



Board of City Commissioners

The Board of City Commissioners is scheduled to meet on Tuesday, June 11, 2024, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

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.

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

CALL TO ORDER

FUTURE COMMISSION MEETINGS

- June 25, 2024
- July 9, 2024 & July 23, 2024
- August 13, 2024 & August 27, 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. PROCLAMATION

- Juneteenth

Documents:

[2024 Juneteenth Proclamation.pdf](#)

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:

[May 28, 2024 - Minutes.pdf](#)

B. Consider approval of personnel actions

Documents:

[HR - Personnel Actions.pdf](#)

C. Consider approval of expenditures

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

1. Gaming Site Authorization Renewals.
2. Liquor License Renewals.
3. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for KTP Boutique, LLC. (dba) Apricot Lane Boutique at 4228 Boulder Ridge Road, Suite 4.
4. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for Lotus Nail Bar & Spa, LLC. at 1401 Skyline Blvd, Suite C.

Documents:

[C\) ADMIN - Gaming Site Authorizations.pdf](#)
[C\) ADMIN - Liquor License Renewals.pdf](#)
[C\) ADMIN - Apricot Lane Boutique Liquor License Application.pdf](#)
[C\) ADMIN - Lotus Nail Bar and Spa Liquor License Application.pdf](#)

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

1. Asphalt Surface Technologies Corporation Change Order #1 to August 11, 2023, Agreement.
2. Funding request for appeal of Transportation Security

Administration (TSA) National Amendment 23-02 Aviation Worker Screening.

Documents:

- [C\) AIR - Asphalt Surface Technologies Corp Change Order.pdf](#)
- [C\) AIR - TSA Aviation Worker Screening Amendment.pdf](#)

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

1. Permission to accept donated mosquito traps from Western Plains Public Health.
2. Permission to accept a donation to the Women's Way Program.

Documents:

- [C\) BBPH - Western Plains Public Health Donation.pdf](#)
- [C\) BBPH - Womens Way Program Donation.pdf](#)

G. Consider the request for approval from the Bismarck Veterans Memorial Library for the following:

1. Appointment of Nancy Guy to the Library Board of Directors.

Documents:

- [C\) LIBRARY - Board of Directors Appointment.pdf](#)

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

1. Introduction of and call for a public hearing on Ordinance 6578, a zoning map amendment, and major subdivision final plat for Central Outpost Subdivision.
2. Introduction of and call for a public hearing on Ordinance 6579, a zoning ordinance text amendment.
3. Introduction of and call for a public hearing on Ordinance 6580, a zoning map amendment, development agreement, and major subdivision final plat for Fettig Subdivision.
4. Introduction of and call for a public hearing on Ordinance 6581, a zoning map amendment and major subdivision final plat for West Region Medical Addition.
5. Introduction of and call for a public hearing on Ordinance 6582, relating to the Renaissance Zone Authority.
6. Permission to apply for renewal of the "Bicycle Friendly Community" designation.

7. Proposed changes to the 2024 Urban Functional Classification System.

Documents:

- [C\) CD - Ord 6578.pdf](#)
- [C\) CD - Ord 6579.pdf](#)
- [C\) CD - Ord 6580.pdf](#)
- [C\) CD - Ord 6581.pdf](#)
- [C\) CD - Ord 6582.pdf](#)
- [C\) CD - Bicycle Friendly Community Renewal Application.pdf](#)
- [C\) CD - MPO 2024 Functional Class System.pdf](#)

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

1. Receive notice of Contract Change Order No. 1 for Highway Construction Project 158.
2. Contract Change Order No. 1 and Revised Budget for Highway Construction Project 167.
3. Sidewalk easements at the intersection of 19th Street and Calgary Avenue.

Documents:

- [C\) ENG - HC 158.pdf](#)
- [C\) ENG - HC 167.pdf](#)
- [C\) ENG - Sidewalk Easements.pdf](#)

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

1. Applications for Abatement.

Documents:

- [C\) FIN - Applications for Abatement.pdf](#)

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

1. Accept donation from Wallace Birkland.
2. Permission to purchase police patrol rifles from Scheels.

Documents:

- [C\) PD - Patrol Rifles Purchase.pdf](#)
- [C\) PD - Wallace Birkland Donation.pdf](#)

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

1. Permission to sell /dispose of Solid Waste Collection Multi-Pack Garbage Truck at public auction.
2. Permission to award the contract for Tire Recycling to Saber Shred Solutions, Inc.

Documents:

[C\) PW SO - Dispose of 2014 Multi-Pack Garbage Truck.pdf](#)

[C\) PW SO - Tire Recycling Contract Award.pdf](#)

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

1. Work Authorization 2 with PKG Contracting, Inc., for the Wastewater Treatment Plant Flow Equalization (FEQ) Project.

Documents:

[C\) PW UO - PKG Work Authorization.pdf](#)

4. REGULAR AGENDA

A. Consider the recommendation from the Vision Fund Committee to support a Flex PACE program interest buy-down for the Heartview Foundation.

Documents:

[R\) ADMIN - Heartview Foundation Vision Fund Application.pdf](#)

B. Public hearing for the conditional release of the 20-foot stormwater and drainage easement on Lots 1 and 2, Block 1, Whispering Ridge Second Subdivision, requested by Knutson Homes and Rodney and Kathryn Froelich.

Documents:

[R\) CD - Whispering Ridge Second Subdivision.pdf](#)

C. Consider the request from the Bismarck Airport to receive and consider bids for the Airfield Painting Project.

Documents:

[R\) AIR - Airfield Painting Project.pdf](#)

D. Consider the request from Public Works Service Operations to enter Executive Session under North Dakota Century Code Section 44-04-19.2 regarding contract negotiations/negotiation strategy under NDCC Section

44-04-19.1 (9).

Documents:

[R\) PW SO - Executive Session.pdf](#)

5. Other Business

ADJOURN

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PROCLAMATION

WHEREAS, the City of Bismarck has a heritage to continue building upon, past and present, which will inform Juneteenth 2024; and

WHEREAS, our nation was conceived on July 4th, 1776, with the Declaration of Independence proclaiming: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness"; and

WHEREAS, on January 1, 1863, President Abraham Lincoln signed the Emancipation Proclamation, providing that all persons held as slaves within any State or designated part of a State "shall be then, thenceforward, and forever free"; and

WHEREAS, Juneteenth originated on June 19, 1865, when the Union Army reached Galveston, Texas, to announce the end of the American Civil War and that all African Americans were emancipated from the institution of slavery; and

WHEREAS, the celebration of the end of slavery, which is known as Emancipation Day, and later became known as Juneteenth, is the oldest known public celebration of the end of slavery in the United States; and

WHEREAS, one hundred fifty-nine years later (1865 to 2024) and 1,650 miles away (Galveston to Bismarck), the Juneteenth celebration honors the heritage of what the emancipation of all African Americans meant from the American Civil War to the present, nationally and locally; and

WHEREAS, this local heritage and history shows the arc of human liberation, one story after another, one successive generation after another; and

WHEREAS, one of the first African Americans to arrive in our area was York, an enslaved human being of Captain William Clark, who accompanied the Corps of Discovery and moved through the area known as Shepherd's Creek (aka, today's Apple Creek) from October 20 and 21, 1804; and



WHEREAS, Sally Campbell, an African American laundress stationed at Fort Abraham Lincoln during the 1870s, legally earned her emancipation in the same Saint Louis courthouse where the Dread Scott case was heard; and

WHEREAS, Era Bell Thompson graduated from Bismarck High School in the 1910s, and later charted her own path of journalism by becoming editor and journalist of Ebony magazine in Chicago; and

WHEREAS, Satchel Paige arrived in our city in 1933 to pitch for the Bismarck Churchill's, helping them achieve a 38-12-5 record and claim the state championship that year; and

WHEREAS, as Bismarck's past demonstrates an African American history of explorers, entrepreneurs, artists, athletes, scholars, and civically engaged individuals, Juneteenth embraces present individuals charting a better future; and

WHEREAS, building on this non-exhaustive history, Juneteenth continues to empower groups to gather, and share past stories, present hopes and ideals that continue to inspire one another to chart and determine their futures; and

WHEREAS, the celebration of Juneteenth serves as a reminder of further progress we must make toward equity and reminds each of us of the precious promises of freedom, equality, and opportunity, which are at the core of the American Dream; and

WHEREAS, our community is committed to continued conversations with all citizens who have a desire to work collaboratively to address racial inequities, embrace past and present heritage and cultural diversity, and be a beacon of a diverse community.

THEREFORE, BE IT RESOLVED that I, Michael Schmitz, Mayor of the City of Bismarck, on behalf of this City Commission, do hereby proclaim June 19th, 2024, as Juneteenth in the City of Bismarck.

Signed this 11th day of June 2024.

Michael Schmitz, Mayor
Bismarck Board of City Commissioners



MEETING OF THE BOARD OF CITY COMMISSIONERS

5/28/2024 - Minutes

CALL TO ORDER

The Board of City Commissioners met on May 28, 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

- o June 11, 2024 & June 25, 2024
- o July 9, 2024 & July 23, 2024
- o August 13, 2024 & August 27, 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

John Simmers with the Bismarck Aero Center spoke in opposition to the proposed development agreement in Regular Agenda Item 3.G.

2. CONSENT AGENDA

Commissioner Marquardt motioned to approve the Consent Agenda 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: 1117884 to 1118165.

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

1. Gaming Site Authorization Renewals.
2. Liquor License Renewals.

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

1. Permission to apply for Bismarck Parks and Recreation District's Matching Grant funds.

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

1. Permission to apply for a FY24 Section 5307 grant.
2. Receive information relating to a special meeting to amend section 14-04-19 of the City Code of Ordinances relating to the Flood Insurance Rate Map (FIRM) effective date and requirements for manufactured home parks, enclosures, and substantial improvements – Zoning Ordinance Text Amendment.

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

1. Receive bids and award contract for Project HC 168.
2. Resolution approving the engineers' report, approving the plans and specifications, and directing the advertisement of bids and receiving bids for Sewer Improvement District SE 582.
3. Dedication and acceptance of an access easement in Silver Ranch Third Addition.

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

1. Applications for Abatement.

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

1. Receive, consider, and approve the updated Community Participation Plan.
2. Receive, consider, and approve the City of Bismarck Title VI Plan updated changes from the Federal Aviation Administration.

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

1. Dispose of a bomb squad trailer that is obsolete and serves no purpose for the City of Bismarck.

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

1. Permission to award the bid for design and construction administration services for the Fire Station 2 generator replacement project to Apex Engineering Group, Inc.
2. Permission from the Weeds Division to assist the Bismarck Parks and Recreation District, as a subrecipient, for two (2) noxious weeds management grant awards.
3. Permission to accept the Targeted Assistance Grant (TAG) Award from the

North Dakota Department of Agriculture.

4. Permission for Fleet Services to sell Bismarck Parking Authority's 2012 Chevrolet Silverado 4x4 Pickup at public online auction.

5. Permission for the Solid Waste Division to sell/dispose of items at public online auction.

6. Permission for the Fleet Services Division to sell truck boxes at public auction.

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

1. Change Order No. 1 to BEK Consulting Inc. contract for the Hay Creek Interceptor Project (SU90), Century Ave to Calgary Ave.

3. REGULAR AGENDA

- A. Public hearing on a request for a new Class C-2: Hotel or Motel Alcohol license for Merlin Hotel Group, LLC. dba Days Inn Bismarck, ND at 1300 E Capitol Ave.

Mayor Schmitz opened the public hearing. No members of the public appeared for comment.

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

- B. Public hearing on a request for a new Class E - Sale at Retail of Beer Only Liquor License for Tri-Energy Cooperative (dba) Tri-Energy Cenex - Expressway at 3801 East Rosser Avenue.

Mayor Schmitz opened the public hearing. Sarah Tschider the general manager for Tri-Energy Cooperative was available for questions.

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

- C. Public hearing on a request for a new Class I-2: Complementary Alcohol license for Rainbow Nails & Spa, LLC. at 722 South 26th Street, Units A & B.

Mayor Schmitz opened the public hearing. No members of the public appeared for comment.

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

- D. Consider request to receive update on half cent sales tax and assign Tyler Parkway Extension as the next half-cent sales tax funded project and begin preliminary engineering.

Gabe Schell, City Engineer provided an update on the half-cent sales tax for arterial road construction and reconstruction which was passed in 2018. The half-cent sales tax has a 10-year sunset, with the proposed Tyler Parkway Extension being the last project.

Commissioner Marquardt motioned to approve the item as presented and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

<https://www.bismarcknd.gov/DocumentCenter/View/46953/Item-3D---May-28-2024-PDF>

- E. Consider the request to receive an update regarding the Bismarck Event Center.

Amanda Yellow, Acting Event Center Director, provided an update on Bismarck Event Center activities that have taken place the last three months as well as upcoming events. Acting Director Yellow also presented the Event Center's Annual Report.

The Commission received the report.

<https://www.bismarcknd.gov/DocumentCenter/View/46954/Item-3E---May-28-2024-PDF>

- F. Consider the request by Executive Air Taxi Corporation (EATC) to amend its Development Agreement Hangar size from 260' x 120' to 280' x 120'.

Mayor Schmitz recused himself from the item due to a conflict of interest.

Greg Haug, Bismarck Airport Director, and Timothy Thorsen, Bismarck Airport Assistant Director provided information to the Commission regarding the request from Executive Air Taxi Corporation (EATC) to amend its Development Agreement Hangar size from 260' x 120' to 280' by 120'.

Paul Vetter, a representative with EATC provided information regarding the request.

John Simmers, with Bismarck Aero Center (BAC), addressed the Commission regarding BAC's lease agreement with Bismarck Airport.

Commissioner Cleary expressed concerns for the BAC and the impact that construction may have on their business.

Commissioner Zenker motioned to approve the request as presented and Commissioner Cleary seconded. Upon a roll call vote, Commissioners Cleary, Zenker, Connelly, and Marquardt voted aye. Mayor Schmitz abstained from voting. M/C.

<https://www.bismarcknd.gov/DocumentCenter/View/46955/Item-3F---May-28-2024-PDF>

- G. Consider the request to enter into executive session under NDCC 44-04-19.2 to receive attorney consultation regarding an imminent lawsuit.**

Commissioner Marquardt motioned to enter into executive session under NDCC 44-04-19.2 to receive attorney consultation regarding an imminent lawsuit and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Zenker motioned to exit executive session at 7:27 PM and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

The Commission reconvened at 7:28 PM, with all members present.

