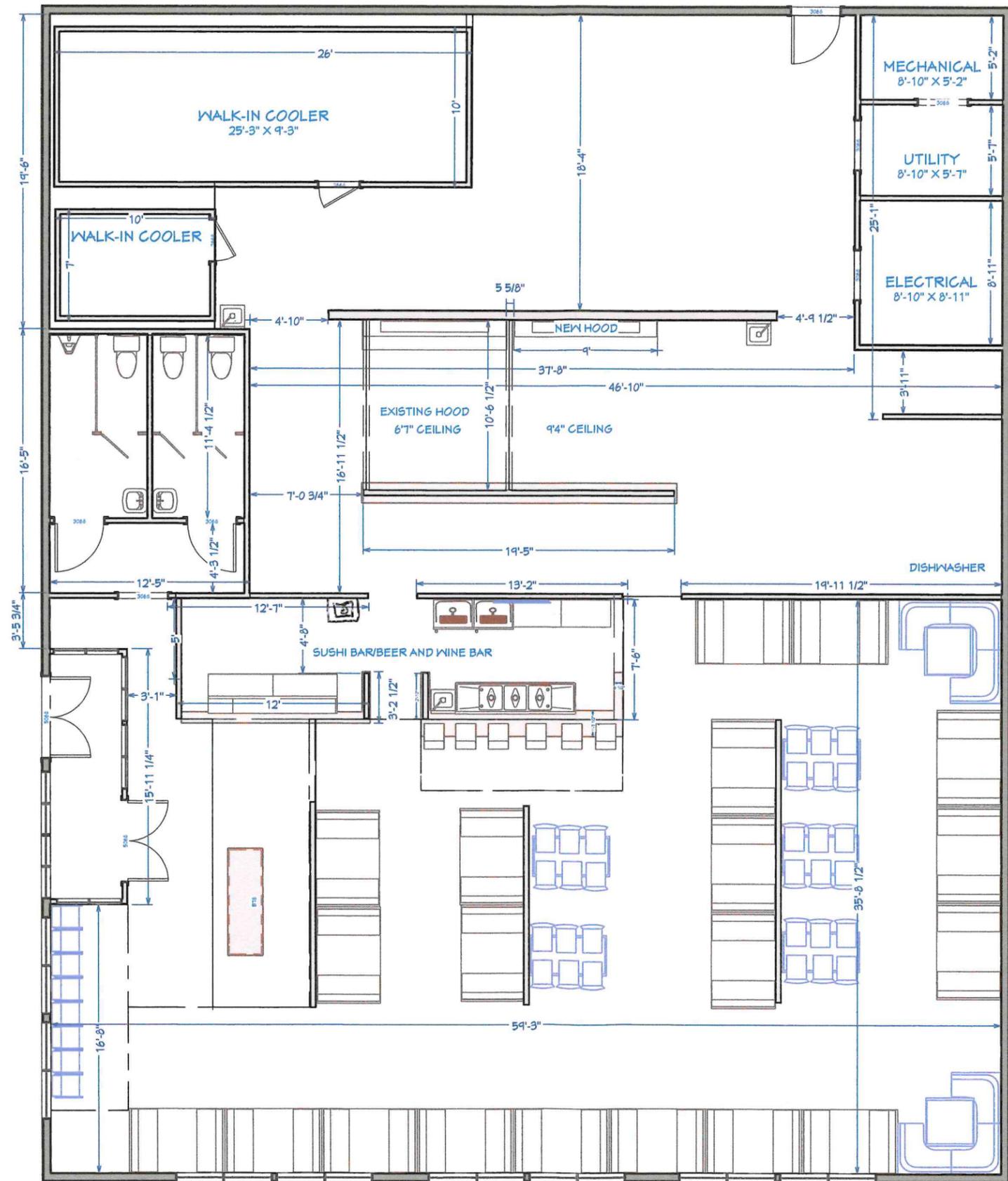
County of _____

day of _____



Notary Public

My Commission Expires



GROSS LEASABLE
4398 SQ FT

REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

ICHIBAN RESTAURANT REMODEL
1823 N. 13TH ST.
BISMARCK, ND 58501

DRAWINGS PROVIDED BY:
TOBIAS MARMAN
CONSTRUCTION

DATE:

11/9/2023

SCALE:

1/8"=1'

SHEET:



Community Development Department

DATE: January 9, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Annexation of Hay Creek Township, Lot C, Section 19 and Lot B, Section 30

REQUEST:

The Park District of the City of Bismarck is requesting approval of the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township. The requested action will bring that part of lands not previously annexed into the corporate limits to incorporate into the future nature-based recreation park north of Burnt Boat Drive and south of Valley Drive.

BACKGROUND INFORMATION:

The Planning and Zoning Commission considered this request on December 20, 2023. As this final consideration was not a public hearing, no residents spoke or submitted written comments regarding this request.

At the conclusion of the final consideration and based on the findings contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township to incorporate into the future nature-based recreation park north of Burnt Boat Drive and south of Valley Drive.

RECOMMENDED CITY COMMISSION ACTION:

Consider the request for annexation as outlined in Ordinance 6570 and call for a public hearing on this item for the February 13 meeting to provide time to notify Burleigh County and Hay Creek Township of the requested annexation in accordance with the provisions of Section 40-51.2-05 of the North Dakota Century Code.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1372, behreth@bismarcknd.gov

ATTACHMENTS:

1. C) CD - Hay Creek Township Annexation

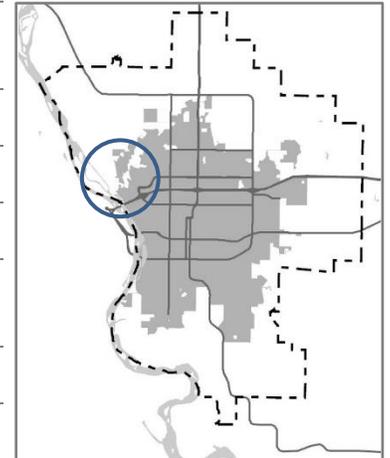
STAFF REPORT

Application for: **Annexation**

Project ID: **ANNX2023-005**

Project Summary

<i>Title:</i>	Hay Creek Township, Lot C, Section 19 and Lot B, Section 30
<i>Status:</i>	Board of City Commissioners – Consent
<i>Property Owner(s):</i>	Park District of the City of Bismarck
<i>Project Contact:</i>	Lauren Oster, Planner
<i>Project Location:</i>	In northwest Bismarck, east of River Road and north of Burnt Boat Drive
<i>Project Size:</i>	72.8 Acres, more or less
<i>Applicant Request:</i>	Annex Lot C, Section 19 and Lot B, Section 30, Hay Creek Township
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 unplatted parcels	<i>Lots/Blocks:</i>	2 unplatted parcels
<i>Land Use:</i>	Public	<i>Land Use:</i>	Public
<i>Future Land Use:</i>	Parks and Open Space (PKOS)	<i>Future Land Use:</i>	Parks and Open Space (PKOS)
<i>Zoning:</i>	P – Public Use	<i>Zoning:</i>	P – Public Use
<i>Uses Allowed:</i>	P – Parks, open space, stormwater facilities, and other public uses	<i>Uses Allowed:</i>	P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	P – N/A	<i>Max Density:</i>	P – N/A

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	Hay Creek (organized)
<i>Neighborhood:</i>	Promontory Point

Property History

<i>Zoned:</i>	08/20
<i>Platted:</i>	N/A
<i>Annexed:</i>	N/A

Project Narrative

The Park District of the City of Bismarck is requesting approval of the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township.

The requested action will bring that part of lands not previously annexed into the corporate limits to incorporate into the future nature-based

recreation park north of Burnt Boat Drive and south of Valley Drive.

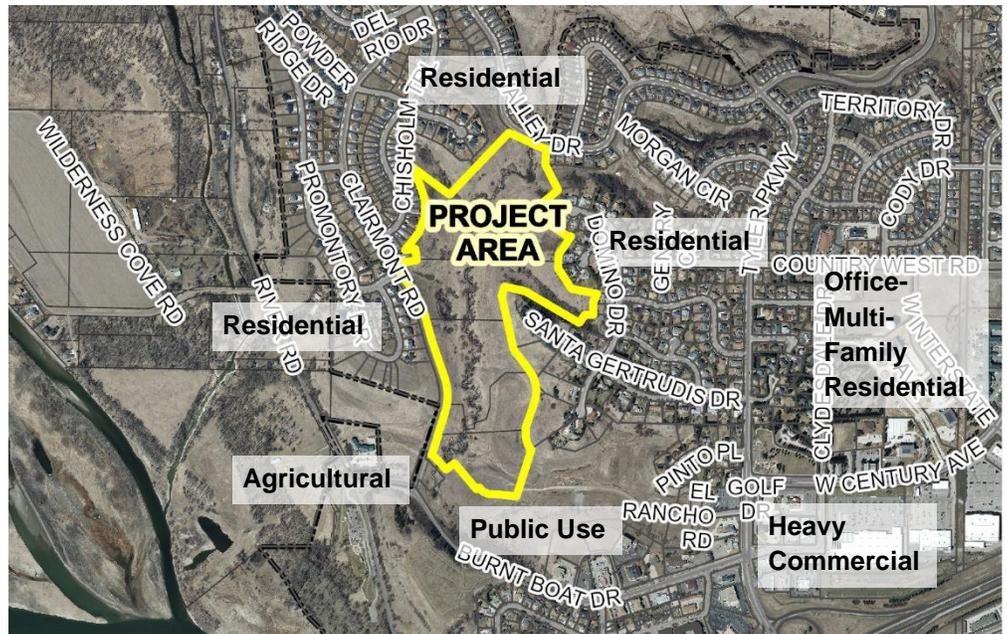
Based on the findings listed below, the Planning and Zoning Commission recommended approval of this request at their meeting on December 20, 2023.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.

A Growth Phasing Plan Map is also attached to this staff report, showing prioritization for extension of the Bismarck city limits.



The property has been identified as Parks and Open Space (PKOS) in the Future Land Use Plan. The PKOS areas are places that are kept in a largely natural state, providing many important functions for the community and ecosystem. Goals and objectives of this plan as they relate to an annexation are referenced in review standards below.

It is the intent of the Park District of the City of Bismarck that this area be named Clairmont Family Park.

Public Engagement

Annexations do not have a public hearing before the Planning & Zoning Commission. The public will be duly notified of this request before it is heard by the City Commission, as will Burleigh County and Hay Creek Township in accordance with the provisions of Section 40-51.2-05 of the North Dakota Century Code.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The Growth Phasing Plan is adhered to with the proposed annexation ([Growth Phasing Plan](#))

Yes. The proposed annexation incorporates land that is within the Urban Service Area Boundary and has been designated as Expansion Priority 1.

Adequate public facilities are or will be available to serve the annexed properties completely and equitably ([Goal G3-b](#), [Goal G3-c](#))

Yes. 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. However, the land is expected to remain undeveloped.

The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck ([Goal G2-b](#), [NDCC 40-51.2-03](#))

Yes. The area proposed annexation is clearly contiguous to the existing corporate boundaries. 100% of the proposed annexation's perimeter adjoins corporate limits. Generally, any proportion greater than 20% is considered unambiguously contiguous.

Proper administrative procedures related to the request are being followed ([NDCC 40-51.2](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. A written petition for the proposed annexation was submitted to the Community Development Department, which has been deemed valid by City staff. A public hearing, subject to all notice requirements, will be held with the City Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed annexation ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed annexation would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township as outlined in the draft annexation ordinance.

Attachments

1. Draft Annexation Ordinance
2. Zoning and Plan Reference Map
3. Growth Phasing Plan Map
4. Exhibits of Lot B and Lot C

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. 6570

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____

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

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

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

Lot C, Section 19, Township 139 North, Range 80 West of the Fifth Principal Meridian, Bismarck, Burleigh County, North Dakota.

and

Lot B, Section 30, Township 139 North, Range 80 West of the Fifth Principal Meridian, Bismarck, Burleigh County, North Dakota.

The above-described tract of land contains 72.8 acres, more or less.

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

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

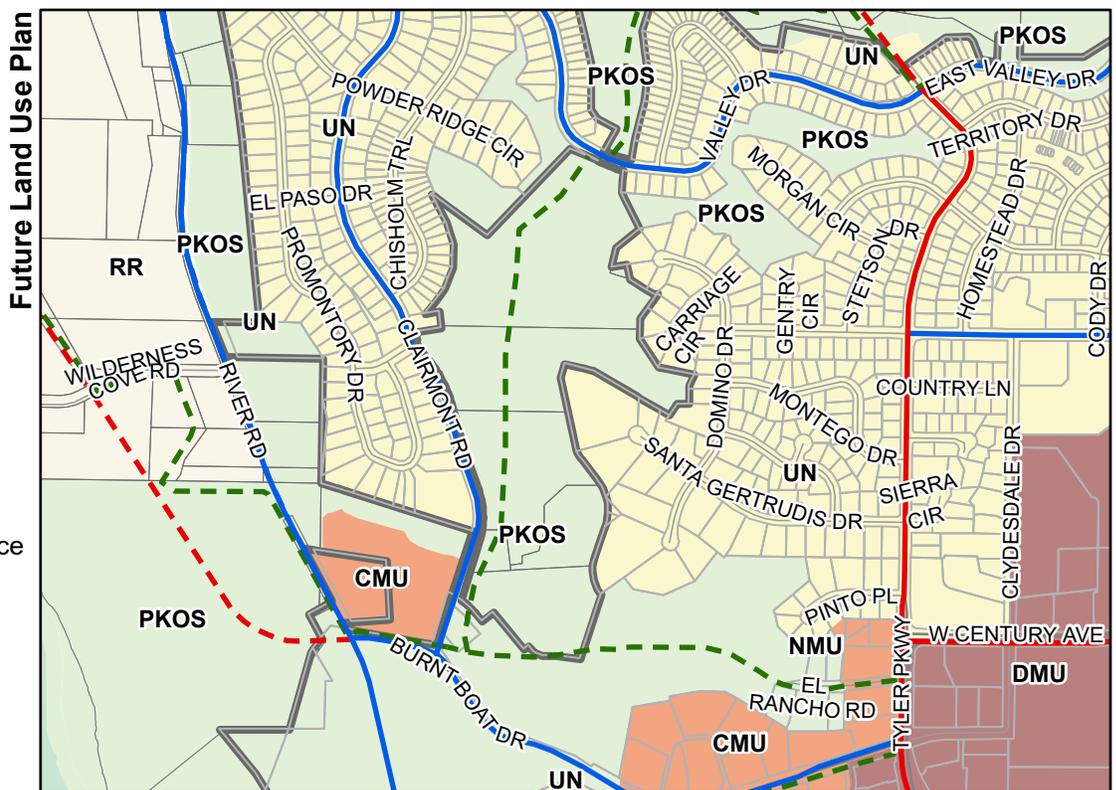
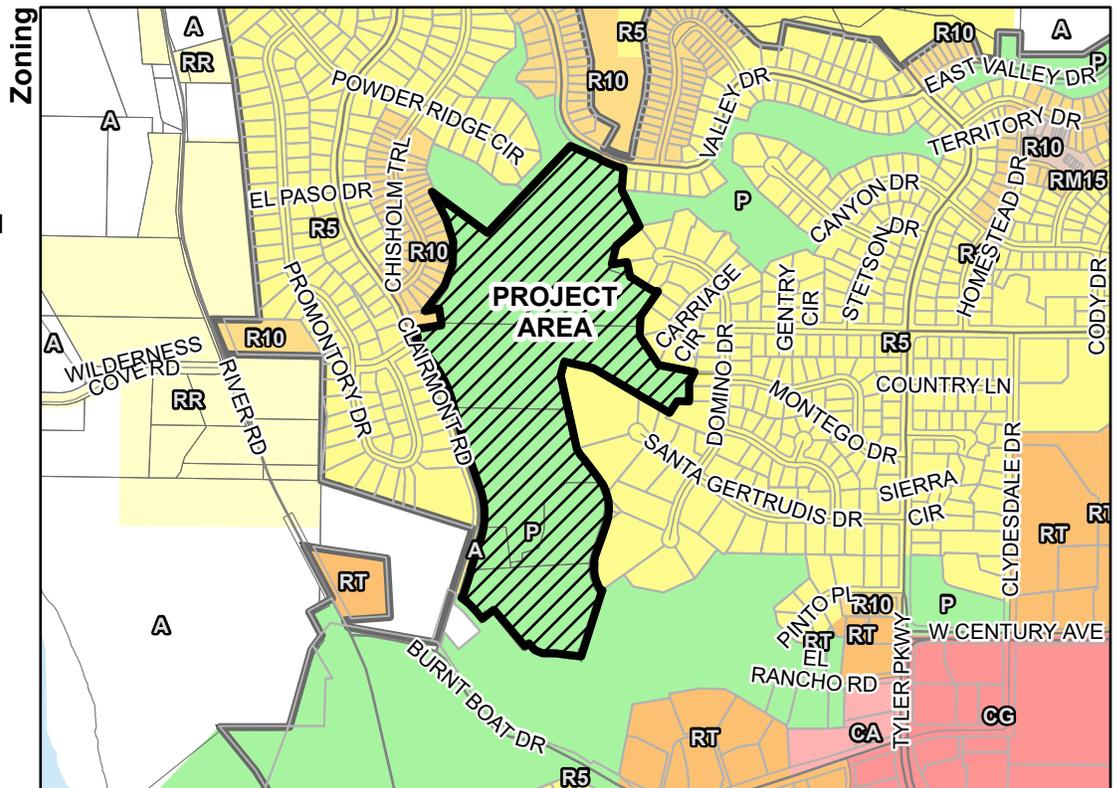
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

— Future Shared Trail

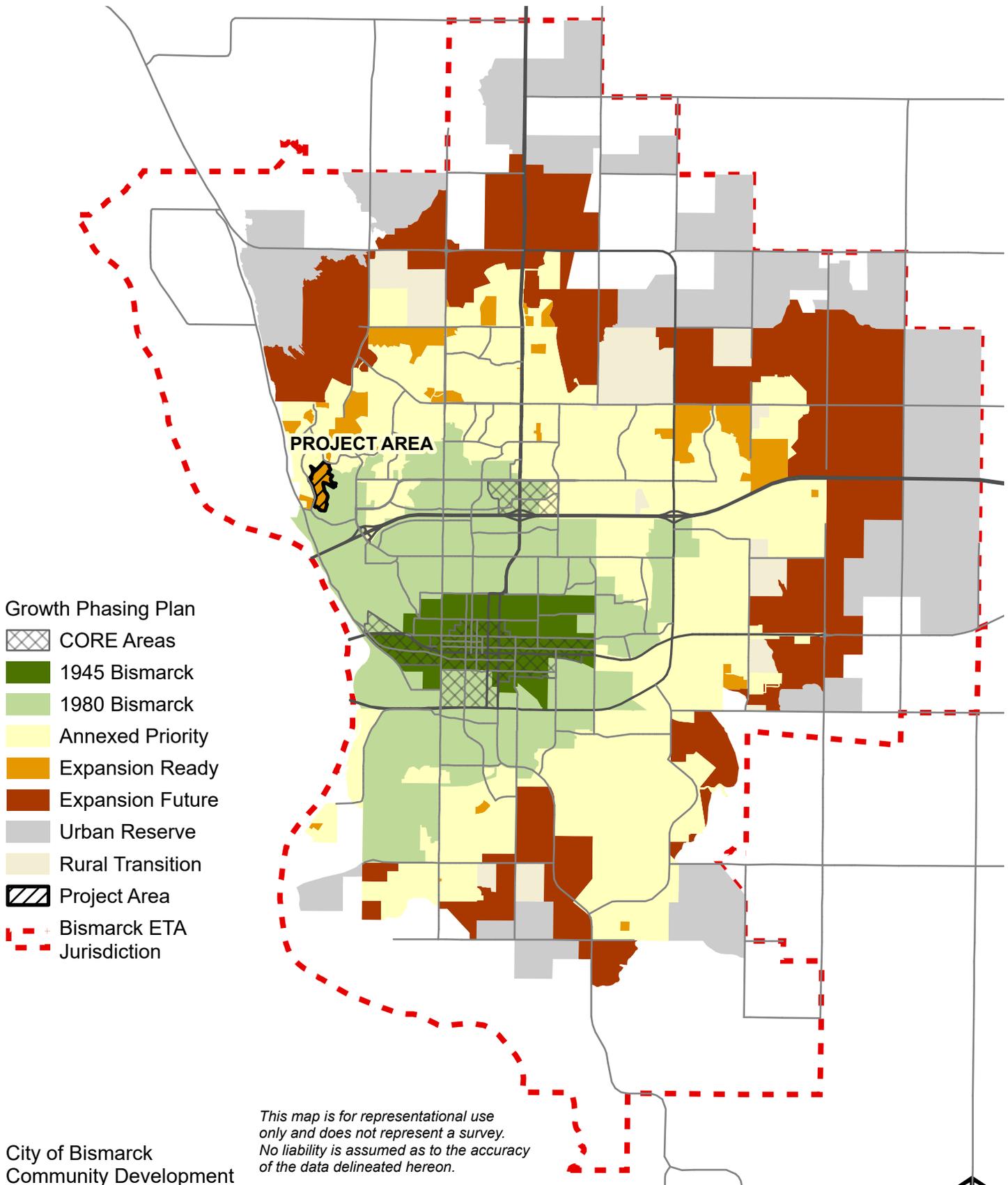
Major Street Plan

- Existing Arterial
- - - Future Arterial
- Existing Collector
- - - Future Collector
- Existing Interstate
- - - Future Interstate



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.







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Burlington County

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C.)

PLAT OF

LOT B Section 30, Township 139 N, Range 80 W

Present Owner BELL BANK, TRUSTEE, C-FAMILY TRUST

LOT B 31-139-80-00-30-420, 414, 410, 417, 400

ALL THAT PART OF THE NORTH 1/2 OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BULLIUGH COUNTY

BEGINNING AT THE NORTHMOST CORNER OF LOT 1 BLOCK 4 COUNTRY WEST III; THENCE SOUTH 15 DEGREES 42 MINUTES 16 SECONDS WEST, ALONG THE BOUNDARY OF COUNTRY WEST III, A DISTANCE OF 100.19 FEET; THENCE SOUTH 12 DEGREES 16 MINUTES 24 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 500.93 FEET TO THE BOUNDARY OF TYLER'S WESTERN VILLAGE; THENCE SOUTHEASTERLY AND TO THE LEFT, ALONG SAID BOUNDARY, ON A 676.78 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 60 DEGREES 06 MINUTES 13 SECONDS EAST, AN ARC LENGTH OF 97.76 FEET; THENCE SOUTH 38 DEGREES 12 MINUTES 31 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 145.33 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, CONTINUING ALONG SAID BOUNDARY, ON A 388.45 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 51 DEGREES 53 MINUTES 23 SECONDS WEST, AN ARC LENGTH OF 351.90 FEET; THENCE SOUTH 13 DEGREES 46 MINUTES 24 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 236.95 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY AND THE BOUNDARY OF VACATED TYLER'S WESTERN VILLAGE, ON A 288.68 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 76 DEGREES 29 MINUTES 17 SECONDS EAST, AN ARC LENGTH OF 352.30 FEET; THENCE SOUTH 33 DEGREES 48 MINUTES 51 SECONDS WEST, CONTINUING ALONG THE BOUNDARY OF VACATED TYLER'S WESTERN VILLAGE, A DISTANCE OF 381.12 FEET TO THE NORTH LINE OF TRACT CWXVI; THENCE NORTH 70 DEGREES 04 MINUTES 18 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 5.67 FEET; THENCE NORTH 84 DEGREES 19 MINUTES 45 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 200.00 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 90.55 FEET; THENCE NORTH 70 DEGREES 13 MINUTES 14 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 54.11 FEET; THENCE NORTH 40 DEGREES 03 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 58.00 FEET; THENCE SOUTH 49 DEGREES 56 MINUTES 10 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 38.00 FEET; THENCE NORTH 40 DEGREES 03 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 310.00 FEET; THENCE SOUTH 49 DEGREES 56 MINUTES 10 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 95.00 FEET; THENCE NORTH 40 DEGREES 03 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 62.21 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID NORTH LINE, ON A 510.46 FOOT RADIUS CURVE, AN ARC LENGTH OF 157.38 FEET TO THE EAST LINE OF CLAIRMONT ROAD RIGHT-OF-WAY; THENCE NORTH 18 DEGREES 00 MINUTES 27 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 417.33 FEET; THENCE NORTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID EAST LINE, ON A 533.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 72 DEGREES 03 MINUTES 13 SECONDS WEST, AN ARC LENGTH OF 343.92 FEET; THENCE NORTH 18 DEGREES 51 MINUTES 12 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 299.04 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID EAST LINE, ON A 1867.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 70 DEGREES 59 MINUTES 52 SECONDS EAST, AN ARC LENGTH OF 118.24 FEET; THENCE NORTH 15 DEGREES 28 MINUTES 23 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 185.30 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID EAST LINE, ON A 783.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 74 DEGREES 35 MINUTES 51 SECONDS WEST, AN ARC LENGTH OF 314.27 FEET; THENCE NORTH 38 DEGREES 22 MINUTES 49 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 106.15 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, ON A 267.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 51 DEGREES 37 MINUTES 45 SECONDS WEST, AN ARC LENGTH OF 69.66 FEET TO THE BOUNDARY OF PROMONTORY POINT II ADDITION;



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Burleigh County

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C.)

PLAT OF

LOT B Section 30, Township 139 N, Range 80 W

Present Owner BELL BANK, TRUSTEE, C-FAMILY TRUST

LOT B

THENCE NORTH 72 DEGREES 07 MINUTES 55 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 13.87 FEET; THENCE NORTH 17 DEGREES 48 MINUTES 43 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 52.42 FEET; THENCE NORTH 81 DEGREES 07 MINUTES 23 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 179.54 FEET; THENCE NORTH 07 DEGREES 30 MINUTES 30 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 16.04 FEET TO THE NORTH LINE OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE NORTH 88 DEGREES 58 MINUTES 05 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 1331.79 FEET TO THE BOUNDARY OF COUNTRY WEST I REPLAT; THENCE SOUTH 03 DEGREES 48 MINUTES 33 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 61.81 FEET; THENCE SOUTH 32 DEGREES 55 MINUTES 30 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 227.98 FEET; THENCE SOUTH 78 DEGREES 19 MINUTES 56 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 243.20 FEET; THENCE SOUTH 28 DEGREES 44 MINUTES 08 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 79.20 FEET; THENCE SOUTH 00 DEGREES 51 MINUTES 59 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 124.61 FEET TO THE BOUNDARY OF TYLER'S WESTERN VILLAGE; THENCE NORTH 89 DEGREES 35 MINUTES 36 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 79.30 FEET; THENCE SOUTH 35 DEGREES 52 MINUTES 14 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 91.62 FEET TO THE NORTH LINE OF COUNTRY WEST III; THENCE NORTH 59 DEGREES 16 MINUTES 37 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 565.03 FEET; THENCE NORTH 74 DEGREES 15 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 218.95 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 46.6 ACRES, MORE OR LESS.





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Burleigh County

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C.)

PLAT OF

LOT C Section 19 , Township 139 N, Range 80 W

Present Owner BELL BANK, TRUSTEE, C-FAMILY TRUST

LOT C 31-139-80-00-19-020, 017

ALL THAT PART OF THE SOUTH 1/2 OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BURLEIGH COUNTY

BEGINNING AT THE NORTHMOST CORNER OF LOT 8A BLOCK 3 PROMONTORY POINT II; THENCE SOUTH 53 DEGREES 34 MINUTES 10 SECONDS EAST, ALONG THE BOUNDARY OF PROMONTORY POINT IV, A DISTANCE OF 458.09 FEET; THENCE NORTH 43 DEGREES 39 MINUTES 13 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 794.61 FEET; THENCE SOUTH 66 DEGREES 38 MINUTES 06 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 204.17 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY, ON A 640.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 29 DEGREES 16 MINUTES 06 SECONDS EAST, AN ARC LENGTH OF 176.88 FEET TO THE BOUNDARY OF COUNTRY WEST XXVII; THENCE SOUTH 05 DEGREES 13 MINUTES 04 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 146.61 FEET; THENCE SOUTH 26 DEGREES 41 MINUTES 04 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 270.68 FEET TO THE BOUNDARY OF COUNTRY WEST I; THENCE SOUTH 50 DEGREES 50 MINUTES 21 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 199.83 FEET TO THE BOUNDARY OF AUDITOR'S LOT 9A OF SECTION 19, TOWNSHIP 139 N, RANGE 80 W.; THENCE SOUTH 13 DEGREES 06 MINUTES 59 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 128.88 FEET; THENCE NORTH 80 DEGREES 48 MINUTES 56 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 101.20 FEET TO THE BOUNDARY OF COUNTRY WEST I; THENCE SOUTH 16 DEGREES 14 MINUTES 36 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 106.12 FEET; THENCE SOUTH 58 DEGREES 00 MINUTES 37 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 199.85 FEET; THENCE NORTH 43 DEGREES 10 MINUTES 55 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 11.23 FEET TO THE BOUNDARY OF COUNTRY WEST I REPLAT; THENCE SOUTH 54 DEGREES 16 MINUTES 12 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 7.31 FEET; THENCE SOUTH 35 DEGREES 53 MINUTES 24 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 184.70 FEET; THENCE SOUTH 03 DEGREES 48 MINUTES 33 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 71.89 FEET TO THE SOUTH LINE OF SECTION 30 TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE NORTH 88 DEGREES 58 MINUTES 05 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1331.79 FEET TO THE BOUNDARY OF PROMONTORY POINT II; THENCE NORTH 07 DEGREES 30 MINUTES 30 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 93.91 FEET; THENCE SOUTH 81 DEGREES 09 MINUTES 40 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 96.46 FEET; THENCE NORTH 38 DEGREES 15 MINUTES 26 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 209.88 FEET; THENCE NORTH 20 DEGREES 26 MINUTES 24 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 152.47 FEET; THENCE NORTH 01 DEGREES 22 MINUTES 41 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 152.86 FEET; THENCE NORTH 17 DEGREES 41 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 153.07 FEET; THENCE NORTH 27 DEGREES 11 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 204.94 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT CONTAINS 26.2 ACRES, MORE OR LESS.



Community Development Department

DATE: January 9, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Centennial Park First Addition First Replat - Minor Subdivision Final Plat

REQUEST:

Donald and Cynthia Klym are requesting approval of a minor subdivision final plat titled Centennial Park First Addition First Replat. The proposed replat would encompass the entirety of Lot A of Lot 4, Block 4, Centennial Park First Addition, increasing the number of lots from one to two to allow for separate businesses to operate under two different land descriptions.

BACKGROUND INFORMATION:

The area adjacent to the north of the property was granted to the City of Bismarck in 1982 for public street purposes, and the installation and operation of water, sewer, and utilities. As this public right-of-way has not been previously platted, it is indicated on this proposed replat as Revere Place.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the minor subdivision final plat for Centennial Park First Addition First Replat with the following condition: A petition and development agreement between the City of Bismarck and the property owners detailing the future construction of Revere Place must be signed prior to the recordation of the proposed plat.

RECOMMENDED CITY COMMISSION ACTION:

Consider the minor subdivision final plat and take final action on the request.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1372, behreth@bismarcknd.gov

ATTACHMENTS:

1. CD - Centennial Park First Addition

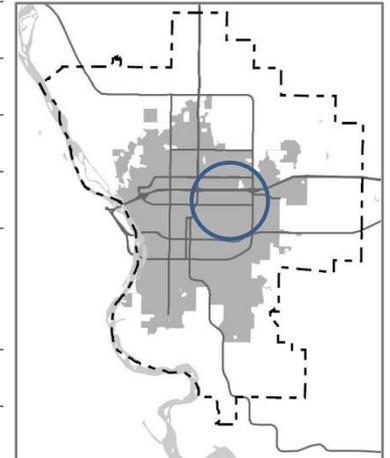
STAFF REPORT

Application for: **Minor Plat**

Project ID: **MPLT2023-007**

Project Summary

<i>Title:</i>	Centennial Park First Addition First Replat
<i>Status:</i>	Board of City Commissioners
<i>Property Owner(s):</i>	Donald and Cynthia Klym
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson, Hagen & Co.
<i>Project Location:</i>	In southeast Bismarck, south of Interstate 94, and east of North Bismarck Expressway along the southeast side of Revere Drive
<i>Project Size:</i>	4.4 Acres
<i>Applicant Request:</i>	Replat property to allow for future development
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Lot in 1 Block	<i>Lots/Blocks:</i>	2 Lots in 1 Block
<i>Land Use:</i>	Industrial	<i>Land Use:</i>	Industrial
<i>Future Land Use:</i>	Industrial (IND)	<i>Future Land Use:</i>	Industrial (IND)
<i>Zoning:</i>	MA – Industrial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density:</i>	MA – N/A	<i>Max Density:</i>	MA – N/A

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	East Divide Commerce

Property History

<i>Zoned:</i>	Pre-1980s
<i>Platted:</i>	02/1979
<i>Annexed:</i>	Pre-1980s

Project Narrative

Donald and Cynthia Klym are requesting approval of a minor subdivision final plat titled Centennial Park First Addition First Replat.

The proposed replat would encompass the entirety of Lot A of Lot 4, Block 4, Centennial Park First Addition, increasing the number of lots from one to two to allow for separate businesses to operate under two different land descriptions. The MA – Industrial zoning, which allows light industrial, general commercial, warehouses, manufacturing, and shop condos, would not change.

The area adjacent to the north of the property was granted to the City of Bismarck in 1982 for public street purposes, and the installation and operation of water, sewer, and utilities. As this public right-of-way has not been previously platted, it is indicated on this proposed replat as Revere Place.

The Planning and Zoning Commission held a public hearing on this request on December 20, 2023. At the conclusion of the public hearing and based on the findings listed below, the Planning and Zoning Commission recommended conditional approval of this request.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as mainly Industrial (IND) with a small area of Parks and Open Space (PKOS) in the Future Land Use Plan. The industrial areas are centers of research, production, and distribution. The parks and open space areas are places that are kept in a largely natural state, providing many important functions for the community and ecosystem.

Public Engagement

The public was duly notified of this request prior to the public hearing at the Planning and Zoning Commission meeting. A notice was published in the Bismarck Tribune on December 8 and December 15, and 8 letters were mailed to the owners of nearby properties on December 8.

Basic project information, with the ability to contact staff for more details, has been provided

(continued)

publicly online through the Community Development Activities map.

