



Board of City Commissioners

The Board of City Commissioners is scheduled to meet on Tuesday, February 27, 2024, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

The Invocation 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

- March 12, 2024 & March 26, 2024
- April 9, 2024 & April 23, 2024
- May 14, 2024 & May 28, 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. Pledge of Allegiance led by local boy scouts.
2. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items)
3. CONSENT AGENDA
 - A. Consider approval of minutes

Documents:

[February 13, 2024 - Special Meeting Minutes.pdf](#)
[February 13, 2024 - Minutes.pdf](#)

B. Consider approval of personnel actions

Documents:

[HR - Personnel Action Items.pdf](#)

C. Consider approval of expenditures

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

1. Letter of support from Bismarck-Burleigh Public Health for the development and implementation of dental hygiene and dental assisting programs at Bismarck State College.

Documents:

[C\) BBPH - Letter of Support.pdf](#)

E. Consider the request for approval from the Bismarck Event Center for the following:

1. One-year stage show agreement with Nightlife Music LLC DBA Nightlife Sound & Lighting.
2. Historic Preservation Fund Grant and Cultural Heritage Grant for the Belle Mehus Auditorium.
3. Extend the Ubl Design Group contract on the arena locker room project.

Documents:

[C\) BEC - Agreement with Nightlife Music LLC.pdf](#)
[C\) BEC - Grant Funding Request.pdf](#)
[C\) BEC - Ubl Design Group Contract Extension.pdf](#)

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

1. Street name change for Burr Oak Loop, where staff recommends approval.
2. Street name change for Harvest Lane, where staff recommends approval.

Documents:

- C) CD - Burr Oak Loop.pdf
- C) CD - Harvest Lane to Weiss Ave.pdf

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

1. Amendment 4 to the existing agreement for professional services with Apex Engineering Group, Inc. for S Washington St reconstruction - HC 158.
2. Insufficiency of protest on the resolution of necessity for Street Improvement District 578.
3. Insufficiency of protest on the resolution of necessity, the request for a resolution approving plans and specifications, and a resolution directing the advertisement of bids and receiving bids for Street Improvement District 579.
4. Sidewalk and utility easement at the intersection of Century Ave and 4th St.
5. Dedication and acceptance of Watermain, Sanitary Sewer, and Access easements as part of Silver Ranch Fourth Addition.

Documents:

- C) ENG - HC 158.pdf
- C) ENG - SI 578.pdf
- C) ENG - SI 579.pdf
- C) ENG - Sidewalk and Utility Easement.pdf
- C) ENG - Silver Ranch 4th Addition Easements.pdf

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

1. Application for abatement for Property ID 0105-016-020 where the Assessing Division recommends approval.
2. Application for abatement for Property ID 2155-001-001 where the Assessing Division recommends denial and application for abatement for Property ID 2155-002-001 where the Assessing Division recommends a reduction of the certified values.
3. Special Assessment Commission Member Resignation.
4. 2025 Budget Calendar.

Documents:

- C) [FIN - Application for Abatement.pdf](#)
- C) [FIN - Applications for Abatement - Lasalle Shopping Center.pdf](#)
- C) [FIN - Resignation of SAC Member.pdf](#)
- C) [FIN - 2025 Budget Calendar.pdf](#)

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

1. HR Management Recruiting Software Request for Proposal.

Documents:

- C) [HR - Management Recruiting Software.pdf](#)

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

1. Endo opioid bankruptcy settlement.

Documents:

- C) [LEGAL - Endo Opioid Settlement.pdf](#)

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

1. Permission to solicit donations for the 2024 Annual Bismarck Police Department Benefit Golf Tournament.

Documents:

- C) [PD - PD Golf Solicitation Request.pdf](#)

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

1. Permission for the Forestry Division to accept the North Dakota Forest Service Grant awards from the North Dakota Forest Service.
2. Permission for the Forestry Division to apply for the Targeted Assistance Grant (TAG) from the North Dakota Department of Agriculture.
3. Permission to purchase one new pickup for Bismarck Parking Authority.
4. Permission to sell City Assets at a Public Sale or Online Auction.
5. Permission to purchase traffic signal equipment for traffic

signal detection and cobalt equipment.

Documents:

- C) [PW SO - North Dakota Forest Service Grant.pdf](#)
- C) [PW SO - Targeted Assistance Grant Application.pdf](#)
- C) [PW SO - Purchase of Pickup for Bismarck Parking Authority.pdf](#)
- C) [PW SO - Sale of City Assets.pdf](#)
- C) [PW SO - Traffic Signal Operations Equipment.pdf](#)

M. Consider the request for approval from the Public Works Utility Operations Development Department for the following:

1. Task Order No. 5 with Bartlett & West for Mandan Street Tank Removal.
2. Amendment No. 1 to the Hazard Mitigation Grant Program (HGMP) Cost Share Agreement for the Pioneer Lift Station Generator.
3. Change Order #22 for Public Works Expansion Project.

Documents:

- C) [PW UO - Bartlett and West Task Order.pdf](#)
- C) [PW UO - HMGP Amendment.pdf](#)
- C) [PW UO - Public Works Expansion Project Change Order.pdf](#)

4. REGULAR AGENDA

A. Receive an update and final recommendation from the City Commission Fact Finding Subcommittee relating to the performance issues of Charlie Jeske, Event Center Director, and recommendations regarding the appropriate actions to take to address any necessary employee discipline and changes to Event Center operations.

Documents:

- R) [ADMIN - FFS Recommendation..pdf](#)

B. Public hearing on the request to have the Class E - Sale At Retail of Beer Only alcohol license located at 601 Memorial Hwy transferred from 3 Fat Boys, LLC. to BHB, LLC.

Documents:

- R) [ADMIN - License Transfer Public Hearing.pdf](#)

C. Public hearing on Ordinance 6571, a request for zoning map amendment from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Sonnet Heights Subdivision Ninth Replat and associated Minor Subdivision Final Plat.

Documents:

[R\) CD - Ord 6571.pdf](#)

- D. Public hearing on Ordinance 6572, the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township.

Documents:

[R\) CD - Ord 6572.pdf](#)

- E. Consider the request for Amendment No. 1 to South Central Regional Water Contract.

Documents:

[R\) PW UO - South Central Regional Water Contract Amendment.pdf](#)

- F. Consider the request for approval of award concurrence of South Washington Street Reconstruction Project, AC-NHU-1-981(137), City Project HC 158, resolution receiving bids and ordering preparation of the Engineer's Statement and resolution awarding bids for Street Improvement district SI 580 and Sewer Improvement district SE 584.

Documents:

[R\) ENG - HC 158, SI 580, SE 584.pdf](#)

- G. Consider the request for resolution receiving bids and ordering preparation of the Engineer's Statement and request for resolution awarding contracts for Street Improvement District SI 577 - Part A and Part B.

Documents:

[R\) ENG - SI 577.pdf](#)

- H. Consider the request for resolution receiving bids and ordering preparation of the Engineer's Statement and resolution awarding contract for Sewer Improvement District SE 582/WPSP392.

Documents:

[R\) ENG - SE 582, WPSP 392.pdf](#)

- I. Request for resolution creating district Parts A-1, A-2, and B, Resolution Approving Plans and Specifications, and authorization to advertise and receive bids for City Concrete (CC)24 - Parts A-1, A-2, and B.

Documents:

[R\) ENG - CC 24.pdf](#)

- J. Consider the request to use resources from NPCC to refill the Vision Fund

for projects and ongoing costs.

Documents:

R) FIN - Vision Fund Replenishment.pdf

K. Continued discussion and approval of department director employment and performance processes.

Documents:

R) ADMIN - Director Employment and Performance Policy.pdf

L. Consider the request to provide direction for recruiting to fill the vacant Assistant City Administrator position.

Documents:

R) HR - Assistant City Administrator Recruiting.pdf

M. Request of the Bismarck Event Center to go into executive session under NDCC 44-04-19.1 (9) for contract negotiation / negotiation strategy.

Documents:

R) BEC - Executive Session.pdf

N. Request of the Engineering Department to enter Executive Session under North Dakota Century Code Section 44-04-19.2 regarding contract negotiation/negotiation strategy under NDCC Section 44-04-19.1 (9).

Documents:

R) ENG - Executive Session.pdf

5. Other Business

Adjourn

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MEETING OF THE BOARD OF CITY COMMISSIONERS

2/13/2024 - Minutes

Call to Order

Mayor Schmitz called the Mayor to order at 4:00 PM. Commissioner Cleary, Commissioner Connelly, Commissioner Marquardt, Commissioner Zenker, and Mayor Schmitz were present.

SPECIAL MEETING OF THE BOARD OF CITY COMMISSION

1. Request to go into executive session under N.D.C.C. § 44-04-19.2 for attorney consultation regarding a Public Service Commission matter.

Commissioner Marquardt motioned to enter into session under N.D.C.C. § 44-04-19.2 for attorney consultation regarding a Public Service Commission matter at 4:01 PM and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Zenker motioned to exit executive session at 4:45 PM and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Zenker motioned to direct staff to proceed as discussed in the executive session and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

Adjourn

There being no further business to discuss, the meeting adjourned at 4:46 PM.

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MEETING OF THE BOARD OF CITY COMMISSIONERS

2/13/2024 - Minutes

Call to Order

The Board of City Commissioners met on February 13, 2024, 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, Commissioner Zenker, and Mayor Schmitz were present.

FUTURE COMMISSION MEETINGS

- February 27, 2024
- March 12, 2024 & March 26, 2024
- April 9, 2024 & April 23, 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)

No public comment was received.

2. CONSENT AGENDA

Commissioner Zenker motioned to approve the Consent Agenda as presented without item E1 being pulled and item I1 being pulled for discussion as presented, and Commissioner Connelly seconded. Upon a roll call vote, all voted, aye. M/C.

Commissioner Connelly motioned to approve item I1 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: # 1115849 to 1116256.

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

1. Request by the Bismarck-Mandan Convention & Visitors Bureau to conduct gaming at Blarney Stone Pub, 408 East Main Avenue.
2. Application to transfer the Class F-1 - Restaurant alcohol license, located at 512 East Main Avenue, from Jimmy V's, Inc. to The Mob Menu, LLC.

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

1. Sole Source Purchase of Airport Exit Doors.
2. Receive bids and award bid to Northern Improvement Company, approve additional future FAA BIL grant funds, and approve project budget for Hangar 5 Demolition and GA Apron Phase 5 Project.
3. Incentive package recommendation for Allegiant Air's new route between Bismarck Airport and St. Petersburg/Clearwater Airport.
4. Change Order #1 to the Interiors by Design Contract to replace carpet in the terminal.
5. Replacement of utility tractors using Sourcewell Cooperative Purchasing.

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

1. Permission to apply for funding from AARP's Community Challenge Grant.

G. Consider the request for approval from the Bismarck Event Center for the following:

1. Permission to sell goalposts to the Bismarck Bucks.

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

1. Approval of a major subdivision final plat titled First Responders Third Addition, where the Planning and Zoning Commission recommends approval.
2. Introduction of and call for a public hearing on Ordinance 6571, a request for zoning map amendment from the RM30 – Residential zoning district to the planned unit development (PUD) zoning district on Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat where the Planning and Zoning Commission recommends approval.
3. Selection of Clarion Associates, SRF, and Madden Planning to assist Bismarck with the creation of a new Land Development Code.

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

1. Street closure for 51st Annual Downtowners Street Fair.
2. Use of online bid openings.
3. ND Department of Transportation Cost Participation and Maintenance Agreement for South Washington Street reconstruction project AC-NHU-1-981 (137) PCN 23859 and CPU-1-981(140) PCN 24022, HC 158.
4. Request to Hear Insufficiency of Protest on Resolution of Necessity for Street Improvement District 577.
5. Request for resolution approving plans and specifications, resolution directing the advertisement for bids and receiving bids for SI 578.

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

1. Applications for Abatement.

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

1. Permission to purchase replacement special threat ballistic plates through Balco Uniform Inc.
2. Permission to sell two decommissioned Police vehicles.
3. Permission to sell a decommissioned police vehicle.
4. Permission to transfer ownership of damaged Police vehicles.

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

1. Permission to request donations for the Forestry Division's 2024 Partners In Planting and Arbor Day Fund.
2. Permission to appoint members to the Forestry Advisory Board.
3. Permission to offer Bismarck residents free disposal at the landfill, excluding tires, for the 2024 Spring and Fall clean-up weeks by presenting their most recent City of Bismarck utility bill or current driver's license, and to offer free curbside pickup during the Spring clean-up week.
4. Permission to sell the assets from Solid Waste Disposal and Roads and Streets divisions.
5. Permission to award the bid for Diesel Fuel and Gasoline Supplies to Farstad Oil, Inc.
6. Extension to the Master Short Form Agreement to February 16, 2026, with HDR Engineering, Inc. for Solid Waste Collections and Landfill Operations.
7. Change Order 2 to Task Order 2 to the 2018 Agreement with HDR Engineering for Solid Waste operations.
8. Task Order 21-01 to extend the Master Services Agreement with Houston

Engineering, Inc. for an additional period of two years, or until February 11, 2026, for solid waste operations which provides support services for the NDDEQ permit.

9. Task Order 24-01 from Houston Engineering for the Solid Waste operations to provide 2024 BMWF Groundwater Sampling, Analysis, and Reporting.

10. Time Extension to Task Order 22-03 with Houston Engineering for Landfill Final Cover Closure Phase I-III to December 31, 2024.

M. Consider the request for approval from the Public Works Utility Operations Development Department for the following:

1. Task Order 24-01 from Houston Engineering for the Solid Waste operations to provide 2024 BMWF Groundwater Sampling, Analysis, and Reporting.

2. Amendment No. 1 to HDR Engineering Inc's contract for the WTP Expansion Project.

3. Letter of Support for ND Diversification Research Collaboration with Energy and Minerals Innovation Center.

3. REGULAR AGENDA

A. Public hearing on the application to transfer the Class E - Sale At Retail of Beer Only alcohol license, located at 619 Memorial Hwy, from 3 Fat Boys, LLC. to BHB, LLC

Mayor Schmitz opened the public hearing. Ian MacDonald noted that the address listed on the agenda was not accurate. City staff received the updated application and the correct address was included with the file. Due to the address error, and legal publication requirements, the public hearing was continued to the February 27, 2024 meeting.

Commissioner Connelly motioned to continue the public hearing to the February 27, 2024 meeting to allow the legal notice to be published, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

B. Request of Gusaas Signs to appeal the January 4, 2024, decision of the Bismarck Board of Adjustment to uphold the Planning Manager / Zoning Administrator's interpretation of the zoning ordinance relating to a proposed off-premise advertising sign on Lot 1, Block 1, Basin Electric Fourth Addition.

Jenny Wollmuth, Senior Planner, presented information regarding an appeal of the January 4, 2024 Board of Adjustment's decision to uphold the zoning ordinance relating to a proposed off-premise advertising sign on Lot 1, Block 1, Basin Electric Fourth Addition.

Joe Gusaas is appealing the January 4, 2024, decision of the Bismarck Board of Adjustment to affirm a zoning determination made by the Planning Manager / Zoning Administrator that the dimensional requirements outlined in Section 14-03-3.1-08(4)i would prohibit the installation of an off-premise advertising sign. Mr. Gusaas presented examples of previous application exhibits he had submitted along with those of other companies' digital billboard applications.

The Commission members and City staff discussed the practice of measuring distances for proposed billboards from intersection locations as described by ordinance. The group discussed that the interpretation does not apply to the intersection spacing as that is listed as the distance from the intersection. As such, the linear distance from the intersection in a linear direction would allow the sign. The general consensus of the group is to clarify the language in the ordinance relating to signs.

Commissioner Cleary motioned to reverse the determination of the Board of Adjustment and grant that the billboard conforms to the ordinances, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

https://bismarcknd.gov/DocumentCenter/View/44878/Item-3B_February-13-2024

- C. Consider the request by the Community Development Department for the creation of the Neighborhood Reinvestment Initiative.

Daniel Nairn, Planning Manager, presented information regarding the requests for the creation of a new initiative to achieve several goals of our Comprehensive Plan related to housing. The City of Bismarck would partner with interested financial institutions to offer low-interest loans for eligible residential remodeling projects.

Kate Herzog, Chief Operating Officer of the Downtown Community Foundation/ Downtowners, spoke briefly about the benefits of the program for property residents and possibly commercial businesses in the future.

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

- D. Consider the request for direction relating to curbside waste collection for all residential and collection of extra items.

Steve Salwei, Public Works Service Operations Director, presented information regarding the request to move all residential trash collection to curbside pickup and requested direction on the options for the collection of extra items.

The Commission discussed the various options, and based on the timing and future delivery of the refuse-hauling trucks in 2025, the Commission agreed to continue discussing options with a decision to be made at a future meeting.

https://bismarcknd.gov/DocumentCenter/View/44869/Item-3D_February-13-2024

- E. Continued discussion and approval of department director employment and performance processes.

The Commission discussed the draft of the Department Director Employment and Performance Processes, in particular, item 3, in regard to the documentation of communication attempts with portfolio holders by the Administrator. Attorney Combs recommended using the term "reasonable attempt" in item 3 to define what is considered a reasonable attempt.

Commissioner Cleary motioned to approve as amended by Attorney Combs, and Mayor Schmitz seconded for discussion.

Commissioner Zenker stated that he regrets the decision to give the appointing authority to the City Administrator and will not support the proposed document. Commissioner Zenker then suggested he believes the Home Rule Charter may have been violated and recommended the Commission do their due diligence before finalizing the document.

Commissioner Cleary rescinded her motion, and Mayor Schmitz rescinded his second.

Mayor Schmitz suggested a legal opinion on this matter may be necessary to resolve any uncertainties.

F. Update on the status of Burleigh County and the Provident Building.

Mayor Schmitz provided a report that he received at the Bismarck Burleigh Commissions Committee regarding the status of the Provident Building and the Extraterritorial Area.

The Commission received the report.

G. Discussion regarding the request from Bismarck Event Center to change the insurance limits for contracts.

Janelle Combs, City Attorney, addressed the Commission regarding a request from the Bismarck Event Center to change the insurance limits. The Event Center is requesting that the liability limits be lowered to \$1 Million per occurrence if the event has less than 1,000 people attending. Lowering the limit would make the City responsible for any negligent actions for potential damages up to the \$2 Million tort cap.

Commissioner Zenker motioned to approve the \$1 Million limit on contracts where there are less than 1,000 people attending at a time, and Commissioner Marquardt seconded. Upon a roll call vote, Commissioners Marquardt, Zenker, Connelly, and Mayor Schmitz voted aye. Commissioner Cleary voted nay. M/C.

4. Other Business

Adjourn

There being no further business to discuss, the meeting adjourned at 8:22 PM.

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PERSONNEL ACTIONS FOR THE MEETING ON February 27, 2024

Full-Time and Part-Time Appointments

Bailey, Nicole Concession Worker	Event Center	PT Appointment @\$14/hr 2/15/24
Carol Borchers Doorguard/Ticket Taker/Usher	Event Center	PT Appointment @\$14/hr 2/14/24
Chuck Borchers Doorguard/Ticket Taker/Usher	Event Center	PT Appointment @\$14/hr 2/14/24
Jones, Kathleen Box Office Cashier I	Event Center	PT Appointment @\$14/hr 2/15/24
Lippert, Ryan Concession Worker	Event Center	PT Appointment @\$14/hr 2/16/24
Olson, Carla Doorguard/Ticket Taker/Usher	Event Center	PT Appointment @\$14/hr 2/27/24
Weyaus, Gordon Mtc Attendant I (PT)	Event Center	PT Appointment @\$17.50/hr 2/12/24
Wong, Jasmine Concession Worker	Event Center	PT Appointment @\$14/hr 2/20/24
Zander, Nancy Doorguard/Ticket Taker/Usher	Event Center	PT Appointment @\$14/hr 2/14/24

Separations

Schultz, Ebony Communications Specialist	CenCom	Resigned 2/13/24
Barros, Christopher Event Safety Officer I	Event Center	Resigned 2/6/24
Jensen-Todd, Drake Mtc Attendant I (PT)	Event Center	Resigned 2/12/24
Timm, Karrie Mtc Attendant I (PT)	Event Center	Resigned 2/12/24

Others

Hoffert Nicholas
Master Police Officer

Police

Promoted & Grade Change
2/4/24

Krause, Kaden
Forestry Tech I

PW-Services

Leave w/out Pay
2/3/24

Dunbar, Megan
Wastewater Plant Operator II

PW-Utilitites

Promotion
@\$28.74/hr 2/4/24



Bismarck-Burleigh Public Health Department

DATE: February 27, 2024

FROM: Renae Moch, Director

ITEM: Letter of Support

REQUEST:

Approve letter of support from Bismarck-Burleigh Public Health for the development and implementation of dental hygiene and dental assisting programs at Bismarck State College.

BACKGROUND INFORMATION:

Bismarck State College requested a letter of support from Bismarck-Burleigh Public Health for the development and implementation of dental hygiene and dental assisting programs at their institution. Their primary objective for the addition of these programs is to fortify the dental healthcare workforce while addressing the healthcare needs of underserved communities in North Dakota who lack access to preventive dental health services. This initiative is in response to pressing concerns identified by community partners regarding the shortage of oral health professionals in the central and western regions of North Dakota.

RECOMMENDED CITY COMMISSION ACTION:

Approve letter of support from Bismarck-Burleigh Public Health for the development and implementation of dental hygiene and dental assisting programs at Bismarck State College.

STAFF CONTACT INFORMATION:

Renae Moch, Director, 701-355-1541, rmoch@bismarcknd.gov

ATTACHMENTS:

1. Letter of Support BSC Dental 2024



February 20, 2024

Dr. Douglas Jensen, President
Bismarck State College
PO Box 5587
Bismarck, ND 58506-5587

Dear Dr. Jensen:

I am writing this letter of support for the development and implementation of dental assisting and dental hygiene programs at Bismarck State College. The need for dental hygienists and dental assistants is significant and widespread. The addition of these programs would be a valuable resource to address the dental public health workforce needs in this region.

We have witnessed first-hand the lack of access to preventive dental health care in the clients we serve at Bismarck-Burleigh Public Health. We consistently encounter individuals and families who lack access to preventive dental health care, leading to increased risks of oral health issues and poor oral health outcomes.

Access to oral health care is essential to promoting and maintaining overall health and well-being, yet data reflects that North Dakotans of all ages are not accessing preventive dental care. According to the ND Department of Health and Human Services Oral Health Program, only 1 in 4 children had a preventive dental care visit in the last 12 months. Nearly 1 in 3 adults reported no dental visit in the past five or more years.

The proposed solution presented by Bismarck State College to focus on delivering dental health prevention and education services to underserved populations through the implementation of dental assisting and dental hygiene programs holds immense promise. By training a new generation of dental health professionals who are equipped with the knowledge, skills, and compassion to serve communities in need, Bismarck State College has the potential to make a significant impact in building a sustainable workforce for dental health care professionals in our region.

As the Public Health Director for Bismarck-Burleigh Public Health, I strongly support Bismarck State College in their efforts to expand its degree offerings to include dental assisting, dental hygiene, and other public health related programs.

Sincerely,

Renae Moch, MBA, FACMPE
Public Health Director, Bismarck-Burleigh Public Health





Bismarck Event Center

DATE: February 27, 2024

FROM: Charlie Jeske, Director

ITEM: Stage show agreement with Nightlife Music LLC DBA Nightlife Sound & Lighting

REQUEST:

Request to approve a one-year stage show agreement with Nightlife Music LLC DBA Nightlife Sound & Lighting. The agreement is currently going through the DocuSign system.

BACKGROUND INFORMATION:

This agreement allows the Event Center staff to work with Nightlife Sound and Lights as our provider for stagehands and riggers at the stated rates. A longer-term agreement will be produced which goes through the RFP process and city approval system.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approving this agreement.

STAFF CONTACT INFORMATION:

Charlie Jeske, Director, 701-355-1372, cjeske@bismarcknd.gov

ATTACHMENTS:

None



Bismarck Event Center

DATE: February 27, 2024

FROM: Amanda Yellow, Marketing & Sales Manager

ITEM: Grant approval for the Belle Mehus Auditorium

REQUEST:

Request Commission Approval to Accept the Historic Preservation Fund Grant and Cultural Heritage Grant for the Belle Mehus Auditorium.

BACKGROUND INFORMATION:

Replace carpet & brass railing in the Belle Mehus Auditorium. The two grants applied for are the Historic Preservation Fund Grant and the Cultural Heritage Grant and both have been awarded. Docusign grant review is in process.

RECOMMENDED CITY COMMISSION ACTION:

Seek approval of the Historic Preservation Fund Grant for \$50,000 plus a cash match. Seek approval of the Cultural Heritage Grant for \$50,000 plus a cash match. The cash match for the Cultural Heritage grant can be applied to the Historic Preservation Fund grant or vice versa.

STAFF CONTACT INFORMATION:

Charlie Jeske, Director, 701-355-1372, cjeske@bismarcknd.gov

ATTACHMENTS:

1. Historic Preservation Fund Grant Award Letter
2. Cultural Heritage Grant Award Letter



January 3, 2024

Amanda Yellow
City of Bismarck
315 S. 5th Street
Bismarck, ND 58504

Dear Ms. Yellow,

Congratulations! The proposal for Replacement of brass rail and carpet of Belle Mehus Auditorium located in Bismarck has been selected for funding through North Dakota's Historic Preservation Fund grant appropriation. We are offering a grant of \$50,000 to assist in the preservation efforts. The required match is 50% of the completed project.

Please do not begin work on this project until the contract has been signed. If you choose to accept the grant, please send an email or letter of acceptance to Amy Munson, Grants & Contracts Officer. In the letter, include the legal address of the property, including township, range, section, and quarter sections. For city or town properties, include the lot number.

Upon acceptance of the grant, you will receive a contract in the mail, which must be signed and returned to us. The contract will detail the commitments and requirements of the grant. Please read it carefully. We have recently updated the historic preservation covenant that will be required to receive the grant funds.

Work on the grant project must be completed by August 30, 2025, and inspect by SHSND staff in September 2025. There can be no extensions, as this is a federal deadline. Work completed after the deadline cannot be reimbursed. We advise using a timeline that gives both you and your contractors a safety window for completion of the project.

If you have any questions, please contact me by phone (701-328-3573) or email amunson@nd.gov.

Sincerely,

Dr. William D. Peterson
Director



November 22, 2023

Mr. Charlie Jeske
Belle Mehus Auditorium
315 South 5th Street
Bismarck, ND 58504

Dear Mr. Jeske,

Congratulations! The Belle Mehus Auditorium Cultural Heritage Grant application for Replace Carpet & Brass Railing project has been approved for \$50,000 of grant funding. Contracting documents will be sent in the next few weeks.

If you have any questions concerning the grant contract and attachments, please contact Amy Munson, Grants & Contracts Officer at amunson@nd.gov or 701-328-3573.

We are very pleased to have the opportunity to provide this assistance and look forward to working with your organization.

Sincerely,

Dr. William D. Peterson
Director, State Historical Society of North Dakota



Bismarck Event Center

DATE: February 27, 2024

FROM: Charlie Jeske, Director

ITEM: Ubl Design Group contract extension

REQUEST:

Request to extend the Ubl Design Group contract on the arena locker room project.

BACKGROUND INFORMATION:

Ubl Design Group has asked for an extension of their contract on the locker room project. No additional dollar value is requested, just a date extension. The extension agreement is currently working its way through DocuSign.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the extension.

STAFF CONTACT INFORMATION:

Charlie Jeske, Director, 701-355-1372, cjeske@bismarcknd.gov

ATTACHMENTS:

None



Community Development Department

DATE: February 27, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Street name change for Burr Oak Loop

REQUEST:

Request of the City of Bismarck for a street name change for Burr Oak Loop, where staff recommends approval.

BACKGROUND INFORMATION:

The City of Bismarck Community Development Department and Central Dakota Communications Center (CENCOM) propose to change the name of “Bur Oak Loop” to “Burr Oak Loop” between 80th Street Southeast and Red Oak Drive to provide consistency within the City’s records. No property addresses would be changed by this action.

The properties addressed off this street use Burr Oak Loop rather than the underlying plat’s Bur Oak Loop. The proposed change would only update the underlying plat to reflect the street name currently used by the properties adjacent to this street.

The attached staff report contains a complete review of the request according to the standards of the comprehensive plan, city ordinances, and other relevant laws.

RECOMMENDED CITY COMMISSION ACTION:

Based on the findings contained in the staff report, staff recommends approval of the street name change of “Bur Oak Loop” to “Burr Oak Loop” between Red Oak Drive and 80th Street Southeast within Pine Meadows Subdivision.

STAFF CONTACT INFORMATION:

Lauren Oster, Planner, 701-355-1846, laoster@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

ATTACHMENTS:

1. PLMD2024-002_022724

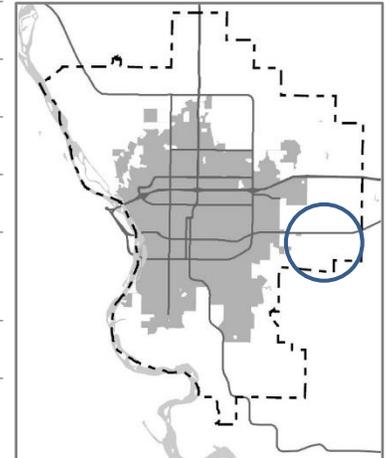
STAFF REPORT

Application for: **Street Name Change**

Project ID: **PLMD2024-002**

Project Summary

<i>Title:</i>	Pine Meadows Subdivision – Burr Oak Loop
<i>Status:</i>	City Commission - Final Consideration
<i>Property Owner(s):</i>	Multiple Owners
<i>Project Contact:</i>	Lauren Oster, Planner
<i>Project Location:</i>	East of Bismarck, south of Highway 10 and east of 80th Street Southeast
<i>Project Size:</i>	2,140 linear feet, more or less
<i>Applicant Request:</i>	Change the street name of Bur Oak Loop to Burr Oak Loop to provide consistency within the City's records
<i>Staff Recommendation:</i>	Approve



Project Narrative

In order maintain street name consistency, the City of Bismarck Community Development Department and Central Dakota Communications Center (CENCOM) propose to change the name of “Bur Oak Loop” to “Burr Oak Loop” between Red Oak Drive and 80th Street Southeast within Pine Meadows Subdivision.

The proposed street name change would not change any of the current 13 properties addressed off this street. This proposed change would only update the underlying plat to reflect the street name currently used by these properties.

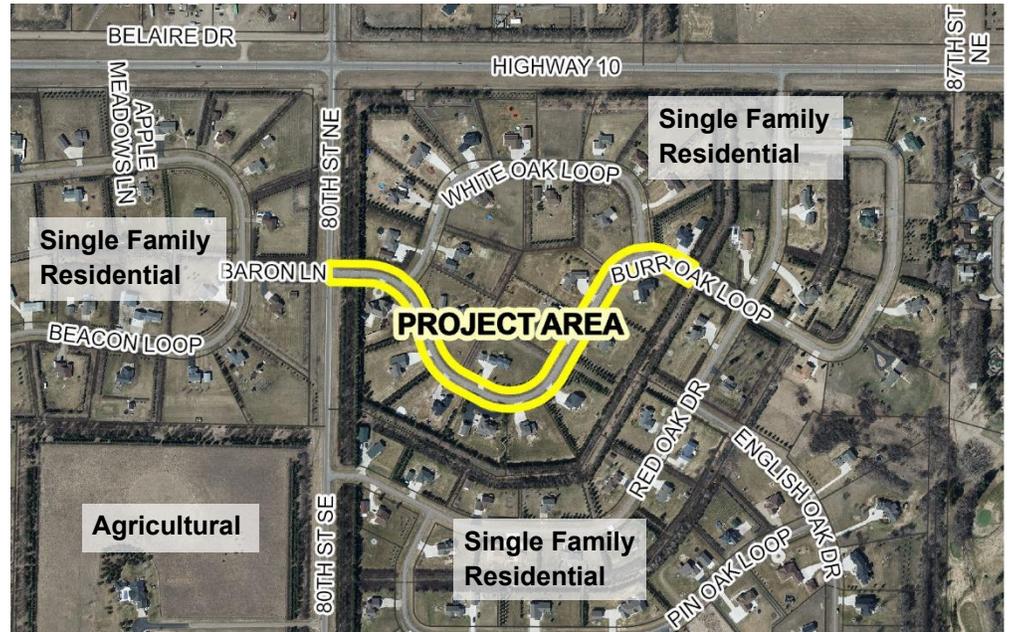
Public Engagement

Seventeen letters were mailed to property owners adjacent to the segments of the street proposed to be changed on February 14, 2024.

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

Project Context

Land uses adjacent to the project area are depicted on the adjacent 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 street name shown on the plat of record is confusing, in error, or is otherwise inconsistent with other street names within the City of Bismarck or surrounding areas (Section 14-09-12)

Yes. East Ridge First Subdivision recorded “Burr Oak Loop” in 1996. However, Pine Meadows, recorded in 2005, named the street “Bur Oak Loop” instead, thereby creating an inconsistency in the names used to describe this street.

As such, a street name change is needed to correct this error and provide name consistency to all segments of this street.

A change to the proposed street name would alleviate said confusion or inconsistency to some degree and improve public navigation and travel (Section 14-09-12)

Yes. The proposed change would create continuity between the adjacent subdivisions and improve public navigation and travel. It would alleviate any confusion caused by the different names of the street segments.

The street name change would improve emergency response in the area ([Goal T5-a](#))

Yes. The proposed street name change is supported by the Central Dakota Communications Center (CENCOM) as a means for improving communications between emergency dispatchers and responders.

Proper administrative procedures related to the request are being followed (Section 14-09-12)

Yes. City staff have initiated the proposed street name change in consultation with Central Dakota Communications Center (CENCOM). All owners of property along the street being considered for a change have been notified of the intent to change the street name, as documented in this report above.

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the street name change from “Bur Oak Loop” to “Burr Oak Loop” between 80th Street Southeast and Red Oak Drive within Pine Meadows Subdivision.

Attachments

1. Draft Resolution
2. Excerpt from Plat

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

**RESOLUTION OF
THE BISMARCK BOARD OF CITY COMMISSIONERS
STREET NAME CHANGE
IN PINE MEADOWS SUBDIVISION (PLMD2024-002)**

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota deems it necessary to change the street name of “Bur Oak Loop” to avoid confusion for emergency responders and the traveling public.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the street name change of property described as:

All of “Bur Oak Loop” adjacent to Lots 1-8, Block 1, Lots 1 and 5-8, Block 2, and Lots 1 and 10, Block 3, Pine Meadows Subdivision in the City of Bismarck, Burleigh County, North Dakota.

to be hereafter known as “Burr Oak Loop” is in all things allowed and granted.

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

Adopted this 27th day of February, 2024

CERTIFICATE

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified City Administrator of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Board of City Commissioners held on this February 27, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 27th day of February, 2024.

Jason Tomanek
City Administrator
Bismarck, North Dakota

PINE MEADOWS SUBDIVISION

PART OF THE NORTHWEST 1/4 OF SECTION 4, T. 138 N., R. 79 W.

BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

ALL THAT PART OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 138 NORTH RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA THAT LIES WEST OF EAST RIDGE SUBDIVISION, NORTH OF EASTRIDGE SECOND SUBDIVISION AND SOUTH OF BURLEIGH COUNTY HIGHWAY 10, ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WEST LINE OF SECTION 4, A DISTANCE OF 1600.00 FEET FROM THE NORTHWEST CORNER OF SECTION 4; THENCE NORTH 89 DEGREES 22 MINUTES 56 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF BURLEIGH COUNTY HIGHWAY 10, A DISTANCE OF 1663.99 FEET TO THE NORTHWEST CORNER OF EAST RIDGE FIRST SUBDIVISION; THENCE SOUTH 03 DEGREES 00 MINUTES 19 SECONDS EAST, ALONG THE BOUNDARY OF EAST RIDGE FIRST SUBDIVISION, A DISTANCE OF 548.31 FEET; THENCE SOUTH 28 DEGREES 32 MINUTES 48 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 224.88 FEET; THENCE SOUTH 18 DEGREES 54 MINUTES 36 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 81.37 FEET; THENCE SOUTH 29 DEGREES 28 MINUTES 20 SECONDS WEST, ALONG THE BOUNDARY OF EAST RIDGE FIRST SUBDIVISION AND THE BOUNDARY OF EAST RIDGE SECOND SUBDIVISION, A DISTANCE OF 524.78 FEET; THENCE SOUTH 85 DEGREES 11 MINUTES 57 SECONDS WEST, CONTINUING ALONG THE BOUNDARY OF EAST RIDGE SECOND SUBDIVISION, A DISTANCE OF 646.73 FEET; THENCE NORTH 64 DEGREES 48 MINUTES 24 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 137.29 FEET TO THE EAST LINE OF APPLE MEADOWS FIRST SUBDIVISION; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 1362.62 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 52.64 ACRES, MORE OR LESS.

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 15TH DAY OF JULY, 2005, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CLERK AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

David Patience DAVID PATIENCE - CHAIRMAN
Kevin J. Glatt KEVIN J. GLATT - COUNTY AUDITOR

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 14 DAY OF JULY, 2005.

W. C. Wocken W. C. WOCKEN - CITY ADMINISTRATOR

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY WAIVE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 14 DAY OF JULY, 2005.

Kevin J. Glatt KEVIN J. GLATT - COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON APRIL 15, 2005, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STATE OF NORTH DAKOTA) SS
 COUNTY OF BURLEIGH) TERRY BALTZER
 909 BASIN AVENUE P.O. BOX 1135
 BISMARCK, NORTH DAKOTA 58504
 N.D. REGISTRATION NO. 3595

ON THIS 17TH DAY OF JULY, 2005, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

David Patience DAVID PATIENCE, NOTARY PUBLIC
 BURLEIGH COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES AUGUST 24, 2010

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "PINE MEADOWS SUBDIVISION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

Melvin J. Bullinger MELVIN J. BULLINGER, CITY ENGINEER
 1/24/2005

OWNER'S CERTIFICATE & DEDICATION

KNOW TO ALL MEN BY THESE PRESENTS THAT EARL T. TORGERSON AND MONTANA DAKOTA UTILITIES CO. BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "PINE MEADOWS SUBDIVISION", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON, INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

THEY FURTHERMORE DEDICATE UNTO THE COUNTY OF BURLEIGH "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREFOR 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.

Earl T. Torgerson EARL T. TORGERSON
 STATE OF NORTH DAKOTA) SS
 COUNTY OF BURLEIGH) BISMARCK, NORTH DAKOTA 58501
 OWNER OF LOTS 1-8 BLOCK 1
 LOTS 1-8 BLOCK 2 & LOTS 1-10 BLOCK 3

ON THIS 20TH DAY OF JULY, 2005, BEFORE ME PERSONALLY APPEARED EARL T. TORGERSON 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.

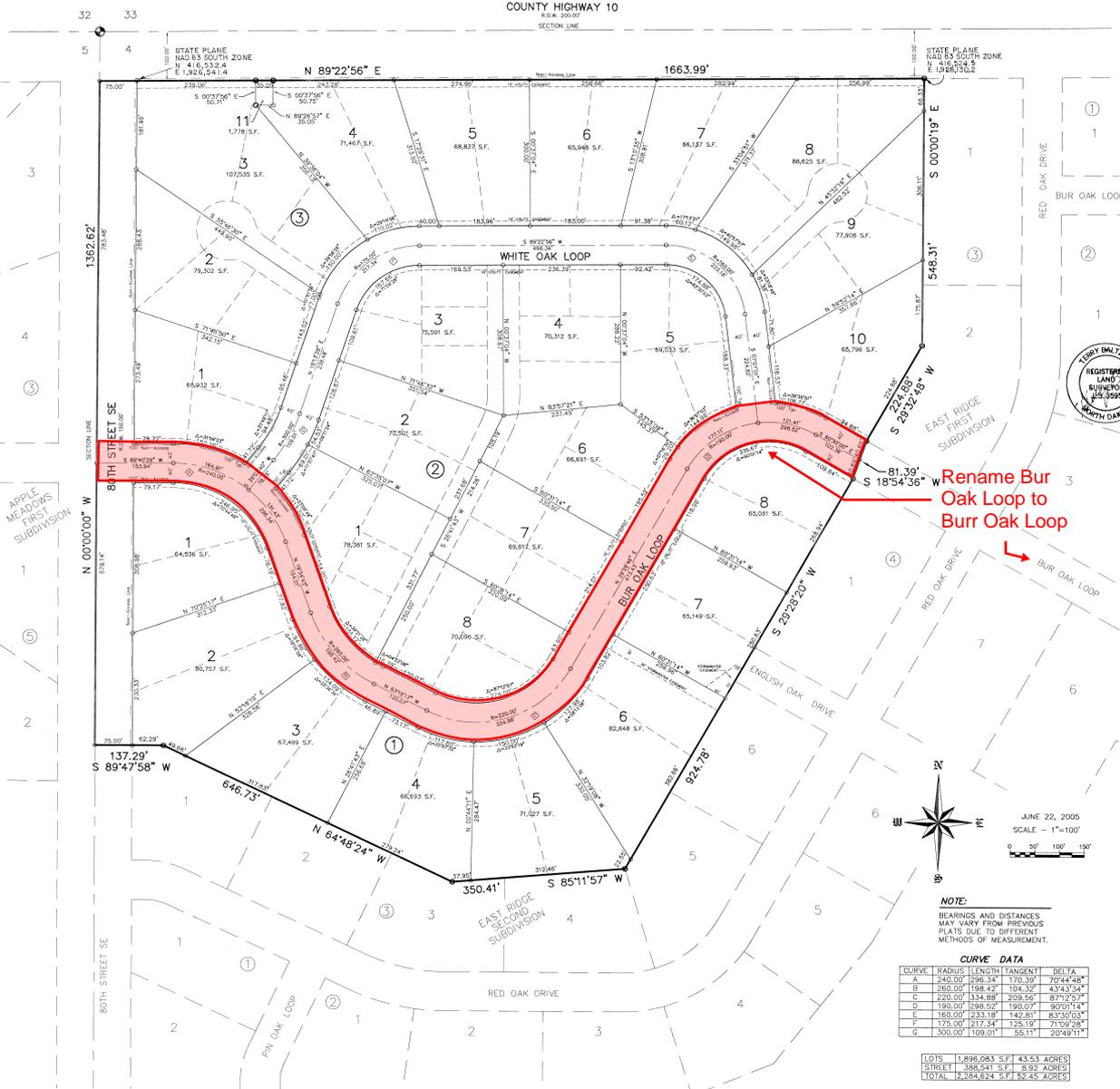
David Patience DAVID PATIENCE, NOTARY PUBLIC
 BURLEIGH COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES AUGUST 24, 2010

STATE OF NORTH DAKOTA) SS
 COUNTY OF BURLEIGH) MONTANA DAKOTA UTILITIES CO.
 OWNER OF LOTS 1-8 BLOCK 3
 OWNER OF LOT 11 BLOCK 3

ON THIS 20TH DAY OF JULY, 2005, BEFORE ME PERSONALLY APPEARED *Andrea L. Stemberg* ANDREA L. STEMBERG 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.

Jerusalem Oliver JERUSALEM OLIVER, NOTARY PUBLIC
 BURLEIGH COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES

SWENSON, HAGEN & COMPANY P.C.
 909 Basin Avenue, P.O. Box 1135
 Bismarck, North Dakota 58504
 (701) 251-1135
 www.swhagen.com
 Surveying, Engineering, Planning
 Land Development, Design
 Construction Management



CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	DELTA
A	240.00'	296.34'	170.00'	72°44'48"
B	260.00'	198.42'	104.32'	43°43'34"
C	220.00'	134.88'	209.56'	87°12'57"
D	180.00'	298.52'	190.07'	90°03'14"
E	160.00'	223.16'	142.81'	83°30'03"
F	120.00'	212.34'	125.19'	71°30'26"
G	300.00'	109.01'	55.11'	20°49'11"

LOTS

1	1,896.083 S.F.	43.53 ACRES
STREET	1,398.541 S.F.	3.32 ACRES
TOTAL	2,294.624 S.F.	52.45 ACRES

- MONUMENT TO BE SET
- MONUMENT FOUND



Community Development Department

DATE: February 27, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Street name change for Harvest Lane.

REQUEST:

Request of the City of Bismarck for a street name change for Harvest Lane, where staff recommends approval.

BACKGROUND INFORMATION:

The City of Bismarck Community Development Department and Central Dakota Communications Center (CENCOM) proposes to change the name of “Harvest Lane” to “Weiss Avenue” between State Street and North 14th Street to provide consistency between the City’s records and the navigational signs and tools used by the public.

Harvest Lane connects to Weiss Avenue to the west across State Street. In 2023, as a result of construction on State Street, street signs were updated, and the Harvest Lane street sign was changed to Weiss Avenue. Changing the street name would reflect this update and provide consistency between the City’s records and the navigational signs and tools used by the public.

No properties are addressed off Harvest Lane, which limits its potential value as an individual street name. Changing the name to Weiss Avenue will still provide navigational value to this area and allow Harvest Lane to be fully utilized elsewhere in the city.

The attached staff report contains a complete review of the request according to the standards of the comprehensive plan, city ordinances, and other relevant laws.

RECOMMENDED CITY COMMISSION ACTION:

Based on the findings contained in the staff report, staff recommends approval of the street name change of “Harvest Lane” to “Weiss Avenue” between State Street and North 14th Street within Wachters North Addition.

STAFF CONTACT INFORMATION:

Lauren Oster, Planner, 701-355-1846, laoster@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

ATTACHMENTS:

1. PLMD2024-001_022724

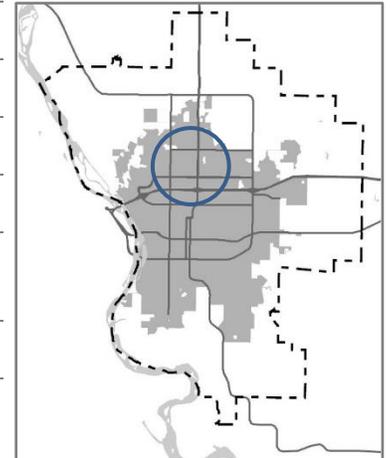
STAFF REPORT

Application for: **Street Name Change**

Project ID: **PLMD2024-001**

Project Summary

<i>Title:</i>	Harvest Lane to Weiss Ave
<i>Status:</i>	City Commission - Final Consideration
<i>Property Owner(s):</i>	Multiple Owners
<i>Project Contact:</i>	Lauren Oster, Planner
<i>Project Location:</i>	In north central Bismarck, north of East Century Avenue and east of State Street
<i>Project Size:</i>	500 linear feet, more or less
<i>Applicant Request:</i>	Change the street name of Harvest Lane to Weiss Avenue
<i>Staff Recommendation:</i>	Approve



Project Narrative

The City of Bismarck Community Development Department and Central Dakota Communications Center (CENCOM) propose to change the name of "Harvest Lane" to "Weiss Avenue" between State Street and North 14th Street within Wachtlers North Addition.

The proposed street name change would not impact any properties on either side of the street since no properties are addressed from this street.

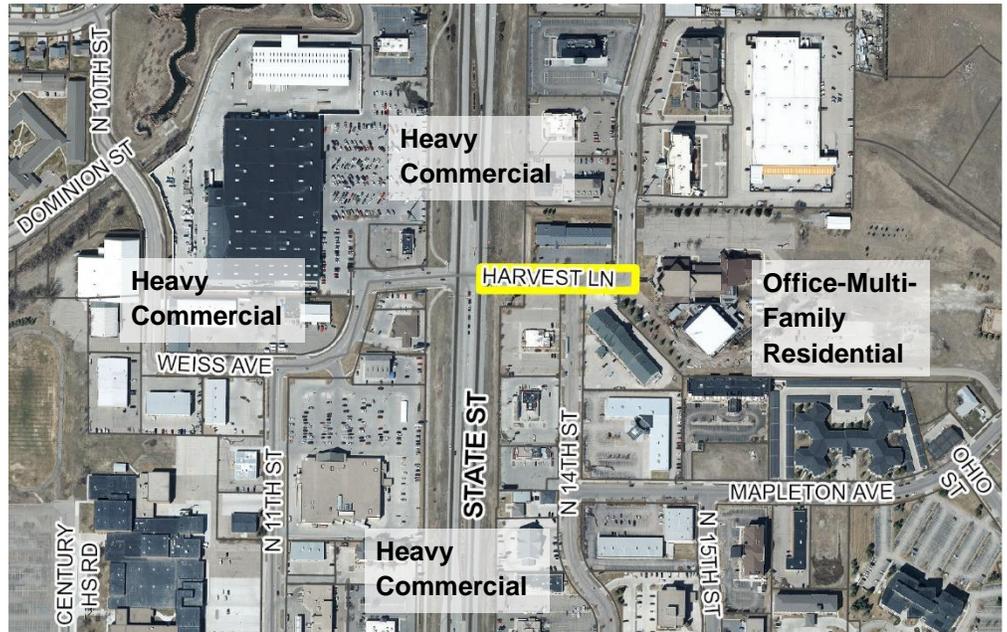
Public Engagement

Four letters were mailed to property owners adjacent to the segments of the street proposed to be changed on February 14, 2024.

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

Project Context

Land uses adjacent to the project area are depicted on the adjacent 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 street name shown on the plat of record is confusing, in error, or is otherwise inconsistent with other street names within the City of Bismarck or surrounding areas (Section 14-09-12)

Yes. The section of Harvest Lane was originally dedicated as an access easement within Wachers North Addition in 1988. However, the changes in development goals over the years prompted a dedication for right-of-way purposes in place of the easement in 1997. This change was highlighted on the Schweitzer Addition plat in 2004, naming this right-of-way Harvest Lane.

Harvest Lane connects to Weiss Avenue to the west across State Street. In 2023, as result of construction to State Street, street signs were updated. The Harvest Lane street sign was changed to Weiss Avenue. Renaming Harvest Lane to Weiss Avenue would reflect this change

and provide consistency between the City’s records and the navigational signs and tools used by the public.

No properties are addressed off Harvest Lane which limits its potential value as an individual street name. Changing the name to Weiss Avenue will still provide navigational value to this area and allow Harvest Lane to be fully utilized elsewhere in the city.

A change to the proposed street name would alleviate said confusion or inconsistency to some degree and improve public navigation and travel (Section 14-09-12)

Yes. The proposed change would create continuity with Weiss Avenue to the west of State Street. It would alleviate any confusion caused by the different names of the street segments.

The street name change would improve emergency response in the area (Goal T5-a)

Yes. The proposed street name change is supported by the Central Dakota Communications Center (CENCOM) as a means for improving

communications between emergency dispatchers and responders.

Proper administrative procedures related to the request are being followed (Section 14-09-12)

Yes. City staff have initiated the proposed street name change in consultation with Central Dakota Communications Center (CENCOM). All owners of property along the street being considered for a change have been notified of the intent to change the street name, as documented in this report above.

The public health, safety and general welfare will not be adversely impacted by the proposed street name change (Goal S10-a)

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

Staff Recommendation

Based on the above findings, staff recommends approval of the street name change from “Harvest Lane” to “Weiss Avenue” between State Street and North 14th Street within Wachters North Addition.

Attachments

1. Draft Resolution
2. Excerpt from Plat

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

**RESOLUTION OF
THE BISMARCK BOARD OF CITY COMMISSIONERS
STREET NAME CHANGE
IN WACHERS NORTH SUBDIVISION (PLMD2024-001)**

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota deems it necessary to change the street name of “Harvest Lane” to avoid confusion for emergency responders and the traveling public.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the street name change of property described as:

All of “Harvest Lane” adjacent to Lot 1 less the South 40’ & less the East 25’, Block 1; Tract A of Tract 1 of Lot 2 less the South 5.11’ of Tract A, Block 1; Tract 2 of Lot 2, Block 1; Lot 5 less West 55’ of North 290’ Taken for Street Right-of-way, Block 1, Wachters North Addition (including a portion of Lot 5, Block 1, Pebble Creek 6th Addition which is not adjacent to the street) and in the City of Bismarck, Burleigh County, North Dakota.

to be hereafter known as “Weiss Avenue” is in all things allowed and granted.

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

Adopted this 27th day of February, 2024

CERTIFICATE

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified City Administrator of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Board of City Commissioners held on this February 27, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 27th day of February, 2024.

Jason Tomanek
City Administrator
Bismarck, North Dakota

WACHTER'S NORTH ADDITION

PART OF SECTION 22, T. 139 N., R. 80 W.

BISMARCK, NORTH DAKOTA

DESCRIPTION

ALL THAT PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION 22, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN BURLINGHAM COUNTY, NORTH DAKOTA THAT LIES WITHIN THE FOLLOWING DESCRIBED TRACTS:

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 83, SAID POINT BEING LOCATED NORTH 0 DEGREES 17 MINUTES 19 SECONDS EAST ALONG THE WEST SECTION LINE A DISTANCE OF 182.31 FEET AND NORTH 89 DEGREES 55 MINUTES 55 SECONDS EAST, CONTINUING TO THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 182.31 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 55 SECONDS EAST, CONTINUING TO THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 182.31 FEET; THENCE SOUTH 0 DEGREES 15 MINUTES 33 SECONDS WEST, ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4, A DISTANCE OF 80.91 FEET TO THE EASTERN EXTENSION OF THE NORTH LINE OF CENTURY EAST ADDITION, BISMARCK, NORTH DAKOTA; THENCE NORTH 89 DEGREES 55 MINUTES 55 SECONDS WEST, ALONG SAID NORTH LINE AND ITS EXTENSION, A DISTANCE OF 104.86 FEET TO THE CENTERLINE OF FOURTEENTH STREET S; THENCE SOUTH 89 DEGREES 55 MINUTES 55 SECONDS WEST, ALONG THE NORTH LINE OF SAID SUBDIVISION, BISMARCK, NORTH DAKOTA, AND ITS WESTERLY EXTENSION, A DISTANCE OF 208.12 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 83; THENCE NORTH 0 DEGREES 08 MINUTES 41 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 64.26 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 49 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 80.91 FEET; THENCE NORTH 0 DEGREES 15 MINUTES 33 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 347.46 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 26.81 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

HARLEY SWENSON, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF NORTH DAKOTA HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON MAY 6, 1988, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

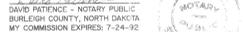
SWENSON, HAGEN AND COMPANY
CONSULTING ENGINEERS
909 BASIN AVENUE - P.O. BOX 1135
BISMARCK, NORTH DAKOTA 58502



STATE OF NORTH DAKOTA

COUNTY OF BURLINGHAM

ON THIS 21 DAY OF JULY, 1988, BEFORE ME PERSONALLY APPEARED HARLEY SWENSON, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.



APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT AND HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK. THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 21 DAY OF JULY, 1988.

ATTEST:
Grant Bergquist - CITY AUDITOR

APPROVAL OF CITY ENGINEER

RAYMOND J. JUNDT, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "WACHTER'S NORTH ADDITION" AS SHOWN ON THE ANNEXED PLAT.



APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE 22 DAY OF JULY, 1988, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK, AND REGULATIONS ADOPTED BY SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

DAVID BLACKSTAIN - CHAIRMAN
W.C. WOODEN - SECRETARY

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WACHTER REAL ESTATE TRUST, A NORTH DAKOTA CORPORATION AND EVANGEL TEMPLE OF BISMARCK, NORTH DAKOTA, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN ON THE ANNEXED PLAT HAS CAUSED THIS PORTION DESCRIBED HEREON AND SHOWN ON THE ANNEXED PLAT TO BE SURVEYED AND PLATTED AS "WACHTER'S NORTH ADDITION".

THEY ALSO DECREE AND EASEMENTS, TO RUN WITH THE LAND, FOR WATER, SEWER, GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS".

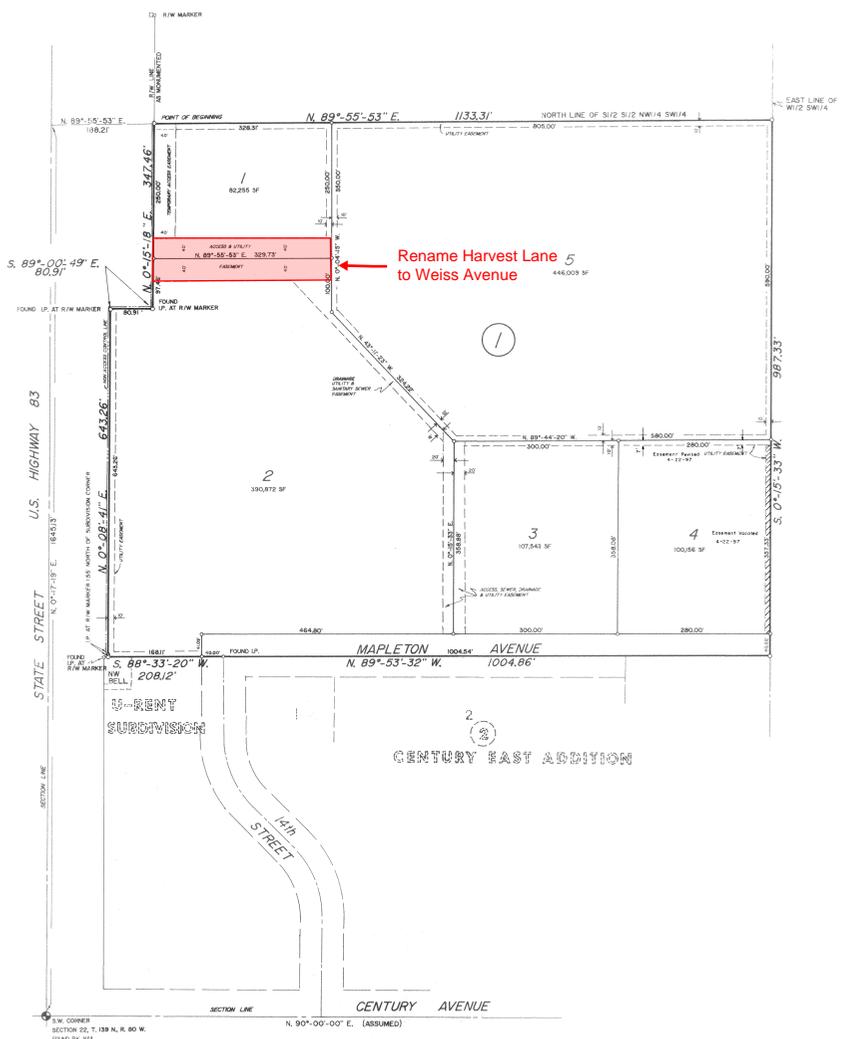
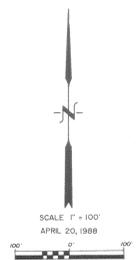
THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR HEIRS AND ASSIGNS, OVER THE TRACTS SO DESIGNATED ON THE PLAT, SAID EASEMENTS TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LINE RIGHT AT ALL TIMES 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 APPURTENANT TO THE LAND OF SAID PARTIES. IT ALSO DECREE SAID ACCESS EASEMENT TO LAND FOR THE USE OF ANY GOVERNMENTAL, SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

WACHTER REAL ESTATE TRUST, OWNERS OF ALL OF "WACHTER'S NORTH ADDITION" EXCEPT LOT 5 BLOCK 1
Paul C. Wächter, Trustee
LANCE A. WACHTER, TRUSTEE
Evangal Temple
REV. TED HEASTON, PRESIDENT
OWNER OF LOT 5 BLOCK 1

STATE OF NORTH DAKOTA
COUNTY OF BURLINGHAM
ON THIS 21 DAY OF APRIL, 1988, BEFORE ME PERSONALLY APPEARED PAUL C. WACHTER AND LANCE A. WACHTER KNOWN TO ME TO BE TRUSTEES OF WACHTER REAL ESTATE TRUST THAT IS DESCRIBED IN AND THAT EXECUTED THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SUCH INSTRUMENT EXECUTED THE SAME.

STATE OF NORTH DAKOTA
COUNTY OF BURLINGHAM
ON THIS 21 DAY OF APRIL, 1988, BEFORE ME PERSONALLY APPEARED REV. TED HEASTON, PRESIDENT OF EVANGEL TEMPLE, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE - NOTARY PUBLIC
BURLINGHAM COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 7-24-92





Engineering Department

DATE: February 27, 2024

FROM: Gabe Schell, City Engineer

ITEM: S Washington Street - Engineering Amendment - HC 158

REQUEST:

Consider approval of amendment 4 to the existing agreement for professional services with Apex Engineering Group, Inc for S Washington St reconstruction - HC 158

BACKGROUND INFORMATION:

Apex Engineering Group, Inc. is under contract to perform preliminary and design engineering services relating to the reconstruction of S Washington Street between Burleigh Avenue and the south Bismarck drainage ditch. This request is for authorization of scope and fee to include the construction engineering of the project. This project is funded primarily through ½ cent sales tax, with additional funding through special assessments, developer prepayment and water utility.

RECOMMENDED CITY COMMISSION ACTION:

Approve amendment 4 to the existing agreement for professional services with Apex Engineering Group, Inc for S Washington St reconstruction – HC 158

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Amend 3 Apex - HC 158

AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
Amendment 3: Construction Administration

Background Data:

Effective Date of Owner-Engineer Agreement: November 22, 2022

Owner: City of Bismarck

Engineer: Apex Engineering Group, Inc.

Project: South Washington Street Reconstruction
City Number; HC 158

Nature of Amendment:

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

Description of Modifications:

- Attachment “D” – Phase III - Construction Administration

Agreement Summary:

Original agreement amount:	\$ <u>521,426.18</u>
Net change for prior amendments:	\$ <u>765,008.04</u>
This amendment amount – Attachment D*	\$ <u>1,536,081.95</u>
Adjusted Agreement amount:	\$ <u>2,822,516.17</u>

***Amendment amount for Phase III Construction Administration will be billed separately from the original contract and prior amendments.**

Engineer and Owner hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is February 27, 2024.

OWNER:

City of Bismarck

By:

Michael T. Schmitz

Title: President, Board of City Commissioners

Date Signed:

ENGINEER:

Apex Engineering Group, Inc.

By:

Jason P. Gullicks, PE

Title: Vice President

Date Signed:



Water | Transportation | Municipal | Facilities

ATTACHMENT "D"
SCOPE OF SERVICES
PHASE III – CONSTRUCTION ADMINISTRATION

South Washington Street Reconstruction
Burleigh Avenue to the South Bismarck Drainage Ditch
AC-NHU-1-981(137); PCN 23859
CPU-1-981(140); PCN 24022
City Project - HC 158
February 13, 2024

PROJECT DESCRIPTION

The purpose of this attachment is to describe the scope of services and responsibilities required to complete construction administration services. Services include construction inspection, materials testing, and survey to verify the contractor's work is performed according to the governing specifications, plans, and special provisions.

Project improvements include reconstructing 1 mile of South Washington Street from Burleigh Avenue to the South Bismarck Drainage Ditch. The roadway will be reconstructed to a three-lane urban road section with a center left turn lane. Improvements include lighting, landscaping, a 10-foot shared-use path, a 6-foot pedestrian sidewalk, the extension of a 16-inch watermain, installation of a sanitary sewer forcemain, stormwater forcemain, and the installation of a storm sewer system. A traffic signal will be installed at the London Avenue/Santa Fe Avenue intersection with right turn lanes on South Washington Street. A fiber optic interconnect cable will be installed to connect all signals on South Washington Street, including existing signals at Denver Avenue, Reno Avenue, Wachter Avenue, and the new signal at London Avenue/Santa Fe Avenue. A single lane roundabout will be constructed at the Burleigh Avenue intersection. Burleigh Avenue will be widened between South Washington Street and Boston Drive to a three-lane section with a center left turn lane.

PROJECT SCHEDULE

The work tasks outlined below are estimated based on the construction completion dates as identified below and may vary depending upon the Contractor's actual schedule.

Bid Date: 2/16/2024

Estimated Start Construction: 04/08/2024

Substantial Completion: 11/15/2024

Final Completion: 6/28/2025

A total of 192 days (32 weeks) of construction observation services have been assumed for the 2024 construction season and a total of 20 days of construction observation services have been assumed for the 2025 construction season; the hourly summary is based on an average of 3 full time construction



staff working 6 days per week for 12-hour days during construction activities. Additional time is included for office staff before construction begins and for close-out activities. Surveying and materials testing are anticipated to be completed within the same timeframes.

1.0 PROJECT MANAGEMENT

1.01 PROJECT MANAGEMENT

The Apex project manager will be the City of Bismarck's main point of contact and will be responsible for the overall coordination of work completed. This task consists of managing the project budget, work assignments, internal coordination meetings, and coordination with the City of Bismarck and NDDOT.

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 of Bismarck will be notified of any potential changes.

1.02 PROJECT INITIATION & SHOP DRAWING REVIEW

This task includes time for the construction staff to review plans, setup the record keeping system and create a work plan. Also includes shop drawing review by the design and construction staff.

1.03 PRE-CONSTRUCTION MEETING

Apex will attend and participate in the pre-construction meeting and utility coordination meetings hosted by the Contractor.

1.04 WEEKLY CONSTRUCTION MEETING

Apex will attend and participate in the weekly construction and utility coordination meetings hosted by the Contractor.

1.05 CONSTRUCTION CHANGE ORDERS

Apex will review and respond to change order requests and RFIs. Apex will work with the City to negotiate the change order; maintain contact with the NDDOT during the negotiation process to ensure that all parties agree.

1.06 WEEKLY RECORDS

Apex staff will maintain a daily diary of construction activities throughout the duration of the project. Take photographs of the project throughout the duration of the project and maintain files of photographs taken. Aerial and ground images obtained will be made available to the City upon request.

1.07 CONSTRUCTION AUTOMATE RECORD SYSTEM (CARS) ENTRY

Apex will keep appropriate project records in the NDDOT CARS system. These items will include project diary, haul sheets, pay quantities, pay estimates, progress reports, stockpile/invoice items, construction status, and contract adjustments. Apex will input PQEs, to produce weekly progress reports and pay estimates on a biweekly basis. This task also includes work associated with reviewing payrolls, conducting labor compliance interviews, and monthly EEO Inspection Reports per the NDDOT External Civil Rights Manual.



2.0 CONSTRUCTION ADMINISTRATION

Apex will verify and document in the field the Contractor's work is in conformance with the contract documents. Apex will obtain certifications, measure, and document quantities for each of the bid items. The major works items for each construction operation are summarized below.

2.01 REMOVALS

Apex will verify removal limits and review construction items related to removal operations, including clearing and grubbing, removal of asphalt and concrete pavement, removal of aggregates, and removal of culverts.

2.02 EARTHWORK

Apex will verify earthwork operations including stripping and respreading topsoil; common excavation; embankment; and compaction.

2.03 AGGREGATE BASE/TRAFFIC SERVICE AGGREGATE/GEOSYNTHETIC

Apex will verify all construction items related to aggregate base operations including placement and compaction, grade control, and geosynthetic fabric placement.

2.04 BITUMINOUS PAVEMENT

Apex will field verify all construction items related to hot mix asphalt laydown operations including leveling course, wear course, placement and compaction, and chip seal inspection.

2.05 CONCRETE PAVEMENT

Apex will field verify construction items related to concrete paving operations. This includes jointing layouts, rebar placement, mainline paving, curb & gutter, saw cutting/jointing, and joint sealant.

2.06 STORM SEWER

Apex will field verify all construction items related to storm sewer installations including the installation of manholes, inlets, trunkline, and forcemain.

2.07 SANITARY FORCEMAIN

Apex will field verify all construction items related to the sanitary forcemain installation including the installation, horizontal/vertical grade control, backfill/compaction, and pressure testing.

2.08 WATERMAIN

Apex will field verify all construction items related to watermain installation including the installation, horizontal/vertical grade control, backfill/compaction, pressure and bacteriological testing.

2.09 EROSION CONTROL

Apex will field verify construction items related to erosion control including temporary cover crop, mulching, fiber rolls, and erosion control blankets. This task includes reviewing the Contractor's SWPP.

2.10 SIDEWALK/DRIVEWAY/MEDIAN/BOULEVARD CONCRETE

Apex will field verify construction items related to concrete flatwork operations. This includes sidewalk placement, ADA ramps, driveways, and stamped concrete medians. Jointing layouts, rebar placement, saw cutting/jointing, and joint sealant will also be reviewed.



2.11 TRAFFIC CONTROL

Apex will field verify all construction items related to construction traffic control. Daily inspections of the traffic control will be completed by Apex and the Contractor will be notified of any deficiencies, revisions or corrections.

2.12 PAVEMENT MARKING/SIGNING

Apex will field verify all construction items related to permanent pavement marking and signing.

2.13 STREET LIGHTING AND TRAFFIC SIGNALS

Apex will field verify construction items related to the street lighting, traffic signals and interconnect.

2.14 LANDSCAPING

Apex will field verify all construction items related to seeding and landscaping items including permanent seeding, mulching, fiber rolls, tree plantings, fences, and landscape appurtenances.

2.15 MATERIAL TESTING

Apex will coordinate materials testing for the project with the Contractor and Apex's materials testing subconsultant. Materials testing will be provided by Terracon under a separate agreement, see attached scope of services.

3.0 CONSTRUCTION STAKING

3.01 CONSTRUCTION STAKING

Apex will provide construction staking to include survey control and horizontal and vertical control necessary for construction of the project. In addition, property pins will be reset where disturbed by construction within construction easements. Two survey markers will be reset as described in the plans. The following Items are anticipated to require survey:

- Survey Control Points
- Traffic Control
- ROW and Easements
- Removals
- Watermain
- Sanitary Forcemain
- Lighting
- Traffic Signal
- Fiber Optic Interconnect
- Storm Sewer
- Curb and Gutter
- Roundabout Staking
- Subgrade Blue-Top
- Aggregate Trim Line
- Concrete Joint Layout
- Hand Pours/Intersections
- Sidewalk and Shared-Use Path
- Landscaping and Trees
- Signs and Pavement Marking
- As-built Utilities
- As-built Seeding Limits
- Erosion Control Staking
- Utility Relocations



4.0 PROJECT CLOSEOUT

4.01 FINAL RECORDS, PROJECT ACCEPTANCE & APPROVAL

This task includes time to prepare the final project records including verifying quantities for accuracy, completing necessary final document forms, completing record drawings, packaging, and delivering final documents to the City and NDDOT. Apex will conduct and prepare minutes for the Substantial Completion and Final Completion inspections, final punch list, and approval/acceptance letters to the Contractor.

4.02 FINAL RECORD SUBMITTAL

Apex Task 4.02 contains the services required to submit final records to the NDDOT Bismarck District. All records will be prepared completed per the Construction Records Manual.

TASKS NOT INCLUDED IN THIS SCOPE OF WORK

- Onsite Safety Procedures and Operations
- Dispute Resolution/Claim Analysis
- Materials testing for failed test results



Apex Engineering Group, Inc.
Phase III - Construction, Administration, and Supervision
South Washington Street Reconstruction - Burleigh Avenue to the South Bismarck Drainage Ditch
City Project - HC 158
 February 13, 2024

Apex Proj. No. 22.105.0199

Task No.	Classification Task Description	Principal \$97.00		Senior Engineer \$74.00		Lead Engineer \$62.00		Project Engineer \$36.00		Graduate Engineer \$31.00		Senior Engineering Tech \$47.00		Survey Manager \$62.00		Sr. Survey Crew Chief \$55.00		Surveyor II \$33.00		Engineer Tech II \$26.00		Support Staff \$28.00		Total Hours	Total Labor Cost		
		Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost						
1.0 Project Management																											
1.01	Project Management	12	\$1,164	400	\$29,600	100	\$6,200	50	\$1,800		\$0		\$0	40	\$2,200	100	\$5,500		\$0		\$0		\$0		\$0	662	\$44,264.00
1.02	Project Initiation & Shop Drawing Review		\$0	60	\$4,440	120	\$7,440	120	\$4,320		\$0	100	\$4,700	40	\$2,200	40	\$2,200		\$0		\$0		\$0		\$0	440	\$25,300.00
1.03	Pre-Construction Meeting		\$0	12	\$888	12	\$744	40	\$1,440		\$0	40	\$1,880	4	\$220		\$0		\$0		\$0		\$0		104	\$5,172.00	
1.04	Weekly Construction Meeting		\$0	60	\$4,440		\$0	60	\$2,160		\$0	60	\$2,820		\$0		\$0		\$0		\$0		\$0		180	\$9,420.00	
1.05	Construction Change Orders	4	\$388	50	\$3,700	50	\$3,100	120	\$4,320	50	\$1,550	50	\$2,350		\$0		\$0		\$0		\$0		\$0		324	\$15,408.00	
1.06	Weekly Records		\$0		\$0	40	\$2,480	300	\$10,800	100	\$3,100	120	\$5,640		\$0		\$0		\$0	200	\$5,200		\$0		760	\$27,220.00	
1.07	Construction Automate Record System (CARS) Entry		\$0		\$0	40	\$2,480	300	\$10,800	50	\$1,550	50	\$2,350		\$0		\$0		\$0	200	\$5,200		\$0		640	\$22,380.00	
1.0 Project Management		16	\$1,552	582	\$43,068	362	\$22,444	990	\$35,640	200	\$6,200	420	\$19,740	44	\$2,420	140	\$7,700	0	\$0	400	\$10,400	0	\$0	0	\$0	3110	\$149,164.00
2.0 Construction Administration & Observation																											
2.01	Removals		\$0	8	\$592		\$0	80	\$2,880	80	\$2,480	40	\$1,880		\$0		\$0		\$0	80	\$2,080		\$0		288	\$9,912.00	
2.02	Earthwork		\$0	8	\$592		\$0	80	\$2,880	80	\$2,480	40	\$1,880		\$0		\$0		\$0	80	\$2,080		\$0		288	\$9,912.00	
2.03	Aggregate Base/Traffic Service Aggregate/Geosynthetic		\$0	16	\$1,184	40	\$2,480	120	\$4,320	80	\$2,480	40	\$1,880		\$0		\$0		\$0	160	\$4,160		\$0		456	\$16,504.00	
2.04	Bituminous Pavement		\$0	8	\$592	40	\$2,480	80	\$2,880	40	\$1,240	80	\$3,760		\$0		\$0		\$0	80	\$2,080		\$0		328	\$13,032.00	
2.05	Concrete Pavement	4	\$388	40	\$2,960	80	\$4,960	200	\$7,200	120	\$3,720	200	\$9,400		\$0		\$0		\$0	240	\$6,240		\$0		884	\$34,868.00	
2.06	Storm Sewer		\$0	16	\$1,184	40	\$2,480	100	\$3,600	120	\$3,720	100	\$4,700		\$0		\$0		\$0	120	\$3,120		\$0		496	\$18,804.00	
2.07	Sanitary Forcemain		\$0	8	\$592	40	\$2,480	100	\$3,600	80	\$2,480	80	\$3,760		\$0		\$0		\$0	80	\$2,080		\$0		388	\$14,992.00	
2.08	Watermain		\$0	8	\$592	40	\$2,480	100	\$3,600	80	\$2,480	80	\$3,760		\$0		\$0		\$0	80	\$2,080		\$0		388	\$14,992.00	
2.09	Erosion Control		\$0	8	\$592		\$0	120	\$4,320	40	\$1,240	40	\$1,880		\$0		\$0		\$0	40	\$1,040		\$0		248	\$9,072.00	
2.10	Sidewalk/Driveway/Median/Boulevard Concrete		\$0	40	\$2,960	40	\$2,480	220	\$7,920	120	\$3,720	120	\$5,640		\$0		\$0		\$0	240	\$6,240		\$0		780	\$28,960.00	
2.11	Traffic Control		\$0	16	\$1,184		\$0	100	\$3,600	40	\$1,240	40	\$1,880		\$0		\$0		\$0	40	\$1,040		\$0		236	\$8,944.00	
2.12	Pavement Marking/Signing		\$0	4	\$296		\$0	100	\$3,600	80	\$2,480	40	\$1,880		\$0		\$0		\$0	80	\$2,080		\$0		304	\$10,336.00	
2.13	Street Lighting and Traffic Signals		\$0	40	\$2,960		\$0	100	\$3,600	40	\$1,240	120	\$5,640		\$0		\$0		\$0	40	\$1,040		\$0		340	\$14,480.00	
2.14	Landscaping		\$0	8	\$592		\$0	40	\$1,440	40	\$1,240	40	\$1,880		\$0		\$0		\$0	40	\$1,040		\$0		168	\$6,192.00	
2.15	Material Testing		\$0	16	\$1,184		\$0	80	\$2,880		\$0	80	\$3,760		\$0		\$0		\$0		\$0		\$0		176	\$7,824.00	
2.0 Construction Administration & Observation		4	\$388	244	\$18,056	320	\$19,840	1620	\$58,320	1040	\$32,240	1140	\$53,580	0	\$0	0	\$0	0	\$0	1400	\$36,400	0	\$0	0	\$0	5768	\$218,824.00
3.0 Construction Staking																											
3.01	Construction Staking	4	\$388		\$0		\$0		\$0		\$0		\$0	8	\$440	30	\$1,650	30	\$990		\$0		\$0		64	\$3,468.00	
	Survey Control Points		\$0		\$0		\$0		\$0		\$0		\$0	2	\$110	10	\$550	10	\$330		\$0		\$0		20	\$990.00	
	Traffic Control		\$0		\$0		\$0		\$0		\$0		\$0	2	\$110	10	\$550	10	\$330		\$0		\$0		20	\$990.00	
	ROW and Easements		\$0		\$0		\$0	8	\$288		\$0		\$0	8	\$440	40	\$2,200	40	\$1,320		\$0		\$0		88	\$4,248.00	
	Removals		\$0		\$0		\$0	8	\$288		\$0		\$0	2	\$110	20	\$1,100	20	\$660		\$0		\$0		48	\$2,158.00	
	Watermain		\$0		\$0		\$0	4	\$144		\$0		\$0	4	\$220	20	\$1,100	20	\$660		\$0		\$0		44	\$2,124.00	
	Sanitary Forcemain		\$0		\$0		\$0	4	\$144		\$0		\$0	4	\$220	10	\$550	10	\$330		\$0		\$0		24	\$1,244.00	
	Lighting		\$0		\$0		\$0		\$0		\$0		\$0	2	\$110	20	\$1,100	20	\$660		\$0		\$0		40	\$1,870.00	
	Traffic Signal		\$0		\$0		\$0		\$0		\$0		\$0	2	\$110	10	\$550	10	\$330		\$0		\$0		20	\$990.00	
	Fiber Optic Interconnect		\$0		\$0		\$0		\$0		\$0		\$0	2	\$110	30	\$1,650	30	\$990		\$0		\$0		60	\$2,750.00	
	Storm Sewer		\$0		\$0		\$0	24	\$864		\$0		\$0	8	\$440	50	\$2,750	50	\$1,650		\$0		\$0		124	\$5,704.00	
	Curb and Gutter		\$0		\$0		\$0		\$0		\$0		\$0		\$0	20	\$1,100	20	\$660		\$0		\$0		40	\$1,760.00	
	Roundabout Staking		\$0		\$0		\$0	24	\$864		\$0		\$0	8	\$440	50	\$2,750	50	\$1,650		\$0		\$0		124	\$5,704.00	
	Subgrade Blue-Top		\$0		\$0		\$0	16	\$576		\$0		\$0	8	\$440	40	\$2,200	40	\$1,320		\$0		\$0		96	\$4,536.00	
	Aggregate Trim Line		\$0		\$0		\$0	16	\$576		\$0		\$0	8	\$440	40	\$2,200	40	\$1,320		\$0		\$0		96	\$4,536.00	
	Concrete Joint Layout		\$0		\$0		\$0	24	\$864		\$0		\$0	4	\$220	50	\$2,750	50	\$1,650		\$0		\$0		124	\$5,484.00	
	Hand Pours/Intersections		\$0		\$0		\$0	24	\$864		\$0		\$0	8	\$440	100	\$5,500	100	\$3,300		\$0		\$0		224	\$10,104.00	
	Sidewalk and Shared-Use Path		\$0		\$0		\$0	24	\$864		\$0		\$0	4	\$220	20	\$1,100	20	\$660		\$0		\$0		64	\$2,844.00	
	Landscaping and Trees		\$0		\$0		\$0		\$0		\$0		\$0		\$0	5	\$275	5	\$165		\$0		\$0		10	\$440.00	
	Signs and Pavement Marking		\$0		\$0		\$0		\$0		\$0		\$0		\$0	10	\$550	10	\$330		\$0		\$0		20	\$880.00	
	As-built Utilities		\$0		\$0		\$0		\$0		\$0		\$0		\$0	20	\$1,100	20	\$660		\$0		\$0		40	\$1,760.00	
	As-built Seeding Limits		\$0		\$0		\$0		\$0		\$0		\$0		\$0	10	\$550	10	\$330		\$0		\$0		20	\$880.00	
	Erosion Control Staking		\$0		\$0		\$0		\$0		\$0		\$0		\$0	10	\$550	10	\$330		\$0		\$0		20	\$880.00	
	Utility Relocations		\$0		\$0		\$0	16	\$576		\$0		\$0	8	\$440	40	\$2,200	40	\$1,320		\$0		\$0		96	\$4,536.00	
3.0 Construction Staking		4	\$388	0	\$0	0	\$0	192	\$6,912	0	\$0	0	\$0	90	\$4,950	655	\$36,025	655	\$21,615	0	\$0	0	\$0	0	\$0	1506	\$69,890.00
4.0 Plan Submittal																											
4.01	Final Records, Project Acceptance & Approval	2	\$194	24	\$1,776	40	\$2,480	120	\$4,320		\$0	100	\$4,700	10	\$550		\$0		\$0		\$0		\$0		286	\$14,020.00	
4.02	Final Record Submittal	2	\$194	16	\$1,184	40	\$2,480	120	\$4,320		\$0	100	\$4,700		\$0		\$0		\$0	120	\$3,120		\$0		398	\$15,998.00	
4.0 Plan Submittal		4	\$388	40	\$2,960	80	\$4,960	240	\$8,640	0	\$0	200	\$9,400	10	\$550	0	\$0	0	\$0	120	\$3,120	0	\$0	0			

Cost of Money Rate (0.52%)		\$2,433.06
Fixed Fee (15%)		\$183,254.62
		Subtotal (with Fixed Fee and COM)
Direct Cost Totals		\$1,407,385.15
PHASE III GRAND TOTAL		\$1,536,081.95

DIRECT COST ITEMS

Vehicle Mileage @ \$0.67 / Mile						
Task 2.0 - Construction Administration & Observation	Round Trip From-To	No. of Trips	Per Trip Mileage	Total Mileage	Cost (@ \$0.67/mi)	
	Bismarck Site	600	6	3,600	\$2,412.00	
	Site	600	10	6,000	\$4,020.00	
	Vehicle Mileage Totals			9,600	\$6,432.00	
Survey Vehicle Mileage @ \$1.00 / Mile	Round Trip From-To	No. of Trips	Per Trip Mileage	Total Mileage	Cost (@ \$1.00/mi)	
Task 3.0 - Construction Staking	Bismarck Site	75	6	450	\$450.00	
	Project Site	75	10	750	\$750.00	
	Survey Vehicle Mileage Totals			1,200	\$1,200.00	
Subsistence (\$35 / day / person max)	No. of days	No. of people	Total No. of per diems	Cost (@ \$35/day)		
	0	0	0	\$0.00		
	Subsistence Totals			0	\$0.00	
Lodging (\$150 / night)	Lodging Location	No. of nights	No. of people	Total No. of nights	Cost (@ \$150/day)	
	Bismarck	0	0	0	\$0.00	
	Lodging Totals			0	\$0.00	
Printing Costs					\$0.00	
Misc Costs					\$5,000.00	
Subconsultants:						
Bolton & Menk					\$9,447.00	
Terracon					\$106,617.80	
Direct Costs Total					\$128,696.80	

OVERTIME COSTS

Classification	OT Rate	Hr. Rate	Add. OT Rate	OT Hours	Direct OT Costs
Senior Eng Tech	\$70.50	\$47.00	\$23.50	200	\$4,700.00
Engineer Tech II	\$39.00	\$26.00	\$13.00	500	\$6,500.00
Surveyor II	\$49.50	\$33.00	\$16.50	150	\$2,475.00
				Total Overtime Cost	\$13,675.00

Expense Notes:

1.Meals are payable on a daily per diem basis and limited to \$35.00 per employee per day (Breakfast \$7.00, Lunch \$10.50, Dinner \$17.50).



APPENDIX D
SCOPE OF SERVICES
PHASE III – ENGINEER OF RECORD (BOLTON & MENK)
South Washington Street Reconstruction
Burleigh Avenue to the South Bismarck Drainage Ditch
AC-NHU-1-981(137); PCN 23859
City Project - HC 158
JANUARY 26, 2024

Task 13: Engineer of Record

Project Bidding Phase – This task includes addressing questions from the City of Bismarck or NDDOT Construction Services and/or contractors during the bidding of the project, creating addenda for minor changes in quantities and design details for plan sections 85, 100, 110, 120, 150, and 160.

Construction Phase – This task includes addressing field questions during construction, addressing plan revisions and design change orders, and reviewing shop drawings for plan sections 85, 100, 110, 120, 150, and 160.



Appendix D: Phase III Fee

Client: City of Bismarck **Bolton & Menk, Inc.**
City Project HC 148, AC-NHU-1-981(137), PCN 23859, Bismarck South Washington Street

Task No.	Work Task Description	Principal in Charge	Team Project Manager	Signals Lead	ITS Lead	Signals Designer	Landscape Architect	ITS Designer	Design Engineer	Admin	Total Hours	Total Labor Cost
	Name	Mike Bittner	Chris Dahl	Mike Larson	Jake Folkeringa	Aaron Hamby	Josh Shields	Darrin Rickbeil	Ryan Genz	Amber Coulthart		
13.0	Engineer of Record	0	24	4	4	4	4	4	4	6	54	\$2,624
Total Hours		0	24	4	4	4	4	4	4	6	54	\$2,624

Rate Calculation

Average Hourly Rate	\$65.00	\$55.00	\$50.00	\$62.00	\$38.00	\$55.00	\$47.00	\$41.00	\$22.00
Average Hourly Overhead (213.06%)	\$138.49	\$117.18	\$106.53	\$132.10	\$80.96	\$117.18	\$100.14	\$87.35	\$46.87
Average Hourly Fixed Fee (15%)	\$30.52	\$25.83	\$23.48	\$29.11	\$17.84	\$25.83	\$22.07	\$19.25	\$10.33
Total Hourly Rate	\$234.01	\$198.01	\$180.01	\$223.21	\$136.81	\$198.01	\$169.21	\$147.61	\$79.20
Toal Labor Cost	\$0	\$1,320	\$200	\$248	\$152	\$220	\$188	\$164	\$132
Total Cost	\$0	\$4,752	\$720	\$893	\$547	\$792	\$677	\$590	\$475

Direct Expenses	Number	Total
Lodging (\$125/Night)	0	\$0
Vehicle Miles (\$0.56/Mile)	0	\$0
Meals (\$35/Day)	0	\$0
Total		\$0

Financial Summary	
Total Labor Costs	\$2,624
Overhead (213.06%)	\$5,591
Subtotal (Labor and Overhead)	\$8,215
Fixed Fee (15%)	\$1,232
Data Purchase	\$0
Travel	\$0
Total	\$9,447



1502 Grumman Lane Ste 4, PO Box 2084
Bismarck, North Dakota 58502-2084
P (701) 258-2833
F (701) 258-2857
Terracon.com

February 8, 2024
Apex Engineering Group
600 South 2nd Street – Suite 145
Bismarck, North Dakota

Attn: Troy Ripplinger
701-226-0175
Troy.ripplinger@apexenggroup.com

Re: Proposal for Materials Testing
AC-NHU-1-981(137)(PCN-23859) and CPU-1-981(140)(PCN-24022)
South Washington Street
Bismarck, North Dakota
Terracon Proposal No. PM2241016

Dear Mr. Ripplinger:

Terracon Consultants, Inc. (Terracon) appreciates the opportunity to submit this proposal to provide construction materials testing services for the AC-NHU-1-981(137)(PCN-23859) and CPU-1-981(140)(PCN-24022) project. Our proposal includes an outline of the project information, our proposed scope of services, estimated quantities, unit rates, and a total estimated fee for our services.

1.0 CAPABILITIES AND EXPERIENCE

Construction Materials Testing Services

Our team of inspectors and technicians are experienced with providing materials testing, inspections and/or observations of concrete, soils, aggregate, masonry, structural steel, foundations, fireproofing, and asphalt pavement in the local area and are familiar with the recognized building jurisdiction requirements.

Laboratory Capabilities

Our laboratory is accredited by AASHTO Re:source which is recognized by ASTM E329 Standard Specification for Agencies Engaged in Construction Inspection, Testing, or Special Inspection. The scope of accreditation includes the field of Soils, Aggregates, and Portland Cement Concrete. As a requirement of accreditation, we regularly participate in the Proficiency Sample Programs of AASHTO Re:source, the Concrete and Cement Reference Laboratory (CCRL) and WACEL. Our office employs engineering technicians and special inspectors certified by the American Concrete Institute (ACI), National Institute for Certification in Engineering Technologies (NICET), American Welding Society (AWS), the International Code Council (ICC), Virginia Department of Transportation (VDOT) and WACEL. In addition, we provide a rigorous internal training program where our staff are evaluated in specific field and laboratory test procedures by internal Terracon auditors and external agencies.

- **Accredited by AASHTO re:source (formerly known-as AMRL)**
- **Inspected by Concrete and Cement Reference Laboratory (CCRL)**
- **Validated by United States Army Corps of Engineers (USACE)**

Compass | Materials Data Delivery

Traditional methods of reporting and accessing results of your project’s inspections, testing, and observations are no longer sufficient for today’s construction projects. With a large amount of reports generated on a single project, you now have a solution to quickly find and view specific data to make timely, informed decisions for your project. Terracon offers you the ability to view and interact with your testing data in a new way and is committed to using innovative techniques to deliver quality projects. Construction data is viewed by geographic location in relation to your project drawings as part of our seamless project delivery system.

Advantages to Terracon Compass:

- Mapped Testing Data on Your Dashboard
- Filtering Tools (date, test type, deviations, etc.)
- Intuitive Test Status by Color
- Additional GIS Layers
- Augmented Testing Reports with In-Place Locations
- Quicker Turnaround Time

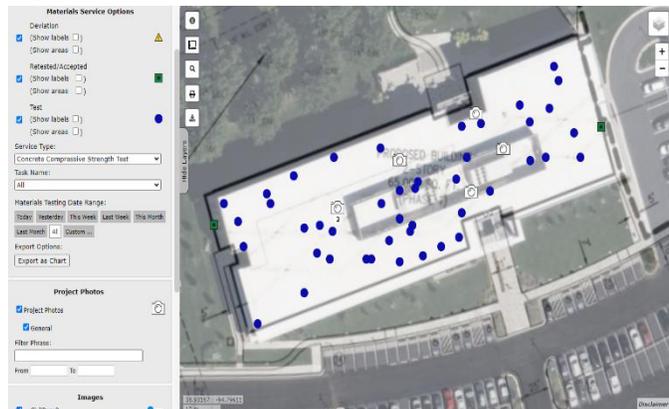
One of Terracon Compass’ greatest strengths is that we curate your projects for your future. Terracon Compass shows your team members an interactive map with locations of past and present projects to navigate geographically; or for those that prefer a tabular format, we have that option too. Either way, as you collaborate with Terracon, your team members will be able to build a library of past projects curated online through a secured login. That means a few years after completion, your team can readily find a final, signed deliverable.

How It Works:

We overlay your project drawings into an accessible GIS map. Our field professionals will locate where they are standing on the plan through their mobile devices. When performing a test or observation, they simply drop a pin where the work is, perform our work, and collect the data. Field professionals complete the data collection through intuitive forms built into the application.

Once complete, the technicians can submit the report from their device in the field which dramatically reduces report turnaround time. After the report has been reviewed and approved it is visible in Terracon Compass.

Imagine seeing all your materials testing data for your project on one screen, located where the work occurred, and with intuitive filters to find what you need. What used to take hours can now be accomplished in minutes using Terracon Compass.





2.0 PROJECT INFORMATION

Our understanding of the required construction materials testing services for this project is based upon information provided by your firm, our experience with other projects of this type, and the following information:

- Plans Provided on the NDDOT website dated 11-21-2023

A construction schedule was not provided to Terracon prior to submitting this proposal, therefore our assumptions on the schedule should be considered an estimate until we can review the contractor’s schedule. Pertinent project information is summarized below:

ITEM	DESCRIPTION
Location	The project is located at South Washington Street in Bismarck, North Dakota.
Size	The site encompasses approximately 2.6 miles of roadway.
Project Description	We understand the project will consist of Grading, Aggregate Base, PCC Pavement, HMA, Curb & Gutter, Milling, Shared Use Path, Sidewalk, Storm Sewer, Watermain, Force Main, Lighting, Signals, Interconnect Cable, Signing, and Markings.

3.0 SCOPE OF SERVICES

Terracon proposes to provide materials testing and special inspection services as summarized below:

ITEM	DESCRIPTION
Earthwork	Terracon will obtain samples for laboratory tests, perform in-place field density testing for excavation, subgrade preparation, aggregate base beneath pavements, backfill of pipe, and excavated areas and beneath roadways.
Concrete	<p>During concrete placements, observation, sampling, and testing will be performed by Terracon for the concrete used for miscellaneous concrete construction and other structural elements. The concrete will be sampled and tested for slump, and temperature at the time of placement. Testing will be performed in general accordance with project plans and specifications.</p> <ul style="list-style-type: none"> ▪ Cast 1 set of 4 (4-inch by 8-inch) cylinders for each 2000 square yards of concrete pavement or fraction thereof for each day’s placement for each concrete mix. ▪ Cast 1 set of 4 (4-inch by 8-inch) cylinders for each 50 cubic yards of curb & gutter, sidewalk, and driveways or fraction thereof for each day’s placement for each concrete mix.
Asphalt Concrete Pavement	Relative field density-compaction testing by core methods will be performed during asphalt concrete paving operations. Asphalt samples will be obtained during asphalt paving and tested for unit weight, density, and asphalt content and gradation.



ITEM	DESCRIPTION
<p>Project Management</p>	<p>A project manager will be assigned to the project to review the daily activity and assist in scheduling the work. Field and laboratory tests will be reviewed prior to final submittal. The project manager will be responsible for the project budget, communicating with the contractor regarding schedule, deviations, and documenting the resolution of outstanding deviations.</p> <p>To help create a good working relationship with the contractor and for the contractor to better understand our scope of work for the project, we request that Terracon be invited to preconstruction meetings prior to each phase of construction.</p>

Scope Assumptions/Exclusions:

- This proposal is limited to Base Bid of \$106,617.80. Services not included in this proposal can be provided at an additional fee.
- We have assumed that contractors on the site will work a single shift, typical schedule of 5 days per week.
- All quantities are based off the needs called out in the plans provided.

Commitment to Timely Report Turnaround:

We understand the importance of report turnaround to our clients, and we are committed to delivering test results on a timely basis as well as the following reporting standards:

- Failing tests or non-conformance items will be communicated to the designated parties prior to leaving the site and handwritten draft reports are available at the end of each day.
- Final reports with non-conformances (Deviation Reports) will be provided within 24 hours of testing.
- Final reports without non-conformances will be provided within five business days.
- Final laboratory test reports will be provided within two days of test completion.

Terracon Field Representative:

In addition to the above services, our field personnel will provide the following services during their visit:

- Check in with the project general superintendent upon arrival on-site.
- Confirm that current approved construction documents are available during our visit.
- Notify the general contractor of our field observations and test results prior to leaving the site.
- Submit a written draft report to the Terracon project manager for review.
- Our field personnel have the right to decline work if they believe the conditions are not safe.

Scheduling of Services:

We understand that the client may not be involved with scheduling our services; this is typically the responsibility of the general contractor. We request that the following information be passed on to whom will be responsible for scheduling our services.

- Scheduling testing services should be requested no later than 5:00 pm on the business day preceding the work to ensure Terracon will be available for testing.
- Scheduling is performed through our dispatcher by calling (701) 258-2833.
- Terracon will not be responsible for tests that are not performed due to a failure to schedule our services on the project.
- Testing and observations will only determine compliance with project specifications at the test locations, at the time our services are performed.

- Cancellation of services should be done prior to a Terracon representative mobilizing to the project. Failure to do so will result in a cancellation fee.
- Terracon will not be responsible for tests that are not performed due to a failure to schedule our services on the project.
- Testing and observations will only determine compliance with project specifications at the test locations, at the time our services are performed.

4.0 COMPENSATION

Based on the project information available for our review, our time and materials estimated budget to perform the proposed scope of services for the Base Bid is \$106,617.80. A summary of our unit rates, estimated quantities, alternate bid prices, and the resulting costs is included on the attached Fee Estimate. Fees for services provided will be based on the unit rates shown in that exhibit. Please note that this is only a budget estimate and not a not-to-exceed price. Any additional out of scope items will be performed in accordance with our current fee schedule.

Many factors, including those out of our control, such as weather, the contractor's schedule including overtime and weekend work, and the need for re-testing will dictate the final fee for our services. We will not exceed our budget without first notifying you and providing a summary of work performed to date and remaining work.

5.0 AUTHORIZATION

We appreciate your consideration of Terracon Consultants for this work and look forward to working as your materials consultant on this and future projects. We can forward a contract for services upon our successful notification of award. The agreement, including the limitations it contains, shall constitute the exclusive terms, conditions, and service to be performed for this project. If you have any questions or need additional information, please contact us at your convenience.

Sincerely,

Terracon Consultants, Inc.

Sam Wangler
Assistant Project Manager

Ty Kelsch
Senior Project Manager

Attachments:

Fee Estimate

Fee Estimate

Materials Services
 AC-NHU-1-981(137) (PCN-23859)
 Bismarck, North Dakota
 Terracon Proposal No. PM2241016

TASK NUMBER	DESCRIPTION	RATE	QUANTITY	UNITS	TRIPS	TOTAL
1.1	Earthwork - 203 Common Excavation (Type A)					
	Project Management	\$ 145.00	2.00	hours		\$290.00
	Field Density Technician	\$ 104.00	1.50	hours	7	\$1,092.00
	Technician Travel Time	\$ 104.00	0.50	hours	7	\$364.00
	Modified Proctor	\$ 231.00	3.00	tests	1	\$693.00
	Company Mileage (Travel)	\$ 1.55	8.00	miles	7	\$86.80
	Sub Total					\$2,525.80
1.2	Earthwork - 714 Storm Drain					
	Project Management	\$ 145.00	7.00	hours	1	\$1,015.00
	Field Density Technician	\$ 104.00	1.00	hours	25	\$2,600.00
	Technician Travel Time	\$ 104.00	0.50	hours	25	\$1,300.00
	Sieve/Gradation (Soil)	\$ 150.00	4.00	tests	1	\$600.00
	Modified Proctor	\$ 231.00	2.00	tests	1	\$462.00
	Company Mileage (Travel)	\$ 1.55	8.00	miles	25	\$310.00
	Sub Total					\$6,287.00
1.3	Earthwork - 724 Watermain & Sanitary Sewer					
	Project Management	\$ 145.00	7.00	hours	1	\$1,015.00
	Field Density Technician	\$ 104.00	1.00	hours	25	\$2,600.00
	Technician Travel Time	\$ 104.00	0.50	hours	25	\$1,300.00
	Modified Proctor	\$ 231.00	2.00	tests	1	\$462.00
	Company Mileage (Travel)	\$ 1.55	8.00	miles	25	\$310.00
	Sub Total					\$5,687.00
2.1	Aggregate - 256 Riprap (Grade 1)					
	Project Management	\$ 145.00	0.50	hours	1	\$72.50
	Technician Travel Time	\$ 104.00	0.50	hours	1	\$52.00
	Field Gradation Technician	\$ 197.00	2.00	hours	1	\$394.00
	Company Mileage (Travel)	\$ 1.55	8.00	miles	1	\$12.40
	Sub Total					\$530.90
2.2	Aggregate - 302 Traffic Service / Aggregate Base Course					
	Project Management	\$ 145.00	12.00	hours	1	\$1,740.00
	Field Density Technician	\$ 104.00	1.00	hours	42	\$4,368.00
	Technician Travel Time	\$ 104.00	0.50	hours	42	\$2,184.00
	Sieve/Gradation (Soil)	\$ 150.00	42.00	tests	1	\$6,300.00
	Sieve Analysis / Fractured Faces / Shale	\$ 272.00	5.00	tests	1	\$1,360.00
	Plasticity Index	\$ 124.00	1.00	tests	1	\$124.00
	LA Abrasion	\$ 282.00	1.00	tests	1	\$282.00
	Company Mileage (Travel)	\$ 1.550	8.00	miles	42	\$520.80
	Sub Total					\$16,878.80

3.1	Asphalt - 420 Cover Coat Material						
	Project Management	\$	145.00	1.00	hours	1	\$145.00
	Field Density Technician	\$	104.00	2.00	hours	1	\$208.00
	Technician Travel Time	\$	104.00	1.00	hours	1	\$104.00
	Sieve/Gradation (Soil)	\$	150.00	3.00	tests	1	\$450.00
	LA Abrasion	\$	282.00	1.00	tests	1	\$282.00
	Company Mileage (Travel)	\$	1.55	8.00	miles	2	\$24.80
	Sub Total						\$1,213.80
3.2	Asphalt - 430 Hot Mix Asphalt						
	Project Management	\$	145.00	3.00	hours	1	\$435.00
	Field Density Technician	\$	104.00	1.00	hours	4	\$416.00
	Technician Travel Time	\$	104.00	0.50	hours	4	\$208.00
	Bituminous Extracting Gradation	\$	220.00	4.00	tests	1	\$880.00
	Fine Aggregate Angularity	\$	302.00	4.00	tests	1	\$1,208.00
	Gyratory Density & Rice (% Voids)	\$	400.00	4.00	tests	1	\$1,600.00
	Shale / Fractures / Flat & Elongated / SE	\$	400.00	1.00	tests	1	\$400.00
	Core Density (field cut)	\$	50.00	20.00	tests	1	\$1,000.00
	Company Mileage (Travel)	\$	1.55	8.00	miles	4	\$49.60
	Sub Total						\$6,196.60
4.1	Concrete Testing - 550 Concrete Pavement						
	Project Management	\$	145.00	20.00	hours		\$2,900.00
	Coring Technician (Portal to Portal)	\$	185.00	6.00	hours		\$1,110.00
	Sampling Technician	\$	104.00	1.00	hours	18	\$1,872.00
	Field Testing Technician	\$	104.00	4.00	hours	48	\$19,968.00
	Technician Travel Time	\$	104.00	1.00	hours	48	\$4,992.00
	Compressive Strength of 4" x 8" Cylinder	\$	25.00	4.00	tests	16	\$1,600.00
	Flexural Strength of Concrete Beam	\$	62.00	4.00	tests		\$248.00
	Fine Aggregate Gradation & Moisture	\$	118.00	1.00	tests	16	\$1,888.00
	Fine Aggregate Gradation & Quality	\$	179.00	1.00	tests	2	\$358.00
	Intermediate Aggregate Gradation & Moisture	\$	118.00	1.00	tests	16	\$1,888.00
	Intermediate Aggregate Gradation & Quality	\$	179.00	1.00	tests	2	\$358.00
	Coarse Aggregate Gradation & Moisture	\$	150.00	1.00	tests	16	\$2,400.00
	Coarse Aggregate Gradation & Quality	\$	240.00	1.00	tests	2	\$480.00
	Core Measurement	\$	47.00	9.00	tests		\$423.00
	Company Mileage (Travel)	\$	1.55	8.00	miles	48	\$595.20
	Bit Wear	\$	2.90	80.00	inches		\$232.00
	Sub Total						\$41,312.20

4.2	Concrete Testing - 748 Curb & Gutter					
	Project Manager	\$	145.00	6.00	hours	\$870.00
	Technician Travel Time	\$	104.00	0.50	hours	20 \$1,040.00
	Sampling Technician	\$	104.00	1.00	hours	2 \$208.00
	Field Testing Technician	\$	104.00	1.00	hours	30 \$3,120.00
	Fine Aggregate Gradation & Moisture	\$	118.00	1.00	tests	1 \$118.00
	Fine Aggregate Gradation & Quality	\$	179.00	1.00	tests	1 \$179.00
	Coarse Aggregate Gradation & Moisture	\$	150.00	1.00	tests	1 \$150.00
	Coarse Aggregate Gradation & Quality	\$	240.00	1.00	tests	1 \$240.00
	Compressive Strength of 4" x 8" Cylinder	\$	25.00	4.00	tests	20 \$2,000.00
	Company Mileage (Travel)	\$	1.55	8.00	miles	20 \$248.00
	Sub Total					\$8,173.00
4.3	Concrete Testing - 750 Imprinted, Sidewalks, Medians & Driveways					
	Project Management	\$	145.00	8.00	hours	\$1,160.00
	Technician Travel Time	\$	104.00	0.50	hours	30 \$1,560.00
	Sampling Technician	\$	104.00	1.00	hours	4 \$416.00
	Field Testing Technician	\$	104.00	1.50	hours	30 \$4,680.00
	Compressive Strength of 4" x 8" Cylinder	\$	25.00	4.00	tests	30 \$3,000.00
	Fine Aggregate Gradation & Moisture	\$	118.00	1.00	tests	2 \$236.00
	Fine Aggregate Gradation & Quality	\$	179.00	1.00	tests	2 \$358.00
	Coarse Aggregate Gradation & Moisture	\$	150.00	1.00	tests	2 \$300.00
	Coarse Aggregate Gradation & Quality	\$	240.00	1.00	tests	2 \$480.00
	Company Mileage (Travel)	\$	1.55	8.00	miles	30 \$372.00
	Sub Total					\$12,562.00
4.4	Concrete Testing - 770 Lighting Foundations					
	Project Manager	\$	145.00	2.50	hours	\$362.50
	Technician Travel Time	\$	104.00	0.50	hours	10 \$520.00
	Field Testing Technician	\$	104.00	1.50	hours	10 \$1,560.00
	Compressive Strength of 4" x 8" Cylinder	\$	25.00	4.00	tests	10 \$1,000.00
	Company Mileage (Travel)	\$	1.55	8.00	miles	10 \$124.00
	Sub Total					\$3,566.50
4.5	Concrete Testing - 772 Traffic Signal System					
	Project Management	\$	145.00	1.00	hours	\$145.00
	Technician Travel Time	\$	104.00	0.50	hours	8 \$416.00
	Field Testing Technician	\$	104.00	1.50	hours	4 \$624.00
	Compressive Strength of 4" x 8" Cylinder	\$	25.00	4.00	tests	4 \$400.00
	Company Mileage (Travel)	\$	1.55	8.00	miles	8 \$99.20
	Sub Total					\$1,684.20
	Total					\$106,617.80



Engineering Department

DATE: February 27, 2024

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 578

REQUEST:

Consider Request to Hear Insufficiency of Protest on Resolution of Necessity for Street Improvement District 578.

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.

The Resolution of Necessity was published in the Bismarck Tribune on January 22, 2024, and January 29, 2024. Letters were 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. The summary of protests of the Resolution of Necessity is included as an attachment to this agenda memo. All the units' protested area was insufficient and all units can proceed as proposed.

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

Protest Period Ends:	February 21, 2024
Public Reading of Sufficiency of Protest:	February 27, 2024
Receipt and Opening of Bids	March 5, 2024

Award of Bid
Project Completion

March 12, 2024
Fall 2024

RECOMMENDED CITY COMMISSION ACTION:

Accept the Insufficiency of Protests on the Resolution of Necessity for all units within SI 578.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Protest results - SI 578

SI 578 - Summary of Protests

2/21/2024

UNIT	TOTAL SF	PROTESTED SF	% OF PROTEST	TOTAL PARCELS	PROTESTED PARCELS	INSUFFICIENT PROTESTS
1	2,743,256	41,199	1.502%	205	2	Yes
2	2,497,543	46,683	1.869%	113	2	Yes
3	1,425,006	0	0.000%	105	-	Yes
4	536,115	8,720	1.627%	57	1	Yes
5	3,346,550	43,979	1.314%	256	2	Yes
6	15,972,081	0	0.000%	24	-	Yes



Engineering Department

DATE: February 27, 2024

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 579

REQUEST:

Consider the request to hear insufficiency of protest on the Resolution of Necessity, the request for a resolution approving plans and specifications, and a resolution directing the advertisement of bids and receiving bids for Street Improvement District 579.

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 were 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. The summary of protests of the Resolution of Necessity is included as an attachment to this agenda memo. The protested area was insufficient and all units can proceed as proposed.

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

Protest Period Ends:	February 21, 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:

Accept the Insufficiency of Protests on the Resolution of Necessity for all units within Street

Improvement District 579.

Approve Resolution Approving Plans and Specifications and Resolution Directing the Advertisement of Bids and Receiving Bids for Street Improvement District 579.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Protest results - SI 579

SI 579 - Summary of Protests

2/21/2024

UNIT	TOTAL SF	PROTESTED SF	% OF PROTEST	TOTAL PARCELS	PROTESTED PARCELS	INSUFFICIENT PROTESTS
1	7,838,900	116,525	1.486%	216	13	Yes



Engineering Department

DATE: February 27, 2024

FROM: Gabe Schell, City Engineer

ITEM: Sidewalk and Utility Easement at Century Ave. and 4th St.