Commissioner Cleary motioned to move forward with the consensus as discussed during the Executive Session and declare the surety in breach of contract against the bonding agency for default on contract for Wetland Mitigation Project Phases 5 and 6, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

4. OTHER BUSINESS

ADJOURN

There being no further business to discuss, the meeting adjourned at 7:29 PM.

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DRAFT

PERSONNEL ACTIONS FOR THE MEETING ON June 11, 2024

Full-Time and Part-Time Appointments

Liebold, Kerry Airport Intern	Airport	PT Appointment @\$17.00/hr. 6/3/24
Holt, Logan Communications Specialist	CenCom	Probationary Appointment @\$24.55/hr. 6/17/24
Rusch, Dawsyn Communications Specialist	CenCom	Probationary Appointment @\$24.55/hr. 6/17/24
Perdue, Cody Police Officer	Police	Probationary Appointment @\$28.47/hr. 6/17/24
Timothy, Remington Police Officer	Police	Probationary Appointment @\$29.07/hr. 6/17/24
Vasichek, Adam PT Forestry Tech	PW-Services	PT Appointment @\$16.25/hr. 6/4/24
Duppong, Isaac PT Maintenance	PW-Utilities	PT Appointment @\$17.00/hr. 5/28/24
Pearson, Jason Maintenance Tech	PW-Utilities	Probationary Appointment @\$25.77/hr. 6/17/24

Separations

Schwartzbauer, Michael Fireman	Fire	Resigned 5/30/24
Ballalatak, Isabelle SAP Specialist	Public Health	Resigned 5/20/24
Mees, Tyler Police Officer	Police	Resigned 5/16/24
Nord, Tyler Police Officer	Police	Terminated 5/26/24

Others

Reimers, Sydney Communications Specialist	CenCom	Leave W/O Pay 5/12/24-5/25/24
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Ellerkamp, Isaac Fireman	Fire	Paid Admin Leave 5/30/24
Schwartzbauer, Michael Fireman	Fire	Leave W/O Pay 5/22/24
Benske, Cory Community Service Officer	Police	Leave W/O Pay 5/12/24
Crane, Shauna Community Health Nurse	Public Health	Project Code Change 5/12/24
Miller, Jessica Client Services Rep	Public Health	Project Code Change 5/12/24
Polt, Kara Community Health Nurse	Public Health	Project Code Change 5/12/24
Ware, Kristi Social Worker	Public Health	Project Code Change 5/12/24
Basquin, Brad Waste Service Worker	PW-Services	Leave W/O Pay 5/11/24
Basquin, Brad Waste Service Worker	PW-Services	Leave W/O Pay 5/25/24
Knowlen, Kaelin Maintenance Tech	PW-Utilities	Leave W/O Pay 5/12/24-5/25/24
Knowlen, Kaelin Maintenance Tech	PW-Utilities	Leave W/O Pay 5/26/24-6/8/24



Administration Department

DATE: June 11, 2024

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Gaming site authorization renewals.

REQUEST: Consider the request to approve the following applications for gaming:

- Bismarck Hockey Boosters, LLC.
 - Eclectic Culinary Concepts, Inc. (dba) Lucky's 13 Pub - 915 South 3rd Street
 - GW Investments, LLC. (dba) Our Place Tavern - 1305 East Front Avenue
 - Galpin Entertainment, LLC. (dba) The Pier - 1120 Riverwood Drive
 - Bismarck Hockey Boosters, LLC. (dba) Tap-In Tavern - 601 Memorial Highway
- Companions for Children, Inc.
 - BWR-Bismarck, Inc. (dba) Buffalo Wings and Rings - 4424 North 15th Street
- Horse Race North Dakota
 - Sickies ND, Inc. (dba) Sickies Garage - 3130 North 14th Street
- Mandan Baseball Club, Inc.
 - Doublewood of Bismarck, Inc. (dba) Ramada Bismarck - 1400 Interchange Avenue
 - Humpback Sally's, LLC (dba) Luft/Red Eye Room - 510 East Main Avenue
- St. Alexius Medical Center
 - Bismarck Event Center - 315 South 5th Street
 - St. Alexius Medical Center (dba) CHI St. Alexius Health Bismarck - 900 East Broadway Avenue
 - Scheels All Sports, Inc. (dba) Scheels - 800 Kirkwood Mall

BACKGROUND INFORMATION:

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

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

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

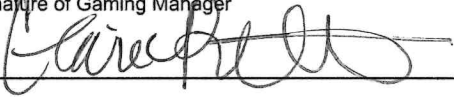
ATTACHMENTS:

1. Bismarck Hockey Boosters
2. Companions for Children Site
3. Horse Race ND
4. Mandan Baseball
5. St. Alexius Medical Center

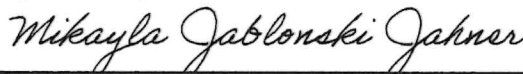


**STATE GAMING LICENSE -
REAPPLICATION FORM**
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 53838 (7-2023)

License Number G-0298
License Year Ending June 30, 2025

1. Official, Legal Name of Organization (Do Not Abbreviate) Bismarck Hockey Boosters		Business Telephone Number 7014266681	
Business Address (Street) 1504 Wichita Dr	City Bismarck	State ND	ZIP Code 58504
Mailing Address PO Box 2408	City Bismarck	State ND	ZIP Code 58502
Address Where Gaming Accounting Records Are Kept 1504 Wichita Dr	City Bismarck	State ND	ZIP Code 58504
E-mail Address executivedirector@bismarckhockey.com	Contact Person Mikayla Jablonski Jahner	Official Position of Contact Person Executive Director	
2. Is Organization Recognized as Tax Exempt by the Internal Revenue Service? ☒ Yes ☐ No		3. Provide Organization's Federal Employer Identification Number (EIN) 23-7237318	
4. Name and Title of Organization's Top Executive Official (i.e., Cmdr, Pres., etc.) Mikayla Jablonski Jahner		Daytime Telephone Number 7014266681	
5. Name of Gaming Manager Claire Potter		Daytime Telephone Number 2187912331	
6. Signature of Gaming Manager 		Date 5/27/24	
7. List the Full Governing Board of the Organization (The Governing Board is primarily responsible and may be held accountable for the proper determination and use of net proceeds)			
Name Kyle Leftwich	Telephone Number 7012264487	Name Jackie Ressler	Telephone Number 7013919786
Name Jerry Bahn	Telephone Number 7018719952	Name Ian MacDonald	Telephone Number 7015002162
Name Layne Sedevie	Telephone Number 7012045678	Name Brad Thompson	Telephone Number 7013911009
Name Matt Power	Telephone Number 7015279900	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
8. Does the Organization Own or Rent the Premises at Which the Games or Chance will be Conducted? ☐ Own ☒ Rent			

AFFIDAVIT

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official 	Date 05/24/2024
--	---	---------------------------

Cities or Counties (If site is outside limits of an incorporated city) in which games of chance will be conducted	
City	County (Provide ONLY if renewing a county license)
Bismarck	
If additional space is needed, attached a separate sheet	

Total number of licenses organization is applying for (add each city or county listed above) 4 x \$175.00 \$700.00 Total fee.

**Enclose total license fee with this application.
(Check payable to: ND Attorney General)**

RETURN TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave Dept. 125
Bismarck, ND 58505-0040

Telephone

701-328-2329 or
1-800-326-9240



CURRENT GAMING EMPLOYEE LIST
ND OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 54270 (8-2023)

Organization Name Bismarck Hockey Boosters, LLC		
Mailing Address PO Box 2408		
City Bismarck	State ND	ZIP Code 58502
Business Phone 7014266681		Cell Phone 7014266681

License No. G- _____

Name of Gaming Manager Claire Elizabeth Potter	Date of Hire 12/11/23
NOTE: Volunteer Gaming Managers are required to have a record check completed. Record Check Completed ☒ Yes ☐ No	Date of Birth 01/14/1997

EMPLOYEE NAME First Name, Middle Name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1. Lesley Elizabeth Entzel	Dealer/Runner	2/19/24	3/5/1984	☐
2. Mishay Elizabeth Thomas	Runner/Count Team	2/20/24	12/21/1987	☐
3. Kyle Thomas Johnson	Runner/Count Team	2/22/24	7/11/1985	☐
4. Mitchell Allen Kersten	Dealer	3/21/24	6/10/1968	☐
5. Janessa Lynn Roehrich	Dealer	4/4/24	11/05/1982	☐
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24.				☐

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS



05/28/2024

To: City of Bismarck

RE: Signatory Authority – Claire Potter

To Whom It May Concern:

Claire Potter was hired as Bismarck Hockey Boosters' Gaming Manager in December of 2023. As part of her job, she has full authority to sign all rental agreements and other required documents pertaining to our gaming sites.

If you should have any questions regarding this, please feel free to contact me.

Regards,

/s/ Mikayla Jablonski Jahner

Mikayla Jablonski Jahner
Executive Director, Bismarck Hockey Boosters
701-426-6681
executivedirector@bismarckhockey.com

**BISMARCK HOCKEY BOOSTERS, INC.
GAMING INTERNAL CONTROL MANUAL**

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GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Bismarck Hockey Boosters, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Eclectic Culinary Concepts, Inc. (dba) Lucky's 13 Pub

Street

915 South 3rd Street

City

Bismarck

ZIP Code

58504

County

Burleigh

Beginning Date(s) Authorized

7/1/2024

Ending Date(s) Authorized

6/30/2025

Number of Twenty-One
tables, if zero, enter "0"

0

Specific location where games of chance will be conducted and played at the site (**required**)

Games will be conducted in bar area, excluding restrooms.

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

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



Bingo



ELECTRONIC Quick Shot Bingo



Raffles



ELECTRONIC 50/50 Raffle



Pull Tab Jar



Pull Tab Dispensing Device



ELECTRONIC Pull Tab Device



Club Special



Tip Board



Seal Board



Punchboard



Prize Board



Prize Board Dispensing Device



Sports Pools



Twenty-One



Poker



Calcuttas



Paddlewheel with Tickets



Paddlewheel Table

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

PRINT Name and official position of person signing on behalf of city/county above

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



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

License Number (Office Use Only)

Site Owner (Lessor) Eclectic Culinary Concepts Inc		Site Name Lucky's 13 Pub		Site Phone Number (701) 751-7913	
Site Address 915 S 3rd St		City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization Bismarck Hockey Boosters, LLC		Rental Period 7/1/24 to 6/30/25			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?				☐ No	☒ Yes
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☐ No	☐ Yes
2. Is Twenty-One conducted at this site?				☒ No	☐ Yes
Number of Tables with wagers up to \$5 ☒ Rent per Table \$				\$ 0	
Number of Tables with wagers over \$5 ☒ Rent per Table \$				\$ 0	
3. Is Paddiewheels conducted at this site?				☒ No	☐ Yes
Number of Tables ☒ Rent per Table \$				\$ 0	
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site?				☐ No	☐ Yes
Please Check: ☐ Jar Bar ☒ Standard Dispensing Device				\$ 400	
5. Are Electronic Pull-Tabs conducted at this site?				☐ No	☒ Yes
If "Yes" please indicate the number of devices				\$ 875	
Total Monthly Rent				\$ 1275.00	
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐					

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

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

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

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

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

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

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

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

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

Signature of Lessor 	Title General Manager	Date 03/05/2024
Signature of Lessee 	Title Gaming Manager	Date 3/5/24



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Bismarck Hockey Boosters, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

GW Investments, LLC (dba) Our Place Tavern

Street

1305 East Front Avenue

City

Bismarck

ZIP Code

58504

County

Burleigh

Beginning Date(s) Authorized

7/1/2024

Ending Date(s) Authorized

6/30/2025

Number of Twenty-One
tables, if zero, enter "0"

0

Specific location where games of chance will be conducted and played at the site (**required**)

Games will be conducted in bar area, excluding restrooms.

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

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

☐

Bingo

☐

ELECTRONIC Quick Shot Bingo

☒

Raffles

☐

ELECTRONIC 50/50 Raffle

☐

Pull Tab Jar

☒

Pull Tab Dispensing Device

☒

ELECTRONIC Pull Tab Device

☐

Club Special

☐

Tip Board

☐

Seal Board

☐

Punchboard

☐

Prize Board

☒

Prize Board Dispensing Device

☐

Sports Pools

☐

Twenty-One

☒

Poker

☐

Calcuttas

☐

Paddlewheel with Tickets

☐

Paddlewheel Table

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

PRINT Name and official position of person signing on behalf of city/county above

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



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

License Number (Office Use Only)

Site Owner (Lessor) GW Investments, LLC		Site Name Our Place Tavern		Site Phone Number (701)223-1901
Site Address 1305 E. Front Avenue	City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization Bismarck Hockey Boosters, Inc. LLC	Rental Period 7/1/24 to 6/30/25			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☐ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 <u> </u> X Rent per Table \$ <u> </u>		☒ No ☐ Yes		\$
Number of Tables with wagers over \$5 <u> </u> X Rent per Table \$ <u> </u>				\$
3. Is Paddlewheels conducted at this site? Number of Tables <u> </u> X Rent per Table \$ <u> </u>		☒ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☒ Standard Dispensing Device		☐ No ☒ Yes		\$ 400
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u> 10 </u>		☐ No ☒ Yes		\$ 1250
Total Monthly Rent				\$ 1650
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

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

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

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

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

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

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

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

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

Signature of Lessor 	Title Owner/Manager	Date 8-19-2024
Signature of Lessee 	Title Gaming Manager	Date 3/19/2024



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Bismarck Hockey Boosters, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Bismarck Hockey Boosters, Inc. (dba) Tap-In Tavern

Street 601 Memorial Highway	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/2024	Ending Date(s) Authorized 6/30/2025	Number of Twenty-One tables, if zero, enter "0" 1	

Specific location where games of chance will be conducted and played at the site (**required**)

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

Bar area, surrounding the twenty-one table.