At the December 20 public hearing, the contact for the applicant spoke. However, no other member of the public spoke at the public hearing. No written comments submitted.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15, Section 14.1-04-03](#));

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer.

Technical specifications required of the final plat have been met ([Section 14-09-07](#))

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed ([Section 14-09-04](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant

has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing occurred before the Planning and Zoning Commission for this request, and all requirements for notice of this hearing were met, as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Capital utility charges will be due prior to recordation of the proposed plat.

The proposed plat includes previously dedicated right of way to the north of the plat. A signed petition and development agreement between the City of Bismarck and the property owner(s) for the future construction of Revere Place is required prior to the recordation of the proposed plat. The purpose of this agreement is to establish that the property owners will not protest and will help pay to construct Revere Place if, or when, this right-of-way is needed.

The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for Centennial Park First Addition First Replat with the following conditions:

1. A petition and development agreement for the construction of Revere Place is signed prior to the recordation of the proposed plat.

(continued)

Attachments

1. Zoning and Plans Reference Map
2. Final Plat
3. Original Plat with Replatted Area Highlighted

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov



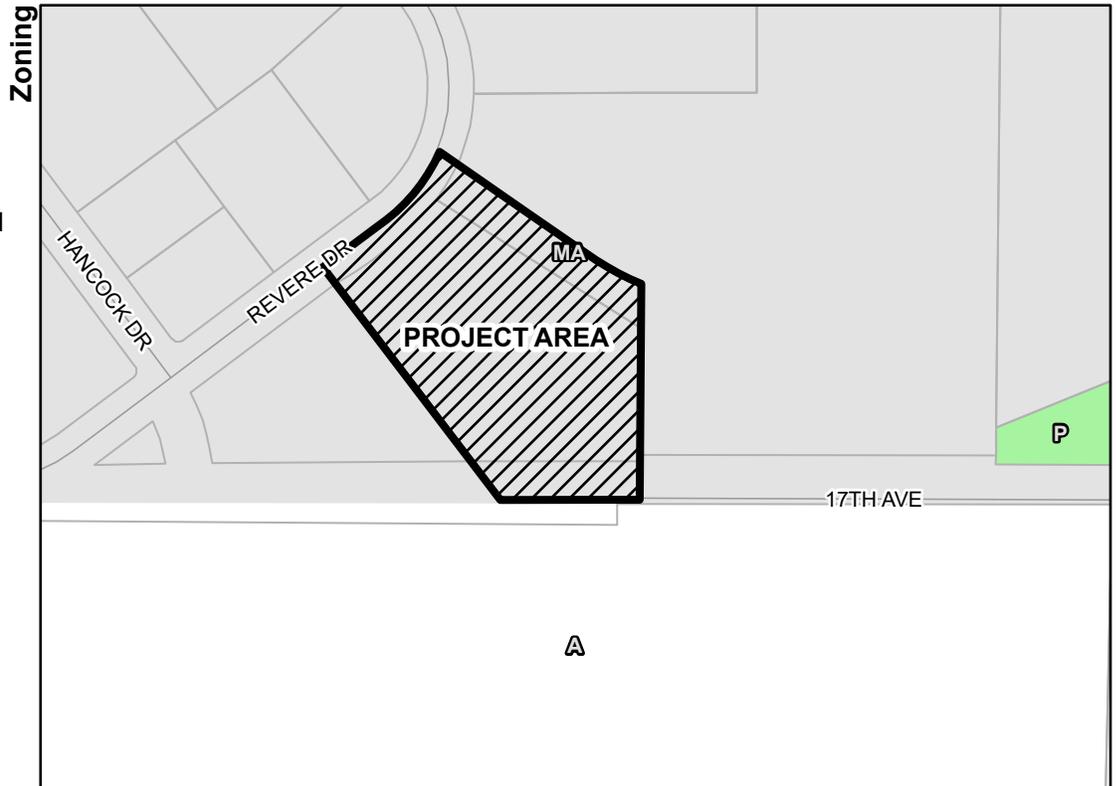
Zoning and Plan Reference Map

MPLT2023-007

CENTENNIAL PARK FIRST ADDITION FIRST REPLAT

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

UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/URB	Mid/Long-Term



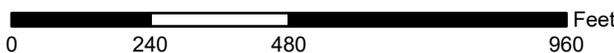
Active Mobility Plan

Future Shared Trail

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate

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
Planning Division
December 13, 2023

CENTENNIAL PARK FIRST ADDITION FIRST REPLAT

BEING PART OF LOT A OF LOT 4 BLOCK 4 CENTENNIAL PARK FIRST ADDITION AND PART OF REVERE DRIVE
RIGHT-OF-WAY OF SECTION 25
TOWNSHIP 139 NORTH RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING PART OF LOT A OF LOT 4 BLOCK 4 CENTENNIAL PARK FIRST ADDITION AND PART OF REVERE DRIVE RIGHT-OF-WAY OF SECTION 25, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE WESTMOST CORNER OF SAID LOT A; THENCE NORTH 36 DEGREES 48 MINUTES 56 SECONDS WEST, ON THE EXTENSION OF THE SOUTHWESTERLY LINE OF SAID LOT A, A DISTANCE OF 40.00 FEET TO THE CENTERLINE OF REVERE DRIVE RIGHT-OF-WAY; THENCE NORTH 53 DEGREES 09 MINUTES 06 SECONDS EAST, ON SAID CENTERLINE, A DISTANCE OF 109.98 FEET; THENCE NORTHEASTERLY AND TO THE LEFT, CONTINUING ON SAID CENTERLINE, AN ARC LENGTH OF 152.08 FEET TO THE NORTHEASTERLY LINE OF GRANT DR. 434181; THENCE SOUTH 55 DEGREES 16 MINUTES 40 SECONDS EAST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 322.70 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ON SAID NORTHEASTERLY LINE, AN ARC LENGTH OF 84.47 FEET TO THE WEST LINE OF EAST DIVIDE INDUSTRIAL PARK; THENCE SOUTH 00 DEGREES 31 MINUTES 02 SECONDS WEST, ON SAID WEST LINE, A DISTANCE OF 372.41 FEET TO THE SOUTHWESTERLY LINE OF SECTION 25, TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE NORTH 89 DEGREES 47 MINUTES 27 SECONDS EAST, ON SAID SOUTHWEST LINE, A DISTANCE OF 214.68 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT A; THENCE NORTH 36 DEGREES 48 MINUTES 56 SECONDS WEST, ON SAID SOUTHWESTERLY LINE, A DISTANCE OF 468.43 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 191,623 SF 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 _____, 202__, 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.

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

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3395

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____, 202__, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST
BEN EHRHART - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 202__.

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 "CENTENNIAL PARK FIRST ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DONALD C. KLYM & CYNTHIA J. KLYM, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREIN TO BE SURVEYED AND PLATTED AS "CENTENNIAL PARK FIRST ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULTIVETS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE UTILITY 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 FURTHER GRANT ACCESS AND WATERMAIN EASEMENTS TO THE ADJOINING LAND OWNERS OF CENTENNIAL PARK FIRST ADDITION FIRST REPLAT, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS, AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO GRANT SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN FACILITIES UNDER OR UPON THE REAL PROPERTY HERINAFTER DESCRIBED.

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 DESIGNATED 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 THERE TO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

DONALD C. KLYM
4330 E. CALGARY AVE
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 202__, BEFORE ME PERSONALLY APPEARED DONALD C. KLYM, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

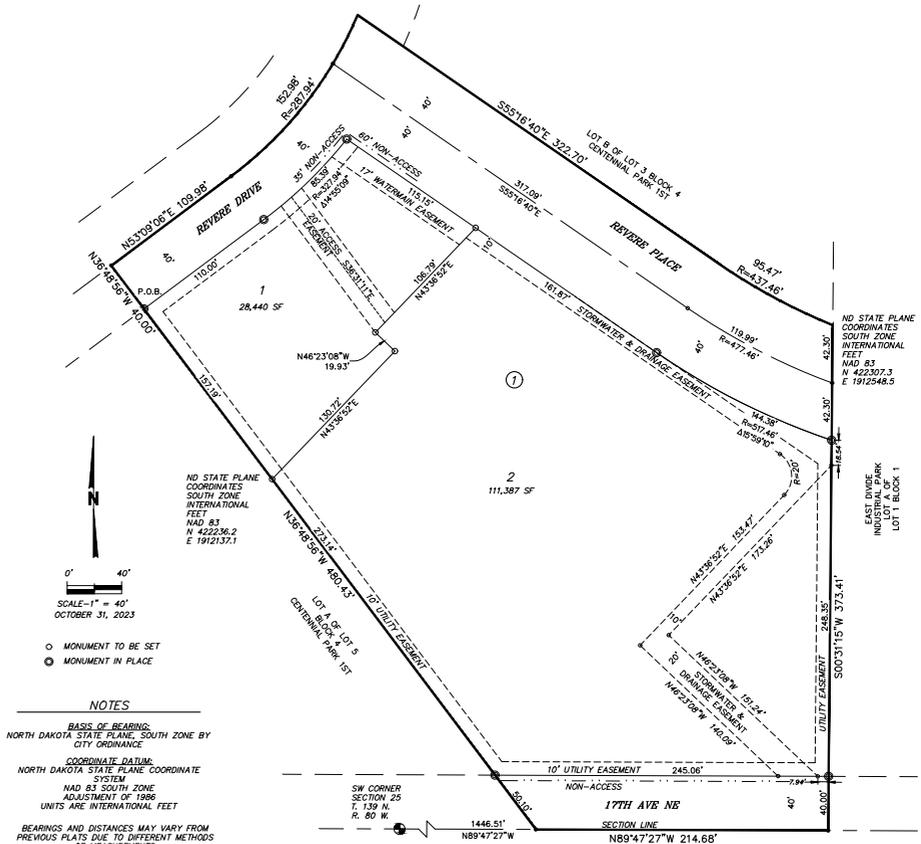
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

CYNTHIA J. KLYM
4330 E. CALGARY AVE
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 202__, BEFORE ME PERSONALLY APPEARED CYNTHIA J. KLYM, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

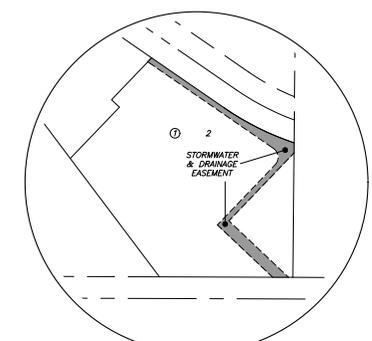
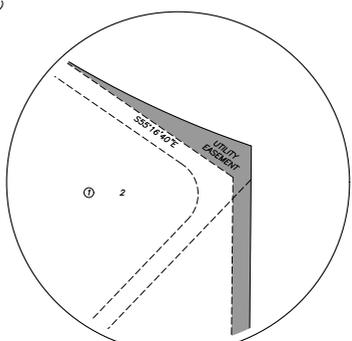


- MONUMENT TO BE SET
- MONUMENT IN PLACE

NOTES

- BASIS OF BEARING: NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE
- COORDINATE DATUM: NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
- NAD 83 SOUTH ZONE ADJUSTMENT OF 1986 UNITS ARE INTERNATIONAL FEET
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.
- VERTICAL BENCHMARK: IVD #1509
- REVERE DR. 1ST NORTH OF HANCOCK DR (SOUTH) ELEV. 1717.69 (NGVD 29)

AREA DATA	
LOTS	139,623 SF 3.21 ACRES
STREETS	31,796 SF 1.19 ACRES
TOTAL	191,623 SF 4.40 ACRES



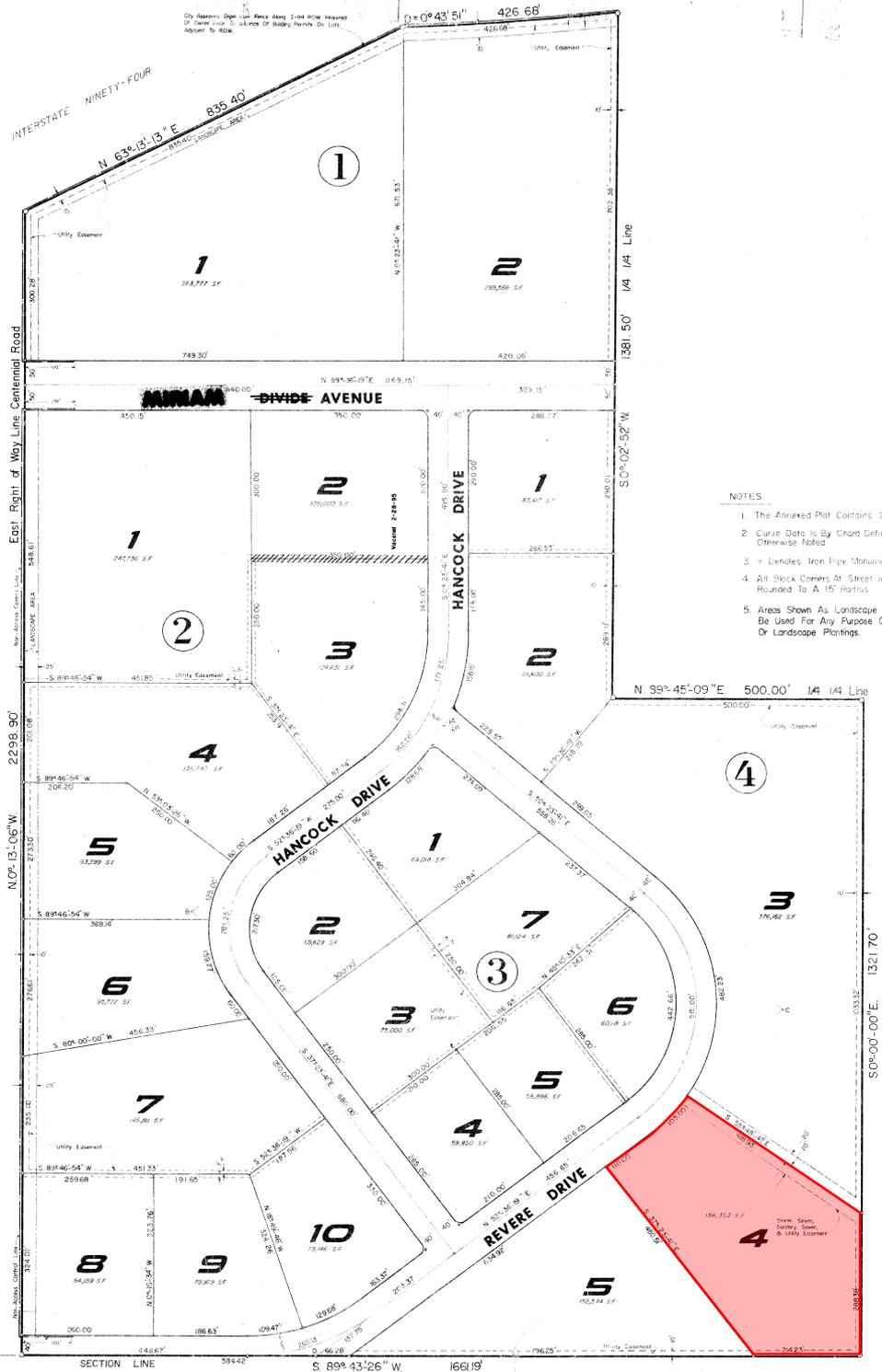
CENTENNIAL PARK FIRST ADDITION

BISMARCK, NORTH DAKOTA

PART OF THE SW 1/4 & THE SE 1/4 OF THE NW 1/4, SECTION 25, T.139N., R.80W.



CURVE DATA						
	Δ	D	T	L	R	EXT
A	INSIDE	18° 01' 13"	159.16	294.71	319.76	3748
	OUTSIDE	161° 00' 00"	179.12	331.25	359.25	42.18
B	INSIDE	41° 22' 50"	141.40	217.30	141.40	58.57
	OUTSIDE	324° 00' 00"	161.40	238.25	161.40	72.44
C	INSIDE	23° 16' 06"	311.70	442.66	247.94	150.35
	OUTSIDE	103° 00' 00"	361.99	515.00	257.94	174.65
D	INSIDE	15° 11' 16"	124.32	238.80	370.28	20.31
	OUTSIDE	164° 00' 00"	137.75	269.15	410.28	22.51



- NOTES
1. The Annexed Plat Contains 24 Lots
 2. Curve Data Is By Chord Definition Unless Otherwise Noted
 3. ∅ Denotes Iron Pipe Monument To Be Set
 4. All Block Corners At Street Intersections Are Rounded To A 15' Radius
 5. Areas Shown As Landscape Area Shall Not Be Used For Any Purpose Other Than Lawn Or Landscape Plantings

26 25
31 36

SECTION LINE S. 89° 43' 26" W. 1661.19

SECTION LINE S. 00° 00' 00" E. 1321.70



Community Development Department

DATE: January 9, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Amending dimensional requirements for residential accessory buildings – Zoning Ordinance Text Amendment

REQUEST:

Planning staff are requesting approval of a zoning ordinance text amendment to amend certain dimensional requirements for residential accessory structures.

The purpose of this text amendment is to clarify sections of Title 14 of the City Code of Ordinances pertaining to residential accessory structures to help address commonly asked questions from the public and reduce potential points of conflict during the review process by city staff.

BACKGROUND INFORMATION:

Areas of clarification that this text amendment addresses include:

- The definition of building height, and how height is measured, for all buildings.
- The height of residential accessory structures including accessory dwelling units (ADUs).
- Where accessory structures can be placed on a property in relation to the principal structure, other accessory structures, and property line setbacks.
- And other minor clarifications connected to residential accessory structures when relevant.

The attached staff report contains a complete review of the request, according to standards of the Comprehensive Plan, city ordinances, and other relevant law. Additionally, the staff report contains an overview of past public engagement prior to, and the results of, the public hearing at the Planning and Zoning Commission meeting held on December 20, 2023.

RECOMMENDED CITY COMMISSION ACTION:

Consider the request for the zoning ordinance text amendment to amend certain dimensional requirements of residential accessory structures and call for a public hearing.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1372, behreth@bismarcknd.gov

ATTACHMENTS:

1. CD - Residential Accessory Structure Requirements

STAFF REPORT

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2023-002**

Project Summary

<i>Title:</i>	Dimensional Requirements for Residential Accessory Buildings
<i>Status:</i>	Board of City Commissioners – Consideration
<i>Project Contact:</i>	Isak Johnson, Planner
<i>Request:</i>	Amend dimensional requirements for residential accessory buildings
<i>Staff Recommendation:</i>	Call for public hearing

Project Narrative

Accessory structures are allowed throughout the City of Bismarck as well as in the Extraterritorial Area for a variety of uses and purposes in conjunction with the principal use of a given parcel. Commonly asked questions from the public, or potential points of conflict during the review process by City staff related to accessory structures, include aspects of building height, size, and placement.

In order to reduce any confusion surrounding the regulations of accessory structure dimensional requirements, Planning and Building Inspections staff aim to clarify sections of Title 14 of the City of Bismarck Code of Ordinances. This ordinance amendment addresses sections with the intent to increase public understanding and improve City processes related to approval of accessory structures throughout the City and the ETA.

Areas of clarification addressed by this zoning ordinance text amendment include:

- Definition of building height, and how height is measured, for all buildings.
- Height of residential accessory structures, including accessory dwelling units (ADUs).
- Placement of residential accessory structures in relation to principal

structures, other accessory structures, and property line setbacks.

- Other minor clarifications connected to residential accessory structures when relevant.

Of these four areas, the first two contain the most notable changes. These changes for the height of residential accessory structures are summarized in the tables below.

Urban (Corporate Limits)

	Current	Proposed
Height limit (no ADU)	25ft	20ft
Height limit (with ADU)	20ft	25ft
Wall height limit	12ft	No limit
How it is measured (pitched roofs)	To the peak*	To the mean of the wall and peak

Rural (ETA)

	Current	Proposed
Height limit (no ADU)	25ft	25ft
Height limit (with ADU)	20ft	25ft
Wall height limit	16.5ft	No limit
How it is measured (pitched roofs)	To the peak*	To the mean of the wall and peak

(continued)

**Note: This interpretation has been debated within the Community Development Department over the course of previous ordinance amendments throughout the years, and this debate is part of the reason for this proposed amendment.*

The proposed changes are the result of research of peer cities throughout the region in North Dakota, Montana, South Dakota, and Minnesota, as well as numerous conversations between Planning Division staff and Building Inspections Division staff. Ultimately, the proposed changes would place Bismarck’s accessory structure height regulations in a similar vein as most of our peer cities, while being slightly more flexible than a majority of our peer cities.

For reference, most of the researched cities did not have a wall height limit for residential accessory structures but had a lower overall height limit than the proposed twenty feet for Bismarck. Most peer cities had an overall height limit between fifteen and seventeen feet, when using a similar definition of height as Bismarck.

Public Engagement

Public engagement at the City Commission level will commence if the Board of City Commissioners calls for a public hearing.

At the Planning and Zoning Commission level, the public was duly notified of this request prior to their public hearing. A notice was published in the Bismarck Tribune on December 8 and December 15, 2023.

Staff received no written comments prior to the public hearing at the Planning and Zoning Commission. Any public comments received prior to the public hearing at the Board of City Commissioners will be summarized in the staff report.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The goals and objectives of Together 2045 Bismarck’s Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment ([Comprehensive Plan](#))

Yes. The following objectives of the plan would be advanced through the proposed amendment.

S3(e): Encourage accessory buildings to be compatible in design with, and subordinate in scale to, the principal buildings on the property.

S4(a): Increase efficiency of urban land use to maximize public investment in infrastructure and services thereby reducing cost for tax and ratepayers.

The proposed ordinance amendment will continue to improve how Bismarck residents use their land as efficiently as possible, while streamlining understandings of the appropriate regulations.

The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance ([Goal S9-e](#), [G10-g](#))

Yes. This section of the zoning ordinance has been amended many times, most recently in 2017. The purpose of the proposed zoning ordinance text amendment is to clarify this provision to ensure that the original intent is met.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed amendment (Section 14-02-01; [NDCC 40-47-03](#))

Yes. The proposed zoning ordinance text amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

The proposed text amendment will preserve the overall integrity and coherence of the zoning ordinance ([Goal G10](#))

Yes. All sections of the zoning ordinance containing any references to or potential conflicts with the proposed zoning ordinance text amendment have been reviewed and corrected, as needed.

Section 14-02-03 clarifies the definition of accessory structures (and related items) used throughout this text amendment. Sections 14-03-05, 14-03-06, and 14-03-08 address the primary issues of residential accessory structure placement and height. Then Sections 14-04-01, 14-04-01.1, 14-04-03, 14-04-06 clarify several reiterations of previously addressed items to ensure consistency.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The zoning ordinance text amendment has been initiated by staff from the Community Development Department, on behalf of the Planning and Zoning Commission. A preliminary draft was attached to the staff report for the public hearing by the Planning and Zoning Commission.

At the conclusion of the public hearing, the Planning and Zoning Commission approved the preliminary draft, without making any changes, by a vote of five to three (5-3). The same preliminary draft is included for the consideration of the Board of City Commissioners.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning text amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning ordinance text amendment would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment on dimensional requirements for residential accessory structures.

Attachments

1. Draft zoning ordinance text amendment
2. Examples of accessory structure placement areas
3. Examples of accessory structure height by roof type

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK ORDINANCE NO. XXXX

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03, 14-03-05, 14-03-06, 14-03-08, 14-04-01, 14-04-01.1, 14-04-03, 14-04-06, OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE DIMENSIONAL REQUIREMENTS FOR ACCESSORY BUILDINGS.

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

Section 1. Amend. Sections 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Accessory Dwelling Unit: A separate and complete dwelling unit established in conjunction with, ~~but clearly subordinate to,~~ and ancillary to, the principal single family dwelling unit, whether within the same structure as the principal unit or within a detached accessory structure on the same lot or parcel. An accessory dwelling unit contains one bedroom, kitchen and bathroom facilities, and a separate exterior entrance.

Accessory Use: A use or structure that is clearly incidental to and customarily found in connection with a principal structure or use; is ~~subordinate in area, extent and~~ ancillary in purpose to the principal building or uses; contributes to the comfort, convenience or necessity of occupants of the principal use; and is located on the same lot and in the same zoning district as the principal use.

* * * * *

~~Building-Accessory: A subordinate~~ A permanent, or semi-permanent, ancillary building or structure, the use of which is customarily incidental to that of a principal building on the same lot, including, without limitation, garages, storage sheds, playhouses, kennels, ~~statuary, trellises, barbecue stoves,~~ residential greenhouses, tent-like structures, or similar structures, storm or civil defense shelter, radio towers, satellite receiving or transmitting stations or antennas, and other structures, towers, antenna, ornaments or devices.

* * * * *

~~Height of Building: The vertical distance measured from the highest of the following three levels:~~

- ~~(a) The street curb level;~~
- ~~(b) The established or mean street grade in case the curb has not been constructed; or~~
- ~~(c) The average finished ground level adjoining the building if it sets back from the street line~~

The average finished ground level adjoining the building at all exterior walls (measured at fixed intervals around the base of the structure)

To:

- (a) the level of the highest point at the roof beams of flat roofs, or roofs including not more than one (1) inch of vertical rise to the one (1) foot of horizontal travel, and;
- (b) the deck line of mansard roofs; or
- (c) to the mean height level of the top of the main plate and highest ridge for other roofs. And when a building has multiple roofs, use the roof with the tallest ridge/height to calculate total building height.

* * * * *

Section 2. Amend. Sections 14-03-05 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-03-05. Supplementary Provisions. The regulations specified in this title shall be subject to the following provisions and interpretations:

* * * * *

- 4. Location of residential accessory buildings.

- a. In any residential zoning district except RR and RR5 (see the RR or RR5 district for accessory building regulations specific to that district), all accessory buildings ~~except garages~~ shall be located ~~in the rear yard~~ ten (10) feet from the principal structure, shall be located behind the line created by the front wall of the principle structure, and shall not be less than three (3) feet from the rear or side lot line while noting that structures less than five (5) feet from the side or rear lot line may require fire separation precautions in accordance with City of Bismarck Buiding Code ~~when located at least ten feet behind the rear wall of the principal building.~~
1. For lots situated directly between two roadways, the yard adjacent to the roadway which provides access to the property's principal structure (such as by means of a doorway or driveway) is the front yard.
 2. ~~If the ten-foot distance behind the rear wall of~~ from the principal building cannot be maintained, the structure must be built in accordance with the appropriate fire protection features as determined by the City of Bismarck Building Code ~~and the same setbacks shall be maintained as is required for the principal building.~~
 3. Any uncovered deck, patio or porch shall not be considered as part of the principal building for purposes of this subsection.
- b. A garage located in a rear yard and ~~approached from an~~ with an approach perpendicular to an alley must be set back from the alley line at least twenty (20) feet to allow for an additional parking space without obstructing the alley. When the approach to the garage is parallel to the alley and the car maneuvers on private property, the distance from the alley and side lot lines to the garage may be not less than three (3) feet.
- c. Accessory buildings, including garages, located on a corner lot in a residential district shall be ~~located not less than twenty feet from the lot line of the side street and in no case shall be set back less than the setback distance required for the principal building.~~ set back from the side street no less than the principal structure setback requirements for the district. For the purpose of this section, the side street is the street that does not provide access to the house by means of a door or driveway. The minimum setback from the adjacent lot line of the lot also facing the side street shall be ~~the same as required for the principal building.~~ no less than three (3) feet and be in accordance with the City of Bismarck Building Code when relevant.

- ~~d. In a residential district any garage on an inside lot may be located with the same setback from the street as required for the principal building providing that such setback is at least twenty feet and that such garage does not violate the side yard requirements for a principal building for the district in which it is located. If such detached garage is located at least ten feet behind the rear wall of the principal building, such garage may be located not less than three feet from the side lot line.~~
- d. All setback measurements for accessory buildings shall be made from the ~~eaves rather than the wall or foundation walls, or the outermost exterior structurally supporting features (such as columns), and the structures must be built in accordance with the City of Bismarck Building Codes with regards to projections from the walls such as eaves.~~
- e. No accessory building shall be allowed on any utility easement.

* * * * *

Section 3. Amend. Sections 14-03-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal uses, subject to the following standards:

1. Accessory Uses and Buildings.

a. General Requirements. Accessory uses and buildings shall comply with the following standards and all other applicable regulations of this chapter:

1. The accessory use or building shall be incidental and customarily associated with the principal use or structure.

~~2. Except for accessory buildings for one and two-family residential uses constructed in accordance with the provisions of Section 14-03-06(1)(b), the accessory use or building shall be subordinate in area, extent, and purpose to the principal use or building served.~~

- ~~3. The accessory use or building shall contribute to the comfort, convenience and necessity of the occupants of the principal use or building served.~~
2. The accessory use or building shall be located on the same zoning lot as the principal use or building.
3. The accessory use or building shall not be injurious to the use and enjoyment of surrounding properties.
4. No accessory building shall be located within any recorded public easement or over any known public utility.

b. One and two-family residential accessory uses and buildings.

* * * * *

4. All allowable accessory buildings for a one or two-family residence in an urban residential zoning district (R5, R10, RM, RMH & RT) shall be limited to a maximum area of twelve hundred (1,200) square feet, ~~a maximum wall height of twelve (12) feet~~ and a maximum building height of ~~twenty-five (25) feet~~ twenty (20) feet, except for accessory dwelling units which are allowed a maximum height of twenty-five (25) feet as described in Section 14-03-08.4(y).

* * * * *

5. All allowable accessory buildings for a single-family rural residence in a rural residential zoning district (RR & RR5) shall be limited to a maximum area of fourteen hundred (1,400) square feet for lots of ~~40,000~~ forty thousand (40,000) square feet or less; to a maximum area of eighteen hundred (1,800) square feet for lots between ~~40,000~~ forty thousand (40,000) square feet and ~~64,999~~ sixty-five thousand (65,000) square feet; to a maximum area of twenty-four hundred (2,400) square feet for lots over ~~65,000~~ sixty-five thousand (65,000) square feet, except as provided for herein. The ~~maximum wall height shall be limited to sixteen and one-half (16.5) feet~~ and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with ~~40,000~~ forty thousand (40,000) to ~~64,999~~ sixty-five thousand (65,000) square feet in

area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than ~~65,000~~ sixty-five thousand (65,000) square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

* * * * *

6. All allowable accessory buildings for a single-family rural residence in the agricultural zoning district (A) shall be limited to a maximum area of one (1) percent of the total lot area up to a maximum of five thousand (5,000) square feet. The ~~maximum wall height shall be limited to sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.~~

* * * * *

- e. Non-residential accessory uses and buildings in all other zoning districts.

* * * * *

- ~~9. Except for agricultural buildings located in the agricultural zoning district, no accessory building shall exceed the height or floor area of the principal building.~~
9. Manufacturing and repair facilities incidental to the principal use subject to the following limitations:

* * * * *

Section 4. Amend. Sections 14-03-08 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to granting of such permit or certificate.

* * * * *

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

y. Accessory Dwelling Units

* * * * *

3. Requirements for All Accessory Dwelling Units. Prior to receiving a special use permit an applicant shall demonstrate that the following requirements will be met:

- a. No more than one accessory dwelling unit may be permitted on each lot or parcel.
- b. An accessory dwelling unit must be contained completely within the principal structure on the lot or parcel, or contained within an accessory structure that meets all requirements of this Code, including size and setback requirements of the underlying zoning district. However, the height of any accessory dwelling unit may be up to ~~twenty (20)~~ twenty-five (25) feet ~~or the height of the principal structure on the lot, whichever is less.~~

* * * * *

- ~~g. No part of any rooftop deck or balcony on an accessory dwelling unit may be located within twenty five (25) feet of a side or rear property line.~~

- g. An accessory dwelling unit must be connected to public utilities if available on the lot or parcel. If the lot is serviced by an on-site sewage treatment facility, the applicant must show that sufficient sewage treatment capacity will be available to meet anticipated needs.
- h. An accessory dwelling unit must comply with all residential building code requirements outlined in Title 4 of the Bismarck Code of Ordinances.
- i. An accessory dwelling unit may be occupied by no more than one family, as defined by Title 14 of the Bismarck Code of Ordinances.

* * * * *

Section 5. Amend. Sections 14-04-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-04-01. RR Residential District. In any RR residential district, the following regulations shall apply:

* * * * *

10. Accessory Buildings. All allowable accessory buildings for a single-family residence shall be limited to a maximum of fourteen hundred (1,400) square feet for lots of ~~40,000~~ forty thousand (40,000) square feet or less; to a maximum of eighteen hundred (1,800) square feet for lots between ~~40,000~~ forty thousand (40,000) square feet and ~~64,999~~ sixty-five thousand (65,000) square feet; and to a maximum of twenty-four hundred (2,400) square feet for lots over ~~65,000~~ sixty-five thousand (65,000) square feet, except as provided herein. ~~The maximum wall height shall be limited to sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.~~

The allowable accessory buildings for a single-family rural residence on a lot with ~~40,000~~ forty thousand (40,000) to ~~64,999~~ sixty-five thousand (65,000) square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot with more than ~~65,000~~ sixty-five thousand (65,000) square feet in area may be increased to a maximum of thirty-two hundred

(3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

* * * * *

Section 6. Amend. Sections 14-04-01.1 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-04-01.1. RR5 Residential District. In any RR5 residential district, the following regulations shall apply:

* * * * *

11. Accessory Buildings. All allowable accessory buildings for a single-family rural residence shall be limited to a maximum of thirty-two hundred (3,200) square feet. ~~The maximum wall height shall be limited to sixteen and one-half (16.5) feet and the maximum building height shall be limited to twenty-five (25) feet.~~

* * * * *

Section 7. Amend. Sections 14-04-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows:

14-04-03. R5 Residential District. In any R5 residential district, the following regulations shall apply:

* * * * *

10. Height limits. No single-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 building shall exceed ~~twenty-five (25)~~ twenty (20) feet in height, except for accessory dwelling units which are allowed a maximum height of twenty-five (25) feet.

* * * * *

Section 8. Amend. Sections 14-04-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the dimensional requirements for accessory buildings, is hereby enacted to read as follows.

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

* * * * *

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)~~ twenty (20) feet in height, except for accessory dwelling units which are allowed a maximum height of twenty-five (25) feet.