REQUEST:

Consider approval of a sidewalk and utility easement at the intersection of Century Ave and 4th St.

BACKGROUND INFORMATION:

Street utility project SV24-75, 2024 traffic signal upgrade for the intersection of Century Ave. and 4th St. requires a 6-foot by 6-foot sidewalk and utility easement in the southwest corner to fit new infrastructure into the intersection.

RECOMMENDED CITY COMMISSION ACTION:

Approve dedication and acceptance of the sidewalk and utility easement at the intersection of Century Ave and 4th St.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Easement Document

SIDEWALK & UTILITY EASEMENT

This indenture, made this 20 day of February, 2024 between the **Bismarck Parks and Recreation District**, whose post office address is 400 E Front Ave, Bismarck, ND 58504-5641, "Grantor", and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506-5503, "Grantee".

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

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

A tract of land located in the Northwest Quarter of Section 28, Township 139 North, Range 80 West, in the City of Bismarck, Burleigh County, North Dakota, being more particularly described as follows:

Commencing at the north Quarter Corner of Section 28, thence $S0^{\circ}13'26''W$ along the Quarter Line a distance of 50.00 feet; thence $N89^{\circ}46'34''W$ a distance of 44.00 feet to the point of beginning; thence $N89^{\circ}40'34''W$ along the south right-of-way line of East Century Avenue a distance of 6.00 feet; thence $S0^{\circ}45'14''W$ a distance of 6.00 feet; thence $S89^{\circ}40'34''E$ a distance of 6.00 feet to the west right-of-way line of North 4th Street; thence $N0^{\circ}45'14''E$ along said west right-of-way Line of North 4th Street a distance of 6.00 feet to the point of beginning.

Said described tract contains 36.00 SQ. Feet or 0.001 Acres, more or less.

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

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

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

6. Grantor hereby reserves title to and any interest in any and all archeological and paleontological materials, whether located on or below the surface of said land.

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

Michael T Schmitz
President, Board of City Commissioners

Attest: _____
Jason Tomanek
City Administrator

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

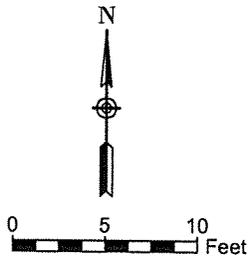
On this _____ day of _____, 20___, before me personally appeared Michael T Schmitz, President of Board of City Commissioners, and Jason Tomanek, Acting City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

Notary Public

EXHIBIT NO. 1

EASEMENT

PART OF THE NW1/4, SECTION 28, T139N, R80W BURLEIGH COUNTY, NORTH DAKOTA



SECTION LINE

N 1/4 CORNER

E CENTURY AVENUE

50.00'
S 0°13'26" W

N 89°40'34" W
6.00'

P.O.B.

N 89°46'34" W

S 0°45'14" W
6.00'

N 0°45'14" E
6.00'

44.00'

S 89°40'34" E
6.00'

JAYCEE CENTENIAL
PARK

N 4TH STREET

1/4 LINE





Engineering Department

DATE: February 27, 2024

FROM: Gabe Schell, City Engineer

ITEM: Silver Ranch Fourth Addition Easements

REQUEST:

Approve dedication and acceptance of Watermain, Sanitary Sewer, and Access easements as part of Silver Ranch Fourth Addition.

BACKGROUND INFORMATION:

Easements for Watermain, Sanitary Sewer, and Access are proposed within Silver Ranch Fourth Addition and adjacent unplatted areas in northeast Bismarck. These easements allow for the placement of municipal infrastructure both outside the platted boundary and for turnarounds for emergency service vehicles. It is anticipated these easements would be released in the future with subsequent platting and extension of the roadways and underground utilities. These easements satisfy the condition set by Commission during the approval of the plat on December 26, 2023.

At the July 18, 2023 Commission meeting, a previous version of these easements was approved in conjunction with the previous version of the plat. These easements will replace those unrecorded easements related to the previous iteration of Silver Ranch Fourth Addition.

RECOMMENDED CITY COMMISSION ACTION:

Approve dedication and acceptance of Watermain, Sanitary Sewer, and Access Easements as part of Silver Ranch Fourth Addition.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Silver Ranch Fourth Easements

ACCESS EASEMENT

This dedication of an Access easement is made this _____ day of _____, 2024, between **Investcore, Inc.** whose address is 4614 Memorial Hwy, Mandan, ND 58554, Grantor and the **City of Bismarck**, a municipal corporation, whose post office address is 221 North 5th St., Bismarck, North Dakota 58506-5503, Grantee.

1. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, an exclusive easement to run with the land at all times hereafter to construct, operate, maintain, and repair watermain, sanitary sewer, curb, gutter, and paving facilities under or upon the real property hereinafter described below. Grantee shall have the right to ingress and egress across real property of Grantor for the purpose herein granted.
2. The real property for the Access easement herein dedicated, granted and reserved is owned by the Grantor and is described as follows:

ALL THAT PART OF LOT 2 BLOCK 3 SILVER RANCH FOURTH ADDITION OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, LYING WITHIN A 61' RADIUS OF THE ENDPOINT OF THE DESCRIBED LINE:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2 BLOCK 3; THENCE NORTH 83 DEGREES 25 MINUTES 20 SECONDS EAST, A DISTANCE OF 61.00 FEET TO SAID ENDPOINT.

Descriptions prepared by Landon Niemiller; Swenson, Hagen & Co. P.C.; 909 Basin Ave, Bismarck, ND 58504.

3. The Grantee is responsible for the installation, operation, and maintenance of improvements or facilities constructed or installed pursuant to this easement according to applicable development policies.
4. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution in 2024 and ending in 2123.

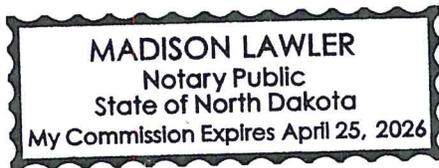
IN WITNESS WHEREOF, the Grantors have hereto fixed their signatures this the 5 day of February, 2024.

STATE OF North Dakota)
) SS
COUNTY OF Burleigh)

Derek Wachter - VP

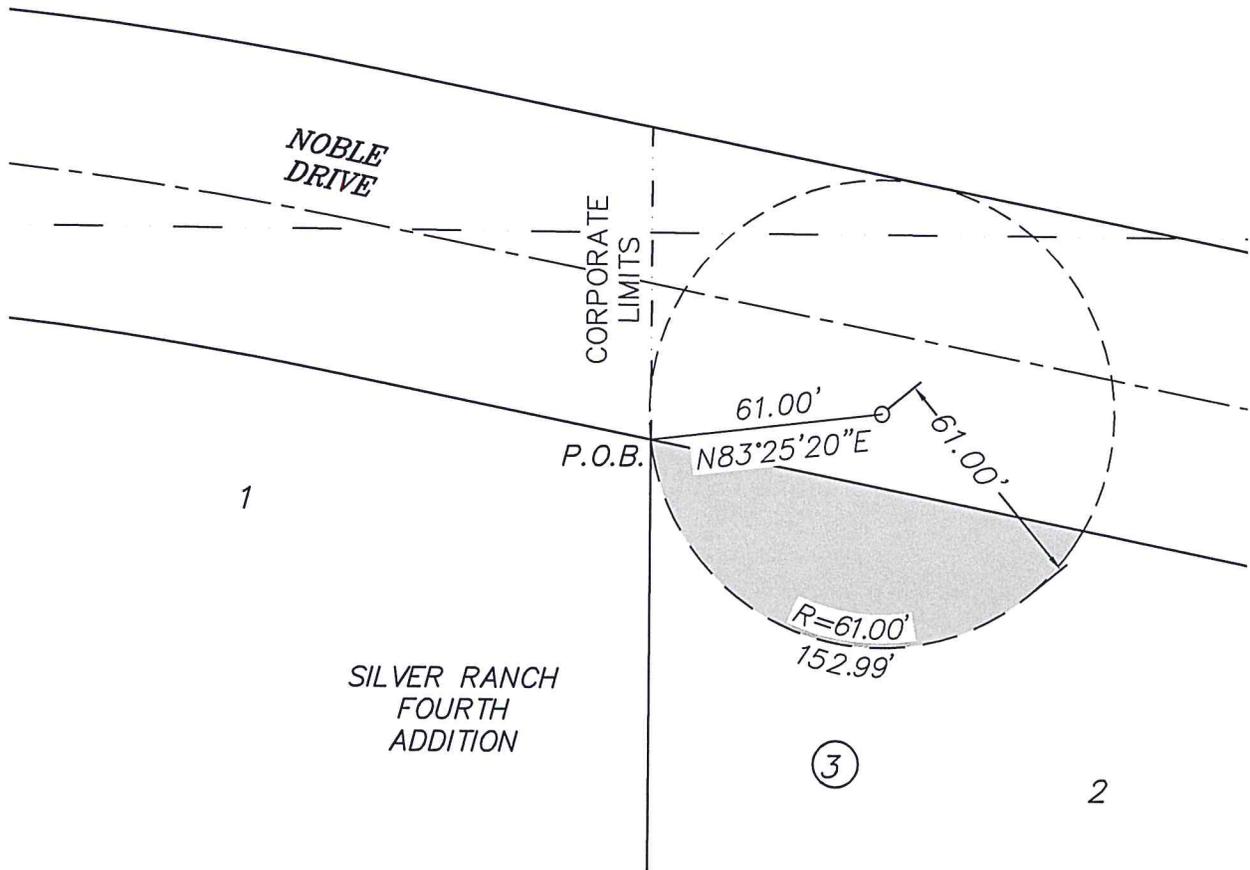
DEREK WACHTER, VICE-PRESIDENT
INVESTCORE, INC
4614 MEMORIAL HWY
MANDAN, ND 58554
OWNER, LOT 2 BLOCK 3
SILVER RANCH FOURTH ADDITION

On this 5 day of February, 2024, before me appeared Derek Wachter of Investcore, Inc., known to me to be the person that is described in and that she executed the foregoing instrument, and acknowledged that she executed the same.



Madison Lawler
Notary Public, Burleigh County, ND
My Commission Expires: April 25, 2026

ACCESS EASEMENT EXHIBIT



ACCESS EASEMENT

ALL THAT PART OF LOT 2 BLOCK 3 SILVER RANCH FOURTH ADDITION OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, LYING WITHIN A 61' RADIUS OF THE ENDPOINT OF THE DESCRIBED LINE:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2 BLOCK 3; THENCE NORTH 83 DEGREES 25 MINUTES 20 SECONDS EAST, A DISTANCE OF 61.00 FEET TO SAID ENDPOINT.



FEBRUARY 1, 2024
SCALE 1" = 50'



SWENSON, HAGEN & COMPANY P.C.

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

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

WATERMAIN, SANITARY SEWER, & ACCESS EASEMENT

This dedication of a Watermain, Sanitary Sewer, and Access easement is made this _____ day of _____, 202_, between **Joan Millner** whose address is 1315 N 3rd St., Bismarck, ND 58501, Grantor and the **City of Bismarck**, a municipal corporation, whose post office address is 221 North 5th St., Bismarck, North Dakota 58506-5503, Grantee.

1. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, an exclusive easement to run with the land at all times hereafter to construct, operate, maintain, and repair watermain, sanitary sewer, curb, gutter, and paving facilities under or upon the real property hereinafter described below. Grantee shall have the right to ingress and egress across real property of Grantor for the purpose herein granted.
2. The real property for the Watermain, Sanitary Sewer, and Access easement herein dedicated, granted and reserved is owned by the Grantors and is described as follows:

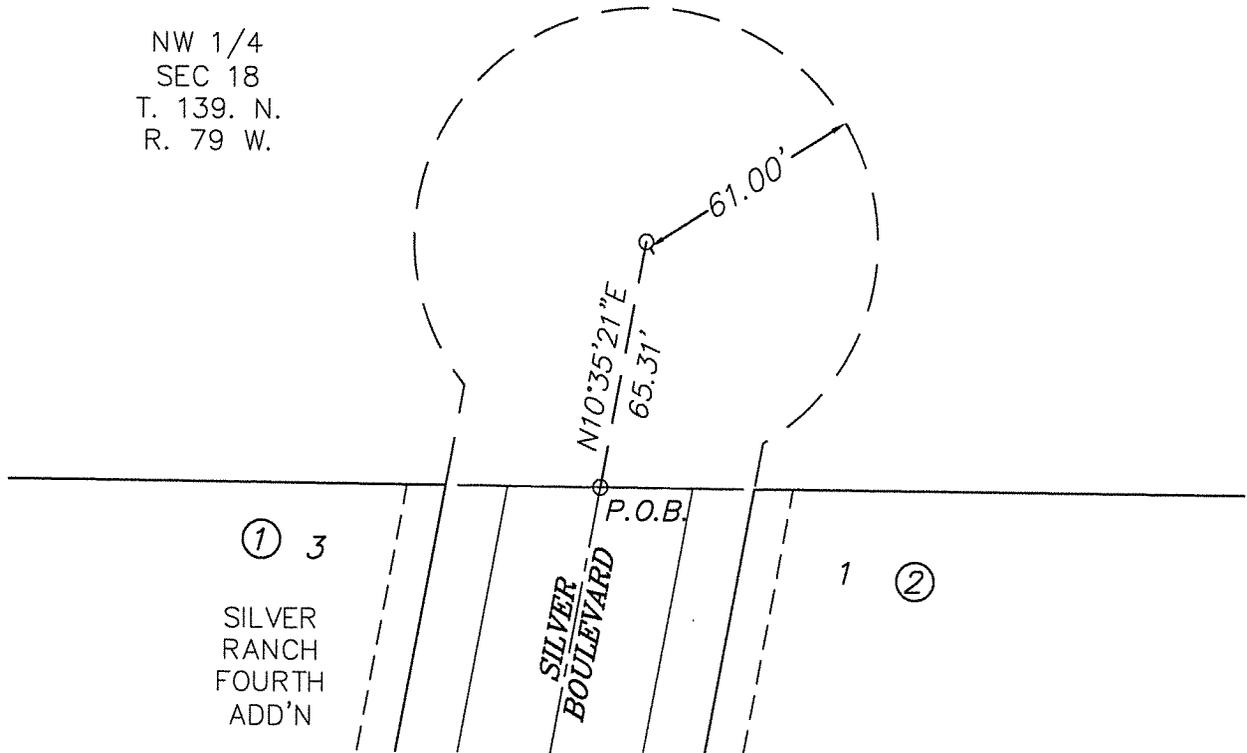
ALL THAT PART OF THE NW 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA BEING 40' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF SILVER BOULEVARD AND THE NORTH LINE OF SILVER RANCH FOURTH ADDITION, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA; THENCE NORTH 10 DEGREES 35 MINUTES 21 SECOND EAST, ALONG THE EXTENSION OF SAID CENTERLINE TO THE ENDPOINT OF SAID EASEMENT, EXTENDING OR SHORTENING THE SIDELINES TO INTERSECT THE NORTH LINE OF SAID SILVER RANCH FOURTH ADDITION, AND ALL THAT PART OF SAID NW 1/4 LYING WITHIN A 61' RADIUS OF THE ENDPOINT OF ABOVE SAID CENTERLINE.

Descriptions prepared by Landon Niemiller; Swenson, Hagen & Co. P.C.; 909 Basin Ave, Bismarck, ND 58504.

3. The Grantee is responsible for the installation, operation, and maintenance of improvements or facilities constructed or installed pursuant to this easement according to applicable development policies.
4. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution in 2024 and ending in 2123.

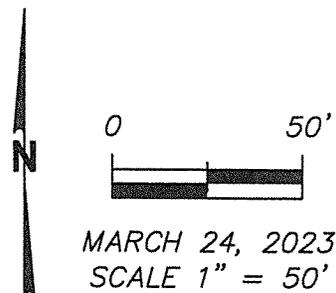
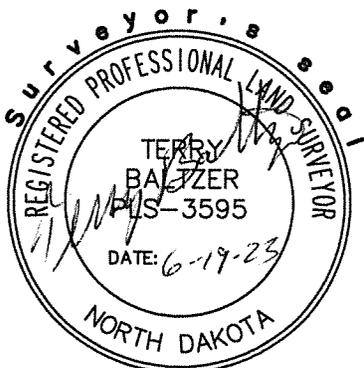
WATERMAIN, SANITARY SEWER, & ACCESS EASEMENT EXHIBIT



WATERMAIN, SANITARY SEWER, & ACCESS EASEMENT

ALL THAT PART OF THE NW 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA BEING 40' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF SILVER BOULEVARD AND THE NORTH LINE OF SILVER RANCH FOURTH ADDITION, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA; THENCE NORTH 10 DEGREES 35 MINUTES 21 SECOND EAST, ALONG THE EXTENSION OF SAID CENTERLINE TO THE ENDPOINT OF SAID EASEMENT, EXTENDING OR SHORTENING THE SIDELINES TO INTERSECT THE NORTH LINE OF SAID SILVER RANCH FOURTH ADDITION, AND ALL THAT PART OF SAID NW 1/4 LYING WITHIN A 61' RADIUS OF THE ENDPOINT OF ABOVE SAID CENTERLINE.



SWENSON, HAGEN & COMPANY P.C.

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

WATERMAIN, SANITARY SEWER, & ACCESS EASEMENT

This dedication of a Watermain, Sanitary Sewer, and Access easement is made this _____ day of _____, 202_, between **Silver Ranch 18, LLLP** whose address is 1117 N. 3rd St. Bismarck, ND 58501, Grantor and the **City of Bismarck**, a municipal corporation, whose post office address is 221 North 5th St., Bismarck, North Dakota 58506-5503, Grantee.

1. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, an exclusive easement to run with the land at all times hereafter to construct, operate, maintain, and repair watermain, sanitary sewer, curb, gutter, and paving facilities under or upon the real property hereinafter described below. Grantee shall have the right to ingress and egress across real property of Grantor for the purpose herein granted.
2. The real property for the Watermain, Sanitary Sewer, and Access easement herein dedicated, granted and reserved is owned by the Grantors and is described as follows:

ALL THAT PART OF THE UNPLATTED AREA OF NE 1/4 OF THE SW 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, LYING WITHIN A 61' RADIUS OF THE ENDPOINT OF FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHEAST CORNER OF SILVER RANCH FOURTH ADDITION; THENCE SOUTH 89 DEGREES 41 MINUTES 50 SECONDS EAST, ALONG THE NORTH LINE OF SILVER RANCH THIRD ADDITION, A DISTANCE OF 52.54 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 10 SECOND EAST, A DISTANCE OF 31.00 FEET TO THE ENDPOINT.

Descriptions prepared by Landon Niemiller; Swenson, Hagen & Co. P.C.; 909 Basin Ave, Bismarck, ND 58504.

3. The Grantee is responsible for the installation, operation, and maintenance of improvements or facilities constructed or installed pursuant to this easement according to applicable development policies.
4. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution in 2024 and ending in 2123.

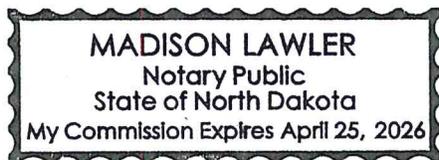
IN WITNESS WHEREOF, the Grantors have hereto fixed their signatures this the 9 day of February, 2023.

STATE OF North Dakota)
) SS
COUNTY OF Burleigh)

Donna Fricke

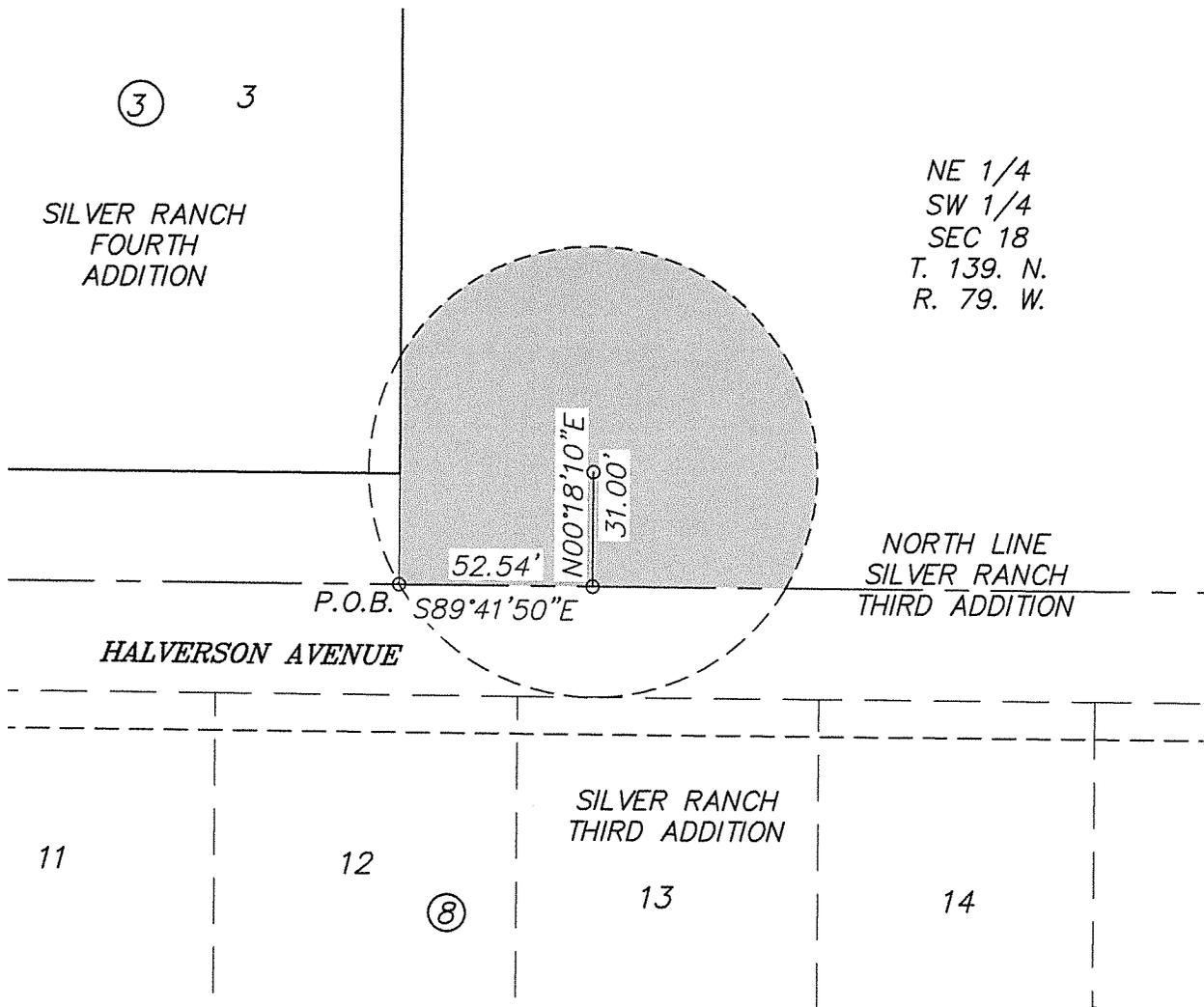
DONNA FRICKE, PARTNER
SILVER RANCH 18, LLLP
1117 N 3RD ST
BISMARCK, ND 58501
OWNER, NE 1/4 SW 1/4
SECTION 18
TOWNSHIP 139 NORTH
RANGE 79 WEST

On this 9 day of February, 2024, before me appeared Donna Fricke of Silver Ranch 18, LLLP, known to me to be the person that is described in and that she executed the foregoing instrument, and acknowledged that she executed the same.



Madison Lawler
Notary Public, Burleigh County, ND
My Commission Expires: April 25, 2026

WATERMAIN, SANITARY SEWER, & ACCESS EASEMENT EXHIBIT



WATERMAIN, SANITARY SEWER, & ACCESS EASEMENT

ALL THAT PART OF THE UNPLATTED AREA OF THE NE 1/4 OF THE SW 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, LYING WITHIN A 61' RADIUS OF THE ENDPOINT OF FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHEAST CORNER OF SILVER RANCH FOURTH ADDITION; THENCE SOUTH 89 DEGREES 41 MINUTES 50 SECONDS EAST, ALONG THE NORTH LINE OF SILVER RANCH THIRD ADDITION, A DISTANCE OF 52.54 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 10 SECOND EAST, A DISTANCE OF 31.00 FEET TO THE ENDPOINT.



FEBRUARY 8, 2024
SCALE 1" = 50'



SWENSON, HAGEN & COMPANY P.C.

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

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

ACCESS EASEMENT

This dedication of an Access easement is made this _____ day of _____, 2024, between **Silver Ranch 18, LLLP** whose address is 1117 N. 3rd St. Bismarck, ND 58501, Grantor and the **City of Bismarck**, a municipal corporation, whose post office address is 221 North 5th St., Bismarck, North Dakota 58506-5503, Grantee.

1. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, an exclusive easement to run with the land at all times hereafter to construct, operate, maintain, and repair curb, gutter, and paving facilities under or upon the real property hereinafter described below. Grantee shall have the right to ingress and egress across real property of Grantor for the purpose herein granted.
2. The real property for the Access easement herein dedicated, granted and reserved is owned by the Grantor and is described as follows:

ALL THAT PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA BEING 40' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE EASTERN TERMINUS OF THE CENTERLINE OF NOBLE DRIVE RIGHT-OF-WAY WITHIN SILVER RANCH FOURTH ADDITION; THENCE SOUTH 78 DEGREES 25 MINUTES 46 SECONDS EAST, A DISTANCE OF 65.00 FEET TO THE END POINT OF SAID EASEMENT, EXTENDING OR SHORTENING THE SIDELINES TO INTERSECT THE EAST LINE OF SAID SILVER RANCH FOURTH ADDITION, AND ALL THAT PART OF SAID NE 1/4 LYING WITHIN A 61' RADIUS OF THE ENDPOINT OF ABOVE SAID CENTERLINE.

Descriptions prepared by Landon Niemiller; Swenson, Hagen & Co. P.C.; 909 Basin Ave, Bismarck, ND 58504.

3. The Grantee is responsible for the installation, operation, and maintenance of improvements or facilities constructed or installed pursuant to this easement according to applicable development policies.
4. The term of this easement herein reserved is ninety-nine (99) years, beginning upon execution in 2024 and ending in 2123.

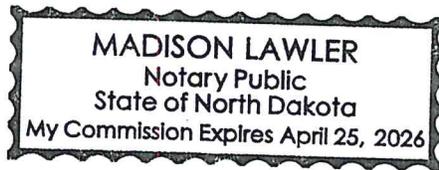
IN WITNESS WHEREOF, the Grantors have hereto fixed their signatures this the 9 day of February, 2024.

STATE OF North Dakota)
) SS
COUNTY OF Burleigh)

Donna Fricke

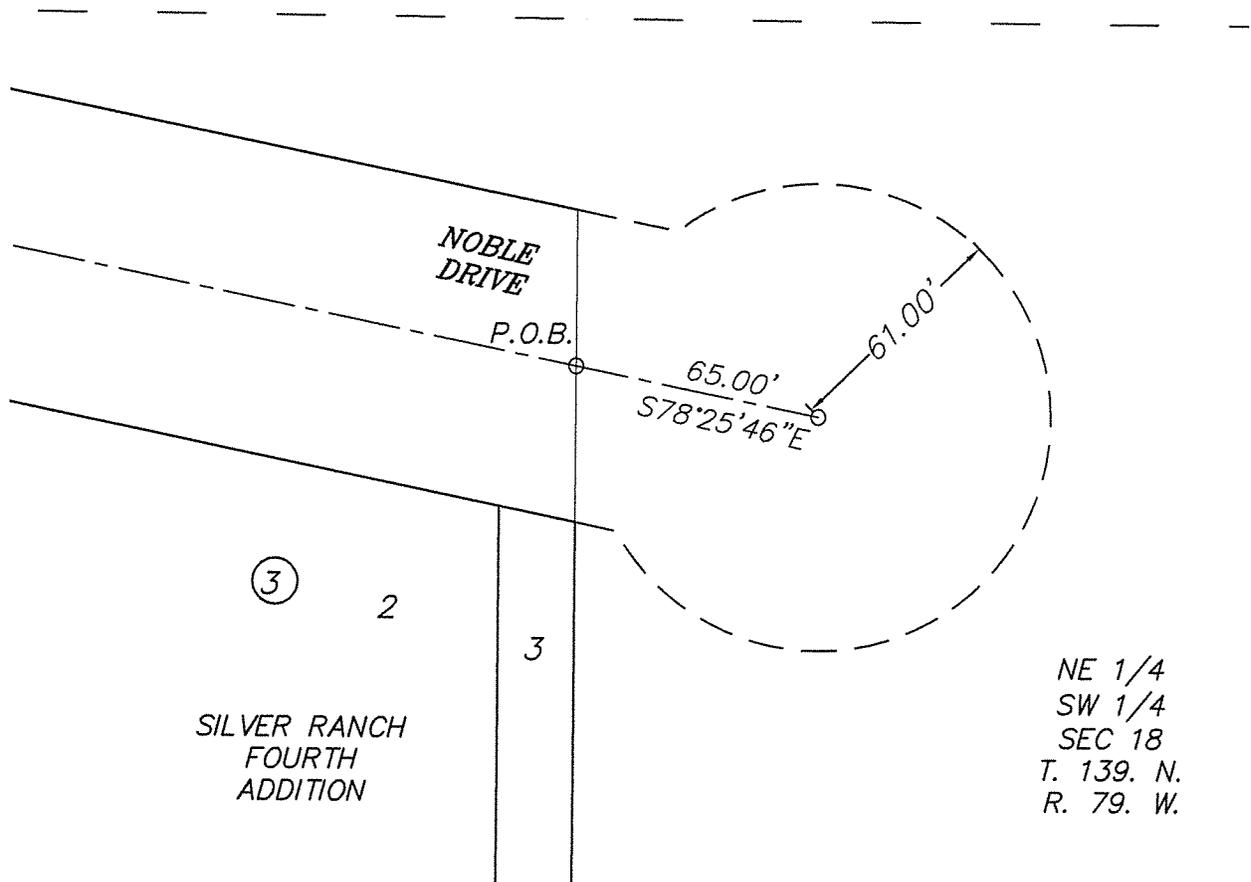
DONNA FRICKE, PARTNER
SILVER RANCH 18, LLLP
1117 N 3RD ST
BISMARCK, ND 58501
OWNER, NE 1/4 SW 1/4
SECTION 18
TOWNSHIP 139 NORTH
RANGE 79 WEST

On this 9 day of February, 2024, before me appeared Donna Fricke of Silver Ranch 18, LLLP, known to me to be the person that is described in and that she executed the foregoing instrument, and acknowledged that she executed the same.



Madison Lawler
Notary Public, Burleigh County, ND
My Commission Expires: April 25, 2026

ACCESS EASEMENT EXHIBIT



ACCESS EASEMENT

ALL THAT PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA BEING 40' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE EASTERN TERMINUS OF THE CENTERLINE OF NOBLE DRIVE RIGHT-OF-WAY WITHIN SILVER RANCH FOURTH ADDITION; THENCE SOUTH 78 DEGREES 25 MINUTES 46 SECONDS EAST, A DISTANCE OF 65.00 FEET TO THE END POINT OF SAID EASEMENT, EXTENDING OR SHORTENING THE SIDELINES TO INTERSECT THE EAST LINE OF SAID SILVER RANCH FOURTH ADDITION, AND ALL THAT PART OF SAID NE 1/4 LYING WITHIN A 61' RADIUS OF THE ENDPOINT OF ABOVE SAID CENTERLINE.



FEBRUARY 8, 2024
 SCALE 1" = 50'



SWENSON, HAGEN & COMPANY P.C.

Surveying
 Hydrology
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909 Basin Avenue
 Bismarck, North Dakota 58304
 sheng@swensonhagen.com
 Phone (701) 223-2600
 Fax (701) 223-2606



Finance Department

DATE: February 27, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Applications for Abatement

REQUEST:

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

Application for Abatement for 2023
Property Owner - Melina Rios Rivera & Kiara Aponte
Property Address - 406 N 20th St
Property ID - 0105-016-020

BACKGROUND INFORMATION:

Market value reductions due to errors in the property description.

RECOMMENDED CITY COMMISSION ACTION:

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

STAFF CONTACT INFORMATION:

Allison Jensen, City Assessor, 701-355-1621, ajensen@bismarcknd.gov

ATTACHMENTS:

1. Application for Abatement

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. 0105-016-020
Name RIVERA, MELINA RIOS & APONTE, KIARA Telephone No. _____
Address 406 N 20TH ST, BISMARCK, ND 58501-4724

Legal description of the property involved in this application:

GOVERNOR PIERCE Block: 16 EAST 50' OF LOTS 8-11

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

Land \$ 34,000
Improvements \$ 210,100
Total \$ 244,100
(1)

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

Land \$ 34,000
Improvements \$ 188,900
Total \$ 222,900
(2)

The difference of \$ 21,200.00 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 Value be reduced from \$244,100 to \$222,900.

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 02/12/2024

Signature of Applicant Kiara B. Rivera

Date 02-12-24

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 Melina Rives Ritzing & Ritzing Appraiser

County Auditor's File No. 24-359

Date Application Was Filed With The County Auditor 2/14/24

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

Mark Spaskevich
MA



Finance Department

DATE: February 27, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Applications for Abatement - LaSalle Shopping Center LLC

REQUEST:

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

Applications for abatement for the assessment years 2022 and 2023:

Property Owner - LaSalle Shopping Center LLC

Property Address - 1300 E LaSalle Dr (2155-001-001)

1403 E LaSalle Dr (2155-002-001)

BACKGROUND INFORMATION:

The above applications for tax abatement were submitted by Michael Block of Ryan LLC, authorized representative and agent for LaSalle Shopping Center LLC, for the 2022 and 2023 assessment years. Mr. Block requests to reduce the value of parcel 2155-001-001 for 2022 from \$2,913,500 to \$1,952,000 and for 2023 from \$3,175,700 to \$1,952,000; of parcel 2155-002-001 for 2022 from \$32,858,600 to \$22,048,000 and for 2023 from \$35,815,900 to \$22,048,000.

Assessing made a physical review of the interior and exterior of the entire property on October 6, 2023. This review allowed for the verification of building data on the occupied and vacant units within the property. Assessing recommends no change to parcel 2155-001-001 for the 2022 and 2023 assessment and recommends a reduction to parcel 2155-002-001 for the 2022 assessment from \$32,858,600 to \$26,624,800 and for the 2023 assessment from \$35,815,900 to \$27,979,500. The property owner contacted Assessing on February 20, 2023, and is agreeable with all recommendations.

RECOMMENDED CITY COMMISSION ACTION:

The Assessing Division recommends denial of and no change to the 2022 and 2023 certified values for parcel 2155-001-001:

2022 Land - \$1,444,200

2022 Improvement \$1,469,300

2022 Total \$2,913,500

2023 Land - \$1,444,200

2023 Improvement \$1,731,500
2023 Total \$3,175,700

The Assessing Division recommends denial of requested values but recommends a reduction of the 2022 and 2023 certified values for parcel 2155-002-001:

2022 Land \$7,307,800
2022 Improvement \$19,317,000
2022 Total \$26,624,800

2023 Land \$7,307,800
2023 Improvement \$20,671,700
2023 Total \$27,979,500

STAFF CONTACT INFORMATION:

Allison Jensen, City Assessor, 701-355-1621, ajensen@bismarcknd.gov

ATTACHMENTS:

1. Abatement Applications

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District Bismarck
County of Burleigh Property I.D. No. 2155-001-001
Name LaSalle Shopping Center LLC Telephone No. _____
Address 150 South Fifth Street Suite 2500 Mineapolis, MN

Legal description of the property involved in this application:

HAY CREEK COMMERCIAL ADD Block: 1 LOT 1
Property Address: 1300 E LASALLE DR

Total true and full value of the property described above for the year 2022 is:

Land \$ 1,444,200
Improvements \$ 1,469,300
Total \$ 2,913,500
(1)

Total true and full value of the property described above for the year 2022 should be:

Land \$ 1,444,200
Improvements \$ 507,800
Total \$ 1,952,000
(2)

The difference of \$ 961,500.00 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 assessment of the shopping center be reduced to a value reasonably near what it would
transact for on the open market.

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 *Michael B. Smith* _____ Date 1/14/24
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 Lasalle Shopping Center LLC

County Auditor's File No. 24-094

Date Application Was Filed With The County Auditor 1/17/24

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

Marks Sparskowitz
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 Bismarck
County of Burleigh Property I.D. No. 2155-001-001
Name LaSalle Shopping Center LLC Telephone No. _____
Address 150 South Fifth Street Suite 2500 Minneapolis, MN

Legal description of the property involved in this application:

HAY CREEK COMMERCIAL ADD Block: 1 LOT 1

Property Address: 1300 E LASALLE DR

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

Land \$ 1,444,200
Improvements \$ 1,731,500
Total \$ 3,175,700
(1)

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

Land \$ 1,444,200
Improvements \$ 507,800
Total \$ 1,952,000
(2)

The difference of \$ 1,223,700.00 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 the assessment of the shopping center be reduced to a value reasonably near what it would
transact for on the open market.

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 LaSalle Shopping Center LLC

County Auditor's File No. 24-095

Date Application Was Filed With The County Auditor 1/17/2024

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

Mark Splansky
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 Bismarck
County of Burleigh Property I.D. No. 2155-002-001
Name LaSalle Shopping Center LLC Telephone No. _____
Address 150 South Fifth Street Suite 2500 Mineapolis, MN

Legal description of the property involved in this application:

HAY CREEK COMMERCIAL ADD Block: 2 LOT 1

Property Address: 1403 E LASALLE DR

Total true and full value of the property described above for the year 2022 is:

Land \$ 7,307,000
Improvements \$ 25,550,800
Total \$ 32,858,600
(1)

Total true and full value of the property described above for the year 2022 should be:

Land \$ 7,307,800
Improvements \$ 14,740,200
Total \$ 22,048,000
(2)

The difference of \$ 10,810,600.00 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 assessment of the shopping center be reduced to a value reasonably near what it would transact for on the open market.

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 Miriam Dohall Date 1/4/24
42/28/23

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 LaSalle Shopping Center LLC

County Auditor's File No. 264-0976

Date Application Was Filed With The County Auditor 1/17/24

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

mark Spilanski
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 Bismarck
County of Burleigh Property I.D. No. 2155-002-001
Name LaSalle Shopping Center LLC Telephone No. _____
Address 150 South Fifth Street Suite 2500 Mineapolis, MN

Legal description of the property involved in this application:

HAY CREEK COMMERCIAL ADD Block: 2 LOT 1

Property Address: 1403 E LASALLE DR

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

Land \$ 7,307,800
Improvements \$ 28,508,100
Total \$ 35,815,900
(1)

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

Land \$ 7,307,800
Improvements \$ 14,740,200
Total \$ 22,048,000
(2)

The difference of \$ 13,767,900.00 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 assessment of the shopping center be reduced to a value reasonably near what it would
transact for on the open market.

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

Michael Blah

11/4/24
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 LaSalle Shopping Center LLC

County Auditor's File No. 24-097

Date Application Was Filed With The County Auditor 1/17/24

Date County Auditor Mailed Application to Township Clerk or City Auditor _____

(must be within five business days of filing date)

Mark Splawski
 NH



Finance Department

DATE: February 27, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Special Assessment Commission Member Resignation

REQUEST:

Receive the resignation of Special Assessment Commissioner Joe Ibach.

BACKGROUND INFORMATION:

Joe Ibach has formally submitted his resignation from the Special Assessment Commission. City staff will look to fill his position for the remainder of his term.

RECOMMENDED CITY COMMISSION ACTION:

Accept the information provided and direct staff to solicit for a member to fill the position.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None



Finance Department

DATE: February 27, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: 2025 Budget Calendar

REQUEST:

To approve the 2025 tentative budget calendar.

BACKGROUND INFORMATION:

The budget schedule for the 2025 budget is attached. This schedule will be followed tentatively with changes that may occur due to various reasons throughout the process.

RECOMMENDED CITY COMMISSION ACTION:

To approve the 2025 tentative budget calendar.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. 2025 Budget Calendar - Commission Memo (Tentative)



**CITY OF BISMARCK
2025 BUDGET SCHEDULE
(TENTATIVE)**

April 8, 2025 Departments receive budget forms: Position Budgeting, Fees and Charges, Priority Initiatives (base and one-time), and CIP worksheets

Forms are located at [L:\ 2025 Budget](#)

Open 2024 budget for entering in New World System for Departments

Departments receive service levels and accomplishments (SLAs), department organizational charts, and narratives for the budget document

General Fund Departments receive calculated base budget allocation and other information to enter operating budgets into New World System

April 22 Departments submit Employee Budget worksheets for current full-time employees to their respective liaison in the Fiscal Services Division:

<i>Liaison</i>	Department
<i>Katie Petrou</i>	Public Health, Engineering
<i>PJ Kelley</i>	Fire, Library, CenCom, Emergency Management
<i>Paige Gilgallon</i>	Community Development, Police, Attorney, Municipal Court, Parking Authority
<i>Susan Ronning</i>	Utilities, Airport, Administration
<i>Eric Lund</i>	Public Works Operations
<i>Dmitriy Chernyak</i>	Event Center, Human Resources, and Finance/IT/Assessing

Departments submit proposed employee changes to Human Resources for review

Departments finish entering revenue projections and base budgets into New World

Departments complete and save deliverables in [L:\ 2025 Budget](#), as follows:

1. Fees and charges worksheet(s)
2. CIP form workbook
3. Priority initiatives workbook
4. Technology requests (ITGC)

Human Resources provides recommendations to Department Director and Finance Director regarding requested new positions or position adjustments

May 13 – June 14 City Commissioners meet with Finance Director and respective portfolio Department Directors to discuss budget



June 17 – June 21	Budget Committee meets with Departments on priority initiatives requests for employees, base budgets, one-time budget expenditures, and other budget related items
June 24 – July 8	Finance Director meets with each City Commissioner to discuss budget committee recommendations
July 8	Departments submit and save SLAs, organizational charts, and narratives for the budget document in L:\ 2025 Budget
July 9	Budget Committee presents draft #1 recommendations and budget information to the City Commission
July 23	Budget Committee presents draft #2 of recommendations and budget information to the City Commission City Commission approves the 2024 preliminary budget
August 5 (8:00 am)	(If necessary) Special City Commission Meeting to approve preliminary budget
August 10	City submits preliminary budget to the County Auditor
August 27	Budget Ordinance introduced by City Commission
September 10	City Commission adopts Budget Ordinance
October 10	City submits Budget Ordinance to County Auditor



Human Resources Department

DATE: February 27, 2024

FROM: Leanne Schmidt, Human Resources Director

ITEM: HR Management Recruiting Software

REQUEST:

Receive, consider, and accept HR Management Recruiting Software Request for Proposal (RFP).

BACKGROUND INFORMATION:

The City solicited bids seeking a comprehensive HR Management Recruiting Software. The purpose of the program is to replace the existing Taleo recruiting system which was put in place in early 2000s and will eventually not be supported. The recruiting system was included in the 2023 and 2024 budgets.

RECOMMENDED CITY COMMISSION ACTION:

Receive bids and award the bid for for the HR Management Recruiting Software to NeoGov.

STAFF CONTACT INFORMATION:

Leanne Schmidt, Human Resources Director, 701-355-1332, lschmidt@bismarcknd.gov

ATTACHMENTS:

1. Overview of the RFP Process

Overview of the RFP Process

- The City's current recruiting system is out of date, the HR department put out an RFP for a new recruiting system in October 2023.
- Received proposals from the following companies: Freshtek, Kiosite, NeoGov, PageUp.
- Evaluated the proposals on fixed costs, customer service, general systems requirements, reporting, security, functionality, project-relevant experience, and solution demonstration. Freshtek was eliminated because of fixed costs.
- After review, (3) finalists were chosen: Kiosite, NeoGov, and PageUp
 - Each finalist was given 60 minutes to provide a solution demonstration to RFP panel. The panel consisted of the 3 HR department employees, 2 IT department employees, and 2 Public Works employees.
 - Used a scorecard system for evaluating each company.
 - Finalist vendors interviewed ranking based on RFP listed below.

Recruiting Program	Rank
Kiosite	1
NeoGov	2
PageUp	3

- KioSite scored higher among the RFP panel, however, they did not meet the minimum qualifications of the RFP and were disqualified.
- NeoGov, ranking 2nd was chosen.

NeoGov- Proposal Highlights

- NeoGov is built for the Public Sector and has experience working with local governments. They have worked with public sector agencies to understand the requirements and regulations for the specific state they are located in.
- Implementation process is between 90-120 days and is geared towards HR professionals. They have a timeline and plan for implementation.
- System functions meet and exceed what we asked for in the RFP including recruiting site, screening of applicants, applicant tracking, onboarding, e-forms, background checks, and offboarding.
- NeoGov's demonstration showed the functionality of the system to be easy to use on both the candidate side and the administrator side. Can have unlimited users which will allow us to streamline our process of sending applicants to departments.
- NeoGov has additional modules that can be added in the future such as Performance and Learn which would be something we would be interested in adding later.



Legal Department

DATE: February 27, 2024

FROM: Jannelle Combs, City Attorney

ITEM: Endo opioid bankruptcy settlement.

REQUEST:

Consider the request to approve the Endo opioid bankruptcy settlement.

BACKGROUND INFORMATION:

The City is represented by Nachawati Law Group in the multiple opioid settlements. They are advocating that we approve the bankruptcy plan. Endo International is a specialty pharmacy that is global. I found no instance of an actual presence in North Dakota, though it may be possible some number of prescriptions are filled directly for residents in our state. The amount of prescriptions and whether they included opioids for North Dakota is unknown.

In regard to Public Opioid Claimants, as the deal stands, subdivisions would receive a total of \$273 million (which could increase to \$460 million if paid over 8 years). For reference, the distributor settlement amount for this same group was \$19 billion, meaning the amount available to you will be markedly lower than what you've begun to receive to date. That being said, this settlement was developed with an expedited payment time-frame at the forefront as private claim holders and political subdivision's returns have been hamstrung by other Chapter 11 bankruptcy processes to date (Mallinckrodt's eight-year payment plan was derailed by their second bankruptcy filing, which cut off hundreds of millions of dollars and Purdue's multiple appeals having delayed any payment at all).

When we outline the fund amounts potentially available to you, we are referencing distributions you may receive from your State in accordance with the State's opioid abatement programs or as directed by the bankruptcy trustee. As a part of this plan, it was agreed that the States would receive funds and would subsequently make them available to counties, cities, and other political subdivisions for applicable opioid abatement programs. Following the final approval of the plan, our office will provide a subsequent update if additional or different steps are required to receive funds.

The law firm's opinion it is in the best interest of the City to approve the current plan and elect to accept the outlined releases. I concur, as we are a very small entity, with an unknown nexus with this particular entity.

RECOMMENDED CITY COMMISSION ACTION:

Approve Endo opioid bankruptcy settlement.

STAFF CONTACT INFORMATION:

Janelle Combs, City Attorney, 701-355-1342, jcombs@bismarcknd.gov

ATTACHMENTS:

None



Police Department

DATE: February 27, 2024

FROM: Dave Draovitch, Police Chief

ITEM: Golf Solicitation Request

REQUEST:

I am requesting the Commission's permission for the Police Department to solicit donations to support the 2024 Annual Bismarck Police Department Benefit Golf Tournament. The event will be held on July 11, 2024, at the Tom O'Leary Golf Course.

BACKGROUND INFORMATION:

This year will be the 27th anniversary of the Bismarck Police Department Benefit Golf Tournament and the proceeds of the tournament are donated to the Crisis Care Chaplaincy. The purpose of the Benefit Fund is to provide financial donations to persons in organizations served by the Crisis Care Chaplaincy who have special needs due to an unusual personal or family situation such as a serious medical condition. The donations that will be sought include financial support to defray expenses, food and non-alcoholic beverages for the tournament picnic as well as door prizes for the participants.

RECOMMENDED CITY COMMISSION ACTION:

Grant permission to solicit donations.

STAFF CONTACT INFORMATION:

Dave Draovitch, Police Chief, 701-355-1866, ddraovitch@bismarcknd.gov

ATTACHMENTS:

1. 2024 Chaplaincy Golf



700 S. 9th St. • Bismarck, ND 58504
(701) 223-1212 • www.crisiscarechaplaincy.org

To: Chief Dave Draovitch & City Commission
From: Travis Rau – Police Youth Worker 
Date: February 13, 2024
Re: 2024 BPD Benefit Golf Tournament

Attached is a poster of the 2024 BPD Benefit Golf Tournament. This year's tournament will be held on July 11, 2024, at the Tom O'Leary Golf Course.

As part of the coordination and organization of this event, I am requesting permission and support from you and the City Commission for solicitation of items from area businesses to limit the expenses of the tournament, as well as, to allow for more funds to be raised for the benefit. Some of the items being solicited would include prizes for the tournament, as well as food and beverage items for the picnic.

As this year's tournament date is approaching, please let me know at your earliest convenience if there are any issues that I may need to be aware of or to keep in mind throughout the organization of this event. Again, thank you in advance for your consideration and your support of this event.

Through Christ, we serve and care for first responders and those in crisis.

27th Annual Bismarck Police Department Benefit Golf Tournament July 11, 2024 at 12:00 p.m. Tom O'Leary Golf Course



The money raised from this tournament will be donated to the CCC Benefit Golf Fund. The purpose of the Golf Tournament Benefit Fund is to provide financial donations to those (persons having an association with those agencies officially served by the CCC Board) that are in special need due to an unusual personal or family situation such as a serious medical condition.

PARTICIPANTS

- Open to city employees, local law enforcement, & their family members.
- Depending on course restrictions, the number of participants may be limited
- Teams - you may register individually (\$85) or as a 4 person team (\$340)
- Participants: check-in at the club house by 11:30 a.m. for rules & team assignments

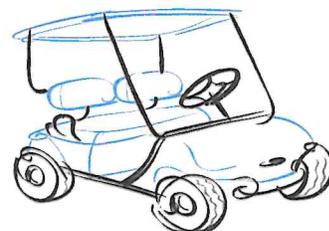
RULES

- Entry fee needs to be paid no later than June 19, 2024
 - \$85.00 per person (includes 3 mulligans)
- Best ball scramble format
- Entry fee includes: 18-hole green fee, cart, shirt, non-alcoholic refreshments and a picnic
- Prizes: top teams; longest drive (male & female); longest putt; closest to the pin

BENEFIT

****Make checks payable to the Crisis Care Chaplaincy**

****Mail to:** Bismarck Police Youth Bureau
Attn: Travis Rau
700 South 9th Street
Bismarck ND 58504
Phone: 355-1894





Public Works Service Operations

DATE: February 27, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: North Dakota Forest Service Grant

REQUEST:

Permission for the Forestry Division to accept the North Dakota Forest Service Grant awards from the North Dakota Forest Service.

BACKGROUND INFORMATION:

The Forestry Division has received two grant awards from the North Dakota Forest Service.

The first grant is the America the Beautiful Tree Planting Grant. This grant will provide funds to plant trees on the north side of Memorial Highway. The Forestry Division received a similar grant in 2014 where trees were planted between Summit Boulevard and Memorial Highway. This grant will continue this project to the intersection of Memorial Highway and West Main. This grant has a 50:50 match and will be met with in-kind labor. The City has received an award of \$15,805.

The second grant is the 2023 Tree Equity (IRA) Grant. This grant will provide funds to plant trees in an area of the City that has a low Tree Equity Score. Tree Equity Score reflects the amount of canopy cover over a portion of the City. The City has been awarded up to \$28,000 to plant trees in an area of town that has little canopy cover. There is no match for this grant.

RECOMMENDED CITY COMMISSION ACTION:

Accept two grant awards from the North Dakota Forest Service for tree planting projects.

STAFF CONTACT INFORMATION:

Douglas Wiles, City Forester, 701-355-1722, dwiles@bismarcknd.gov

ATTACHMENTS:

1. 2023 Fall Tree Equity TP application_signed
2. IRA grant award_docusign
3. 2023 Fall ATBTP Grant Application_signed
4. Memorial HWY Grant Award_Docusign



North Dakota Forest Service TREE EQUITY (IRA) Grant Application

Eligible projects may request up to \$25,000 with no required match. To assist in the successful completion of this application, reference [Supporting Documents](#).

Grant Type Requested *select one:*

- Tree Planting
- Planning and Program Development
- Storm Damage Response
- Workforce Training and Development
- Tree Maintenance including Removal

Entity: City of Bismarck

Community: Bismarck, ND

Unique Entity ID (UEI):

*must have at time of application

H H E 6 B W 3 2 J L P 3

To learn how to view your Unique Entity ID, click [HERE](#)

Disadvantaged Category:

Map used to determine disadvantaged status: include screenshot with submission

- Climate & Economic Justice Screening Tool
- Environmental Justice Screening & Mapping Tool
- American Forests Tree Equity Score

Primary Contact:

Person who will manage project

Name: Doug Wiles

Title: City Forester

Mailing Address: 601 S. 26th St

City: Bismarck

Day Phone: 701-355-1722

Zip Code: 58504

Email: dwiles@bismarcknd.gov

Cellphone: 605-415-7998

Secondary Contact:

Name: Christy Ames-Davis

Title: Forestry Programs Coordinator

Day Phone: 701-355-1723

Email: cames@bismarcknd.gov

Applicant MUST contact NDFS personnel to coordinate project planning efforts during the process of completing this application.

NDFS Community Forestry staff contacted:

- Gerri Makay
- Joel Allen
- Beth Peske

Date of Initial Contact: 11/7/2023

Click here for calendar.

Projects must be on publicly owned or publicly controlled property.

Is the project on publicly owned or controlled property?

- Yes
- No

Provide the **LEGAL LAND DESCRIPTION** of your project location. This information is used to conduct Class I Cultural Resource reviews through the [ND State Historical Preservation Office \(SHPO\)](#) and/or [Tribal Historic Preservation Office \(THPO\)](#).

To assist with your Legal Land Description, click [here](#).

County Name	Township Number	Range Number	Section Number	Quarter NE, NW, SE, SW
Burleigh	138N	80W	3,4	3-NW,SW, 4-NE,SE

Tree Planting

Please provide thorough information for the Review Committee to understand your project.

*A planting plan/design must be attached to show existing trees, proposed trees, utilities, infrastructure, waterways, etc.

List the plant materials to be used – Estimate the cost of plant materials to complete your project.