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

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

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

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General	Date
Signature of City/County Official	Date

PRINT Name and official position of person signing on behalf of city/county above

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



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

License Number (Office Use Only)

Site Owner (Lessor) Bismarck Hockey Boosters, Inc.		Site Name Tap-in Tavern		Site Phone Number (701)751-4742
Site Address 601 Memorial Hwy	City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization Bismarck Hockey Boosters, Inc.	Rental Period 7/1/24 to 6/30/25			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☐ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 <u>1</u> ☒ Rent per Table \$ <u>300</u>		☐ No ☒ Yes		\$ 300
Number of Tables with wagers over \$5 _____ ☒ Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ ☒ Rent per Table \$ _____		☒ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☒ Standard Dispensing Device		☐ No ☒ Yes		\$ 325
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u>7</u>		☐ No ☒ Yes		\$ 1025
Total Monthly Rent				\$
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

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

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

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

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

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

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

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

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

Signature of Lessor 	Title Bar Manager	Date 4/11/24
Signature of Lessee 	Title GAMING MANAGER	Date 4/11/24



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Bismarck Hockey Boosters, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Galpin Entertainment, LLC (dba) The Pier

Street

1120 Riverwood Drive

City

Bismarck

ZIP Code

58504

County

Burleigh

Beginning Date(s) Authorized

7/1/2024

Ending Date(s) Authorized

6/30/2025

Number of Twenty-One
tables, if zero, enter "0"

0

Specific location where games of chance will be conducted and played at the site (**required**)

Games will be conducted in bar area, excluding restrooms.

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

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

☐

Bingo

☐

ELECTRONIC Quick Shot Bingo

☒

Raffles

☐

ELECTRONIC 50/50 Raffle

☐

Pull Tab Jar

☒

Pull Tab Dispensing Device

☒

ELECTRONIC Pull Tab Device

☐

Club Special

☐

Tip Board

☐

Seal Board

☐

Punchboard

☐

Prize Board

☐

Prize Board Dispensing Device

☐

Sports Pools

☐

Twenty-One

☒

Poker

☐

Calcuttas

☐

Paddlewheel with Tickets

☐

Paddlewheel Table

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

PRINT Name and official position of person signing on behalf of city/county above

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



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

License Number (Office Use Only)

Site Owner (Lessor) Galpin Entertainment, LLC		Site Name The Pier		Site Phone Number (701)751-3347
Site Address 1120 Riverwood Drive	City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization Bismarck Hockey Boosters, Inc.		Rental Period 7/1/24 to 6/30/25		Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☐ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☒ Standard Dispensing Device		☐ No ☒ Yes		\$ 400
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices 10		☐ No ☒ Yes		\$ 1250
Total Monthly Rent				\$ 1650
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

Signature of Lessor 	Title Partner	Date 5/20/24
Signature of Lessee 	Title GAMING MANAGER	Date 4/25/24



**STATE GAMING LICENSE -
REAPPLICATION FORM**
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 53838 (7-2023)

License Number G-
License Year Ending June 30, _____

1. Official, Legal Name of Organization (Do Not Abbreviate) Companions for Children		Business Telephone Number (701) 838-5784	
Business Address (Street) 21 East Central Ave, Suite 302	City Minot	State ND	ZIP Code 58701
Mailing Address 21 East Central Ave, Suite 302	City Minot	State ND	ZIP Code 58701
Address Where Gaming Accounting Records Are Kept 21 East Central Ave, Suite 302	City Minot	State ND	ZIP Code 58701
E-mail Address gaming@companionsforchildren.org	Contact Person Heather Cymbaluk	Official Position of Contact Person Gaming Manager	
2. Is Organization Recognized as Tax Exempt by the Internal Revenue Service? ☐ Yes ☒ No		3. Provide Organization's Federal Employer Identification Number (EIN) 45-0341987	
4. Name and Title of Organization's Top Executive Official (i.e., Cmdr, Pres., etc.) Heather Cymbaluk		Daytime Telephone Number (701) 838-5784	
5. Name of Gaming Manager Heather Cymbaluk		Daytime Telephone Number (701) 838-5784	
6. Signature of Gaming Manager <i>Heather Cymbaluk</i>		Date 5/13/2024	
7. List the Full Governing Board of the Organization (The Governing Board is primarily responsible and may be held accountable for the proper determination and use of net proceeds)			
Name Heather Cymbaluk	Telephone Number (701) 833-4455	Name	Telephone Number
Name Kelly Matalka	Telephone Number (412) 760-8237	Name	Telephone Number
Name Lance Johnson	Telephone Number (701) 833-8571	Name	Telephone Number
Name Kyle Stephens	Telephone Number (701) 310-0187	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
8. Does the Organization Own or Rent the Premises at Which the Games or Chance will be Conducted? ☐ Own ☐ Rent			

AFFIDAVIT

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official	Date
--	-------------------------------------	------

Cities or Counties (If site is outside limits of an incorporated city) in which games of chance will be conducted	
City	County (Provide ONLY if renewing a county license)
Minot	Ward
Bismarck	Burleigh
If additional space is needed, attached a separate sheet	

Total number of licenses organization is applying for (add each city or county listed above) 2 x \$175.00 \$300.00 Total fee.

Enclose total license fee with this application.
(Check payable to: ND Attorney General)

RETURN TO:
Office of Attorney General
Licensing Section
600 E Boulevard Ave Dept. 125
Bismarck, ND 58505-0040

Telephone
701-328-2329 or
1-800-326-9240



CURRENT GAMING EMPLOYEE LIST
ND OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 54270 (8-2023)

Organization Name COMPANIONS FOR CHILDREN		
Mailing Address 21 EAST CENTRAL AVE, SUITE 302		
City MINOT	State ND	ZIP Code 58701
Business Phone (701) 838-5784		Cell Phone (701) 833-4455

License No. G- _____

Name of Gaming Manager HEATHER CYMBALUK			Date of Hire		
NOTE: Volunteer Gaming Managers are required to have a record check completed.			Record Check Completed ☒ Yes ☐ No		Date of Birth 08/14/1989
EMPLOYEE NAME First Name, Middle Name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer	
1. Kari Ann Bachler	Runner	10/01/2021	06/08/1979	☒	
2. Sierra K Guches	Runner	01/01/2021	01/24/19958	☒	
3. Lance Johnson	Runner	07/20/2020	12/13/1965	☒	
4. Kelly Matalka	Auditer	05/01/2022	06/02/1987	☒	
5. Alyxandria Jayde Pederson	Runner	05/01/2022	09/03/1990	☐	
6. Katrina Renae Howard	Ind. Count Team Member	11/01/2021	03/09/1991	☒	
7. Tyler David Cymbaluk	Fill-In Runner	07/20/2020	03/13/1987	☒	
8. Alexis Dean Clark	Runner	08/21/2023	09/10/1996	☐	
9.				☐	
10.				☐	
11.				☐	
12.				☐	
13.				☐	
14.				☐	
15.				☐	
16.				☐	
17.				☐	
18.				☐	
19.				☐	
20.				☐	
21.				☐	
22.				☐	
23.				☐	
24.				☐	

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Companions for Children, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

BWR-Bismarck, Inc. (dba) Buffalo Wings and Rings

Street 4424 North 15th Street	City Bismarck	ZIP Code 58503-1387	County Burleigh
Beginning Date(s) Authorized 7/1/2024	Ending Date(s) Authorized 6/30/2024		Number of Twenty-One tables, if zero, enter "0"

Specific location where games of chance will be conducted and played at the site (**required**)

Bar Area

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

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

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

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General	Date
Signature of City/County Official	Date

PRINT Name and official position of person signing on behalf of city/county above

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



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

License Number (Office Use Only)

Site Owner (Lessor) BWR-Bismarck, Inc.		Site Name Buffalo Wings and Rings		Site Phone Number (701) 222-4297
Site Address 4424 N 15th St	City Bismarck	State ND	Zip Code 58703	County Burleigh
Organization Companions for Children, Inc.	Rental Period 07/01/2024 to 06/30/2029			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☒ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☐ Standard Dispensing Device		☒ No ☐ Yes		\$
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices 4		☐ No ☒ Yes		\$ 700
Total Monthly Rent				\$ 700
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

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

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

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

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

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

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

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

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

DocuSigned by: Signature of Lessor 	Title Owner-President	Date 5/14/2024
DocuSigned by: Signature of Lessee 	Title Gaming Manager	Date 5/13/2024

Kitchen

Bathrooms

Pull Tab Machines

ATM

Golf Simulators



Family
Seating



BAR Seating



BAR



Children's Games

Front Door

Side Room
for large parties



**STATE GAMING LICENSE -
REAPPLICATION FORM**
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 53838 (7-2023)

License Number G-
License Year Ending June 30, _____

1. Official, Legal Name of Organization (Do Not Abbreviate) Horse Race North Dakota		Business Telephone Number 701-306-3483	
Business Address (Street) 3209 Fiechtner Drive S, #6	City Fargo	State ND	ZIP Code 58103
Mailing Address 3209 Fiechtner Drive S, #6	City Fargo	State ND	ZIP Code 58103
Address Where Gaming Accounting Records Are Kept 3209 Fiechtner Drive S, #6	City Fargo	State ND	ZIP Code 58103
E-mail Address jjspiesz@msn.com	Contact Person Jennifer Spiesz	Official Position of Contact Person Gaming Manager	
2. Is Organization Recognized as Tax Exempt by the Internal Revenue Service? ☒ Yes ☐ No		3. Provide Organization's Federal Employer Identification Number (EIN) 26-0015640	
4. Name and Title of Organization's Top Executive Official (i.e., Cmdr, Pres., etc.) President Jay Alsop		Daytime Telephone Number 701-793-2000	
5. Name of Gaming Manager Jennifer Spiesz		Daytime Telephone Number 701-306-6851	
6. Signature of Gaming Manager		Date 5/28/24	
7. List the Full Governing Board of the Organization (The Governing Board is primarily responsible and may be held accountable for the proper determination and use of net proceeds)			
Name Jay Alsop	Telephone Number 701-793-2000	Name	Telephone Number
Name John Bubel	Telephone Number 701-301-0083	Name	Telephone Number
Name Leigh Backhaus	Telephone Number 701-391-2266	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
8. Does the Organization Own or Rent the Premises at Which the Games or Chance will be Conducted? ☐ Own ☒ Rent			

AFFIDAVIT

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official	Date
--	-------------------------------------	------

Cities or Counties (If site is outside limits of an incorporated city) in which games of chance will be conducted	
City	County (Provide ONLY if renewing a county license)
Bismarck	
Fargo	
Casselton	
Spiritwood	
Carson	
If additional space is needed, attached a separate sheet	

Total number of licenses organization is applying for (add each city or county listed above) 5 x \$175.00 \$875.00 Total fee.

Enclose total license fee with this application.
(Check payable to: ND Attorney General)

RETURN TO:

Office of Attorney General
 Licensing Section
 600 E Boulevard Ave Dept. 125
 Bismarck, ND 58505-0040

Telephone

701-328-2329 or
 1-800-326-9240



License No. G- 0773

CURRENT GAMING EMPLOYEE LIST
OFFICE OF ATTORNEY GENERAL
SFN 54270 (02-17)

Organization Name: Horse Race North Dakota		
Mailing Address: 3209 Fiechtner Dr S, Ste 6		
City: Fargo	State: ND	Zip: 58103
Business Phone: 701-306-3483		Cell Phone: 701-306-6851

* PLEASE PRINT OR TYPE *

NAME OF GAMING MANAGER: Jennifer Spiesz DATE OF HIRE: 7/1/2017

NOTE: Volunteer Gaming Managers are required to have a record check completed. Record Check Completed: ☒ YES ☐ NO

EMPLOYEE NAME First name, Middle name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1. Cindy Slaughter	Bkpr/Auditor	7/1/2017	8/26/1971	☐
2. Nolan Buckhouse	Runner	10/3/2017	12/30/1979	☐
3. Marsha Schlect	Runner	10/18/2017	1/18/1964	☐
4. Cheryl Koenig	Runner	4/1/2019	12/29/1964	☐
5. Kristi Fevig	Auditor	7/27/2018	2/16/1973	☐
6. Troy Hagen	Runner/Auditor	6/1/2019	2/19/1970	☐
7. Valerie Patzer	Runner	8/15/2019	8/22/1986	☐
8. Kimm Tendeland	Asst Bkpr/Auditor	7/1/2022	4/28/1971	☐
9. Taylor Smithwick	Asst Bkpr/Auditor	7/1/2022	1/21/2000	☐
10.				☐
11.				☐
12.				☐
13.				☐
14.				☐
15.				☐
16.				☐
17.				☐
18.				☐
19.				☐
20.				☐
21.				☐
22.				☐
23.				☐
24.				☐

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS.



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Horse Race North Dakota

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Sickies ND, Inc. (dba) Sickies Garage

Street

3130 North 14th Street

City

ZIP Code

County

Beginning Date(s) Authorized

7/1/2024

Ending Date(s) Authorized

6/30/2025

Number of Twenty-One
tables, if zero, enter "0"

0

Specific location where games of chance will be conducted and played at the site (**required**)

Games will be conducted and played in all public areas, excluding restrooms.

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

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

☐☐

Club Special

☐

Sports Pools

☐

ELECTRONIC Quick Shot Bingo

☐

Tip Board

☐

Twenty-One

☐

Raffles

☐

Seal Board

☐

Poker

☐

ELECTRONIC 50/50 Raffle

☐

Punchboard

☐

Calcuttas

☐

Pull Tab Jar

☐

Prize Board

☐

Paddlewheel with Tickets

☒

Pull Tab Dispensing Device

☐

Prize Board Dispensing Device

☐

Paddlewheel Table

☒

ELECTRONIC Pull Tab Device

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

PRINT Name and official position of person signing on behalf of city/county above

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240

GAMES TYPES

Name of Organization: Horse Race North Dakota
Site: Sickie's Garage - Bismarck

Game Type - Check only those that are in your Internal Control Manual

- | | | |
|-----|-------------------------------|---------|
| 1. | Bingo | _____ |
| 2. | Electronic Quick Shot Bingo | _____ |
| 3. | Raffles | _____ |
| 4. | Electronic 50/50 Raffle | _____ |
| 5. | Pull Tab Jar | _____ |
| 6. | Pull Tab Dispensing Device | _____ ✓ |
| 7. | Electronic Pull Tab Device | _____ ✓ |
| 8. | Club Special | _____ |
| 9. | Tip Board | _____ |
| 10. | Seal Board | _____ |
| 11. | Punch Board | _____ |
| 12. | Prize Board | _____ |
| 13. | Prize Board Dispensing Device | _____ |
| 14. | Sports Pool | _____ |
| 15. | Twenty-One | _____ |
| 16. | Poker | _____ |
| 17. | Calcutta | _____ |
| 18. | Paddlewheel with Tickets | _____ |
| 19. | Paddlewheel Table | _____ |

Affidavit by Responsible Party

By signing below, I hereby acknowledge under penalty of perjury that all information contained in this application is complete, true and accurate.