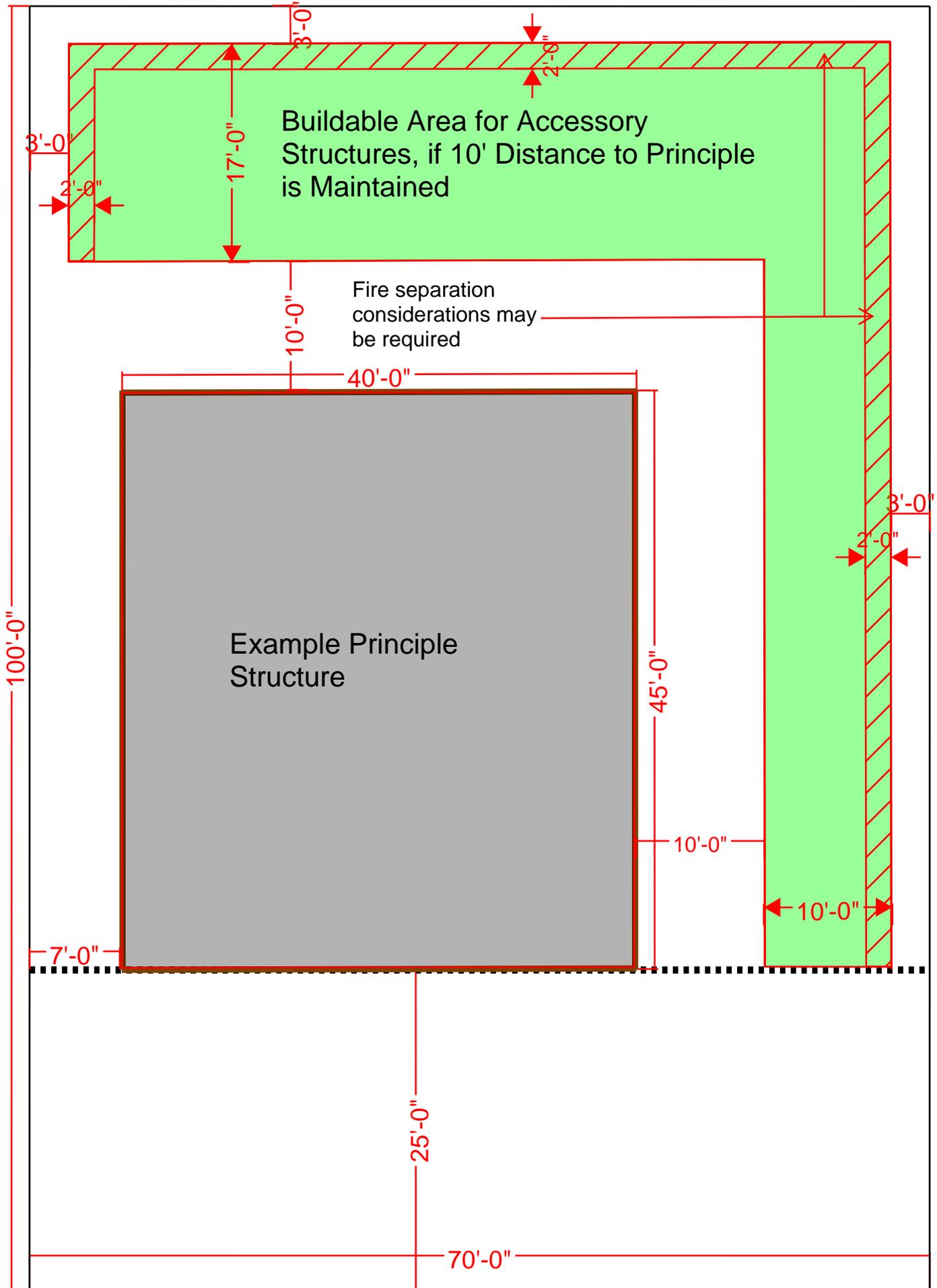
* * * * *

Section 9. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

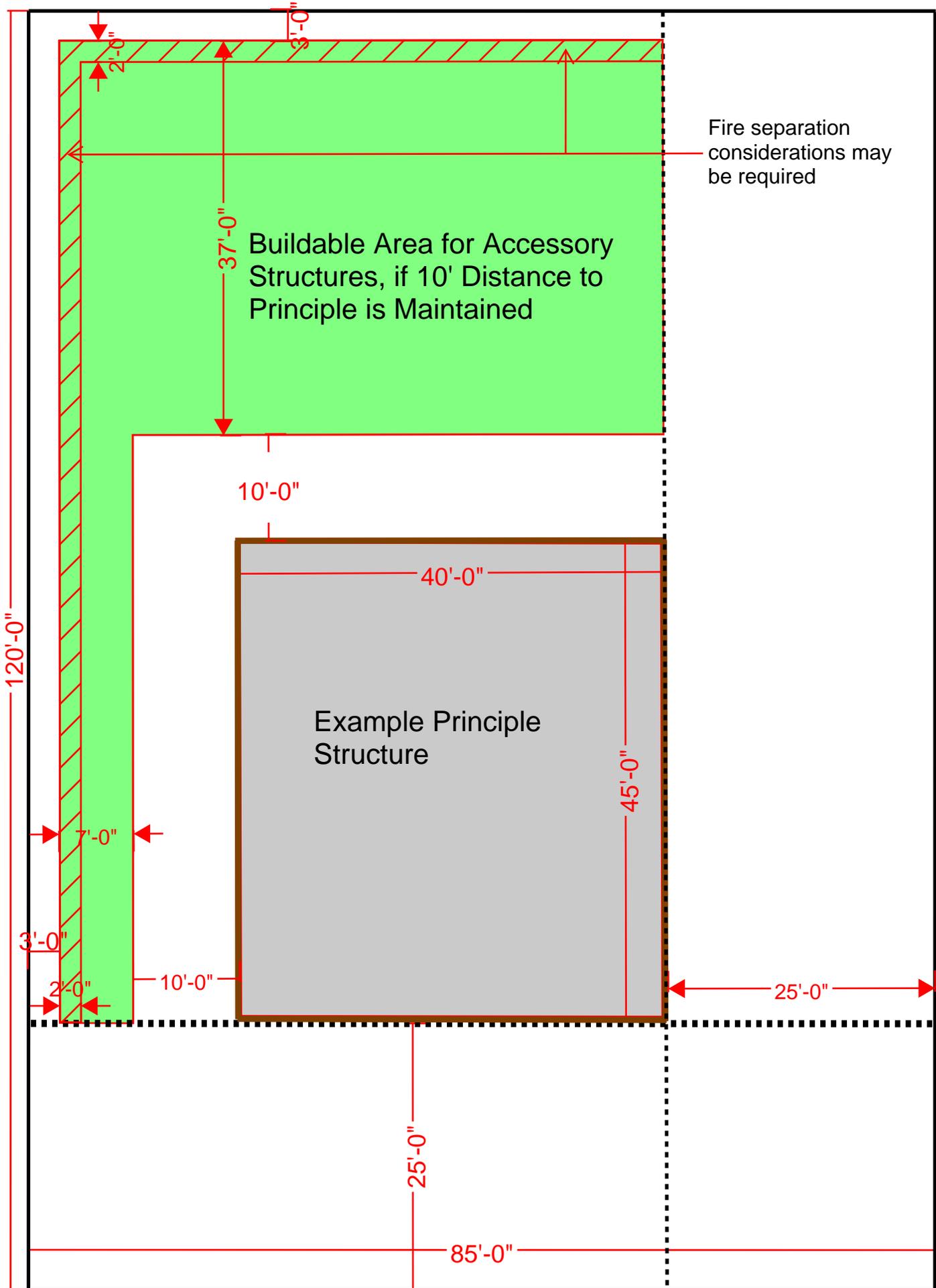
Section 10. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 11. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

Accessory Structures on an Interior Lot (1"=10')



Accessory Structures on a Corner Lot (1"=12')

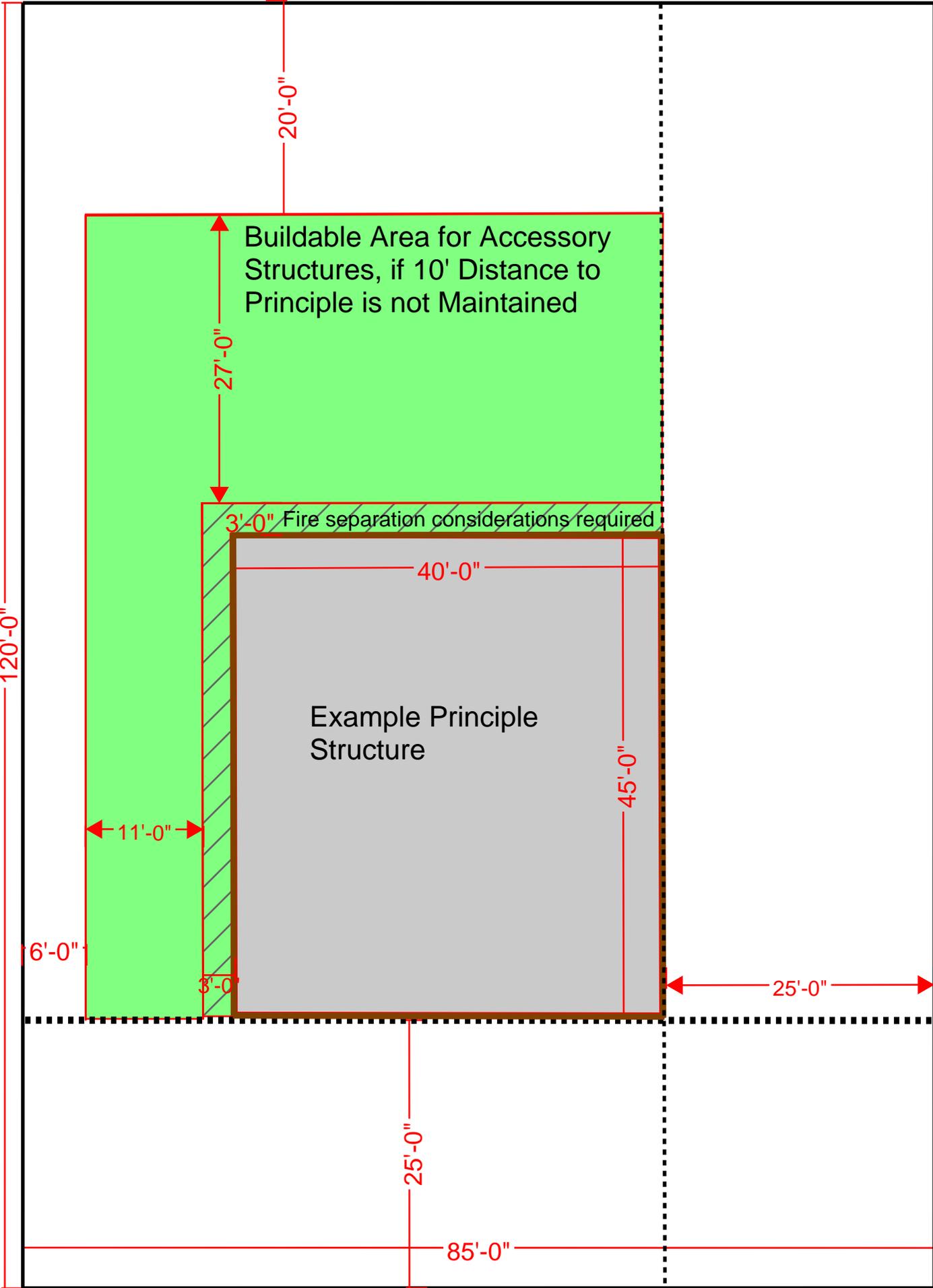


Fire separation considerations may be required

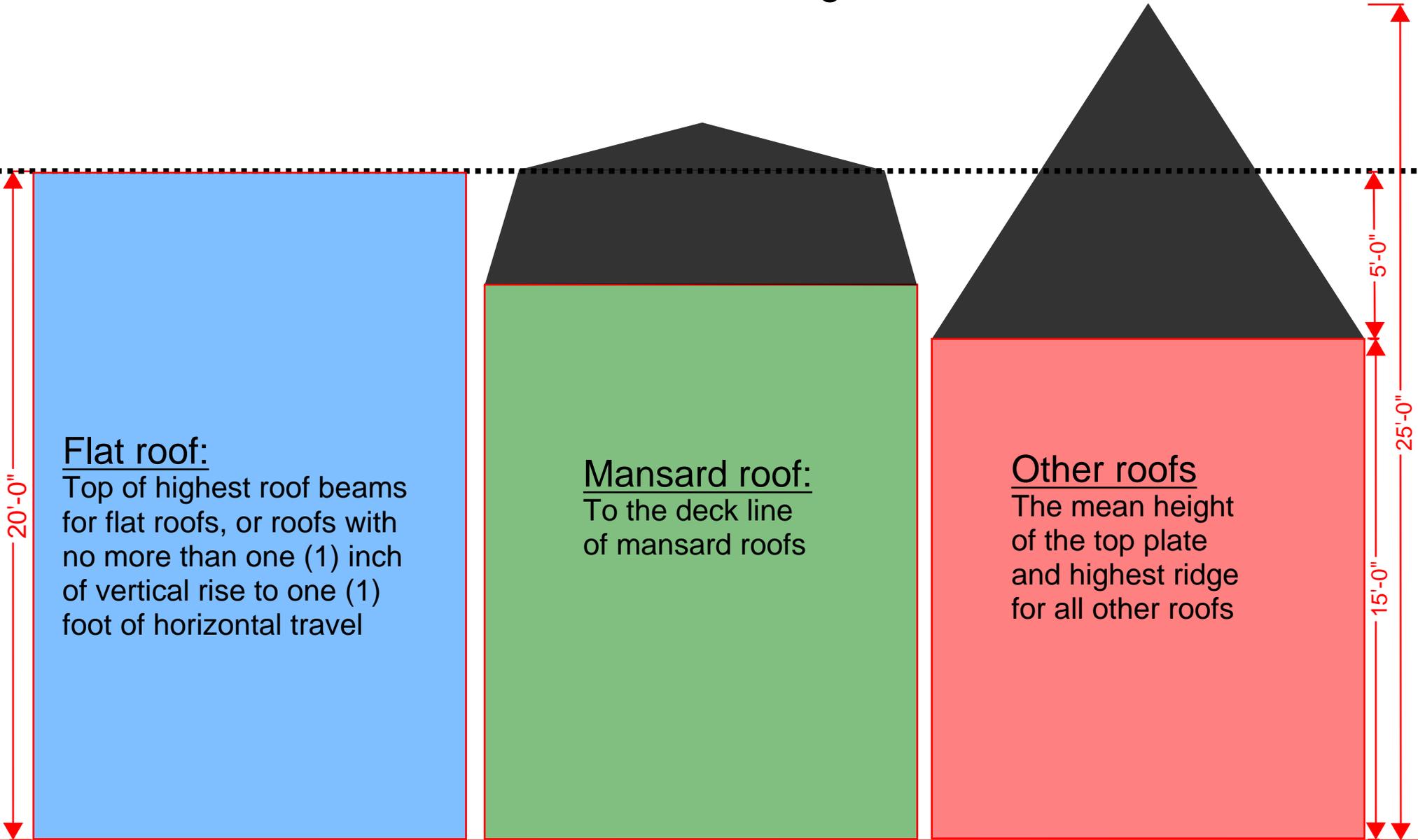
Buildable Area for Accessory Structures, if 10' Distance to Principle is Maintained

Example Principle Structure

Accessory Structures on a Corner Lot (1"=12'), cont.

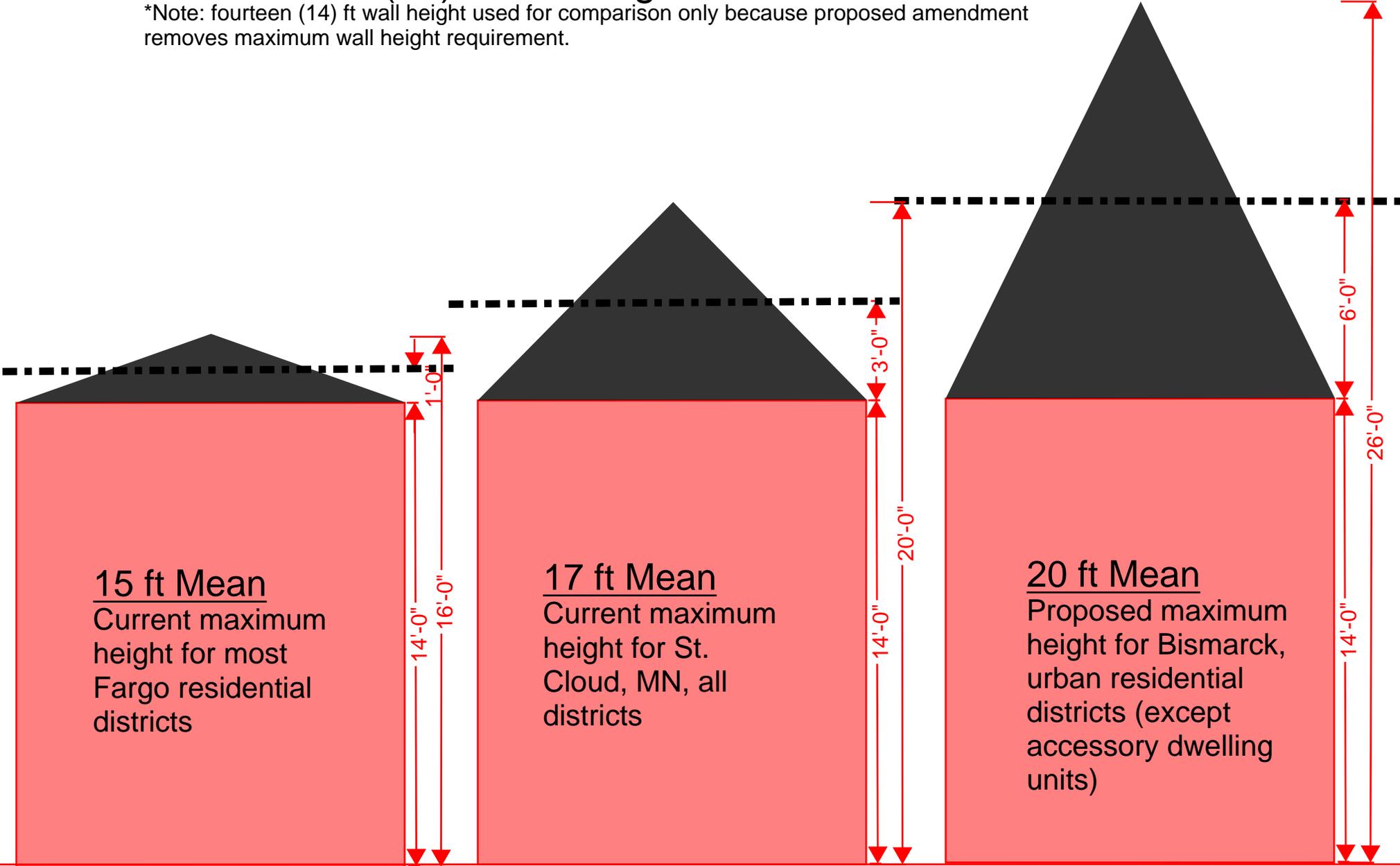


Example maximum heights of different roof types, assuming measurements from level ground



Example maximum mean heights of pitched roof types, assuming measurements from level ground and fourteen (14) ft wall height*

*Note: fourteen (14) ft wall height used for comparison only because proposed amendment removes maximum wall height requirement.





Community Development Department

DATE: January 9, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: 2021 Annual Action Plan for CDBG – Substantial Amendment

REQUEST:

Consider approval of a substantial amendment to the Community Development Block Grant (CDBG) 2021 Annual Action Plan.

BACKGROUND INFORMATION:

The City of Bismarck is an entitlement community for the CDBG program administered by HUD. These funds are generally allocated for housing and community development activities that benefit low- and moderate-income households. Under this program, the City is required to develop an Annual Action Plan each year to implement a five-year consolidated plan. The 2021 Annual Action Plan was approved by the City Commission on August 10, 2021; and a substantial amendment was approved by the City Commission on June 27, 2023.

Staff has been working with our HUD representative to make modifications to the 2021 Annual Action Plan. A “substantial change” to the Consolidated Plan or an Annual Action Plan is defined by the City to be: a) a change in the allocation priorities or goals identified in the Consolidated Plan; or b) a change in the method of distributing funds (i.e. application process, selection criteria for projects, etc.); or c) a proposed new project for the program year; or d) a change in the purpose, scope, location, or type of beneficiaries of a project to such an extent that it can no longer reasonably be construed as the activity reviewed by the public and approved by the City Commission. The City’s Citizen Participation Plan requires that whenever the City makes a substantial change to the Consolidated Plan or an Annual Action Plan, a public comment period and public hearing must be held.

A draft of the substantial amendment to the 2021 Annual Action Plan was posted on the City’s website on November 29, 2023; a public notice was published in the Bismarck Tribune on November 29, 2023 regarding the proposed substantial amendment; a public hearing on the proposed substantial amendment was held on December 21, 2023; and the public comment period closed on December 31, 2023. No comments were received.

The substantial amendment to the 2021 Annual Action Plan includes the following:

- Modification of Section AP-38 (Project Summary) to:

- Lewis and Clark Emergency Homeowner Repairs – remove \$20,000 in rehab project funds that were returned and forfeited by the subrecipient;
- Abused Adult Resource Center – add project funding in the amount of \$29,674.35 for a rehab project for roof repairs at the agency’s main client intake location. This amount includes the \$20,000 returned by Lewis and Clark as well as \$9,674.35 in unallocated local account funds from 2017.

The draft amended 2021 Annual Action Plan can be found online [here](#).

RECOMMENDED CITY COMMISSION ACTION:

Approve the substantial amendment to the 2021 Annual Action Plan.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1372, behreth@bismarcknd.gov

ATTACHMENTS:

None



Community Development Department

DATE: January 9, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: MPO TrAMS and User Manager Privileges Request

REQUEST: The Bismarck-Mandan Metropolitan Planning Organization requests consideration and approval of the following items:

1. Updated Resolution for Granting Signature Authority for Federal Transit Administration (FTA) electronic transit grant making process for the City of Bismarck;
2. Updated Designation of Signature Authority for the Transit Asset Management System (TrAMS), and
3. Approval of Rachel Lukaszewski, MPO Principal Transportation Planner/Executive D and Paulette Jacobsen, MPO Transportation Planner, as TrAMS User Managers.

BACKGROUND INFORMATION:

The Federal Transit Administration uses an electronic platform (TrAMS) for grant management and financial management purposes related to grant award distribution. Only individuals with the appropriate authorization are able to access the necessary modules within TrAMS to perform the necessary actions to administer the grant management process. Currently, Rachel Lukaszewski's account is being updated for a name change. Paulette Jacobsen is a new MPO staff member whose primary duties will involve performing these actions on behalf of the City of Bismarck for FTA grants awarded to the City for Bis-Man Transit.

The Bismarck Board of City Commissioners approved these requests in September; however, FTA has since requested the documentation be updated. These updated documents will grant Rachel Lukaszewski and Paulette Jacobsen authority to use a PIN (Personal Identification Number) for the FTA's grant management system (TrAMS) and will allow them to perform functions on behalf of Mayor Michael Schmitz for grant management purposes. The documents are required by FTA and will be provided to FTA upon approval by the Bismarck Board of City Commissioners.

Attached are updated documents including the Resolution for Granting Signature Authority, the Designation of Signature Authority, and the forms that assign User Manager authority to Rachel Lukaszewski and Paulette Jacobsen.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the updated Resolution for Granting Signature Authority, Designation of Signature Authority, and the assignment for designating Rachel Lukaszewski and Paulette Jacobsen as User Managers in TrAMS.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1372, behreth@bismarcknd.gov

ATTACHMENTS:

1. CD - MPO TrAMS and User Manager Privileges Request

AUTHORIZING RESOLUTION FOR THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION

Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53; title 23, United States Code, or other federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transit Administrator has been delegated authority to award federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon the applicant, and may require the applicant to provide the local share of the project cost;

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE, BE IT RESOLVED BY the Bismarck Board of City Commissioners

1. That Michael T. Schmitz, Mayor of Bismarck, or his designee Paulette Jacobsen, Transportation Planner, is authorized to execute and file an application for federal assistance on behalf of City of Bismarck with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. Chapter 53, title 23, United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration.
2. City of Bismarck is the designated recipient, as defined by 49 U.S.C. 5307(a)(2), of Urbanized Area Formula Program assistance authorized by 49 U.S.C. 5307, either alone or in addition to other federal assistance administered by the Federal Transit Administration.
3. That Michael T. Schmitz, Mayor of Bismarck, or his designee, Paulette Jacobsen, Transportation Planner, is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a federal assistance grant or cooperative agreement.
4. That Michael T. Schmitz, Mayor of Bismarck, or his designee, Paulette Jacobsen, Transportation Planner, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of City of Bismarck.

CERTIFICATION

The undersigned duly qualified President, Bismarck Board of City Commissioners, acting on behalf of the City of Bismarck, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Bismarck Board of City Commissioners held on January 9, 2024.

City of Bismarck

Michael T. Schmitz
President
Board of City Commissioners

Attest: _____
Jason Tomanek
Assistant City Administrator
City of Bismarck

AUTHORIZING RESOLUTION FOR THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION

Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53; title 23, United States Code, or other federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transit Administrator has been delegated authority to award federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon the applicant, and may require the applicant to provide the local share of the project cost;

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE, BE IT RESOLVED BY the Bismarck Board of City Commissioners

1. That Michael T. Schmitz, Mayor of Bismarck, or his designee Rachel Lukaszewski, Principal Transportation Planner, is authorized to execute and file an application for federal assistance on behalf of City of Bismarck with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. Chapter 53, title 23, United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration.
2. City of Bismarck is the designated recipient, as defined by 49 U.S.C. 5307(a)(2), of Urbanized Area Formula Program assistance authorized by 49 U.S.C. 5307, either alone or in addition to other federal assistance administered by the Federal Transit Administration.
3. That Michael T. Schmitz, Mayor of Bismarck, or his designee, Rachel Lukaszewski, Principal Transportation Planner, is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a federal assistance grant or cooperative agreement.
4. That Michael T. Schmitz, Mayor of Bismarck, or his designee, Rachel Lukaszewski, Principal Transportation Planner, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of City of Bismarck.

CERTIFICATION

The undersigned duly qualified President, Bismarck Board of City Commissioners, acting on behalf of the City of Bismarck, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Bismarck Board of City Commissioners held on January 9, 2024.

City of Bismarck

Michael T. Schmitz
President
Board of City Commissioners

Attest: _____
Jason Tomanek
Assistant City Administrator
City of Bismarck



DESIGNATION OF SIGNATURE AUTHORITY
for the
TRANSIT AWARD MANAGEMENT SYSTEM
(TrAMS)

The City of Bismarck hereby authorizes;

Transportation/Transit Planner Paulette Jacobsen to be assigned and use of a Personal Identification Number (PIN) for the following TrAMS functions:

Execution of Annual Certification and Assurances issued by the Federal Transit Administration (FTA) and/or execute FTA grant applications as **Official**;

Transportation/Transit Planner Paulette Jacobsen to be assigned and use of a Personal Identification Number (PIN) for the following TrAMS functions:

Submit FTA grant application as **Submitter**,

Transportation/Transit Planner Paulette Jacobsen to be assigned and use of a Personal Identification Number (PIN) for the following TrAMS functions:

Execution of Annual Certification and Assurances issued by the FTA as **Attorney**;

on behalf of the officials below, for the FTA's TrAMS.

This Designation of Signature Authority serves only to authorize the above-referenced person to take actions in TrAMS; original Certifications and Assurances and original FTA grant agreements must be executed by the Recipient's Designated Official, identified in its Authorizing Resolution, and its legal counsel, unless otherwise delegated in accordance with the Recipient's internal procedures.

Michael T. Schmitz
President, Bismarck Board of City Commissioners

Janelle Combs
City Attorney, City of Bismarck





Designation of Authority for FTA Systems User Manager

January 9, 2024

Dear Federal Transit Administration/NTD

FTA Recipient Organization:	City of Bismarck
Agency Acronym:	COB
TRAMS Recipient ID:	1155
NTD ID:	n/a

Has identified the following individual(s) to serve as User Managers

	<u>User Manager 1</u>	<u>User Manager 2</u> <i>(If applicable)</i>
Full Name:	Ms. Paulette Jacobsen	Ms. Rachel Lukaszewski
Title:	Transportation/Transit Planner	Principal Transportation Planner
Email Address:	pjacobsen@bismarcknd.gov	rlukaszewski@bismarcknd.gov
Phone:	701-355-1473	701-355-1852
Applicable FTA Systems	TrAMS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	TrAMS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	NTD: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NTD: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Authority is granted to create, modify, and deactivate accounts for employees of City of Bismarck to the individual(s) listed above.

Sincerely,

Signature
 Michael T. Schmitz
 President, Bismarck Board of City Commissioners





Engineering Department

DATE: January 9, 2024

FROM: Gabe Schell, City Engineer

ITEM: Encroachment Agreement and Waiver - Charity Lutheran Church

REQUEST:

Consider Approval of an encroachment agreement with Charity Lutheran Church.

BACKGROUND INFORMATION:

Charity Lutheran Church, 120 Aspen Avenue, on North Washington Street, currently has landscape items within the public right of way. During the 2023 construction season, it was discovered that these items were within the right of way when inspecting other work in the area. As there are no immediate plans to widen this section of North Washington Street, we have proposed an encroachment agreement for 3-years with Charity Lutheran Church, and they have concurred. If plans for widening Washington Street in this area were to occur, it would be the responsibility of Charity Lutheran Church to remove and/or relocate the items within the right of way. Staff has reviewed and approved the encroachment agreement.

RECOMMENDED CITY COMMISSION ACTION:

Approval of the Encroachment Agreement.

STAFF CONTACT INFORMATION:

Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:

1. Encroachment Agreement and Waiver - Charity Lutheran Church
2. Photo Document

ENCROACHMENT AGREEMENT AND WAIVER

The City of Bismarck (City) hereby grants Charity Lutheran Church (Grantee) the right to install and maintain a retaining wall, landscaping and signage (Encroachment) within the City right of way of North Washington Street addressed as 120 Aspen Avenue, more particularly described as; Lots 7, 8 & 9 Block 2 High Meadows Addition, City of Bismarck, Burleigh County, North Dakota, subject to the following conditions:

1. The Grantee shall comply with all rules regarding maintenance of the Encroachment in the public right of way as set by the City Engineer.
2. The term of this grant shall be for three (3) years and shall continue thereafter from year to year. The City may cancel this grant at any time after the initial three-year term upon six months' written notice to the Grantee.
3. Upon the end of the term or prior abandonment of the Encroachment by the Grantee, the Grantee shall, at its own expense, remove the Encroachment 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 Encroachment 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 Encroachment, but not limited to, damages arising from damage to the Encroachment, loss of business, or other personal injury or property damage resulting from damage to the Encroachment 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 Encroachment 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 Encroachment on the right of way.
6. In the event the City is required to perform street maintenance or construction on the right of way at the location of the Encroachment, Grantee shall cooperate with the City

in temporarily protecting, removing or relocating the Encroachment 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.

Charity Lutheran Church
120 Aspen Avenue

By: _____ Date _____

Its: _____

Print: _____

City of Bismarck

Gabe Schell, PE Date _____
City Engineer

Keith Hunke Date _____
City Administrator

Michael T. Schmitz Date _____
President, Board of City Commissioners



Southeast corner of property, pin is approximately 4-inches south of the stake under the concrete, looking north.



Southeast corner of property, pin is located approximately 4-inches south of the stake under the concrete.



Northeast corner of property on the south side of Aspen Ave, south of the church property, looking south.



Northeast corner of property on the south side of Aspen Ave, south of the church property, looking west.



Northeast corner of property on the south side of Aspen Ave, south of the church property, looking north.



Northeast property corner of church property.



Northeast property corner of church property, looking south.



Southeast property corner of property on the north side of Brandon Drive, north of the church property, looking south.



Engineering Department

DATE: January 9, 2024

FROM: Gabe Schell, City Engineer

ITEM: Encroachment Agreement and Waiver - Hope Manor Foundation Inc.

REQUEST:

Consider Approval of an encroachment agreement with Hope Manor Foundation, Inc.

BACKGROUND INFORMATION:

Hope Manor Foundation, Inc. is proposing to install a sign overhanging the right-of-way on the building located at 321 S 1st Street. The sign would be attached to the south side of building overhanging the doorway adjacent to Bowen Avenue to promote their coffee shop. Staff has reviewed and approved the encroachment agreement.

RECOMMENDED CITY COMMISSION ACTION:

Approval of the Encroachment Agreement.

STAFF CONTACT INFORMATION:

Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:

1. Encroachment Agreement - Hope Manor
2. Sign Sketch

ENCROACHMENT AGREEMENT AND WAIVER

The City of Bismarck hereby grants Hope Manor Foundation Inc (Grantee) the right to install and maintain a privately-owned sign & hardware (Encroachments) attached to the building face overhanging the right-of-way at 321 S 1st Street, Bismarck, Burleigh County, North Dakota 58504, as shown on the attached exhibit. Exhibit will be stored with the original signed document in the Engineering Department, subject to the following conditions:

1. The Grantee shall maintain the Encroachment and comply with all rules regarding maintenance of the Encroachment in the public right of way as set by the City Engineer.
2. The term of this grant shall be for Five (5) years and shall continue thereafter from year to year. The City may cancel this grant at any time after the initial five-year term upon six months' written notice to the Grantee.
3. The Grantee shall maintain a minimum of eight (8) feet or ninety-six (96") inches of unobstructed space between the lowest point of the encroachments and the top of the highest point in the sidewalk below the encroachment.
4. Upon the end of the term or prior abandonment of the Encroachment by the Grantee, the Grantee shall, at its own expense, remove the Encroachment and restore the right of way to its original condition, if so required by the City.
5. 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, in exchange for the City's permission to operate and 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 signs, 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 signs by the City, its assigns, or other franchised utilities. Grantee agrees that it is using the public 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 in the public right-of-way. In the event the City is required to perform maintenance or construction on the right-of-way at the location of the encroachments, Grantee shall cooperate with the City in temporarily protecting the signs and accommodating the City's project, at Grantee's sole expense.
6. In the event of the commission of any breach of the terms of this Agreement by a party, the non-breaching party may cause this Agreement to be terminated on ten (10) days written notice. All obligations contained in paragraphs 4 and 5 will survive the termination of this Agreement, including but not limited to, the restoration of the property to the original condition.