Species	Size	Qty	Cost per	Total
Triumph Elm	8' LB BR	20	\$ 80.00	\$ 1,600.00
Northern Empress Elm	8' LB BR	20	\$ 80.00	\$ 1,600.00
Harvest Gold Linden	8' LB BR	30	\$ 80.00	\$ 2,400.00
Kentucky Coffeetree	8' LB BR	20	\$ 80.00	\$ 1,600.00
Bur Oak	# 7 Container	30	\$ 170.00	\$ 5,100.00
Common Hackberry	# 7 Container	30	\$ 170.00	\$ 5,100.00
Northern Acclaim Honeylocust	8' LB BR	30	\$ 80.00	\$ 2,400.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00
				\$ 0.00

- 1) Size examples: 6' Bareroot (BR), 1 ½" (BR), #5 container.
- 2) No person may engage in the business nor act in the capacity of a contractor within the State of North Dakota when the cost, value, or price per job exceeds the sum of four thousand dollars without first having a license (NDCC 43-07-02).
- 3) Locates shall be made by calling 811 by contractor/entity prior to planting.

Estimated plant material cost:	\$ 19,800.00
Estimated contracted services cost:	\$ 0.00
Name of Business (if known):	
Number of trees:	180
How will trees be planted? *Refer to Figure 1 for proper planting depth.	<input checked="" type="checkbox"/> Shovel <input checked="" type="checkbox"/> Auger <input type="checkbox"/> Other
How will trees be watered?	<input type="checkbox"/> Garden hose on site <input checked="" type="checkbox"/> Water truck <input type="checkbox"/> Water tank on site <input type="checkbox"/> Other

Person or group responsible for watering trees:	City of Bismarck
---	------------------

List of supplies that will be purchased to complete this project:

Item Purchased	Qty	Cost per	Total
tree diaper	145	\$ 35.00	\$ 5,075.00
			\$ 0.00
			\$ 0.00
			\$ 0.00
			\$ 0.00
			\$ 0.00
			\$ 0.00
			\$ 0.00
			\$ 0.00
			\$ 0.00
			\$ 0.00

- 1) Cost can include mulch, tree stakes and ties, water bags, etc.
- 2) Food and refreshments are not eligible.

Estimated supplies cost:	\$ 5,075.00
--------------------------	-------------

Estimated grand total cost: *Includes plant material + contracted services + supplies.	\$ 24,875.00
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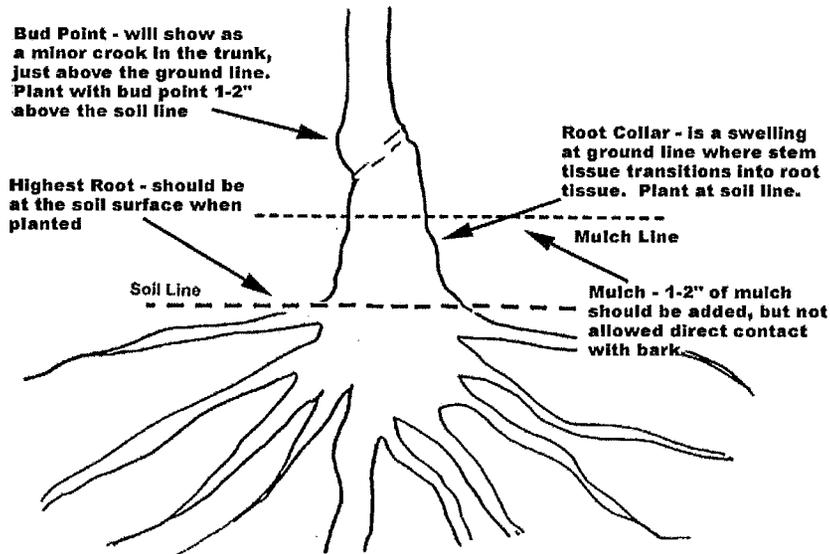


Figure 1: Proper Planting Depth

image credit: friendsoftrees.org

Describe the project, explain where it will be located in your community, and clearly outline its purpose and goals.

This project will consist of planting boulevard trees in a single family residential neighborhood in south Bismarck. Specifically, this neighborhood is south of East Main St., west of Airport Rd, north of Bismarck Expressway and east of S. 9th St. This neighborhood has had many removals in the past due to Dutch elm disease. There are approximately 270 vacant planting locations in this neighborhood. Historically, the City of Bismarck Forestry Division has allowed citizens to electively plant trees on the boulevard in residential neighborhoods and has not consistently replaced trees that have been removed due to insect, disease or that were hazardous. This neighborhood has a Tree Equity Score of 58% and has 9% canopy cover. This project will allow the City to reinvest in a neighborhood that has had very little elective boulevard tree planting with the goal of increasing canopy cover and tree diversity.

Describe plans to maintain this project for long-term success. Community must follow a three-year maintenance requirement. Reference Supporting Documents.

The City of Bismarck is fortunate to have a Forestry Division that provides all scheduled and emergency work on our boulevard trees. Newly planted trees will receive watering for the first three years following planting. With this grant, the Forestry Division would like to invest in the Tree Diaper instead of utilizing water bags.

Structural pruning occurs every 3 years for two rotations on newly planted trees, except for elm trees, which will receive structural pruning every 1-2 years due to their vigorous growth habit. Once the trees are off our structural pruning schedule they will then roll into our regular rotational pruning schedule of once every 8 years.

How does this project directly benefit your community? How will the community be engaged in the project?

Increasing canopy cover and street trees provide many environmental benefits for the community, neighborhood and individual property owners. This neighborhood planting will allow for stormwater intercept and retention, filtering of pollutants from the air, create a buffer from traffic noises from the nearby Airport Rd and Bismarck Expressway, reduce cooling costs for the residents in the future due to canopy cover, produce a traffic calming effect and reduce speeds as the trees will produce a hallway affect, increase aesthetics and property values and increase species diversity which will result in a more resilient urban forest for future generations.

Individual property owners that have a boulevard that would qualify for a tree will be notified by letter. This letter will provide information regarding the grant project along with the choice of tree they may choose from. Property owners will be able to opt out of the project if they wish and will be able to select which species of tree(s) will be

Is there other information you would like the Grant Review Committee and North Dakota Forest Service to know?

As part of this project, the City of Bismarck would like to invest in the "Tree Diaper" as a means of watering. Typically, the City of Bismarck utilizes water bags for irrigation. Tree watering is often the limiting factor for the number of trees that the City can plant in a year. The tree bags have been an efficient way to water as they only take a few minutes to fill, however, they still require quite a bit of time from seasonal staff. In doing research, I have concluded that by utilizing the Tree Diaper instead of the watering bag the City will save money on seasonal labor and equipment as this system for watering will recharge itself with rainwater and adjacent irrigation. There have been several published case studies describing how the system is efficient in it's distribution of water as it only will release the water from the diaper when soil moisture reaches a certain point. If the soil is too wet the diaper will absorb the moisture from the soil and release it when appropriate.

There are 268 parcels in this neighborhood. The goal for this project is that each parcel will have at least one boulevard tree once this project is completed. Because we will be communicating with each of the parcel owners to determine if a tree will be planted and what species will be planted, it is very difficult to create a project design plan.

Before completion of next page and submitting project, have the following documents been completed:

- Photographs of proposed project site
- Vicinity maps indicating location of project in the community
- Project design plan

*These items will need to be separately attached to the email that will open once **Submit Form** has been selected on the next page.

Project grant funds are distributed on a reimbursement basis. Reimbursement requests must be submitted for payment at the completion of the project and only upon passing inspection by NDFS Community Forestry Staff. Proof of payment in the form of cleared checks or receipts showing payment by a credit card are required to be submitted with reimbursement documents. All reimbursement documents must be received by NDFS no later than November 29, 2024.

**Project expenses for which you seek reimbursement
must be incurred AFTER a contract is signed by the State Forester.**

AUTHORIZING SIGNATURE			
<i>By signing below, I certify that to the best of my knowledge the information is true. I acknowledge that I am authorized to accept Inflation Reduction Act Grant Funds for this project if approved by ND Community Forestry Council and the State Forester.</i>			
<u>Steven Selwei</u>	<u>Public Works Service Operations Director</u>		<u>11-29-23</u>
<i>Print Name</i>	<i>Print Title</i>	<i>Authorized Signature</i>	<i>Date</i>

Email the following (or mail ORIGINAL ONLY- no copies):

1. Completed application
2. Photographs of proposed project site
3. Vicinity maps indicating location of project
4. Project design plan

Application must be received electronically by 4:30 p.m. CST on November 30, 2023 OR postmarked no later than November 30, 2023.

***Please save applications as Year-Project Type-Entity (eg: 2023FALL Tree Equity TP Anytown)**

Submit Form OR **Mail to:** Community Forestry Grants
North Dakota Forest Service
916 East Interstate Ave. Suite 4
Bismarck, ND 58503-1227

In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form, AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at <https://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by: (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410; (2) Fax: (833) 256-1665 or (202) 690-7442; or (3) Email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

North Dakota Forest Service (NDFS) is a department of NDSU. NDSU does not discriminate in its programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, participation in lawful off-campus activity, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, or veteran status, as applicable. Direct inquiries to Vice Provost, Title IX/ADA Coordinator, Old Main 201, 701-231-7708, ndsuoaa@ndsuoaa.edu.

This publication is available in alternative formats upon request by calling (701) 328-9944.



NORTH DAKOTA FOREST SERVICE

"To care for, protect and improve forests and natural resources to enhance the quality of life for present and future generations."

February 5, 2024

Doug Wiles
City of Bismarck Forestry Division
601 S 26th St
Bismarck, ND 58504

Dear Doug:

The North Dakota Forest Service (NDFS) is pleased to announce that the City of Bismarck Forestry Division has been awarded up to \$28,000.00 for its 2023 Tree Equity (IRA) project. Enclosed is the contract for this award.

Using the enclosed envelope, please mail these items by **February 15, 2024**:

1. The original contract (all pages) with an authorized signature,
2. The completed W-9 (revised October 2018) form,
3. The completed Federal Audit Requirements form (with financial statement, letter or report), and
4. The completed AD-1048 form.

Once the NDFS has these items on file, a complete award packet will be sent to you, including a copy of the contract signed by the State Forester. Upon receipt of the award packet, you may begin the project. **Projects started prior to the contract being signed by the State Forester are not reimbursable.**

We appreciate your interest to involve the NDFS in your community forestry program. We look forward to continuing to work with the City of Bismarck Forestry Division.

Once again, congratulations on this grant award. Please contact me if you have any questions or concerns.

Sincerely,

Mary Fisk
Office Manager

Enclosure

SUBAWARD 2023F-IRA-001
AGREEMENT BETWEEN THE NORTH DAKOTA FOREST SERVICE AND

City of Bismarck Forestry Division
NORTH DAKOTA

FOR THE PROVISION OF BIPARTISAN INFRASTRUCTURE LAW (BIL)
COMMUNITY CHALLENGE GRANT FUNDS

I. GENERAL

This agreement is entered into between the North Dakota Forest Service, hereinafter referred to as the NDFS, and the above, named entity, hereinafter referred to as the COOPERATOR.

All application materials submitted by the COOPERATOR are listed in the Grant Application and are included within this agreement.

II. PURPOSE

The purpose of this agreement is to stimulate development of innovative and effective urban and community forestry projects and programs in North Dakota. The USDA-Forest Service provides grant funds to accomplish the project specified in this agreement.

The parties in this contract agree to jointly provide staff, financial, and in-kind resources necessary to fulfill the established program objective.

III. TERM

The budget period for the Agreement shall commence on the date the State Forester signs this contract and ending **November 28, 2025**. The budget period may be extended by written request from Cooperator followed by written approval from the NDFS.

IV. ALLOWABLE COSTS AND PAYMENTS

The COOPERATOR may incur costs as specified in the Grant Application – Project Budget and be reimbursed by the NDFS. NDFS will reimburse COOPERATOR upon completion and passing inspection of project. Proper documentation shall be submitted to NDFS as specified in the Reimbursement Guidelines document. The billing and match statement along with invoices shall be submitted prior to **November 28, 2025** to the North Dakota Forest Service, 916 East Interstate Ave, Ste 4, Bismarck, ND 58503-1227.

Grant funds awarded to this project up to \$28,000

V. SUPERVISION

Refer to Grant Application – Project Narrative.

VI. RESPONSIBILITIES

The NDFS agrees to:

- Submit appropriate payment(s) to the COOPERATOR not to exceed the total amount of the grant award.

The COOPERATOR agrees to:

- Expend the grant award in the manner specified in the Grant Application.
- Contact **Joel Allen (701) 934-0244**,
- **Beth Peske (701) 389-7503** immediately following project completion for an inspection. An inspection must be completed prior to any reimbursements.
- Submit copy of completed project (design plan, inventory, etc.), if applicable.
- Submit before and after pictures of any tree removals.
- Submit tree inspection list, if applicable.
- If planting, assure that plant materials and plant installation meet standards outlined in the NDFS Community Forestry Tree Planting and Three-Year Maintenance Plan.
- Maintain project in accordance with the Three-Year Maintenance Plan.
- Include the statement “This publication is made possible through a grant from the USDA Forest Service and the North Dakota Forest Service.” in any publications or outreach materials related to this project.

VII. Unique Entity ID Number

The COOPERATOR is required to identify their organization’s Unique Entity ID. The federal government has adopted the use of Unique Entity ID to track how federal grant money is allocated and is assigned free to all businesses/entities required to register with the US Federal Government for contracts or grants. If you do not know your organization’s Unique Entity ID, visit the SAM.gov webpage at <https://sam.gov/content/entity-registration>. **This is the UEI supplied on your application: HHE6BW32JLP3.**

If this is not correct, cross it off and write the correct UEI.

All entities receiving subawards greater than \$30,000 shall be registered in the Central Contractor Registration (CCR) or System for Award Management (SAM). <https://www.sam.gov/SAM/>

NDSU is required to comply with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 amendment thereto (FFATA) which is Public Law 109-282. FFATA requires NDSU to report certain first-tier subcontract greater than \$30,000 and executive compensation data. The law requires all reported information to be made publicly available, including all information reported to NDSU by Recipient. For subcontract greater than \$30,000 the recipient will fully complete and return the enclosed **Federal funding accountability and Transparency Act (FFATA) Request Form**. This form should be submitted with the signed agreement/contract and no later than 30 days from the date of the fully executed contract. Recipient must notify NDSU immediately if there is any change in Recipient’s data as supplied in the FFATA Request Form.

VIII. PROGRAM OBJECTIVES

Refer to Grant Application – Project Narrative.

IX. INCORPORATING PROVISIONS OF THE PRIME AWARD

The effort being performed under this subaward is part of the Prime Award received from:

<i>Agency</i>	<i>FAIN #</i>	<i>Amount</i>	<i>Assistance Listing #</i>	<i>Assistance Listing Name</i>	<i>Award Year</i>	<i>NDSU Proj</i>
USDA-FS	22-DG-11010000-023	\$486,000	10.664	Cooperative Forestry Assistance	2022	FAR0036136
USDA-FS	23-DG-11010000-010	\$527,000	10.664	Cooperative Forestry Assistance	2023	FAR0037165

Consequently, the terms and conditions specified by the Prime Award and general provisions are hereby incorporated as part of this subaward and take precedence in the case of any inconsistencies with this subaward. Any changes to the prime award amount or expiration date are automatically incorporated into this award, as appropriate.

This agreement is subject to the following Office of Management and Budget (OMB) Circular:

- OMB Circular 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements For Federal Awards; Final Rule.
- The OMB Circular is available on the Internet at <http://www.ecfr.gov> and select Title 2 “Grants & Agreements.”

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Funding for these contracted services come from the U.S Forest Service which requires contractors and sub-contractors performing work on federal grants and contracts to abide by the Davis Bacon Act. DAVIS BACON WAGES FOR CONSTRUCTION. Following the requirement in Section 41101 of the Bipartisan Infrastructure Law, P.L. 117-58, Davis-Bacon wage rates must be applied for all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under this Act. Laborers and mechanics shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”).

X. INDEPENDENT CONTRACTOR

COOPERATOR herein is an Independent Contractor, not a partner or joint venturer, and shall not act as an agent or employee of the NDFS. COOPERATOR shall not have any authority, either express or implied, to enter any agreement, incur any obligations on NDFS's behalf, or commit NDFS in any manner without NDFS's expressed prior written consent.

XI. LIABILITY

In accordance with North Dakota state law, COOPERATOR agrees to defend, indemnify and hold NDFS harmless from any and all claims, injuries, damages or other liabilities arising in tort or breach of contract and resulting directly or indirectly from any intentional or negligent (including grossly negligent) acts or failure to act by COOPERATOR's officers, agents or employees, arising in favor of any person or entity.

XII. TERMINATION

In the event of default by COOPERATOR under this subaward, or in the event that the prime sponsor terminates work by NDFS on this subject matter, then performance by COOPERATOR may be terminated by NDFS at any time by giving written notice. Such notice shall be effective upon the receipt of written notice by the COOPERATOR. COOPERATOR shall take all reasonable steps to minimize termination costs.

XIII. AUDIT

This agreement is subject to the provisions of the Single Audit Act Amendments of 1996, as implemented by OMB Circular A-133 "Audits of States, Local governments and Non-Profit Organization."

- COOPERATOR shall, upon written request of sponsor, provide a copy of COOPERATOR's most recent audit report. COOPERATOR agrees to provide copies of subsequent audit reports if requested by sponsor.
- Financial reports, supporting documents and other records pertinent to this subaward shall be retained by the COOPERATOR for a period of three (3) years from the date of final expenditures, reports; except records that relate to audits, appeals, litigation of the settlement of claims arising out of performance of this subaward shall be retained until such audits appeals, litigation or claims have been disposed of.
- COOPERATOR shall permit independent auditors (as defined in the OMB circulars) to have access to the records and financial statement as necessary to comply with the appropriate OMB circulars and this article.
- Following the awarding of grants, the NDFS will conduct project inspections to assure compliance with project contracts.

XIV. SERVICES AND EQUIPMENT

Pursuant to 2 CFR 200.216, COOPERATOR will not obligate or expend funds received under this Subaward to: (1) procure or obtain; (2) extend or renew a contract to procure or obtain; or (3) enter into a contract (or extend or a renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services (as described in Public Law 115- 232, section 889) as a substantial or essential component or any system, or as a critical technology as part of any system.

XV. CERTIFICATION

A. Acceptance of this Subaward constitutes certification that the COOPERATOR is not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this project by any Federal department or agency.

B. Acceptance of this Subaward constitutes certification that the COOPERATOR is not delinquent on any Federal debt.

C. Acceptance of this Subaward constitutes certification that to the best of the COOPERATOR's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the COOPERATOR, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the COOPERATOR will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," to NDFS in accordance with its instructions.

D. Acceptance of this Subaward constitutes certification that COOPERATOR: has and will continue to advise it employees working on any federal awards that they are subject to the whistleblower rights and remedies of the pilot program; will inform their employees in writing of the employee whistleblower protections under 41 U.S.C.§4712 in the predominant language of the workforce; and include such requirements in any agreement made with any subcontractor.

XVI. GOVERNING LAW

The laws of the State of North Dakota, United States of America shall govern the interpretation of this subaward. The only appropriate venue for resolution of disputes to this subaward shall be in the State of North Dakota, United States of America.

IN WITNESS WHEREOF, the parties to this Agreement do hereby execute this contract and agree to abide by its terms.

City of Bismarck Forestry Division

Entity	Authorized Signature	Print Signature Name	Date
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ND Forest Service

Entity	Tom Claeys, State Forester		Date
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NDSU does not discriminate in its programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, participation in lawful off-campus activity, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, or veteran status, as applicable. Direct inquiries to Vice Provost, Title IX/ADA Coordinator, Old Main 201, **(701) 231-7708**, ndsu.eoaa@ndsu.edu.

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

Print or type See Specific Instructions on page 2.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. City of Bismarck	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input checked="" type="checkbox"/> Other (see instructions) ▶ City Government	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) 3 Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>	
	5 Address (number, street, and apt. or suite no.) 221 N 5th St	Requester's name and address (optional)
	6 City, state, and ZIP code Bismarck ND 58501	
	7 List account number(s) here (optional) All City of Bismarck Departments Inclusive	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number									
-	-								
or									
Employer identification number									
4	5	-	6	0	0	2	0	3	6

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶	Date ▶ 1/22/14
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Name City of Bismarck
Address 221 N 5th St
City, ST Zip Bismarck ND 58501

Subject: Federal Audit Requirements

Because your organization is a subrecipient of Federal Funds awarded to North Dakota State University, Federal Uniform Guidance 2 CFR 200 subpart F require us to ensure that you are in compliance with their requirements. Please check the appropriate box below and provide the requested documentation/information.

- Our Federal Uniform Guidance 2 CFR 200 Subpart F audit report for fiscal year 2022 is not yet completed. Upon completion, we will provide you with written notification and, if material findings related to any subaward from North Dakota State University are reported, we will provide a copy of our audit report along with a corrective action plan within 30 days. We expect that the report will be completed by (date)_____.
- Our Federal Uniform Guidance 2 CFR 200 Subpart F audit for fiscal year 2022 has been completed. The audit presented no material weakness, no material instances of noncompliance, or findings related to any subaward from North Dakota State University. Accordingly, we are not enclosing a copy of the report.
- Our Federal Uniform Guidance 2 CFR 200 Subpart F audit for fiscal year 2022 has been completed. The audit noted material weaknesses, material instances of noncompliance, or findings related to a subaward from North Dakota State University. Accordingly, we are enclosing a copy of the report and our response. Relevant findings, responses and corrective action plans are discussed on pages:_____.

We are not subject to the requirements of Federal Uniform Guidance 2 CFR Part 200 because:

- Our organization is for profit.
- Our organization expended less than \$750,000 as described in Federal Uniform Guidance 2 CFR Part 200 in **Federal funds**
- We are a non-U.S entity
- Other (please explain): City

Because we are not subject to Federal Uniform Guidance 2 CFR Part 200 Subpart F, we have enclosed (required to accompany this form):

- An Audited Financial Statement;
- An Independent auditor's management letter; or,
- Some other reviewed financial statement or report

I certify that the above checked boxes accurately represent the organization of which I am an authorized representative. Furthermore, I certify that all relevant material findings in the audit report have been disclosed.

Signature: Kim Ohnell Date: 2/13/2024

Name & Title (please print): Kim Ohnell, Grants Coordinator

Web Site address of audit report or financial statements: kimohnell@bismarcknd.gov

Thank you for your assistance in complying with these requirements. If you have any questions, please contact me at (701) 231-5133 or e-mail teresa.driscoll@ndsu.edu.

Sincerely,

Teresa Driscoll
Grant and Contract Officer
North Dakota State University

**Please mail completed form to: ND Forest Service
916 E Interstate Ave Ste 4
Bismarck, ND 58503-1227**



**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
 Lower Tier Covered Transactions**

The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a, as amended). This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, and 2 CFR §§ 180.300, 180.335, Participants' responsibilities. The regulations were amended and published on August 31, 2005, in 70 Fed. Reg. 51865-51880. Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0027. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal or civil fraud, privacy, and other statutes may be applicable to the information provided.

(Read instructions on page two before completing certification.)

- A. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency;
- B. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ORGANIZATION NAME

City of Bismarck

PR/AWARD NUMBER OR PROJECT NAME

2023F-IRA-001

NAME(S) AND TITLE(S) OF AUTHORIZED REPRESENTATIVE(S)

SIGNATURE

DATE

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.



North Dakota Forest Service AMERICA THE BEAUTIFUL TREE PLANTING Grant Application

Application Deadline: October 31, 2023

Entity: City of Bismarck

Community: Bismarck, ND

Primary Contact Person: *Individual who will manage this project

Name: Doug Wiles

Mailing Address: 601 S. 26th St

Day Phone: (701) 355-1722

Email: dwiles@bismarcknd.gov

Important documents for reference during application process:

[Supporting Documents](#)

[Scoring Guidelines](#)

Title: City Forester

City: Bismarck Zip: 56504

Cell: (605) 415-7998

Secondary Contact Person:

Name: Christy Ames-Davis

Mailing Address: 601 S. 26th St

Day Phone: (701) 355-1723

Email: comes@bismarcknd.gov

Title: Forestry Programs Specialist

City: Bismarck Zip: 58504

Cell: _____

Projects must be on publicly owned or publicly controlled property.

Is the project on publicly owned or controlled property? YES NO *If NO, the project is not eligible.

Eligible projects may request up to \$25,000. To assist in the successful completion of this application reference Supporting Documents.

Applicant MUST contact NDFS personnel to coordinate project planning efforts during the process of completing this application.

Name of NDFS Community Forestry Staff: Beth Peske

Date(s) of Contact: 10/9/2023

Provide the legal land description of the project location. This information is used to conduct Class I Cultural Resource reviews through the [ND State Historical Preservation Office \(SHPO\)](#). To assist with your legal land description, [click here](#).

County Name	Township Number	Range Number	Section Number	Quarter NE, NW, SE, SW
Burleigh	138N	80W	5	NE,NW

The Unique Entity Identifier (UEI). *Must have at time of application.

How to get the UEI: Each entity is registered in [SAM.gov](#), including inactive registrations. Your Unique Entity ID has already been assigned and is viewable in [SAM.gov](#). Remember, you must sign in to your [SAM.gov](#) account to view entity records. To learn how to view or obtain your Unique Entity ID go to this [help article](#).

Please identify your organization's 12-character (alpha-numeric) code:

H	H	E	6	B	W	3	2	J	L	P	3
---	---	---	---	---	---	---	---	---	---	---	---



North Dakota Forest Service AMERICA THE BEAUTIFUL TREE PLANTING Grant Overview

ATB Tree Planting Grant is a competitive grant program available to North Dakota communities, administered by NDSU - North Dakota Forest Service in cooperation with the USDA Forest Service. Associated documents are available at <https://www.ag.ndsu.edu/ndfs/programs-and-services/community-forestry-grants>.

Applicant MUST contact one of these NDFS personnel to coordinate project planning efforts and to obtain a grant application:

Gerri Makay
Community Forestry Manager
Carrington Office
(701) 652-2951
Gerri.Makay@ndsu.edu

Joel Allen
Community Forestry Specialist
Bismarck Office
(701) 328-9941
Joel.Allen@ndsu.edu

Beth Peske
Community Forestry Assistant
Bismarck Office
(701) 389-7503
Beth.Peske@ndsu.edu

PROGRAM OVERVIEW

PROGRAM PURPOSE	To stimulate the development of innovative and effective community forestry tree planting projects that promote the diversity of trees in the community.
ELIGIBLE APPLICANTS	Applicant must contact NDFS personnel to coordinate project planning efforts at which time they will receive the grant application. Public entities that own or control the land where the project will be located must submit the application.
FUNDS AVAILABLE	A public entity is eligible to receive a maximum grant award of \$25,000 . Bids or price quotes will be required for successful applicants. Grant funds will be distributed on a reimbursement basis.
MATCH REQUIREMENTS	At least 50% of the total cost of the project must be contributed by the applicant from sources other than federal funds, in the form of cash and/or in-kind contributions.
APPLICATION DEADLINE	4:30 p.m. CST/October 31, 2023- Applications must be sent by electronic format (preferred) OR postmarked by this time/date. Applications sent electronically/postmarked after October 31 will not be accepted. Email your completed application to cfgrants@ndsu.edu.
	*Please save applications as Year-Project Type-Entity (eg: 2023Fall ATB TP Anytown)
	If you are submitting by mail, please mail the ORIGINAL application (no copies needed) to: Community Forestry Grants North Dakota Forest Service 916 East Interstate Ave Suite 4 Bismarck, ND 58503-1227
PROJECT COMPLETION	Projects must be completed and all reimbursement forms submitted by November 29, 2024 .

In accordance with the Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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(1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410;
(2) fax: (202) 690-7442; or (3) [email: program.intake@usda.gov](mailto:program.intake@usda.gov).

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North Dakota Forest Service (NDFS) is a department of NDSU. NDSU does not discriminate in its programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, participation in lawful off-campus activity, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, or veteran status, as applicable. Direct inquiries to Vice Provost, Title IX/ADA Coordinator, Old Main 201, 701-231-7708, ndsu.eoaa@ndsu.edu.

Did you use the ND TIP Tool in planning this project? YES NO *If YES, explain briefly how it was used.

Please provide thorough information for the review committee to understand your project. Projects will be ranked according to the quality of the application as a whole and how well the specified scoring criteria are addressed. Refer to the Grant Scoring Guidelines.

Describe the type of project and clearly outline its purpose and goals. **Include a planting plan or design which contains existing trees, proposed trees, all utilities, infrastructure, waterways, etc. (reference Supporting Documents)*

In 2015 the City of Bismarck applied for a NDFS ATBTP Grant to plant trees in two areas directly adjacent to the project being proposed. The previous grant project consisted of two planting beds. One of the planting areas is on the south side of Memorial Highway, which consisted of a variety of ornamental trees. The other planting area of the 2015 project is on the north side of Memorial Highway and consisted of 29 conifers, which have provided a nice buffer for the residents along Summit Boulevard.

The project the City of Bismarck is proposing for this grant cycle will consist of planting 68 boulevard trees over 1500 ft of Right of Way that will extend the plantings from the 2015 Grant Project, specifically the planting bed between Memorial Highway and Summit Boulevard.

If awarded this grant, the City of Bismarck Forestry Division will be removing about 25 trees in preparation of the tree planting project, 20 of which are ash trees. The removal of these ash trees will help the city as we continually prepare for the arrival of EAB. This tree planting project is located in an area of town that would be classified as being of a lower socioeconomic demographic. Over the last several decades, there have been many trees removed in this portion of town due to Dutch Elm Disease and there has had very little elective tree plantings by the residents living in the neighborhood to replace what has been lost. This planting will continue what was started in 2015 and provide a very nice buffer for the residents living north of Memorial Highway, decrease the number of ash trees on our boulevards, increase species diversity and eventually increase canopy cover in the City of Bismarck.

The City plans to have a contractor plant the conifers and the City staff will plant the shade trees.

*see attached documents for pictures of current site, planting plans

Did you do a soil test at the planting site? YES NO *If YES, please include the test results.

How many trees are you planting?

If you are also planting shrubs, how many shrubs?

Add additional pages as needed for any of the questions

How did you choose your tree species?

Trees selected have proven to be hardy in the City of Bismarck

If any of the trees are not 1-2" caliper for hardwoods or 3' tall for conifers, please explain.

How are you preparing your site? This can include tree removal, stump grinding, and similar activities.

*Do not include digging the holes for trees. That comes next.

There are many volunteer trees and shrubs on the site that will be removed and stumps ground prior to tree planting. There are also 10 green ash trees on the boulevard that will be removed to prep for this tree planting.

Are you digging the holes by hand? YES NO

If NO, please explain how you will dig the holes:

An auger attach for a skid steer or a stump router will be used to dig holes for tree planting. Once initial hole is dug with attachment the crew will make sure hole diameter is appropriate (2-3x root ball) and that planting hole walls are scarified.

If not planting by hand, please explain how you will prevent the trees from being planted too deeply.

Once root balls have been inspected and root pruning or root correcting has occurred, the root ball will be measured to determine the depth of hole. If the hole is too deep it will be backfilled and tamped for firmness to ensure the trees will not settle.

If removing trees, list the name and title of the individuals who decide which trees should be removed:

Doug Wiles, Bismarck City Forester, will determine which trees will be removed for this project.

How many trees are you removing?

25

*Include a map showing each tree to be removed.

(Considered In-Kind or Cash Site-Prep)

Add additional pages as needed for any of the questions

Where will the project be located? **Include maps of the community showing the location of the project and a detailed map of the project site (reference Supporting Documents). Remember to consider the location of above ground and below ground utilities.*

This project will occur in the City of Bismarck. Specifically, in the boulevard between Memorial Highway and Summit Boulevard.

See attached documents showing specific location in the City of Bismarck

What entity owns the property?

City of Bismarck

If a board or council is responsible, name the board or council:

Are overhead lines in the area where trees are to be planted? YES NO

Are underground utilities in the area where trees are to be planted? YES NO

Why is the project important to the community?

This project is important for the City of Bismarck for several reasons.

- 1) If awarded this grant, the City of Bismarck Forestry Division will be removing about 25 trees in preparation of the tree planting project, 20 of which are ash trees. The removal of these ash trees will help the city as we continually prepare for the arrival of EAB.
- 2) This tree planting project is located in an area of town that would be classified as being of a lower socioeconomic demographic. Over the last several decades, there have been many trees removed in this portion of town due to Dutch Elm Disease and there has had very little elective tree plantings by the residents living in the neighborhood to replace what has been lost.
- 3) This planting will continue what was started in 2015 and provide a very nice buffer for the residents living north of Memorial Highway, decrease the number of ash trees on our boulevards, increase species diversity and eventually increase canopy cover in the City of Bismarck.

Add additional pages as needed for any of the questions

Please identify by name and/or title the individuals who will be involved with the project and explain what they will do.

City of Bismarck Forestry Division Staff
Doug Wiles, City Forester - grant administration, planning
Christy Ames-Davis, Forestry Programs Coordinator - grant administration
Jerry Henke, Eric Gabbert, Carter Moran, Katie Nagel, Rachel Jensen (Forestry Division Arborists) - tree removals, tree planting and ongoing maintenance

Tree planting contractor - tree planting

How are volunteers involved with the project?

N/A

What is your plan of work and project schedule?

- 1) Early Winter 2023 - Grant award
- 2) Early Winter 2023 - Request quote from local contractors for plant material and planting of conifers
- 3) Winter/Early Spring 2024 - Tree removal and stump grinding
- 4) Late May/Early June - Tree planting
- 5) Summer 2024 - water trees in project area once every 10-14 days throughout growing season

Add additional pages as needed for any of the questions

Describe your plans to maintain the project for long-term success.

All trees planting on City of Bismarck property/ROW have regular, scheduled maintenance by City of Bismarck Forestry Division staff. The trees will be water every 10-14 days during the summer growing season, for the first 3 years after planting. After 3 years they fall off our watering schedule unless we are in a severe drought. Mulch depth is inspected annual to determine if mulch should be reapplied. Staking will be inspected annually to determine when stakes shall be removed. Boulevard trees will be structurally pruned 2 years after planting and again at 5 years after planting and then fall into our pruning rotation based on the pruning zone they are in. The conifer bed planting will be pruned and inspected annually to determine maintenance needs and managed by our landscape arborist.

Who is responsible for watering the trees?

City of Bismarck

What is the frequency the trees will be watered?

Once every 10-14 days for first three growing seasons, depending on weather and soil moisture

Will trees be staked? YES NO

If trees will be staked, when will the support ties be removed?

staking will be evaluated annually to determine when stakes shall be removed

How will you mulch your trees and how often will you re-mulch?

3-4", mulch depth will be evaluated annually and the conifer bed will be completely mulched with no grass between trees.

Describe the steps you will take to prevent damaging trees during mowing and string trimming:

mulch and education.

What additional information would you like to share with the review committee to help them understand the project?

Add additional pages as needed for any of the questions

Project Cost In-Kind Contributions

1. Community's In-Kind Contribution

Donated items must be used for the project; no peripheral expenses can be used as match, such as food, refreshments, or other items outside the scope of the project.

A. In-Kind Labor – Volunteers

Estimate the community's "In-Kind Labor Contribution" to complete this project.

Suggested Volunteer Labor Value: \$20.00 per hour.

ACTIVITY	VOLUNTEER GROUP'S NAME (IF APPLICABLE)	# OF PEOPLE X	# OF HOURS =	TOTAL HOURS X	VALUE PER/HR. =	GRAND TOTAL
tree removal/stump grinding	COB arborist	5	32.00	160.00	\$ 46.00	\$ 7,360.00
	COB forestry tech	2	32.00	64.00	\$ 38.00	\$ 2,432.00
tree watering		1	80.00	80.00	\$ 18.00	\$ 1,440.00
tree planting	COB arborist	5	16.00	80.00	\$ 46.00	\$ 3,680.00
	COB forestry tech	2	16.00	32.00	\$ 38.00	\$ 1,216.00
				0.00		\$ 0.00
				0.00		\$ 0.00
Copy amount to In-Kind Labor on Project Budget Estimate - TOTAL VALUE OF IN-KIND LABOR						\$ 16,128.00

B. In-Kind Equipment

What donated equipment will be used to complete this project?

See Equipment Values in Supporting Documents.

ACTIVITY	EQUIPMENT USED	# OF HOURS X	VALUE PER HR. =	TOTAL VALUE
tree removal	log truck	24.00	\$ 64.86	\$ 1,556.64
stump grinding	stump grinder	8.00	\$ 60.21	\$ 481.68
	pickup	32.00	\$ 35.87	\$ 1,147.84
	pickup	32.00	\$ 35.87	\$ 1,147.84
tree removal	chipper	24.00	\$ 137.84	\$ 3,308.16
tree removal	chip truck	24.00	\$ 55.98	\$ 1,343.52
				\$ 0.00
Copy amount into In-Kind Equipment on Project Budget Estimate - TOTAL VALUE IN-KIND EQUIPMENT				\$ 8,985.68

C. In-Kind Supplies

What supplies or other donated items of value will be used to complete your project?

Food and refreshments are not eligible.

SUPPLIES	VALUE
Place the value of the in-kind item in the appropriate category on Budget Estimate	
TOTAL VALUE OTHER IN-KIND CONTRIBUTIONS	
\$ 0.00	

Project Cost Cash Expenses - grant funds and applicant cash-match expenditures

2. Cash expenses for your project.

A. Site Preparation - What is the estimated cost of preparing the site for the project?

ACTIVITY	TOTAL
TOTAL ESTIMATED COST OF SITE PREPARATION	\$0.00

B. Supplies - What is the estimated cost of non-plant materials needed for completing this project?

ITEM PURCHASED	QTY	X COST PER	= TOTAL COST
t-post	60	\$ 6.00	\$ 360.00
			\$ 0.00
			\$ 0.00
			\$ 0.00
			\$ 0.00
TOTAL ESTIMATED COST OF SUPPLIES			\$ 360.00

C. List the plant materials to be used - Estimate the cost of plant materials to complete your project.

Size examples – 6' Bare Root (BR), 1½" (BR), #5 container, 1½" Balled and Burlapped (B&B)

SPECIES	SIZE	QTY	X COST PER	= TOTAL COST
Ponderosa Pine	4' BB	8	\$ 150.00	\$ 1,200.00
Scotch Pine	4' BB	5	\$ 150.00	\$ 750.00
Swiss Stone Pine (\$350)	4' CG	5	\$ 1.00	\$ 5.00
Colorado Blue Spruce	4' BB	5	\$ 175.00	\$ 875.00
Black Hills Spruce	4' BB	5	\$175.00	\$ 875.00
Rocky Mountain Juniper	4' BB	5	\$175.00	\$ 875.00
Taylor Juniper	4' BB or CG	5	\$175.00	\$ 875.00
Northern Empress Elm	8' LB BR	12	\$80.00	\$ 960.00
Princeton Elm	8' LB BR	13	\$80.00	\$ 1,040.00
Common Hackberry	#10 CG	5	\$170.00	\$ 850.00
				\$ 0.00
				\$ 0.00
TOTAL COST OF PLANT MATERIALS				\$ 8,305.00

Community must follow a three-year maintenance requirement. Reference Supporting Documents.

No person may engage in the business nor act in the capacity of a contractor within the State of North Dakota when the cost, value, or price per job exceeds the sum of four thousand dollars without first having a license. (NDCC 43-07-02).

D. Contracted Planting Services. What is the estimated cost for contracted services: \$ 7,500.00

Place in 6B and/or 6C
PROJECT BUDGET ESTIMATES on pg 9

PROJECT BUDGET ESTIMATES

At least 50% of the total cost of the project must be contributed by the applicant in the form of cash, services, and/or in-kind contributions.

PROJECT EXPENSES	APPLICANT IN-KIND MATCH A	APPLICANT CASH MATCH B	GRANT FUNDS C	TOTAL D
Labor 1	Question-1A \$ 16,128.00		NOT ALLOWED	A+B=D \$ 16,128.00
Equipment 2	Question-1B \$ 8,985.68		NOT ALLOWED	A+B=D \$ 8,411.76
Site Preparation 3		Question-2A	Question-2A	A+B+C=D \$ 0.00
Supplies 4	Question-1C \$ 0.00	Question-2B \$ 360.00	Question-2B	A+B+C=D \$ 360.00
Plant Materials 5		Question-2C	Question-2C \$ 8,305.00	A+B+C=D \$ 8,305.00
Contracted Planting Services 6		Question-2D	Question-2D \$ 7,500.00	A+B+C=D \$ 7,500.00
TOTAL 7	Sum A1-A6 \$ 24,539.76	Sum B1-B6 \$ 360.00	Sum C3-C6 \$ 15,805.00	Sum D1-D6=Sum A7+B7+C7 \$ 40,704.76

Applicant's In-Kind Match Contribution (A7) \$ 24,539.76

Applicant's Cash Match Contribution (B7) \$ 360.00

Grant Funds Requested (may not be more than maximum allowable grant award) (C7) \$ 15,805.00

Total Project Cost (D7) \$ 40,704.76

CHECK LIST - Please check appropriate boxes

Please indicate here if you are a **Tree City USA**.

Proposed Projects

Email the following (or mail ORIGINAL ONLY-no copies):

Completed application.

Photographs of proposed project site.

Vicinity maps indicating location of project;

1. A map identifying project location within the city; and

2. A map of the project location identifying highways, streets, and properties surrounding the project (residential, business, education, etc.) See examples in Supporting documents.

Project design plan. (Examples in Supporting Documents.)

Project grant funds are distributed on a reimbursement basis. Reimbursement requests must be submitted for payment at the completion of the project and only upon passing inspection by NDFS Community Forestry Staff. Proof of payment in the form of cleared checks or receipts showing payment by a credit card are required to be submitted with reimbursement documents. All reimbursement documents must be received by NDFS no later than November 29, 2024.

**Project expenses for which you seek reimbursement
must be incurred AFTER a contract is signed by the State Forester.**

AUTHORIZING SIGNATURE

By signing below, I certify that to the best of my knowledge the information is true. I acknowledge that I am authorized to commit funding and accept America the Beautiful Tree Planting Grant Funds for this project if approved by ND Community Forestry Council and the State Forester.

Steven Selwei	Public Works Service Operations Director		10-30-23
Print Name	Print Title	Authorized Signature	Date

Email the following (or mail ORIGINAL ONLY- no copies):

1. Completed application
2. Photographs of proposed project site
3. Vicinity maps indicating location of project
4. Project design plan

***Please save applications as Year-Project Type-Entity (eg: 2023Fall ATB TP Anytown)**

Application must be received electronically by 4:30 p.m. CST on October 31, 2023.

Option 1: Email to NDFS Community Forestry Staff:

[Submit Form](#)

OR

Option 2: Mail ORIGINAL ONLY (no copies) postmarked no later than October 31, 2023 to:

Community Forestry Grants
North Dakota Forest Service
916 East Interstate Ave. Suite 4
Bismarck, ND 58503-1227

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This publication is available in alternative formats upon request by calling (701) 328-9944.



NORTH DAKOTA FOREST SERVICE

"To care for, protect and improve forests and natural resources to enhance the quality of life for present and future generations."

February 1, 2024

Doug Wiles
City of Bismarck
601 S 26th St
Bismarck, ND 58504

Dear Doug:

The North Dakota Forest Service (NDFS) is pleased to announce that the City of Bismarck has been awarded up to \$15,805.00 for its 2023 Fall America the Beautiful Tree Planting (ATBTP) project. Enclosed is the contract for this award.

Using the enclosed envelope, please mail these items by **February 15, 2024**

1. The original contract (all pages) with an authorized signature,
2. The completed W-9 (revised October 2018) form,
3. The completed Federal Audit Requirements form (with financial statement, letter or report), and
4. The completed AD-1048 form.

Once the NDFS has these items on file, a complete award packet will be sent to you, including a copy of the contract signed by the State Forester. Upon receipt of the award packet, you may begin the project. **Projects started prior to the contract being signed by the State Forester are not reimbursable.**

We appreciate your interest to involve the NDFS in your community forestry program. We look forward to continuing to work with the City of Bismarck.

Once again, congratulations on this grant award. Please contact me if you have any questions or concerns.

Sincerely,

Mary Fisk
Office Manager

Enclosure

**SUBAWARD 2023F-ATB-TP001
AGREEMENT BETWEEN THE NORTH DAKOTA FOREST SERVICE AND**

**City of Bismarck
NORTH DAKOTA**

**FOR THE PROVISION OF AMERICA THE BEAUTIFUL TREE PLANTING (ATBTP)
COMMUNITY CHALLENGE GRANT FUNDS**

I. GENERAL

This agreement is entered into between the North Dakota Forest Service, hereinafter referred to as the NDFS, and the above, named entity, hereinafter referred to as the COOPERATOR.

All application materials submitted by the COOPERATOR are listed in the Grant Application and are included within this agreement.

II. PURPOSE

The purpose of this agreement is to stimulate development of innovative and effective urban and community forestry projects and programs in North Dakota. The USDA-Forest Service provides grant funds to accomplish the project specified in this agreement.

The parties in this contract agree to jointly provide staff, financial, and in-kind resources necessary to fulfill the established program objective.

III. TERM

The budget period for the Agreement shall commence on the date the State Forester signs this contract and ending **November 28, 2025**. The budget period may be extended by written request from Cooperator followed by written approval from the NDFS.

IV. ALLOWABLE COSTS AND PAYMENTS

Required cost share is 50/50. A minimum of 50% of the total cost of the project must be contributed by the COOPERATOR in the form of cash, services, and/or in-kind contributions. The COOPERATOR may incur costs as specified in the Grant Application – Project Budget and be reimbursed by the NDFS. Unless otherwise noted, only those costs specifically set forth in Grant Application – Project Budget shall be allowable costs under this Agreement. All costs incurred shall be accounted for in accordance with COOPERATOR'S established rates, policy and procedures, including the payment of salaries, wages and fringe benefits for any employees paid from this Agreement. COOPERATOR shall establish and maintain books, records, documents, and other evidence, accounting procedures and practices, sufficient to reflect properly all costs of whatever nature that COOPERATOR claims to have incurred in the performance of this Agreement, including cost sharing or program income, if any.

The NDFS will reimburse COOPERATOR upon completion and passing inspection of project. Proper documentation shall be submitted to the NDFS as specified in the Reimbursement Guidelines document. The billing and match statement along with invoices shall be submitted prior to **November 28, 2025**, to the North Dakota Forest Service, 916 East Interstate Ave, Ste 4, Bismarck, ND 58503-1227.

Grant funds awarded to this project up to \$15,805

V. SUPERVISION

Refer to Grant Application – Project Narrative.

VI. RESPONSIBILITIES

The NDFS agrees to:

- Submit appropriate payment(s) to the COOPERATOR not to exceed the total amount of the grant award.

The COOPERATOR agrees to:

- Expend the grant award in the manner specified in the Grant Application.
- Contact **Beth Peske (701) 389-7503** immediately following project completion for an inspection. An inspection must be completed prior to any reimbursements.
- Assure that plant materials and plant installation meet standards outlined in the NDFS Community Forestry Tree Planting and Three-Year Maintenance Plan.
- Maintain project in accordance with the Three-Year Maintenance Plan.
- Submit before and after pictures of any tree removals.
- Submit tree inspection list.
- Include the statement “This publication is made possible through a grant from the USDA Forest Service and the North Dakota Forest Service.” in any publications or outreach materials related to this project.

VII. Unique Entity ID Number

The COOPERATOR is required to identify their organization’s Unique Entity ID. The federal government has adopted the use of Unique Entity ID to track how federal grant money is allocated and is assigned free to all businesses/entities required to register with the US Federal Government for contracts or grants. If you do not know your organization’s Unique Entity ID, visit the SAM.gov webpage at <https://sam.gov/content/entity-registration>. **This is the UEI supplied on your application: HHE6BW32JLP3**

If this is not correct, cross it off and write the correct UEI.

All entities receiving subawards greater than \$30,000 shall be registered in the Central Contractor Registration (CCR) or System for Award Management (SAM). <https://www.sam.gov/SAM/>

NDSU is required to comply with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 amendment thereto (FFATA) which is Public Law 109-282. FFATA requires NDSU to report certain first-tier subcontract greater than \$30,000 and executive compensation data. The law requires all reported information to be made publicly available, including all information reported to NDSU by Recipient. For subcontract greater than \$30,000 the recipient will fully complete and return the enclosed **Federal funding accountability and Transparency Act (FFATA) Request Form.** This form should be submitted with the signed agreement/contract and no later than 30 days from the date of the fully executed contract. Recipient must notify NDSU immediately if there is any change in Recipient’s data as supplied in the FFATA Request Form.

VIII. PROGRAM OBJECTIVES

Refer to Grant Application – Project Narrative.

IX. INCORPORATING PROVISIONS OF THE PRIME AWARD

The effort being performed under this subaward is part of the Prime Award received from:

Agency	FAIN #	Amount	Assistance Listing #	Assistance Listing Name	Award YR	NDSU Proj
USDA-FS	21-DG-11010000-018	\$1,686,810	10.664	Cooperative Forestry Assistance	2021	FAR0035130
USDA-FS	22-DG-11010000-011	\$1,758,284	10.664	Cooperative Forestry Assistance	2022	FAR0036088
USDA-FS	23-DG-11010000-039	\$1,876,726	10.664	Cooperative Forestry Assistance	2023	FAR0037178

Consequently, the terms and conditions specified by the Prime Award and general provisions are hereby incorporated as part of this subaward and take precedence in the case of any inconsistencies with this subaward. Any changes to the prime award amount or expiration date are automatically incorporated into this award, as appropriate.

This agreement is subject to the following Office of Management and Budget (OMB) Circular:

- OMB Circular 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements For Federal Awards; Final Rule.
- The OMB Circular is available on the Internet at <http://www.ecfr.gov> and select Title 2 "Grants & Agreements."

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

X. INDEPENDENT CONTRACTOR

COOPERATOR herein is an Independent Contractor, not a partner or joint venturer, and shall not act as an agent or employee of the NDFS. COOPERATOR shall not have any authority, either express or implied, to enter any agreement, incur any obligations on the NDFS's behalf, or commit the NDFS in any manner without the NDFS's expressed prior written consent.

XI. LIABILITY

In accordance with North Dakota state law, COOPERATOR agrees to defend, indemnify and hold the NDFS harmless from any and all claims, injuries, damages or other liabilities arising in tort or breach of contract and resulting directly or indirectly from any intentional or negligent (including grossly negligent) acts or failure to act by COOPERATOR's officers, agents or employees, arising in favor of any person or entity.

XII. TERMINATION

In the event of default by COOPERATOR under this subaward, or in the event that the prime sponsor terminates work by NDFS on this subject matter, then performance by COOPERATOR may be terminated by the NDFS at any time by giving written notice. Such notice shall be effective upon the receipt of written notice by the COOPERATOR. COOPERATOR shall take all reasonable steps to minimize termination costs.

XIII. AUDIT

This agreement is subject to the provisions of the Single Audit Act Amendments of 1996, as implemented by OMB Circular A-133 "Audits of States, Local governments and Non-Profit Organization."

- COOPERATOR shall, upon written request of sponsor, provide a copy of COOPERATOR's most recent audit report. COOPERATOR agrees to provide copies of subsequent audit reports if requested by sponsor.
- Financial reports, supporting documents and other records pertinent to this subaward shall be retained by the COOPERATOR for a period of three (3) years from the date of final expenditures, reports; except records that relate to audits, appeals, litigation of the settlement of claims arising out of performance of this subaward shall be retained until such audits appeals, litigation or claims have been disposed of.
- COOPERATOR shall permit independent auditors (as defined in the OMB circulars) to have access to the records and financial statement as necessary to comply with the appropriate OMB circulars and this article.
- Following the awarding of grants, the NDFS will conduct project inspections to assure compliance with project contracts.

XIV. SERVICES AND EQUIPMENT

Pursuant to 2 CFR 200.216, COOPERATOR will not obligate or expend funds received under this Subaward to: (1) procure or obtain; (2) extend or renew a contract to procure or obtain; or (3) enter into a contract (or extend or a renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services (as described in Public Law 115- 232, section 889) as a substantial or essential component or any system, or as a critical technology as part of any system.

XV. CERTIFICATION

- A. Acceptance of this Subaward constitutes certification that the COOPERATOR is not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this project by any Federal department or agency.
- B. Acceptance of this Subaward constitutes certification that the COOPERATOR is not delinquent on any Federal debt.
- C. Acceptance of this Subaward constitutes certification that to the best of the COOPERATOR's knowledge and belief:
 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the COOPERATOR, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 2. If funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the COOPERATOR will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," to NDFS in accordance with its instructions.

D. Acceptance of this Subaward constitutes certification that COOPERATOR: has and will continue to advise its employees working on any federal awards that they are subject to the whistleblower rights and remedies of the pilot program; will inform their employees in writing of the employee whistleblower protections under 41 U.S.C. §4712 in the predominant language of the workforce; and include such requirements in any agreement made with any subcontractor.

XVI. GOVERNING LAW

The laws of the State of North Dakota, United States of America shall govern the interpretation of this subaward. The only appropriate venue for resolution of disputes to this subaward shall be in the State of North Dakota, United States of America.

IN WITNESS WHEREOF, the parties to this Agreement do hereby execute this contract and agree to abide by its terms.

City of Bismarck

Entity	Authorized Signature	Print Signature Name	Date
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ND Forest Service

Entity	Tom Claeys, State Forester		Date
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NDSU does not discriminate in its programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, participation in lawful off-campus activity, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, or veteran status, as applicable. Direct inquiries to Vice Provost, Title IX/ADA Coordinator, Old Main 201, 701-231-7708, <mailto:ndsueoaa@ndsu.edu>

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
City of Bismarck

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only **one** of the following seven boxes:
 Individual/sole proprietor or single-member LLC
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
 Other (see instructions) ▶ **City Government**

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
 Exempt payee code (if any) **3**
 Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
221 N 5th St

6 City, state, and ZIP code
Bismarck ND 58501

7 List account number(s) here (optional)
All City of Bismarck Departments Inclusive

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number										
			-				-			
or										
Employer identification number										
4	5		-	6	0	0	2	0	3	6

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶  Date ▶ **1/22/24**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Name City of Bismarck
Address 221 N 5th St
City, ST Zip Bismarck ND 58501

Subject: Federal Audit Requirements

Because your organization is a subrecipient of Federal Funds awarded to North Dakota State University, Federal Uniform Guidance 2 CFR 200 subpart F require us to ensure that you are in compliance with their requirements. Please check the appropriate box below and provide the requested documentation/information.