Signature 

Date 5-28-24



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

License Number (Office Use Only)

Site Owner (Lessor) Sickies ND Inc		Site Name Sickie's Garage - Bismarck		Site Phone Number 7017512575
Site Address 3130 14th street north	City Bismarck	State ND	Zip Code 58503	County Burleigh
Organization Horse Race North Dakota	Rental Period July 1, 2024 to June 30, 2025			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☒ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☐ Standard Dispensing Device		☐ No ☒ Yes		\$ 375
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u>4</u>		☐ No ☒ Yes		\$ 700
Total Monthly Rent				\$ 1,075
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

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

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

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

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

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

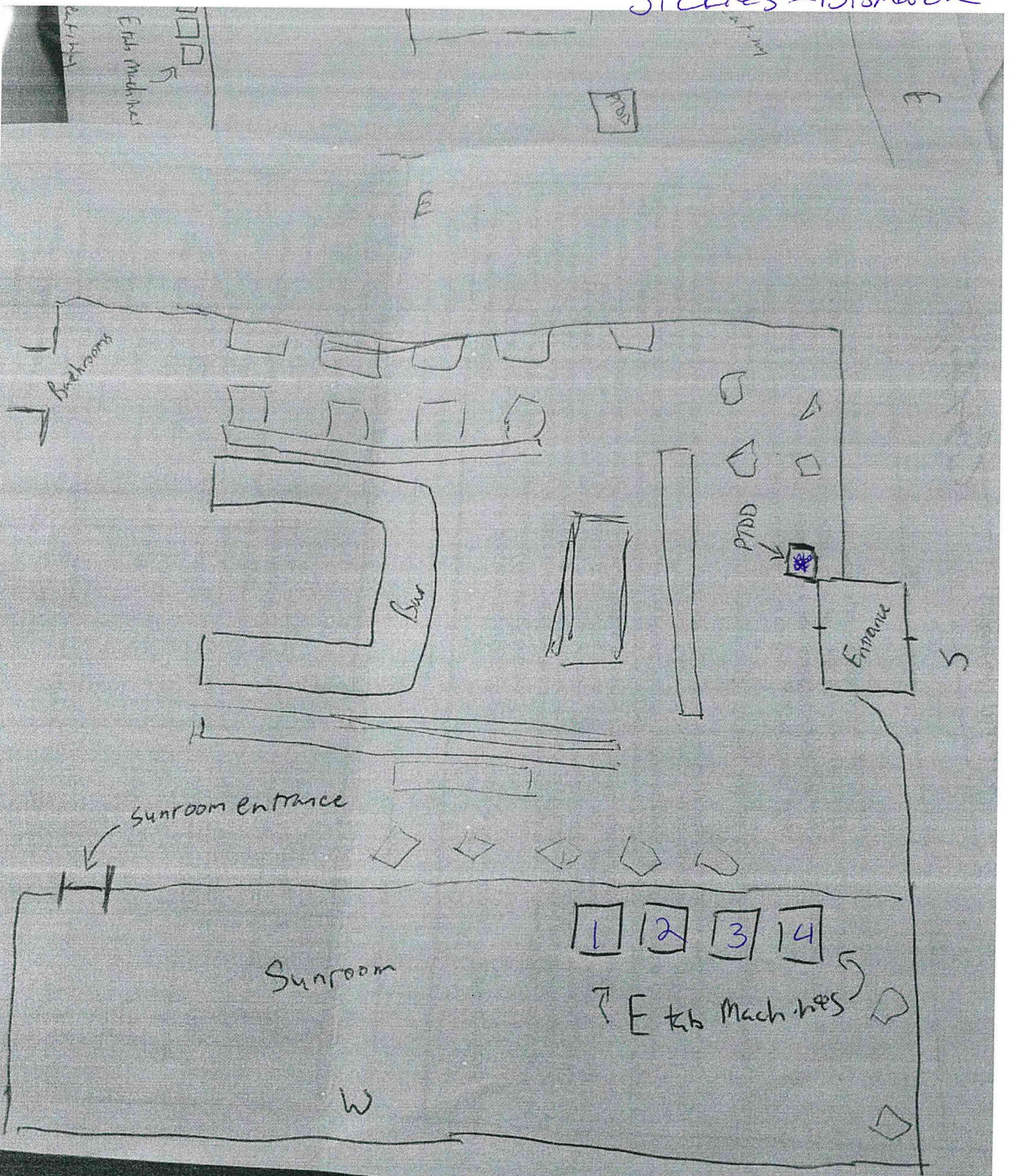
The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

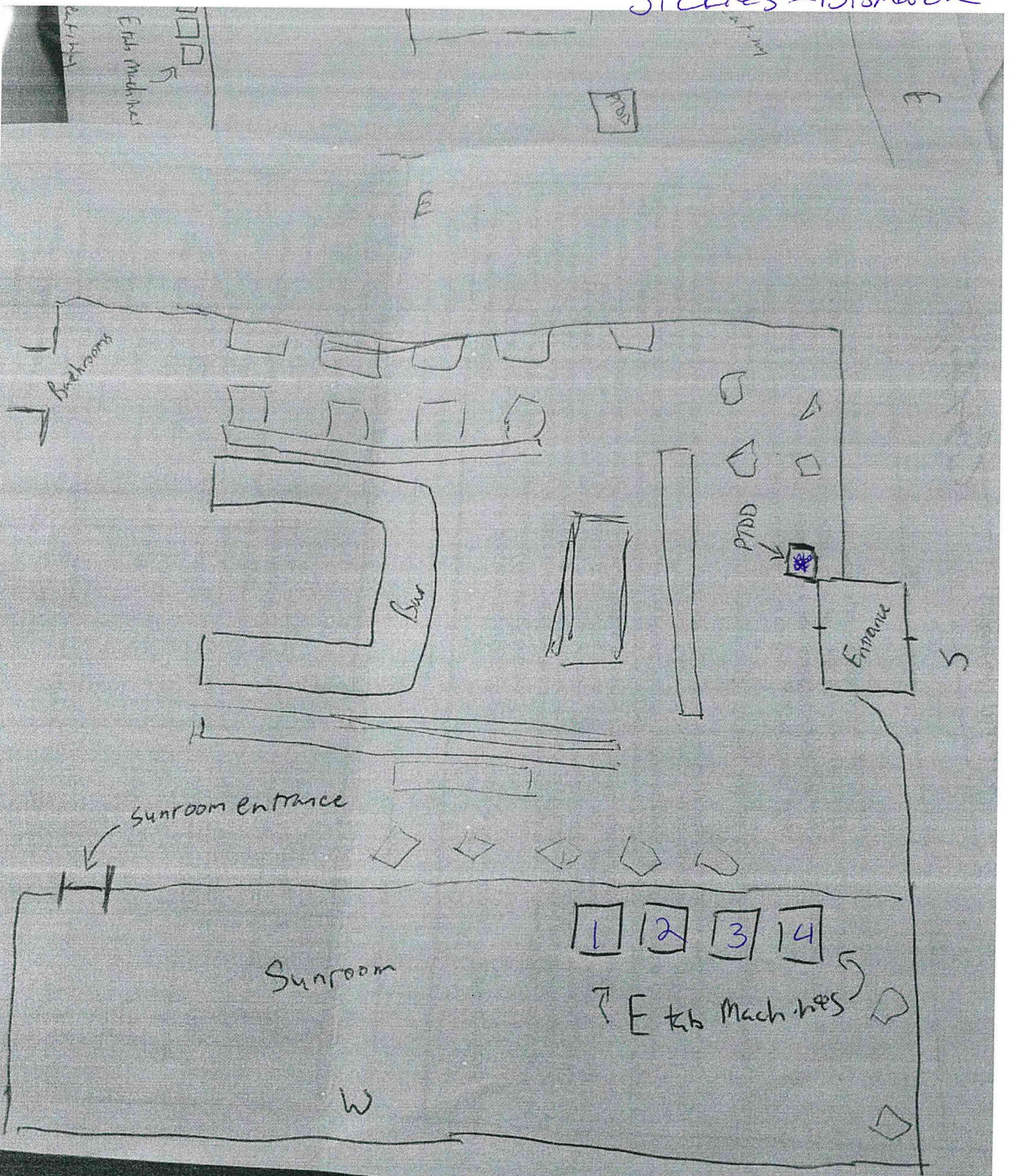
At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title President	Date 5/29/24
Signature of Lessee 	Title GM	Date 5-29-24

Sickles - Bismarck



Sickles - Bismarck





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

License Number (Office Use Only)

Site Owner (Lessor) Sickies ND Inc		Site Name Sickie's Garage - Bismarck		Site Phone Number 7017512575
Site Address 3130 14th street north	City Bismarck	State ND	Zip Code 58503	County Burleigh
Organization Horse Race North Dakota	Rental Period July 1, 2024 to June 30, 2025			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☒ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☐ Standard Dispensing Device		☐ No ☒ Yes		\$ 375
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u>4</u>		☐ No ☒ Yes		\$ 700
Total Monthly Rent				\$ 1,075
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

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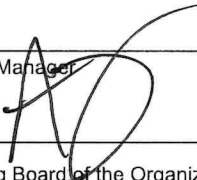
At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title President	Date 5/29/24
Signature of Lessee 	Title GM	Date 5-29-24

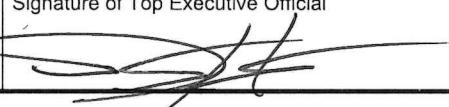


**STATE GAMING LICENSE -
REAPPLICATION FORM**
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 53838 (7-2023)

License Number G-
License Year Ending June 30, _____

1. Official, Legal Name of Organization (Do Not Abbreviate) Mandan Baseball Club, Inc.		Business Telephone Number (701) 663-3393	
Business Address (Street) 2600 46th Avenue SE	City Mandan	State ND	ZIP Code 58554
Mailing Address 103 S. 3rd Street, No. 1	City Bismarck	State ND	ZIP Code 58501
Address Where Gaming Accounting Records Are Kept 103 S. 3rd Street, No. 1	City Bismarck	State ND	ZIP Code 58501
E-mail Address alec.dkgcpa@midconetwork.com	Contact Person Alec Kautzman	Official Position of Contact Person Gaming Manager	
2. Is Organization Recognized as Tax Exempt by the Internal Revenue Service? ☒ Yes ☐ No		3. Provide Organization's Federal Employer Identification Number (EIN) 45-0434200	
4. Name and Title of Organization's Top Executive Official (i.e., Cmdr, Pres., etc.) Damian Huettl, President		Daytime Telephone Number (701) 663-0583	
5. Name of Gaming Manager Alec Kautzman		Daytime Telephone Number (701) 214-2278	
6. Signature of Gaming Manager 		Date 5/7/24	
7. List the Full Governing Board of the Organization (The Governing Board is primarily responsible and may be held accountable for the proper determination and use of net proceeds)			
Name Damian Huettl	Telephone Number (701) 400-8520	Name Mike Klug	Telephone Number (701) 471-2976
Name Toby Kuntz	Telephone Number (701) 391-9857	Name Steve Ressler	Telephone Number (701) 527-1004
Name Kurt Miller	Telephone Number (701) 391-2614	Name Darren Weiler	Telephone Number (701) 290-2130
Name Rob Oster	Telephone Number (701) 400-2929	Name Dewitt Mack	Telephone Number (701) 471-3133
Name Mike Bentz	Telephone Number (701) 426-0898	Name Dakota Boehm	Telephone Number (701) 934-2339
Name Joe Brincks Jack Schlosser	Telephone Number (701) 400-2706 (701) 400-0457	Name	Telephone Number
8. Does the Organization Own or Rent the Premises at Which the Games or Chance will be Conducted? ☐ Own ☒ Rent			

AFFIDAVIT

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official 	Date 5-20-2024
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701-328-2329 or
1-800-326-9240

**CURRENT GAMING EMPLOYEE LIST**

ND OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 54270 (8-2023)

Organization Name Mandan Baseball Club, Inc.		
Mailing Address 103 S. 3rd Street, No. 1		
City Bismarck	State ND	ZIP Code 58501
Business Phone (701) 255-6290		Cell Phone (701) 214-2278

License No. G- 0 8 0 8

Name of Gaming Manager Alec Kautzman	Date of Hire 1/1/13
NOTE: Volunteer Gaming Managers are required to have a record check completed. Record Check Completed ☒ Yes ☐ No	Date of Birth 6/10/87

	EMPLOYEE NAME First Name, Middle Name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1.	Brittney L. Alexander	Dealer	9/29/23	11/19/99	☐
2.	Kaitlyn Deann Alvarado	Dealer	4/15/21	10/25/99	☐
3.	Callie M. Anderson	Dealer	1/3/24	3/19/00	☐
4.	Calli J. Anklam	Dealer	1/1/19	9/5/92	☐
5.	Olivia L. Bachmaier	Dealer	10/8/21	3/3/99	☐
6.	Erandi Barreto	Dealer	7/18/23	1/8/98	☐
7.	Jazmine N. Beardsley	Dealer	4/24/23	6/11/01	☐
8.	Madison F. Bodine	Dealer	2/16/22	3/14/98	☐
9.	Anita Jo Bohner	Dealer	7/5/16	3/5/81	☐
10.	Zoie B. Breckhaimer	Dealer	3/29/24	10/8/98	☐
11.	Kevin L. Brunelle	Count Team Member	2/22/02	2/9/84	☐
12.	Maren J. Carlson	Dealer	1/10/21	9/23/97	☐
13.	Zackary Lee John Christmann	Count Team Member	2/14/20	8/23/90	☐
14.	Kamaria E. Cieslak	Dealer	7/18/23	10/19/94	☐
15.	Bailey D. Clapper	Dealer	8/19/22	2/20/01	☐
16.	Nicolette L. Colbert	Dealer	9/23/22	12/27/94	☐
17.	Brita J. Cowan	Dealer	2/22/22	10/19/98	☐
18.	Kennedy F. Cowart	Count Team Member	10/12/21	6/15/98	☐
19.	Natalia K. Cruz	Dealer	2/16/22	11/28/98	☐
20.	Jeffrey Ross Davis	Count Team Member	6/7/17	5/5/82	☐
21.	Taley J. Davis	Dealer	11/14/23	3/12/00	☐
22.	Olivia J. Delorme-Heitkamp	Dealer	12/14/23	4/4/95	☐
23.	Miranda M. Delupo	Dealer	10/14/22	8/8/89	☐
24.	Tara Alysse Felice	Dealer Manager	1/17/17	1/17/96	☐