Print Name & Title
Hope Manor Foundation Inc

Signature

Address

Date

Gabe Schell, P.E.
City Engineer

Date

Keith Hunke
City Administrator
Bismarck

Michael T. Schmitz, President
Bismarck City Commission

Date



mann
SIGNS, INC

1507 Continental Ave
bismarck, nd 58504
701-355-1111
www.mannsignsinc.com

CLIENT:

321 Coffee

APPROVAL:

X

WORK ORDER:

42061

DUE TO VARIATIONS IN OUTPUT DEVICES, THE COLORS SHOWN HERE MAY NOT REFLECT ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN THIS ARTWORK ARE THE PROPERTY OF MANN SIGNS, INC. AND MAY NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT FROM MANN SIGNS, INC.



mann
SIGNS, INC

1507 Continental Ave
bismarck, nd 58504
701-355-1111
www.mannsignsinc.com

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Engineering Department

DATE: January 9, 2024

FROM: Gabe Schell, City Engineer

ITEM: Resolution of necessity for Street Improvement District SI 578.

REQUEST:

Consider Approval of Resolution of Necessity.

BACKGROUND INFORMATION:

Street Improvement District SI 578 consists of 6 units (266 blocks) for roadway maintenance, consisting of a scrub seal. Along with the scrub seal, the work will include asphalt patching, concrete curb and gutter repair, and other related work.

The Engineering Report along with the district boundary maps have been posted to the city website under Special Assessment District Information at www.bismarcknd.gov/streets. Letters will be sent to property owners notifying them of this project along with their estimated special assessment cost and their right to protest this improvement per NDCC Chapter 40-22.

Unit No. 1

Huron Drive – Cul-de-sac to 360' east of Selkirk Road

Brunswick Drive – Mustang Drive to 370' east of Overlook Drive

Brunswick Drive – 480' north of Buckskin Avenue to Buckskin Avenue

Brunswick Circle – Brunswick Drive to cul-de-sac

Buckskin Avenue – 170' west of Kingston Drive to 180' east of Brunswick Drive

Sudbury Avenue – Overlook Drive west to cul-de-sac

Sudbury Avenue – Overlook Drive east to cul-de-sac

Arabian Avenue – Overlook Drive to 330' east

Arabian Place – Arabian Avenue to cul-de-sac

York Lane – Kingston Drive to Overlook Drive

Kingston Drive – Brunswick Drive to Overlook Drive

Mustang Drive – 400' north of Regina Lane to Brunswick Drive

Regina Lane – Mustang Drive to Huron Drive

Selkirk Road – Huron Drive to Overlook Drive

Overlook Drive – Selkirk Road to 100' north of Hackberry Street

Colt Avenue – Selkirk Drive to 150' east High Meadows Circle – Arabian Avenue to cul-de-sac

High Meadows Place – Arabian Avenue to cul-de-sac

Horizon Place – Arabian Avenue to cul-de-sac

Unit No. 2

Koch Drive – 19th Street to East Calgary Avenue
East Calgary Avenue – 19th Street to 225’ east of Koch Drive
Pebbleview Circle – East Calgary Avenue to cul-de-sac
Pebbleview Loop – East Calgary Avenue (W) to East Calgary Avenue (E)
Pebbleview Place – Pebbleview Loop to cul-de-sac

Unit No. 3

Arizona Drive – Oregon Drive to 300’ south of Iowa Lane
Utah Drive – 19th Street to 215’ east of Iowa Lane
Oregon Drive – 19th Street to cul-de-sac
Nevada Street – Arizona Drive to Utah Drive
Iowa Lane – Arizona Drive to 250’ south of Utah Drive

Unit No. 4

27th Street – Avenue F to Avenue D
27th Street – Avenue D to 29th Street
28th Street – 230’ south of Avenue E to 27th Street
29th Street - Avenue C to 27th Street

Unit No. 5

Nautilus Drive – Calypso Drive to Downing Street
Mayflower Drive – Calypso Drive to 950’ west
Mayflower Circle – Calypso Drive to cul-de-sac
Calypso Drive – England Street to Burleigh Avenue
Voyager Drive – England Street to Britannic Lane
Voyager Place – Britannic Lane to cul-de-sac
Intrepid Circle – Downing Street to cul-de-sac
Nina Lane – Downing Street to 180’ east Santa Maria Lane – Calypso Drive to Voyager Drive
Neptune Circle – Calypso Drive to cul-de-sac
Endeavor Place – Calypso Drive to cul-de-sac
Bounty Circle – Calypso Drive to Cul-de-sac
Downing Street – Burleigh Avenue to Intrepid Circle
Daniel Street – Downing Street to 300’ South

Unit No. 6

East Main Avenue – Bismarck Expressway to 870’ west of NE 66th Street

Project Schedule

Letters to Property Owners Sent:	January 16, 2024
Authorization to Advertise	February 13, 2024
Protest Period Ends:	February 14, 2024
Public Reading of Sufficiency of Protest:	February 27, 2024
Receipt and Opening of Bids	March 5, 2024
Award of Bid	March 12, 2024
Project Completion	Fall 2024

RECOMMENDED CITY COMMISSION ACTION:

Approval of Resolution of Necessity.

STAFF CONTACT INFORMATION:

Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:
None



Engineering Department

DATE: January 9, 2024

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 579.

REQUEST:

Consider Approval of Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.

Consider Approval of Resolution of Necessity.

BACKGROUND INFORMATION:

Street Improvement District No. 579 consists of one (1) unit of concrete maintenance and repairs including full and partial depth pavement repairs, curb and gutter, driveways, ADA curb ramps, sealing and related work. The overall length of this project is approximately 12,461 lineal feet.

The Engineering Report is attached and will be posted to the city website upon City Commission approval at www.bismarcknd.gov/streets. Letters will be sent to property owners notifying them of this project along with their estimated special assessment cost and their right to protest this improvement per NDCC Chapter 40-22.

Unit No. 1

Century Avenue – Tyler Parkway to 4th Street

Tyler Parkway – Pinto Place to 360' south of Burnt Boat Drive

Burnt Boat Drive – North Grandview Lane to Clydesdale Drive

Clydesdale Drive - 245' north of Burnt Boat Drive to Burnt Boat Drive

Project Schedule

Resolution of Necessity	January 9, 2024
Letters to Property Owners Sent:	January 16, 2024
Authorization to Advertise	February 13, 2024
Protest Period Ends:	February 14, 2024
Public Reading of Sufficiency of Protest:	February 27, 2024
Receipt and Opening of Bids	March 5, 2024
Award of Bid	March 12, 2024

Project Completion

Fall 2024

RECOMMENDED CITY COMMISSION ACTION:

Approval of Resolution Approving Preliminary Report and Directing Preparation of Plans and Specifications.

Approval of Resolution of Necessity.

STAFF CONTACT INFORMATION:

Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:

1. Engineer Report - SI 579

ENGINEER'S REPORT
Street Improvement District Five Hundred Seventy-Nine (SI 579)

General Nature, Purpose and Benefit

Street Improvement District 579 consists of one (1) unit of concrete maintenance and repairs including full and partial depth pavement repairs, curb and gutter, driveways, ADA curb ramps, sealing and related work. The overall length of this project is approximately 12,461 lineal feet.

The concrete streets within this district require the proposed maintenance applications to extend the life of the pavement and to improve the ride quality of the pavement surface.

The boundaries of the district were drawn to include all parcels which receive a benefit from the improvements of this district as per the current special assessment policy approved by the City Commission. Please see attached maps.

Cost Feasibility

Schedule A - Project Costs included as set out in Section 40-22-01 of the NDCC and as advertised under section 40-22-19 of the NDCC.

Roadway Maintenance - CPR	\$	3,030,459
Subtotal	\$	3,030,459
10% Contingency	\$	303,046
Total Schedule A Cost	\$	3,333,505

Schedule B - Other Project Costs not otherwise included above.

Sign Costs	\$	39,930
Engineering Fees	\$	337,344
Administration Fees	\$	105,064
Interest During Construction	\$	78,798
Advertising and Legal	\$	52,532
Total Schedule B Cost	\$	613,668

Project Cost Summary

Schedule A Costs	\$	3,333,505
Schedule B Costs	\$	613,668
Total Estimated Improvement Cost		3,947,173

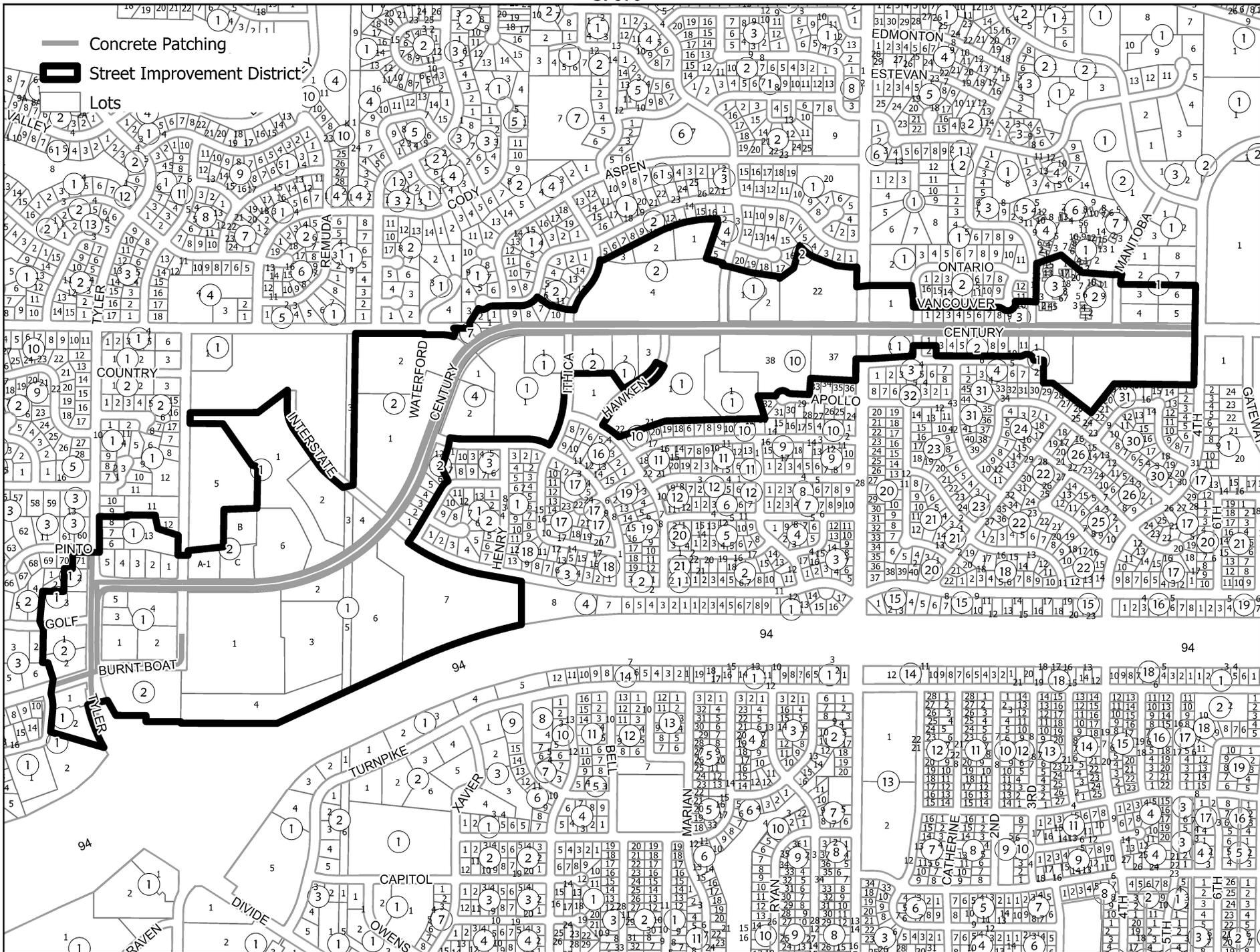
Funding Summary

Special Assessments	3,125,662
City Funded	821,511
Total Funding	3,947,173

This work was prepared by me or under my direct supervision. We believe this project to be cost effective.




Linda J, Oster, P.E.
Assistant City Engineer



Concrete Patching

Street Improvement District

Lots

EDMONTON

ESTEVAN

ASPEN

CODY

REMUUDA

VANCOUVER

CENTURY

COUNTRY

WATERFORD

IFFICA

HAWKEN

APOLLO

INTERSTATE

GOLF

BURNT-BOAT

TURNPIKE

XAVIER

MARIAN

CAPITOL

DIVIDE

RAVEN

94

94

94

12 14 10 9 8 7 6 5 4 3 2 1 20 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000



Finance Department

DATE: January 9, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Applications for Abatement

REQUEST:

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

Application for Abatement for 2023
Property Owner - Stephens Property Apartments LLC
Property Address - 723 N 12th St
Property ID - 0020-049-005

Application for Abatement for 2023
Property Owner - Stephens Property Apartments LLC
Property Address - 513 Ave E East
Property ID - 0025-063-080

Application for Abatement for 2023
Property Owner - Stephens Property Management LLC
Property Address - 1007 N 13th St
Property ID - 0050-007-045

Application for Abatement for 2023
Property Owner - Stephens Apartments LLC
Property Address - 823 N 14th St
Property ID - 0050-022-075

Application for Abatement for 2023
Property Owner - Stephens Property Apartments LLC
Property Address - 422 N 18th St
Property ID - 0050-046-040

Application for Abatement for 2023
Property Owner - CD Gemini Properties LLC
Property Address - 3333 E Broadway Ave
Property ID - 0657-012-003

Application for Abatement for 2023
Property Owner - Theresa Simon
Property Address - 2933 Kost Pl
Property ID - 1358-002-115

Application for Abatement for 2023
Property Owner - Brian Nelson
Property Address - 1016 N 8th St
Property ID - 0025-093-020

Application for Abatement for 2023
Property Owner - Joshua & Alison Ternes
Property Address - 921 N 5th St
Property ID - 0025-078-060

Application for Abatement for 2023
Property Owner - Shirley Buccholz
Property Address - 1317 N 35th St Unit 9
Property ID - 1348-003-010

Application for Abatement for 2023
Property Owner - Parks District City of Bismarck
Property Address - 1732 El Rancho Rd
Property ID - 0926-002-150

Application for Abatement for 2023
Property Owner - Parks District City of Bismarck
Property Address - 1740 El Rancho Rd
Property ID - 0926-002-200

Application for Abatement for 2023
Property Owner - Parks District City of Bismarck
Property Address - 1731 El Rancho Rd
Property ID - 0926-003-050

Application for Abatement for 2023
Property Owner - Parks District City of Bismarck
Property Address - 1741 El Rancho Rd
Property ID - 0926-003-100

Application for Abatement for 2023
Property Owner - Parks District City of Bismarck
Property Address - 1751 El Rancho Rd
Property ID - 0926-003-150

Application for Abatement for 2023
Property Owner - Parks District City of Bismarck
Property Address - 2502 Domino Dr
Property ID - 0930-003-107

Application for Abatement for 2023
Property Owner - Parks District City of Bismarck
Property Address - 2504 Domino Dr
Property ID - 0930-002-112

BACKGROUND INFORMATION:

Market value reductions due to errors in the property description; the property owners have met the requirements set forth in the NDCC 57-02-08 to apply for the disabled veteran credit; the property is exempt from taxation

RECOMMENDED CITY COMMISSION ACTION:

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

STAFF CONTACT INFORMATION:

Dmitriy Chernyak, Finance Director, 701-355-1601, dchernyak@bismarcknd.gov

ATTACHMENTS:

1. Abatements

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 Stephens Property Apartment

County Auditor's File No. 23-411

Date Application Was Filed With The County Auditor 12/19/2023

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

Mark Splonskowski

MS



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. 0025-063-080
 Name STEPHENS PROPERTY APARTMENTS LLC Telephone No. ()
 Address 2306 CLYDESDALE DR, BISMARCK, ND 58503-0947

Legal description of the property involved in this application:

MCKENZIE & COFFIN'S Block: 63 LOTS 31-32 LESS WEST 99'

Property Address: 573 AVE. E EAST

Total true and full value of the property described above for the year 2023 is:

Land \$ 30,000
 Improvements \$ 128,600
 Total \$ 158,600
 (1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 30,000
 Improvements \$ 97,600
 Total \$ 127,600
 (2)

The difference of \$ 31,000.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
 yes/no

2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 yes/no
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ Purpose of appraisal: _____
 yes/no
 Market value estimate: \$ _____
 Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

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

Applicant asks that Value be changed to \$127,600 to correctly reflect property value.

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant *[Signature]*

Date _____

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 Stephens Property Appraisals LLC

County Auditor's File No. 23-412

Date Application Was Filed With The County Auditor 12/19/2023

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

Mark Spansken
 MS



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. 0050-007-045
 Name STEPHENS PROPERTY MNGMNT LLC Telephone No. (
 Address 4712 INLET BAY DR, MANDAN, ND 58554-7958

Legal description of the property involved in this application:

FLANNERY & WETHERBY Block: 7 LOT 18 & S 15' OF LOT 19

Property Address: 1007 N 13th St

Total true and full value of the property described above for the year 2023 is:

Land \$ 34,000
 Improvements \$ 222,200
 Total \$ 256,200
 (1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 34,000
 Improvements \$ 140,600
 Total \$ 174,600
 (2)

The difference of \$ 81,600.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ yes/no Estimated value: \$ _____

2. Has the property been offered for sale on the open market? _____ yes/no If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ yes/no Purpose of appraisal: _____
 _____ Market value estimate: \$ _____
 Appraisal was made by whom? _____

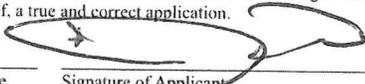
4. The applicant's estimate of market value of the property involved in this application is \$ _____

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

Applicant asks that VALUE BE CHANGED TO \$174,600 TO ACCURATLEY VALUE PROPERTY.

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 _____

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 Stephens Property Apartments LLC

County Auditor's File No. 23-413

Date Application Was Filed With The County Auditor 12/19/2023

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

Mark Spionkowski

MP



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. 0050-022-075
 Name STEPHENS APARTMENTS, LLC Telephone No. _____
 Address 4712 INLET BAY DR, MANDAN, ND 58554-7958

Legal description of the property involved in this application:

FLANNERY & WETHERBY Block: 22 LOTS 27-28

Property Address: 823 N 14th St

Total true and full value of the property described above for the year 2023 is:

Land \$ 40,000
 Improvements \$ 183,200
 Total \$ 223,200
 (1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 40,000
 Improvements \$ 118,500
 Total \$ 158,500
 (2)

The difference of \$ 64,700.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
 yes/no

2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 yes/no
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ Purpose of appraisal: _____
 yes/no
 Market value estimate: \$ _____
 Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

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

Applicant asks that Value be changed to \$158,500 based on condition and value of home

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 _____

Rec'd 12/19/23

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 Stephens Property Apartments LLC

County Auditor's File No. 23-4114

Date Application Was Filed With The County Auditor 12/19/2023

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

Mark Splonskowski

MB



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. 0050-046-040
 Name STEPHENS PROPERTY APARTMENTS LLC Telephone No. _____
 Address 4712 INLET BAY DR, MANDAN, ND 58554-7958

Legal description of the property involved in this application:

FLANNERY & WETHERBY Block: 46 LOTS 16-18

Property Address: 422 N 18th St

Total true and full value of the property described above for the year 2023 is:

Land \$ 48,000
 Improvements \$ 154,300
 Total \$ 202,300
(1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 48,000
 Improvements \$ 131,000
 Total \$ 179,000
(2)

The difference of \$ 23,300.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ yes/no Estimated value: \$ _____

2. Has the property been offered for sale on the open market? _____ yes/no If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ yes/no Purpose of appraisal: _____
 _____ Market value estimate: \$ _____
 Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

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

Applicant asks that Value be changed to \$179,000 to reflect accurate value of property.

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

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

Signature of Preparer (if other than applicant) _____ Date _____ Signature of Applicant *[Signature]* Date _____

Rec'd 12/19/23

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 Stephens Property Investments LLC

23-415

County Auditor's File No. _____

Date Application Was Filed With The County Auditor 12/19/2023

Date County Auditor Mailed Application to Township Clerk or City Auditor _____

(must be within five business days of filing date)

Mark Spornskowski

MP

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. 0657-012-003
Name CD GEMINI PROPERTIES LLC Telephone No. _____
Address 5315 W ARID CANYON DR, MARANA, AZ 85658-4154

Legal description of the property involved in this application:

WACHTER'S SUBDIVISION & REPLAT OF PART OF BLOCK 10 EASTDALE ADDN Block: 12 LOT 1A LESS LOT 1C OF LOT 1A OF LOT 1 AND LOTS 10 & 11

Property Address: 3333 E Broadway AVE

Total true and full value of the property described above for the year 2023 is:

Land	\$ <u>261,700</u>
Improvements	\$ <u>1,700,900</u>
Total	\$ <u>1,962,600</u>

(1)

Total true and full value of the property described above for the year 2023 should be:

Land	\$ <u>261,700</u>
Improvements	\$ <u>1,598,200</u>
Total	\$ <u>1,859,900</u>

(2)

The difference of \$ 102,700.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

Applicant asks that Abatement be approved as submitted.

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant [Signature]

Date 12/19/23

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 CD Gemini Properties LLC

23-418

County Auditor's File No.

Date Application Was Filed With The County Auditor 12/19/2023

Date County Auditor Mailed Application to Township Clerk or City Auditor

(must be within five business days of filing date)

Mark Splenskowski

MP



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. 1358-002-115
 Name SIMON, THERESA A Telephone No. _____
 Address 2933 KOST PL, BISMARCK, ND 58503-5822

Legal description of the property involved in this application:

SATTLER'S SUNRISE 4TH Block: 2 LOT 24

Total true and full value of the property described above for the year 2023 is:

Land \$ 64,000
 Improvements \$ 303,300
 Total \$ 367,300
 (1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 64,000
 Improvements \$ 275,200
 Total \$ 339,200
 (2)

The difference of \$ 28,100.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
 yes/no

2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 yes/no
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ Purpose of appraisal: _____
 yes/no
 Market value estimate: \$ _____
 Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

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

Applicant asks that the market value be reduced as recommended.

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 Theresa A. Simon

Date 12-18-2023

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 Theresa A Simon

County Auditor's File No. 23-426

Date Application Was Filed With The County Auditor 12/20/2023

Date County Auditor Mailed Application to Township Clerk or City Auditor Mark Spjontor 3kb
(must be within five business days of filing date)
MP



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. 0025-093-020
 Name NELSON, BRIAN Telephone No. _____
 Address 1016 N 8TH ST, BISMARCK, ND 58501-4110

Legal description of the property involved in this application:

MCKENZIE & COFFIN'S
BLOCK 93
LOTS 7-8

Total true and full value of the property described above for the year 2023 is:
 Land \$ 40,000
 Improvements \$ 160,100
 Total \$ 200,100
 (1)

Total true and full value of the property described above for the year 2023 should be:
 Land \$ 40,000
 Improvements \$ 160,100
 Total Adj \$ 20,100
 (2)

The difference of \$ 180,000.00 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- 6. Duplicate assessment
- 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- 10. Other (explain) (100% dis)

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
 yes/no

2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 yes/no
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ Purpose of appraisal: _____
 yes/no
 _____ Market value estimate: \$ _____
 Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

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

Applicant asks that the 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 Brian Nelson Date 12-21-2023

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 Brian Nelson

County Auditor's File No. 23-433

Date Application Was Filed With The County Auditor 12/21/2023

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

Mark Spolanski

MP



Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District _____
 County of Burleigh Property I.D. No. 0025-078-060
 Name TERNES, JOSHUA & ALISON Telephone No. _____
 Address 921 N 5TH ST, BISMARCK, ND 58501-3910

Legal description of the property involved in this application:

MCKENZIE & COFFIN'S Block: 78 LOTS 20-21

Total true and full value of the property described above for the year 2023 is:

Land \$ 40,000
 Improvements \$ 247,700
 Total \$ 287,700
 (1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 40,000
 Improvements \$ 213,100
 Total \$ 253,100
 (2)

The difference of \$ 34,600.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
 yes/no

2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 yes/no
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ Purpose of appraisal: _____
 yes/no
 Market value estimate: \$ _____
 Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

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

Applicant asks that the true and full value be reduced to \$253,100.

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 _____

10/21/23
Date

**Application For Abatement
Or Refund Of Taxes**

Name of Applicant Joshua & Alison Temes

County Auditor's File No. 23-434

Date Application Was Filed With The County Auditor 12/21/2023

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

Mark Spanski
MP

County Auditor _____ Date _____

Year	Reduction in Taxable Valuation	Reduction in Taxes

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

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

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.

Certification of County Auditor

County Auditor _____ Chairperson _____

Dated _____

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.

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 _____.

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

Action by the Board of County Commissioners

Dated this _____ day of _____, _____ City Auditor or Township Clerk _____

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 _____

Recommendation of the governing body of the City or Township

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 Shirley M. Buehner

County Auditor's File No. 23-442

Date Application Was Filed With The County Auditor 12/27/23

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

Made Spunster Ski by Collette Schilling

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 Park District of City of Bismarck

County Auditor's File No. 23-448

Date Application Was Filed With The County Auditor 12/28/2023

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

Mark Spansky
 MP

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 *Park District of City of Bismarck*

County Auditor's File No. *23-0119*

Date Application Was Filed With The County Auditor *12/28/2023*

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

Mark Sjolonskowski
MP



Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District _____
 County of BURLEIGH Property I.D. No. 0926-003-050
 Name PARKS DISTRICT CITY OF BISMARCK Telephone No. _____
 Address 400 E FRONT AVE BISMARCK ND 58504

Legal description of the property involved in this application:

COUNTRY WEST V Block: 3^{LOT}2 LESS THAT PART TAKEN FOR REPLAT PART COUNTRY WEST V & SOUTH 7' VAC R/W ADJ

Property Address: 1731 EL Rancho Rd

Total true and full value of the property described above for the year 2023 is:

Land \$ 200
 Improvements \$ 0
 Total \$ 200
(1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 0
 Improvements \$ 0
 Total \$ 0
(2)

The difference of \$ 200.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

Applicant asks that the 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 K. Faust, Finance Director Date 12/28/23

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 Public District of City of Bismarck

County Auditor's File No. 23-4150

Date Application Was Filed With The County Auditor 12/28/2023

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

Mark Spilansky

MP

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 Park District of City of Bismarck

County Auditor's File No. 23-451

Date Application Was Filed With The County Auditor 12/28/2023

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

Mark Splenskowski

MP

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 Park District of City of Bismarck

County Auditor's File No. 23-452

Date Application Was Filed With The County Auditor 12/18/2023

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

Mark Splanskowski
MP



Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District _____
 County of BURLEIGH Property I.D. No. 0930-003-107
 Name PARKS DISTRICT CITY OF BISMARCK Telephone No. _____
 Address 400 E FRONT AVE BISMARCK ND 58504

Legal description of the property involved in this application:

TYLER'S WESTERN VILLAGE Block: 3 PT L 22 BEG @ NW COR; SELY ALONG N LINE OF LT 79.53'; SWLY 112.82' TO WLY LINE OF LT; N

Property Address: 2502 Domino DR

Total true and full value of the property described above for the year 2023 is:

Land \$ 500
 Improvements \$ 0
 Total \$ 500
(1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 0
 Improvements \$ 0
 Total \$ 0
(2)

The difference of \$ 500.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
yes/no

2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
yes/no
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ Purpose of appraisal: _____
yes/no
 _____ Market value estimate: \$ _____
 Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ _____

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

Applicant asks that the 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 K. Fleet, Finance Director Date 12/28/23

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 Rede District of City of Bismarck

County Auditor's File No. 23-453

Date Application Was Filed With The County Auditor 12/18/2023

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

Mark Sparskowski
MP



Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District _____
 County of BURLEIGH Property I.D. No. 0930-003-112
 Name PARKS DISTRICT CITY OF BISMARCK Telephone No. _____
 Address 400 E FRONT AVE BISMARCK ND 58504

Legal description of the property involved in this application:

TYLER'S WESTERN VILLAGE Block: 3 PT L 23 BEG @ SW COR; NLY ALONG W LINE 98.69' TO MOST WLY COR OF LOT; SELY 155.35'; SWL

Property Address: 2504 DOMINO DR

Total true and full value of the property described above for the year 2023 is:

Land \$ 1,000
 Improvements \$ 0
 Total \$ 1,000
(1)

Total true and full value of the property described above for the year 2023 should be:

Land \$ 0
 Improvements \$ 0
 Total \$ 0
(2)

The difference of \$ 1,000.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

Applicant asks that the 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 K. Flex, Finance Director

Date 12/28/23

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 Park District of City of Bemidji

County Auditor's File No. 23-454

Date Application Was Filed With The County Auditor 12/28/2023

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

Mark Sparskowski
MP



Finance Department

DATE: January 9, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Receive and approve the bid for actuarial services.

REQUEST:

Receive, consider, and award bid for actuarial services.

BACKGROUND INFORMATION:

The City solicited proposals on November 14, 2023, seeking a qualified actuary firm to provide actuarial services for the City. A review committee consisting of five City employees (including three Directors) evaluated the proposals. Eight firms submitted proposals. We have evaluated all of the proposals based on the criteria listed in the RFP. The committee selected VIA Actuarial Solutions as the actuary for the City's pension plans.

RECOMMENDED CITY COMMISSION ACTION:

Accept and award bid and allow staff to begin contract negotiation for actuarial services.

STAFF CONTACT INFORMATION:

Dmitriy Chernyak, Finance Director, 701-355-1601, dchernyak@bismarcknd.gov

ATTACHMENTS:

1. Pension Actuarial Services - Scoring Matrix - Revised-Overall (Combined)

CITY OF BISMARCK

Actuarial Firms		Proposal Rank
1	VIA Actuarial Solutions	1
2	Athena Actuarial Consulting	5
3	Cavanaugh Macdonald Consulting, LLC	7
4	Gallagher	3
5	Gabriel, Roeder, Smith & Company	2
6	Milliman	4
7	Nyhart	8
8	Lauterbach & Amen, LLP	6



Finance Department

DATE: January 9, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Consider the request from the Finance department for approval of public depositories for City funds.

REQUEST:

Approve Public Depositories for City Funds.

BACKGROUND INFORMATION:

In accordance with the provisions of NDCC 21-04, the City Commission designates the depositories for City funds in even-numbered years. Attached is the list of the current financial institutions requesting approval to continue the designation.

RECOMMENDED CITY COMMISSION ACTION:

Approve the list of Public Depositories for City Funds.

STAFF CONTACT INFORMATION:

Dmitriy Chernyak, Finance Director, 701-355-1601, dchernyak@bismarcknd.gov

ATTACHMENTS:

1. FIN- Designate Depositories

Depositories – 2024 to 2025

- Starion Bank
- Wells Fargo Bank
- First International Bank
- Choice Financial Bank
- Bremer Bank
- Bravera Bank
- US Bank
- Bank of North Dakota
- Morgan Stanley
- Cornerstone Bank



Police Department

DATE: January 9, 2024

FROM: Dave Draovitch, Police Chief

ITEM: Auction Decommissioned Police Vehicles

REQUEST: Permission to send two decommissioned Police patrol vehicles to Mid-States Auction.

1. 2017 Ford Taurus VIN# 1FAHP2MK7HG123941 (Unit# 9645) with approximately 95,000 miles.
2. 2018 Ford Taurus VIN# 1FAHP2MK8JG137160 (Unit# 9664) with approximately 76,000 miles.

BACKGROUND INFORMATION:

The two listed police vehicles have reached their end-of-life for police use. I'm recommending both vehicles be sold at auction for profit.

RECOMMENDED CITY COMMISSION ACTION:

Approve the above listed vehicles be sold at auction.

STAFF CONTACT INFORMATION:

Dave Draovitch, Police Chief, 701-355-1866, ddraovitch@bismarcknd.gov

ATTACHMENTS:

None



Police Department

DATE: January 9, 2024

FROM: Dave Draovitch, Police Chief

ITEM: Sell and Incorporate Police Vehicles

REQUEST: Permission to sell a 2015 Chevrolet Equinox at auction and replace it with the below listed forfeited 2015 GMC Sierra.

1. Sell - 2015 Chevrolet Equinox VIN# 1GNFLEEK9FZ125826 (Unit# 9610) with 99,625 miles
2. Incorporate - 2015 GMC Sierra VIN# 3GTU2WEJ3FG460614 (Forfeiture) with 38,133 miles

BACKGROUND INFORMATION:

During the December 12th Commission meeting we were granted permission to sell a 2015 GMC Sierra that was forfeited to the Bismarck Police Department through court judgment. After further review and consideration, we would like to maintain the GMC in our fleet in place of an existing unmarked Investigations vehicle, a 2015 Chevrolet Equinox. The GMC has significantly less mileage and would alleviate a future budget request to replace the Equinox. The Equinox will be sold at auction for profit.

RECOMMENDED CITY COMMISSION ACTION:

Grant the above-listed request.

STAFF CONTACT INFORMATION:

Dave Draovitch, Police Chief, 701-355-1866, ddraovitch@bismarcknd.gov

ATTACHMENTS:

None



Public Works Utility Operations

DATE: January 9, 2024

FROM: Michelle Klose, Director Public Works Utilities

ITEM: Change Order 2 with PKG and Edling Electric for the Water Treatment Plant High Lift No. 5 Project

REQUEST:

Approve time extension change orders for PKG Contracting and Edling Electric for the Water Treatment Plant High Lift No. 5 project.

BACKGROUND INFORMATION:

Change order 2 for both PKG Contracting, Inc and Edling Electric are for project time extension due to variable frequency drive (VFD) equipment delay. The new contract times are May 20, 2024 for substantial completion and May 31, 2023 for final payment.

RECOMMENDED CITY COMMISSION ACTION:

Approve change order 2 for PKG Contracting, Inc and Edling Electric for the WTP High Lift No. 5 pump replacement project.

STAFF CONTACT INFORMATION:

Michelle Klose, Director Public Works Utilities, 701-355-1704, mklose@bismarcknd.gov

ATTACHMENTS:

1. Change Order 2 - PKG Contracting
2. Change Order 2 - Edling Electric

CHANGE ORDER NO. 2: CONTRACT NO. 1 – GENERAL CONSTRUCTION

Owner: City of Bismarck, ND
 Engineer: HDR Engineering, Inc.
 Contractor: PKG Contracting, Inc.
 Project: City of Bismarck, ND Water Treatment Plant
 Contract Name: High Lift Pump No. 5 Replacement & Electrical Improvements
 Date Issued: December 12th, 2023 Effective Date of Change Order: December 12th, 2023

Owner's Project No.:
 Engineer's Project No.: 10263887
 Contractor's Project No.:

The Contract is modified as follows upon execution of this Change Order:

Description:

Project time extension of one calendar year to account for variable frequency drive (VFD) estimated delivery date of February 2024.