- Our Federal Uniform Guidance **2 CFR 200 Subpart F** audit report for fiscal year 2022 is not yet completed. Upon completion, we will provide you with written notification and, if material findings related to any subaward from North Dakota State University are reported, we will provide a copy of our audit report along with a corrective action plan within 30 days. We expect that the report will be completed by (date)_____.
- Our Federal Uniform Guidance **2 CFR 200 Subpart F** audit for fiscal year 2022 has been completed. The audit presented no material weakness, no material instances of noncompliance, or findings related to any subaward from North Dakota State University. Accordingly, we are not enclosing a copy of the report.
- Our Federal Uniform Guidance **2 CFR 200 Subpart F** audit for fiscal year 2022 has been completed. The audit noted material weaknesses, material instances of noncompliance, or findings related to a subaward from North Dakota State University. Accordingly, we are enclosing a copy of the report and our response. Relevant findings, responses and corrective action plans are discussed on pages:_____.

We are not subject to the requirements of Federal Uniform Guidance 2 CFR Part 200 because:

- Our organization is for profit.
- Our organization expended less than \$750,000 as described in Federal Uniform Guidance 2 CFR Part 200 in **Federal funds**
- We are a non-U.S entity
- Other (please explain): City

Because we are not subject to Federal Uniform Guidance 2 CFR Part 200 Subpart F, **we have enclosed (required to accompany this form):**

- An Audited Financial Statement;
- An Independent auditor's management letter; or,
- Some other reviewed financial statement or report

I certify that the above checked boxes accurately represent the organization of which I am an authorized representative. Furthermore, I certify that all relevant material findings in the audit report have been disclosed.

Signature: Kim Ohnell Date: 2/13/2024

Name & Title (please print): Kim Ohnell Grants Coordinator

Web Site address of audit report or financial statements: kimohnell@bismarcknd.gov

Thank you for your assistance in complying with these requirements. If you have any questions, please contact me at (701) 231-5133 or e-mail teresa.driscoll@ndsu.edu.

Sincerely,

Teresa Driscoll
Grant and Contract Officer
North Dakota State University

**Please mail completed form to: ND Forest Service
916 E Interstate Ave Ste 4
Bismarck, ND 58503-1227**



**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
 Lower Tier Covered Transactions**

The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a, as amended). This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, and 2 CFR §§ 180.300, 180.335, Participants' responsibilities. The regulations were amended and published on August 31, 2005, in 70 Fed. Reg. 51865-51880. Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0027. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal or civil fraud, privacy, and other statutes may be applicable to the information provided.

(Read instructions on page two before completing certification.)

- A. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency;
- B. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ORGANIZATION NAME <i>City of Bismarck</i>	PR/AWARD NUMBER OR PROJECT NAME <i>2023F-ATB-TPOOL</i>
NAME(S) AND TITLE(S) OF AUTHORIZED REPRESENTATIVE(S)	
SIGNATURE	DATE

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.



Public Works Service Operations

DATE: February 27, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Targeted Assistance Grant Application

REQUEST:

Permission for the Forestry Division to apply for the Targeted Assistance Grant (TAG) from the North Dakota Department of Agriculture to aid in noxious weed control in the City of Bismarck.

BACKGROUND INFORMATION:

The Weeds Division has applied for this grant from the North Dakota Department of Agriculture many times over the years. TAG is a cost-share program that shall be used to assist with local noxious weed control. Funds may be used for the purchase of chemical, materials, machinery, equipment, computer hardware or software, or training that will assist in the weed control or education and outreach efforts. This grant is a 75:25 match with maximum grant amount of \$2,500 and a match of \$833.33.

RECOMMENDED CITY COMMISSION ACTION:

Approve the request to apply for the Targeted Assistance Grant from the North Dakota Department of Agriculture to aid in the management of noxious weed control in the City of Bismarck.

STAFF CONTACT INFORMATION:

Douglas Wiles, City Forester, 701-355-1722, dwiles@bismarcknd.gov

Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov

ATTACHMENTS:

1. 2024 TAG



NOTICE OF GRANT AWARD-STATE SOURCE
 NORTH DAKOTA DEPARTMENT OF AGRICULTURE
 SFN 60385 (6-2023)

North Dakota Department of Agriculture
 600 E Boulevard Ave, Dept 602
 Bismarck ND 58505-0020

Grant Number 23-254	CFDA Number N/A	Grant Period From: 07/01/2023 Through: 12/31/2024
------------------------	--------------------	--

This grant is not effective and expenditures related to this grant should not be incurred until fully executed by both parties.

Title of Project/Program Targeted Assistance Grant (TAG)			NDDOA Fund Number 9100.376	NDDOA Grant Code DA00927		
Grantee Name Bismarck City Weed Board			Grantor Name North Dakota Department of Agriculture			
Address 601 S 26th Street			Address 600 E. Boulevard Ave., Dept. 602			
City Bismarck	State ND	ZIP Code 58504	City Bismarck	State ND	ZIP Code 58505-0020	
Grantee Contact Name John Arlien		Telephone Number (701) 220-0365	Grantor Contact Name Richard Weisz		Telephone Number (701) 328-2250	
Financial Information Amount of Financial Assistance		Grant Amount \$2,500.00	Grantee Share Required \$833.33		Total Project Cost \$3,333.33	

Scope of Service
 TAG is a cost-share program that shall be used to assist with local noxious weed control. Grantee agrees funds must be used for weed control or the purchase of materials, machinery, equipment, computer hardware or software, or training that will assist in the weed control or education and outreach efforts. Grantee agrees to reimbursement of expenses either on a quarterly, semiannual, or annual basis, provided all financial documentation found within the reporting requirements has been received. Reimbursement requests must be made in writing using SFN 58676 TAG Voucher for Payment. Reimbursement of expenses is 75% of actual expenditures, up to the total grant amount.

Reporting Requirements
 Reimbursement requests must include all financial documentation. Quarterly reimbursement requests are due the 15th of the month following each quarter; ex. October 15, 2023 (for the period of July 1 - September 30, 2023). Semiannual reimbursement requests are due the month following every six month period; ex January 15, 2024 (for the period July 1 - December 31, 2023). Annual reimbursement requests are due during the same state fiscal year they were expended; ex FY24 (July 1, 2023 - June 30, 2024) due July 11, 2024. FY25 (July 1, 2024 - December 31, 2024) due January 15, 2025.

Special Conditions
 Abide by the additional requirements as specified in the Grantor's Notice of Grant Award Requirements.

This Notice of Grant Award is subject to the terms and conditions incorporated either directly or by reference in the following:
 (1.) Requirements for Notice of Grant Awards issued by ND Department of Agriculture as signed by Grantee for the period July 1, 2023 to June 30, 2025. [Accounting Use Only Requirements Received] (2.) Applicable Federal and State regulations.

Evidence of Grantee's Acceptance		Evidence of Departmental Acceptance	
Signature	Date	Signature	Date
Typed Name of Authorized Representative		Typed Name of Authorized Representative Jeannie Jacobs-Kopp	
Title		Title Grants and Contracts Officer	

**GRANTEE CERTIFICATIONS FOR REQUIREMENTS
FOR NOTICE OF GRANT AWARDS
FOR THE PERIOD JULY 1, 2023 THROUGH JUNE 30, 2025**

I hereby certify that our organization/agency has agreed upon the conditions of the Requirements for Notice of Grant Awards applicable to funding received through all grants issued by the ND Department of Agriculture and will ensure all program managers are aware of and will comply with the requirements.

I certify that the person(s) responsible for authorizing, expending, or accounting for grant funds will be provided access to the grant requirements as specified in Section 27 State Audit Requirements of the Requirements for Notice of Grant Awards.

If my organization/agency has grant(s) in place that extends past June 30, 2025, I agree that this Certification Requirements will become a part of the grant(s).

Signature: _____

Name of Authorized Representative: _____

Date: _____

Ideas for Using TAG Funds

- Noxious weed mapping equipment
- Spray equipment - new or repairs/parts
- Personal protective equipment
- Pesticide spill kits
- Biological control and related equipment
- Safety, calibration, or other pre-approved training for noxious weed staff (no food purchases)
- Computer hardware or software for county weed board duties
- Educational/Outreach material or newsletters
- Lab testing fees (ex. Palmer amaranth, herbicide resistance)

If unsure if something qualifies for targeted access grant assistance, please consult North Dakota Department of Agriculture in advance of the purchase.



**REQUIREMENTS FOR NOTICE OF GRANT AWARDS
BETWEEN STATE OF NORTH DAKOTA ACTING THROUGH ITS
NORTH DAKOTA DEPARTMENT OF AGRICULTURE (Department) AND
GRANTEE
FOR THE PERIOD JULY 1, 2023 THROUGH JUNE 30, 2025**

1. EVALUATION

The Department of Agriculture (Department) shall, throughout the effective dates on the Notice of Grant Award, conduct an ongoing evaluation of the Grantee performance in carrying out the Scope of Service as stated in the Notice of Grant Award (Grant Award). Compliance with Requirements for Grant Award will also be monitored. Such evaluation may include, but not be limited to, periodic site visits by the Department representatives to review progress made by the Grantee in accomplishing stated goals/objectives.

2. GRANTEE'S UNDERSTANDING OF TERM OF FUNDING

Grantee understands that this grant is a one-time grant, and acknowledges that it has received no assurances that this grant may be extended beyond its expiration date.

3. RENEWAL

This Grant Award will not automatically renew.

4. PREPAYMENT

Department will not make any advance payments before performance or delivery by Grantee under this Grant Award. Department shall make payment under this Grant Award within forty-five (45) calendar days after receipt of invoice.

5. PAYMENT OF TAXES BY DEPARTMENT

Department is not responsible for and will not pay local, state, or federal taxes. State sales tax exemption number is E-2001, Department will furnish certificates of exemption upon request by the Grantee.

6. MERGER AND MODIFICATION, CONFLICT IN DOCUMENTS

This Grant Award constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified within the Grant Award. The Grant Award may not be modified, supplemented or amended, in any manner, except by written agreement signed by both parties.

7. INDEPENDENT GRANTEE

It is agreed by the parties hereto that the Grantee in performing the duties under the Grant Award is functioning as an independent Contractor and the grantor/grantee arrangements between the parties hereto in no way shall be construed as giving rise to an employer/employee relationship or any other relationship that is beyond a grantor/grantee relationship.

Grantee is an independent entity under this Grant Award and is not a Department employee for any purpose, including the application of the Social Security Act, the Fair Labor Standards Act, the Federal Insurance Contribution Act, the North Dakota Unemployment Compensation Law, and the North Dakota Workforce Safety and Insurance Act. Grantee retains sole and absolute discretion in the manner and means of carrying out Grantee's activities and responsibilities

under this Grant Award, except to the extent specified in this Grant Award.

8. ASSIGNMENT AND SUBCONTRACTS

Grantee may not assign or otherwise transfer or delegate any right or duty without Department's express written consent, provided, however, that Grantee may assign its rights and obligations hereunder in the event of a change of control or sale of all or substantially all of its assets related to this Grant Award, whether by merger, reorganization, operation of law, or otherwise. Should Assignee be a business or entity with whom Department is prohibited from conducting business, Department shall have the right to terminate in accordance with the Termination for Cause section of this Grant Award.

Grantee may enter subcontracts provided that any subcontract acknowledges the binding nature of this Grant Award and incorporates this Grant Award, including any attachments. Grantee is solely responsible for the performance of any subcontractor with whom Grantee contracts. Grantee does not have authority to contract for or incur obligations on behalf of the Department.

10. TERMINATION OF GRANT AWARD

a. Termination by Mutual Agreement. This Grant Award may be terminated by mutual consent of both parties executed in writing.

b. Early Termination in the Public Interest. Department is entering into this Grant Award for the purpose of carrying out the public policy of the State of North Dakota, as determined by its Governor, Legislative Assembly, Agencies, and Courts. If this Grant Award ceases to further the public policy of the State of North Dakota, Department, in its sole discretion, by written notice to Grantee, may terminate this Grant Award in whole or in part.

c. Termination for Lack of Funding or Authority. Department, by written notice to Grantee, may terminate the whole or any part of this Grant Award under any of the following conditions:

- (1) If funding from federal, state, or other sources is not obtained and continued at levels sufficient to allow for purchase of the services or goods in the indicated quantities or term.
- (2) If federal or state laws or rules are modified or interpreted in a way that the services are no longer allowable or appropriate for purchase under this Grant Award or are no longer eligible for the funding proposed for payments authorized by this Grant Award.
- (3) If any license, permit, or certificate required by law or rule, or by the terms of this Grant Award, is for any reason denied, revoked, suspended, or not renewed.

Termination of this Grant Award under this subsection is without prejudice to any obligations or liabilities of either party already accrued prior to termination.

d. Termination for Cause. Department may terminate this Grant Award effective upon delivery of written notice to Grantee, or any later date stated in the notice:

- (1) If Grantee fails to provide services or goods required by this Grant Award within the time specified or any extension agreed to by Department; or
- (2) If Grantee fails to perform any of the other provisions of this Grant Award, or so fails to pursue the work as to endanger performance of this Grant Award in accordance

with its terms.

The rights and remedies of Department provided in this subsection are not exclusive and are in addition to any other rights and remedies provided by law or under this Grant Award.

11. SPECIAL CONDITIONS

Grantee shall meet all applicable special conditions as specified in the Grant Award. Grantee understands that failure to meet the applicable special conditions of this Grant Award may result in the Department revocation of the Grant Award and Grantee repayment to Department of previously dispensed Grant funds.

12. FORCE MAJEURE

Neither Party shall be held responsible for delay or default caused by fire, riot, terrorism, pandemic (excluding COVID-19), acts of God, or war if the event was not foreseeable through the exercise of reasonable diligence by the affected Party, the event is beyond the Party's reasonable control, and the affected Party gives notice to the other Party promptly upon occurrence of the event causing the delay or default or that is reasonably expected to cause a delay or default. If Grantee is the affected Party and does not resume performance within fifteen (15) days or another period agreed between the Parties, then Department may seek all available remedies, up to and including termination of this Grant Award pursuant to its Termination Section, and Department shall be entitled to a pro-rata refund of any amounts paid for which the full value has not been realized, including amounts paid toward software subscriptions, maintenance, or licenses.

13. WORK PRODUCT, EQUIPMENT, AND MATERIALS

All work product, equipment or materials created or purchased under this Grant Award belong to Grantee.

14. NOTICE

All notices or other communications required under this Grant Award must be given by registered, certified, or electronic mail and are complete on the date mailed when addressed to the parties contained on the Grant Award.

Notice provided under this provision does not meet the notice requirements for monetary claims against the Department found at N.D.C.C. § 32-12.2-04.

15. CONFIDENTIALITY

Grantee shall not use or disclose any information it receives from Department under this Grant Award that Department has previously identified as confidential or exempt from mandatory public disclosure except as necessary to carry out the purposes of this Grant Award or as authorized in advance by Department. Department shall not disclose any information it receives from Grantee that Grantee has previously identified as confidential and that Department determines in its sole discretion is protected from mandatory public disclosure under a specific exception to the North Dakota public records law, N.D.C.C. CH. 44-04. The duty of Department and Grantee to maintain confidentiality of information under this section continues beyond the term of this Grant Award.

16. COMPLIANCE WITH PUBLIC RECORDS LAW

Under the North Dakota public records law and subject to the Confidentiality clause (section 15) of this Grant Award, certain records may be open to the public upon request.

Public records may include: (a) records Department receives from Grantee under this Grant Award, (b) records obtained by either Party under this Grant Award, and (c) records generated by either Party under this Grant Award.

Grantee agrees to contact Department promptly upon receiving a request for information under the public records law and to comply with Department's instructions on how to respond to the request.

17. SPOILIATION – PRESERVATION OF EVIDENCE

Grantee shall promptly notify Department of all potential claims that arise or result from this Grant Award. Grantee shall also take all reasonable steps to preserve all physical evidence and information that may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and grants to Department the opportunity to review and inspect the evidence, including the scene of an accident.

18. SEVERABILITY

If any term of this Grant Award is declared to be illegal or unenforceable by a court having competent jurisdiction, the validity of the remaining terms is unaffected and, if possible, the rights and obligations of the Parties are to be construed and enforced as if this Grant Award did not contain that term .

19. APPLICABLE LAW AND VENUE

This Grant Award is governed by and construed in accordance with the laws of the State of North Dakota. Any action to enforce this Grant Award must be adjudicated exclusively in the State District Court of Burleigh County, North Dakota. Each party consents to the exclusive jurisdiction of such court and waives any claim of lack of jurisdiction or forum non conveniens.

20. ALTERNATIVE DISPUTE RESOLUTION – JURY TRIAL

Department does not agree to any form of binding arbitration, mediation, or any other form of mandatory Alternative Dispute Resolution. The parties have the right to enforce their rights and remedies in judicial proceedings. Department does not waive any right to a jury trial.

21. ATTORNEY FEES

In the event a lawsuit is instituted by Department to obtain performance due under this Grant Award, and Department is the prevailing party, Grantee shall, except when prohibited by N.D.C.C. § 28-26-04, pay Department's reasonable attorney fees and costs in connection with the lawsuit.

22. NONDISCRIMINATION AND COMPLIANCE WITH LAWS

Grantee agrees to comply with all applicable federal and state laws, rules, and policies, including those relating to nondiscrimination, accessibility, and civil rights. (See N.D.C.C. Title 34 – Labor and Employment, specifically N.D.C.C. ch. 34-06.1 Equal Pay for Men and Women.)

Grantee agrees to timely file all required reports, make required payroll deductions, and timely pays all taxes and premiums owed, including sales and use taxes, unemployment compensation and workers' compensation premiums.

Grantee shall have and keep current all licenses and permits required by law during the term of this Grant Award all licenses and permits required by law.

Grantee's failure to comply with this section may be deemed, in the discretion of Department, a material breach by Grantee entitling Department to terminate in accordance with the Termination for Cause section of this Grant Award.

23. APPLICABLE COSTS

Unless otherwise authorized by federal law, the charges to be made by Grantee do not include costs financed by federal monies other than those generated by this grant.

24. CASH MANAGEMENT/ALLOWABLE COSTS/APPLICABLE REGULATIONS

Grantee shall maintain accounting and project records that are sufficient to prepare required reports, track funds to level of expenditure, provide internal control by progress, provide budget control, and assure allowable costs.

25. DEBARMENT/SUSPENSION

Grantee is advised that the signature on the Grant Award form certifies that the Grantee or any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal or state agency. Grantee agrees to comply with 2 CFR Part 200.213 – Suspension and Debarment and 2 CFR Part 417 – Nonprocurement Debarment and Suspension; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal or state agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

26. RETENTION OF RECORDS

Grantee hereby agrees to comply to maintain financial records, supporting documents, statistical records, and other pertinent records for a period of at least three (3) years after submission and acceptance of final report officially closing out the Grant Award. In cases where litigation, a claim, or an audit is initiated prior to expiration of the three (3) year period, records must be retained until completion of the action and resolution of issues or the end of the three year period, whichever is later. Retention is required for purposes of State examination or audit and is subject to examination

27. STATE AUDIT REQUIREMENTS

Pursuant to NDCC CH 54-10-19, all records, regardless of physical form, and the accounting practices and procedures of Grantee relevant to this Grant Award are subject to examination by the Department, North Dakota State Auditor, or the Auditor's designee, or Federal auditors, if required. Grantee shall maintain all these records for at least three (3) years following completion of this Grant Award and be able to provide them at any reasonable time. Department, North Dakota State Auditor, or the Auditor's designee shall provide reasonable notice to Grantee prior to conducting examination.

28. EFFECTIVENESS OF GRANT AWARD

This Grant Award is not effective until fully executed by both parties.



Public Works Service Operations

DATE: February 27, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Purchase Pickup for Bismarck Parking Authority.

REQUEST:

Request permission to purchase (1) one new pickup for Bismarck Parking Authority.

BACKGROUND INFORMATION:

Bismarck Parking Authority has requested the purchase of a new pickup that will replace their 2012 Chevy Silverado with approximately 86,000 miles. Funding in the amount of \$44,675.19 will come from Bismarck Parking Authority, and will be purchase under State contract.

North Dakota State Contract # SSP9-1
2024 GMC Sierra 1500 4x4 Double Cab
Price: \$44,675.19

RECOMMENDED CITY COMMISSION ACTION:

Approve the purchase of a 2024 GMC Sierra pickup in the amount of \$44,675.19 for Bismarck Parking Authority to replace 2012 Chevy Silverado pickup, through State bid.

STAFF CONTACT INFORMATION:

Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov
Kurt Ohnell, Fleet Manager, 701-355-1711, kohnell@bismarcknd.gov

ATTACHMENTS:

None



Public Works Service Operations

DATE: February 27, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Sale of City Assets

REQUEST:

Request permission to sell City Assets at a Public Sale or Online Auction.

BACKGROUND INFORMATION:

Request permission to sell City assets, as listed, at Public Sale or Online Auction.

RECOMMENDED CITY COMMISSION ACTION:

Approve sale of City assets at Public Sale or Online Auction.

STAFF CONTACT INFORMATION:

Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov
Kurt Ohnell, Fleet Manager, 701-355-1711, kohnell@bismarcknd.gov

ATTACHMENTS:

1. Sell City Assets at Public Sale or Online Auction 20240227

City of Bismarck Assets - Sell at Public Sale or Online Auction

Unit	Asset #	Division	Description	VIN	Year	Make	Model	Meter	Meter Type
4102	8608	Engineering	Suburban	1GNGK26R8XJ511669	1999	Chevrolet	Suburban	150480	Miles
4399	8149	Engineering	1/2 ton Pickup	1GCEC14W7VZ135609	1997	Chevrolet	1500	89216	Miles
4203	8702	Engineering	1/4 ton Pickup	1FTZR15V4XPA26447	1999	Ford	Ranger	118113	Miles
9595	10121	Police (D-1)	SUV	2FMDDK4KC8DBB74988	2013	Ford	Edge	90264	Miles
9635	10521	Police (D-17)	Sedan	1FAHP2MK5HG123940	2017	Ford	Taurus	92850	Miles
9577	9862	Police (PYB-1)	Van	2C4RDGBG6CR231803	2012	Dodge	Caravan	67850	Miles
1520	8960	Roads and Streets	Loader W/ Bucket	DW544JZ597675	2005	John Deere	544J	10515	Hours
1543	8737	Roads and Streets	Motor Grader	1AL00863	2000	Catipillar	143H	5500	Hours
2008	8795	Sanitary Sewer	3/4 Ton Reg Cab	1GCHK24U84E286100	2004	Chevrolet	2500HD	110000	Miles
2012	9074	Sanitary Sewer	3/4 Ton Reg Cab	1GCHK24U76E197413	2006	Chevrolet	2500HD	101000	Miles
3010	9665	Solid Waste Collections	1/2 ton Pickup	1D7RV1GTXAS208705	2010	Dodge	Ram 1500	80860	Miles
3482	9908	Solid Waste Collections	Side Load Truck	3BPZL50X0DF179642	2013	Peterbilt	320	10971	Hours
3238	9299	Solid Waste Disposal	3/4 ton pickup	1FTNF21518EC38853	2008	Ford	F250	40767	Miles
2007	8796	Water Distribution	3/4 Ton Reg Cab	1GCHK24U54E280013	2004	Chevrolet	2500HD	113000	Miles
2112	8797	Water Distribution	3/4 Ton Ext Cab	1GCHK24U24E278753	2004	Chevrolet	2500HD	102000	Miles
5122	5313	WWTP	tanker trailer 6000 gallon	1P9SDC421EA001028	1985	Ag Chem	CPG 40	NA	NA
5131	8655	WWTP	Compact Pickup	1D7HG12X03S281309	2003	Dodge	Dakota	26155	Miles



Public Works Service Operations

DATE: February 27, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Traffic Signal Detection & Cobalt Equipment

REQUEST:

Request permission to purchase traffic signal equipment at Minnesota Department of Transportation (MNDOT) Contract #144047 bid price for Video Detection Upgrade and Cobalt Upgrade.

BACKGROUND INFORMATION:

Purchase traffic signal equipment at Minnesota Department of Transportation (MNDOT) Contract #144047 bid price for Video Detection Upgrade and Cobalt Upgrade.

2024 Video Detection Upgrade Project Order

MNDOT Line #	Description	Qty (each)	Price Each	Total
25	Extenede Camera Mount 74"	8	\$340.00	\$2,720.00
26	Autoscope Vision Camera	8	\$6,915.00	\$55,320.00
27	Autoscope Vision Comm Manager	2	\$4,450.00	\$8,900.00
				<u>\$66,940.00</u>

2024 Cobaltn Upgrade Project Order

MNDOT Line #	Description	Qty (each)	Price Each	Total
39	Cobalt G TS2 Type 1 Controllers	6	\$4,500.00	\$27,000.00
9	Malfunction Management Unit	5	\$1,462.00	\$7,310.00
				<u>\$34,310.00</u>

RECOMMENDED CITY COMMISSION ACTION:

Permission to purchase the above-listed equipment for Traffic Signal operations.

STAFF CONTACT INFORMATION:

Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov

ATTACHMENTS:

1. 2024 Cobalt Upgrade Project Equipment Order Letter
2. 2024 Video Detection Upgrade Project Equipment Order Letter

2024 Cobalt Upgrade Project Order Letter

Good afternoon, Steve:

Listed below is the MNDOT contract number, Line-item numbers and prices for the equipment we need to order for our 2024 Cobalt upgrade project.

MNDOT contract #144047

Need to order:

MNDOT Line Number	Description	Quantity	Price Each	Total
39	Cobalt G TS2 Type 1 controllers	6	\$4,500.00	\$27,000.00
9	Reno MMU2-1600GE	5	\$1,462.00	\$7,310.00
		Total		<u>\$34,310.00</u>

Let me know if you need anything else.

Thanks, and have a good day.

Paul

2024 Video Detection Upgrade Project Order Letter

Good afternoon, Steve:

Listed below is the MNDOT contract number, Line-item numbers and prices for the equipment we need to order for our 2024 video detection upgrade project.

MNDOT contract #144047

Need to order:

MNDOT Line Number	Description	Quantity	Price Each	Total
25	Extenede camera mount 74"	8	\$340.00	\$2,720.00
26	Autoscope Vision camera	8	\$6,915.00	\$55,320.00
27	Autoscope Vision Comm Manager	2	\$4,450.00	\$8,900.00
		Total		<u>\$66,940.00</u>

Let me know if you need anything else.

Thanks, and have a good day.

Paul



Public Works Utility Operations

DATE: February 27, 2024

FROM: Michelle Klose, Director Public Works Utilities

ITEM: Task Order No. 5 for Bartlett & West for Mandan Street Tank Removal

REQUEST:

Approval of Task Order No. 5 for Bartlett & West Mandan Street Tank Removal for contract administration and construction observation.

BACKGROUND INFORMATION:

The City Commission approved the sale of the property at 202 W Ave F in 2023. As part of the proposal, the decommissioned Mandan Street Water Tower is scheduled to be removed in the summer of 2025. Task Order No. 5 for Bartlett & West in the amount of \$55,000 is to perform contract administration and construction observation services during the demolition of the Mandan Street Tank.

RECOMMENDED CITY COMMISSION ACTION:

Approve Task Order No. 5 for Bartlett & West for Mandan Street Tank Removal for contract administration and construction observation in the amount of \$55,000.

STAFF CONTACT INFORMATION:

Amber Araujo, Executive Assistant, 701-355-1739, aaaraujo@bismarcknd.gov

ATTACHMENTS:

1. Task Order No. 5 - Mandan Street Tank Demolition

Task Order No. 5

Mandan Street Tank Demolition Contract Administration & Construction Observation

In accordance with Paragraph 1.02 of the Short Form of Task Order Agreement Between Owner and Engineer for Professional Services, dated April 13, 2021, (Agreement), Owner and Engineer agree as follows:

A. Background Data

- a. Effective Date of Task Order: _____
- b. Owner: City of Bismarck
- c. Engineer: Bartlett & West
- d. Specific Project: Mandan Street Tank Demolition
- e. Specific Project: The purpose of this Task Order is to perform Contract Administration and Construction Observation services during the demolition of the Mandan Street Tank.

B. Services of Engineer

Work to be completed by the Engineer is as follows:

Task 1 – Construction Administration

1. Provide General Construction Contract Administration. Consult with Owner and act as Owner's representative. Owner's instructions to Contractor will be issued through Engineer who shall have authority to act on behalf of Owner in dealings with Contractor. For purposes of this project, the Engineer shall not be considered a construction manager, nor shall Engineer be the Contractor's quality control/quality assurance program manager.
2. Assist the Owner in assembling and the signing of the Contract Agreement between the Owner and the Contractor.
3. Participate in a Pre-Construction Conference prior to commencement of Work at Site.
4. Review and take appropriate action in respect to Shop Drawings and other data which Contractor is required to submit, but only for conformance with information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole.
5. Make periodic visits to the Site at intervals appropriate to the various stages of construction, as Engineer deems necessary, in order to observe as an experienced and qualified design professional the progress and quality of the various aspects of Contractor's work.
6. Issue necessary clarifications and interpretations of the Contract Documents as appropriate for the orderly completion of the work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract Documents.

7. Recommend Change Orders to Owner, as appropriate, and prepare Change Orders as required.
8. Render formal written decisions on all claims of Owner and Contractor relating to the acceptability of the work or the interpretation of the requirements of the Contract Documents pertaining to the execution and progress of the work.
9. Based on Engineer's review of the Contractor's Application for Payment and the accompanying support documentation, recommend the amounts that Contractor(s) be paid. Such recommendations of payment will be in writing and will constitute Engineer's representation to Owner, based on such observations and review, that, to the best of Engineer's knowledge, information and belief, the work has progressed to the point indicated, the quality of such work is generally in accordance with the Contract Documents, and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe the work.
10. Receive and review maintenance and operating instructions, schedules, guarantees, bonds, certificates or other evidence of insurance required by the Contract Documents, certificates of inspection, tests and approvals, and marked-up record documents.
11. In company of Owner and Contractor, conduct a final inspection to determine in the completed Work of Contractor is acceptable so that Engineer may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Engineer shall also provide a notice that the Work is acceptable to the best of Engineer's knowledge, information and belief and based on the extent of the services provided by Engineer under this Task Order.
12. The purpose of the Engineer's visits at the jobsite shall be to enable the Engineer to better carry out the duties and responsibilities assigned to and undertaken by the Engineer during the construction phase, and, in addition, by the exercise of the Engineer's efforts as an experienced and qualified design professional, to express an informed professional opinion that the completed work of the contractor will conform, in general, to the construction documents and that the integrity of the design concept of the completed Project as a function whole, as indicated in the construction documents, has been implemented and preserved by the construction contractor. The Engineer shall not be held to a higher standard of care than that prevalent in the Engineering profession. The Engineer shall not be responsible for the acts or omissions of any construction contractor, or any subcontractors, vendors, suppliers, or of any other individual or entity performing or furnishing any of the work. Engineer shall not be responsible for a construction contractor's failure to perform or finish the work in accordance with the construction documents. The Engineer shall not be liable or given the responsibility to supervise, direct or control the construction contractor's work or for the construction contractor's means, methods, techniques, sequences or procedures of construction or safety precautions or programs incident thereto, or the construction contractor's compliance with laws, rules, regulations, ordinances, codes or orders applicable to the construction contractor's furnishing and performing work.
13. The Services to be provided by the Engineer under this Authorization, and under his direction, shall be rendered in accordance with the professional standard of skill and prudence of the Engineering profession. The Engineer shall perform only those Services authorized by the Owner under this Authorization.

14. Consistent with the professional standard of care and unless specifically provided herein, the Engineer shall be entitled to rely upon the accuracy of data and information provided by the Owner, or others without independent review or evaluation.
15. The Owner agrees that in accordance with generally accepted construction practices, the construction contractor will be required to assume sole and complete responsibility for job site conditions during construction of the Project; including safety of all persons and property, and that this requirement shall apply continuously and not be limited to normal working hours. The Engineer shall not have control over or charge of, and shall not be responsible for, construction means, methods, techniques, sequences or procedures, as these are solely the responsibility of the construction contractor. The Engineer shall not have the authority to stop the work of the construction contractor as this is the sole authority of the Owner.

Task 2 – Resident Project Representative

The Engineer shall provide a full-time, on-site Resident Project Representative during the duration of the Work. The Resident Project Representative (RPR) shall:

1. Monitor the Work as an experienced and qualified technician or professional to document the progress and quality of the various aspects of Contractor's work. Activities shall include spot checking, selective sampling, and similar methods of documentation of the work based on RPR's exercise of professional judgment. Based on information obtained RPR shall determine in general if such work is proceeding in accordance with the Contract Documents and RPR will endeavor to inform Owner of the progress of the work.
2. RPR shall not, while on-site, or as a result of observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work nor shall RPR have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected by Contractor, for safety precautions and programs incident to the work of Contractor or for and failure of Contractor to comply with laws, rules, regulations, ordinances, codes or orders applicable to Contractor's furnishing and performing the work.
3. Inspections and Tests. Require such special inspections or tests of the work as deemed reasonably necessary, and receive and review all certificates of inspections, tests and approvals required by laws, rules, regulations, ordinances, codes, orders or the Contract Documents. RPR's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests or approvals comply with the requirements of the Contract Documents. RPR shall be entitled to rely on the results of such tests.
4. Following notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with Owner and Contractor, conduct walk-through to determine if the Work is substantially complete. If RPR observes apparent defects in the completed Work, the RPR will assist Owner in consultations and discussions with Contractor concerning correction of such defects and make recommendations as to replacement or correction of defective Work. RPR will issue a Notice of Substantial Completion, including a Punch List of items left to be completed.

5. In company with Owner and Contractor, perform a final walk-through of the Project and issue a Notice of Acceptability of Work.

C. Owner's Responsibilities

Owner shall enter into an agreement with the selected contractor to perform the work.

Owner shall provide access to the site.

Owner will make timely reviews of information and other data which needs Owner approval upon receipt of information from the Engineer. In all such instances, Engineer will advise the Owner of time restraints, if any, which may apply to such reviews.

D. Task Order Schedule

It is anticipated the work will take place between July 1st and November 1st of 2024.

E. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows: Hourly plus reimbursable expenses not to exceed **\$55,000**. The estimated amount for Task 1 is \$18,000 and the estimated amount for Task 2 is \$37,000. The actual fee for these Tasks may be more or less than the estimated fee based on the actual duration of construction and the level of oversight required of the contractor. Compensation to the Engineer will be based on the actual level of effort. The Engineer will request prior approval from the Owner if the estimated fee is anticipated to be exceeded.

B. The terms of payment are set forth in the Agreement.

F. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is _____

Owner:

Engineer:

By: _____

By: _____

Print Name: Michael T. Schmitz

Print Name: Jame L. Todd

Title: President of Board of Commissioners

Title: SR V.P.

Designated Representative for Task Order

Designated Representative for Task Order

Name: Jeron Fueller

Name: Noah Krebs

Title: Water Dist. & Collections Superintendent

Title: Senior Project Engineer

Address: PO Box 5503, Bismarck ND

Address: 3456 E. Century Ave, Bismarck ND

Email: jfueller@bismarcknd.gov

Email: noah.krebs@bartwest.com

Phone: 701-355-1700

Phone: 701-221-8334



Public Works Utility Operations

DATE: February 27, 2024

FROM: Michelle Klose, Director Public Works Utilities

ITEM: Amendment No.1 to Hazard Mitigation Grant Program Pioneer Lift Station Generator Agreement

REQUEST:

Approval of Amendment No. 1 to the Hazard Mitigation Grant Program (HGMP) Cost Share Agreement for the Pioneer Lift Station Generator.

BACKGROUND INFORMATION:

In 2021, the City approved grant funding from the Hazard Mitigation Grant Program (HMGP) for the Pioneer Lift Station Generator. Under the 2021 agreement, local matching fund requirement was 15% with a 10% state contribution. We received a reallocation notification which reduces the local cost share to 7% with a 3% State of North Dakota contribution. The amendment also extends the work schedule of the agreement for completion to July of 2025.

RECOMMENDED CITY COMMISSION ACTION:

Approve Amendment No. 1 to the HGMP Cost Share Agreement for the Pioneer Lift Station receive increased federal contribution and reduce the local and state contributions for the project and extend the work completion to July 2025.

STAFF CONTACT INFORMATION:

Amber Araujo, Executive Assistant, 701-355-1739, aaraujo@bismarcknd.gov

ATTACHMENTS:

None



Public Works Utility Operations

DATE: February 27, 2024

FROM: Michelle Klose, Director Public Works Utilities

ITEM: Change Order #22 for Public Works Expansion Project

REQUEST:

Change order #22 for Kraus-Anderson Construction Company for the PW Expansion Project and delegation of signing authority to the Director of Utility Operations for the change order.

BACKGROUND INFORMATION:

Kraus-Anderson Construction Company has submitted change order #22, which has a revised date of substantial completion due to material delays and seasonal weather limitations. The revised date of substantial completion is 06/30/2024. The time extension change order amount is \$0.00. It is being requested that the signing authority for the time extension change order be given to the Director of Utility Operations.

RECOMMENDED CITY COMMISSION ACTION:

Approve change order #22 with Kraus-Anderson and delegate signing authority for the time extension change order to the Director of Utility Operations.

STAFF CONTACT INFORMATION:

Amber Araujo, Executive Assistant, 701-355-1739, aaaraujo@bismarcknd.gov

ATTACHMENTS:

None



Administration Department

DATE: February 27, 2024

FROM: Jason Tomanek, Acting City Administrator

ITEM: City Commission Fact Finding Subcommittee Recommendation

REQUEST:

Receive an update and final recommendation from the City Commission Fact Finding Subcommittee relating to the performance issues of Charlie Jeske, Event Center Director, and recommendations regarding the appropriate actions to take to address any necessary employee discipline and changes to Event Center operations.

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 and Gordy Smith, whom Mayor Schmitz appointed, with direction to report back to the Commission 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 has met eight times.

RECOMMENDED CITY COMMISSION ACTION:

Receive the final recommendation from the City Commission Fact Finding Subcommittee relating to the performance issues of Charlie Jeske, Event Center Director, and recommendations regarding the appropriate actions to take to address any necessary employee discipline and changes to Event Center operations and make a final decision.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None



Administration Department

DATE: February 27, 2024

FROM: Jason Tomanek, Acting City Administrator

ITEM: Liquor License Transfer

REQUEST:

Public hearing on the request to have the Class E - Sale At Retail of Beer Only alcohol license located at 601 Memorial Hwy transferred from 3 Fat Boys, LLC. to BHB, LLC.

BACKGROUND INFORMATION:

BHB, LLC. is requesting to have the Class E - Sale at Retail of Beer Only alcohol license located at 601 Memorial Hwy transferred from 3 Fat Boys, LLC.

Class E.

To any applicant for the sale at retail of beer only. The total number of Class E licenses issued in any year may not exceed sixteen plus one additional license for each 2,500 people in excess of 60,000 people, as shown by the most recent official estimated census. New Class E licenses or Class E licenses revoked or not renewed may be issued only pursuant to section 5-01-06

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the request to have the Class E - Sale At Retail of Beer Only alcohol license located at 601 Memorial Hwy transferred from 3 Fat Boys, LLC. to BHB, LLC.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Application



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 type="checkbox"/> Renewal	<input checked="" 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 checked="" 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: BHB, LLC		Date of Incorporation: 12/14/2023	State Business ID Number: 0006528396	
Doing Business As (DBA) Name, if Applicable: The Tap-In Tavern			If out of state corporation, is corporation registered in North Dakota? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Location Address: 601 Memorial Highway	City: Bismarck	State: ND	Zip: 58504	Phone Number:
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): Kyle Lettwich - BHB, LLC Board Member				

Contact Information (Where correspondence is to be sent):				
Primary Contact: Kyle Lettwich		Phone Number: 701-226-4487	Email Address: president@bismarckhockey.com	
Mailing Address: 1504 Wichita Dr		City: Bismarck	State: ND	Zip: 58504

Manager's Name: Kyle Lettwich		Date of Birth: 08/07/1983	Percentage of Ownership: 0%	
Driver's License Number: LEF-83-5631		State Issued: ND	Gender: M	Race: Caucasian
Home Address: 4443 Glenwood Dr		City: Bismarck	State: ND	Zip: 58504
Occupation: Pharmacist	Phone Number: 701-226-4487	Title: Board Member	Email Address: president@bismarckhockey.com	

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

Name: Brad Thompson		Date of Birth: 2-3-70	Percentage of Ownership: 0%
Driver's License Number: Tho - 70 - 7426	State Issued: ND	Gender: Male	Race: Caucasian
Home Address: 6222 Fox Meadow Place	City: Bismarck	State: ND	Zip: 58503
Occupation: Banking	Phone Number: 701-391-1009	Title: Branch President	Email Address: Bthompson@Fibt.com

Name: Matt Power		Date of Birth: 3-5-83	Percentage of Ownership: 0%
Driver's License Number: POW-83-3509	State Issued: ND	Gender: Male	Race: Caucasian
Home Address: 1240 W Coulee Rd	City: Bismarck	State: ND	Zip: 58501
Occupation: Banking	Phone Number: 701-527-9900	Title: Private Banking	Email Address: mpower3230@gmail.com

Name: Layne Sedevic		Date of Birth: 4-8-83	Percentage of Ownership: 0%
Driver's License Number: SED-83-7436	State Issued: ND	Gender: Male	Race: Caucasian
Home Address: 1422 Harmon AVE	City: Bismarck	State: ND	Zip: 58501
Occupation: Hockey Coach	Phone Number: 701-204-5678	Title: Head Coach GM	Email Address: lynesedevic@gmail.com

Name: Jackie Ressler		Date of Birth: 5-3-87	Percentage of Ownership: 0%
Driver's License Number: RES-87-3204	State Issued: ND	Gender: Female	Race: Caucasian
Home Address: 4910 Mellowson Dr.	City: Bismarck	State: ND	Zip: 58503
Occupation: Accountant	Phone Number: 701-391-9786	Title: Audit Manager	Email Address: jackie.castleberry@gmail.com

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

Name: Bismarck Hockey Boosters		Date of Birth:	Percentage of Ownership: 100 %
Driver's License Number:	State Issued:	Gender:	Race:
Home Address: 1504 Wichita Dr.	City: Bismarck	State: ND	Zip: 58504
Occupation: NON-Profit	Phone Number: 701-712-8914	Title:	Email Address:

Name: Ian MacDonald		Date of Birth: 11-18-93	Percentage of Ownership: 0 %
Driver's License Number: MAC-93-1118	State Issued: ND	Gender: Male	Race: Caucasian
Home Address: 916 Buffin Loop, Bismarck ND 58503	City: Bismarck	State: ND	Zip: 58503
Occupation: Board Member	Phone Number: 701-500-2162	Title: Treasurer	Email Address: treasurer@bismarckhockey.com

Name: Kyle Leftwich		Date of Birth: 8-7-83	Percentage of Ownership: 0 %
Driver's License Number: LEF-83-5631	State Issued: ND	Gender: Male	Race: Caucasian
Home Address: 4443 Glenwood Dr.	City: Bismarck	State: ND	Zip: 58504
Occupation: Pharmacist	Phone Number: 701-226-4487	Title: Pharmacist	Email Address: president@bismarckhockey.com

Name: Mikayla Jablonski Lehner		Date of Birth: 5-4-84	Percentage of Ownership: 0 %
Driver's License Number: SAB-84-2316	State Issued: ND	Gender: Female	Race: Caucasian
Home Address: 525 Live Oak Ln	City: Bismarck	State: ND	Zip: 58504
Occupation: Albrey	Phone Number: 701-426-6681	Title: Executive Director	Email Address: executivedirector@Bismarckhockey.com

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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, please explain:
--	------------------------

2. Have any of the persons listed above been convicted of any crime within the past five years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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8. Has the business been sold or leased, or is there any intention to sell or lease the business to another? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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11. Have all property taxes and special assessments currently due been paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, please give details:
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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.



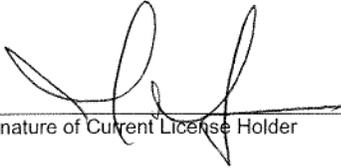
Signature of Applicant

12/29/23
Date

Kyle Lettwich / Board member
Print Name / Title of Officer

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

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



Signature of Current License Holder

James Masser
Print Name



Signature of New Applicant

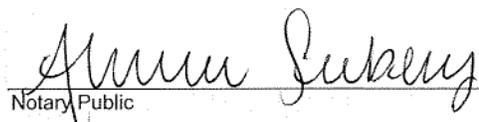
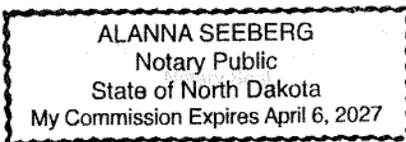
Kyle Lettwich
Print Name

North Dakota
State of

Burleigh
County of

Subscribed and sworn to before me this 29th

day of December


Notary Public

April 6, 2027
My Commission Expires



Community Development Department

DATE: February 27, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Public hearing on Ordinance 6571

REQUEST:

Public hearing on Ordinance 6571, a request for zoning map amendment from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Sonnet Heights Subdivision Ninth Replat and associated Minor Subdivision Final Plat, where the Planning and Zoning Commission recommends approval.

BACKGROUND INFORMATION:

J & D Construction is requesting approval of a minor subdivision final plat and a zoning map amendment from the RM30 – Residential zoning district to a planned unit development (PUD) on Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat. The replat would be titled Sonnet Heights Subdivision Ninth Replat. The project area is located in north Bismarck, along the east side of Normandy Street between Calvert Drive and East Lasalle Drive.

The applicant (also the developer) wishes to develop the area with a duplex and a tri-plex, with each unit on their own lot rather than the one lot that currently exists, with shared access and utilities.

The applicant initially planned to sell the proposed units as condos on a common lot in the existing RM30 – Residential district, and a site plan for this development was approved in June 2023. However, the developer then decided to sell each unit on their own lot instead.

A minor subdivision final plat is required because the developer was proposing to split the one existing lot into five lots. The creation of more than three new lots from one existing lot triggers the minor plat process. With the newly created lots, a PUD is required to accommodate the need for minor reductions to certain setbacks on some of the lots.

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 related to this request.

A public hearing at the Planning and Zoning Commission meeting was held on January 24, 2024. No members of the public spoke at the hearing. Staff received one public comment via email from a collective of four nearby property owners expressing concern over access to the

proposed lots, how stormwater would be managed, and how the proposed development would impact access to the backyards of the commenting property owners.

These comments were addressed by the applicant and their consultant representative stating that the proposed lots would all be accessed via Normandy St, the development has a conditionally approved post construction stormwater management plan from City Engineering staff, and that there have never been explicit access points to the adjacent property owners via this project area because the two areas have always been separate private properties.

At the end of the public hearing, the Planning and Zoning Commission approved the plat and the zoning map amendment unanimously. An overview of the discussion at the Planning and Zoning Commission hearing is provided in the staff report.

This minor subdivision final plat appeared before the Planning and Zoning Commission public hearing with the title "Sonnet Heights Subdivision Eighth Replat" (bold for emphasis only). After the public hearing, it was brought to staff's attention that a subdivision with the name "Sonnet Heights Subdivision Eighth Replat" already exists and is recorded. As such, the name of the proposed minor subdivision final plat was changed to "Sonnet Heights Subdivision Ninth Replat" (bold, again, for emphasis only).

The Board of City Commissioners considered this item at their meeting on February 13, 2024.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing on the request for Ordinance 6571 for a zoning map amendment from the RM30 – Residential district to a Planned Unit Development (PUD) for Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat and take final action. Also consider the request for a minor subdivision final plat titled "Sonnet Heights Subdivision Ninth Replat, on the same area as the zoning map amendment, and take final action.

STAFF CONTACT INFORMATION:

Isak Johnson, Planner, 701-355-1850, ijohnson@bismarcknd.gov

Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

ATTACHMENTS:

1. Sonnet Heights Ninth_ZC2023-012 & MPLT2023-006_022724

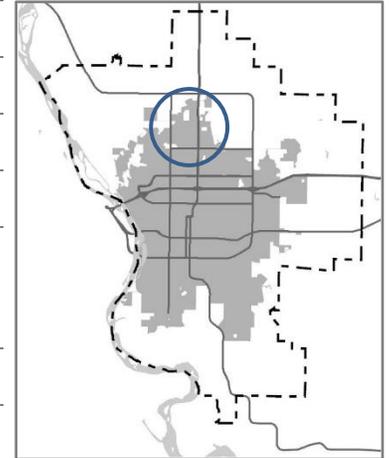
STAFF REPORT

Application for: **Zoning Map Amendment**
Minor Plat

Project ID: **ZC2023-012**
MPLT2023-006

Project Summary

<i>Title:</i>	Sonnet Heights Subdivision Ninth Replat
<i>Status:</i>	Board of City Commissioners – Public Hearing
<i>Property Owner(s):</i>	J & D Construction
<i>Project Contact:</i>	Andra Marquardt, Toman Engineering
<i>Project Location:</i>	In North Bismarck, along the east side of Normandy Street between Calvert Drive and East Lasalle Drive
<i>Project Size:</i>	1.15 acres, more or less
<i>Applicant Request:</i>	Replat of all of Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat, and the adjacent Normandy Street Right-of-Way, and rezone to a PUD for future development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	5 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Two-family and row house residential
<i>Future Land Use:</i>	Urban Neighborhood (UN)	<i>Future Land Use:</i>	Urban Neighborhood (UN)
<i>Zoning:</i>	RM30 – Residential	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	RM30 – Multi-family residential	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	RM30 – 30 units / acre	<i>Max Density:</i>	PUD – Density specified in PUD

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	05/2007
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	05/2017
<i>Neighborhood:</i>	Sonnet Heights	<i>Annexed:</i>	05/2007

Project Narrative

J & D Construction is requesting approval of a minor subdivision final plat and a zoning map amendment from the RM30 – Residential zoning district to a planned unit development (PUD) on Lot 6, Block 1, Sonnet Heights Subdivision Sixth Replat. The replat would be titled Sonnet Heights Subdivision Ninth Replat. The applicant would develop the area with a duplex and a tri-plex, each on their own lot rather than the one lot that currently exists, with shared access and utilities. The primary needs for the PUD request are to reduce the side yard and rear setbacks for one of proposed duplex lots, to reduce the front yard setback for the tri-plex, as well as to include the private access, water and sewer easements.

The Planning and Zoning Commission considered this request at their meeting of December 20,

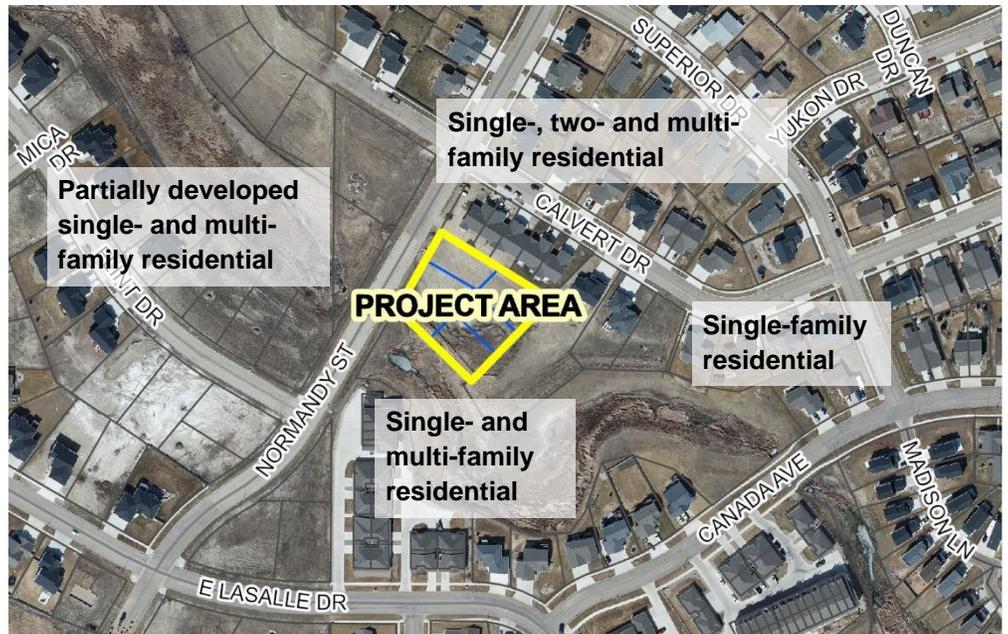
2023 and held a public hearing on the minor subdivision final plat and zoning map amendment on January 24, 2024. At the end of the public hearing, the Planning and Zoning Commission approved both items unanimously.

This minor subdivision final plat appeared before the Planning and Zoning Commission public hearing with the title “Sonnet Heights Subdivision **Eighth** Replat” (bold for emphasis only). After the public hearing, it was brought to staff’s attention that a subdivision with the name “Sonnet Heights Subdivision Eighth Replat” already exists and is recorded. As such, the name of the proposed minor subdivision final plat was changed to “Sonnet Heights Subdivision **Ninth** Replat” (bold, again, for emphasis only).

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 Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are places of quiet enjoyment of home life. Goals and objectives of this plan as they relate to minor subdivision final plats and

zoning map amendments are referenced in review standards below.

The project area is surrounded by a mixture of land zoned R5 – Residential, R10 – Residential and RM30 – Residential. The adjacent land uses

(continued)

include single-family, two-family, and some multi-family residential areas.

The applicant initially planned to sell the proposed units as condos on a common lot in the existing RM30 – Residential district, and a site plan for this development was approved in June 2023. However, the developer then decided to sell each unit on their own lot instead.

A minor subdivision final plat is required because the developer was proposing to split the one existing lot into five lots; the creation of more than three new lots from one existing lot triggers the minor plat process. With the newly created lots, a PUD is required to accommodate the need for some minor reductions to setbacks on some of the lots.

Public Engagement

The public was duly notified of this request at the Planning and Zoning Commission level. A notice was published in the Bismarck Tribune on January 13 and January 19, 2024, and 58 letters were mailed to the owners of nearby properties on January 12, 2024.

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

No members of the public spoke at the hearing. One written comment by a collective group of four nearby households was received by staff prior to the public hearing on January 24, 2023, was distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

The signatories of the written public comment expressed concern over how the newly created lots would be accessed, how stormwater would be managed, and how the proposed development would impact access to the backyards of the commenting property owners.

These comments were addressed by the applicant and their consultant representative stating that the proposed lots would all be accessed via Normandy St, the development has a conditionally approved post construction stormwater management plan from City Engineering staff, and that there have never been explicit access points to the adjacent property owners via this project area because the two areas have always been separate private properties.

At the City Commission level, the public has been duly notified of this request via publications in the Bismarck Tribune on February 16 and February 23, 2024. Any public comments received before 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.

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Urban Neighborhood (UN) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow a twin home and a three-unit

(continued)

rowhouse. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of RM30 – Residential was established in May 2007. Conditions have changed since this time.