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS

**CURRENT GAMING EMPLOYEE LIST**

ND OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 54270 (8-2023)

Organization Name Mandan Baseball Club, Inc.		
Mailing Address 103 S. 3rd Street, No. 1		
City Bismarck	State ND	ZIP Code 58501
Business Phone (701) 255-6290		Cell Phone (701) 214-2278

License No. G- 0 8 0 8

Name of Gaming Manager Alec Kautzman	Date of Hire 1/1/13
NOTE: Volunteer Gaming Managers are required to have a record check completed. Record Check Completed ☒ Yes ☐ No	Date of Birth 6/10/87

	EMPLOYEE NAME First Name, Middle Name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1.	Kate Olivia Fox	Cleaner	5/1/19	4/28/98	☐
2.	Antonia Michelle Genet	Dealer	4/27/21	6/13/99	☐
3.	Cheyann M. Getzlaff	Dealer	7/17/23	5/19/01	☐
4.	Kelsi L. Gross	Dealer	8/30/21	6/9/01	☐
5.	Lacoya Ann Hartford	Dealer	6/1/18	5/31/93	☐
6.	Laura F. Heilman	Dealer	2/1/22	11/16/94	☐
7.	Ashly Ann Marie Hempstead	Surveillance Reviewer	8/13/19	1/20/94	☐
8.	Tara M. Hill	Dealer	8/19/22	9/9/87	☐
9.	Jessica A. Jerome	Dealer	5/4/22	3/31/99	☐
10.	Lacey A. Johnson	Dealer	11/02/21	9/20/87	☐
11.	Alec Michael Kautzman	Gaming Manager	1/1/13	6/10/87	☐
12.	Kayla L. Kelley	Dealer	3/3/23	5/29/97	☐
13.	Taylor Vesta Kitzan	Dealer	5/27/20	8/6/93	☐
14.	Lori A. Kohler	Count Team Member	3/15/22	8/11/77	☐
15.	Brittany Ann Kondos	Dealer	8/20/19	4/1/94	☐
16.	Faith Janae Krom	Dealer	6/5/20	1/6/98	☐
17.	Brooklyn Angeline Kunz	Dealer	6/1/16	1/6/93	☐
18.	Katherine M. Layer	Dealer	5/5/22	11/3/00	☐
19.	Mary L. Logan	Dealer	8/15/23	9/27/83	☐
20.	Carmen Rae Maier	Dealer	4/15/19	8/9/79	☐
21.	Lexie M. Martell	Dealer	10/12/23	3/16/00	☐
22.	Brooke N. McClure	Dealer	1/6/22	9/10/99	☐
23.	Quinn K. Mellmer	Dealer	11/14/23	11/10/01	☐
24.	Calli J. Miller	Count Team member	10/14/20	8/19/98	☐

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS

**CURRENT GAMING EMPLOYEE LIST**ND OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 54270 (8-2023)

Organization Name Mandan Baseball Club, Inc.		
Mailing Address 103 S. 3rd Street, No. 1		
City Bismarck	State ND	ZIP Code 58501
Business Phone (701) 255-6290		Cell Phone (701) 214-2278

License No. G- 0 8 0 8

Name of Gaming Manager Alec Kautzman	Date of Hire 1/1/13
NOTE: Volunteer Gaming Managers are required to have a record check completed. Record Check Completed ☒ Yes ☐ No	Date of Birth 6/10/87

	EMPLOYEE NAME First Name, Middle Name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1.	Codi Ann Miller	Dealer	4/30/21	1/16/93	☐
2.	R N. Mitchell	Dealer	8/18/23	12/6/93	☐
3.	Samantha J. Monteau	Dealer	12/22/22	11/10/94	☐
4.	Chelsey Faye E. Morlock	Dealer	9/11/23	10/2/01	☐
5.	Brittney L. Mosbrucker	Dealer	1/6/22	9/10/94	☐
6.	Karyssa L. Nelson	Count Team Member	9/21/20	3/3/98	☐
7.	Taylor Christine Ohlhauser	Dealer	8/13/20	11/13/98	☐
8.	Kayla F. Overmoe	Count Team Member	2/7/24	5/8/87	☐
9.	Alexis Rose Pierce	Dealer	8/13/19	9/15/92	☐
10.	Destiny Meshall Portanova	Count Team Member	3/1/18	4/8/94	☐
11.	McKenna L. Quintus	Dealer	1/15/24	7/17/98	☐
12.	Emma K. Raposa	Dealer	9/6/22	8/24/01	☐
13.	Kelsey Wray Reimnitz	Dealer	1/14/14	11/10/89	☐
14.	Chalsea Lyn Renner	Dealer	10/14/20	4/10/91	☐
15.	Mackenzie D. Reynolds	Dealer	11/15/22	3/22/95	☐
16.	Alyssa Lorraine Roller	Dealer	9/1/16	9/9/93	☐
17.	Megan C. Schlosser	Dealer	2/16/22	11/28/98	☐
18.	Bayli Carmen Schultheiss	Dealer	8/1/16	5/24/94	☐
19.	Mariah Sharon Sellon	Dealer	2/1/21	9/23/97	☐
20.	Abigail R. Senger	Dealer	10/1/19	3/16/98	☐
21.	Halle Schereck	Dealer	4/24/23	8/21/98	☐
22.	McKenna M. Smith	Count Team Member	5/3/21	2/16/96	☐
23.	Taylor M. Smith	Dealer	11/3/21	9/9/98	☐
24.	Sierra Eileen Stenejham	Dealer	5/28/20	4/9/98	☐

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS

**CURRENT GAMING EMPLOYEE LIST**

ND OFFICE OF ATTORNEY GENERAL

LICENSING SECTION

SFN 54270 (8-2023)

Organization Name Mandan Baseball Club, Inc.		
Mailing Address 103 S. 3rd Street, No. 1		
City Bismarck	State ND	ZIP Code 58501
Business Phone (701) 255-6290		Cell Phone (701) 214-2278

License No. G- 0 8 0 8

Name of Gaming Manager Alec Kautzman	Date of Hire 1/1/13
<i>NOTE: Volunteer Gaming Managers are required to have a record check completed.</i> Record Check Completed ☒ Yes ☐ No	Date of Birth 6/10/87

EMPLOYEE NAME First Name, Middle Name, Last Name		JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1.	Brenna R. Stone	Dealer	7/12/22	5/5/92	☐
2.	Katy Rose Thomas	Dealer	4/29/21	6/16/95	☐
3.	Kyllie B. Trendera	Dealer	7/1/00	5/31/00	☐
4.	Madelynn A. Trout	Dealer	10/25/22	2/19/99	☐
5.	Keely A. Wagner	Dealer	5/12/21	2/23/99	☐
6.	Megan R. Zander	Dealer	6/9/22	5/13/01	☐
7.					☐
8.					☐
9.					☐
10.					☐
11.					☐
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19.					☐
20.					☐
21.					☐
22.					☐
23.					☐
24.					☐

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS

Mandan Baseball Club

Game Types

701 Lounge

- Raffles
- Pull Tab Jar Bar
- Pull Tab Dispensing Device
- Electronic Pull Tab Device
- Twenty-One

Red Eye Room

- Raffles
- Pull Tab Jar
- Pull Tab Dispensing Device
- Electronic Pull Tab Device
- Twenty-One
- Poker



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Mandan Baseball Club, Inc.

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Doublewood of Bismarck, Inc. (dba) Ramada Bismarck

Street

1400 Interchange Avenue

City

Bismarck

ZIP Code

58501

County

Burleigh

Beginning Date(s) Authorized

7/1/2024

Ending Date(s) Authorized

6/30/2024

Number of Twenty-One
tables, if zero, enter "0"

1

Specific location where games of chance will be conducted and played at the site (**required**)

Games will be conducted in the bar area, excluding the restrooms.

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

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

☐

Bingo

☒

ELECTRONIC Quick Shot Bingo

☐

Raffles

☐

ELECTRONIC 50/50 Raffle

☒

Pull Tab Jar

☒

Pull Tab Dispensing Device

☒

ELECTRONIC Pull Tab Device

☐

Club Special

☐

Tip Board

☐

Seal Board

☐

Punchboard

☐

Prize Board

☐

Prize Board Dispensing Device

☐

Sports Pools

☒

Twenty-One

☐

Poker

☐

Calcuttas

☐

Paddlewheel with Tickets

☐

Paddlewheel Table

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

PRINT Name and official position of person signing on behalf of city/county above

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 9413 (Rev. 08-2019)

License Number (Office Use Only)

G-0808(158) H

Site Owner (Lessor) Ramada Of Bismarck		Site Name 701 Lounge		Site Phone Number (701) 258-7000	
Site Address 1400 Interchange Avenue		City Bismarck	State ND	Zip Code 58501	County Burleigh
Organization (Lessee) Mandan Baseball Club, Inc.		Rental Period 7/1/2022 to 6/30/2025			Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.					☒ No ☐ Yes ☐ No ☐ Yes \$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 <u>1 AK</u> X Rent per Table \$ <u>2</u> Number of Tables with wagers over \$5 <u>2</u> X Rent per Table \$ <u>0.00</u>					☐ No ☒ Yes \$ \$ <u>0.00</u>
3. Is Paddlewheels conducted at this site? Number of Tables <u> </u> X Rent per Table \$ <u> </u>					☒ No ☐ Yes \$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: ☒ Jar Bar ☒ Standard Dispensing Device ☒ Electronic Dispensing Device Number of Electronic Devices <u>10</u>					☐ No ☒ Yes \$ <u>0.00</u> \$ <u>500.00</u>
Total Monthly Rent					\$ <u>500.00</u>
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here. ☐					
TERMS OF RENTAL AGREEMENT: This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance. The LESSOR agrees that no game will be directly operated as part of the lessor's business. The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device and cell raffle tickets or sports pool chances on a board on behalf of an organization. The LESSOR agrees that the lessor's on call or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed. If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site. The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds. The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee. The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name. At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming inventory is not present at this site for more than fourteen days or revoked.					
Signature of Lessor <i>[Signature]</i>		Title <i>[Signature]</i>		Date 5-10-22	
Signature of Lessee <i>[Signature]</i>		Title President		Date 5-9-2022	

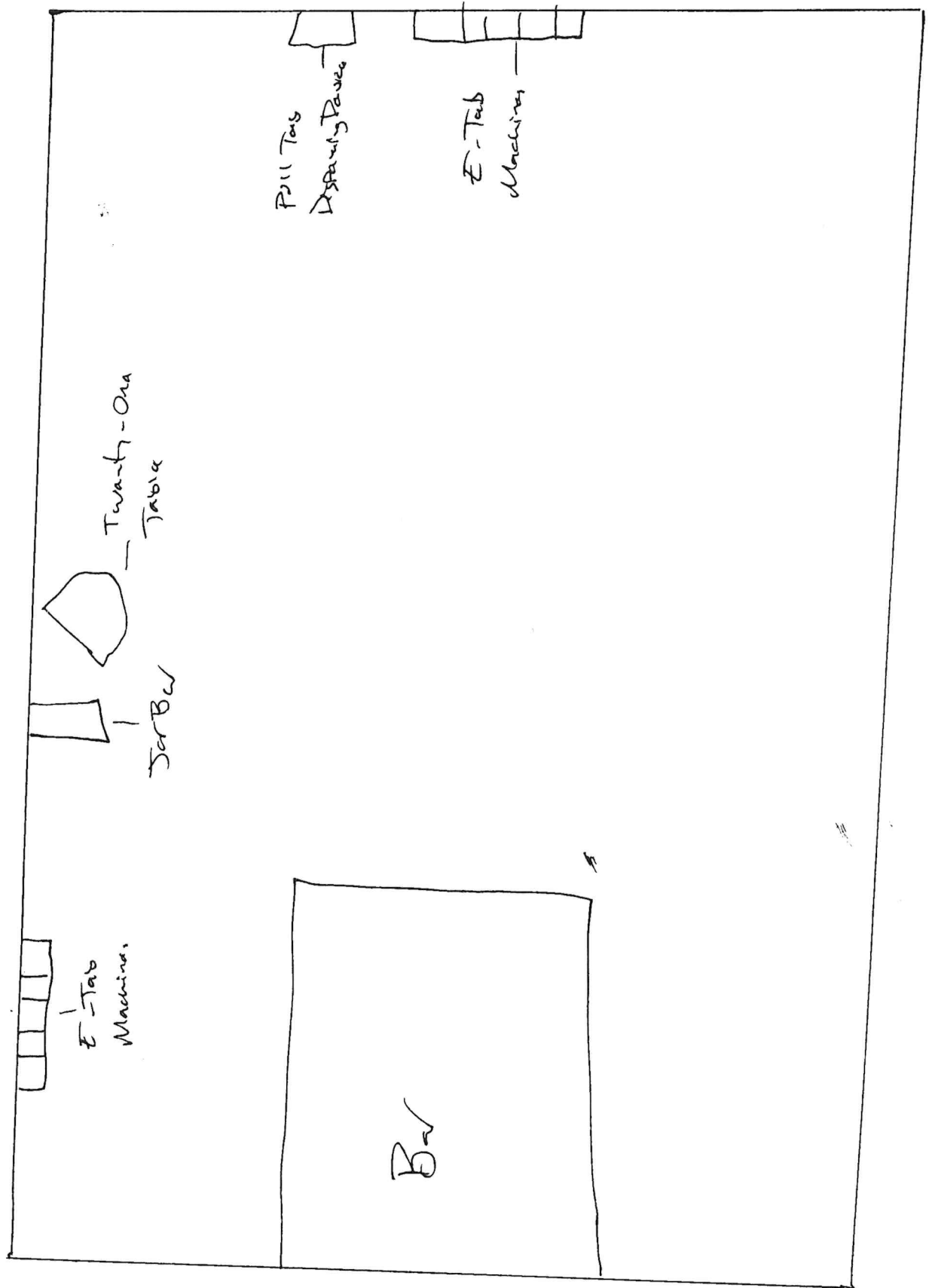
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JUN 17 2022

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101 Ganga
Sita Diagram





GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

Mandan Baseball Club, Inc

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Humpback Sally's, LLC DBA Luft/Red Eye Room