Attachments:

N/A

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ 207,800.00	Original Contract Times: Substantial Completion: May 20 th , 2022 Ready for final payment: May 31 st , 2022
No Change from previously approved Change Orders No. 1 to No. N/A: \$ N/A	Increase from previously approved Change Orders No. 1 to No. N/A: Substantial Completion: 1 calendar year Ready for final payment: 1 calendar year
Contract Price prior to this Change Order: \$ 207,800.00	Contract Times prior to this Change Order: Substantial Completion: May 19 th , 2023 Ready for final payment: May 31 st , 2023
No Change this Change Order: \$ 0.00	Increase this Change Order: Substantial Completion: 1 calendar year Ready for final payment: 1 calendar year
Contract Price incorporating this Change Order: \$ 207,800.00	Contract Times with all approved Change Orders: Substantial Completion: May 20 th , 2024 Ready for final payment: May 31 st , 2024

Recommended by Engineer (if required)
 By: Kyle Lentz
 Title: Project Engineer
 Date: 12/12/2023

Accepted by ~~Contractor~~ Owner

By: _____
 Title: _____
 Date: _____

Accepted by ~~Owner~~ Contractor
Russell Johnson
PM
12-21-23

Approved by Funding Agency (if applicable)

CHANGE ORDER NO. 2: CONTRACT NO. 2 – ELECTRICAL, INSTRUMENTATION, AND CONTROLS CONSTRUCTION

Owner:	City of Bismarck, ND	Owner's Project No.:	
Engineer:	HDR Engineering, Inc.	Engineer's Project No.:	10263887
Contractor:	Edling Electric, Inc.	Contractor's Project No.:	
Project:	City of Bismarck, ND Water Treatment Plant		
Contract Name:	High Lift Pump No. 5 Replacement & Electrical Improvements		
Date Issued:	December 12 th , 2023	Effective Date of Change Order:	December 12 th , 2023

The Contract is modified as follows upon execution of this Change Order:

Description:

Project time extension of one calendar year to account for variable frequency drive (VFD) estimated delivery date of February 2024.

Attachments:

N/A

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>323,600.00</u>	Original Contract Times: Substantial Completion: <u>May 20th, 2022</u> Ready for final payment: <u>May 31st, 2022</u>
No Change from previously approved Change Orders No. 1 to No. N/A: \$ <u>0.00</u>	Increase from previously approved Change Orders No. 1 to No. N/A: Substantial Completion: <u>1 calendar year</u> Ready for final payment: <u>1 calendar year</u>
Contract Price prior to this Change Order: \$ <u>323,600.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>May 19th, 2023</u> Ready for final payment: <u>May 31st, 2023</u>
No Change this Change Order: \$ <u>0.00</u>	Increase this Change Order: Substantial Completion: <u>1 calendar year</u> Ready for final payment: <u>1 calendar year</u>
Contract Price incorporating this Change Order: \$ <u>323,600.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>May 20th, 2024</u> Ready for final payment: <u>May 31st, 2024</u>

Recommended by Engineer (if required)

By: *Kyle Lentz*
 Title: Project Engineer
 Date: 12/12/2023

Accepted by Contractor

By: *David Russell*
 Title: PM
 Date: 12/12/23

Accepted by Owner

Approved by Funding Agency (if applicable)



Administration Department

DATE: January 9, 2024

FROM: Whitnie Olsen, Senior Administrative Assistant

ITEM: Public hearing on a request for a new Class G: Catered Retail Beer, Wine, & Liquor license for Thomas & Moriarty's LLC (dba) Thomas & Moriarty's at 200 West Main Street.

REQUEST:

Public hearing on a request for a new Class G: Catered Retail Beer, Wine, & Liquor license for Thomas & Moriarty's LLC (dba) Thomas & Moriarty's at 200 West Main Street.

BACKGROUND INFORMATION:

Thomas & Moriarty's LLC (dba) Thomas & Moriarty's is requesting the issuance of a new Class G: Catered Retail Beer, Wine, & Liquor license at 200 West Main Street.

Class G. A license to sell catered retail beer, wine, and liquor on-sale only, may be issued subject to the following conditions:

1. The licensee shall not be permitted to provide on-sale alcoholic beverages at a site owned, leased, or operated by the licensee.
2. The licensee may operate a "cash" bar at up to twenty (20) catered events per license year. For the purposes of this section, a cash bar is a bar in which alcoholic beverages are sold to individual customers at the catered event.
3. The licensee must obtain and keep in effect off-premises alcohol liability insurance and provide the City proof of insurance with its license application.
4. Gross sales of alcoholic beverages may not be greater than 40 percent of the total gross sales of food and alcoholic beverages. All Class G license holders shall file with the application for license renewal a sworn statement executed by the licensee and a certified public accountant certifying that gross food and liquor sales for the previous calendar year meet the requirements of this section. The Board of City Commissioners may, in its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the Commission deems necessary.
5. A licensee shall obtain an event permit pursuant to Ordinance 5-01- 13 for each catered event. An application for an event permit must indicate whether or not the event will have a cash bar.
6. A Class G license may only be transferred to a person or entity purchasing the licensee's catering business.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing on the request from Thomas & Moriarty's LLC (dba) Thomas & Moriarty's for a new Class G: Catered Retail Beer, Wine, & Liquor license at 200 West Main Street, Mandan, ND and approve issuing of the license.

STAFF CONTACT INFORMATION:

Whitnie Olsen, Senior Administrative Assistant, wolsen@bismarcknd.gov

ATTACHMENTS:

1. R) ADMIN - New Alcohol License - Thomas and Moriartys



APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

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

LAST REVISED: 5/15/2023

License Type:				
	<input type="checkbox"/> New Application	<input checked="" type="checkbox"/> Renewal	<input type="checkbox"/> Transfer	<input type="checkbox"/> Relocation
Class A: Nationally Organized Fraternal Order or Club <input type="checkbox"/> \$3,700	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building <input type="checkbox"/> \$650	Class B-2: Concession at the Bismarck Municipal Country Club <input type="checkbox"/> \$650	Class B-3: Commercial passenger vessels on the Missouri River <input type="checkbox"/> \$650	Class B-4: Sale of Beer & Wine at the Bismarck Event Center <input type="checkbox"/> \$650
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations <input type="checkbox"/> \$650	Class B-6: Commercial Airline <input type="checkbox"/> \$650	Class C-1: Hotel or Motel Full Service <input type="checkbox"/> \$3,800	Class C-2: Hotel or Motel <input type="checkbox"/> \$1,000	Class D: Sale at Retail of Alcoholic Beverages <input type="checkbox"/> \$4,100
Class E: Sale at Retail of Beer Only <input type="checkbox"/> \$800	Class F-1: Restaurant - Alcoholic Beverages <input type="checkbox"/> \$3,500	Class F-2: Restaurant - Beer & Wine Only <input type="checkbox"/> \$1,100	Class G: Catered Retail Beer, Wine, & Liquor <input checked="" type="checkbox"/> \$650	Class H: Domestic Brewery / Distillery / Winery <input type="checkbox"/> \$800
Class I: Senior Living Community / Complimentary <input type="checkbox"/> \$350	All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.			

Location Information:				
Legal Business Name: Thomas & Moriarty's		Date of Incorporation: 02/07/2018	State Business ID Number: 02038	
Doing Business As (DBA) Name, if Applicable:		If out of state corporation, is corporation registered in North Dakota? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Location Address: 200 W. Main St.	City: Mandan	State: ND	Zip: 58554	Phone Number: 751-0752
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): Stacy Sturm, Co-owner				

Contact Information (Where correspondence is to be sent):				
Primary Contact: Stacy Sturm		Phone Number: 426-8370	Email Address: thomasandmoriartys@gmail.com	
Mailing Address: 200 W. Main St		City: Mandan	State: ND	Zip: 58554

Manager's Name: Michael Kashey		Date of Birth: 02/07/1987	Percentage of Ownership: 40%	
Driver's License Number: KAS-87-9865		State Issued: ND	Gender: M	Race: Caucasian
Home Address: 314 E Ave D		City: Bismarck	State: ND	Zip: 58501
Occupation: Co-owner, Manager	Phone Number: 319-8439	Title: Co-owner	Email Address: thomasandmoriartys@gmail.com	

List all officers or directors of corporation or partners and percentage of ownership:

Name: Stacy Sturm		Date of Birth: 05/20/1974	Percentage of Ownership: 60%
Driver's License Number: STU-92-3475	State Issued: ND	Gender: F	Race: Caucasian
Home Address: 314 E Ave D	City: Bismarck	State: ND	Zip: 58501
Occupation: Co-owner Thomas & Moriartys	Phone Number: 426-8370	Title: Co-owner	Email Address: stacy@urlradio.net

Name: Michael Kashey		Date of Birth: 02/07/1987	Percentage of Ownership: 40%
Driver's License Number: KAS-87-9865	State Issued: ND	Gender: M	Race: Caucasian
Home Address: 314 E. Ave D	City: Bismarck	State: ND	Zip: 58501
Occupation: Co-owner, Thomas & Moriarty's	Phone Number: 319-8439	Title: Co-owner	Email Address: thomasandmoriartys@gmail.com

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

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

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

<p>1. Are the manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If no, please explain:</p>
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<p>2. Have any of the persons listed above been convicted of any crime within the past five years?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, list all convictions and the dates, locations and sentence of disposition of each:</p>
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<p>3. Does the building meet all state and local sanitation and safety requirements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
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<p>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?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
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<p>5. If a new application, has the applicant or any of the persons listed above engaged in the sale or transportation of alcoholic beverages previously?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, please give details:</p>
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<p>6. Has the 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?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
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<p>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?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
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<p>8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
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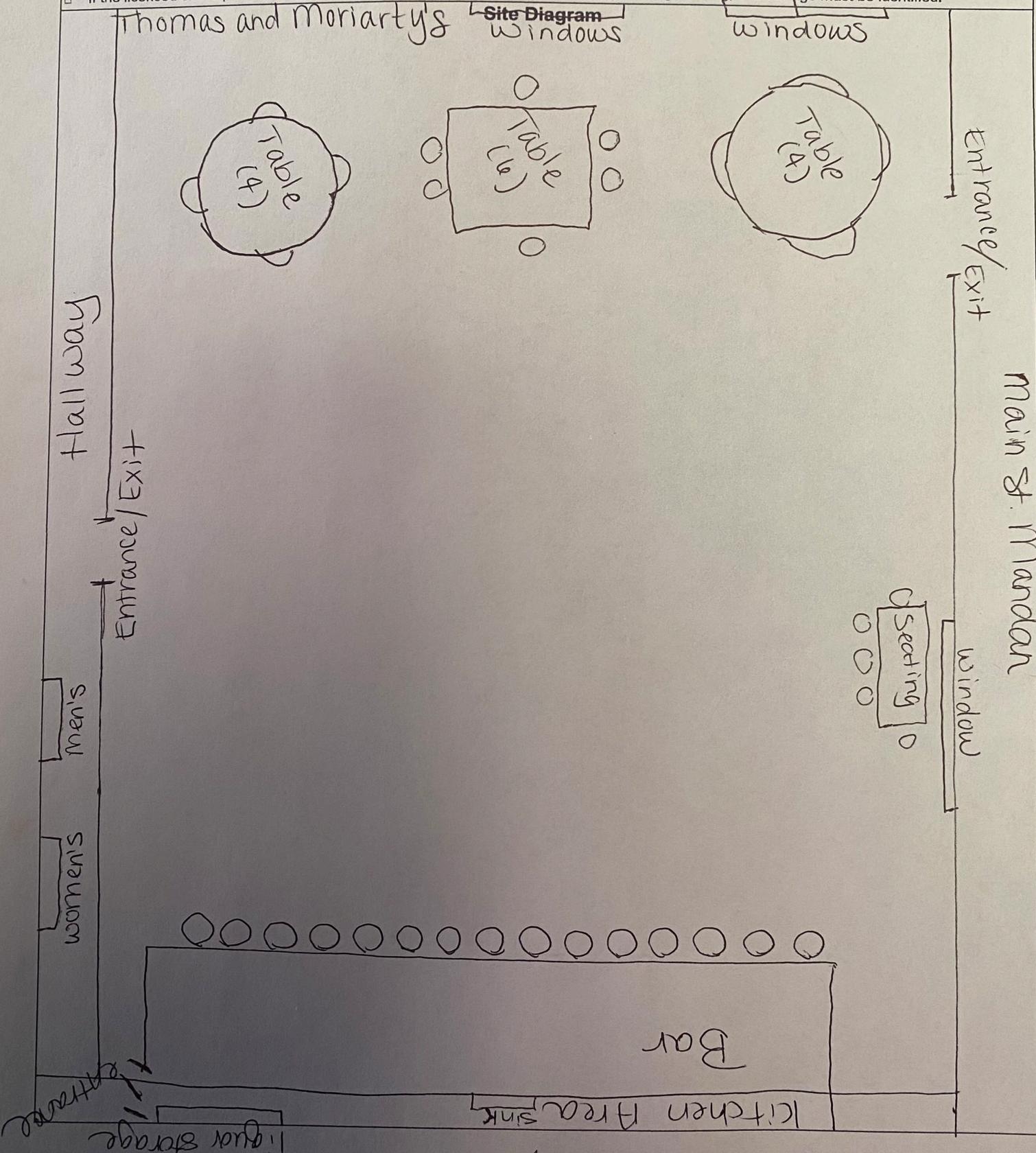
<p>9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other licensed liquor establishment within or without the State of North Dakota?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, please give details:</p>
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<p>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?</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, please give details: I, Stacy, also own a radio station</p>
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<p>11. Have all property taxes and special assessments currently due been paid?</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If no, please give details:</p>
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Site Diagram Requirements:

- Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- 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.
- If the licensed site is part of a larger complex, such as a restaurant, areas such as mixing, serving, and storage must be identified.



Signature:

- 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.



12-18-23

Signature of Applicant

Date

Stacy Sturm, Co-owner

Print Name / Title of Officer

Liquor License Transfers (only use if license is being transferred):

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

Signature of Current License Holder

Signature of New Applicant

Print Name

Print Name

State of _____

Subscribed and sworn to before me this _____

County of _____

day of _____

Notary Seal

Notary Public

My Commission Expires



Administration Department

DATE: January 9, 2024

FROM: Whitnie Olsen, Senior Administrative Assistant

ITEM: Public hearing on a request for a new Class C-2: Hotel or Motel Liquor license for NHS, LLC. (dba) Wingate by Wyndham Bismarck at 1421 Skyline Blvd.

REQUEST:

Public hearing on a request for a new Class C-2: Hotel or Motel Liquor license for NHS, LLC. (dba) Wingate by Wyndham Bismarck at 1421 Skyline Blvd.

BACKGROUND INFORMATION:

NHS, LLC. (dba) Wingate by Wyndham Bismarck is requesting the issuance of a new Class C-2: Hotel or Motel Liquor license at 1421 Skyline Blvd.

Class C-2. To a hotel or motel that provides at least forty-five rooms for transient guests, to provide on-sale or complementary alcoholic beverages to registered customers and their guests in their rooms or in a common room designated for that purpose. The value of the alcoholic beverages sold shall not exceed the value of the alcoholic beverages given to or otherwise provided to registered customers and their guests. Any alcoholic beverage sold or provided under this license shall not be mixed or dispensed in the direct view of a minor.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing on the request from NHS, LLC. (dba) Wingate by Wyndham Bismarck for a new Class C-2: Hotel or Motel Liquor license at 1421 Skyline Blvd, and approve issuing of the license.

STAFF CONTACT INFORMATION:

Whitnie Olsen, Senior Administrative Assistant, wolsen@bismarcknd.gov

ATTACHMENTS:

1. R) ADMIN - New Alcohol License - Wingate by Wyndham Bismarck



APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

LAST REVISED: 5/15/2023

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

License Type:				
<input checked="" type="checkbox"/> New Application <input type="checkbox"/> Renewal <input type="checkbox"/> Transfer <input type="checkbox"/> Relocation				
Class A: Nationally Organized Fraternal Order or Club <input type="checkbox"/> \$3,700	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building <input type="checkbox"/> \$650	Class B-2: Concession at the Bismarck Municipal Country Club <input type="checkbox"/> \$650	Class B-3: Commercial passenger vessels on the Missouri River <input type="checkbox"/> \$650	Class B-4: Sale of Beer & Wine at the Bismarck Event Center <input type="checkbox"/> \$650
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations <input type="checkbox"/> \$650	Class B-6 : Commercial Airline <input type="checkbox"/> \$650	Class C-1: Hotel or Motel Full Service <input type="checkbox"/> \$3,800	Class C-2: Hotel or Motel <input checked="" type="checkbox"/> \$1,000	Class D: Sale at Retail of Alcoholic Beverages <input type="checkbox"/> \$4,100
Class E: Sale at Retail of Beer Only <input type="checkbox"/> \$800	Class F-1: Restaurant - Alcoholic Beverages <input type="checkbox"/> \$3,500	Class F-2: Restaurant - Beer & Wine Only <input type="checkbox"/> \$1,100	Class G: Catered Retail Beer, Wine, & Liquor <input type="checkbox"/> \$650	Class H: Domestic Brewery / Distillery / Winery <input type="checkbox"/> \$800
Class I: Senior Living Community / Complimentary <input type="checkbox"/> \$350				
All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.				

Location Information:				
Legal Business Name: NHS LLC		Date of Incorporation: 07/11/2008	State Business ID Number: SOS 0000037248	
Doing Business As (DBA) Name, if Applicable: Wingate by Wyndham Bismarck			If out of state corporation, is corporation registered in North Dakota? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Location Address: 1421 Skyline Blvd	City: Bismarck	State: ND	Zip: 58503	Phone Number: (701) 751-2373
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): Sarah Koustrup, Partner				

Contact Information (Where correspondence is to be sent):				
Primary Contact: Sarah Koustrup		Phone Number: (701) 281-7107	Email Address: skoustrup@nhshotels.com	
Mailing Address: 1635 43rd St S, Ste 305		City: Fargo	State: ND	Zip: 58103

Manager's Name: Sarah Koustrup		Date of Birth: 08/06/1980	Percentage of Ownership: 10%	
Driver's License Number: KOU-80-3658		State Issued: ND	Gender: F	Race: Caucasian
Home Address: 2633 55th St S, Apt 211		City: Fargo	State: ND	Zip: 58104
Occupation: Hotel Mgmt	Phone Number: (701) 281-7107	Title: President	Email Address: skoustrup@nhshotels.com	

List all officers or directors of corporation or partners and percentage of ownership:			
Name: Norman Leslie		Date of Birth: 09/27/1966	Percentage of Ownership: 90%
Driver's License Number: LES-66-1465		State Issued: ND	Gender: M Race: Caucasian
Home Address: 5914 31st St S		City: Fargo	State: ND Zip: 58104
Occupation: Hotel Mgmt	Phone Number: (701) 306-7122	Title: CEO	Email Address: nhleslie@nhshotels.com

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

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

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

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

1. Are the manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?

Yes No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years?

Yes No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

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

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended?

Yes No

If yes, please give details:

5. If a new application, has the 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:

6. Has the 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 licensed liquor establishment within or without the State of North Dakota?

Yes No

If yes, please give details:

Norman Leslie and Sarah Koustrup are liquor license holders in various hotels throughout the US.

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:

Own and manage hotels across the US.

11. Have all property taxes and special assessments currently due been paid?

Yes No

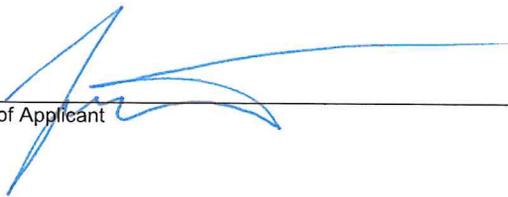
If no, please give details:

Signature:

- 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.

Signature of Applicant 

Date 12-6-23

Print Name / Title of Officer Sarah Kowstrup, President

Liquor License Transfers (only use if license is being transferred):

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

Signature of Current License Holder _____

Signature of New Applicant _____

Print Name _____

Print Name _____

State of _____

Subscribed and sworn to before me this _____

County of _____

day of _____

Notary Seal

Notary Public _____

My Commission Expires _____



Legal Department

DATE: January 9, 2024

FROM: Jannelle Combs, City Attorney

ITEM: Public hearing on Ordinance 6567 to amend portions of Title 9 - Personnel Regulations.

REQUEST:

Hold a public hearing on Ordinance 6567 to amend portions of Title 9 -Personnel Regulations

BACKGROUND INFORMATION:

At the request of the City Commission, I have reviewed Title 9 – Personnel Regulations and attempted to update the language where appropriate based on the current usage of the title (i.e., Human Resources Director, not Personnel Director, performance evaluation, not appraisal, etc.). In addition, I was directed by Mayor Schmitz to draft the responsibilities for the City Administrator to act as the Chief Executive Officer, which includes full employment authority over those they supervise. This was on the regular agenda to receive feedback from the entirety of the City Commission on December 12 and 26, 2023 at regular City Commission meetings. There were also changes where the Civil Service Commission performed duties that the City has paid for many years to be done by professionals like Gallagher for job descriptions and salary plans.

Attached are the ordinance with changes as approved by the Civil Service Commission and the memo with information from the Civil Service Commission regarding options for the City Commission hiring and terminating department directors.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing relating to revisions to Ordinance 6567 and consider for final approval.

STAFF CONTACT INFORMATION:

Jannelle Combs, City Attorney, 701-355-1342, jcombs@bismarcknd.gov

ATTACHMENTS:

1. Ord 6567
2. Dec 26 memo from HR

**CITY OF BISMARCK
ORDINANCE NO. 6567**

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND PARTS OF CHAPTER 9 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO PERSONNEL REGULATION AND BENEFITS

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amend. Section 9-01-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Definition of Terms is hereby amended to read as follows:

9-01-01. Definition of Terms. The following terms in this title shall have the following meaning unless the context clearly indicates otherwise:

1. Appointing Authority: The department ~~head~~director, or with respect to the department ~~heads~~directors, the City Administrator ~~Board of City Commissioners~~.

* * * * *

8. Department ~~Head~~Director: A person classified as the ~~head~~director of a department pursuant to the city classification schedule.

* * * * *

12. Establishment, installation and maintenance of a performance appraisal evaluation system.

~~13. Gender: The masculine pronoun used in this plan shall include the feminine.~~

4413. Part-time Employee: Any employee employed for less than 40 hours per week or for a period of less than 1200 hours in each calendar year. Part-time employees are not included in civil service and may be terminated at will.

4514. Position: Any office and place of employment where the duties and responsibilities appertaining thereto are exercised by one person.

4615. Probationary Period: A working test period during which the appointing authority is required to note the work and conduct of all new employees and determine whether they merit regular appointments.

4716. Promotion: A change in status from a position in one class to a position in another class having a higher rank, greater duties or responsibilities or a higher maximum salary.

4817. Regular Part-time Employee: Any employee employed for less than 40 hours per week but more than 1200 hours for each calendar year.

4918. Salary Plan: The schedules of pay for each class of positions in such departments, showing minimum and maximum rates.

~~20. Widow or Husband: The surviving spouse of a marriage contracted prior to retirement of a deceased employee from active service, or of a retired employee contracted prior to the date this plan takes effect.~~

(Ord. 4367, 04-23-91)

Section 2. Amend. Section 9-02-09 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Clerk and Duties is hereby amended to read as follows:

9-02-09. Clerk and Duties. The city auditor-administrator is ex officio clerk of the commission.

The ex officio clerk shall be available to the civil service commission and the ~~personnel~~human resources director for consultation and assistance in managing the civil service system.

Reference: N.D.C.C. 40-44-05

Section 3. Amend. Section 9-02-10 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Administrative Officer and Duties is hereby amended to read as follows:

9-02-10. Administrative Officer and Duties. The ~~personnel~~human resources director serves as the administrative officer of the civil service system and is accountable to the civil service commission for all duties relating to administration of the civil service system.

The ~~personnel~~human resources director shall:

* * * * *

Section 4. Amend. Section 9-02-11 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Scope of Title is hereby amended to read as follows:

9-02-11. Scope of Title. The rules and regulations provided for by this title shall cover the following:

1. Preparation, installation and maintenance of the ~~duties~~ classification plan covering all positions in the civil service.

* * * * *

Reference: N.D.C.C. 40-44-07

Section 5. Amend. Section 9-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Scope of Title is hereby amended to read as follows:

9-03-02. Prohibition of Discrimination. An employee or applicant for employment may not be appointed, promoted, demoted, dismissed, or in any way favored or discriminated against on the basis of race, color, religion, sex, national origin, age, physical or mental ~~handicap~~ disability or status with regard to marriage or public assistance.

Reference: N.D.C.C. 14-02.4

Section 6. Amend. Section 9-03-05 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Nepotism is hereby amended to read as follows:

9-03-05. Nepotism.

1. A person related by blood or marriage to the president of the board of city commissioners, or any member of the board or the civil service commission, the ~~personnel department~~ human resources director, or the finance director, may not be appointed to any position or service in the city. Under no circumstances will persons who are related be employed in the same department, if one person has supervisory responsibilities in any respect with regard to the other person.

2. If two city employees, one having supervisory responsibilities with regard to the other, employed within the same department, marry, it is required that one or the other of them resign from his or her position with the city government. The person resigning will be eligible to have his or her name placed on the reemployment list for employment with one of the other city departments. No employee with supervisory authority over another individual shall be involved in a dating relationship or are presently residing together with the employee they are supervising.

3. Provisions of these rules do not affect or bar continued employment or promotion of those relatives, as herein enumerated, employed by the city prior to the election or appointment of the city officials or employees specified in paragraph 1 of this section.

4. For purposes of this section, "related" means spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spouses of any of them. All relationships include those arising from adoption.

(Ord. 4301, 10-31-89)

Section 7. Amend. Section 9-03-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Vacancies is hereby amended to read as follows:

9-03-06. Vacancies. The ~~personnel~~ human resources director must make a public announcement of all vacancies in positions in the civil service utilizing ~~bulletin boards, the official city newspaper, professional publications, societies, and/or~~ such other methods as are deemed appropriate for the vacant position.

The announcement shall specify the title and salary range of the position and the typical duties to be performed, the minimum qualifications required, final date on which applications will be received, and any other pertinent data.

Notwithstanding the provisions of this section, the ~~personnel~~ human resources director ~~with the approval of the civil service commission~~ may establish a continuous recruitment program for any classes of positions in which applications may be accepted at any time. ~~With the approval of the civil service commission vacancies may be announced by title of positions only.~~

Section 8. Amend. Section 9-03-07 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Rejection of Application is hereby amended to read as follows:

9-03-07. Rejection of Application. The ~~personnel~~ human resources director shall establish the procedures for notifying applicants of their rejection for employment or acceptance to participate in further tests of fitness based on preliminary examination, and may, for cause, reject any application prior to the date of the tests for which the applicant has filed.

The ~~personnel~~ human resources director, subject to review by the civil service commission, may refuse to examine any applicant, or after examination remove his or her name from an employment list, or refuse to certify for appointment any applicant whom he or she finds lacks any of the preliminary requirements established for class of position.

Section 9. Amend. Section 9-03-09 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Rating is hereby amended to read as follows:

9-03-09. Rating. The ~~personnel~~ human resources director shall establish a system for scoring or rating the competitive examinations, ~~subject to the approval of the commission.~~ Sound measurement techniques and procedures shall be used in rating the results of tests and determining the eligibility of applicants. Minimum ratings for eligibility for any position may be established.

Section 10. Amend. Section 9-03-12 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Rating is hereby amended to read as follows:

9-03-12. Removal from List. The ~~personnel~~ human resources director may remove the name of an eligible from a list if:

1. He or she is found to lack any of the preliminary requirements established for the examination for the class of position.

* * * * *

14. If three offers of a probationary appointment to the class job description for which the registrar was established have been declined and satisfactory evidence of such declination submitted to the ~~personnel~~ human resources director.

The ~~personnel~~ human resources director shall notify the eligible of this action and the reasons therefor by mail to the last known address. An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the ~~personnel~~ human resources director or in accordance with a decision of the civil service commission upon appeal.

Section 11. Amend. Section 9-03-14 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Appointment Procedure is hereby amended to read as follows:

9-03-14. Appointment Procedure. Whenever an appointing authority desires to fill a vacancy in any position in the civil service, the appointing authority shall notify the ~~personnel~~ human resources director giving pertinent facts relative to the duties, responsibilities and qualification requirements of the position which is to be filled. The ~~personnel~~ human resources director shall certify to the appointing authority at least the names of the three highest candidates on the employment list.

If the list does not contain three names, the appointing authority may make the appointment only from such lesser number of candidates as are eligible. If more than one vacancy is to be filled, two additional names must be certified for each additional vacancy. The appointing officer shall give notice in writing to the ~~personnel~~ human resources director of the person or persons appointed and effective date.

~~This section does not apply to recruitment and appointment of department heads.~~

Section 12. Amend. Section 9-03-15 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Probationary Period is hereby amended to read as follows:

9-03-15. Probationary Period. All appointments must be made for a probationary period of at least one year. The probationary period does not include any time served by an employee under a provisional appointment. At the end of every three months during the probationary period the appointing authority should submit a rating of the probationary employee's performance on a report form prescribed by the ~~personnel~~ human resources director. The appointing authority may extend the probationary period beyond one year upon notice given to the ~~personnel~~ human resources director prior to the expiration of the probationary period of one year.

During the probationary period an employee may be dismissed by the appointing authority at will. Notice of such release ~~with the reasons therefor~~ must be immediately submitted to the ~~personnel~~ human resources director who may, in the case of an employee serving a probationary period after promotion, reinstate the name of the employee to the employment list for the former position.

An employee shall retain probationary status until the appointing authority shall certify on a prescribed form to the ~~personnel~~ human resources director, at the end of the probationary period, that the employee be retained and placed in the civil service.

(Ord. 6315, 04-10-18; Ord. 6543, 04-11-23)

Section 13. Amend. Section 9-03-16 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Transfers is hereby amended to read as follows:

9-03-16. Transfers. ~~The civil service commission may authorize the transfer of an employee in the civil service from one position to another position in the same class. Transfers are permitted only with the consent of the civil service commission and the appointing authorities concerned.~~

Transfer of employees from positions in lower to higher classes and from higher to lower positions shall be deemed promotions and demotions ~~respectively~~, respectively and made subject only to the provisions of these rules governing such changes in employees' status.

Section 14. Amend. Section 9-03-17 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Civil Service Ratings is hereby amended to read as follows:

9-03-17. Civil Service Ratings. The ~~personnel~~ human resources director shall prepare, install and maintain a system of service ratings whereby the appointing authority reports on the performance of all employees in the civil service. Such reports shall be a

part of the procedures dealing with promotion, demotion, salary advancement, and other changes in employee status.

Section 15. Amend. Section 9-03-18 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Work Conditions is hereby amended to read as follows:

9-03-18. Work Conditions. The ~~personnel~~ human resources director shall review working conditions and propose to the civil service commission programs designed to make city employment attractive.

Section 16. Amend. Section 9-03-20 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Absence Records and Reports is hereby amended to read as follows:

9-03-20. Absence Records and Reports. The ~~personnel~~ human resources director shall maintain records of the absences of city employees. Each absence from duty of any employee or appointed official must be reported by the administrative officer of each department to the ~~personnel~~ human resources director on the prescribed form.

Section 17. Amend. Section 9-03-21 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Performance Evaluation or Appraisal of Performance is hereby amended to read as follows:

9-03-21. Performance Evaluation or Appraisal of Performance. It is the policy of the City of Bismarck to evaluate on a fair and equitable basis the performance of its employees. ~~Appraisals~~ Performance evaluations must be done in accord with policies and procedures promulgated by the board of city commissioners and without due regard to race, sex, age, national origin, religion, political affiliation or other non-merit factor.

The City of Bismarck will establish and carry out this policy by utilizing the ~~appraisal~~ evaluation system set forth in this section:

1. General purposes of the ~~appraisal~~ evaluation system:

* * * * *

- f. Provide supervisors with an opportunity to sense causes of and problems in job satisfaction and morale among employees individually or as a group.

Through proper use of this performance ~~appraisal~~ evaluation system, an increased and meaningful exchange of thoughts and ideas can occur between employees and supervisors.

2. ~~The appraiser~~ evaluator. Each employee covered by this system will be ~~appraised~~ evaluated by that person in the best position to do so. Normally, the ~~appraiser~~ evaluator will be the employee's immediate supervisor who has the responsibility for assigning, directing and reviewing the work of the employee. If, because of rotational assignments or other reasons, it is not clear to whom an employee reports, a decision will be made as to whom is best able to ~~appraise~~ evaluate the employee based on actual observation. An employee's peers may also be utilized in the ~~appraisal~~ evaluation process.

3. ~~Who is appraised~~ evaluated. All regular full time and regular part-time employees will be ~~appraised~~ evaluated.

4. Probationary ~~appraisal~~ Performance Evaluations. ~~An appraisal~~ A performance evaluation of performance ~~will~~ should be made every three months prior to the conclusion of the probationary period. The ~~appraiser~~ evaluator will be geared to helping the new employee, and will allow sufficient time before the end of probationary period for the ~~appraiser~~ evaluator to note improvements in performance. A final ~~appraisal~~ evaluation at the end of the probationary period will be made to provide the basis for retention or termination of the employee.

5. Frequency of ~~appraisal~~ evaluation. ~~Appraisals~~ Evaluations will be completed once a year for all regular full-time and regular part-time employees who have completed the probationary period. An appointing authority may order additional ~~appraisals~~ evaluations at appropriate intervals to address substandard performance or as a part of progressive discipline or any disciplinary action.

6. ~~Appraisal~~ Evaluation follow-up. A periodic informal discussion between the supervisor and the employee will be part of the formal ~~appraisal~~ evaluation system. This discussion will focus on progress the employee has made in improving performance in weak areas, where job assignments can be changed to better meet employee goals, progress made in meeting work objectives, and other areas of interest or concern.