This area has been replatted multiple times over several decades, primarily to address geographic constraints. With each replat, the area of the existing lot shrunk to its current size. The proposed zoning map amendment would allow for development that would fit the geography and be consistent with existing nearby developments.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would enhance the diversity of housing types available to Bismarck residents and would support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

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

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 applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Planned Unit Development

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Planned Unit Development (Section 14-04-18(3)a)

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

S6: Encourage a diversity of housing types to meet the variety of household needs in the community.

S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.

G1: Encourage infill and redevelopment of land already connected to municipal services.

T3: Ensure that the variety and quality of housing in aligned with the needs of the community.

Adequate buffer areas have been provided between any noncompatible land uses (Section 14-04-18(3)b)

Yes. There are no uses adjacent to this proposed PUD that are incompatible and require a buffer.

Natural features of the site would be preserved, insomuch as possible, including the preservation of trees and natural drainage ways (Section 14-04-18(3)c)

Yes. Directly adjacent to the project area, to the southwest, there is a coulee used for stormwater detention. The proposed PUD incorporates these existing natural features into the design of the development to the greatest extent feasible. Development would be adjacent to the coulee but would not take place within the coulee itself.

(continued)

The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated (Section 14-04-18(3)d)

Yes. The proposed PUD is served by Normandy Street and a private access easement to the three units on the eastern side of the PUD.

The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located (Section 14-04-18(3)e)

Yes. The proposed PUD contains only residential land uses, specifically a twin home and a three-unit rowhouse. These uses, as designed and laid out in the proposed layout in the proposed PUD, would be compatible and harmonious with the surrounding area.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map 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 map amendment would not adversely impact the public health, safety, and general welfare.

Minor Subdivision Final Plat

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. The proposed PUD reduces the side yard setback for one unit, while all other setbacks are consistent with these building types in their standard zoning districts.

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 was held for this request, and all requirements for notice of this hearing were met, as documented in this report above. Additionally, staff received one public comment prior to the Planning and Zoning Commission hearing, and staff provided copies of the comment to the Commissioners before the meeting and then discussed the comment at the hearing as described above in the Public Engagement section.

All requirements for public engagement at the City Commission level have been 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. Utility capital charges will be due prior to recordation of the plat.

(continued)

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 zoning map amendment from the RM30 – Residential zoning district to a Planned Unit Development (PUD) and a minor subdivision

final plat titled Sonnet Heights Subdivision Ninth Replat.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. PUD Narrative
5. Proposed Site Exhibit
6. Proposed Building Elevations
7. Minor Plat
8. Original Plat with Replatted Area Highlighted

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. 6571

<i>Introduced by</i>	_____
<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 SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM30 – Residential zoning district and included in the PUD – Planned Unit Development zoning district:

Lots 1-5, Block 1, Sonnet Heights Subdivision Ninth Replat

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan approved in conjunction with the PUD.
2. *Uses Permitted*. The uses within the district shall be limited to the following:
 - a. *Principal Uses*. The following principal uses shall be allowed:
 - i. One rowhouse building with two (2) units (i.e., twin home)
 - ii. One rowhouse building with three (3) units.
3. *Special Uses*. No uses shall be allowed with a special use permit.

4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
- a. *Lot Dimensions.* Minimum lot size dimensions shall conform to the appropriate sections of the City Code of Ordinances based on the above uses.
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).
 - ii. Row house buildings with three (3) to eight (8) units: Section 14-04-07(2)e (RM Residential District).
 - b. *Front Yards.* The minimum front yard setback from Normandy Street shall be twenty-five (25) feet. The minimum front yard setback from the shared access easement shall be twenty (20) feet.
 - c. *Side Yards.* All buildings shall have side yards in accordance with the appropriate sections of the City Code of Ordinances based on the above uses:
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).
 - ii. Row house buildings with three (3) to eight (8) units: Section 14-04-07(2)e (RM Residential District).

With the exception of Lot 2, Block 1, which shall have a side yard which at no point measures smaller than three (3) feet.
 - d. *Rear Yards.* All buildings shall have rear yards in accordance with the appropriate sections of the City Code of Ordinances based on the above uses:
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).
 - ii. Row house buildings with three (3) to eight (8) units: Section 14-04-07(2)e (RM Residential District).

With the exception of Lot 2, Block 1, which shall have a rear yard which at no point measures smaller than three (3) feet.
 - e. *Height.* All buildings shall have a height limit in accordance with the appropriate sections of the City Code of Ordinances based on the above uses.
 - i. Row house buildings with two (2) units: Section 14-04-06(2)e (R10 Residential District).

- ii. Row house buildings with three (3) to eight (8) units:
Section 14-04-07(2)e (RM Residential District).

5. *Development Standards.* The following development standards shall apply to all development within the district.

a. *Off-Street Parking and Loading.* All off-street parking and loading must conform to the submitted site plan and be in full compliance with Section 14-03-11 of the City Code of Ordinances (Off-Street Parking and Loading).

b. *Landscaping and Screening.* Street trees and buffer yard landscaping must be installed in accordance with the submitted landscape plan contained within the site plan. Deviation from this plan may only be allowed if in full compliance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

6. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Zoning Districts

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

Future Land Use Plan

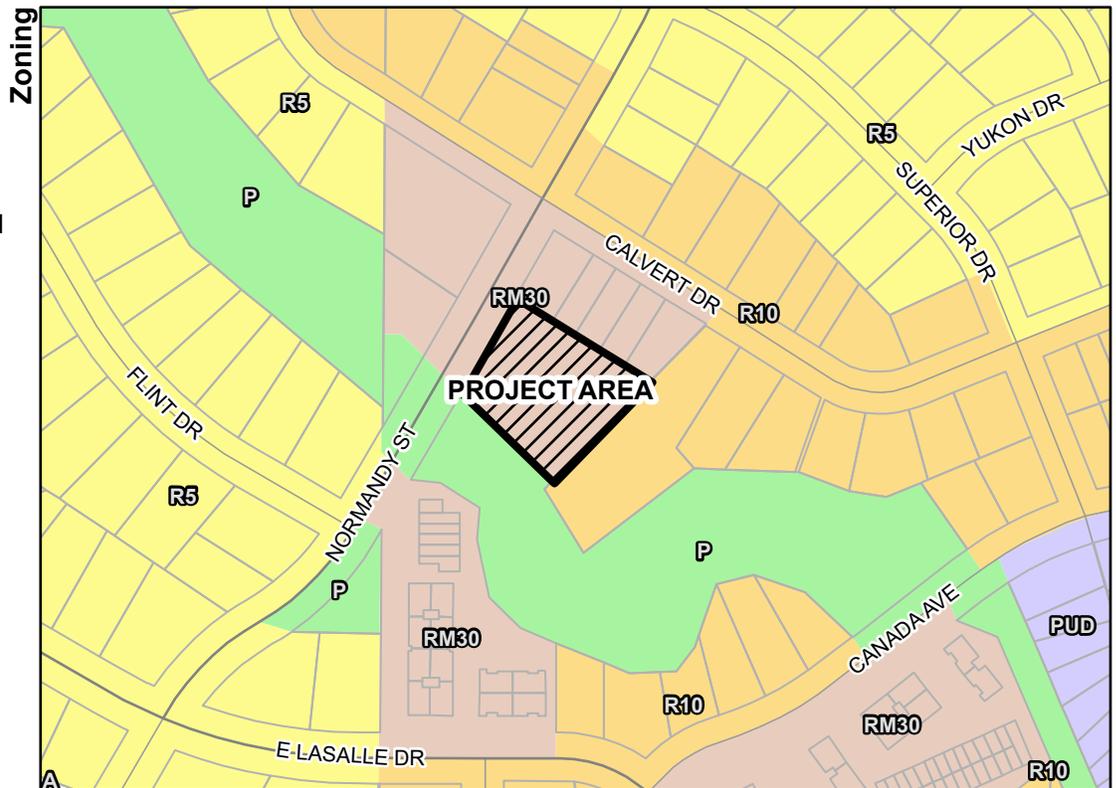
UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

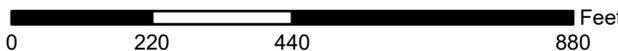
— Future Shared Trail

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.





Proposed Zoning Change

SONNET HEIGHTS SUBDIVISION NINTH REPLAT

MPLT2023-006

Proposed New Zoning Map

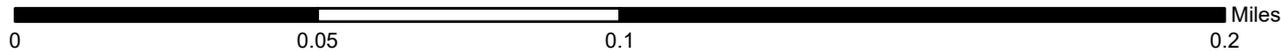
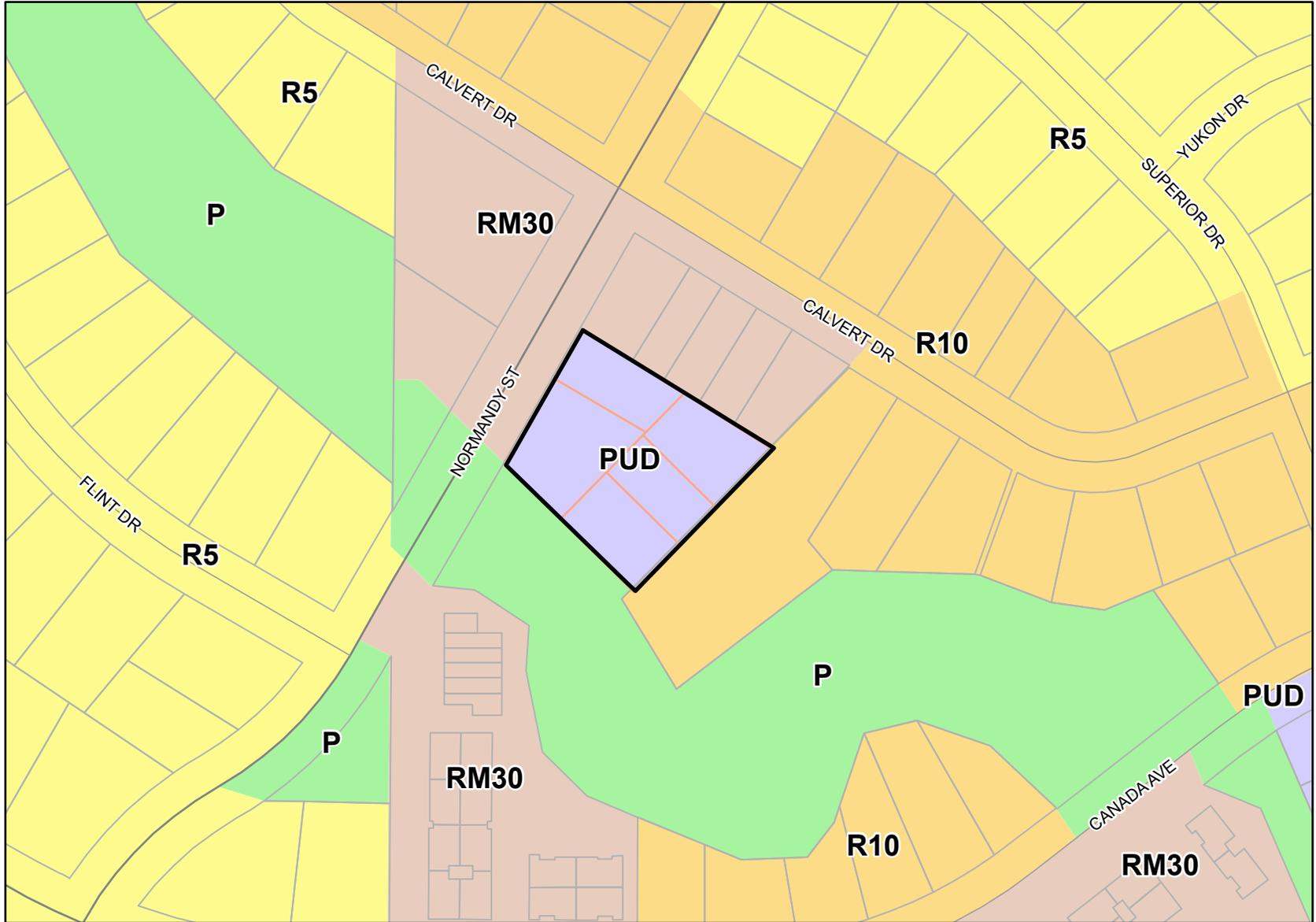
Project Area
(zoning within is proposed)

City Limits

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

A "C-" prior to the district indicates that special conditions would apply to the zoning district



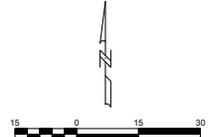
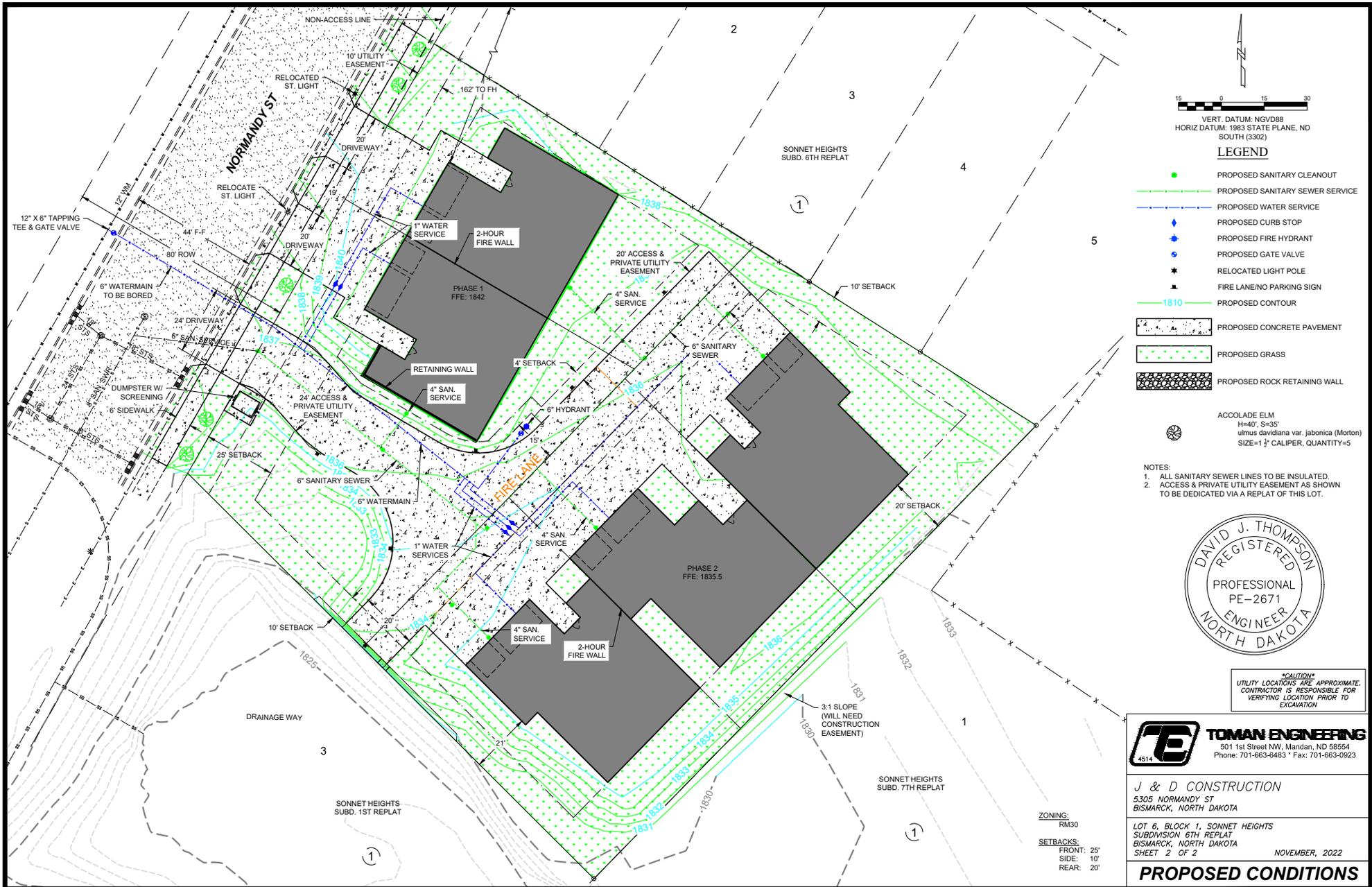
City of Bismarck
Community Development
Planning Division
February 5, 2024

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.

Statement for PUD Request: Sonnet Heights 6th Subdivision 8th Replat

To the City of Bismarck Planning Office:

JD Construction requests a PUD for the purpose of modifying the side yard setbacks abutting the private drive and to include said private drive and private water and sanitary sewer.

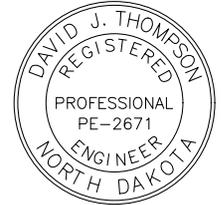


VERT. DATUM: NGVD88
 HORIZ DATUM: 1983 STATE PLANE, ND
 SOUTH (3302)

LEGEND

- PROPOSED SANITARY CLEANOUT
- PROPOSED SANITARY SEWER SERVICE
- PROPOSED WATER SERVICE
- ◆ PROPOSED CURB STOP
- ◆ PROPOSED FIRE HYDRANT
- PROPOSED GATE VALVE
- ★ RELOCATED LIGHT POLE
- ▲ FIRE LANE/NO PARKING SIGN
- 1810 PROPOSED CONTOUR
- PROPOSED CONCRETE PAVEMENT
- PROPOSED GRASS
- PROPOSED ROCK RETAINING WALL
- ACCOLADE ELM
 11-40' S-35'
 ulmus davidiana var. jabolnica (Morton)
 SIZE=1 1/2" CALIPER, QUANTITY=5

- NOTES:
1. ALL SANITARY SEWER LINES TO BE INSULATED.
 2. ACCESS & PRIVATE UTILITY EASEMENT AS SHOWN TO BE DEDICATED VIA A REPLAT OF THIS LOT.



CAUTION
 UTILITY LOCATIONS ARE APPROXIMATE.
 CONTRACTOR IS RESPONSIBLE FOR
 VERIFYING LOCATION PRIOR TO
 EXCAVATION

TOMAN ENGINEERING
 501 1st Street NW, Mandan, ND 58554
 Phone: 701-663-0463 * Fax: 701-663-0923

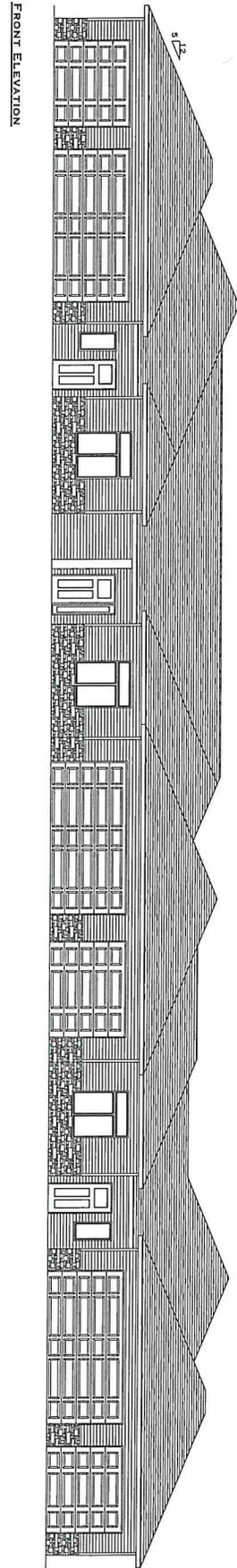
J & D CONSTRUCTION
 5305 NORMANDY ST
 BISMARCK, NORTH DAKOTA

LOT 6, BLOCK 1, SONNET HEIGHTS
 SUBDIVISION, 6TH REPLAT
 BISMARCK, NORTH DAKOTA
 SHEET 2 OF 2

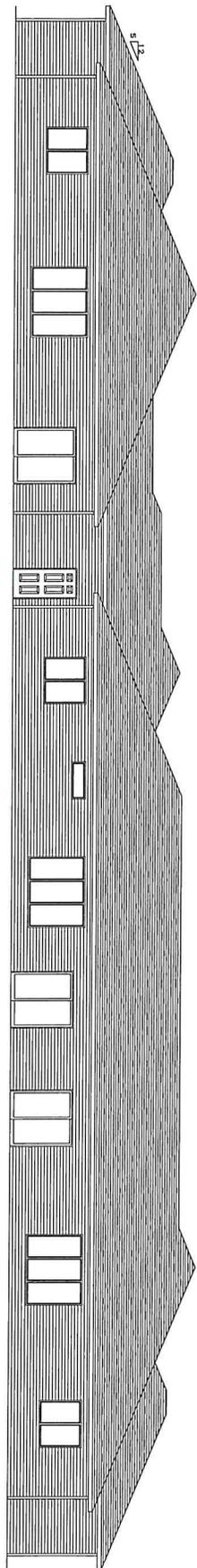
ZONING:
 RM30

SETBACKS:
 FRONT: 25'
 SIDE: 10'
 REAR: 20'

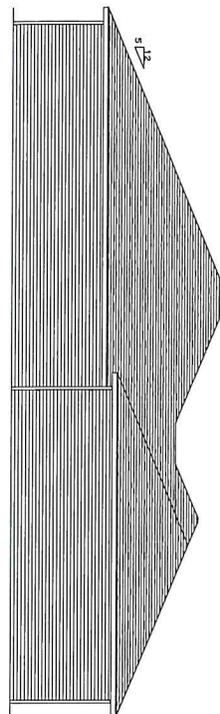
PROPOSED CONDITIONS



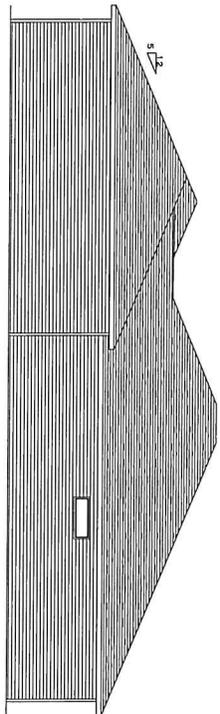
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

RECEIVED
NOV 17 2023

DATE: MARIE FORNSHELL
 DATE: AUGUST 31, 2022
 DATE: MONDAY, MAY 15, 2023
 SCALE: 1/8" = 1'-0"

DRAWN FOR:
VOEGELE SIGNATURE HOMES
 PLAN NAME:
 VSH- 2023 NORMADY DR 3 PLEX

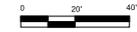
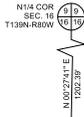
DISCLAIMER OF WARRANTY: Plans furnished by Front Street Millwork & Lumber, Inc. are prepared by Draftspeople who are not qualified as Licensed Architects or Professional Engineers. Front Street Millwork & Lumber, Inc. expressly disclaims any liability whatsoever for errors of any kind which may be found on the plans. Use of these plans shall be at the sole risk of the user. Any plans furnished by Front Street Millwork & Lumber, Inc. are furnished without any warranty by said Lumber Company that they are suitable for and correct in particular features. Reliance by any user of the plans and all persons utilizing the same and/or calculation of correct structural materials, spans, loads, & bearing points or application of the art or science of construction based on the principles of mathematics, aesthetics or the practical sciences must be the responsibility of the Designer, the Owner, or the User of the Plans.

FRONT STREET MILLWORK & LUMBER INC.
 3320 E CENTURY AVE - BISMARCK, ND 58503
 PHONE: 701-255-1636 - FAX: 701-222-0500
 MARIE@FRONTSTREETMILLWORK.COM

SONNET HEIGHTS SUBDIVISION NINTH REPLAT

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

ALL OF LOT 6, BLOCK 1, SONNET HEIGHTS SUBDIVISION SIXTH REPLAT INCLUDING A PORTION OF NORMANDY STREET RIGHT-OF-WAY OF THE NE1/4 OF SECTION 16, T139N-R80W OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



COORDINATE DATUM:
 NO STATE PLANE COORDINATES
 NAD83 BOUNDARY ADJUSTMENT
 INTERNATIONAL FEET
 BENCHMARK: HYDRANT #3109
 CALVERT DRIVE & NORMANDY ST
 ELEV: 1849.01 (NGVD29)

LEGEND	
▲	SECTION/QUARTER CORNER
○	FOUND REBAR MONUMENT
●	SET REBAR MONUMENT

DESCRIPTION OF PROPERTY
 A TRACT OF LAND BEING ALL OF LOT 6, BLOCK 1, SONNET HEIGHTS SUBDIVISION SIXTH REPLAT AND A PORTION OF NORMANDY STREET RIGHT-OF-WAY OF THE NE1/4 OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERNMOST CORNER OF LOT 6, BLOCK 1, SONNET HEIGHTS SUBDIVISION 6TH REPLAT OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, THENCE SOUTH 44°34'58" WEST ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID LOT 6 FOR 220.73 FEET TO THE SOUTHERNMOST CORNER OF SAID LOT 6; THENCE NORTH 45°21'00" WEST ALONG THE SOUTHWESTERLY BOUNDARY LINE OF SAID LOT 6 FOR 241.37 FEET TO A POINT ON THE CENTERLINE OF NORMANDY STREET; THENCE NORTH 30°06'57" EAST ALONG SAID CENTERLINE FOR 163.21 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY LINE EXTENDED WESTERLY OF SAID LOT 6; THENCE SOUTH 57°33'29" EAST ALONG SAID NORTHEASTERLY BOUNDARY LINE EXTENDED WESTERLY FOR 288.98 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 1.16 ACRES, MORE OR LESS.

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

ANDREA L. MARQUARDT, RLS 4623 _____ DATE _____

OWNER'S CERTIFICATE AND DEDICATION
 WE OF J & D CONSTRUCTION, INC. BEING THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "SONNET HEIGHTS SUBDIVISION NINTH REPLAT" AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENTS" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, ABOVE OR UNDER THOSE CERTAIN STRIPS OF LAND.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF SHARED ACCESS BETWEEN ALL LOTS OF THIS SUBDIVISION.

WE FURTHER GRANT ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND THOSE THAT ARE RECORDED BUT NOT SHOWN.

J & D CONSTRUCTION, INC.
 SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 20____.
 _____ NOTARY PUBLIC
 MY COMMISSION EXPIRES: _____

APPROVAL OF CITY PLANNING AND ZONING COMMISSION
 THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE ____ DAY OF _____, 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN _____ ATTEST: BEN ERRETH - SECRETARY _____

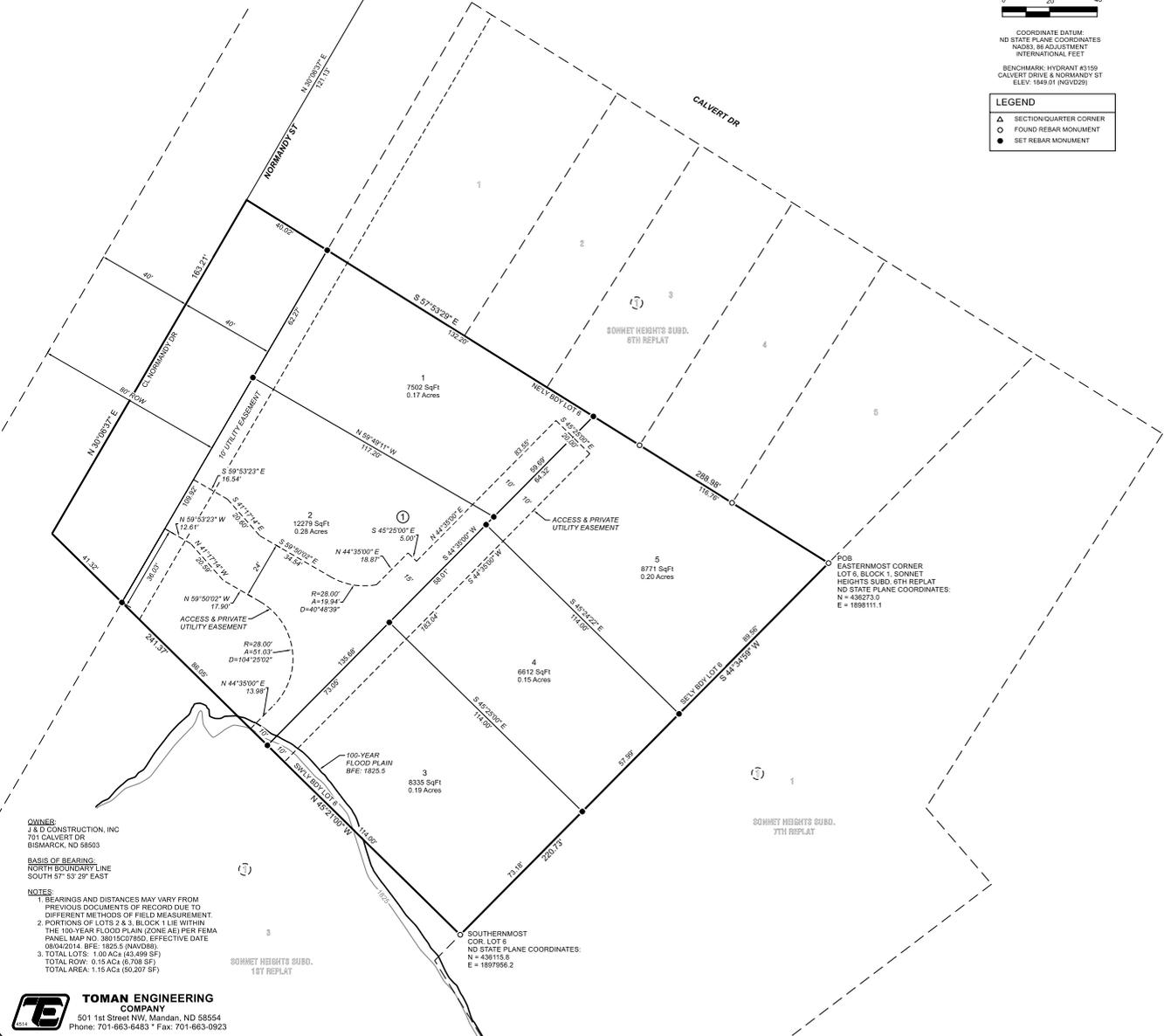
APPROVAL OF BOARD OF CITY COMMISSIONERS
 THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION OF ALL RIGHTS OF WAY AND PUBLIC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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE ____ DAY OF _____, 20____.

ATTEST: KEITH J. HUNKE - CITY ADMINISTRATOR _____

APPROVAL OF CITY ENGINEER
 I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVES THIS PLAT THIS ____ DAY OF _____, 20____.

GABRIEL J. SCHELL - CITY ENGINEER _____



OWNER:
 J & D CONSTRUCTION, INC
 701 CALVERT DR
 BISMARCK, ND 58503

BASIS OF BEARING:
 NORTH BOUNDARY LINE
 SOUTH 57° 53' 29" EAST

- NOTES:**
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 2. PORTIONS OF LOTS 2 & 3, BLOCK 1, LIE WITHIN THE 100-YEAR FLOOD PLAIN (ZONE AE) PER FEMA PANEL MAP NO. 300160700D, EFFECTIVE DATE 06/04/2014, BFE: 1625.5 (NAVD83).
 3. TOTAL LOTS: 1.00 AC (43,469 SF)
 TOTAL ROW: 0.15 AC (6,708 SF)
 TOTAL AREA: 1.15 AC (50,207 SF)

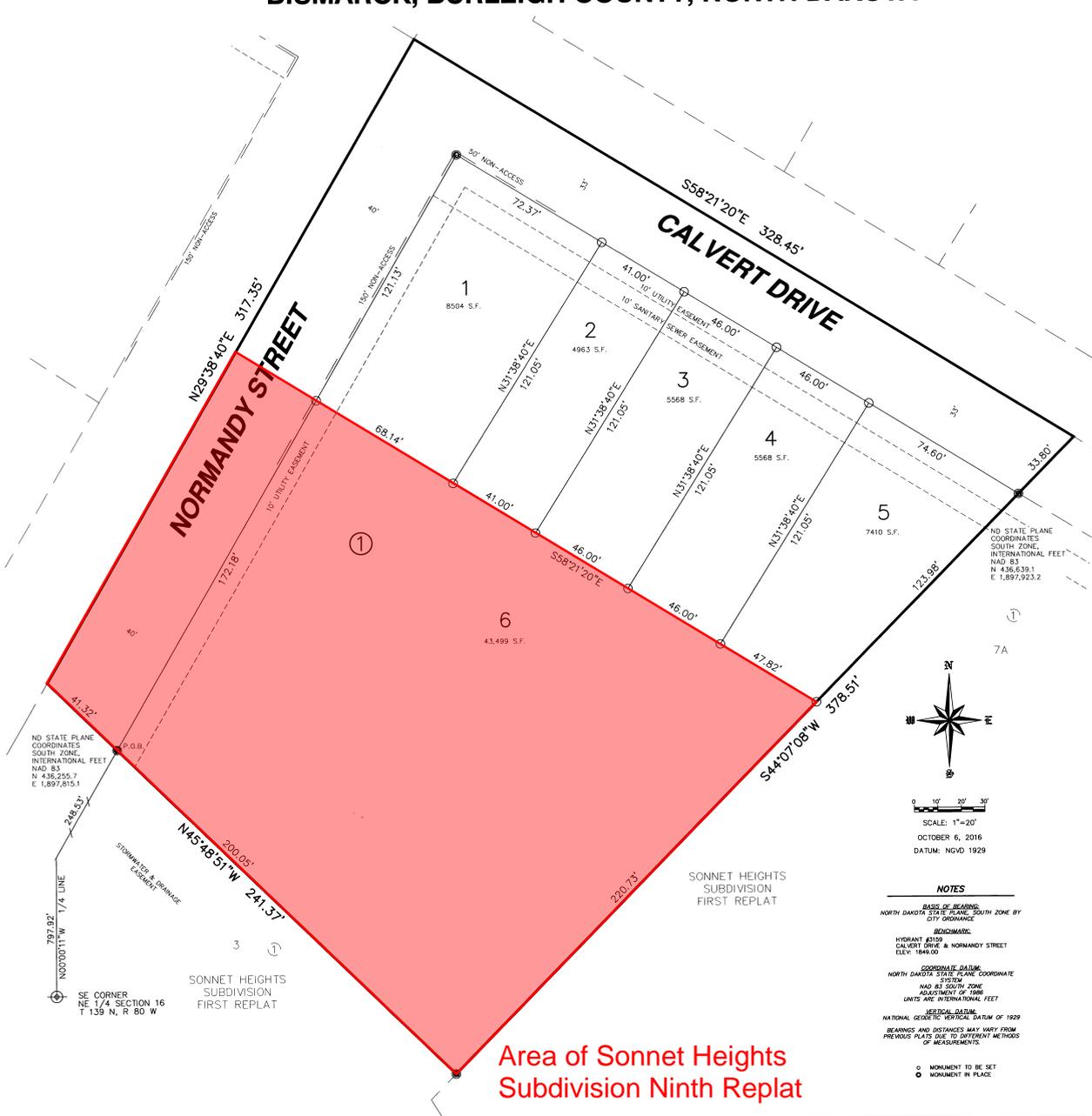
SOUTHERNMOST COR. LOT 9
 NO STATE PLANE COORDINATES:
 N = 436115.8
 E = 1897956.2

TOMAN ENGINEERING COMPANY
 501 1st Street NW, Mandan, ND 58554
 Phone: 701-663-6483 * Fax: 701-663-0923

SONNET HEIGHTS SUBDIVISION SIXTH REPLAT

BEING A REPLAT OF LOT 6 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT AND PARTS OF CALVERT DRIVE AND NORMANDY STREET RIGHTS OF WAY PART OF THE NORTHEAST 1/4 SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN,

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING A REPLAT OF LOT 6 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT AND PARTS OF CALVERT DRIVE AND NORMANDY STREET RIGHTS OF WAY, PART OF THE NORTHEAST 1/4 SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA CONTAINING 2.24 ACRES, MORE OR LESS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 3 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT; THENCE NORTH 45 DEGREES 48 MINUTES 30 SECONDS WEST, A DISTANCE OF 41.32 FEET TO THE CENTERLINE OF NORMANDY STREET RIGHT OF WAY; THENCE NORTH 29 DEGREES 38 MINUTES 40 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 37.25 FEET TO THE INTERSECTION OF THE CENTERLINES OF NORMANDY STREET AND CALVERT DRIVE; THENCE SOUTH 58 DEGREES 21 MINUTES 20 SECONDS NORTHEASTERLY EXTENSION OF THE WEST LINE OF LOT 7A BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT, THENCE SOUTH 44 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID NORTHEASTERLY EXTENSION AND SAID WEST LINE, A DISTANCE OF 37.25 FEET TO THE NORTHERLY LINE OF LOT 3 BLOCK 1 SONNET HEIGHTS SUBDIVISION FIRST REPLAT; THENCE NORTH 45 DEGREES 48 MINUTES 30 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 2.24 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE AND CORRECT COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON OCTOBER 6, 2016, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA) SWENSON, HAGEN & CO. P.C.
COUNTY OF BURLEIGH) 289 BASH AVENUE
TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

ON THIS 11th DAY OF OCTOBER, 2016, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NATALIE THIEL
Notary Public
State of North Dakota
My Commission Expires Aug 8, 2022

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 27th DAY OF JULY, 2016, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

Wayne Lee Madock CHAIRMAN
Carl D. Hoenstad SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 27th DAY OF JULY, 2016.

Keith Hunkle
ATTEST:
KEITH HUNKLE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SONNET HEIGHTS SUBDIVISION SIXTH REPLAT, BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT."

Gabriel J. Schell
GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT J & D CONSTRUCTION, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SONNET HEIGHTS SUBDIVISION SIXTH REPLAT, BISMARCK, NORTH DAKOTA, AND DO SO RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS 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 HERETO 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) JASON VOEGELE
COUNTY OF BURLEIGH) J&D CONSTRUCTION
4703 MOSE DRIVE
BISMARCK, N.D. 58503

ON THIS 11th DAY OF OCTOBER, 2016, BEFORE ME PERSONALLY APPEARED JASON VOEGELE, 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.

NATALIE THIEL
Notary Public
State of North Dakota
My Commission Expires Aug 8, 2022

SWENSON, HAGEN & COMPANY P.C.

Surveying
Bismarck, North Dakota 58504
www.swh.com
Land Planning
Phone (701) 223-2000
Civil Engineering
Fax (701) 223-1000
Landscape & Site Design
Construction Management

Area of Sonnet Heights Subdivision Ninth Replat



Community Development Department

DATE: February 27, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Public hearing on Ordinance 6572

REQUEST:

Public hearing on Ordinance 6572, the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township, where the Planning and Zoning Commission recommends approval.

BACKGROUND INFORMATION:

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. The area is in northwest Bismarck, east of River Road, north of Burnt Boat Drive and south of Valley Drive.

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.

In accordance with NDCC 40-51.2-07, both Burleigh County and Hay Creek Township have been notified of this request.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing on February 27, 2024, meeting on the annexation as outlined in Ordinance 6572, and take final action on the request.

STAFF CONTACT INFORMATION:

Lauren Oster, Planner, 701-355-1846, laoster@bismarcknd.gov

Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

ATTACHMENTS:

1. ANN2023-005_022724

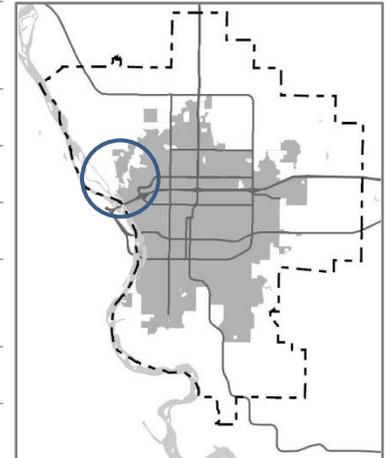
STAFF REPORT

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 – Public Hearing
<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.

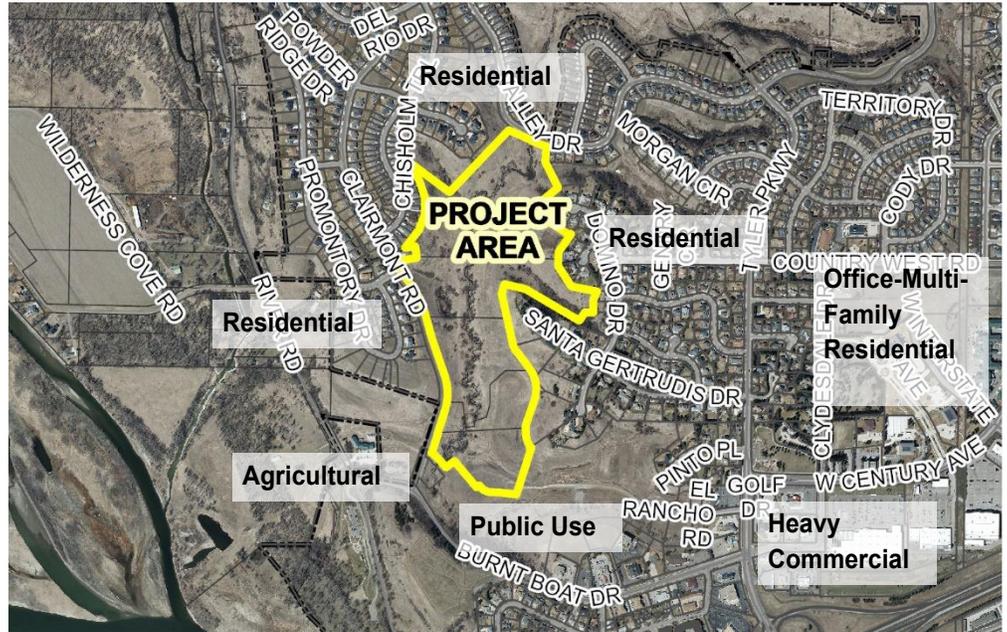
Based on the findings listed below, the Planning and Zoning Commission recommended approval of this request at their meeting on December 20, 2023.

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

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on January 30, and 3 letters were mailed to Burleigh

County, Hay Creek Township, and the property owner of the parcels on February 1.

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

All written comments received by staff prior to the public hearing will be distributed to the City Commission and summarized by staff during the oral presentation.

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. 6572

<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

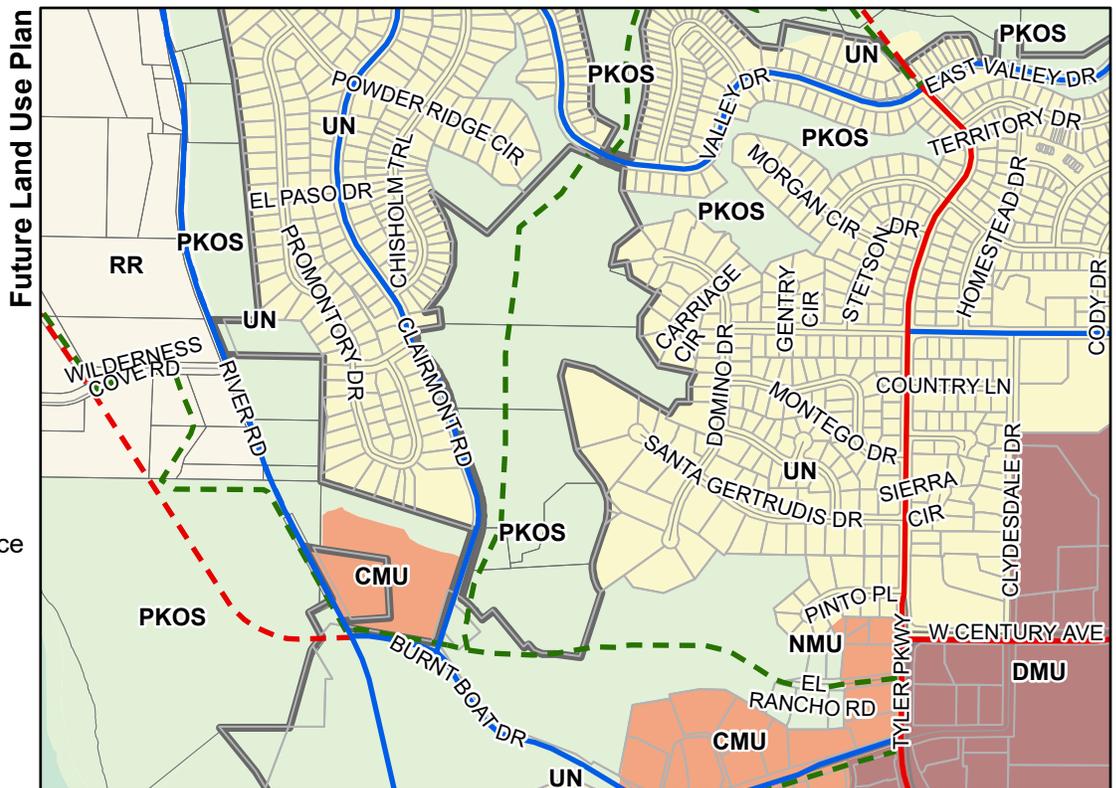
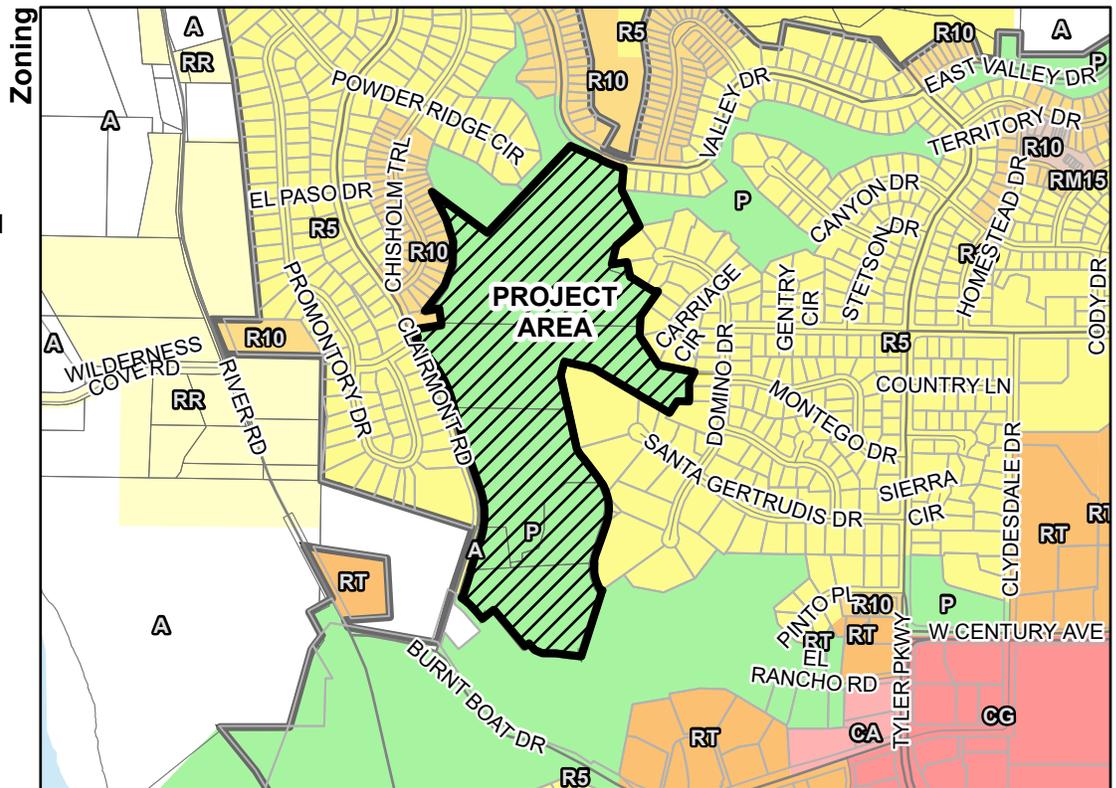
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

— Future Shared Trail

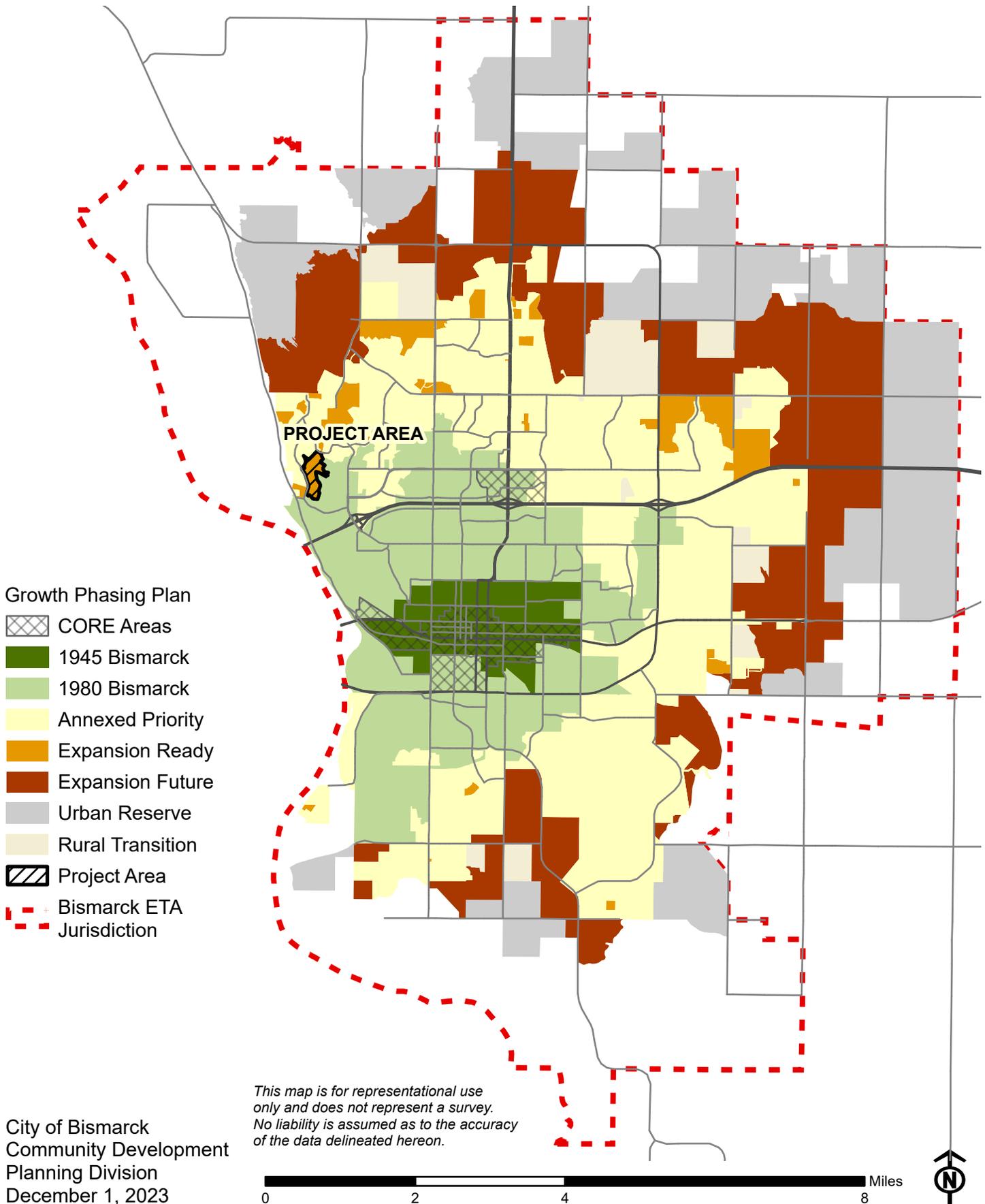
Major Street Plan

- 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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Page: 2 of 5
8/27/2020 4:20 PM
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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Page: 3 of 5
8/27/2020 4:20 PM
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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Page: 2 of 4
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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.



Public Works Utility Operations

DATE: February 27, 2024

FROM: Michelle Klose, Director Public Works Utilities

ITEM: Amendment No. 1 to South Central Regional Water Contract

REQUEST:

Approve Amendment No. 1 to the 2019 South Central Regional Water District Contract.

BACKGROUND INFORMATION:

The previous rates prior to December 31, 2023, were set through the prior agreement. A prior authorization of this change was approved by the Commission on December 26, 2023; however, it was unintentionally only to remain until 2025, not 2035. We are requesting that the water rate from January 1, 2024, to December 31, 2035, will reflect a 39.7 cent per unit reduction on the Average Yearly Usage scaled quantity as noted per annum and shown on the attached Exhibit A, so long as South Central uses less than the maximum scaled amounts per annum. The water rate is \$4.87 per each 100 cubic feet (748 gallons) of water starting January 1, 2024. The rate includes the cost of service and the 10% markup. The cost of service was developed through the 2018 Rate and Cost of Service study and the 2023 Rate Review. The CITY will make annual adjustments to the water rate at the same percent increase as other user rates. Periodically, the cost of service will have a more detailed review in conjunction with the review of all Utility Operation rates by the CITY, and the price will be increased accordingly.

RECOMMENDED CITY COMMISSION ACTION:

Approve Amendment No. 1 to the 2019 South Central Regional Water District Contract to recognize the rate reduction through 2035.

STAFF CONTACT INFORMATION:

Amber Araujo, Executive Assistant, 701-355-1739, aaaraujo@bismarcknd.gov

ATTACHMENTS:

None

**FIRST AMENDMENT TO CITY OF BISMARCK WATER SERVICE CONTRACT WITH
SOUTH CENTRAL REGIONAL WATER DISTRICT**

This First Amendment to City of Bismarck Water Service Contract (this “**Amendment**”) is entered into by and between the City of Bismarck, a North Dakota municipal corporation, Bismarck, North Dakota (“**City**”) and South Central Regional Water District, Bismarck, North Dakota (“**SCWD**”), and

WHEREAS, **City** and **SWCD** are parties to that certain Water Service Contracts dated January 15, 2019 and January 22, 2019, (the “**Agreement**”);

WHEREAS, **City** and **SWCD** wish to change some of the terms of the **Agreement**.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. Section 8 of the **Agreement** is deleted and replaced with the following:
 8. WATER SERVICE, WATER RATES AND PAYMENT FOR WATER SERVICE:
The USER agrees to make payments for water service in accordance with the following terms and conditions:

The previous rates prior to December 31, 2023, were set through the prior agreement. The water rate from January 1, 2024, to December 31, 2035, will reflect a 39.7 cent per unit reduction on the Average Yearly Usage scaled quantity as noted per annum and shown on the attached Exhibit A, so long as South Central uses less than the maximum scaled amounts per annum. The water rate is \$4.87 per each 100 cubic feet (748 gallons) of water starting January 1, 2024. The rate includes the cost of service and the 10% markup. There is no additional meter fee, utility account processing fee, or capacity charge, except as those items impact the cost of service studies in the future. The cost of service was developed through the 2018 Rate and Cost of Service study and the 2023 Rate Review. The CITY will make annual adjustments to the water rate at the same percent increase as other user rates. Periodically, the cost of service will have a more detailed review in conjunction with the review of all Utility Operation rates by the CITY, and the price will be increased accordingly.