Street

510 East Main Avenue

City

Bismarck

ZIP Code

58501

County

Burleigh

Beginning Date(s) Authorized

7/1/2024

Ending Date(s) Authorized

6/30/2025

Number of Twenty-One
tables, if zero, enter "0"

1

Specific location where games of chance will be conducted and played at the site (**required**)

Games will be conducted in the bar area, excluding restrooms

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

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

☐

Bingo

☐

Club Special

☐

Sports Pools

☐

ELECTRONIC Quick Shot Bingo

☐

Tip Board

☒

Twenty-One

☒

Raffles

☐

Seal Board

☒

Poker

☐

ELECTRONIC 50/50 Raffle

☐

Punchboard

☐

Calcuttas

☒

Pull Tab Jar

☐

Prize Board

☐

Paddlewheel with Tickets

☒

Pull Tab Dispensing Device

☐

Prize Board Dispensing Device

☐

Paddlewheel Table

☒

ELECTRONIC Pull Tab Device

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

PRINT Name and official position of person signing on behalf of city/county above

Doug Wiles, Assistant City Administrator

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



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

License Number (Office Use Only)

Site Owner (Lessor) Humpback Sally's, LLC		Site Name Luft/Red Eye Room		Site Phone Number (701) 425-0844
Site Address 510 E. Main Avenue	City Bismarck	State ND	Zip Code 58501	County Burleigh
Organization Mandan Baseball Club, Inc.	Rental Period 7/1/24 to 6/30/25			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☐ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 <u> </u> X Rent per Table \$ <u> </u>		☐ No ☒ Yes		\$
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300</u>				\$ 300
3. Is Paddlewheels conducted at this site? Number of Tables <u> </u> X Rent per Table \$ <u> </u>		☒ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☒ Standard Dispensing Device		☐ No ☒ Yes		\$ 325
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices <u>10</u>		☐ No ☒ Yes		\$ 1250
Total Monthly Rent				\$ 1,675
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

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

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

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

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

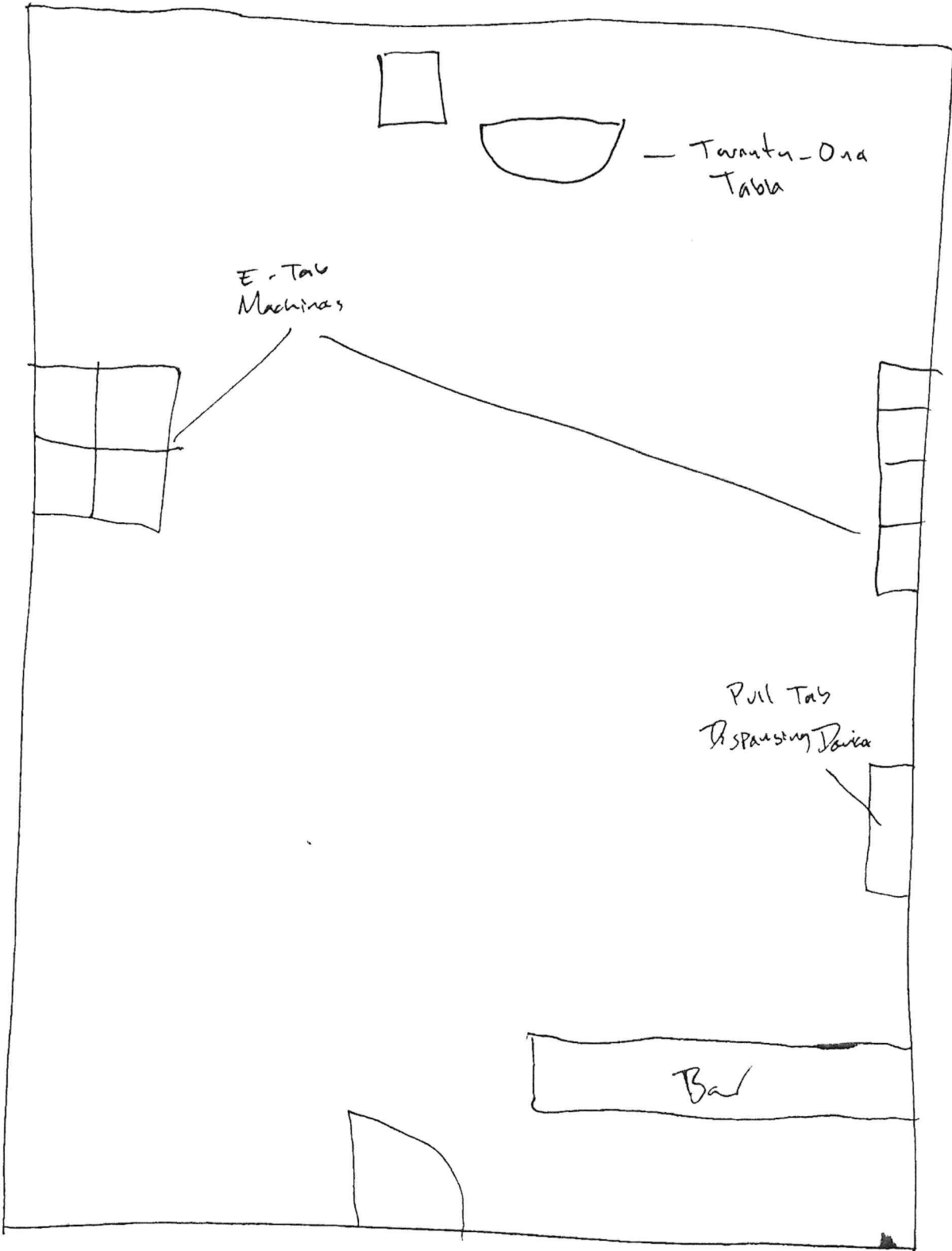
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

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

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

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

Signature of Lessor 	Title X General Manager	Date X 5-7-24
Signature of Lessee 	Title President	Date 5-20-2024

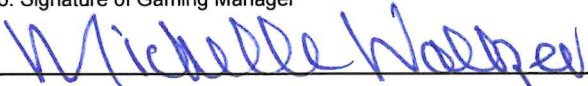


Back Entry Room at Left

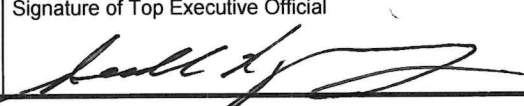


**STATE GAMING LICENSE -
REAPPLICATION FORM**
NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 53838 (7-2023)

License Number
G-
License Year Ending
June 30, _____

1. Official, Legal Name of Organization (Do Not Abbreviate) St. Alexius Medical Center		Business Telephone Number 701-530-7000	
Business Address (Street) 900 E Broadway Ave	City Bismarck	State ND	ZIP Code 58501
Mailing Address PO Box 5510	City Bismarck	State ND	ZIP Code 58506
Address Where Gaming Accounting Records Are Kept 900 E Broadway Ave	City Bismarck	State ND	ZIP Code 58501
E-mail Address michelle.walker900@commonspirit.org	Contact Person Michelle Walker	Official Position of Contact Person Foundation Director	
2. Is Organization Recognized as Tax Exempt by the Internal Revenue Service? ☒ Yes ☐ No		3. Provide Organization's Federal Employer Identification Number (EIN) 45-0226711	
4. Name and Title of Organization's Top Executive Official (i.e., Cmdr, Pres., etc.) Reed Reyman, President		Daytime Telephone Number 701-530-8850	
5. Name of Gaming Manager Michelle Walker		Daytime Telephone Number 701-530-7394	
6. Signature of Gaming Manager 		Date 6/3/24	
7. List the Full Governing Board of the Organization (The Governing Board is primarily responsible and may be held accountable for the proper determination and use of net proceeds)			
Name Reed Reyman	Telephone Number (701) 530-8850	Name Sr. Nicole M. Kunze	Telephone Number (701) 355-8901
Name John W. Giese	Telephone Number (701) 223-4139	Name Sr. Rosanne Zastoupil	Telephone Number (701) 255-1520
Name John M. Mongeon	Telephone Number (701) 471-1581	Name Julie Goebel	Telephone Number (402) 343-4340
Name S. Shiraz Hyder, MD	Telephone Number (701) 530-7000	Name Todd M. Preszler, MD	Telephone Number (701) 530-5143
Name Michael A. Weisbeck	Telephone Number (701) 425-0792	Name Kevin R. Dahmen, MD	Telephone Number (701) 530-7301
Name Timothy J. Bopp	Telephone Number (701) 530-8800	Name	Telephone Number
8. Does the Organization Own or Rent the Premises at Which the Games or Chance will be Conducted? ☐ Own ☒ Rent			

AFFIDAVIT

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official 	Date 6/3/24
--	---	-----------------------

701-328-2329 or
1-800-326-9240



CURRENT GAMING EMPLOYEE LIST
ND OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 54270 (8-2023)

Organization Name St. Alexius Medical Center		
Mailing Address PO Box 5510		
City Bismarck	State ND	ZIP Code 58506
Business Phone 701-530-7000		Cell Phone

License No. G- 8 3 2

Name of Gaming Manager Michelle Walker	Date of Hire 4/19/21
NOTE: Volunteer Gaming Managers are required to have a record check completed. Record Check Completed ☒ Yes ☐ No	Date of Birth 8/18/72

EMPLOYEE NAME First Name, Middle Name, Last Name		JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1.	Kathy (Kathleen) Ann Wamsley	Foundation Specialist	3/7/22	01/03/1962	☐
2.					☐
3.					☐
4.					☐
5.					☐
6.					☐
7.					☐
8.					☐
9.					☐
10.					☐
11.					☐
12.					☐
13.					☐
14.					☐
15.					☐
16.					☐
17.					☐
18.					☐
19.					☐
20.					☐
21.					☐
22.					☐
23.					☐
24.					☐

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

St. Alexis Medical Center (d/b/a CHI St. Alexis Health Bismarck)

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

Bismarck Event Center

Street 315 South 5th St.	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 9-20-24	Ending Date(s) Authorized 9-22-24	Number of Twenty-One tables, if zero, enter "0" 0	

Specific location where games of chance will be conducted and played at the site (required)

Hall A

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

September 21, 2024

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

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

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

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
2. City/County - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



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

License Number (Office Use Only)

Site Owner (Lessor) Bismarck Event Center		Site Name Hall A		Site Phone Number 701-355-1370
Site Address 315 S 5th St	City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization St. Alexius Medical Center		Rental Period September 20, 2024 to September 22, 2024		Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☐ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☐ Standard Dispensing Device		☒ No ☐ Yes		\$
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices _____		☒ No ☐ Yes		\$
Total Monthly Rent				\$
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☒				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

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

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

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

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

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

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

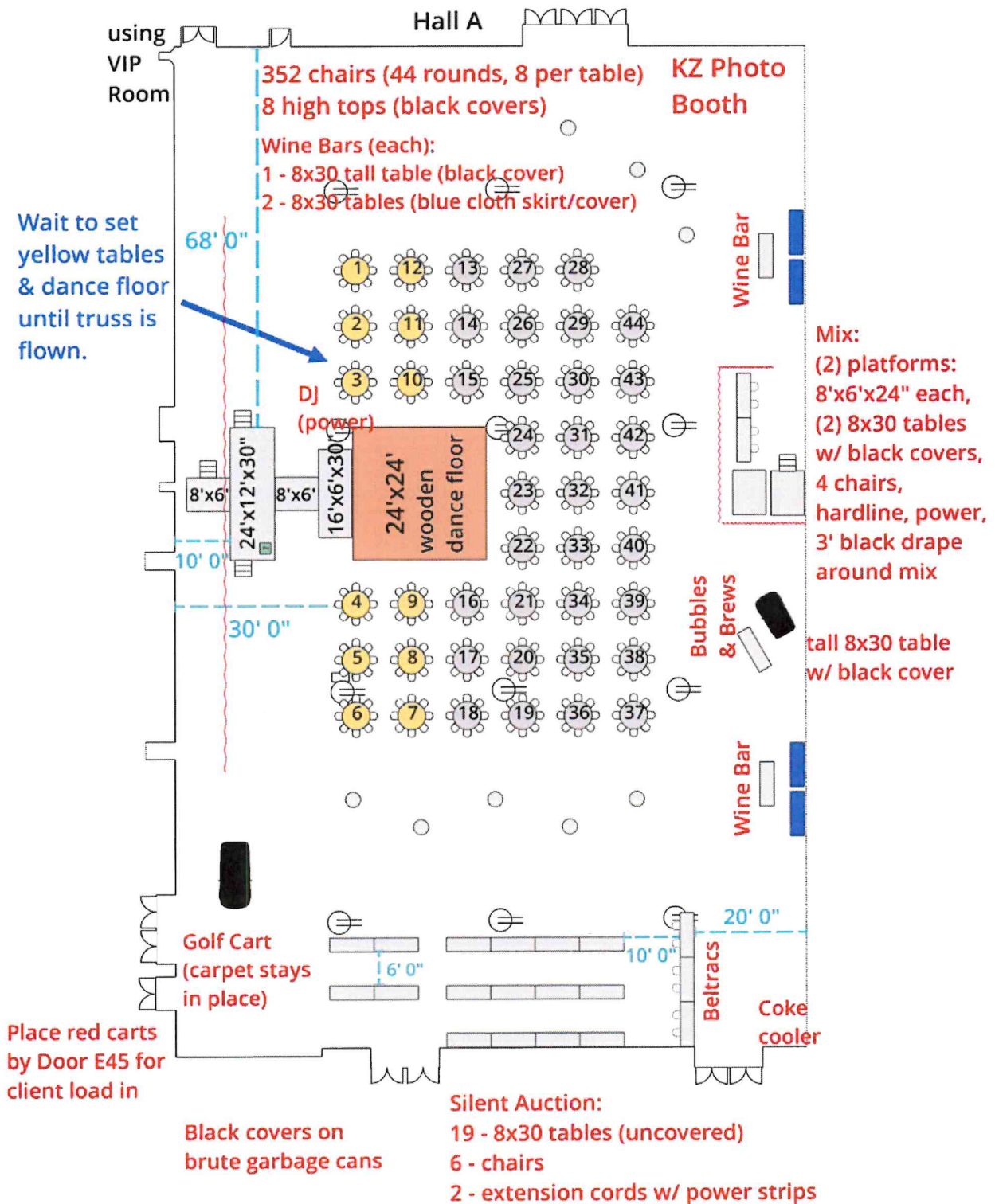
A LESSOR who is an officer or board member of an organization may not participate in the organization's decision-making that is a conflict of interest.