7. ~~The appraisal form~~ performance evaluation system. A separate ~~appraisal form~~ performance evaluation will be completed for each employee. Every supervisor or ~~appraiser~~ evaluator should be thoroughly familiar with the performance evaluation process form, how to use it and its application for employee development and what its performance management purposes are. A "performance appraisal guide" Performance evaluations shall be prepared and available for this purpose. It is important to the validity of the system that supervisors be:

a. As objective as possible in completing ~~appraisal~~ evaluation forms,
and

b. Realistic in determining performance levels for individual performance.

8. Signatures. The employee and the ~~appraiser~~ evaluator will sign and date the form after they have together discussed the ~~appraisal~~ evaluation form and made written comments.

9. Higher level review. After completion of the performance ~~appraisal~~ evaluation discussion between the ~~appraiser~~ evaluator and employee, there will be at least one further review of the completed performance ~~appraisal~~ evaluation form at a higher level of supervision or management, unless the ~~appraiser~~ evaluator is a department head or city commissioner director.

10. Distribution of the employee ~~appraisal form~~ performance evaluation. After all levels of review have taken place, the employee will receive a copy of his or her ~~appraisal~~ evaluation; and a copy the evaluation will be retained internally within the department and a copy will be placed in the employee's personnel file.

(Ord. 4989, 05-25-99; Ord. 5136, 10-09-01)

Section 17. Amend. Section 9-03-22 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Employee Assistance Program is hereby amended to read as follows:

9-03-22. Employee Assistance Program.

1. Statement of policy:

a. The city has a vital concern for its employees' personal problems when those problems impair an employee's ability to perform satisfactorily in his or her job. These may be problems such as alcohol abuse, drug abuse, or other behavior/medical disorders which either endanger fellow employees, or result in poor interpersonal relations, excessive absenteeism, and/or deteriorating work performance.

b. The purpose of this policy is to assist employees with disabling personal problems, in finding help and assuring that the employee will receive the same careful consideration and assistance that is presently extended to city employees who become ill or disabled.

c. It is expected that a city-wide program will enlighten employees that the social stigma of alcohol and other drug dependence is without foundation and that these conditions are treatable as are most other disorders.

d. The city's concern with alcohol and other drug abuse or dependency is strictly limited to its effects on the employee's performance on the job. Whether an employee chooses to drink or not drink socially is the individual's concern.

e. For the purpose of this policy, alcoholism and other drug dependency is defined as an illness in which an employee's consumption of alcoholic beverage or drugs definitely and repeatedly interferes with his or her job performance and/or health.

2. Procedures:

a. It is the responsibility of all supervisors of all departments of the city to implement this policy, and to follow Employee Assistance Program procedures, ~~which assure that no employee with an alcohol or drug dependency will have his or her job security or promotional opportunities jeopardized by referral or request for consultation and/or treatment. (An employee who complies with a request for consultation, submits to an evaluation, and satisfactorily completes treatment as indicated, may not be suspended, demoted or terminated, or have his or her job security or promotional opportunities jeopardized by such referral, evaluation or by any absence from work necessary for treatment.)~~

b. It is recognized that supervisors do not have the professional qualifications to permit judgment as to whether or not an employee has alcohol or other drug dependency. Referral to Human Resources for consultations and subsequent offer of assistance will be based upon unsatisfactory work performance resulting from an apparent medical or behavioral problem, regardless of its nature.

c. An employee must report to Human Resources for consultation when directed to do so by a supervisor or appointing authority.

d. An employee's continued refusal to report for consultation and/or refusal of assistance or refusal to submit to an evaluation and/or treatment if indicated will be dealt with in accord with section 9-06-02.

e. It is expected that through this policy, employees who suspect that they may have a medical, alcohol, or drug-related problem, even in its early stages, will be encouraged to voluntarily seek consultation and, when indicated, follow through with prescribed treatment.

f. The confidential nature of medical records of employees with alcohol or drug-related problems will be preserved to assure privacy in the same manner as all other medical records.

g. Implementation of this policy will not require, or result in, any special social regulations, privileges, or exemptions from the standard administrative practices applicable to job performance requirements, except as provided in paragraph (a) of this section.

3. Applicability. The program and policies contained in this section apply to all full-time employees of the City.

4. Employee Assistance Program.

a. General statement:

City of Bismarck recognizes that some employees may experience a wide range of personal problems that may adversely affect their job performance. It is also recognized that most personal problems can be dealt with successfully when identified early and referred for appropriate care. The purpose of the Employee Assistance Program is to provide these services leading to appropriate care.

The Employee Assistance Program is designed to deal with a broad spectrum of human problems, such as personal problems, interpersonal problems, financial concerns, problems with addiction, parent/child conflict, marital problems, and other concerns. Most employees may overcome personal problems without professional assistance, but at times professional counseling and/or referral to appropriate community agencies may be beneficial. The Program provides problem assessment and short-term counseling, not to exceed five sessions, and referral to community resources when deemed appropriate.

The cost for assessment, short-term counseling, and referral is covered by City of Bismarck. If costs are incurred for other services that are not covered by City of Bismarck or other benefits, those costs will be the responsibility of the employee.

Employees will be given prompt, careful, confidential consideration.

b. Below are the guidelines for utilizing the Employee Assistance Program:

1) City of Bismarck is concerned with an employee's personal problem when the problem adversely affects job performance.

2) The Employee Assistance Program extends to each employee, regardless of job title or responsibility.

3) Since problems at home can affect job performance, the Employee Assistance Program is also available to each employee's immediate family on a self-referral basis. If an employee or immediate family member has personal problems that may benefit from assistance, the employee or immediate family member is encouraged to use the program. Immediate family is defined as spouse and/or children living in the same household as the employee. Dependent children living outside the home, i.e. college students, will be considered eligible for EAP services. Children under age 18 will be provided an initial assessment by phone, however, will be required to have parental permission to receive EAP services beyond the initial phone contact.

4) Should a performance problem occur at work, employees may be encouraged to seek assistance to determine if personal problems are causing unsatisfactory job performance. Supervisors will not be able to insist that the employee seek Employee Assistance Program assistance. If performance problems are corrected, no further action will be taken. If performance problems persist, the employee will be subject to the normal progressive discipline procedures.

5) All employees are responsible for using this program, when appropriate, to assist in resolving job performance deficiencies related to personal problems. Supervisors, and administrative representatives, and employees are provided information ~~have been given a comprehensive orientation session. The session identified the goals and objectives of the Employee Assistance Program. Also, the mechanism for referring employees for services through the Employee Assistance Program was explained. Employees received a general orientation session to provide information regarding the Assistance Program.~~ This information provides an overview of what services are available and how to make use of those services. New employees will receive information about the Employee Assistance Program at the time of their initial orientation provided by Human Resources. ~~Quarterly representatives from the provider will be available to provide a group orientation for all new employees if so requested by Human Resources.~~ Annual supervisory sessions will also be made available for any new supervisory staff.

6) ~~When an employee voluntarily comes for assistance, no contact is made with the supervisor. When the employee comes~~

~~for services at the request or referral of a supervisor, there will be a follow-up contact with the referring supervisor which will discuss whether the employee came for the appointment and whether the employee is following general recommendations relating to treatment/follow-up services.~~

~~76) Participation in the program will not jeopardize an employee's job security or promotional opportunities.~~

All records and discussions of the personal problem will be handled in a confidential manner. These records will be considered as EAP records and will be maintained by the EAP. Records maintained by the EAP are not part of the provider's regular medical record. They will not be released without the expressed, written consent of the employee. These records will not become a part of the employee personnel file.

~~87) Employees and members of their immediate families will receive an assessment and up to four additional counseling sessions for further assessment, evaluation, or treatment of that problem. During the contract period, employees and members of their immediate families may experience multiple problems for which assessment, evaluation or treatment by the program may be appropriate. Under the provisions of this program, an eligible employee and/or member of his/her immediate family would receive additional services from the program providing the new problem is not related to a situation for which services have already been received. The employee and/or family member will receive an assessment of their new problem and up to four additional assessments.~~

Depending on the type of problem experienced, a referral to a community agency or resource may be the most appropriate service provided.

~~98) Where necessary, leave will be granted in accordance with established procedure. If a supervisor refers an individual based on performance concerns or an employee requests of the supervisor to be referred, sick leave will be granted.~~

~~109) The employee may request that his/her supervisor attend counseling sessions with the employee.~~

c. This program and the policies contained herein shall be implemented under a city-wide program under the administration of Human Resources which shall:

~~1) Enlist the active cooperation and participation of the city health officer and all supervisory personnel in the implementation of the program.~~

21) Train supervisory personnel in documentation and referral procedures as set forth in this program on the basis of deteriorating work performance.

~~3) Receive and evaluate (with the aid and counsel of the city health officer) those cases referred by supervisory personnel.~~

42) Refer those cases which indicate a need for professional evaluation and/or treatment to the appropriate community service agencies both public and private, for evaluation and/or treatment.

53) Oversee the implementation of the provisions of this program with supervisory personnel in order to assure (a) the referral of employees with deteriorating work performance and (b) that referred individuals follow through with prescribed treatment.

64) Report progress of referred cases to the appropriate appointing authority.

75) Issue further directives and instructions as are required, consistent with the policies enunciated in this section.

86) Supervisory personnel shall cooperate and actively participate in this program by documenting and referring cases of deteriorating work performance of employees under their supervision.

97) All evaluations ordered by an appointing authority or Human Resources shall be at no cost to the employee.

(Ord. 4126, 2-10-87; Ord. 4382, 07-02-91)

Section 18. Amend. Section 9-04-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Development and Implementation of Classification Plan is hereby amended to read as follows:

9-04-01. Development and Implementation of Classification Plan. The ~~personnel~~ human resources director shall analyze all positions in the civil service and develop a duties classification plan which groups together all positions with substantially similar duties and responsibilities, to be known as classes of positions. For each class of position, a class specification shall be prepared which contains a descriptive class title, examples of the work commonly performed in a position in the class, and a statement of the minimum qualifications for appointment to a position in the class.

The ~~personnel~~ human resources director shall present the proposed classification plan to the civil service commission. The plan when adopted by the commission shall constitute the official duties classification plan for the civil service in the city. The ~~personnel~~ human resources director, subject to review by the civil service commission, shall allocate each position to its appropriate class of positions. The class title applying to the various positions shall be used in all payrolls and other official communications. Employees shall be notified of the class to which the position they hold has been allocated and may within five days following such notification submit in writing to the civil service commission a request for a review of the allocation. The civil service commission shall make an allocation of the position and its decision as to the correctness of the allocation shall be final.

Section 19. Amend. Section 9-04-02 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Updating of Plan is hereby amended to read as follows:

9-04-02. Updating of Plan. The duties classification plan must be kept current as follows:

1. The ~~personnel~~ human resources director shall study the duties and responsibilities of all new positions created and place such positions in their appropriate class or grade.

2. Whenever a change is made in the duties and responsibilities of a position which is intended to be permanent, it must be so reported to the ~~personnel~~ human resources director who shall investigate the position and place it in its appropriate class.

3. The ~~personnel~~ human resources director shall periodically check duties classification of any position in the service and may combine existing classes or abolish old ones. The establishment of new classes or the abolition of old ones shall be submitted to the civil service commission for its approval.

4. An employee may at any time request in writing to the civil service commission a review of the allocation of his or her position. Such request shall give the employee's reason for review, and the civil service commission may in its

own discretion proceed to investigate the position. The decision of the civil service commission based on such investigation as to the correctness of the allocation shall be final.

Section 20. Amend. Section 9-04-04 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Development and Implementation of Salary Plan is hereby amended to read as follows:

9-04-04. Development and Implementation of Salary Plan.

1. The ~~personnel~~ human resources director shall prepare and submit annually for the approval of the civil service commission a salary plan applicable to all positions in the civil service. In establishing a salary plan consideration shall be given to wages prevailing in business and industry in this city and vicinity for comparable positions, the pay levels of other municipalities and public units in the area, and the city's ability to pay. The salary plan must be comprised of salary ranges showing minimum and maximum rates for each class of position.

2. Following approval of the salary plan by the civil service commission, the ~~personnel~~ human resources director shall submit the plan to the board of city commissioners for its approval.

3. Upon approval by the board of city commissioners, the plan shall constitute the official salary plan for the civil service of the city, and no base salary in excess of the maximum rate or less than the minimum rate established for a class or position may be paid to any employee holding a position in that class.

Section 21. Amend. Section 9-04-05 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Certification of Payrolls is hereby amended to read as follows:

9-04-05. Certification of Payrolls. The ~~personnel~~ human resources director shall audit the payment of salaries of persons in the civil service for compliance with the salary plan. The ~~personnel~~ human resources director shall require a certificate on all payrolls from the department ~~heads~~directors that persons named therein have complied with the regulations governing uniform hours of work, holidays and leaves of absence.

Section 22. Amend. Section 9-05-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Holidays is hereby amended to read as follows:

9-05-01. Holidays.

* * * * *

2. Regular full-time employees whose duties require them to work a regular shift on a holiday must be given an additional eight hours of vacation leave at the discretion of the department ~~head~~director.

* * * * *

(Ord. 4367, 04-23-91; Ord. 4493, 04-13-93; Ord. 4707, 07-25-95

Section 23. Amend. Section 9-05-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Sick Leave is hereby amended to read as follows:

9-05-03. Sick Leave. Sick leave shall accrue and be granted as follows:

* * * * *

4. An hour of sick leave shall be used for each hour of absence from employment. Sick leave is granted as a privilege and not as a right, and the claim for such leave is subject to such investigation as the department ~~head~~director deems necessary. If an employee takes sick leave for three or more consecutive calendar days or more than 24 consecutive hours of leave, the department ~~head~~director may request a doctor's certificate stating the cause of the incapacity before the employee may return to work.

* * * * *

(Ord. 4367, 04-23-91; Ord. 4453 and Ord. 4454, 07-21-92; Ord. 4487, 03-30-93; Ord. 4493, 04-13-93; Ord. 5491, 03-28-06; Ord. 5522, 07-27-06; Ord. 5631, 09-11-07; Ord. 5776, 06-22-10; Ord. 5884, 05-22-12; Ord. 6401, 11-26-19)

Section 24. Amend. Section 9-05-04 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Injury Leave is hereby amended to read as follows:

9-05-04. Injury Leave.

1. Injury leave shall be available to any employee eligible for the City's leave program and who was injured on the job and is receiving Workers Compensation time-loss benefits.

2. Any employee injured on the job and receiving Workers Compensation time-loss benefits will be placed on injury leave until such time a determination is made as to when and if he/she can return to work. While on injury

leave, the employee will use sick leave in an amount that when combined with the Workers Compensation time-loss benefits, will bring the employee to regular salary. All normal benefits (pension, leave, health insurance) will continue to accrue.

~~3. The injured employee on injury leave will have his or her status reviewed on an at least monthly basis by the City Health Officer or his designee and will submit to examinations as requested by the City Health Officer or designee. The City Health Officer may promulgate a policy concerning the review of these cases.~~

43. As opportunities become available, an injured employee may be asked to return to work in a temporary position, doing work that has been cleared by ~~the City Health Officer~~ an appropriate medical provider in writing.

(Ord. 4454, 07-21-92; Ord. 4465, 08-18-92; Ord. 4886, 02-10-98)

Section 25. Amend. Section 9-05-08 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Leave of Absence is hereby amended to read as follows:

9-05-08. Leave of Absence. Leave of absence may be granted as follows:

* * * * *

3. Leave of absence or leave without pay may be granted for educational purposes, but only if it is determined by the department ~~head~~director that such leave will be beneficial to the employee's department and that it will not interfere with the normal operation of the department.

* * * * *

(Ord. 4593, 03-29-94; Ord. 5884, 05-22-12)

Section 26. Amend. Section 9-06-02 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Causes for Suspension, Demotion or Dismissal is hereby amended to read as follows:

9-06-02. Causes for Suspension, Demotion or Dismissal. An employee may be subject to disciplinary action for conduct impairing their performance or that of the city government, including, but not limited to:

* * * * *

4. Being absent from work without permission or failure to report to the supervisor or department ~~head~~director when one is absent.

* * * * *

(Ord. 4187, 12-22-87; Ord. 4587, 03-15-94; Ord. 4971, 04-27-99; Ord. 5136, 10-09-01)

Section 27. Amend. Section 9-06-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Notice of Suspension, Demotion or Dismissal is hereby amended to read as follows:

9-06-03. Notice of Suspension, Demotion or Dismissal. For all employees covered under Section 9-01-02 of this code, a written notice of proposed suspension, demotion or dismissal, stating the reason for the action and when it is to be effective, must be given to the official or employee or mailed by registered or certified mail to the last known place of residence no later than 48 hours prior to the proposed action. A copy of the notice of suspension, demotion or dismissal must be immediately filed with the ~~personnel~~ human resources director. The notice shall state that the employee has a right to an informal hearing with the ~~personnel~~ human resources director, the appointing authority and the employee and/or employee's representative, and an opportunity to be heard at that hearing prior to termination upon request. Following the hearing, if requested, the proposed action may be affirmed, modified or withdrawn.

(Ord. 6543, 04-11-23)

Section 28. Amend. Section 9-06-04 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Appeal is hereby amended to read as follows:

9-06-04. Appeal.

1. Within five business days after the effective date of suspension, demotion or termination and receipt of written notice of suspension, demotion or termination, issued pursuant to section 9-06-03, or written response to a grievance made pursuant to section 9-06-06(1), any official or civil service employee affected may appeal in writing to the civil service commission for a hearing. The written notice or written response shall contain a statement advising the employee of the right to a hearing upon request made within five days.

2. The commission, upon receiving notice of appeal, shall set a date for a hearing, which may not be less than seven nor more than sixty days after the date of the filing of the notice of appeal, unless otherwise ordered by the commission. Notice of the time and place of the hearing must be served upon the appealing official or employee or his/her legal counsel and upon the authority imposing the suspension, demotion, termination, or other action complained of, personally or by certified mail or to legal counsel by regular mail or to the legal counsel's registered e-mail address for service listed with the North Dakota Board

of Law Examiners ~~with an affidavit of service~~ at least five business days before the date of the hearing.

3. The commission shall hear the appeal at the time set by it. The commission may hear the evidence and facts to be presented by the appealing official or employee and the authority imposing the suspension, demotion or dismissal, or other action complained of in any order it deems appropriate so long as all parties are given a full opportunity to be heard. The evidence of the parties may be through sworn testimony of witnesses or through exhibits introduced through sworn witnesses. After all parties have presented their evidence and have been given a full opportunity to be heard, the commission may call other persons or witnesses to ascertain the on which it deems proper.

4. After having completed the hearing and any investigation which it has chosen to undertake, the commission shall decide the appeal on its merits. The commission can fully uphold the discipline imposed upon the appealing official or employee. The commission can find that there was no just cause for the imposition of the discipline and it can reinstate the employee to the status held immediately prior to the discipline and restore to the employee any pay lost as a result. The commission can also find that it was proper to discipline the employee or official, but that the level of discipline imposed did not fit the offense committed. It may therefore impose upon the employee or official some lesser form of discipline. Or, the commission can issue its findings and an appropriate order with respect to an appeal of a grievance filed pursuant to section 9-06-06(1). In all cases the commission shall issue its written findings, conclusions and order within five days of the hearing. A hearing may be continued from time to time by the commission.

5. The commission shall also hear appeals under the procedures set forth above from any civil service employee or official aggrieved as a result of disciplinary action or from any employee or official who alleges discrimination due to race, color, creed, sex, age, marital status, national origin, or physical disability or other grievance relating to employment laws, rules, regulations or ordinances, or from any civil service employee regarding any other grievance relating to personnel matters.

6. A decision of the commission is final.

(Ord. 4173, 12-08-87; Ord. 5130, 08-28-01; 6543, 04-11-23)

Section 29. Amend. Section 9-06-05 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Compulsory Retirement is hereby amended to read as follows:

9-06-05. Compulsory Retirement. An appointing authority may dismiss or involuntarily retire a full-time employee who is physically or mentally unable to perform the duties of the employee's position. The appointing authority may direct any employee to submit to an examination of ~~a the city health officer and two other~~ physicians named by the ~~personnel~~ human resources director for the purpose of determining if the employee is physically or mentally unable to perform the duties of the employee's position. Refusal to be examined shall be deemed grounds for suspension, demotion or dismissal. Upon the report of the physician that the employee is physically or mentally unable to perform his or her duties, the employee may obtain and provide a report from a different licensed physician within ten business days of the first physician's report at the employee's expense. If the two reports do not concur regarding whether the employee is physically or mentally unable to perform his or her duties, the city health officer or their designee shall examine the employee, which conclusion shall be binding. ~~concurring report of at least two physicians that~~ If the employee is found to be physically or mentally unable to perform his or her duties, the employee may dismissed or involuntarily retired. The employee may appeal the action pursuant to section 9-06-04.

(Ord. 4114, Sec. 1, 12-02-86)

Section 30. Amend. Section 9-06-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Grievance Procedure is hereby amended to read as follows:

9-06-06. Grievance Procedure.

1. An employee who is adversely affected by an action or decision of another employee, other than suspension, demotion or termination that may be in violation of any federal, state or city law, statute, regulation, ordinance or written policy may file a grievance utilizing the following procedures:

a. The employee shall first discuss the grievance with the immediate supervisor or department ~~head~~director, unless the grievance involves unlawful acts or conduct by the supervisor or the department ~~head~~director. If the grievance involves unlawful acts or conduct on the part of the immediate supervisor or department ~~head~~director, the employee shall discuss the grievance with the department ~~head~~director or file a written grievance with the human resources director, respectively.

b. If the grievance is not resolved by informal discussion or agreement, the employee may file a written grievance, setting out in detail the action or decision complained of and the specific law statute, regulation, ordinance or written policy which has been violated, with the human resources director. The human resources director shall immediately provide a copy of the written grievance to the city commissioner assigned the portfolio for the department in which the employee is employed, and the department ~~head~~director. The commissioner, department ~~head~~director, human resources director and the employee and/or the employee's representative, shall meet and attempt to resolve the grievance within ten business days of the filing of the grievance. On or before the fifth business day following the date of the meeting, the human resources director shall issue a written reply to the grievance and provide copies to all of the parties involved in the matter. The written reply shall set forth any agreement that was reached between the parties, or the response of the department ~~head~~director and/or city commissioner to the grievance.

* * * * *

2. An employee of the city or any other person who has knowledge of suspected violations of laws, ordinances, city policies or department rules and regulations, sexual harassment, or other misconduct or impropriety by any city employee or department ~~head~~director may file a complaint. A complaint may not be filed regarding a matter of prosecutorial discretion or regarding a case in Municipal Court. A complaint may be filed utilizing the following procedures:

a. The employee or other person shall file a written report setting out in detail the nature of the violation with the human resources director and the department ~~head~~director with responsibility for the employee in question. If the allegations involve misconduct or impropriety on the part of a department ~~head~~director, the commissioner assigned the portfolio for that department shall be substituted for the department ~~head~~director.

The human resources director shall immediately provide a copy of the complaint to the commissioner assigned the portfolio for that department and the city attorney. The city attorney shall promptly review the complaint to determine if it should properly be referred to the state's attorney because it alleges violation of a criminal law or Chapter 34-11.1 of the North Dakota Century Code. Unless the complaint is referred to the state's attorney, within ten business days of the receipt

of the complaint, the human resources director shall meet with the department ~~head~~director or city commissioner and employee or other person to attempt to resolve the complaint. On or before the fifth business day following that meeting, the department ~~head~~director, or city commissioner if the complaint was against the department ~~head~~director, shall issue a written reply to the complaint, and provide copies to all of the involved parties. The written reply shall set forth the agreement or understanding made to resolve the complaint, if one was achieved, or proposed action, including referral to the board of city commissioners.

* * * * *

3. Any applicant for employment with the City of Bismarck who may be adversely affected by the decision of an employee of the City of Bismarck relating to alleged protected class discrimination, ADA violations, or other statutory or constitutional violations may file a grievance using the following procedures:

a. The applicant shall file a written report of the grievance with the human resources director. The human resources director shall immediately provide a copy of the report to the city commissioner assigned to the portfolio in which the applicant had applied for employment and to the department ~~head~~director of that department. Within 10 business days of receipt of the written grievance, the human resources director, city commissioner, department ~~head~~director and the applicant and/or the applicant's representative shall meet and attempt to resolve the grievance. Within five business days of the meeting, the human resources director shall issue a written reply to the grievance and provide copies to all involved parties. The reply shall set forth any agreement that was reached between the parties or the response of the department ~~head~~director and/or the city commissioner to the grievance.

* * * * *

(Ord. 4173, 12-08-87; Ord. 4477, 01-19-93; Ord. 5135, 10-09-01; 05-10-05)

Section 31. Amend. Section 9-06-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Grievance Procedure is hereby amended to read as follows:

9-07-02. Board of Trustees and Duties. The superintendent of the park district, and city librarian, and all other department ~~heads~~directors, with the exception of the chief of police, shall constitute the board of trustees for the management of the pension and retirement system and the fund created for the same. The city administrator shall be president and the city investment officer shall be an ex-officio member and act as treasurer of the board. The trustees shall not receive any compensation for their services as members of the board. The director of human resources shall act as clerk of the board and shall keep such records and accounts as the board may direct. The board shall have such powers and perform such duties as may be provided by law. Department ~~heads~~directors shall mean those persons classified as department ~~heads~~directors pursuant to the City Classification schedule.

(Ord. 5041, 04-11-00; Ord. 5153, 01-08-02)

Section 32. Amend. Section 9-07-12 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Notice of Change in Status is hereby amended to read as follows:

9-07-12. Notice of Change in Status. It shall be the duty of the clerk or the department ~~head~~director in the absence of the clerk to give immediate notice of the change in pension status of any employee of the city, other than employees of the police department and fire department, resulting from death or other cause, and he or she shall furnish such other information concerning any employee, other than policemen and firemen, as the board of trustees may require.

Section 33. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

Section 34. Effective Date. This ordinance shall take effect upon passage.



Human Resources Department

DATE: December 15, 2023

FROM: Leanne Schmidt, Human Resources Director

ITEM: Update on Ordinance 6567

REQUEST:

Receive additional information regarding personnel regulation changes.

Please place this item on the December 26, 2023, City Commission meeting agenda.

BACKGROUND INFORMATION:

The Bismarck Civil Service Commission met December 15, 2023, to review the proposed changes to Ordinance 6567. They agreed that the updates were appropriate in the proposed draft from the last City Commission meeting. At the direction of the Mayor, they were provided with several options for language for the Bismarck City Commission to retain hiring and termination for department directors. The motion of the Civil Service Commission was as follows:

The ordinance changes should either provide the City Administrator with full authority for hiring and termination and all usual and ordinary supervisory responsibilities in between or the 11 department directors should be removed from civil service and have employment contracts reporting directly to the Board of City Commission.

Currently there are 13 civil service protected directors, and 3 director level employees with contracts. North Dakota Century Code requires that the chiefs of police and fire are in the civil service system, if one is adopted by a City. The change would impact the following city departments: Community Development, Event Center, Finance, Engineering, Airport, Human Resources, Public Works-Utilities, Public Works-Services and Public Health. The Library Director and Central Dakota Communications Directors both have separate governing boards to which they report. If the wish is to remove individuals currently in civil service protection out of it, there will need to be due process with that protected employee right. In addition, I recommend the City would need to communicate to the two independent boards as to whether

to remove the director designation, remove their employees from City employment or allow those two directors to have employment contracts instead.

I have attached the language drafted that would have tried to provide hiring and/or termination authority only with the City Commission while allowing the City Administrator to exercise all supervision.

Civil Service Chair Roger Krueger will attend the City Commission meeting to answer any questions the City Commission may have. All members of the Civil Service Commission expressed a willingness to provide their experience and advice regarding how the civil service programs work as well as their deep knowledge of human resources if it is helpful.

RECOMMENDED CITY COMMISSION ACTION:

Receive additional information regarding Ordinance 6567.

STAFF CONTACT INFORMATION:

Leanne Schmidt | HR Director | 701-355-1332 | lschmidt@bismarcknd.gov

Additional potential restraints on City Administrator:

Hiring options:

9-03-08. Competitive Examinations. The relative fitness of applicants for appointment to or promotion within the civil service must be determined by competitive examinations. Examinations may consist of written applications, written or oral tests, including oral interviews, or any combination thereof, and may include consideration and rating of any or all of the following qualification factors: Education, training, experience, general adaptability, special aptitudes, physical fitness as determined by physical tests and medical examination, knowledge, skill, personality, character and such other qualifications as may be deemed necessary by the clerk and the civil service commission for the satisfactory performance of the duties of the respective positions. The clerk shall see that competitive examinations are administered in a manner to give all applicants equal opportunity to demonstrate their fitness. For all department director examinations, the final oral interview must be with the Board of City Commissioners.

OR

For all department director examinations for non-appointed positions, the final oral interview must be with the portfolio holder for that department from the City Commission, the Mayor, the City Administrator, Human Resources and a member of the public who interacts with that department or has similar professional experience in that area. Any of the five appointees may designate an alternate if they are unable to participate in the interview.

OR

For all department director examinations, the City Commission must approve the process and manner of the examinations for hire.

Termination options:

9-03-21. ~~Performance Evaluation or Appraisal of Performance~~. It is the policy of the City of Bismarck to evaluate on a fair and equitable basis the performance of its employees. ~~Appraisals~~ Performance evaluations must be done in accord with policies and procedures promulgated by the board of city commissioners and without due regard to race, sex, age, national origin, religion, political affiliation or other non-merit factor.

The City of Bismarck will establish and carry out this policy by utilizing the ~~appraisal~~ evaluation system set forth in this section:

1. General purposes of the ~~appraisal~~ evaluation system:

* * * * *

- f. Provide supervisors with an opportunity to sense causes of and problems in job satisfaction and morale among employees individually or as a group.

Through proper use of this performance ~~appraisal~~ evaluation system, an increased and meaningful exchange of thoughts and ideas can occur between employees and supervisors.

2. The ~~appraiser~~ evaluator. Each employee covered by this system will be ~~appraised~~ evaluated by that person in the best position to do so. Normally, the ~~appraiser~~ evaluator will be the employee's immediate supervisor who has the responsibility for assigning, directing and reviewing the work of the employee. If, because of rotational assignments or other reasons, it is not clear to whom an employee reports, a decision will be made as to whom is best able to ~~appraise~~ evaluate the employee based on actual observation. An employee's peers may also be utilized in the ~~appraisal~~ evaluation process.

3. Who is ~~appraised~~ evaluated. All regular full time and regular part-time employees will be ~~appraised~~ evaluated.

4. Probationary ~~appraisal~~ Performance Evaluations. ~~An appraisal~~ A performance evaluation of performance ~~will~~ should be made every three months prior to the conclusion of the probationary period. The ~~appraiser~~ evaluator will be geared to helping the new employee, and will allow sufficient time before the end of probationary period for the ~~appraiser~~ evaluator to note improvements in performance. A final ~~appraisal~~ evaluation at the end of the probationary period will be made to provide the basis for retention or termination of the employee, **except that the Board of City Commission shall determine termination for all department directors.**

AND/OR

9-06-03. Notice of Suspension, Demotion or Dismissal. For all employees covered under Section 9-01-02 of this code, a written notice of proposed suspension, demotion or dismissal, stating the reason for the action and when it is to be effective, must be given to the official or employee or mailed by registered or certified mail to the last known place of residence no later than 48 hours prior to the proposed action. A copy of the notice of suspension, demotion or dismissal must be immediately filed with the ~~personnel~~ human resources director. The notice shall state that the employee has a right to an informal hearing with the ~~personnel~~ human resources director, the appointing authority and the employee and/or employee's representative, and an opportunity to be heard at that hearing prior to termination upon request. **If this is a dismissal of department director, the informal hearing shall occur at an open meeting of the Board of City Commission.** Following the hearing, if requested, the proposed action may be affirmed, modified or withdrawn.



Legal Department

DATE: January 9, 2024

FROM: Jannelle Combs, City Attorney

ITEM: Public hearing on Ordinance 6568 to amend the city pension.

REQUEST:

Hold a public hearing on Ordinance 6568 to amend the City Employee Pensions.

BACKGROUND INFORMATION:

This item was introduced at the December 12, 2023, meeting with action to call for a public hearing on December 26, 2023. Due to publication constraints, the public hearing was not able to be advertised ten days prior to the public hearing; therefore, the public hearing was extended to the January 9, 2024, meeting. The City's pension plan has two different contribution and eligibility processes: one for city police officers and another for the remainder of the city employees. Typically, the plans will have a review every few years with expert pension counsel as the Internal Revenue Service changes its laws regularly. That review has been completed, and several changes need to be made. We also included a change to the levy. The state law was amended to eliminate the specific levy for pension plans and allow cities to levy taxes for their pension plans under the general levy. One change that is not yet in law that we must amend but will need to do so soon is the RMD age, which was increased to 72 under the SECURE Act and increased to 73 in 2023 and 75 in 2033 under SECURE 2.0. These are required changes that do not have to be formally adopted yet (however, the plan must operationally meet these requirements. However, please note there are additional RMD changes that apply to defined benefit plans that we did not include in this amendment. There are lots of questions about these additional RMD changes, so we recommend waiting to adopt an amendment for those changes until the IRS issues regulations. The IRS has extended the deadline to adopt these amendments generally until 12/31/2025; however, there is an even further delayed deadline for governmental plans, which is 90 days after the close of the third regular legislative session of the legislative body with authority to amend the plan that begins after December 31, 2023.

RECOMMENDED CITY COMMISSION ACTION:

Hold public hearing for Ordinance 6568, relating to city police employee pensions and consider for final action.

STAFF CONTACT INFORMATION:

Jannelle Combs, City Attorney, 701-355-1342, jcombs@bismarcknd.gov

ATTACHMENTS:

1. Ord 6568 Bismarck - Ordinance - City Pension Plan - IRC Required Amendments

**CITY OF BISMARCK
ORDINANCE NO. 6568**

<i>First Reading</i>	_____
Second Reading	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND CHAPTER 9-07 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE CITY EMPLOYEE PENSION PLAN

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amend. Section 9-07-05 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Military Service is hereby amended to read as follows:

9-07-05. Military Service. Any employee of the city subject to the provisions of this chapter who has resigned or who resigns to serve in the Army, Navy, Air Force or Marine Corps, or Reserves of the United States, or who has been selected for training under the Selective Service Provisions of the Laws of the United States and who has returned with an honorable discharge or other document showing honorable service, and who applies for reemployment with the city within 90 days of discharge, shall have the period of military service included as part of his or her period of service in the city, provided that credit allowed for military service shall not exceed a total of five years. Any employee who seeks credit for military service shall, upon return to the employment of the city, pay into the fund for each year of military service, five percent of the last full year's salary paid by the city, or five percent of annual military pay, whichever is less. Notwithstanding the foregoing, effective December 12, 1994, contributions, benefits and service credited with respect to qualified military service will be provided in accordance with Internal Revenue Code Section 414(u). In addition, the beneficiary of any participant, who dies on or after January 1, 2007, while performing qualified military service (as defined in Internal Revenue Code Section 414(u)), is entitled to any additional benefits (other than contributions relating to the period of qualified military service, but including vesting service credit for such period and any other survivor benefits) that would have been provided under the plan had the participant resumed employment on the day preceding the participant's death and then terminated employment on account of death.