The CITY will furnish to the USER a monthly utility bill for water service. All payments for water service shall be made no later than 15 days following receipt of the statement from the CITY.

Payments not made within 45 days of the billing shall be considered delinquent and in default.

During any period when the USER is in default, the USER shall remain obligated to make all payments required under this contract. Any action of the CITY pursuant to this section

shall not limit or waive any remedy provided by the contract or by law for the recovery of money due or which may become due under this contract.

Every payment required to be paid by the USER to the CITY under this contract, which is unpaid after 45 days shall be imposed a penalty of one and one-half percent (1.5%) per month of the amount of such delinquent payment

2. All of the other terms, conditions and provisions of the January 15, 2019 and January 22, 2019, Agreement with the prior amendment not specifically amended by this Amendment or prior Amendments to the Agreement shall remain in full force and effect.
3. This **Amendment** may be executed in any number of counterparts, each of which so executed shall be deemed original; such counterparts shall together constitute but one agreement. Facsimile and/or digitally transmitted signatures shall be sufficient to bind the Parties and shall in all respects be treated in City proceedings or otherwise as the legal equivalent of an original signature. This **Amendment** is effective upon full execution by all parties.

SCWD

Dated _____

By _____

Its _____

CITY

CITY OF BISMARCK

Dated _____

Michael T. Schmitz, President
Bismarck City Commissioners

Dated _____

Jason Tomanek, Acting City Administrator
City of Bismarck
221 North 5th Street
PO Box 5503
Bismarck, ND 58506-5503

Exhibit A

**BURLEIGH WATER USERS COOP.
CALCULATION OF WATER USE PROJECTION WITH INCREASING
WATER SALES DUE TO ADDING NEW USERS THROUGH YEAR 2035
PAYMENT OF FIRST CONNECTION FEE OF \$1.5 MILLION IN 1996
AND PAYMENT OF SECOND CONNECTION FEE OF \$800,000
WITHIN 12 MONTHS OF FIRST CONNECTION FEE**

YEAR	EST. # USERS	AVE. YEARLY USAGE W/LOSS (GALLONS)	YEAR	EST. # USERS	AVE. YEARLY USAGE W/LOSS (GALLONS)
1996	1250	54,000,000	2016	2480	257,126,400
1997	1770	183,513,600	2017	2510	260,236,800
1998	1845	191,289,600	2018	2540	263,347,200
1999	1920	199,065,600	2019	2570	266,457,600
2000	1970	204,249,600	2020	2600	269,568,000
2001	2005	207,878,400	2021	2630	272,678,400
2002	2040	211,507,200	2022	2660	275,788,800
2003	2075	215,136,000	2023	2690	278,899,200
2004	2110	218,764,800	2024	2720	282,009,600
2005	2145	222,393,600	2025	2750	285,120,000
2006	2180	226,022,400	2026	2780	288,230,400
2007	2210	229,132,800	2027	2810	291,340,800
2008	2240	232,243,200	2028	2840	294,451,200
2009	2270	235,353,600	2029	2870	297,561,600
2010	2300	238,464,000	2030	2900	300,672,000
2011	2330	241,574,400	2031	2930	303,782,400
2012	2360	244,684,800	2032	2960	306,892,800
2013	2390	247,795,200	2033	2990	310,003,200
2014	2420	250,905,600	2034	3020	313,113,600
2015	2450	254,016,000	2035	3050	316,224,000
SUBTOTAL		4,307,990,400	SUBTOTAL		5,733,504,000
TOTAL PROJECTED WATER USE					10,041,494,400

NOTES:

1. Burleigh Water Users Coop is South Central Regional Water District.



Engineering Department

DATE: February 27, 2024

FROM: Gabe Schell, City Engineer

ITEM: South Washington Street Reconstruction Project, AC-NHU-1-981(137), City Project HC 158, Street Improvement District SI 580, and Sewer Improvement District SE 584.

REQUEST:

Consider approval of award concurrence of South Washington Street Reconstruction Project, AC-NHU-1-981(137), City Project HC 158, resolution receiving bids and ordering preparation of the Engineer's Statement and resolution awarding bids for Street Improvement district SI 580 and Sewer Improvement district SE 584.

BACKGROUND INFORMATION:

The South Washington Street Reconstruction Project, AC-NHU-1-981(137), City Project HC 158, will reconstruct South Washington Street from Burleigh Avenue to the south Bismarck drainage ditch. On November 28, 2023, the Commission approved a development agreement with MBR Properties, LLC (MBR) to include work that benefits the Paradise Valley Additions within the HC 158 project limits with the reconstruction project.

Under the development agreement, Sewer Improvement District SE 584 was created on November 28, 2023, to special assess storm sewer improvements within the project limits that benefit the Paradise Valley Addition and the proposed Paradise Valley Second Addition (Paradise Valley Additions). Additionally, a letter of credit has been received from MBR to fund sanitary improvements benefitting Paradise Valley Additions.

Also included with HC 158, at the request of the developers of Paradise Valley Additions and Meadow Village Second Addition by receipt of street petitions, street improvements along Burleigh Avenue that benefit these developments will be included with the project and funded under Street Improvement District SI 580, created November 14, 2023.

Both Engineering Reports, SI 580 and SE 584, can be found on the city website at www.bismarcknd.gov/Streets.

The engineer's estimate for project AC-NHU-1-981(137), City Project HC 158, is \$16,242,282.10, inclusive of SI 580 and SE 584. The City and NDDOT entered into a Cost Participation and Maintenance Agreement on [February 13, 2024](#). Bids were received on February 16, 2024 through the North Dakota Department of Transportation and a bid tabulation is attached. There were two bidders with the low bid submitted by Knife River Corporation in the

amount of \$16,986,618.65. The project budget will be distributed prior to the commission meeting.

RECOMMENDED CITY COMMISSION ACTION:

Concur with North Dakota Department of Transportation (NDDOT) in the award of the South Washington Street Reconstruction Project, AC-NHU-1-981(137), City Project HC 158 contingent on NDDOT concurrence.

Consider Request for Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement for Districts SI 580 and SE 584.

Consider Request for Resolution Awarding Contract for Districts SI 580 and SE 584 contingent upon concurrence with the NDDOT for AC-NHU-1-981(137).

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. NDDOT Notice of Bids

February 16, 2024

Gabe Schell
City Engineer
221 N 5th Street
Bismarck, ND 58506

**PROJECT: AC-NHU-1-981(137) & CPU-1-981(140) , PCN 23859 & 24022 -WASHINGTON ST S,
FROM BURLEIGH AVE N TO WACHTER AVE-BISMARCK**

Dear Mr. Schell:

Bids for the construction on the above noted project were taken at our bid opening of February 16, 2024. A copy of the Contract Detail Estimate and Abstract of Bids are enclosed.

The low bid for Grading, Aggregate Base Course, PCC Pavement, Hot Mix Asphalt, Curb & Gutter, Milling, Shared Use Path, Sidewalk, Storm Sewer, Watermain, Force Main, Lighting, Traffic Signal, Signing, Pavement Marking & Traffic Signal Interconnect was submitted by Knife River Corporation - North Central of Sauk Rapids, MN in the amount of \$16,986,618.65. According to the agreement with the City of Bismarck, the City's share for **AC-NHU-1-981(137)** is estimated to be \$14,010,930.51. NHU Federal Funds is Limited to \$4,500,000. The balance of the project cost is the obligation of the City. NDDOT to reimburse City Federal Funds in 2026 when funding is available. The City's is 100% responsible for **CPU-1-981(140)** \$174,350.00.

The Department will review the low bidder's proposal to assure that the Disadvantaged Business Enterprise Program requirements have been met. Upon review of the contractor's Disadvantaged Business Enterprise Program, the Department will advise you via email whether this project may be awarded. The City must award the contract before the Department will concur in the award; therefore, the City must notify the Department in writing as soon as possible after the award is made. Contracts cannot be executed prior to the date of the Department's concurrence.

Questions should be addressed to the Construction Services Division at 701-328-2566.

Sincerely,



Phillip Murdoff, PE
Construction Services Engineer

80/pm/jmm
Enclosure

North Dakota **FEDERAL AID**

Bid Opening Date: **2/16/2024**

Project Number: **AC-NHU-1-981(137)**

PCN: **23859**

Job Number: **23859**

English/Metric: **ENGLISH**

Contract with **KNIFE RIVER CORPORATION - NORTH CENTRAL SAUK RAPIDS, MN**

Signed Date:

County(s): **BURLEIGH**

Location: **WASHINGTON ST S, FROM BURLEIGH AVE N TO WACHTER AVE - BISMARCK**

North Dakota **FEDERAL AID**

Bid Opening Date: **2/16/2024**

Project Number: **AC-NHU-1-981(137)**

PCN: **23859**

Job Number: **23859**

English/Metric: **ENGLISH**

Roadway: **URBAN**

LRS_ID L1700_015M FR MEASURE 1.0004 TO MEASURE 2.1526

Type: **GRADING, AGGREGATE BASE COURSE, PCC PAVEMENT, HOT MIX ASPHALT, CURB & GUTTER, MILLING, SHARED USE PATH, SIDEWALK, STORM SEWER, WATERMAIN, FORCE MAIN, LIGHTING, TRAFFIC SIGNAL, SIGNING, PAVEMENT MARKING**

Participating: **Y**

Spec Code	Item Description	Quantity	Unit	Unit Price	Amount
103 0100	CONTRACT BOND	0.700	L SUM	\$57,365.60	\$40,155.92
201 0330	CLEARING & GRUBBING	0.700	L SUM	\$9,150.00	\$6,405.00
202 0114	REMOVAL OF CONCRETE PAVEMENT	307.000	SY	\$35.00	\$10,745.00
202 0130	REMOVAL OF CURB & GUTTER	834.000	LF	\$15.00	\$12,510.00
202 0135	REMOVAL OF BITUMINOUS SURFACING	13,427.000	TON	\$20.00	\$268,540.00
202 0170	REMOVAL OF CULVERTS-ALL TYPES & SIZES	249.000	LF	\$50.00	\$12,450.00
202 0312	REMOVE EXISTING FENCE	2,452.000	LF	\$8.15	\$19,983.80
203 0101	COMMON EXCAVATION-TYPE A	35,568.000	CY	\$19.50	\$693,576.00
203 0109	TOPSOIL	7,226.000	CY	\$14.25	\$102,970.50
216 0100	WATER	551.000	M GAL	\$26.50	\$14,601.50
251 0300	SEEDING CLASS III	8.930	ACRE	\$2,650.00	\$23,664.50
251 2000	TEMPORARY COVER CROP	8.800	ACRE	\$1,500.00	\$13,200.00
253 0201	HYDRAULIC MULCH	17.730	ACRE	\$3,450.00	\$61,168.50
255 0103	ECB TYPE 3	582.000	SY	\$7.85	\$4,568.70
256 0200	RIPRAP GRADE II	24.000	CY	\$300.00	\$7,200.00
261 0112	FIBER ROLLS 12IN	876.000	LF	\$5.15	\$4,511.40
261 0113	REMOVE FIBER ROLLS 12IN	836.000	LF	\$1.00	\$836.00
262 0100	FLOTATION SILT CURTAIN	90.000	LF	\$24.00	\$2,160.00
262 0101	REMOVE FLOTATION SILT CURTAIN	90.000	LF	\$6.00	\$540.00
302 0050	TRAFFIC SERVICE AGGREGATE	4,839.000	TON	\$55.50	\$268,564.50
302 0121	AGGREGATE BASE COURSE CL 5	13,850.000	CY	\$91.50	\$1,267,275.00
302 9970	TYPE II PIPE BEDDING	676.000	CY	\$90.00	\$60,840.00
401 0050	TACK COAT	159.000	GAL	\$2.50	\$397.50
401 0070	FOG SEAL	272.000	GAL	\$0.15	\$40.80
420 0111	CRS2P EMULSIFIED ASPHALT	1,086.000	GAL	\$3.65	\$3,963.90
420 0130	COVER COAT MATERIAL CL 43	2,716.000	SY	\$1.10	\$2,987.60
430 0143	RAP - SUPERPAVE FAA 43	1,007.000	TON	\$118.00	\$118,826.00
430 5803	PG 58S-28 ASPHALT CEMENT	48.000	TON	\$512.00	\$24,576.00
550 0302	8.5IN NON-REINF CONCRETE PVMT CL AE-DOWELED	26,857.000	SY	\$103.75	\$2,786,413.75
550 0330	NON-REINF CONCRETE PVMT CL AE-DOWELED-COLORED	401.000	SY	\$236.00	\$94,636.00
702 0100	MOBILIZATION	0.700	L SUM	\$1,838,000.00	\$1,286,600.00
704 0100	FLAGGING	3,612.000	MHR	\$40.00	\$144,480.00
704 1000	TRAFFIC CONTROL SIGNS	4,424.000	UNIT	\$2.00	\$8,848.00
704 1052	TYPE III BARRICADE	24.000	EA	\$150.00	\$3,600.00
704 1054	SIDEWALK BARRICADE	11.000	EA	\$100.00	\$1,100.00
704 1056	PEDESTRIAN CHANNELIZATION	948.000	LF	\$7.00	\$6,636.00
704 1060	DELINEATOR DRUMS	216.000	EA	\$25.00	\$5,400.00
704 1067	TUBULAR MARKERS	204.000	EA	\$6.00	\$1,224.00
704 1080	STACKABLE VERTICAL PANELS	219.000	EA	\$25.00	\$5,475.00
704 1087	SEQUENCING ARROW PANEL-TYPE C	1.000	EA	\$1,000.00	\$1,000.00
704 1500	OBLITERATION OF PAVEMENT MARKING	630.000	SF	\$5.00	\$3,150.00
704 2108	TEMPORARY CURB RAMP	8.000	EA	\$500.00	\$4,000.00
704 2200	TEMPORARY PEDESTRIAN SURFACING	458.000	SY	\$75.00	\$34,350.00

North Dakota **FEDERAL AID**Bid Opening Date: **2/16/2024**Project Number: **AC-NHU-1-981(137)**PCN: **23859**Job Number: **23859**English/Metric: **ENGLISH**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
704	4011	PORTABLE CHANGEABLE MESSAGE SIGN	3.000	EA	\$10,000.00	\$30,000.00
708	1540	INLET PROTECTION-SPECIAL	60.000	EA	\$550.00	\$33,000.00
708	1541	REMOVE INLET PROTECTION-SPECIAL	60.000	EA	\$85.00	\$5,100.00
709	0151	GEOSYNTHETIC MATERIAL TYPE R1	36,827.000	SY	\$3.00	\$110,481.00
709	0155	GEOSYNTHETIC MATERIAL TYPE RR	54.000	SY	\$3.00	\$162.00
714	0210	PIPE CONC REINF 15IN CL III-STORM DRAIN	1,048.000	LF	\$125.00	\$131,000.00
714	0315	PIPE CONC REINF 18IN CL III-STORM DRAIN	19.000	LF	\$290.00	\$5,510.00
714	0620	PIPE CONC REINF 24IN CL III-STORM DRAIN	799.000	LF	\$200.00	\$159,800.00
714	0825	PIPE CONC REINF 30IN CL III-STORM DRAIN	295.000	LF	\$190.00	\$56,050.00
714	0910	PIPE CONC REINF 36IN CL III-STORM DRAIN	1,000.000	LF	\$250.00	\$250,000.00
714	1010	PIPE CONC REINF 42IN CL III-STORM DRAIN	461.000	LF	\$350.00	\$161,350.00
714	3040	END SECT-CONC REINF 42IN	1.000	EA	\$5,000.00	\$5,000.00
714	9680	PLUG PIPE-ALL TYPES & SIZES	2.000	EA	\$2,000.00	\$4,000.00
722	0100	MANHOLE 48IN	1.000	EA	\$7,300.00	\$7,300.00
722	0110	MANHOLE 60IN	6.000	EA	\$10,000.00	\$60,000.00
722	0120	MANHOLE 72IN	4.000	EA	\$15,000.00	\$60,000.00
722	0130	MANHOLE 84IN	1.000	EA	\$18,000.00	\$18,000.00
722	3510	INLET-TYPE 2	5.000	EA	\$5,000.00	\$25,000.00
722	3520	INLET-TYPE 2 DOUBLE	24.000	EA	\$8,500.00	\$204,000.00
722	3910	INLET SLOTTED DRAIN 15IN	40.000	LF	\$300.00	\$12,000.00
722	3920	INLET SLOTTED DRAIN 18IN	20.000	LF	\$400.00	\$8,000.00
722	4000	INLET CATCH BASIN-TYPE A	1.000	EA	\$3,500.00	\$3,500.00
722	6140	ADJUST GATE VALVE BOX	11.000	EA	\$450.00	\$4,950.00
722	6200	ADJUST MANHOLE	1.000	EA	\$825.00	\$825.00
722	6201	ADJUST MANHOLE SPECIAL	1.000	EA	\$7,000.00	\$7,000.00
724	1037	ADJUST SPRINKLER HEAD	7.000	EA	\$825.00	\$5,775.00
744	0050	INSULATION BOARD	469.000	CF	\$60.00	\$28,140.00
748	0120	CURB & GUTTER MOUNTABLE-TYPE I	308.000	LF	\$61.50	\$18,942.00
748	0140	CURB & GUTTER-TYPE I	2,433.000	LF	\$49.25	\$119,825.25
748	0190	CURB & GUTTER-TYPE I 30IN	12,301.000	LF	\$53.90	\$663,023.90
748	0520	CURB-TYPE I	114.000	LF	\$78.80	\$8,983.20
750	0030	PIGMENTED IMPRINTED CONCRETE	855.000	SY	\$205.00	\$175,275.00
750	0115	SIDEWALK CONCRETE 4IN	9,074.000	SY	\$57.50	\$521,755.00
750	0140	SIDEWALK CONCRETE 6IN	558.000	SY	\$70.00	\$39,060.00
750	0210	CONCRETE MEDIAN NOSE PAVING	19.000	SY	\$329.60	\$6,262.40
750	1020	DRIVEWAY CONCRETE 8IN	18.000	SY	\$200.00	\$3,600.00
750	2115	DETECTABLE WARNING PANELS	765.000	SF	\$65.00	\$49,725.00
752	0600	FENCE CHAIN LINK	2,412.000	LF	\$29.15	\$70,309.80
754	0110	FLAT SHEET FOR SIGNS-TYPE XI REFL SHEETING	448.000	SF	\$40.00	\$17,920.00
754	0112	FLAT SHEET FOR SIGNS-TYPE IV REFL SHEETING	306.000	SF	\$40.00	\$12,240.00
754	0193	FLEXIBLE DELINEATORS-TYPE D	38.000	EA	\$65.00	\$2,470.00
754	0206	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	922.000	LF	\$17.00	\$15,674.00
754	0592	RESET SIGN PANEL	5.000	EA	\$125.00	\$625.00
754	0593	RESET SIGN SUPPORT	2.000	EA	\$200.00	\$400.00
754	0801	OBJECT MARKERS - TYPE I	4.000	EA	\$200.00	\$800.00
762	0122	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	646.000	SF	\$30.00	\$19,380.00
762	1255	PREFORMED THERMO PLASTIC PVMT MK 6IN LINE	937.000	LF	\$10.00	\$9,370.00
762	1270	PREFORMED THERMO PLASTIC PVMT MK 24IN LINE	722.000	LF	\$30.00	\$21,660.00
762	1280	PREFORMED THERMO PLASTIC PVMT MK MESSAGE	69.000	SF	\$20.00	\$1,380.00

North Dakota **FEDERAL AID**

Bid Opening Date: **2/16/2024**

Project Number: **AC-NHU-1-981(137)**

PCN: **23859**

Job Number: **23859**

English/Metric: **ENGLISH**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
762	1305	PREFORMED PATTERNED PVMT MK 4IN LINE-GROOVED	17,382.000	LF	\$6.00	\$104,292.00
762	1309	PREFORMED PATTERNED PVMT MK 8IN LINE-GROOVED	3,747.000	LF	\$12.00	\$44,964.00
770	0003	LIGHTING SYSTEM A	1.000	EA	\$322,000.00	\$322,000.00
770	0004	LIGHTING SYSTEM B	0.500	EA	\$225,000.00	\$112,500.00
772	9200	IT SYSTEM	0.500	EA	\$317,000.00	\$158,500.00
772	9811	TRAFFIC SIGNAL SYSTEM - SITE 1	1.000	EA	\$397,250.00	\$397,250.00
970	0001	LANDSCAPING APPURTENANCES	1.000	L SUM	\$19,150.00	\$19,150.00
970	0365	SHELTER	1.000	EA	\$18,150.00	\$18,150.00
970	1000	TREES	193.000	EA	\$745.00	\$143,785.00

Subtotal **\$11,929,385.42**

Eng and Contg **\$1,192,938.54**

Total **\$13,122,323.96**

Length **1.3510 Miles** **BURLEIGH** **1.3510 Miles**

Construction

Estimated Cost **\$13,122,323.96**

AC FEDERAL FUNDS **LIMITED** **\$4,500,000.00**

AC BISMARCK CITY FUNDS **19.07%** **\$8,622,323.96**

North Dakota **FEDERAL AID**Bid Opening Date: **2/16/2024**Project Number: **AC-NHU-1-981(137)**PCN: **23859**Job Number: **23859**English/Metric: **ENGLISH**Roadway: **URBAN****LRS_ID L1734_015M FR MEASURE 1.0096 TO MEASURE 1.6336**Type: **GRADING, AGGREGATE BASE, CURB & GUTTER, PCC PAVEMENT, SHARED USE PATH, SIDEWALK,
STORM SEWER, LIGHTING, SIGNING, PAVEMENT MARKING**Participating: **N**

Spec	Code	Item Description	Quantity	Unit	Unit Price	Amount
103	0100	CONTRACT BOND	0.300	L SUM	\$57,365.60	\$17,209.68
201	0330	CLEARING & GRUBBING	0.300	L SUM	\$9,150.00	\$2,745.00
202	0114	REMOVAL OF CONCRETE PAVEMENT	95.000	SY	\$35.00	\$3,325.00
202	0135	REMOVAL OF BITUMINOUS SURFACING	631.000	TON	\$20.00	\$12,620.00
202	0170	REMOVAL OF CULVERTS-ALL TYPES & SIZES	50.000	LF	\$50.00	\$2,500.00
202	0174	REMOVAL OF PIPE ALL TYPES AND SIZES	181.000	LF	\$150.00	\$27,150.00
203	0109	TOPSOIL	1,534.000	CY	\$14.25	\$21,859.50
251	0300	SEEDING CLASS III	1.930	ACRE	\$2,650.00	\$5,114.50
251	2000	TEMPORARY COVER CROP	1.920	ACRE	\$1,500.00	\$2,880.00
253	0201	HYDRAULIC MULCH	3.850	ACRE	\$3,450.00	\$13,282.50
261	0112	FIBER ROLLS 12IN	56.000	LF	\$5.15	\$288.40
261	0113	REMOVE FIBER ROLLS 12IN	56.000	LF	\$1.00	\$56.00
302	0121	AGGREGATE BASE COURSE CL 5	3,592.000	CY	\$91.50	\$328,668.00
302	9970	TYPE II PIPE BEDDING	597.000	CY	\$90.00	\$53,730.00
401	0050	TACK COAT	938.000	GAL	\$2.50	\$2,345.00
401	0070	FOG SEAL	1,164.000	GAL	\$0.15	\$174.60
411	0105	MILLING PAVEMENT SURFACE	4,588.000	SY	\$3.25	\$14,911.00
420	0111	CRS2P EMULSIFIED ASPHALT	4,659.000	GAL	\$3.65	\$17,005.35
420	0130	COVER COAT MATERIAL CL 43	11,647.000	SY	\$1.10	\$12,811.70
430	0143	RAP - SUPERPAVE FAA 43	2,478.000	TON	\$118.00	\$292,404.00
430	1000	CORED SAMPLE	20.000	EA	\$75.00	\$1,500.00
430	5803	PG 58S-28 ASPHALT CEMENT	118.000	TON	\$512.00	\$60,416.00
702	0100	MOBILIZATION	0.300	L SUM	\$1,838,000.00	\$551,400.00
704	0100	FLAGGING	1,388.000	MHR	\$40.00	\$55,520.00
704	1000	TRAFFIC CONTROL SIGNS	184.000	UNIT	\$2.00	\$368.00
704	1056	PEDESTRIAN CHANNELIZATION	279.000	LF	\$7.00	\$1,953.00
709	0151	GEOSYNTHETIC MATERIAL TYPE R1	8,435.000	SY	\$3.00	\$25,305.00
714	0210	PIPE CONC REINF 15IN CL III-STORM DRAIN	983.000	LF	\$125.00	\$122,875.00
714	0910	PIPE CONC REINF 36IN CL III-STORM DRAIN	1,019.000	LF	\$250.00	\$254,750.00
714	1010	PIPE CONC REINF 42IN CL III-STORM DRAIN	1,667.000	LF	\$350.00	\$583,450.00
714	3040	END SECT-CONC REINF 42IN	1.000	EA	\$5,000.00	\$5,000.00
722	0110	MANHOLE 60IN	2.000	EA	\$10,000.00	\$20,000.00
722	0120	MANHOLE 72IN	9.000	EA	\$15,000.00	\$135,000.00
722	0130	MANHOLE 84IN	2.000	EA	\$18,000.00	\$36,000.00
722	0200	MANHOLE 108IN	1.000	EA	\$27,000.00	\$27,000.00
722	3510	INLET-TYPE 2	12.000	EA	\$5,000.00	\$60,000.00
722	3520	INLET-TYPE 2 DOUBLE	21.000	EA	\$8,500.00	\$178,500.00
722	3910	INLET SLOTTED DRAIN 15IN	50.000	LF	\$300.00	\$15,000.00
722	4000	INLET CATCH BASIN-TYPE A	1.000	EA	\$3,500.00	\$3,500.00
722	6140	ADJUST GATE VALVE BOX	2.000	EA	\$450.00	\$900.00
722	6695	AIR RELIEF VALVE & MANHOLE	1.000	EA	\$50,000.00	\$50,000.00
724	0210	FITTINGS-DUCTILE IRON	2,388.000	LBS	\$18.00	\$42,984.00
724	0270	REMOVE GATE VALVE & BOX	13.000	EA	\$500.00	\$6,500.00
724	0300	GATE VALVE & BOX 6IN	2.000	EA	\$3,500.00	\$7,000.00

North Dakota **FEDERAL AID**

Bid Opening Date: **2/16/2024**

Project Number: **AC-NHU-1-981(137)**

PCN: **23859**

Job Number: **23859**

English/Metric: **ENGLISH**

Summary for Project

Length **1.9750 Miles** **BURLEIGH** **1.9750 Miles**

Estimated Total Construction Cost: **\$16,828,118.65**

Estimated Total Eng and Contg: **\$1,682,811.86**

	<u>Construction</u>	<u>Total</u>
Estimated Cost	\$18,510,930.51	\$18,510,930.51
AC FEDERAL FUNDS	\$4,500,000.00	\$4,500,000.00
AC BISMARCK CITY FUNDS	\$14,010,930.51	\$14,010,930.51

CITY TO MAKE CONTRACTOR PAYMENTS. NHU FEDERAL FUNDS IS LIMITED TO \$4,500,000. ANY COSTS OVER THIS LIMITED AMOUNTS WILL BE CITY RESPONSIBILITY. NDDOT TO REIMBURSE CITY FEDERAL FUNDS IN 2026 WHEN FUNDING IS AVAILABLE.

North Dakota **URBAN**

Bid Opening Date: **2/16/2024**

Project Number: **CPU-1-981(140)**

PCN: **24022**

Job Number: **23859**

English/Metric: **ENGLISH**

Contract with **KNIFE RIVER CORPORATION - NORTH CENTRAL SAUK RAPIDS, MN**

Signed Date:

County(s): **BURLEIGH**

Location: **WASHINTON ST S, FROM WACHTER AVE N TO DENVER AVE**

Roadway: **URBAN**

LRS_ID L1700_015M FR MEASURE 2.1526 TO MEASURE 2.9234

Type: **TRAFFIC SIGNAL INTERCONNECT**

Participating: **N**

Spec Code	Item Description	Quantity	Unit	Unit Price	Amount
772 9200	IT SYSTEM	0.500	EA	\$317,000.00	\$158,500.00
Subtotal					\$158,500.00
Eng and Contg					\$15,850.00
Total					\$174,350.00

Length **0.6630 Miles**

Estimated Cost		<u>Construction</u>
		\$174,350.00
CPU BISMARCK CITY FUNDS	100.00%	\$174,350.00

Summary for Project

Length **0.6630 Miles** **BURLEIGH** **0.6630 Miles**

Estimated Total Construction Cost: **\$158,500.00**

Estimated Total Eng and Contg: **\$15,850.00**

Estimated Cost	<u>Construction</u>	<u>Total</u>
	\$174,350.00	\$174,350.00
CPU BISMARCK CITY FUNDS	\$174,350.00	\$174,350.00

CITY TO MAKE CONTRACTOR PAYMENT. TIED TO PCN 23859.

ND DEPARTMENT OF TRANSPORTATION

SHEET NO 1 OF 3

ABSTRACT OF BIDS RECEIVED

PROJECT NO. AC-NHU-1-981(137) CPU-1-981(140)	NO. 23859	BIDDER ENGINEERS ESTIMATE	BIDDER KNIFE RIVER CORPORAT ION - NORTH CENTRAL	BIDDER NORTHERN IMPROVEMENT COMPANY
COUNTY & DATE BURLEIGH (015) FEB 16, 2024 09:30AM			SAUK RAPIDS, MN	FARGO, ND
LENGTH & TYPE 2.638 BISMARCK S WASHINGTON ST (BURLEIGH-DENVE				
COMPLETION TIME 06/28/25 GRADING, AGGREGATE BASE, PCC PAVEMENT,		c.c. CHECK RANK 00	c.c. BOND RANK 01	c.c. BOND RANK 02

SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT
103	CONTRACT BOND	L SUM	1.000	100000000	100000000	57365600	57365600	40000000	40000000
201	CLEARING & GRUBBING	L SUM	1.000	150000000	150000000	91500000	91500000	216000000	216000000
202	REMOVAL OF CONCRETE PAVEMENT	SY	402000	45000	1809000	35000	1407000	35300	1419000
202	REMOVAL OF CURB & GUTTER	LF	834000	7250	6046500	15000	1251000	12000	1000800
202	REMOVAL OF BITUMINOUS SURFACING	TON	14058000	20000	281160000	20000	281160000	17600	24742080
202	REMOVAL OF CULVERTS-ALL TYPES & SIZES	LF	299000	15000	4485000	50000	14950000	54000	16146000
202	REMOVAL OF PIPE ALL TYPES AND SIZES	LF	181000	100000	18100000	150000	27150000	162000	29322000
202	REMOVE EXISTING FENCE	LF	2452000	3000	7356000	8150	19983800	8700	21332400
203	COMMON EXCAVATION-TYPE A	CY	35568000	15000	533520000	19500	693576000	16700	593985600
203	TOPSOIL	CY	8760000	5500	48180000	14250	124830000	27400	240024000
216	WATER	M GAL	551000	75000	41325000	26500	146015000	39000	21489000
251	SEEDING CLASS III	ACRE	10860	1500000	16290000	2650000	28779000	2210000	24000600
251	TEMPORARY COVER CROP	ACRE	10720	1500000	16080000	1500000	16080000	130000	13936000
253	HYDRAULIC MULCH	ACRE	21580	1300000	28054000	3450000	74451000	3220000	69487600
255	ECB TYPE 3	SY	582000	10000	5820000	7850	4568700	4200	2444400
256	RIPRAP GRADE II	CY	24000	200000	4800000	300000	7200000	324000	7776000
261	FIBER ROLLS 12IN	LF	932000	2500	2330000	5150	4799800	3000	2796000
261	REMOVE FIBER ROLLS 12IN	LF	892000	1000	892000	1000	892000	400	356800
262	FLOTATION SILT CURTAIN	LF	90000	20000	1800000	24000	2160000	25900	2331000
262	REMOVE FLOTATION SILT CURTAIN	LF	90000	5000	450000	6000	540000	3200	288000
302	TRAFFIC SERVICE AGGREGATE	TON	4839000	14000	67746000	55500	268564500	39200	189688800
302	AGGREGATE BASE COURSE CL 5	CY	17442000	80000	1395360000	91500	1595943000	99400	1733734800
302	TYPE II PIPE BEDDING	CY	1273000	100000	127300000	90000	114570000	97200	123735600
401	TACK COAT	GAL	1097000	3000	3291000	2500	2742500	2500	2742500
401	FOG SEAL	GAL	1436000	3000	4308000	150	215400	1100	1579600
411	MILLING PAVEMENT SURFACE	SY	4588000	3000	13764000	3250	14911000	3800	17434400
420	CRS2P EMULSIFIED ASPHALT	GAL	5745000	8000	45960000	3650	209692500	3800	21831000
420	COVER COAT MATERIAL CL 43	SY	14363000	2500	35907500	1100	15799300	1100	15799300
430	RAP - SUPERPAVE FAA 43	TON	3485000	85000	296225000	118000	411230000	118000	411230000
430	CORED SAMPLE	EA	20000	85000	1700000	75000	1500000	135000	2700000
430	PG 58S-28 ASPHALT CEMENT	TON	166000	645000	107070000	512000	84992000	502000	83332000
550	8.5IN NON-REINF CONCRETE PVMT CL AE-DOWELED	SY	26857000	110000	2954270000	103750	2786413750	121700	3268496900
550	NON-REINF CONCRETE PVMT CL AE-DOWELED-COLORED	SY	401000	150000	60150000	236000	94636000	254900	102214900
702	MOBILIZATION	L SUM	1.000	1000000000	1000000000	1838000000	1838000000	1365200000	1365200000
704	FLAGGING	MHR	5000000	45000	225000000	40000	200000000	54800	274000000
704	TRAFFIC CONTROL SIGNS	UNIT	4608000	3000	13824000	2000	9216000	2200	10137600
704	TYPE III BARRICADE	EA	24000	100000	2400000	150000	3600000	162000	3888000
704	SIDEWALK BARRICADE	EA	11000	90000	990000	100000	1100000	108000	1188000
704	PEDESTRIAN CHANNELIZATION	LF	1227000	7000	8589000	7000	8589000	7600	9325200
704	DELINEATOR DRUMS	EA	216000	28000	6048000	25000	5400000	27000	5832000
704	TUBULAR MARKERS	EA	204000	5400	1101600	6000	1224000	6500	1326000
704	STACKABLE VERTICAL PANELS	EA	219000	30000	6570000	25000	5475000	27000	5913000
704	SEQUENCING ARROW PANEL-TYPE C	EA	1000	930000	930000	1000000	1000000	1080000	1080000
704	OBLITERATION OF PAVEMENT MARKING	SF	630000	3000	1890000	5000	3150000	5400	3402000
704	TEMPORARY CURB RAMP	EA	8000	500000	4000000	500000	4000000	540000	4320000
704	TEMPORARY PEDESTRIAN SURFACING	SY	458000	40000	18320000	75000	34350000	69900	32014200
704	PORTABLE CHANGEABLE MESSAGE SIGN	EA	3000	7000000	21000000	10000000	30000000	10800000	32400000

ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION
Deputy Director For Engineering:

AWARD TO: KNIFE RIVER CORPORATION - NORTH CENTRAL

WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.

31

DATE OF AWARD

DEPARTMENT OF TRANSPORTATION Deputy Director For Engineering

ND DEPARTMENT OF TRANSPORTATION

SHEET NO 2 OF 3

ABSTRACT OF BIDS RECEIVED

PROJECT NO. AC-NHU-1-981(137) CPU-1-981(140)	NO. 23859	BIDDER ENGINEERS ESTIMATE	BIDDER KNIFE RIVER CORPORAT ION - NORTH CENTRAL	BIDDER NORTHERN IMPROVEMENT COMPANY
COUNTY & DATE BURLEIGH (015) FEB 16, 2024 09:30AM			SAUK RAPIDS, MN	FARGO, ND
LENGTH & TYPE 2.638 BISMARCK S WASHINGTON ST (BURLEIGH-DENVE				
COMPLETION TIME 06/28/25 GRADING, AGGREGATE BASE, PCC PAVEMENT,		c.c. CHECK RANK 00	c.c. BOND RANK 01	c.c. BOND RANK 02

SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT
708	INLET PROTECTION-SPECIAL	EA	60000	100000	6000000	550000	33000000	280800	1684800
708	REMOVE INLET PROTECTION-SPECIAL	EA	60000	25000	1500000	85000	5100000	32400	1944000
709	GEOSYNTHETIC MATERIAL TYPE R1	SY	45262000	3000	13578600	3000	13578600	3200	14483840
709	GEOSYNTHETIC MATERIAL TYPE RR	SY	54000	5000	270000	3000	162000	27000	1458000
714	PIPE CONC REINF 15IN CL III-STORM DRAIN	LF	2031000	125000	25387500	125000	25387500	135000	27418500
714	PIPE CONC REINF 18IN CL III-STORM DRAIN	LF	19000	150000	2850000	290000	5510000	313000	5947000
714	PIPE CONC REINF 24IN CL III-STORM DRAIN	LF	799000	170000	13583000	200000	15980000	216000	17258400
714	PIPE CONC REINF 30IN CL III-STORM DRAIN	LF	295000	250000	7375000	190000	5605000	205000	6047500
714	PIPE CONC REINF 36IN CL III-STORM DRAIN	LF	2019000	280000	56532000	250000	50475000	270000	54513000
714	PIPE CONC REINF 42IN CL III-STORM DRAIN	LF	2128000	335000	71288000	350000	74480000	378000	80438400
714	END SECT-CONC REINF 42IN	EA	2000	500000	1000000	500000	1000000	540000	1080000
714	PLUG PIPE-ALL TYPES & SIZES	EA	2000	350000	700000	200000	400000	216000	432000
722	MANHOLE 48IN	EA	1000	1000000	1000000	730000	730000	829000	829000
722	MANHOLE 60IN	EA	8000	1300000	10400000	1000000	8000000	1121000	8968000
722	MANHOLE 72IN	EA	13000	1400000	18200000	1500000	19500000	1661000	21593000
722	MANHOLE 84IN	EA	3000	2500000	7500000	1800000	5400000	1985000	5955000
722	MANHOLE 108IN	EA	1000	3000000	3000000	2700000	2700000	2957000	2957000
722	INLET-TYPE 2	EA	17000	670000	11390000	500000	8500000	540000	9180000
722	INLET-TYPE 2 DOUBLE	EA	45000	1050000	47250000	850000	38250000	918000	41310000
722	INLET SLOTTED DRAIN 15IN	LF	90000	400000	3600000	300000	2700000	324000	2916000
722	INLET SLOTTED DRAIN 18IN	LF	20000	500000	10000000	400000	8000000	432000	8640000
722	INLET CATCH BASIN-TYPE A	EA	2000	500000	1000000	350000	700000	378000	756000
722	ADJUST GATE VALVE BOX	EA	13000	500000	6500000	450000	5850000	205000	2665000
722	ADJUST MANHOLE	EA	1000	300000	300000	825000	825000	1130000	1130000
722	ADJUST MANHOLE SPECIAL	EA	1000	500000	500000	700000	700000	797000	797000
722	AIR RELIEF VALVE & MANHOLE	EA	1000	1500000	1500000	5000000	5000000	5441000	5441000
724	FITTINGS-DUCTILE IRON	LBS	2388000	3000	7164000	1800	4298400	19000	4537200
724	REMOVE GATE VALVE & BOX	EA	13000	250000	3250000	500000	6500000	540000	7020000
724	GATE VALVE & BOX 6IN	EA	2000	350000	700000	350000	700000	378000	756000
724	GATE VALVE & BOX 8IN	EA	3000	400000	1200000	450000	1350000	4860000	1458000
724	GATE VALVE & BOX 24IN	EA	1000	5000000	5000000	5300000	5300000	5724000	5724000
724	6IN HYDRANT	EA	4000	900000	3600000	1100000	4400000	1188000	4752000
724	HYDRANT-RELOCATE	EA	2000	500000	1000000	300000	600000	324000	648000
724	ADJUST HYDRANT	EA	1000	250000	250000	500000	500000	540000	540000
724	REMOVE HYDRANT	EA	7000	200000	1400000	400000	2800000	4320000	3024000
724	SLEEVE 24IN	EA	5000	500000	2500000	1000000	5000000	1080000	5400000
724	TAPPING SLEEVE AND VALVE 24IN X 10IN	EA	1000	1500000	1500000	1400000	1400000	1512000	1512000
724	TAPPING SLEEVE AND VALVE 24IN X 6IN	EA	2000	1500000	3000000	900000	1800000	972000	1944000
724	TAPPING SLEEVE AND VALVE 24IN X 8IN	EA	1000	1800000	1800000	1100000	1100000	1188000	1188000
724	WATERMAIN 6IN	LF	146000	115000	1679000	300000	4380000	324000	4730400
724	WATERMAIN 8IN	LF	169000	120000	2028000	500000	8450000	540000	9126000
724	WATERMAIN 16IN	LF	325000	200000	6500000	320000	10400000	346000	11245000
724	24IN WATERMAIN	LF	44000	120000	5280000	200000	8800000	216000	9504000
724	ADJUST SPRINKLER HEAD	EA	7000	500000	3500000	825000	5775000	432000	3024000
724	FORCEMAIN 10IN	LF	3051000	225000	68647500	120000	36612000	130000	39663000
724	FORCEMAIN 14IN	LF	978000	240000	23472000	200000	19560000	216000	21124800
724	FORCEMAIN 18IN	LF	2119000	250000	52975000	230000	48737000	248000	52551200

ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION
Deputy Director For Engineering:

AWARD TO: KNIFE RIVER CORPORATION - NORTH CENTRAL

WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.

32

DATE OF AWARD

DEPARTMENT OF TRANSPORTATION Deputy Director For Engineering

ND DEPARTMENT OF TRANSPORTATION

SHEET NO 3 OF 3

ABSTRACT OF BIDS RECEIVED

PROJECT NO. AC-NHU-1-981(137) CPU-1-981(140)	NO. 23859	BIDDER ENGINEERS ESTIMATE	BIDDER KNIFE RIVER CORPORAT ION - NORTH CENTRAL	BIDDER NORTHERN IMPROVEMENT COMPANY
COUNTY & DATE BURLEIGH (015) FEB 16, 2024 09:30AM LENGTH & TYPE 2.638 BISMARCK S WASHINGTON ST (BURLEIGH-DENVE			SAUK RAPIDS, MN	FARGO, ND
COMPLETION TIME 06/28/25 GRADING, AGGREGATE BASE, PCC PAVEMENT,		c.c. CHECK RANK 00	c.c. BOND RANK 01	c.c. BOND RANK 02

SPEC. NO.	ITEM DESCRIPTION	UNIT	QUANTITY	BID PRICE	AMOUNT	BID PRICE	AMOUNT	BID PRICE	AMOUNT
744	INSULATION BOARD	CF	469000	25000	1172500	60000	2814000	65000	3048500
748	CURB & GUTTER MOUNTABLE-TYPE I	LF	308000	55000	1694000	61500	1894200	66400	2045120
748	CURB & GUTTER-TYPE I	LF	2433000	55000	13381500	49250	11982525	53200	12943560
748	CURB & GUTTER-TYPE I 30IN	LF	12301000	55000	67655500	53900	66302390	58200	71591820
748	CURB-TYPE I	LF	114000	45000	5130000	78800	8983200	85100	9701400
750	PIGMENTED IMPRINTED CONCRETE	SY	855000	120000	10260000	205000	17527500	222000	18981000
750	SIDEWALK CONCRETE 4IN	SY	9150000	80000	73200000	57500	52612500	62600	57279000
750	SIDEWALK CONCRETE 6IN	SY	601000	150000	9015000	70000	4207000	75600	4543560
750	CONCRETE MEDIAN NOSE PAVING	SY	19000	150000	285000	329600	626240	356000	676400
750	DRIVEWAY CONCRETE 8IN	SY	18000	150000	2700000	200000	3600000	216000	3888000
750	DETECTABLE WARNING PANELS	SF	859000	50000	4295000	65000	5583500	70200	6030180
752	FENCE CHAIN LINK	LF	2412000	50000	12060000	29150	7030980	31200	7525440
754	FLAT SHEET FOR SIGNS-TYPE XI REFL SHEETING	SF	573000	25000	1432500	40000	2292000	43200	2475360
754	FLAT SHEET FOR SIGNS-TYPE IV REFL SHEETING	SF	323000	25000	807500	40000	1292000	43200	1395360
754	FLEXIBLE DELINEATORS-TYPE D	EA	38000	150000	5700000	65000	2470000	70000	2660000
754	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	LF	1195000	20000	2390000	17000	2031500	18400	2198800
754	RESET SIGN PANEL	EA	6000	60000	360000	125000	750000	135000	810000
754	RESET SIGN SUPPORT	EA	2000	300000	600000	200000	400000	216000	432000
754	OBJECT MARKERS - TYPE I	EA	4000	200000	800000	200000	800000	216000	864000
762	PREFORMED PATTERNED PVMT MK-MESSAGE(GROOVED)	SF	774000	45000	3483000	30000	2322000	32400	2507760
762	PREFORMED THERMO PLASTIC PVMT MK 6IN LINE	LF	937000	13000	1218100	10000	937000	10800	1011960
762	PREFORMED THERMO PLASTIC PVMT MK 24IN LINE	LF	722000	45000	3249000	30000	2166000	32400	2339280
762	PREFORMED THERMO PLASTIC PVMT MK MESSAGE	SF	69000	30000	2070000	20000	1380000	21600	1490400
762	PREFORMED PATTERNED PVMT MK 4IN LINE-GROOVED	LF	27567000	7500	20675250	6000	16540200	6500	17918550
762	PREFORMED PATTERNED PVMT MK 8IN LINE-GROOVED	LF	4535000	15000	68025000	12000	54420000	13000	58955000
770	LIGHTING SYSTEM A	EA	1000	340000000	340000000	322000000	322000000	345600000	345600000
770	LIGHTING SYSTEM B	EA	1000	200000000	200000000	225000000	225000000	240800000	240800000
772	IT SYSTEM	EA	1000	300000000	300000000	317000000	317000000	340200000	340200000
772	TRAFFIC SIGNAL SYSTEM - SITE 1	EA	1000	330000000	330000000	397250000	397250000	426600000	426600000
970	LANDSCAPING APPURTENANCES	L SUM	1000	80000000	80000000	19150000	19150000	28500000	28500000
970	SHELTER	EA	1000	15000000	15000000	18150000	18150000	19400000	19400000
970	TREES	EA	193000	750000	14475000	745000	14378500	910000	17563000
	TOTAL				1624228210		1698661865		1775827390
						NO LIMIT		NO LIMIT	

ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION
Deputy Director For Engineering:

AWARD TO: KNIFE RIVER CORPORATION - NORTH CENTRAL

WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.



Engineering Department

DATE: February 27, 2024

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 577 - Part A and Part B.

REQUEST:

Consider the request for resolution receiving bids and ordering preparation of the Engineer's Statement and request for resolution awarding contracts for Street Improvement District SI 577 - Part A and Part B.

BACKGROUND INFORMATION:

Street Improvement District 577 consists of seven units (153 blocks) of street maintenance. Street maintenance would include areas of resurfacing and reconstruction. Resurfacing would include patching, leveling, milling, overlay, chip seal, curb repair and related items; reconstruction would include curb repair, full depth pavement removal and replacement, subgrade modification, stormwater and ground water improvements and related items. Given the size of the district, it will be in two parts, Part A and Part B.

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.

The engineer's estimate for Part A is \$3,032,780; bids will be received on February 21, 2024. The engineer's estimate for Part B is \$4,250,375; bids will be received on February 22, 2024. The bid summaries and project budgets for both Part A and Part B will be distributed prior to the commission meeting.

Unit No. 1 (Part A)

Driftwood Lane – Medora Avenue to 330' north
Medora Avenue – Autumn Blaze Way to Mellowsun Drive
Medora Avenue – Amberglow Drive to Washington Street

Unit No. 2 (Part A)

Brome Avenue – Coleman Street to 130' west of Brome Loop
Coleman Court – Coleman Street to Cul-De-Sac
Coleman Drive – Brome Avenue to Calgary Avenue
Walter Way – Brome Avenue to 135' north

Unit No. 3 (Part A)

14th Street – Calgary Avenue to Harvest Lane
19th Street – 760’ north of Koch Drive to 100’ north of Century Avenue
Harvest Lane – 150’ east of State Street to 14th Street
Idaho Drive – 19th Street to 285’ west
Oregon Drive – 19th Street to 240’ west

Unit No. 4 (Part A)
Boulevard Avenue – Washington Street to 4th Street

Unit No. 5 (Part B)
Divide Avenue – 5th Street to 11th Street

Unit No. 6 (Part B)
12th Street – Broadway Avenue to Main Avenue
17th Street – Broadway Avenue to Main Avenue
Broadway Avenue – 7th Street to 17th Street

Unit No. 7 (Part B)
Fraine Barracks Road – River Road to 150’ north of Main Avenue
Griffin Street – Memorial Highway to Sweet Avenue
Hannifin Street – Memorial Highway to 265’ south
Memorial Highway – 200’ south of Main Avenue to Hannifin Street
River Road – 1180’ north of Fraine Barracks Road to Memorial Highway

Project Schedule

Receipt and Opening of Bids – Part A	February 21, 2024
Receipt and Opening of Bids – Part B	February 22, 2024
Award of Bid	February 27, 2024
Project Completion	Fall 2025

RECOMMENDED CITY COMMISSION ACTION:

Approval of Resolution Receiving Bids and Ordering Preparation of the Engineer’s Statements.

Approval of Resolution Awarding Contracts for Street Improvement District SI 577 Part A and Part B.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None



Engineering Department

DATE: February 27, 2024

FROM: Gabe Schell, City Engineer

ITEM: Sewer Improvement District SE 582/WPSP 392

REQUEST:

Consider the request for resolution receiving bids and ordering preparation of the Engineer's Statement and resolution awarding contract for Sewer Improvement District SE 582/WPSP392.

BACKGROUND INFORMATION:

Sewer Improvement District SE 582 consists of one unit of new storm sewer and related work in Paradise Valley and Paradise Valley 2nd Additions. SE 582 will be constructed under the same contract as the water and sanitary sewer installation for Paradise Valley additions, Water and Sewer Improvement Project WPSP 392. In accordance with the development agreement, the developer, MBR Properties, LLC, will fund WPSP 392.

The approved Engineering Report for SE 582 along with the district boundary map has been posted to the city website at www.bismarcknd.gov/streets.

The engineer's estimate for SE 582 and WPSP 392 is \$8,516,000; bids will be received on February 22, 2024. The bid summary and project budget will be distributed prior to the commission meeting.

Project Schedule

Receipt and Opening of Bids

Award of Bid

Project Completion

February 22, 2024

February 27, 2024

Fall 2024

RECOMMENDED CITY COMMISSION ACTION:

Approval of Resolution Receiving Bids and Ordering Preparation of the Engineer's Statement.

Approval of Resolution Awarding Contract for Sewer Improvement District SE 582/Water and Sewer Improvement Project 392

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:
None



Engineering Department

DATE: February 27, 2024

FROM: Gabe Schell, City Engineer

ITEM: City Concrete District (CC)24 - Parts A-1, A-2, and B

REQUEST:

Request for resolution creating district Parts A-1, A-2, and B, Resolution Approving Plans and Specifications, and authorization to advertise and receive bids for City Concrete (CC)24 - Parts A-1, A-2, and B

BACKGROUND INFORMATION:

This project includes the annual city concrete contracts to construct concrete sidewalks, driveways and other concrete as petitioned by land developers or homeowners and as needed by any city department during the 2024 construction season. The project is divided into three separate contracts. Contractors may submit a bid for any or all of these three parts of the city concrete contract.

The contracts are divided as follows:

Part A-1 - New Sidewalk, Driveway Aprons and Driveway Widening.

Property owners or developers will submit a petition for the improvements and designate whether they are to be installed by a private contractor or the city contractor (under this contract). If the improvements are to be installed by the city contractor, the petitioner may elect to pay for them directly or through a special assessment. The area and amount of this work will be determined by the petitions received.

Part A-2 - Sidewalk Gaps

Each year the City Commission determines which areas of the city to focus on to close the sidewalk gaps (see attached maps). Staff receives numerous requests from citizens identifying gap closure requests. Additionally, staff has reviewed areas of the city where there is a high probability of pedestrian traffic and a sidewalk gap prevents or limits pedestrian movements. This project contributes to the adopted strategic plan focus areas of all ages & all wages as well as complete connectivity.

This year staff recommends areas shown in blue on the attached maps. A list of the benefitting addresses and approximate lengths of sidewalks are included as exhibits. Included in this year's recommended sidewalk gap closures are areas of undeveloped lots within mostly developed areas and areas of known and potential pedestrian activity connecting parks,

commercial and/or residential properties.

Engineering will also be rolling out a new tool for the public to provide input on sidewalk connectivity in our community. The public will be able to engage with this tool and describe pedestrian crossing or gap issues. Engineering will use this information to inform decisions and recommendations we make for the sidewalk gap project and also our annual street maintenance projects. We will showcase this new tool in multiple locations on the city website and will support the rollout with additional public outreach. The link below is live and ready for public engagement <https://arccg.is/0iDSqv0>.

If the Commission approves the sidewalk gap areas, staff will send letters to the property owners with the sidewalk gaps. The property owner has the option to have the work completed by a private contractor or the city contractor. If the improvements are to be installed by the city contractor, the property owner may elect to pay for them directly or through a special assessment. If the property owner fails to return their petition by a specified date, those sidewalks will be constructed by the city contractor and special assessed to the benefiting property.

Part B - Hazardous Sidewalks and Miscellaneous Concrete Repair

Each year the City Commission determines which areas of the city to have staff inspect the sidewalks to identify and correct any hazardous sidewalks in those areas. This year staff recommends the area marked as 2024. The project area represents approximately 29.4 miles of existing sidewalk. Part B also will include miscellaneous concrete repairs paid through other City departments. These areas are usually related to concrete restoration after a water main break or curb and gutter damage caused by snow removal operations. All costs related to this contract are paid through the requesting City department's budget and are not special assessed.

If the Commission approves the areas for hazardous sidewalk inspections, staff will inspect all sidewalks in these areas. Additionally, staff will respond to complaints and requests regarding hazardous sidewalks throughout the community. For any sidewalk not meeting the City's specifications, the property owner of the hazardous sidewalk will be sent a letter asking them to correct the hazard. The property owner will have the option to have the work completed by a private, City-approved contractor or the City contractor. If the improvements are to be installed by the City contractor, the property owner may elect to pay for them directly or through a special assessment. If the property owner fails to return their petition by a specified date, those sidewalks will be constructed by the City contractor and special assessed to the benefiting property. The area and amount of this work to be performed are not known until after the staff evaluation is complete, so it is not possible to include the properties in a pre-approved list at this time.