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

Signature of Lessor <i>Shanda Yellow</i>	Title <i>Interim Director</i>	Date <i>5-22-24</i>
Signature of Lessee <i>Handy</i>	Title <i>President</i>	Date <i>6-3-24</i>

AV - Mobile Pro
Genie lift,
AV flying 100' of drape

Night for the Stars 2023



20 Feet



GAMING SITE AUTHORIZATION
ND OFFICE OF ATTORNEY GENERAL
SFN 17996 (4-2023)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

St. Alexis Medical Center (d/b/a CHI St. Alexis Health Bismarck)

This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location

Name of Location

CHI St. Alexis Health Bismarck

Street 900 E Broadway Avenue	City Bismarck	ZIP Code 58506	County Burleigh
Beginning Date(s) Authorized 7/1/24	Ending Date(s) Authorized 6/30/25	Number of Twenty-One tables, if zero, enter "0" 0	

Specific location where games of chance will be conducted and played at the site (required)

Boniface Auditorium

If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known

July 1, 2024 thru June 30, 2025

RESTRICTIONS FOR CITY/COUNTY USE ONLY

The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.

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

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

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General

APPROVALS

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

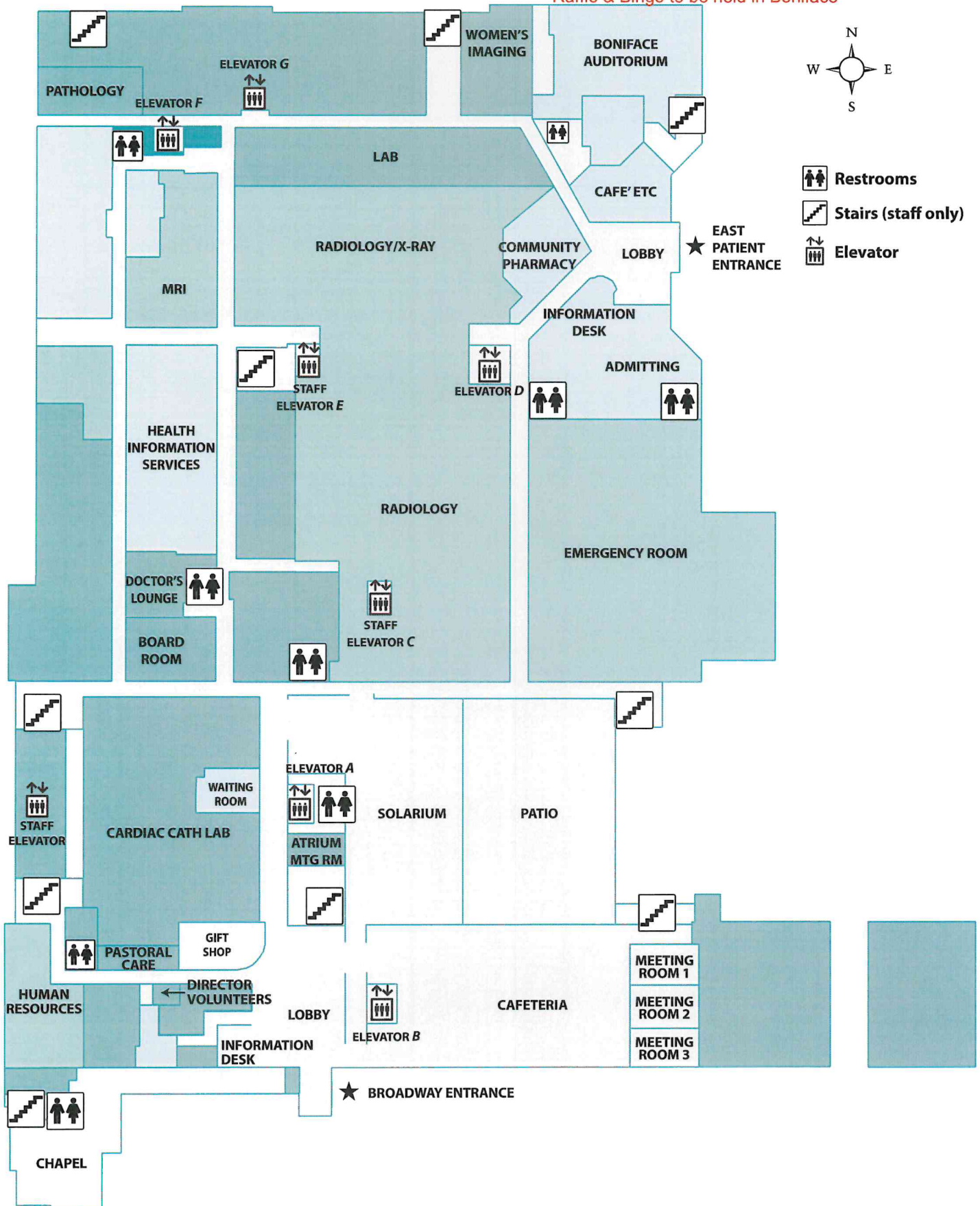
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RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240

CHI St. Alexius Health First Floor

Raffle & Bingo to be held in Boniface



**GAMING SITE AUTHORIZATION**

ND OFFICE OF ATTORNEY GENERAL

SFN 17996 (4-2023)

G - _____ (_____) _____

Site License Number
(Attorney General Use Only)

Full, Legal Name of Gaming Organization

St. Alexis Medical Center (d/b/a CHI St. Alexis Health Bismarck)**This organization is authorized to conduct games of chance under the license granted by the North Dakota Attorney General at the following location**

Name of Location

SCHEELS

Street 800 Kirkwood Mall	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/24	Ending Date(s) Authorized 6/30/25	Number of Twenty-One tables, if zero, enter "0" 0	

Specific location where games of chance will be conducted and played at the site (required)**In the Store**If conducting **Raffle** or **Poker** activity provide date(s) or month(s) of the event(s) if known**November 2024****RESTRICTIONS FOR CITY/COUNTY USE ONLY**The organization **must** provide the City/County a list of game types included in their Internal Control Manual and have the manual available upon request. The manual must thoroughly explain each game type to be conducted. The City/County can only approve these games at the site.**ACTIVITY TO BE CONDUCTED** Please check all applicable games to be conducted at site (required)

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

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

If any information above is false, it is subject to administrative action on behalf of the State of North Dakota Office of Attorney General**APPROVALS**

Attorney General	Date
Signature of City/County Official	Date
PRINT Name and official position of person signing on behalf of city/county above	

INSTRUCTIONS:

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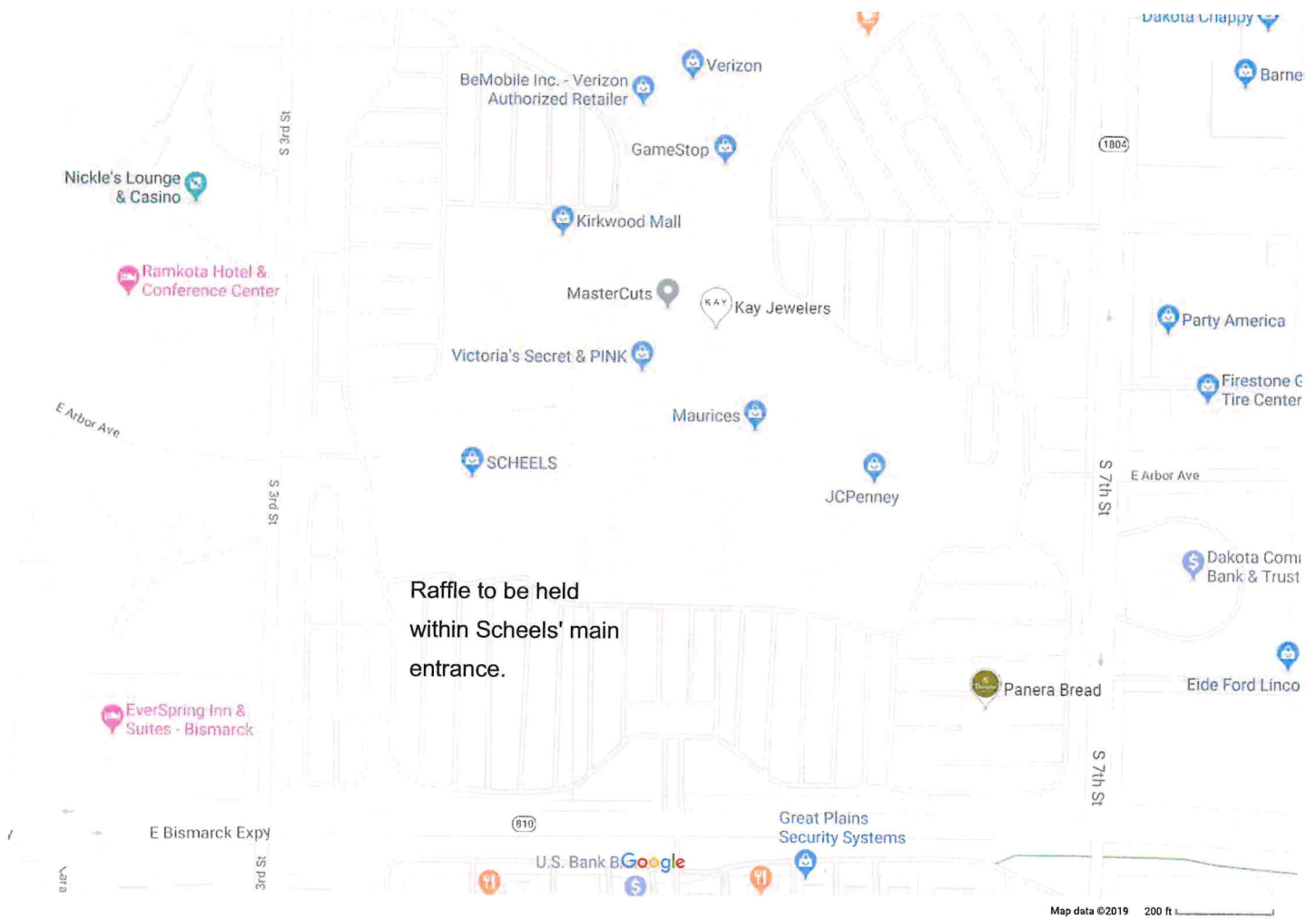
Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



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

License Number (Office Use Only)

Site Owner (Lessor) SCHEELS		Site Name Store		Site Phone Number 701-255-7255
Site Address 800 Kirkwood Mall	City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization St. Alexius Medical Center	Rental Period July 1, 2024 to June 30, 2025			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☒ No ☐ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☐ No ☐ Yes		\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		☒ No ☐ Yes		\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☐ Standard Dispensing Device		☒ No ☐ Yes		\$
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices _____		☒ No ☐ Yes		\$
Total Monthly Rent				\$
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☒				
TERMS OF RENTAL AGREEMENT: This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance. The LESSOR agrees that no game will be directly operated as part of the lessor's business. The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device, and sell raffle tickets or sports pool chances on a board on behalf of an organization. The LESSOR agrees that the lessors on call or temporary or permanent employee(s) will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed. If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site. The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds. The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee. The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name. A LESSOR who is an officer or board member of an organization may not participate in the organization's decision-making that is a conflict of interest. At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.				
Signature of Lessor <i>m. Newman</i>		Title <i>Marketing</i>		Date <i>5/29/24</i>
Signature of Lessee <i>Paul [Signature]</i>		Title <i>President</i>		Date <i>6/3/24</i>





Administration Department

DATE: June 11, 2024

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Liquor License Renewals

REQUEST:

Consider renewing the following licensed businesses for liquor licenses beginning August 1, 2024, and expiring July 31, 2025.

BACKGROUND INFORMATION:

Alcohol licenses are renewed annually and expire each year on July 31. The City of Bismarck Administration Department and the Police Department work collectively to administer the annual alcohol license renewals.

Consider the approval of the following liquor license renewals:

- East 40, Inc. (dba) 40 Steak and Seafood - 1401 Interchange Avenue
- Fraternal Order of Eagles-Bismarck Aerie #2237 (dba) Bismarck Eagles Aerie #2237 - 313 North 26th Street
- B&N Ralph, LLC. (dba) Brunos Pizza - 910 East Front Avenue
- BWR-Bismarck, Inc. (dba) Buffalo Wings and Rings - 4424 North 15th Street
- Charras B, Inc. (dba) Charras and Tequila - 4503 Skyline Crossings
- Lucky Star Buffet, Inc. (dba) China Star - 1065 East Interstate Avenue
- Costco Wholesale Corporation (dba) Costo Wholesale #1380 - 1325 57th Avenue NE
- Hall Family Enterprises, Inc. (dba) Golf Etc. Bismarck - 511 Airport Road
- G. R. Associates, Bismarck, A North Dakota Limited Partnership (dba) Ground Round - 526 South 3rd Street
- BHI Hospitality, LLC (dba) Holiday Inn Bismarck - 3903 State Street
- JLB - BIS, Inc. (dba) JL Beers - 217 North 3rd Street
- Sky Dine, Inc. (dba) Marlin's Family Restaurant - 3938 Miriam Avenue
- Midway Tavern, LLC. (dba) Midway Tavern - 1915 East Sweet Avenue
- SQV, Inc. (dba) Peacock Alley - 422 East Main Avenue
- DBLD, Inc. (dba) Pub 21 - 1014 South 12th Street
- Sidelines, Inc. (dba) Sidelines Sports Bar - 300 South 5th Street
- Sixteen03 Main Events, LLC (dba) Sixteen03 Main Events - 1603 East Main Avenue
- Galaxy Investors, Inc. (dba) Space Aliens Grill & Bar - 1304 East Century Avenue
- Sports Page, Inc. (dba) Sports Page - 1120 Tacoma Avenue

- Stonehome, LLC. (dba) Stonehome Brewing Company - 1601 North 12th Street, Ste 102
- Tavern Bismarck, LLC (dba) Tavern Grill Restaurant & Bar - 1802 North 12th Street

RECOMMENDED CITY COMMISSION ACTION:

Approve the liquor license renewals.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. 40 Steak and Seafood Application
2. Bismarck Eagles Aerie #2237 Application
3. Bruno's Pizza Application
4. Buffalo Wings and Rings Application
5. Charras Application
6. China Star Application
7. Costco Wholesale #1380 Application
8. Golf Etc Application
9. Ground Round Application
10. Holiday Inn Bismarck Application_Redacted
11. JL Beers Application
12. Marlin's Family Restaurant Application
13. Midway Tavern Application
14. Peacock Alley Application
15. Pub 21 Application
16. Sidelines Sports Bar Application
17. Sixteen03 Main Events Application
18. Space Aliens Grill & Bar Application
19. Sports Page Application
20. Stonehome Brewing Application
21. Tavern Grill & Bar Application

Print**Retail Alcohol Beverage License - Submission #23252****Date Submitted: 6/3/2024****License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|---|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☒ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

East 40 Inc

Doing Business As (DBA) Name, if Applicable:*

40 Steak and Seafood

Date of Incorporation:*

03/05/2014

State of ND Liquor License No.:

ND

**If out of state corporation,
is corporation registered in
North Dakota?**☐ Yes☐ No☒ N/A**Location Address:***

1401 interchange ave

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

7012554040

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

Dale Zimmerman

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Dale Zimmerman

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

[REDACTED]

Manager's Name:*

Dale Zimmerman

Date of Birth:*

[REDACTED]/1968

**Percentage of
Ownership:***

51

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

.....