(Ord. 5041, 04-11-00)

Section 2. Amend. Section 9-07-09 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Contribution of the City is hereby amended to read as follows:

9-07-09. Contribution of City. The board of city commissioners shall annually levy a tax as may be needed to maintain the pension fund in a sound actuarial condition, the proceeds of which shall be placed in the pension fund. The levy shall be included in the levy ~~in addition to any other levies~~ authorized by law for a general purpose; provided, however, that when there is a sufficient balance in the fund to meet any proper or legitimate charges that may be made against it, the city shall not be required to levy a tax for this purpose.
(Ord. 5153, 01-08-02)

Section 3. Amend. Subsection 7 of Section 9-07-15 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Pension Eligibility; Computations; Required Distributions, Distributions Upon Death is hereby amended to read as follows:

7. Distributions Upon Death.

(a) Death After Commencement of Benefits. If distribution of an employee's interest has begun in accordance with subsection 1, 2, or 3 of this section 9-07-15, and the employee dies before his or her entire interest has been distributed to him or her, then the remaining portion of such interest shall be distributed at least as rapidly as under the method of distribution being used as of the date of his or her death.

(b) Death Before Commencement of Benefits. If an employee dies before distribution of the employee's interest has begun, the entire interest of the employee shall be distributed no later than December 31 of the calendar year which contains the fifth anniversary of the date of the employee's death. This five-year distribution rule shall not apply if (1) any portion of the employee's interest (or of the deceased spouse of such employee, as provided below) is payable to or for the benefit of a designated beneficiary, as determined pursuant to Proposed Treasury regulations § 1.401(a) (9)-1 (or any successor regulation); (2) this portion will be distributed over the life of such designated beneficiary (or over a period not extending beyond the life expectancy of the designated beneficiary), and (3) the distributions commence no later than December 31 of the calendar year immediately following the calendar year in which the employee died. If the surviving spouse is the beneficiary and dies before payments are deemed to have begun, the five-year distribution rule and the exception to

it stated in this paragraph are to be applied as if the surviving spouse were the employee and the spouse's date of death shall be substituted for the employee's date of death.

This five-year distribution rule shall also not apply if: (1) the portion of the employee's interest to which the surviving spouse is entitled will be distributed over the life of the surviving spouse (or over a period not extending beyond the life expectancy of the surviving spouse, which may be recalculated not more frequently than annually); and (2) the distributions commence on or before the later of December 31 of the calendar year in which the employee would have attained ~~age 70 1/2~~ the "applicable RMD age" or December 31 of the calendar immediately following the calendar year in which the employee died.

(c) Designated Beneficiary. For purposes of this section, the term "designated beneficiary" means any individual designated as a beneficiary by the employee.

Section 4. Amend. Subsection 8 of Section 9-07-15 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Pension Eligibility; Computations; Required Distributions, Required Distributions is hereby amended to read as follows:

8. Required Distributions. Notwithstanding any provision of the plan to the contrary, the following provisions shall control:

(a) General Rule. The entire interest of each employee shall be distributed to such employee not later than the required beginning date (as defined below), or will be distributed, beginning not later than the required beginning date, in accordance with regulations, over the life of such employee or over the lives of such employee and a designated beneficiary (or over a period not extending beyond the life expectancy of such employee or the life expectancy of such employee and a designated beneficiary).

(b) Required Beginning Date. For purposes of this section, the term "required beginning date" means April 1st of the calendar year following the later of (i) the calendar year in which the employee attains ~~age 70 1/2~~ the "applicable RMD age"; or (ii) the calendar year in which the employee retires.

For purposes of this section 9-07-15, "applicable RMD age" means age 70 1/2 for a participant born on or before June 30, 1949; age 72 for a participant born after June 30, 1949 and before January 1, 1951; age

73 for a participant born on or after January 1, 1951 and before January 1, 1960; or age 75 for a participant born on or after January 1, 1960.

(c) Designated Beneficiary. For purposes of this section, the term "designated beneficiary" means any individual designated as a beneficiary by the employee.

(d) Continued Service Beyond Age 62. An employee may at his or her request be continued in employment beyond age 62. In such event, no retirement benefit will be paid to such employee until he or she actually retires, subject, however, to any required minimum distributions pursuant to this section 9-07-15. Such an employee shall continue to accrue credit for years of service after attainment of age 62, and changes in average basic monthly compensation shall also be taken into account.

~~(e) All required minimum distributions required under this section 9-07-15 shall be determined and made in accordance with a reasonable good faith interpretation of Internal Revenue Code Section 401(a)(9) and any regulations promulgated thereunder. With respect to distributions under the city employee pension plan made for calendar years beginning on or after January 1, 2001, the plan will apply the minimum distribution requirements of section 401(a)(9) of the Internal Revenue Code in accordance with the regulations under section 401(a)(9) that were proposed on January 17, 2001, notwithstanding any provision of the plan to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under section 401(a)(9) or such other date as may be specified in guidance published by the Internal Revenue Service.~~

Section 5. Amend. Subsection 2 of Section 9-07-20 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Direct Rollovers is hereby amended to read as follows:

2. Definitions.

A "direct rollover" is an eligible rollover distribution that is paid directly to an eligible retirement plan for the benefit of the distributee.

"Distributee" means the employee or the surviving spouse of an employee.

An “eligible retirement plan” is an individual retirement account described in Internal Revenue Code Section 408(a), a Roth individual account or annuity described in Internal Revenue Code Section 408A, an individual retirement annuity (other than an endowment contract) described in Internal Revenue Code Section 408(b), a qualified defined contribution or defined benefit retirement plan that accepts rollover distributions, or an annuity plan described in Internal Revenue Code Section 403(a) that accepts rollover distributions. Notwithstanding the foregoing, if the distributee is the employee’s surviving spouse, “eligible retirement plan” shall mean either an individual retirement account or an individual retirement annuity (other than an endowment contract).

For the purposes of the direct rollover provisions in this Section 9-07-20, for distributions made after December 31, 2001, an eligible retirement plan shall also mean an annuity contract described in Internal Revenue Code Section 403(b) and an eligible plan under Internal Revenue Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Internal Revenue Code Section 414(p).

“Eligible rollover distribution” means any distribution of all or any portion of the balance to the credit of an employee in a qualified plan, provided, however, that an eligible rollover distribution does not include:

(a) any distribution that is one of a series of substantially equal periodic payments, not less frequently than annually, for the life or life expectancy of the distributee, or for the joint lives or life expectancies of the distributee and his or her spouse or designated beneficiary, or for a specified period of 10 years or more;

(b) any distribution to the extent such distribution is required under Internal Revenue Code Section 401(a)(9), relating to minimum distribution requirements; or

(c) the portion of any distribution that is not includible in income.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect after final passage and adoption.



Legal Department

DATE: January 9, 2024

FROM: Jannelle Combs, City Attorney

ITEM: Public hearing on Ordinance 6569 to amend the city police pension.

REQUEST:

Hold a public hearing on Ordinance 6569 to amend the City Employee Pensions.

BACKGROUND INFORMATION:

This item was introduced at the December 12, 2023, meeting with action to call for a public hearing on December 26, 2023. Due to publication constraints, the public hearing was not able to be advertised ten days prior to the public hearing, therefore, the public hearing was extended to the January 9, 2024, meeting.

The City's pension plan has two different contribution and eligibility processes: one for city police officers and another for the remainder of the city employees. Typically, the plans will have a review every few years with expert pension counsel as the Internal Revenue Service changes its laws regularly. That review has been completed, and several changes need to be made. We also included a change to the levy. The state law was amended to eliminate the specific levy for pension plans and allow cities to levy taxes for their pension plans under the general levy.

One change that is not yet in law that we must amend but will need to do so soon is the RMD age, which was increased to 72 under the SECURE Act and increased to 73 in 2023 and 75 in 2033 under SECURE 2.0. These are required changes that do not have to be formally adopted yet (however, the plan must operationally meet these requirements. However, please note there are additional RMD changes that apply to defined benefit plans that we did not include in this amendment. There are lots of questions about these additional RMD changes, so we recommend waiting to adopt an amendment for those changes until the IRS issues regulations. The IRS has extended the deadline to adopt these amendments generally until 12/31/2025; however, there is an even further delayed deadline for governmental plans, which is 90 days after the close of the third regular legislative session of the legislative body with authority to amend the plan that begins after December 31, 2023.

RECOMMENDED CITY COMMISSION ACTION:

Hold the public hearing for Ordinance 6569, relating to city employee police pension, and consider for final action.

STAFF CONTACT INFORMATION:

Janelle Combs, City Attorney, 701-355-1342, jcombs@bismarcknd.gov

ATTACHMENTS:

1. Ord. 6569 Bismarck - Ordinance - Police Pension Plan - IRC Required Amendments

**CITY OF BISMARCK
ORDINANCE NO. 6569**

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND CHAPTER 9-08 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE POLICE PENSION PLAN

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amend. Section 9-08-05 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Military Service is hereby amended to read as follows:

9-08-05. Military Service. Military Service. Any member of the police department of the city subject to the provisions of this chapter who has resigned or who shall resign to service in the Army, Navy, Air Force or Marine Corps, or Reserves of the United States, or who shall have been selected for training under the Selective Service Provisions of the Laws of the United States and who has returned with an honorable discharge, or other document showing honorable service, and who applies for reemployment with the city within 90 days of discharge, shall have a period of military service included as part of his or her period of service in the city, provided that credit allowed for military service shall not exceed a total of five years. Any employee who seeks credit for military service shall, upon return to the employment of the city, pay into the fund for each year of military service nine and four tenths percent (9.4%) of the last full year's salary paid by the city, or annual military pay, whichever is the lesser amount. Notwithstanding the foregoing, effective December 12, 1994, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Internal Revenue Code Section 414(u). In addition, the beneficiary of any participant, who dies on or after January 1, 2007, while performing qualified military service (as defined in Internal Revenue Code Section 414(u)), is entitled to any additional benefits (other than contributions relating to the period of qualified military service, but including vesting service credit for such period and any other survivor benefits) that would have been provided under the plan had the participant resumed employment on the day preceding the participant's death and then terminated employment on account of death.

(Ord. 5042, 04-11-00; Ord. 5402, 04-12-05)

Section 2. Amend. Section 9-08-09 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Contribution of the City is hereby amended to read as follows:

9-08-09. Contribution of City. The board of city commissioners shall annually levy a tax as may be needed to maintain the pension fund in a sound actuarial condition, the proceeds of which shall be placed in the police pension fund. The levy shall be included in the levy ~~in addition to any other levies~~ authorized by law for a general purpose; provided, however, that when there is sufficient balance in the fund to meet any proper or legitimate charges that may be made against it, the city shall not be required to levy a tax for this purpose.

(Ord. 5151, 01-08-02)

Section 3. Amend. Subsection 7 of Section 9-08-15 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Pension Eligibility; Computations; Required Distributions, Distributions Upon Death is hereby amended to read as follows:

7. Distributions Upon Death.

(a) Death After Commencement of Benefits. If distribution of an employee's interest has begun in accordance with subsection 1, 2 or 3 of this section 9-08-15, and the employee dies before his entire interest has been distributed to him or her, then the remaining portion of such interest shall be distributed at least as rapidly as under the method of distribution being used as of the date of his or her death.

(b) Death Before Commencement of Benefits. If an employee dies before distribution of the employee's interest has begun, the entire interest of the employee shall be distributed no later than December 31 of the calendar year which contains the fifth anniversary of the date of the employee's death.

This five-year distribution rule shall not apply if: (1) any portion of the employee's interest (or of the deceased spouse of such employee, as provided below) is payable to or for the benefit of a designated beneficiary, as determined pursuant to Proposed Treasury Regulation § 1.401(a)(9)-1 (or any successor regulation); (2) this portion will be distributed over the life of the designated beneficiary (or over a period not extending beyond the life expectancy of the designated beneficiary); and (3) the distributions commence no later than December 31 of the calendar year immediately following the calendar year in which the employee died. If the surviving

spouse is the beneficiary and dies before payments are deemed to have begun, the five-year distribution rule and the exception to it stated in this paragraph are to be applied as if the surviving spouse were the employee and the spouse's date of death shall be substituted for the employee's date of death.

This five-year distribution rule shall also not apply if: (1) the portion of the employee's interest to which the surviving spouse is entitled will be distributed over the life of the surviving spouse (or over a period not extending beyond the life expectancy of the surviving spouse, which may be recalculated not more frequently than annually); and (2) the distributions commence on or before the later of December 31 of the calendar year in which the employee would have attained ~~age 70½~~ the "applicable RMD age" or December 31 of the calendar year immediately following the calendar year in which the employee died.

(c) Designated Beneficiary. For purposes of this section, the term "designated beneficiary" means any individual designated as a beneficiary by the employee.

Section 4. Amend. Subsection 8 of Section 9-08-15 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Pension Eligibility; Computations; Required Distributions, Required Distributions is hereby amended to read as follows:

8. Required Distributions. Notwithstanding any provision of the plan to the contrary, the following provisions shall control:

(a) General Rule. The entire interest of each employee shall be distributed to such employee not later than the required beginning date (as defined below), or will be distributed, beginning not later than the required beginning date, in accordance with regulations, over the life of such employee or over the lives of such employee and a designated beneficiary (or over a period not extending beyond the life expectancy of such employee or the life expectancy of such employee and a designated beneficiary).

(b) Required Beginning Date. For purposes of this section, the term "required beginning date" means April first of the calendar year following the later of (i) the calendar year in which the employee attains ~~age seventy and one-half~~ the "applicable RMD age" or (ii) the calendar year in which the employee retires.

For purposes of this section 9-08-15, "applicable RMD age" means age 70 1/2 for a participant born on or before June 30, 1949; age 72 for a participant born after June 30, 1949 and before January 1, 1951; age 73 for a participant born on or after January 1, 1951 and before January 1, 1960; or age 75 for a participant born on or after January 1, 1960.

~~Any participant who attains age 70½ on or prior to December 31, 2001, shall be entitled to commence distributions on the required beginning date set forth in the foregoing sentence or, if earlier, as of April 1 of the calendar year immediately following the calendar year in which the participant attains age 70½. Any participant who attained age 70½ prior to January 1, 2001, and who has not yet terminated employment with the City, may elect to stop distributions and recommence distributions by the April 1 of the calendar year following the year in which the participant retires. The recommencement of distributions shall not be considered a new annuity starting date for which spousal consent is required, except as spousal consent may be required under IRS Notice 97-75, 1997-2 C.B. 337.~~

(c) Designated Beneficiary. For purposes of this section, the term "designated beneficiary" means any individual designated as a beneficiary by the employee.

(d) Continued Service Beyond Age 55. An employee may at his or her own request be continued in employment beyond age 55. In such event no retirement benefit will be paid to such employee until he or she actually retires, subject, however, to any required minimum distributions pursuant to Section 9-08-15. Such an employee shall continue to accrue credit for years of service after attainment of age 55 and changes in average basic monthly compensation shall also be taken into account.

(e) All required minimum distributions required under this section 9-07-15 shall be determined and made in accordance with a reasonable good faith interpretation of Internal Revenue Code Section 401(a)(9) and any regulations promulgated thereunder. ~~With respect to distributions under the police pension plan made for calendar years beginning on or after January 1, 2001, the plan will apply the minimum distribution requirements of section 401(a)(9) of the Internal Revenue Code in accordance with the regulations under section 401(a)(9) that were proposed on January 17, 2001, notwithstanding any provision of the plan to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under section~~

~~401(a)(9) or such other date as may be specified in guidance published by the Internal Revenue Service.~~

Notwithstanding any other provision of this chapter to the contrary, effective July 1, 1974, any surviving spouse currently receiving less than one hundred dollars (\$100.00) per month shall commence to receive one hundred dollars per month.
(Ord. 4300, 10-17-89; Ord. 4997, 07-13-99; Ord. 5042, 04-11-00; Ord. 5151, 01-08-02; Ord. 5226, 01-07-03; Ord. 5366, 11-09-04; Ord. 5378, 12-28-04)

Section 5. Amend. Subsection 2 of Section 9-08-19 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Direct Rollovers is hereby amended to read as follows:

2. Definitions:

A “direct rollover” is an eligible rollover distribution that is paid directly to an eligible retirement plan for the benefit of the distributee.

“Distributee” means the employee or the surviving spouse of an employee.

An “eligible retirement plan” is an individual retirement account described in Internal Revenue Code Section 408(a), a Roth individual account or annuity described in Internal Revenue Code Section 408A, an individual retirement annuity (other than an endowment contract) described in Internal Revenue Code Section 408(b), a qualified defined contribution or defined benefit retirement plan that accepts rollover distributions, or an annuity plan described in Internal Revenue Code Section 403(a) that accepts rollover distributions. Notwithstanding the foregoing, if the distributee is the employee’s surviving spouse, “eligible retirement plan” shall mean either an individual retirement account or an individual retirement annuity (other than an endowment contract).

For the purposes of the direct rollover provisions in this Section 9-08-19, for distributions made after December 31, 2001, an eligible retirement plan shall also mean an annuity contract described in Internal Revenue Code Section 403(b) and an eligible plan under Internal Revenue Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or former spouse

who is the alternate payee under a qualified domestic relations order, as defined in Internal Revenue Code Section 414(p).

“Eligible rollover distribution” means any distribution of all or any portion of the balance to the credit of an employee in a qualified plan, provided, however, that an eligible rollover distribution does not include:

(a) any distribution that is one of a series of substantially equal periodic payments, not less frequently than annually, for the life or life expectancy of the distributee, or for the joint lives or life expectancies of the distributee and his or her spouse or designated beneficiary, or for a specified period of 10 years or more;

(b) any distribution to the extent such distribution is required under Internal Revenue Code Section 401(a)(9), relating to minimum distribution requirements; or

(c) the portion of any distribution that is not includible in income.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect after final passage and adoption.



Engineering Department

DATE: January 9, 2024

FROM: Gabe Schell, City Engineer

ITEM: South Bismarck Flood Control Project

REQUEST:

Consider approval of amendment 1 with Apex Engineering Group, Inc for design engineering services related to FEMA South Bismarck Flood Control Project.

BACKGROUND INFORMATION:

The City of Bismarck has been awarded \$50,000,000 in Hazardous Mitigation Assistance (HMA) funding from the Federal Emergency Management Agency (FEMA) to address flood mitigation in south Bismarck. Previous commission actions and updates occurred at the [March 14, 2023](#), [November 8, 2022](#), [November 9, 2021](#), and [May 25, 2021](#), meetings. While no official notification has been provided by FEMA, ND Department of Emergency Services (NDDDES) has assured me the engineering services phase is approved, cost incurred prior to FEMA notification are reimbursable at the specified cost share, and the final FEMA notification is only awaiting some FEMA procedural items to be completed. The FEMA funds are capped at \$50,000,000. A cost share of 60% for the non-federal costs has been requested from the ND Department of Water Resources (DWR). This project application is scheduled to be on the February 8, 2024, State Water Commission meeting agenda for discussion and approval.

The HMA grant is split into a phased approach. The first phase consists of all the engineering and design and will get the project ready for bid. The second phase consists of the construction project(s). Amendment 1 is within the first phase and will advance the project to a point at which a decision on the preferred alternative will be made. The primary deliverable for this amendment is an updated project concept report that details the alternatives that were further analyzed for consideration. The estimated construction cost of the project ranges from \$78,000,000 to \$116,000,000 depending on the alternative selected. The local costs the City of Bismarck may expect to incur are estimated from \$11,600,000 to \$26,400,000 depending on the alternative selected and assuming a typical state match from DWR. The City has applied for a two percent loan from the Clean Water State Revolving Fund (CWSRF) for financing all local costs. The funding source used to pay the principal and interest on the local match loan has not

been identified and will be determined in future budgets. Potential sources include special assessments, storm water utility, sales tax, general fund, other sources, or a combination of these.

I also request permission to engage with stakeholders on the potential impacts this project may cause. Stakeholders include but are not limited to Bismarck Parks and Recreation District, Dakota Zoo, and ND Department of Transportation. We are at a point in the project development where additional input from these and other stakeholders will help inform project decisions.

RECOMMENDED CITY COMMISSION ACTION:

Approve amendment 1 with Apex Engineering Group, Inc for design engineering services related to FEMA South Bismarck Flood Control Project.

Grant permission to engage with stakeholders on potential impacts this project may cause including but not limited to Bismarck Parks and Recreation District, Dakota Zoo, and ND Department of Transportation.

STAFF CONTACT INFORMATION:

Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:

1. Amendment 1

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated November 9, 2021.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1

The Effective Date of this Amendment is: January 9, 2024.

Background Data

Effective Date of Owner-Engineer Agreement: November 9, 2021

Owner: City of Bismarck, ND

Engineer: Apex Engineering Group, Inc.

Project: South Bismarck Flood Control Project

Nature of Amendment:

- Modifications to services of Engineer
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services

Description of Modifications:

See Attachment 1.

Agreement Summary:

Original agreement amount:	\$ <u>407,400</u>
Net change for prior amendments:	\$ <u>0</u>
This amendment amount:	\$ <u>1,100,874</u>
Adjusted Agreement amount:	\$ <u>1,508,274</u>

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.

OWNER: City of Bismarck

ENGINEER: Apex Engineering Group, Inc

By: _____
Print
name: Michael T Schmitz

Title: President, Board of City Commissioners

Date Signed: _____

By: Mike Berg
Print
name: Mike Berg

Title: Vice President

Date Signed: 12/22/23



Attachment 1

Engineer's Scope of Services – Amendment 1

South Bismarck Flood Control Project (SBFCP)

Summary of Tasks

City of Bismarck, North Dakota

December 13, 2023

Project Background

The Apex Engineering Group/Houston Engineering, Inc. Team (Project Team) has developed a *Project Concept Report* (PCR) on behalf of the City of Bismarck (City) for the South Bismarck Flood Control Project (SBFCP) (Project).

The SBFCP has been selected from a FEMA Flood Mitigation Assistance Grant. The grant application was submitted as a phased project with the first phase being the full development of the project planning and design. The FMA Grant application included a Project Concept Report (PCR) that identified the Airport Pond Alternative No. 7 as the preferred alternative. Following completion of this PCR, a potentially local preferred alternative was developed to a conceptual level referred to as the Bismarck Expressway North Alternative. This alternative was originally evaluated in the November 2022 *Summary of Alternative Evaluation* report as *Alternative No. 6 - Expressway Diversion/Pump Station, Reconstructed South Washington Street Closure Structure, and New South Washington Street 60 CFS Pump Station*. At that time, this alternative was eliminated from further consideration due to the costs exceeding the cost of the selected Alternative No. 7. Since that time, additional evaluation of Alternative No. 6 has identified additional benefits not originally captured thus requiring that Alternative No. 6 be re-evaluated in greater detail.

Additional feasibility planning tasks have been identified to further evaluate Alternatives No. 6 and 7 including interior drainage analysis, geotechnical analysis, alternative development, preliminary environmental assessment, project outlet investigation, project control and design guidelines, and updates to opinion of probable costs, economic analysis and updates to the PCR.

The preliminary list of services to begin upon amendment approval is listed below; City staff will authorize subsequent tasks. Summary of the task fees are as follows and the detailed Scope of Services for each task are attached.

Description of Service	Amount
1. Basic Services	
a. Task 1 - Project Management, Outreach, Coordination	\$227,430
b. Task 2 - Internal Drainage Analysis	\$161,724
c. Task 3 – Supplemental Summary of Alternatives Report	\$34,490
d. Task 4 - Geotechnical	\$80,452
e. Task 5 – Preliminary Environmental Assessment	\$64,466
f. Task 6 – Feasibility Level Project Outlet Investigation	\$158,329
g. Task 7 – Project Control and Design Guidelines	\$50,873
h. Task 8 – Opinion of Probable Cost Updates	\$137,208
i. Task 9 – Funding Assistance	\$141,106
j. Task 10 – PCR Supplemental Feasibility Report	\$44,796
TOTAL COMPENSATION	\$1,100,874

Preliminary list of services to begin upon amendment approval:

Task 1 – PM

Task 2 – Interior Drainage Analysis, Subtask 1 - Model Conversion

Task 4 – Geotech, Subtask 1 - Existing Data Collection

Task 6 – Feasibility Level Project Outlet Investigation, Subtask 1 -Existing Data Collection and Subtask 2 - Field Survey

Task 9 – Funding Assistance, Subtask 1 - Project Management and Administration



South Bismarck Flood Control Project (SBFCP) Task 1 - Project Management/Outreach/Coordination

Project Background

The Apex Engineering Group/Houston Engineering, Inc. Team (Project Team) have developed a *Project Concept Report* (PCR) on behalf of the City of Bismarck (City) for the South Bismarck Flood Control Project (SBFCP) (Project).

Following completion of this PCR, a potentially locally preferred alternative was developed to a conceptual level referred to as the Bismarck Expressway North Option. This alternative was originally evaluated in the November 2022 *Summary of Alternative Evaluation* report as *Alternative No. 6 - Expressway Diversion/Pump Station, Reconstructed South Washington Street Closure Structure, and New South Washington Street 60 CFS Pump Station*. At that time, this alternative was eliminated from further consideration due to the costs exceeding the cost of the Selected Alternative No. 7. Since that time, additional evaluation of Alternative No. 6 has identified additional benefits not originally captured thus requiring that Alternative No. 6 be re-evaluated in greater detail.

This Scope of Services task is intended to provide the project management, outreach, and coordination of a feasibility level analysis of the outlet from the Bismarck Expressway Alternative No. 6 to the Missouri River as well as additional updates to the previously studied Alternatives No 6 and .7.

Task 1 - Project Management/Outreach/Coordination

Objective:

This Task includes Project Management, Outreach, and various Coordination Tasks for the additional feasibility services for the SBFCP. The Apex project manager will be responsible for monitoring project milestones and ensuring that adequate progress is being made. Consultant team meetings and communication will be held as needed to coordinate with project staff and to discuss the work plan, coordination of work activities, and project submittals. The project schedule, scope, and budget will be tracked and the City will be notified of any potential changes. This task includes scoping of the next phase (assuming to be design phase) and the scoping completed for this phase since the announcement of the FMA Grant Award. The task includes Project Outreach with the City of Bismarck to various stakeholders including the Bismark Airport, Bismarck Parks and Recreation, NDDOT and the Southport Homeowners Association(s). The task includes progress reporting, management of technical staff through all phases of the project, including contract administration and coordination of quality assurance and quality control.

Subtasks:

1. Project Management/Outreach/Coordination
- 1.1 Project Administration
- 1.2 Progress Meetings with City of Bismarck
- 1.3 Project Team Coordination/Meetings
- 1.4 Project Outreach with City of Bismarck to various stakeholders
- 1.5 Scope and Fee Development
- 1.6 Quality Assurance/Quality Control

Task Deliverables:

- ✓ Meeting agendas and minutes
- ✓ Monthly invoices
- ✓ Scope and Fee Documents



South Bismarck Flood Control Project (SBFCP) Task 2 - Interior Drainage Analysis

Project Background

The Apex Engineering Group/Houston Engineering, Inc. Team (Project Team) has developed a *Project Concept Report* (PCR) on behalf of the City of Bismarck (City) for the South Bismarck Flood Control Project (SBFCP) (Project).

Following completion of this PCR, a potentially locally preferred alternative was developed to a conceptual level referred to as the Bismarck Expressway North Option. This alternative was originally evaluated in the November 2022 *Summary of Alternative Evaluation* report as *Alternative No. 6 - Expressway Diversion/Pump Station, Reconstructed South Washington Street Closure Structure, and New South Washington Street 60 CFS Pump Station*. At that time, this alternative was eliminated from further consideration due to the costs exceeding the cost of the Selected Alternative No. 7. Since that time, additional evaluation of Alternative No. 6 has identified additional benefits not originally captured thus requiring that Alternative No. 6 be re-evaluated in greater detail.

This Scope of Services is intended to provide the additional modeling required to fully develop Alternative No. 6 as well make any modeling adjustments to Alternative No. 7.

Task 2 - Interior Drainage Analysis

Objective:

This Task includes the hydrology and hydraulic modeling of the interior drainage system and how the interior drainage is managed under both a gate open condition and gate closed condition. The interior modeling completed to date for the original PCR was completed utilizing the existing South Bismarck Watershed InfoSWMM Model. FEMA does not recognize InfoSWMM as an approved drainage model; therefore it is proposed to convert the model to XP-SWMM, which is an approved FEMA model. All hydrology and hydraulic components of the InfoSWMM model would be assumed to convert directly to XP-SWMM with a sample validation of hydraulic features and output. The model conversion would include the quality assurance of entrance/exit losses. The model conversion would include cross checking the model to the original calibration event from 2015. The updated XP-SWMM storm water model will be used to evaluate alternatives and resulting hydraulic benefits.

The converted XP-SWMM model would be used to evaluate the interior drainage system for the Multiple Discrete Event modeling for both Alternative No. 6 Bismarck Expressway North Option and Alternative No. 7 (Airport Pond). The MDE analysis requires the statistical analysis of flood stages for the interior system based on actual rain events. The project Team has previously developed the coincident rain events to be used for the MDE Analysis. The Bismarck Expressway option would also allow for future storm sewer system improvements to be made to potentially reduce risk of Expressway Avenue localized flooding. Future storm sewer system improvements and potential benefits would be documented in a Technical Memorandum.

Additional interior drainage analysis includes modeling the larger pump station(s) options at S. Washington Street to determine if the pump station impacts the Tavis Road pump station and its' backwater storage area. Modeling of the new outfall concept near Bismarck Expressway will be required. Existing Missouri River backwater/storage areas will need to be accounted for in the outfall modeling.

Subtasks:

1. Model Conversion

- 1.1 Convert InfoSWMM to XP-SWMM
- 1.2 Review Calibration Event in XP-SWMM
- 1.3 Summarize model conversion in Technical Memorandum

2. Interior Drainage Modeling

- 2.1 Airport Pond Alternative Modeling
- 2.2 Bismarck Expressway North Option Modeling
- 2.3 Expressway Outfall modeling
- 2.4 Future project benefits with Technical Memorandum
- 2.5 Downstream impacts modeling (Tavis Road)
- 2.6 Inundation mapping

Task Deliverables:

- ✓ Model conversion Technical Memorandum
- ✓ Bismarck Expressway Interior Drainage Results
- ✓ Bismarck Expressway Future Projects Memo



South Bismarck Flood Control Project (SBFCP) Task 3 – Supplemental Summary of Alternatives

Project Background

The Apex Engineering Group/Houston Engineering, Inc. Team (Project Team) has developed a *Project Concept Report* (PCR) on behalf of the City of Bismarck (City) for the South Bismarck Flood Control Project (SBFCP) (Project).

Following completion of this PCR, a potentially locally preferred alternative was developed to a conceptual level referred to as the Bismarck Expressway North Option. This alternative was originally evaluated in the November 2022 *Summary of Alternative Evaluation* report as *Alternative No. 6 - Expressway Diversion/Pump Station, Reconstructed South Washington Street Closure Structure, and New South Washington Street 60 CFS Pump Station*. At that time, this alternative was eliminated from further consideration due to the costs exceeding the cost of the Selected Alternative No. 7. Since that time, additional evaluation of Alternative No. 6 has identified additional benefits not originally captured thus requiring that Alternative No. 6 be re-evaluated in greater detail.

The original project development included an extensive alternative evaluation. The alternative evaluation was focused on the hydraulic benefits of various alternatives to meet the goal of the project goal which is to mitigate the flood risk upstream of the South Washington Street Closure Structure. To summarize the alternative concepts developed, a *Summary of Alternatives Evaluation* report was developed. This task would provide updates to the *Summary of Alternatives Evaluation* report based on additional alternative and model development.

Task 3 – Supplemental Summary of Alternatives

Objective:

This Task includes the update to the Summary of Alternatives Evaluation report to include a more in-depth analysis and documentation of additional technical analysis of Alternatives No. 6 and 7. Maps will be updated with alternative features. Model results including the Multiple Discrete Event (MDE) for the internal drainage system will be documented along with the results of downstream stages. Outfall results will be included and inundation mapping from alternatives will be updated.

Subtasks:

1. Summary of Alternatives Evaluation
 - 1.1 Alternatives 6 and 7 Further Evaluation
 - 1.2 Updates to Maps
 - 1.3 Summary Report Updates

Task Deliverables:

- ✓ Updated Summary of Alternatives Evaluation Report



South Bismarck Flood Control Project (SBFCP) Task 4 - Geotechnical Reconnaissance Findings and Supplemental Groundwater Investigations

Project Background

The Apex Engineering Group/Houston Engineering, Inc. Team (Project Team) have developed a *Project Concept Report* (PCR) on behalf of the City of Bismarck (City) for the South Bismarck Flood Control Project (SBFCP) (Project).

Following completion of this PCR, a potentially locally preferred alternative was developed to a conceptual level referred to as the Bismarck Expressway North Option. This alternative was originally evaluated in the November 2022 *Summary of Alternative Evaluation* report as *Alternative No. 6 - Expressway Diversion/Pump Station, Reconstructed South Washington Street Closure Structure, and New South Washington Street 60 CFS Pump Station*. At that time, this alternative was eliminated from further consideration due to the costs exceeding the cost of the Selected Alternative No. 7. Since that time, additional evaluation of Alternative No. 6 has identified additional benefits not originally captured thus requiring that Alternative No. 6 be re-evaluated in greater detail.

As part of Alternative No. 6 (aka. Bismarck Expressway North Option), a new diversion pipe constructed of reinforced concrete box culvert would be installed along the north side of Bismarck Expressway from the Missouri River floodplain east to South 12th Street. This project is to mitigate flood effects from the Missouri River and to provide capacity for stormwater conveyance/diversion during storm events. In addition to the diversion pipe along Bismarck Expressway, this alternative would also include the following components.