Project Schedule

Authorization to Advertise:	February 27, 2024
Receipt and Opening of Bids:	March 18, 2024
Bid Award:	March 26, 2024
Project Completion:	June 1, 2025

RECOMMENDED CITY COMMISSION ACTION:

Resolution Creating District CC24 - Parts A-1, A-2, and B

Resolution Approving Plans and Specifications

Authorization to Advertise and Receive Bids for City Concrete (CC) 24 - Parts A-1, A-2, and B

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. 2024 Gap Sidewalk Exhibits
2. 2024 Gap Sidewalk Addresses
3. 2024 Hazardous Sidewalk Areas



Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

2911 Powder Ridge Drive





Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

3419 Chisholm Trail



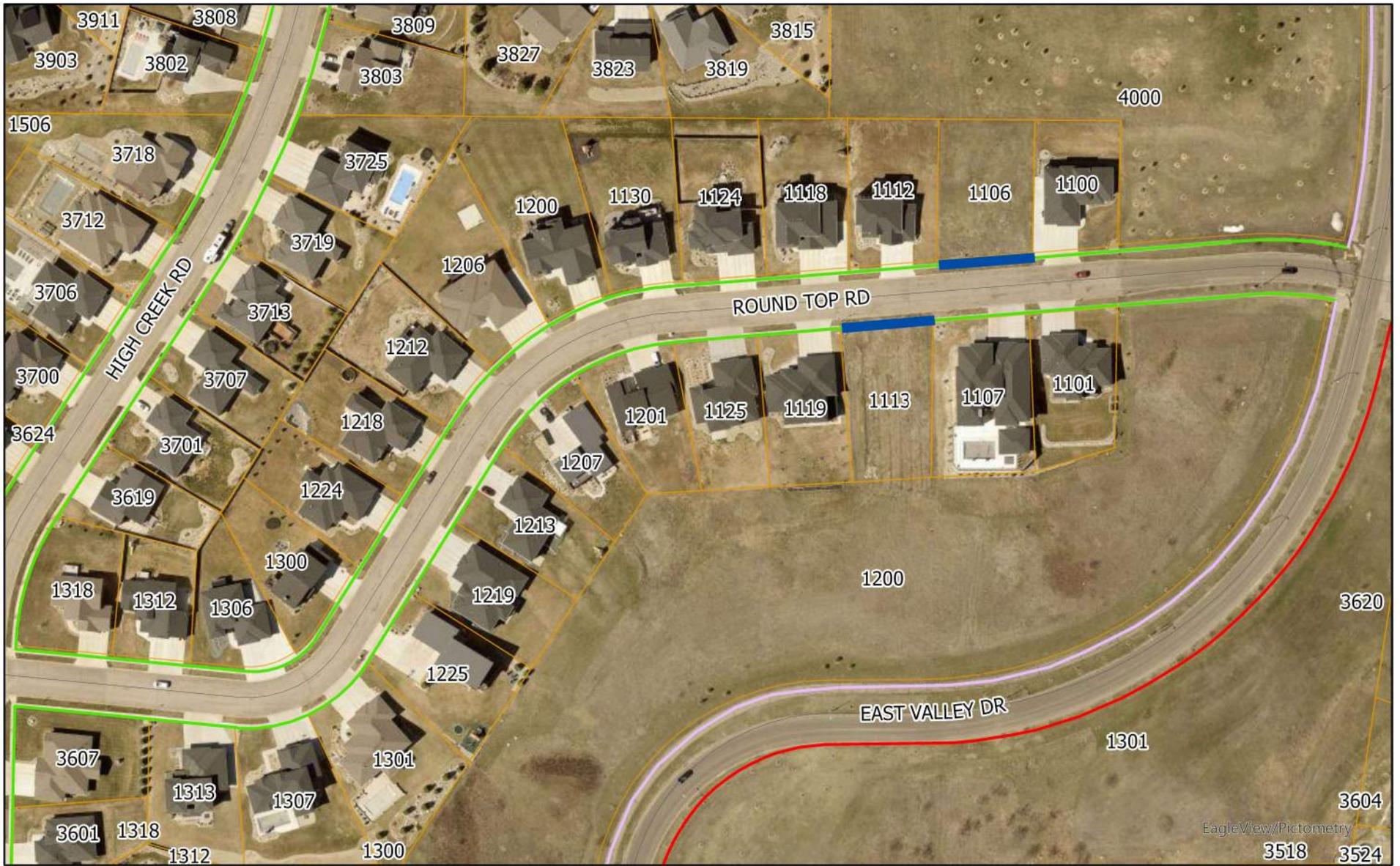


Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

3816 Clairmont Road





Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

Round Top Road



EagleView/Pictometry

3518 3524



Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

4200 High Creek Road





Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

316 Versailles Avenue





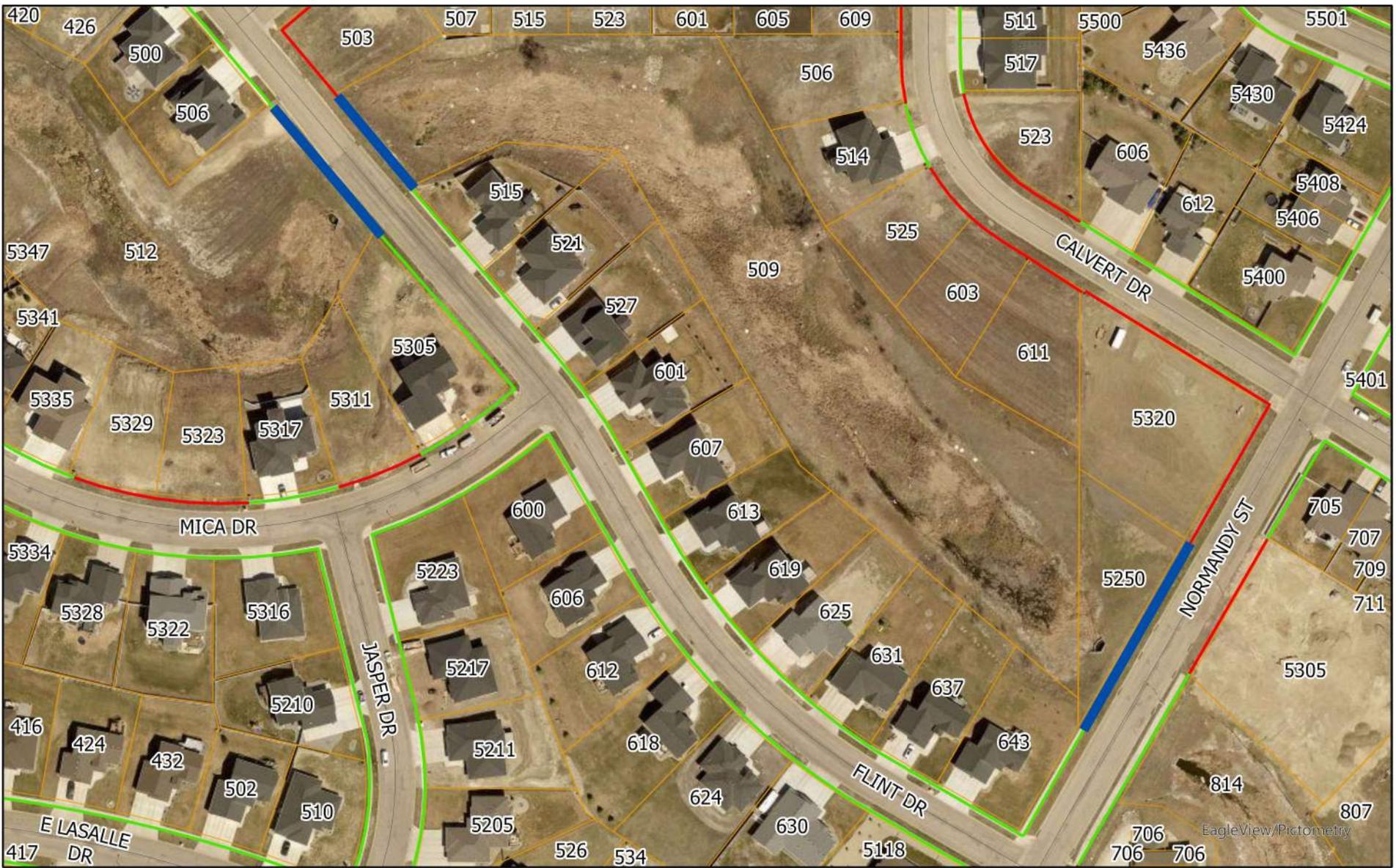
Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

Normandy & Coleman



EagleView/Pictometry

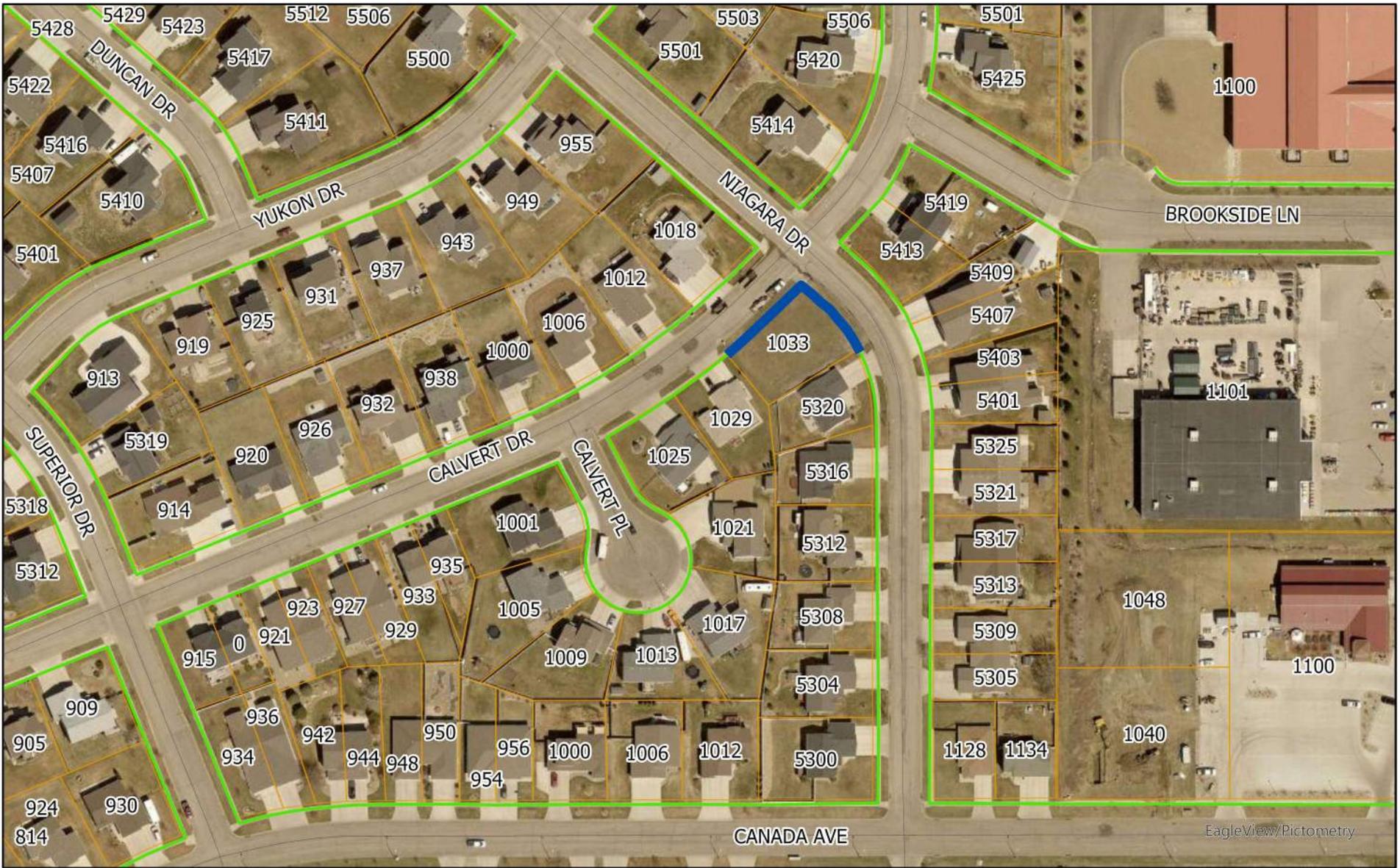


Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

Flint & Normandy





EagleView/Pictometry

Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

1033 Calvert Drive





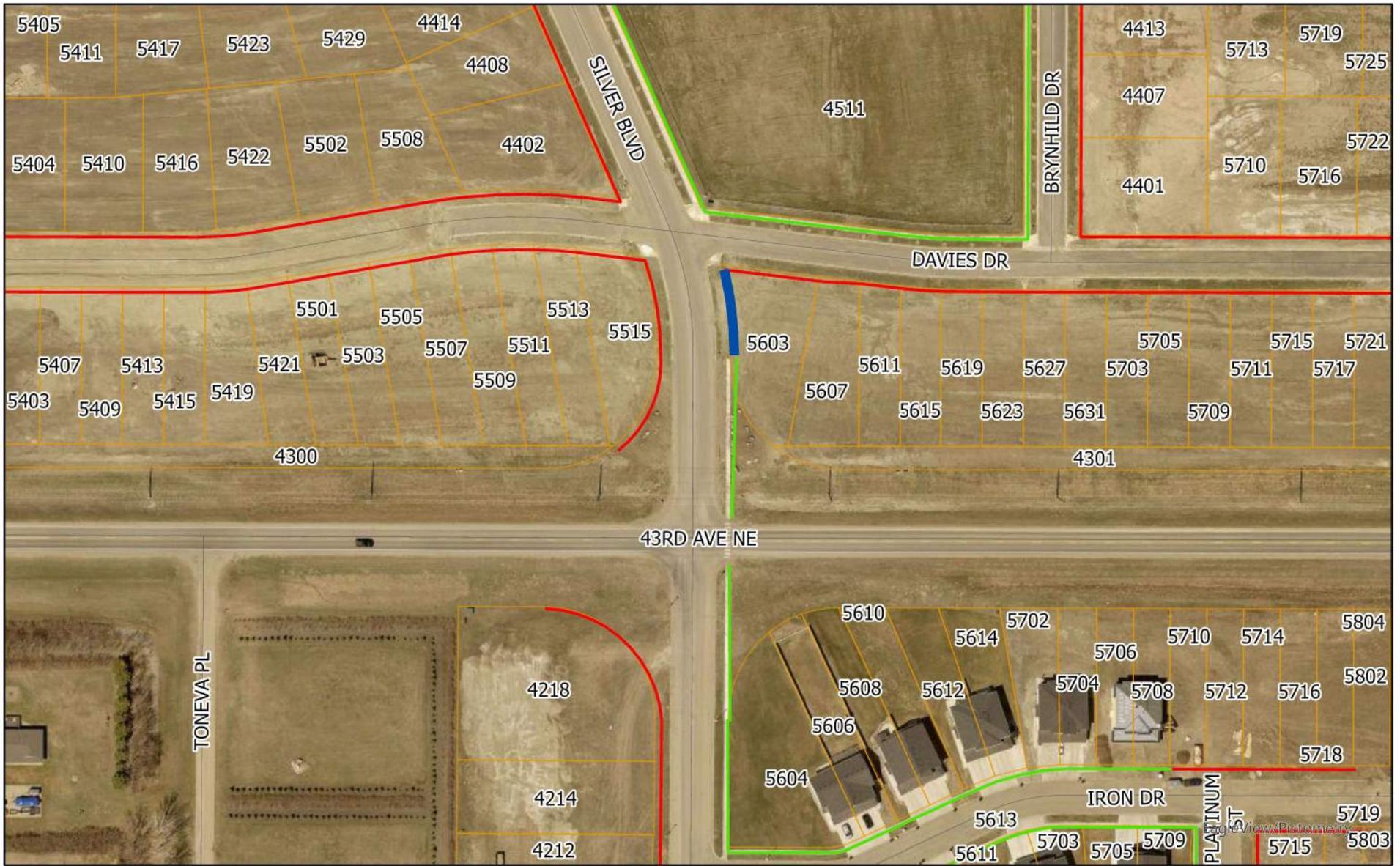
Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

3902 Nebraska Drive



EagleView/Pictometry



Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

5603 Davies Drive





Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

3254-3256 E. Capital Avenue



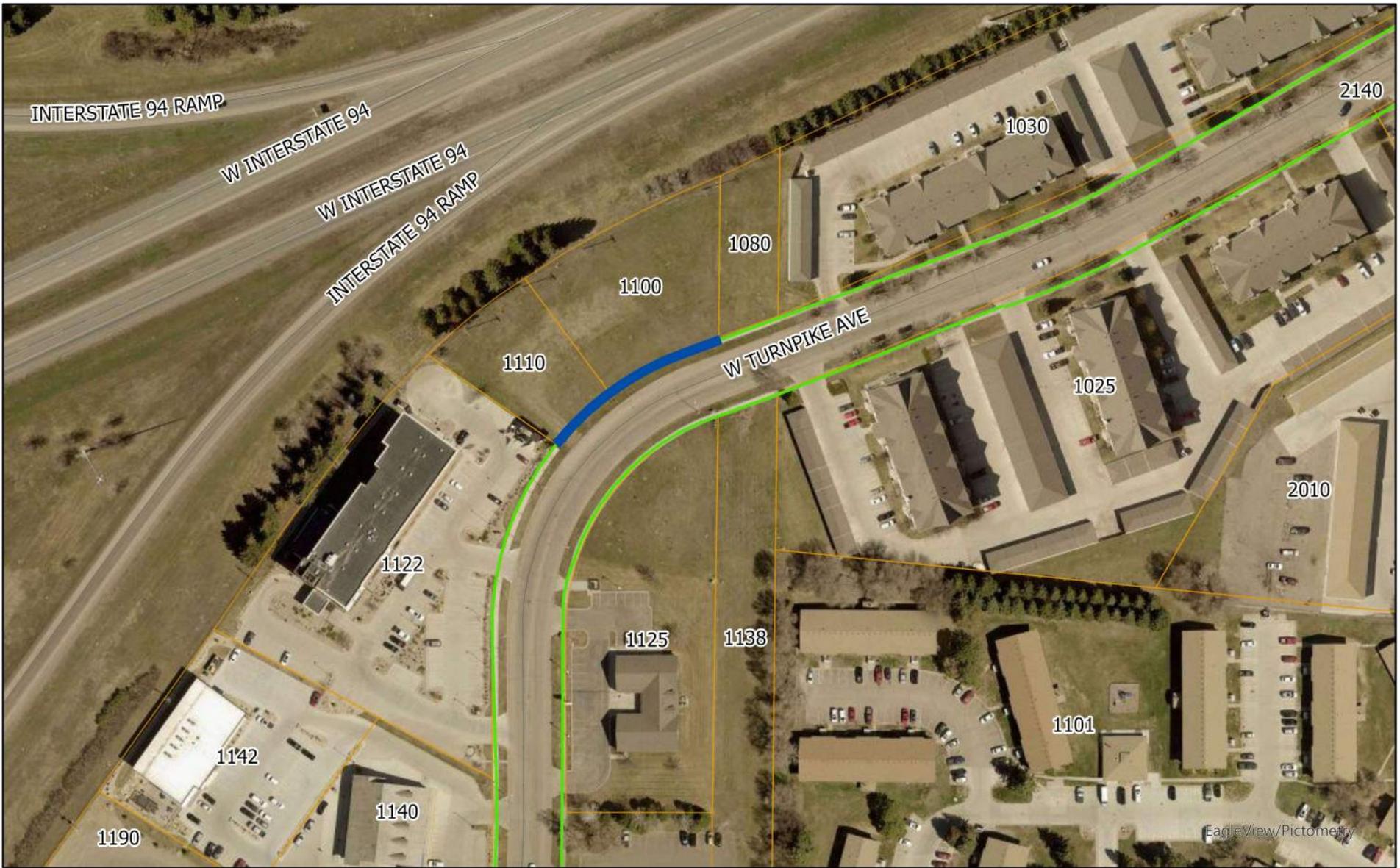


Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

3016 Sleepy Hollow Loop



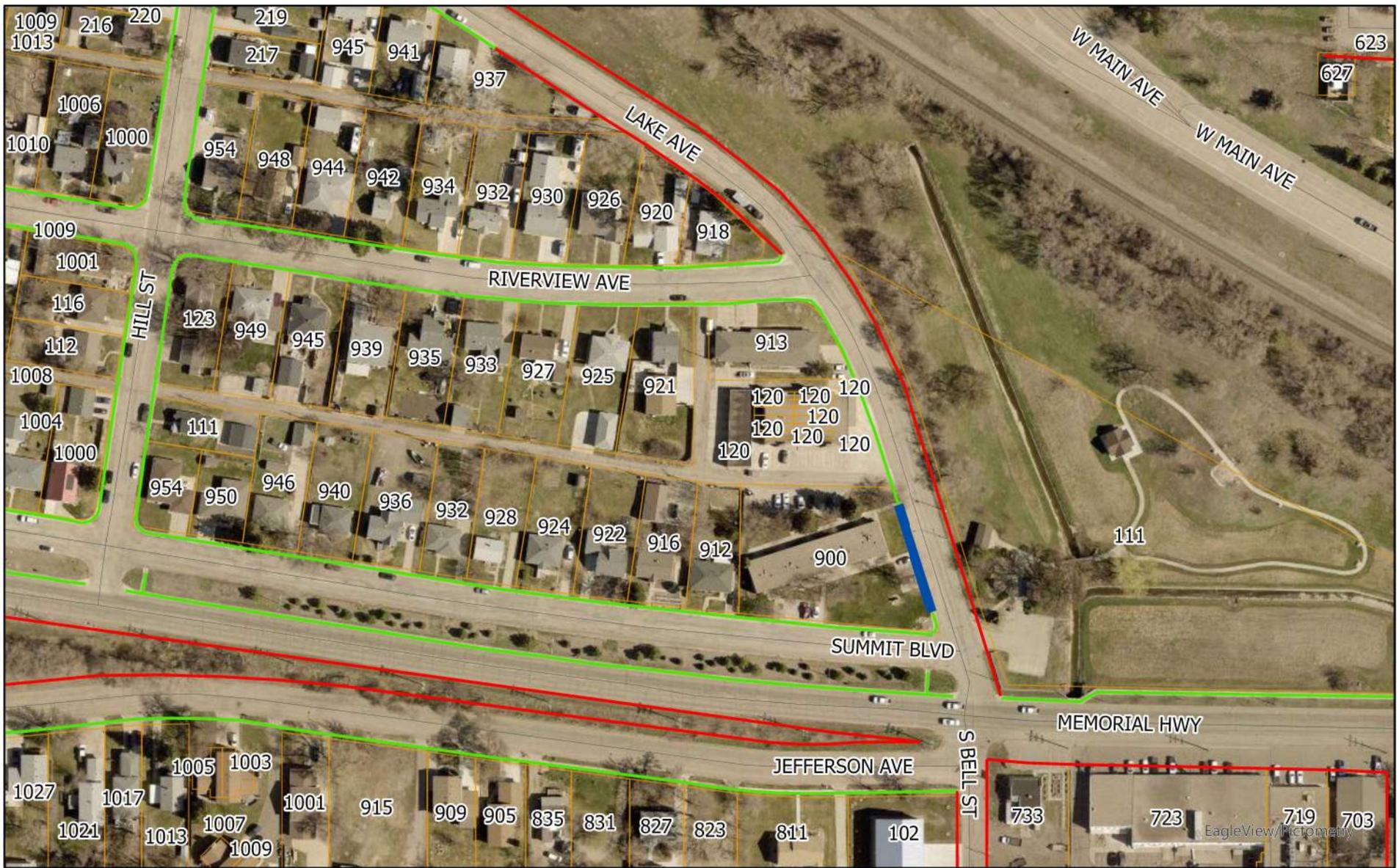


Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

1100-1110 W. Turnpike Avenue





Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

900 Summit Boulevard





Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

W. Sweet & S. Mandan





Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

S. 8th Street



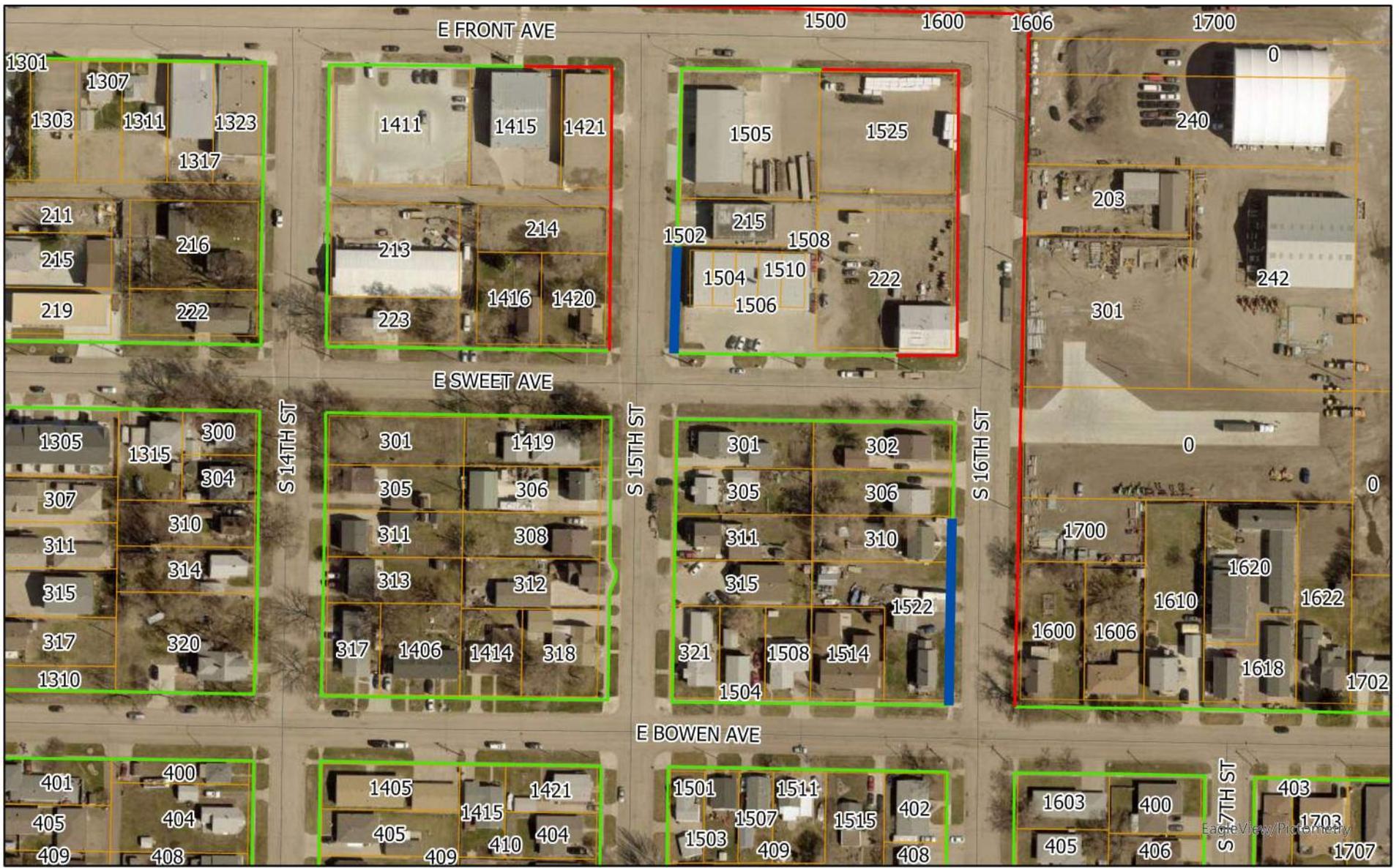


Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

1205 E. Front Avenue



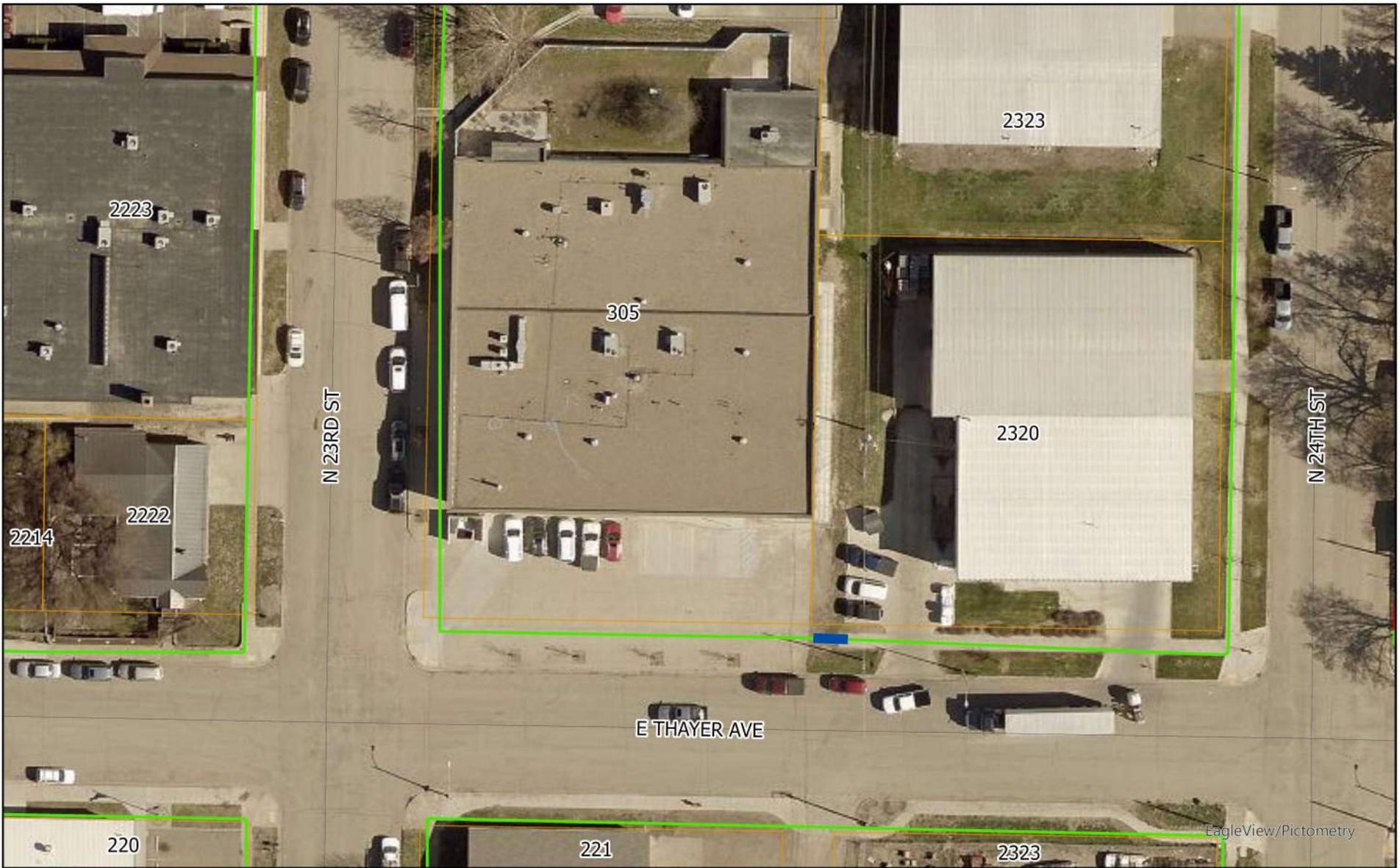


Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

S. 15th & 16th





Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

305 N. 23rd Street





Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

E. Thayer & N. 24th





Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- PENDING GAP CLOSURE

E. Broadway & Eastdale





Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

1342 Georgia Street





Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

2301 University Drive





Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

638 Cottonwood Loop





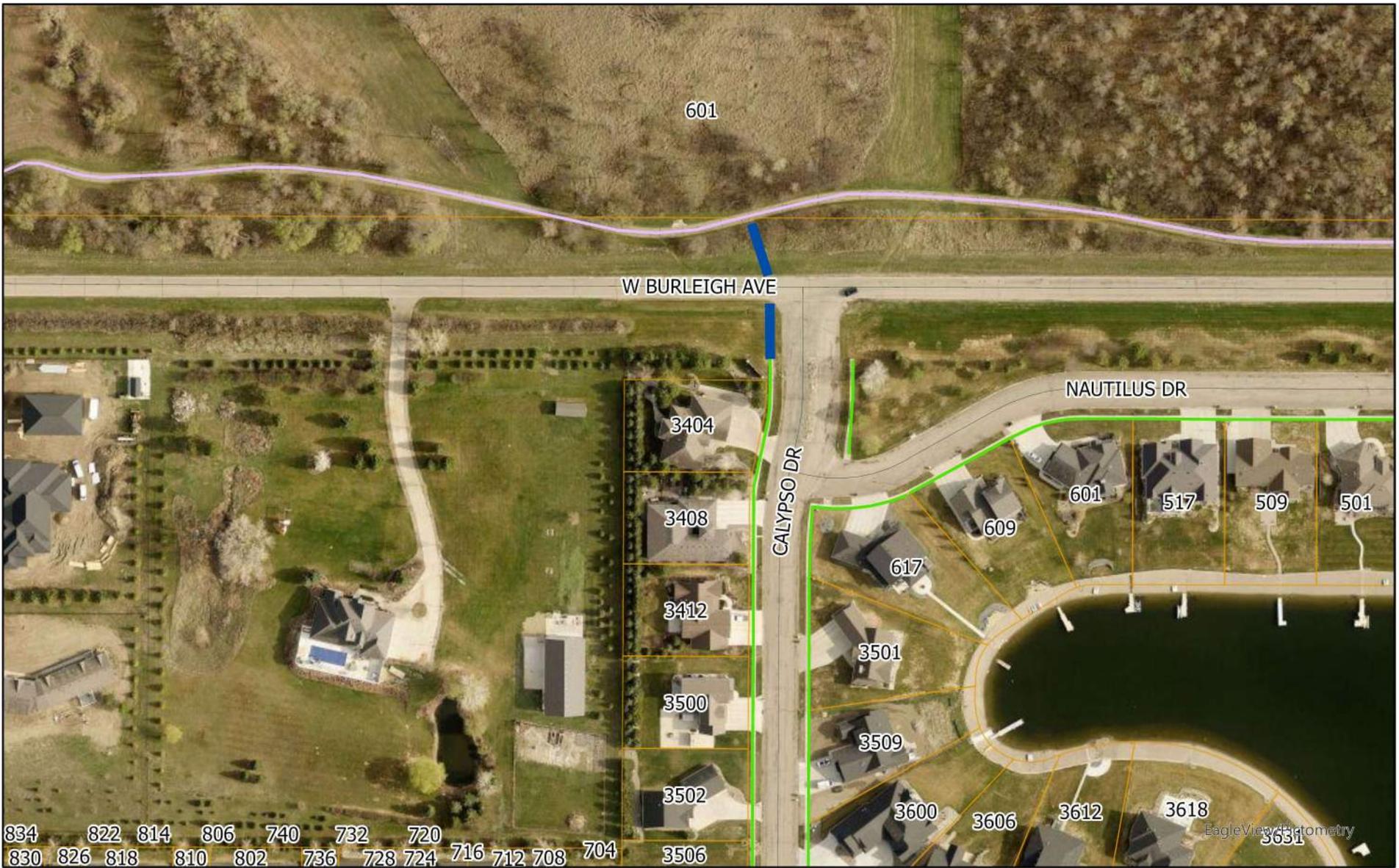
Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

1500 Clipper Place



EagleView/Pictometry



Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

W. Burleigh @ Calypso Trail Access



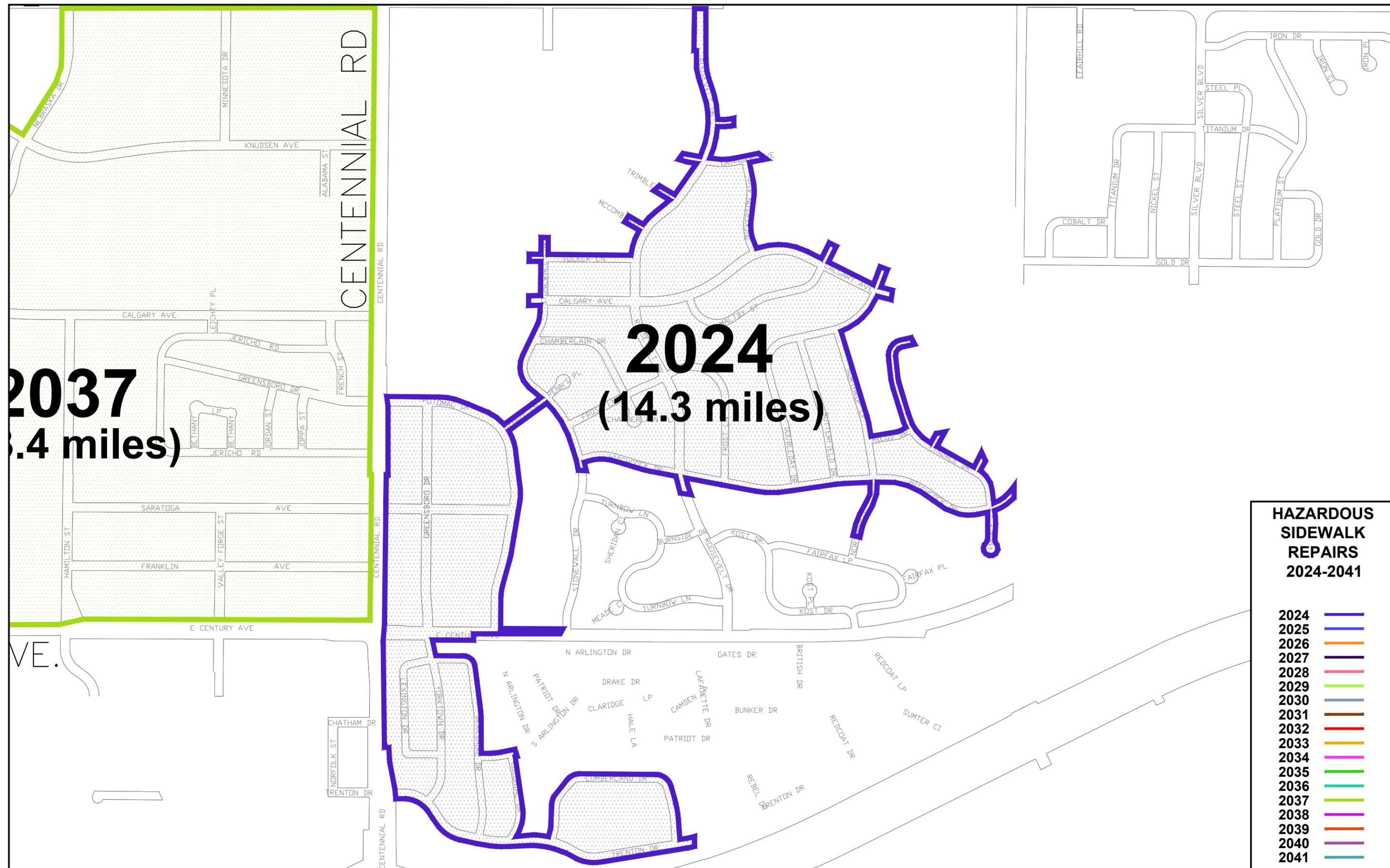
Address	Year Street First Constructed	Proposed Installation (LF)	Additional Work	Proposed Width
2911 Powder Ridge Drive	2012	88		4.5
3419 Chisholm Trail	2012	84		4.5
3816 Clairmont Road	2012	50		4.5
1106 Round Top Road	2011	105		4.5
1113 Round Top Road	2011	101		4.5
4200 High Creek Road	2011	89		4.5
1204 Golden Wave Drive	2008	86		4.5
1113 Medora Avenue	2008	84		4.5
316 Versailles Avenue	2005	344		6.0
4401 Normandy Street	2012	247		6.0
4500 Coleman Street	2007	568		6.0
509 Flint Drive	2020	131		4.5
512 Flint Drive	2020	183		4.5
5250 Normandy Street	2007	234		4.5
1033 Calvert Drive	2007	208		4.5
3902 Nebraska Drive	2013	111		4.5
5603 Davies Drive	2020	94		4.5
3254 E. Capitol Avenue	1979	37		4.5
3256 E. Capitol Avenue	1979	41		4.5
3016 Sleepy Hollow Loop	2006	68		4.5
1100 W. Turnpike Avenue	1983	135		6.0
1110 W. Turnpike Avenue	1983	81		6.0
900 Summit Boulevard	1950	87		4.5
301 S. Mandan Street	1958	140		6.0
201 W. Sweet Avenue	1958	127	ADA Ramp	4.5
405 S. 7th Street	1966	122		6.0
425 S. 7th Street	1966	128		6.0
505 S. 7th Street	1966	175		6.0
1205 E. Front Avenue	1954	115	ADA Ramp	6.0
1502-1510 E. Sweet Avenue	1963	112		6.0
310 S. 16th Street	1953	33		4.5
1522 E. Bowen Avenue	1953	142		4.5
305 N. 23rd Street	1950	14		6.0
2400 E. Broadway Avenue	1950	101		6.0
3125 E. Thayer Avenue	1975	123	ADA Ramp	6.0
3111 E. Broadway Avenue	1975	108		6.0
3131 E. Broadway Avenue	1975	182	ADA Ramp	6.0
2123 Morrison Avenue	1981	381		6.0
1342 Georgia Street	1979	41		6.0
2301 University Drive 8	2011	211		6.0
638 Cottonwood Loop	1989	83		4.5
1510 Clipper Place	1996	104		4.5
Burleigh Avenue & Calypso Drive trail crossing	2007	119	2 ADA Ramps	Variable 4.5-10
Total =		5817		

2037
(14.4 miles)

2024
(14.3 miles)

**HAZARDOUS
SIDEWALK
REPAIRS
2024-2041**

2024	Blue
2025	Light Blue
2026	Orange
2027	Dark Blue
2028	Pink
2029	Light Green
2030	Light Blue
2031	Brown
2032	Red
2033	Yellow
2034	Magenta
2035	Green
2036	Teal
2037	Light Green
2038	Purple
2039	Orange
2040	Purple
2041	Light Blue



2027
(12.1 miles)

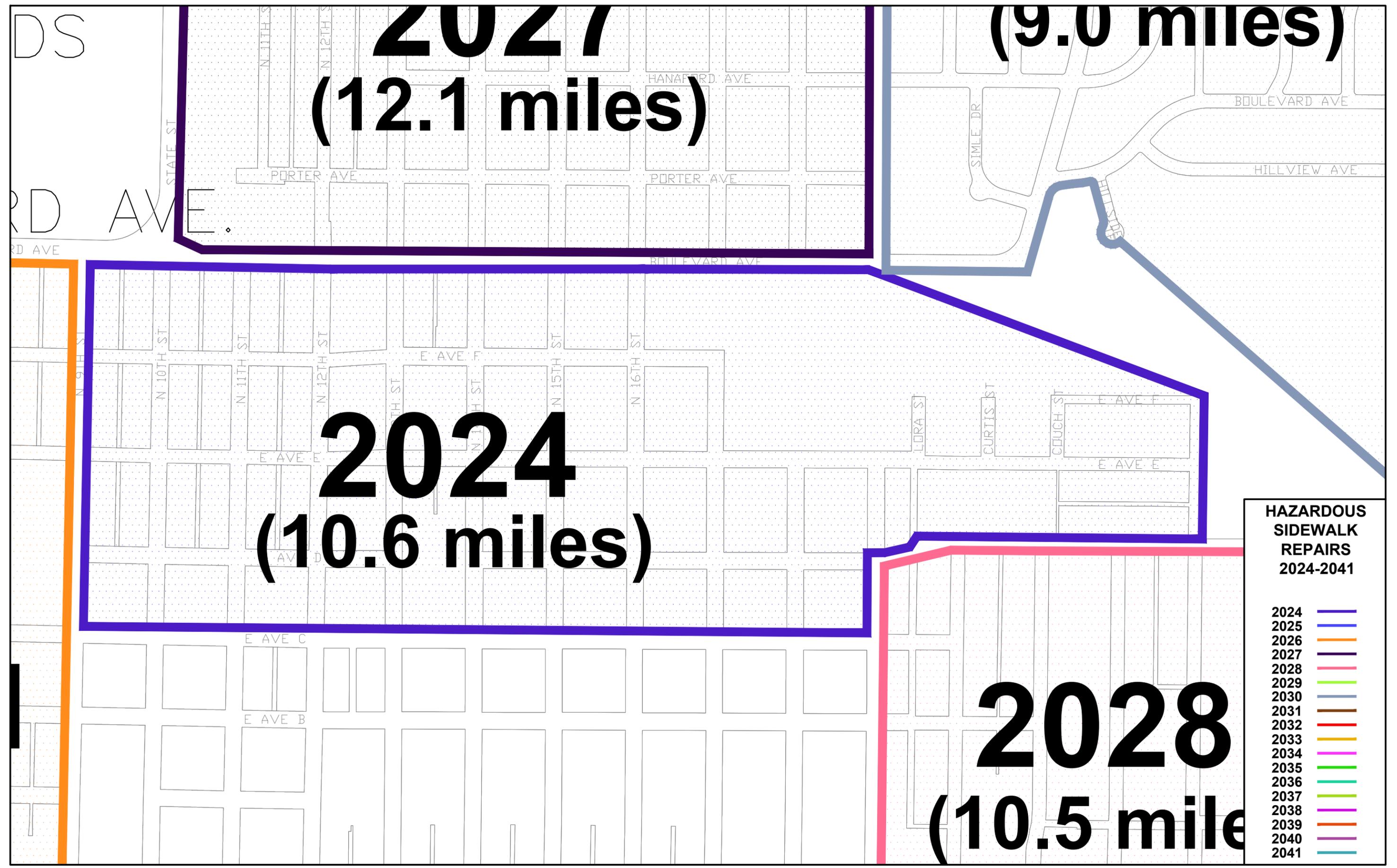
(9.0 miles)

2024
(10.6 miles)

2028
(10.5 mile)

**HAZARDOUS
SIDEWALK
REPAIRS
2024-2041**

- 2024
- 2025
- 2026
- 2027
- 2028
- 2029
- 2030
- 2031
- 2032
- 2033
- 2034
- 2035
- 2036
- 2037
- 2038
- 2039
- 2040
- 2041

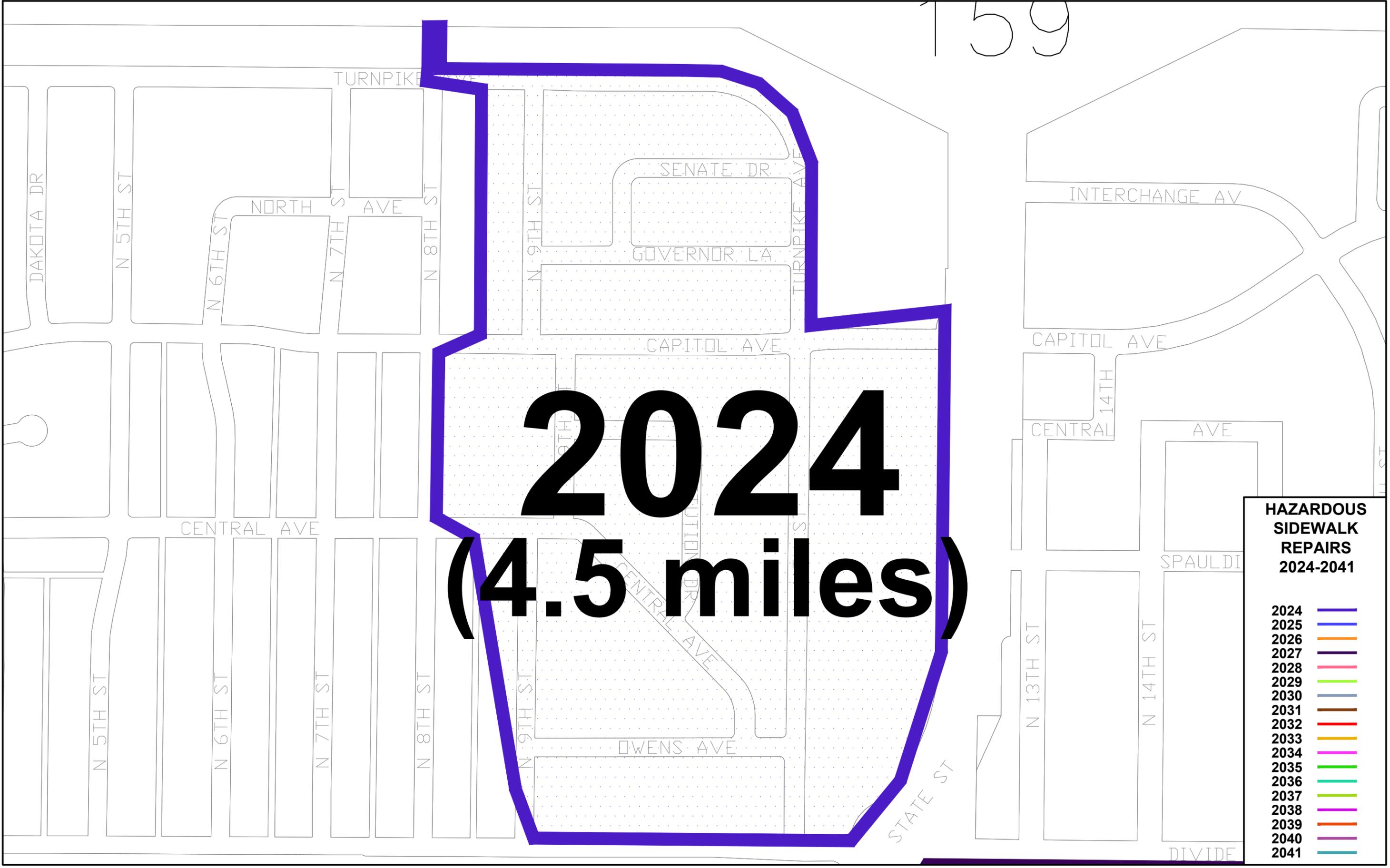


159

2024
(4.5 miles)

**HAZARDOUS
SIDEWALK
REPAIRS
2024-2041**

- 2024
- 2025
- 2026
- 2027
- 2028
- 2029
- 2030
- 2031
- 2032
- 2033
- 2034
- 2035
- 2036
- 2037
- 2038
- 2039
- 2040
- 2041





Finance Department

DATE: February 27, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Vision Fund Replenishment

REQUEST:

Consider requesting resources from NPCC to refill the Vision Fund for projects and ongoing costs.

BACKGROUND INFORMATION:

The Vision Fund has a non-committed balance of less than \$300,000. Annually, the Vision Fund pays \$200K - \$250K in fees for economic development in addition to annual projects / applications that are submitted to the Vision Fund Committee more frequently with the current interest rate environment. Vision Fund uses funds to provide loans to businesses/development at a below-market interest rate based on an established criterion, which should create a benefit for development. The Vision Fund Committee discussed future resources at the February 16, 2024, meeting. Vision Fund Committee is requesting that the City Commission approve a transfer of \$1 million from the Northern Plains Commerce Center (NPCC) to cover future approved low-interest rate loans for economic development projects. The purchase/sale of properties in the Northern Plains Commerce Center (NPCC) was original financed by the Sales Tax Fund in 2006 as an economic development project. Properties were developed and sold by the City since then and accumulated a cash balance from those proceeds.

RECOMMENDED CITY COMMISSION ACTION:

Approve a transfer of \$1 million from the NPCC Fund to the Vision Fund.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None



Administration Department

DATE: February 27, 2024

FROM: Michael Schmitz, Mayor

ITEM: Department Director Employment and Performance Policy.

REQUEST:

Continued discussion and approval of department director employment and performance processes.

BACKGROUND INFORMATION:

At the January 23, 2024, City Commission meeting, the Board reviewed the amended Department Director Employment and Performance Process Policy. At the meeting, the Commission directed staff to amend the drafted policy regarding how the City Administrator interacts with the City Commission regarding supervision of department directors. The amended policy is attached for consideration and approval.

RECOMMENDED CITY COMMISSION ACTION:

Approve the department director employment and performance process policy.

STAFF CONTACT INFORMATION:

Michael Schmitz, Mayor, mschmitz@bismarcknd.gov

ATTACHMENTS:

None



Human Resources Department

DATE: February 27, 2024

FROM: Leanne Schmidt, Human Resources Director

ITEM: Assistant City Administrator Recruiting

REQUEST:

Provide direction for recruiting to fill the vacant Assistant City Administrator position.

BACKGROUND INFORMATION:

Jason Tomanek was selected as the City Administrator on February 15, 202402/15/2024. Typically, the process for filling appointed and director-level positions involves a competitive process coordinated by the Human Resources Department Director and staff. Based on discussions between the Mayor and Jason, we'd like to move forward with recruiting internally to city employees to fill the position. The process would include the accomplishments survey, the General Management In Box exercise, and interviews with the city commission.

RECOMMENDED CITY COMMISSION ACTION:

Provide approval to recruit internally for Assistant City Administrator.

STAFF CONTACT INFORMATION:

Leanne Schmidt, Human Resources Director, 701-355-1332, lschmidt@bismarcknd.gov

ATTACHMENTS:

None



Bismarck Event Center

DATE: February 27, 2024

FROM: Charlie Jeske, Director

ITEM: Executive Session

REQUEST:

Request to go into executive session under NDCC 44-04-19.1 (9) for contract negotiation / negotiation strategy.

BACKGROUND INFORMATION:

Interest has been made concerning a potential event for the Bismarck Event Center.

RECOMMENDED CITY COMMISSION ACTION:

Adjourn into executive session under NDCC 44-04-19.1 to discuss direction for the Bismarck Event Center regarding the potential event.

STAFF CONTACT INFORMATION:

Charlie Jeske, Director, 701-355-1372, cjeske@bismarcknd.gov

ATTACHMENTS:

None



Engineering Department

DATE: February 27, 2024

FROM: Gabe Schell, City Engineer

ITEM: Executive Session

REQUEST:

Consider the request from the Engineering Department to enter Executive Session under North Dakota Century Code Section 44-04-19.2 regarding contract negotiation/negotiation strategy under NDCC Section 44-04-19.1 (9).

BACKGROUND INFORMATION:

The purpose of this request is to enter into an executive session for the consideration of land acquisition outside of city limits.

RECOMMENDED CITY COMMISSION ACTION:

Approve the request to enter an Executive Session under North Dakota Century Code Section 44-04-19.2 regarding contract negotiation/negotiation strategy under NDCC Section 44-04-19.1 (9) for the purpose of the consideration of potential acquisition of a property outside of city limits.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None