- Reconstructed South Washington Street Closure Structure and New South Washington Street Pump Station
- Bismarck Expressway Detention Pond
- Bismarck Expressway Pump Station
- Associated Roadway Restorations, Municipal Utilities, and Franchise Utilities Modifications

This Task is intended to provide Geotechnical Reconnaissance Findings and Supplemental Groundwater Investigations of Alternatives 6 and 7. This evaluation is necessary to better understand the potential impacts that existing geotechnical and groundwater conditions might have on the proposed alternative feasibility and opinion of probable cost based on a feasibility level review of existing data.

Task 4 - Geotechnical Reconnaissance Findings and Supplemental Groundwater Investigations

Objective:

Services will include providing Geotechnical Reconnaissance Findings and Supplemental Groundwater Investigations of Alternatives 6 and 7. This investigation will build off the preliminary geotechnical and groundwater data included in the Section 4 of the Project Concept Report. This evaluation is necessary to better understand the potential impacts that existing geotechnical and groundwater conditions might have on the proposed alternative feasibility and opinion of probable cost based on a feasibility level review if existing data.

Subtasks:

1. Existing Data Collection and Project Management

- 1.1 Collect Existing Geotechnical Data available within the Project Areas (i.e. Reports, Record Drawings,...)
- 1.2 Collect Existing Previous Design Reports
- 1.3 Existing Groundwater Studies and Reports
- 1.4 Project/Task Management
- 1.5 Progress Meetings

2. On Site Field Reconnaissance

- 2.1 Site Visit and Alignment Review
- 2.2 Meeting with NDDWR to discuss previous Groundwater Studies and Monitoring Locations

3. Desktop Evaluation / Preliminary Cost Implications

- 3.1 Desktop Geotechnical Investigation
- 3.2 Desktop Groundwater Investigation

4. Geotechnical Reconnaissance Findings

- 3.1 Develop Report on Known Design Constraints
- 3.2 Preliminary Recommendation on Geotechnical Design Assumptions for Cost Estimating
- 3.3 Identify Data Collection Needs and Locations

5. Supplemental Groundwater Investigation

- 5.1 Develop Report on Known Design Constraints
- 5.2 Preliminary Recommendation on Geotechnical Design Assumptions for Cost Estimating
- 5.3 Identify Data Collection Needs and Locations

Task Deliverables:

- ✓ Geotechnical Reconnaissance Findings and Supplemental Groundwater Investigation Report



South Bismarck Flood Control Project (SBFCP) Task 5 - Preliminary Environmental Assessment

Project Background

The Apex Engineering Group/Houston Engineering, Inc. Team (Project Team) have developed a *Project Concept Report* (PCR) on behalf of the City of Bismarck (City) for the South Bismarck Flood Control Project (SBFCP) (Project).

Following completion of this PCR, a potentially locally preferred alternative was developed to a conceptual level referred to as the Bismarck Expressway North Option. This alternative was originally evaluated in the November 2022 *Summary of Alternative Evaluation* report as *Alternative No. 6 - Expressway Diversion/Pump Station, Reconstructed South Washington Street Closure Structure, and New South Washington Street 60 CFS Pump Station, (Bismarck Expressway North Option)*. At that time, this alternative was eliminated from further consideration due to the costs exceeding the cost of the Selected Alternative No. 7 - *Reconstruct South Washington Street Closure Structure, New South Washington Street Pump Station, South Bismarck Stormwater Channel Conveyance Improvements, and South Bismarck Detention Pond, (Airport Pond Option)*. Since that time, additional evaluation of Alternative No. 6 has identified additional benefits not originally captured thus requiring that Alternative No. 6 be re-evaluated in greater detail.

This Task is intended to provide a Preliminary Environmental Assessment for the SBFCP, including the evaluation of Alternatives 6 and 7. Information developed as part of this Scope of Services is intended to assist the City in selecting a preferred alternative. This information will also assist the design team in identifying environmental avoidance alignment alternatives, preparing cost estimates, and identifying future regulatory permit requirements. All information collected will ultimately be used in the Final Environmental Assessment required for the project under the National Environmental Policy Act (NEPA).

Task 5 - Preliminary Environmental Assessment SBFCP including Alternatives No. 6 (Bismarck Expressway North) and Alternatives No. 7 (Airport Pond Option)

Objective:

Services will include the preparation of a Preliminary Environmental Assessment document for review by the City and Federal Emergency Management Agency (FEMA). The Preliminary Environmental Assessment document will be prepared as outlined in FEMA guidance and will meet NEPA requirements and standards. The tasks under this Scope of Services are documented in additional detail below.

Subtasks:

1. Project Purpose and Need, Range of Alternatives, and Scoping

1.1 Consult with FEMA to Develop the Project Purpose and Need and the Range of Project Alternatives.

Receive Input from FEMA and Gain Concurrence.

- Develop and Characterize Project Alternatives
- Develop and Characterize Project Purpose and Need Statement
- FEMA Consultation
- Prepare the Notice of Intent and Publish

1.2 Send Scoping Letters Soliciting Agency Input on the Project and Alternatives.

- Consult with FEMA on the Scoping Process and List of Agency Contacts
- Send Scoping Letters, Receive and Address Project Comments

1.3 Prepare Project Alternatives Section of the EA Document

- Project Alternatives Analyzed and Dismissed
- Project Alternatives Carried Forward

2. Affected Environment and The Potential Impacts of the Alternatives Carried Forward

2.1 Prepare Descriptions of Each Affected Environment, Analyze the Impact of the Alternatives, Evaluate Potential Mitigation Measures for Negative Impacts. Note that all work under this task will be based on off-site (desktop) reviews of existing data. It is anticipated that this information would need to be updated for the Final EA after field work is completed in the future as part of Task 5 (as Part of a Future Scope).

- Geology and Soils
- Land Use and Planning
- Traffic Circulation, Volume and Parking Access
- Public Health and Safety
- Socioeconomic Issues
- Air Quality
- Noise
- Public Services and Utilities
- Water Resources and Water Quality
- Biological Resources
- Cultural Resources
- Hazardous Materials and Wastes
- Cumulative Impacts
- Coordination and Permits

3. Prepare the Summary Section of the Document

- 3.1 Prepare a Section Summarizing the Project Characteristics, Project Need and Project Alternatives
- 3.2 Prepare a Table Summarizing the Environmental Setting, and Assessment Categories and the Potential Impacts for Each Alternative Considered

4. Prepare an Agency Consultation Summary Section of the Document

- 4.1 Prepare a List of Agencies Consulted Throughout the Development of the EA, Including Contact Information for each Agency.
- 4.2 Assemble the Coordination Letters Sent to the Agencies and their Responses.
- 4.3 Assemble and Document Additional Agency Consultations Including Phone Conversations and Meeting Notes

5. Conduct Field Studies and Reports as Needed and to be Determined by Scoping and Agency Consultation (Part of Future Scope)

- 5.1 Phase 2 Cultural Resources (Part of Future Scope)
- 5.2 Biological Assessment (Part of Future Scope)
- 5.3 Wetland Delineation (Part of Future Scope)
- 5.4 Other Waters and Sovereign Lands Delineation (Part of Future Scope)
- 5.5 Water Quality Sampling and Analysis (Part of Future Scope)

6. Prepare Preliminary EA Document for Review and Public Notice

- 6.1 Submit the Preliminary EA for Review by the City of Bismarck, Address Comments
- 6.2 Submit the Preliminary EA for Review by FEMA, Address Comments (Part of Future Scope)
- 6.3 Prepare and Coordinate the Public Notice (Part of Future Scope)
- 6.4 Assemble Comments, Address Comments (Part of Future Scope)

7. Prepare and Notice the Final EA and FONSI (Part of Future Scope)

- 7.1 Prepare and Notice the Final EA Document (Part of Future Scope)
- 7.2 Prepare the FONSI Document (Part of Future Scope)
- 7.3 Coordinate with FEMA on Publishing the FONSI (Part of Future Scope)

Task Deliverables:

- ✓ Preliminary EA Document for Review and Public Notice



South Bismarck Flood Control Project (SBFCP)

Task 6 - Alternative No. 6 (Bismarck Expressway North) Feasibility Level Project Outlet Investigation

Project Background

The Apex Engineering Group/Houston Engineering, Inc. Team (Project Team) have developed a *Project Concept Report* (PCR) on behalf of the City of Bismarck (City) for the South Bismarck Flood Control Project (SBFCP) (Project).

Following completion of this PCR, a potentially locally preferred alternative was developed to a conceptual level referred to as the Bismarck Expressway North Option. This alternative was originally evaluated in the November 2022 *Summary of Alternative Evaluation* report as *Alternative No. 6 - Expressway Diversion/Pump Station, Reconstructed South Washington Street Closure Structure, and New South Washington Street 60 CFS Pump Station*. At that time, this alternative was eliminated from further consideration due to the costs exceeding the cost of the Selected Alternative No. 7. Since that time, additional evaluation of Alternative No. 6 has identified additional benefits not originally captured thus requiring that Alternative No. 6 be re-evaluated in greater detail.

As part of Alternative No. 6 (aka. Bismarck Expressway North Option), a new diversion pipe constructed of reinforced concrete box culvert would be installed along the north side of Bismarck Expressway from the Missouri River floodplain east to South 12th Street. This project is to mitigate flood effects from the Missouri River and to provide capacity for stormwater conveyance/diversion during storm events. In addition to the diversion pipe along Bismarck Expressway, this alternative would also include the following components.

- Reconstructed South Washington Street Closure Structure and New South Washington Street Pump Station
- Bismarck Expressway Detention Pond
- Bismarck Expressway Pump Station
- Associated Roadway Restorations, Municipal Utilities, and Franchise Utilities Modifications

This Task is intended to provide a feasibility level design of the outlet from the Bismarck Expressway Pump Station to the Missouri River. Earlier evaluations did not fully define the outlet route and design in this reach. This evaluation is necessary to better understand the alignment and potential impacts/costs that would likely result from construction of this outlet.

Task 6 - Alternative No. 6 (Bismarck Expressway North) Feasibility Level Project Outlet Investigation

Objective:

Services will include providing a feasibility level design of the outlet from the Bismarck Expressway Pump Station to the Missouri River. This investigation will build of the preliminary design that shown in the October 9, 2023 Preliminary Concept Plans for Bismarck Expressway North Option that was previously developed for cost estimating purposes. This phase will include the tasks listed below with the final product being a Feasibility Level Design Report summarizing the findings.

Subtasks:

1. Existing Data Collection and Project Management

- 1.1 Collect Existing Record Drawings in Project Area
 - Missouri River Bridge
 - West Bismarck Expressway
 - Southport/Bay Area
 - Channels between West Bismarck Expressway and Southport
 - Riverfront Trail System
- 1.2 Collect Existing Previous Design Reports
 - Channels between West Bismarck Expressway and Southport
 - Other if Available in Project Areas
- 1.3 Project/Task Management
- 1.4 Progress Meetings

2. Field Survey

- 2.1 Topographic Survey
 - Alignment between Bismarck Expressway Pump Station to the W Bismarck Expressway Crossing
 - Channel and Crossing between Missouri River and West Bismarck Expressway
 - Channel and Crossings between West Bismarck Expressway and Southport
 - Southport/Bay View Marina Inlet/Outlet.
- 2.2 Create a tree inventory/estimate tree density in forested areas using field investigation.
- 2.3 GIS Property Identification and Parcel Lines.

3. Hydraulic Design

- 3.1 Develop Project Design Flows (Q1.5, Q2, Q5, Q10, Q25, Q50, and Q100) – Diversion Pipe
- 3.2 Missouri River Elevations in Project Area for Q1.5-Q10 Flow Events
- 3.3 Develop Alternative Outlet Box Culvert Sizes between Bismarck Expressway Pump Station to the W Bismarck Expressway Crossing – Account for Bismarck Expressway Detention Pond Storage and Topographic/Cover Constraints
- 3.4 Develop W Bismarck Expressway Crossing Pipe Requirements (accounting for Storage North of W Bismarck Expressway)
- 3.5 Determine Hydraulic Impacts of Outlet in Southport/Bay View Area (External and Internal to Marina)
- 3.6 Develop Hydraulic Memorandum

4. Alternative Development

- 4.1 Development and Screening of up three (3) alternatives
- 4.2 Civil Considerations.
 - a. Conceptual Drainage Structure and Channel Alignments.
 - b. Municipal utilities.
 - c. Walkway modifications.
 - d. Recreation facilities.
 - e. Debris/trash impacts
- 4.3 Review Environmental Review Data (Developed under Separate Task)
- 4.4 Conceptual Drawings
- 4.5 Alternative Screening / Select Preferred Alternative
- 4.6 Develop Alternative Memorandum

Task 5. Preferred Plan Development

- 5.1 Coversheet
- 5.2 Overview Map
- 5.3 Topographic Survey
- 5.4 Right-of-Way / Real Estate
- 5.5 Environmental Sensitive Areas (Developed under Separate Tasks)
- 5.6 Demolition/Removal Plans
- 5.7 Channels and Crossings – Plan/Profile Sheets
- 5.8 Grading and Paving Plans (Roadways, trails,....)
- 5.9 Utility Relocation Plans (STS, SS, Water,...)
- 5.10 Permanent Erosion/Bank Protection
- 5.11 Typical Details and Sections

Task 6. Opinion of Probable Cost Development – Preferred Alternative Only

- 6.1 Quantity Estimates
- 6.2 Unit Price Development
- 6.3 Right-of-Way / Real Estate
- 6.4 Opinion of Probable Cost

Task 7. Feasibility Report

- 7.1 Preliminary Feasibility Level Design Report
 - Report will address Hydraulic, Civil, Environmental and Real Estate Considerations for the preferred Alternative
- 7.2 Recommendations
- 7.3 Presentation to City Staff
- 7.4 Incorporation of City Comments into Final Report

Task Deliverables:

- ✓ Preliminary Feasibility Level Design Report



South Bismarck Flood Control Project (SBFCP) Task 7 - Project Design and Control Guidelines

Project Background

The Apex Engineering Group/Houston Engineering, Inc. Team (Project Team) have developed a *Project Concept Report* (PCR) on behalf of the City of Bismarck (City) for the South Bismarck Flood Control Project (SBFCP) (Project).

Per the PCR, the Opinion of Probable Costs (in 2022 dollars) for this project is approximately \$78 million. The primary project components will generally consist of the following:

- Reconstructed South Washington Street Closure Structure and New South Washington Street Pump Station
- South Bismarck Stormwater Channel Conveyance Improvements
 - South Washington Street Conveyance Improvements
 - South 3rd Street Conveyance Improvements
 - East Wachter Avenue Conveyance Improvements
- South Bismarck Detention Pond
 - South 12th Street Interior Drainage Diversion
 - Tacoma Avenue Pond Outlet Improvements
- Associated Roadway Restorations, Municipal Utilities, and Franchise Utilities Modifications

Due to the size and multi-disciplinary nature of this project, the final project design will need to be consistent with regulation and requirements of numerous Federal, State, and local agencies. In addition, multiple design teams will be working in parallel to meet the necessary project funding timelines. As a result, early coordination and guidance will be essential to ensure efficiency on the design and review processes.

This Task is intended to develop project specific design guidelines to be utilized through the development of the SBFCP. The resultant document will present procedures, guidelines, format, and standards to be used in the design of the SBFCP. The development of these guidelines early in the process is intended to give the project sponsor, designers, and reviewers the opportunity to provide input to the general guidelines that will apply consistently throughout the project.

Task 7 - Project Design and Control Guidelines

Objective:

Services will include development of project specific design guidelines to be utilized through the development of the SBFCP. The resultant document will present procedures, guidelines, format, and standards to be used in the design of the SBFCP. The development of these guidelines early in the process is intended to give the project sponsor, designers, and reviewers the opportunity to provide input to the general guidelines that will apply consistently throughout the project.

The document will cover the following list of design disciplines:

- Geospatial Design
- Cad and Drafting
- Geotechnical Engineering and Geology Design
- Hydraulic-Hydrologic Design
- Civil-Site Design
- Levee Design
- Structural Design
- Utility Crossing Design
- Channel Bank Stabilization
- Vegetation and Clear-zone Management Design
- Mechanical
- Electrical
- Architectural/Landscaping Design
- Specifications
- Cost Engineering

This phase will include the tasks listed below with the final product being a Project Design and Control Guidelines document that will control the design of the project features.

Subtasks:

1. Project Management and Administration

- 1.1 Kickoff Meetings
- 1.2 Progress Meetings with Discipline Leads (3 assumed)
- 1.3 Project/Task Management

2. Document Development

- 2.1 Geospatial Design - This section of the project design guidelines will define the spatial reference system, spatial reference standards, survey control requirements, datums/benchmarks, topographic mapping requirements, and related geospatial coordination methods.
- 2.2 Cad and Drafting - This section of the project design guidelines will define the CAD format, standards, delivery media and methods, naming conventions, and ownership.
- 2.3 Geotechnical Engineering and Geology Design - This section will cover items such as soil exploration methods, naming conventions, data storage, analysis/evaluation methods/cases, required factors of safety, instrumentation, and reporting.
- 2.4 Hydraulic-Hydrologic Design - This section of the project design guidelines will define the basic design and analysis methodology that will be used for the project. This will include, but not be limited to,

- modeling formats, interior flood control design methods, pump selection, riverine modeling profiles, freeboard determinations, seepage assumptions, and reporting.
- 2.5 Civil-Site Design - This section of the project design guidelines will include, but not be limited to, demolition, utility relocation, traffic control, roadway design, public utility design, plan set requirements, measurement quantities, and common feature nomenclature.
 - 2.6 Levee Design - This section of the project design guidelines will define the basic design references, standards and analysis methodology that will be used for the project. This will include, but not be limited to, minimum geometry, inspection trenches, embankment materials, floodwall connections, pre-consolidation, and other considerations.
 - 2.7 Structural Design - This section of the project design guidelines will define the basic design references, standards and analysis methodology that will be used for the project. This will include, but not be limited to, performance objectives, materials, load considerations, and design standards for each of the various related structure.
 - 2.8 Utility Crossing Design - This section define methods for gravity, pressure, and utility (fiber-optic, electrical,...) lines over, through and under the flood protection. This will include standard drawings for crossings based on similar projects and guidance for closure valve location requirements.
 - 2.9 Channel Bank Stabilization - This section will provide guidance for design of bank protection including methodologies to be used for gradation, thickness and placement guidance.
 - 2.10 Vegetation and Clear-zone Management Design - This will include provide guidance for the vegetation and obstruction free zones to be incorporated to the project.
 - 2.11 Mechanical - This section will provide guidance for the identification and selection of gates, valves, piping, HVAC, hoists, and pumps.
 - 2.12 Electrical - This section will establish the Electrical Design requirements to be followed during the project. This section of the project design guidelines will define the basic design references, standards and analysis methodology that will be used for the project. This will include guidance and reference identification for backup power requirements, controls, SCADA, and loading determinations.
 - 2.13 Architectural/Landscaping Design - This section will establish the Architectural Design requirements to be followed during the future development of the project. This section of the project design guidelines will define the basic design references and standards to be used for the project. This will include guidance for floodwall coverages, pump station aesthetics, tree replacement ratio recommendations, and planting guidance.
 - 2.14 Specifications - This section will establish the Project Specifications requirements to be followed during the project. This section of the project design guidelines will define the references and standards to be used for the project. This will include specification format, division definition, bid item guidance and sample table of contents.
 - 2.15 Cost Engineering - This section will establish the Cost Engineering requirements to be followed during the project. This section of the project design guidelines will define the references and standards to be used for the project for cost engineering purposes.

Task Deliverables:

- ✓ Project Design and Control Guidelines Document



South Bismarck Flood Control Project (SBFCP) Task 8 - Supplemental Opinion of Probable Costs Investigation

Project Background

The Apex Engineering Group/Houston Engineering, Inc. Team (Project Team) have developed a *Project Concept Report* (PCR) on behalf of the City of Bismarck (City) for the South Bismarck Flood Control Project (SBFCP) (Project).

Following completion of this PCR, a potentially locally preferred alternative was developed to a conceptual level referred to as the Bismarck Expressway North Option. This alternative was originally evaluated in the November 2022 *Summary of Alternative Evaluation* report as *Alternative No. 6 - Expressway Diversion/Pump Station, Reconstructed South Washington Street Closure Structure, and New South Washington Street 60 CFS Pump Station*. At that time, this alternative was eliminated from further consideration due to the costs exceeding the cost of the Selected Alternative No. 7. Since that time, additional evaluation of Alternative No. 6 has identified additional benefits not originally captured thus requiring that Alternative No. 6 be re-evaluated in greater detail.

As part of Alternative No. 6 (aka. Bismarck Expressway North Option), a new diversion pipe constructed of reinforced concrete box culvert would be installed along the north side of Bismarck Expressway from the Missouri River floodplain east to South 12th Street. This project is to mitigate flood effects from the Missouri River and to provide capacity for stormwater conveyance/diversion during storm events. In addition to the diversion pipe along Bismarck Expressway, this alternative would also include the following components.

- Reconstructed South Washington Street Closure Structure and New South Washington Street Pump Station
- Bismarck Expressway Detention Pond
- Bismarck Expressway Pump Station
- Associated Roadway Restorations, Municipal Utilities, and Franchise Utilities Modifications

This Task is intended to provide Supplemental Opinion of Probable Costs data for Alternatives No. 6 and 7 based on additional evaluations completed under parallel Scopes of Work. This evaluation is necessary to better understand the expected costs of each alternative based Supplemental Feasibility Level investigations completed since the January 2023 Project Concept Report.

Task 8 - Supplemental Opinion of Probable Costs Investigation

Objective:

Services will include providing an improved feasibility level Opinion of Probable Cost for both Alternatives No. 6 and 7. This OPC will incorporate changes determined necessary to the prior designs based on additional evaluations completed under parallel Scopes of Work. This evaluation is necessary to better understand the expected costs of each alternative based Supplemental Feasibility Level investigations completed since the January 2023 Project Concept Report.

Subtasks:

1. Project Design Requirement Collection, Project Management and Conceptual Planning and Estimates

1.1 Collate Changes to the Project Designs Determined Necessary

- Interior Drainage Analysis
- Geotechnical
- Prelim Environmental Assessment
- Feasibility Level Project Outlet Investigation
- Project Control and Design Guidelines
- Related City of Bismarck Input
- Agency Coordination

1.2 Project/Task Management

1.3 Progress Meetings

1.4 Follow-up Conceptual Planning and Estimates for Alternative 6

2. Field Survey

2.1 Roadway Corridor Utilities

- 12th Street
- West Bismarck Expressway
- South Washington
- Misc Locations

2.2 Expressway and Airport Pond Areas

2.3 South Washington Closure Structure Area

3. Alternative Plan Updates – Alternative 6 and 7

3.1 Coversheet

3.2 Overview Map

3.3 Topographic Survey

3.4 Right-of-Way / Real Estate

3.5 Environmental Sensitive Areas (Developed under Separate Tasks)

3.6 Demolition/Removal Plans

3.7 Channels and Crossings – Plan/Profile Sheets

3.8 Grading and Paving Plans (Roadways, trails,....)

3.9 Utility Relocation Plans (STS, SS, Water,...)

3.10 Permanent Erosion/Bank Protection

3.11 Typical Details and Sections

4. Opinion of Probable Cost Development – Alternative 6 and 7

4.1 Quantity Estimates

- 4.2 Unit Price Development
- 4.3 Right-of-Way / Real Estate
- 4.4 Opinion of Probable Cost

5. Feasibility Report OPC

- 5.1 Preliminary Feasibility Level Design Report OPCs
- 5.2 Presentation to City Staff
- 5.3 Incorporation of City Comments into Final Report

Task Deliverables:

- ✓ Final Feasibility Level Design Report OPCs



South Bismarck Flood Control Project (SBFCP) Task 9 - Funding Assistance

Project Background

The Apex Engineering Group/Houston Engineering, Inc. Team (Project Team) has developed a *Project Concept Report* (PCR) on behalf of the City of Bismarck (City) for the South Bismarck Flood Control Project (SBFCP) (Project).

In parallel with the PCR work, the Project Team performed depth-damage assessments and assessed benefit cost ratios based on the selected alternative (No. 7) in the PCR. The Project Team used these assessments as the basis for FEMA grant applications. Grant applications were submitted for the Building Resilient Infrastructure and Communities (BRIC) and the Flood Mitigation Assistance (FMA) grant programs.

On August 28th, 2023, FEMA announced that the South Bismarck Flood Control Project was competitively selected for FMA grant funding and \$50,000,000 was allocated for the project. This selection made the project financially viable for the City and led to further discussions between the City and Project Team about viable project alternatives and additional funding sources. It was determined that a depth-damage assessment and benefit-cost analysis should be performed for Alternative No. 6 (aka. Bismarck Expressway North Option). It was also determined that the City should apply for North Dakota Department of Water Resources cost share and that additional funding opportunities should be investigated.

Task 9 - Funding Assistance

Objective:

The objective of this task is to provide funding assistance to the City in support of furthering the South Bismarck Flood Control Project. The Project Team will perform a Benefit-Cost Analysis (BCA) for Alternative 6 (Expressway Option). This BCA will be used in support of the FEMA Flood Mitigation Assistance (FMA) grant and North Dakota Department of Water Resources (NDDWR) cost share funding. Coordination with FEMA and the North Dakota Department of Emergency Services (NDDDES) will occur in support of the FEMA FMA grant. Coordination with other funding sources will take place in support of additional funding.

The Project Team will also provide funding assistance support to the City to develop a funding package that will assist with the design and project construction phases. The funding pursuit phase includes the production of funding application documents, supporting technical documentation, narratives of assumptions, and other information that may become necessary for funding pursuits. Funding assistance also includes responding to FEMA Region 8 technical questions, award phase questions from other agencies, and management of award documentation.

The following tasks are included:

Subtasks:

1. Project Management and Administration

- 1.1 Kickoff Meetings
- 1.2 Progress Meetings with Discipline Leads (3 assumed)
- 1.3 Project/Task Management

2. Benefit Cost Analysis (BCA) Update for the Expressway Option

- 2.1 Depth Damage Analysis
- 2.2 Assessment of Additional Impacts – loss of services, relocation costs, disruption, etc.
- 2.3 Present Value Damage Estimates
- 2.4 Benefit-Cost Analysis documentation

3. North Dakota Department of Water Resources (NDDWR) Funding

- 3.1. Cost share application
- 3.2. Assessment of using the same the Benefit-Cost Analysis documentation for both the FEMA FMA grant and the NDDWR cost-share funding in lieu of performing a separate BCA for NDDWR.

4. Other Agency and Funding Consultations

- 4.1. FEMA FMA Grant coordination, RFIs
- 4.2. Assist with Alternative Funding

Task Deliverables:

- ✓ Updated BCA Analysis



South Bismarck Flood Control Project (SBFCP) Task 10 - Project Concept Report (PCR) Supplemental Feasibility Report

Project Background

The Apex Engineering Group/Houston Engineering, Inc. Team (Project Team) have developed a *Project Concept Report* (PCR) on behalf of the City of Bismarck (City) for the South Bismarck Flood Control Project (SBFCP) (Project).

The purpose of the (PCR) was intended to summarize the current preliminary Project design efforts for the SBFCP. The PCR provided preliminary design detail, plans, and supporting data for the SBFCP features and major components. Since the design of the SBFCP was only in the early phases of the project design (approximately 10%), the PCR only contained preliminary available data on the various design disciplines. It was anticipated that additional detail from the various design disciplines would be added to the report as the project moved from preliminary to more detailed design in the future.

Following completion of the PCR, another potential locally preferred alternative was developed to a conceptual level referred to as the Bismarck Expressway North Option. This alternative was originally evaluated in the November 2022 *Summary of Alternative Evaluation* report as *Alternative No. 6 - Expressway Diversion/Pump Station, Reconstructed South Washington Street Closure Structure, and New South Washington Street 60 CFS Pump Station*. At that time, this alternative was eliminated from further consideration due to the costs exceeding the cost of the Selected Alternative No. 7. Since that time, additional evaluation of Alternative No. 6 has identified additional benefits not originally captured thus requiring that Alternative No. 6 be re-evaluated in greater detail.

To assist the city in selection of the most cost-effective and efficient solution to meet the original purpose and need, a series of Supplemental Tasks were completed following the PCR. This Scope of Services is intended to develop a Supplemental Feasibility Report. This Supplemental Feasibility Report will document the findings of these additional evaluations and establish the basis for selection of final project alignments that will proceed to detailed design.

Task 10 - Project Concept Report (PCR) Supplemental Feasibility Report

Objective:

This Task is intended to develop a Supplemental Feasibility Report. This Supplemental Feasibility Report will document the findings of these additional evaluations and establish the basis for selection of final project alignments that will proceed to detailed design.

The Supplemental Feasibility Report will incorporate the findings of the following additional evaluations:

- Preliminary Environmental Assessment / Regulatory Requirements
- Geotechnical Reconnaissance and Findings
- Supplemental Groundwater Investigations
- Topographic Survey Validations
- Supplemental Hydraulic Analysis / Downstream Impact Assessments
- Recreational Facility Considerations
- Feasibility Level Project Outlet Investigation
- Supplemental Economic Evaluations
- Additional Agency Coordination / Consultations
- Project Design and Control Guidelines

The Supplemental Feasibility Report will be intended to replace the Project Concept Report and establish the basis for selection of final project alignments that will proceed to detailed design. As a result, the report will be developed to have the same sections as the original Project Concept Report with the additional data as indicated below.

Subtasks:

1. Executive Summary/Introduction

- 1.1 Update to reflect final selected alternative (assumed to be Bismarck Expressway North Option for Scoping Purposes)
- 1.2 Map/Figure Updates

2. River Hydrology and Hydraulic Analysis

- 2.1 No Updates Anticipated

3. Interior Drainage Analysis

- 3.1 Update to reflect final selected alternative (assumed to be Bismarck Expressway North Option for Scoping Purposes)
- 3.2 Map/Figure Updates
- 3.3 Incorporate Supplemental Hydraulic Analysis / Downstream Impact Assessments

4. Geotechnical

- 4.1 Update to reflect final selected alternative (assumed to be Bismarck Expressway North Option for Scoping Purposes)
- 4.2 Map/Figure Updates
- 4.3 Incorporate Geotechnical Reconnaissance and Findings
- 4.4 Incorporate Supplemental Groundwater Investigations

5. Environmental Evaluations

- 5.1 Update to reflect final selected alternative (assumed to be Bismarck Expressway North Option for Scoping Purposes)
- 5.2 Incorporate Preliminary Environmental Assessment / Regulatory Requirements
- 5.3 Incorporate Additional Agency Coordination / Consultations
- 5.4 Incorporate Recreational Facility Considerations

6. Civil Design

- 6.1 Update to reflect final selected alternative (assumed to be Bismarck Expressway North Option for Scoping Purposes)
- 6.2 Map/Figure Updates
- 6.3 Incorporate

7. Structural Design

- 7.1 Update to reflect final selected alternative (assumed to be Bismarck Expressway North Option for Scoping Purposes)

8. Mechanical Design

- 8.1 Update to reflect final selected alternative (assumed to be Bismarck Expressway North Option for Scoping Purposes)

9. Electrical Design

- 9.1 Update to reflect final selected alternative (assumed to be Bismarck Expressway North Option for Scoping Purposes)

10. Architectural and Landscape Architectural Design

- 10.1 Update to reflect final selected alternative (assumed to be Bismarck Expressway North Option for Scoping Purposes)

11. Permitting and Regulatory

- 11.1 Incorporate Preliminary Environmental Assessment / Regulatory Requirements

12. Real Estate

- 12.1 Update to reflect final selected alternative (assumed to be Bismarck Expressway North Option for Scoping Purposes)

13. Economics

- 13.1 Update to reflect final selected alternative (assumed to be Bismarck Expressway North Option for Scoping Purposes)
- 13.2 Incorporate Updated OPC
- 13.3 Incorporate Supplemental Economic Evaluations

14. Drawings and Technical Specifications

- 14.1 Incorporate Project Design and Control Guidelines Document and reference purpose.

15. Operation and Maintenance Manual

- 15.1 No Updates Anticipated

16. References

16.1 Update as appropriate

17. Appendix A – Existing South Washington Closure Structure Record Drawings

17.1 Update A2 with Survey Elevations

18. Appendix B – Summary of Alternatives

18.1 Update Alternatives Memo based on additional evaluations.

19. Appendix C – River Hydraulics and Hydraulic Analysis

19.1 No Updates Anticipated

20. Appendix D – Interior Drainage

20.1 Update D3 – Residual Floodplain Mapping

20.2 Incorporate Supplemental Hydraulic Analysis / Downstream Impact Assessments

21. Appendix E – Geotechnical Analysis

21.1 Incorporate Supplemental Incorporate Geotechnical Reconnaissance and Findings

21.2 Incorporate Supplemental Groundwater Investigations

22. Appendix F – Environmental Studies

22.1 Incorporate Preliminary Environmental Assessment / Regulatory Requirements

22.2 Incorporate Additional Agency Coordination / Consultations

22.3 Incorporate Recreational Facility Considerations

23. Appendix G – Economics

23.1 Incorporate Updated OPC Summary and Detailed OPC

23.2 Incorporate Supplemental Economic Evaluations

24. Appendix H – Preliminary Concept Plan

24.1 Incorporate Project Concept Plans – With Feasibility Level Project Outlet Investigation

Task Deliverables:

✓ Project Concept Report (PCR) Supplemental Feasibility Report



Administration Department

DATE: January 9, 2024

FROM: Jason Tomanek, Acting City Administrator

ITEM: City Commission Fact Finding Subcommittee Update

REQUEST:

Receive an update from the City Commission Fact Finding Subcommittee

BACKGROUND INFORMATION:

At the November 28, 2023 special meeting of the Board of City Commissioners a motion was passed to create a fact finding subcommittee consisting of two commissioners other than Commissioner Zenker and a third other individual appointed by Mayor Schmitz with Direction to report back to the Commission at the January 9, 2024, meeting on progress moving forward with Mr. Jeske's performance and a plan to implement checks and balances relating to business practices and contract management. Since that time, the subcommittee, composed of Commissioner Cleary, Commissioner Connelly, and Gordy Smith, has met four times.

Committee members will provide an update to the commission.

RECOMMENDED CITY COMMISSION ACTION:

Receive the report.

STAFF CONTACT INFORMATION:

Jason Tomanek, Acting City Administrator, 701-355-1300, jtomanek@bismarcknd.gov

ATTACHMENTS:

None