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

Sec/treas

Name:**Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:****Home Address:****City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email Address:****Name:****Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:**

Home Address:**City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email address:****Please submit all officers that will not fit on this form.**[Choose File](#)

No file chosen

The undersigned states that the following information is true and correct.**1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?***

- ☒ Yes
☐ No

If no, please explain:**2. Have any of the persons listed above been convicted of any crime within the past five years? ***

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:**3. Does the building meet all state and local sanitation and safety requirements?***

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☐ Yes
☒ No

If yes please, give details:

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

scan0008.pdf

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☒ The agency name shall be included on the diagram.
- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☒ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

scan0009.pdf

Liquor License Transfers**Download Required Form for License Transfer:**[Alcoholic Beverage License Transfer Form](#)**Upload Notarized Alcoholic Beverage License Transfer Form** No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Dale Zimmerman

By checking this box I acknowledge that I am electronically signing this liquor license application.*

☒ Electronic Signature**Date:***

6/3/2020

Payment Options:*

Check By Mail

**NOTE: This application must be accompanied by required fees.**

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

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

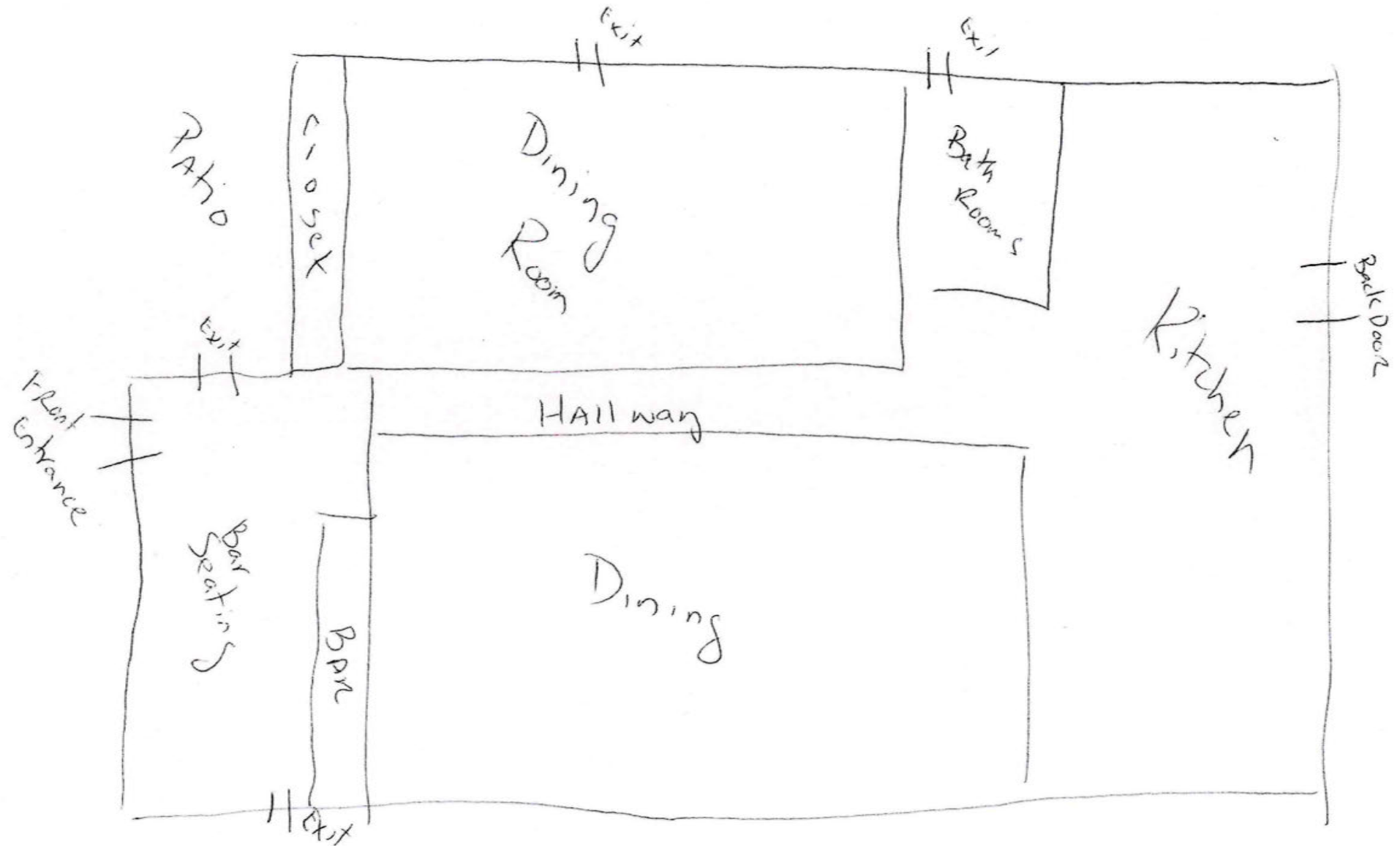
No file chosen

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

N

40 Steak? Seafood





APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

LAST REVISED: 2/6/2024

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

License Type:				
☐ New Application	☒ Renewal	☐ Transfer	☐ Relocation	
Class A: Nationally Organized Fraternal Order or Club ■ \$3,700	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building □ \$650	Class B-2: Concession at the Bismarck Municipal Country Club □ \$650	Class B-3: Commercial passenger vessels on the Missouri River □ \$650	Class B-4: Sale of Beer & Wine at the Bismarck Event Center □ \$650
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations □ \$650	Class B-6: Commercial Airline □ \$650	Class C-1: Hotel or Motel Full Service □ \$3,800	Class C-2: Hotel or Motel □ \$1,000	Class D: Sale at Retail of Alcoholic Beverages □ \$4,100
Class E: Sale at Retail of Beer Only □ \$800	Class F-1: Restaurant - Alcoholic Beverages □ \$3,500	Class F-2: Restaurant - Beer & Wine Only □ \$1,100	Class G: Catered Retail Beer, Wine, & Liquor □ \$650	Class H-1: Domestic Winery □ \$800
Class H-2: Domestic Brewery □ \$800	Class H-3: Domestic Distillery □ \$800	Class I-1: Senior Living Community □ \$350	Class I-2: Complementary □ \$350	

All Class F-1, F-2, & C-2 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:	Date of Incorporation:	State Business ID Number:
Bismarck Eagles Aerie #2237		
Doing Business As (DBA) Name, if Applicable:	If out of state corporation, is corporation registered in North Dakota?	
Bismarck Eagles Aerie #2237	☐ Yes ☐ No	
Location Address:	City:	State:
313 N 26th Street	Bismarck	ND
Zip:	Phone Number:	
58501	(701)223-2045	
Name and Title of Person Completing Form (must be the person listed in ownership information or manager):		
Glenda Weichel, Club Manager		

Contact Information (Where correspondence is to be sent):

Primary Contact:	Phone Number:	Email Address:
Glenda Weichel	[REDACTED]	[REDACTED]
Mailing Address:	City:	State:
[REDACTED]	Bismarck	ND
	Zip:	
	58501	

Manager's Name:	Date of Birth:	Percentage of Ownership:
Glenda Weichel	[REDACTED] 1957	)%
Driver's License Number:	State Issued:	Gender:
[REDACTED]	ND	F
Home Address:	City:	State:
[REDACTED]	Bismarck	ND
	Zip:	
	58501	
Occupation:	Phone Number:	Title:
Club Manager	[REDACTED]	Manager
		Email Address:
		[REDACTED]

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

Name: Christoph Bell		Date of Birth: [REDACTED]/1987	Percentage of Ownership:)%
Driver's License Number: [REDACTED]	State Issued: ND	Gender: M	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58504
Occupation: Food & Nutrition Director	Phone Number: [REDACTED]	Title: President	Email Address:

Name: Jerry R Brown		Date of Birth: [REDACTED]/1945	Percentage of Ownership: 0%
Driver's License Number: [REDACTED]	State Issued: ND	Gender: M	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58501
Occupation: Retired	Phone Number: [REDACTED]	Title: Secretary	Email Address:

Name: William D Kopp		Date of Birth: [REDACTED]/1946	Percentage of Ownership: 0%
Driver's License Number: [REDACTED]	State Issued: ND	Gender: M	Race: 0%
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58501
Occupation: Retired	Phone Number: [REDACTED]	Title: Treasurer	Email Address:

Name: Kenneth J Rebel		Date of Birth: [REDACTED]/1944	Percentage of Ownership: 0%
Driver's License Number: [REDACTED]	State Issued: ND	Gender: M	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58504
Occupation: Retired	Phone Number: [REDACTED]	Title: Trustee	Email Address:

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

1. Are the manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?

☒ Yes ☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years?

☐ Yes ☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements? ☒ Yes ☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended?

☐ Yes ☒ No

If yes, please give details:

5. If a new application, has the applicant or any of the persons listed above engaged in the sale or transportation of alcoholic beverages previously?

☐ Yes ☒ No

If yes, please give details:

6. Has the applicant, or any of the persons listed above, within the past five years, had an application for any federal or state, or local license of any type rejected or denied?

☐ Yes ☒ No

If yes, please give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?

☐ Yes ☐ No

If yes, please give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?

☐ Yes ☒ No

If yes, please give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other licensed liquor establishment within or without the State of North Dakota?

☐ Yes ☒ No

If yes, please give details:

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?

☐ Yes ☒ No

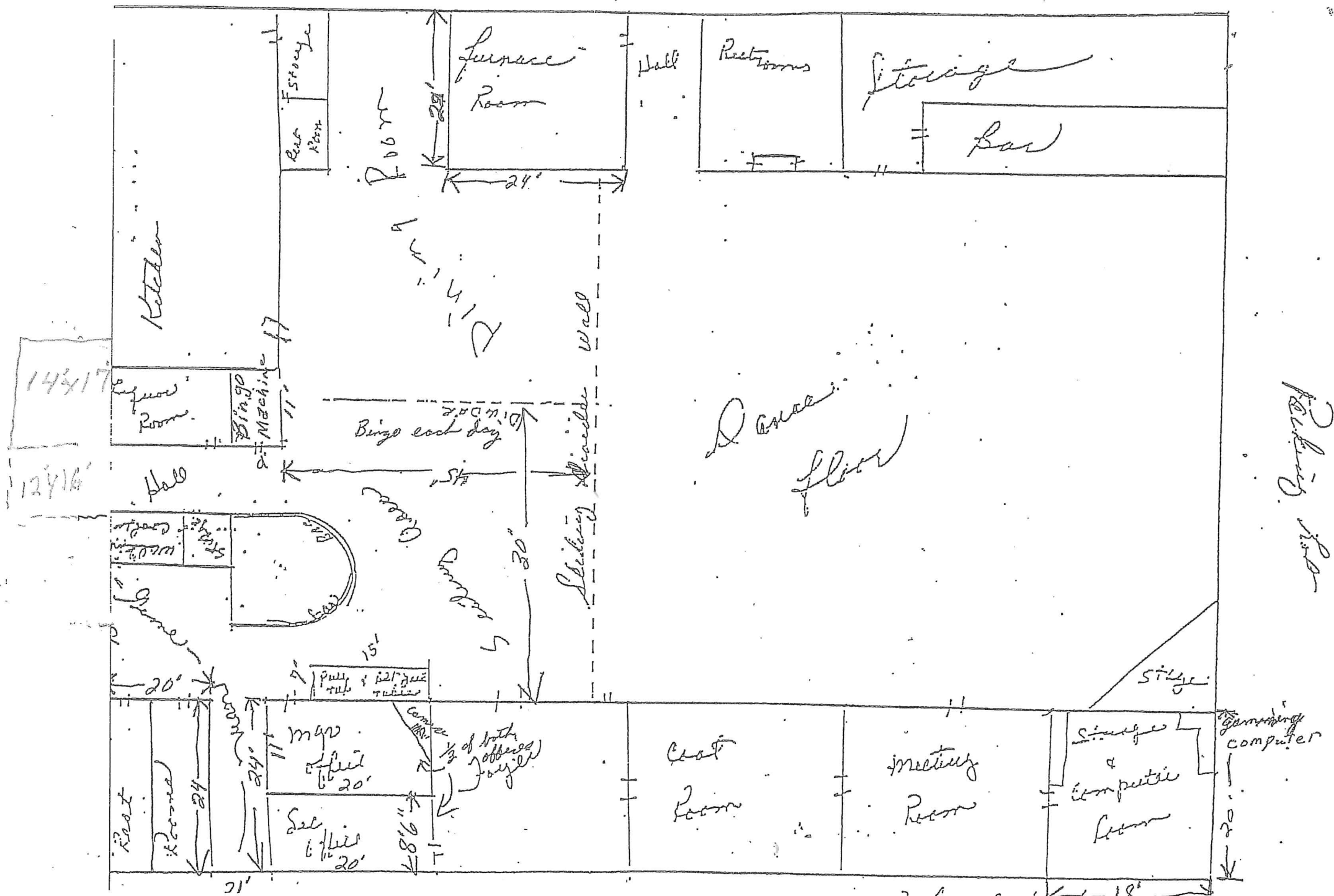
If yes, please give details:

11. Have all property taxes and special assessments currently due been paid?

☒ Yes ☐ No

If no, please give details:

شماره ۱۴۶



[Print](#)**Retail Alcohol Beverage License - Submission #23138****Date Submitted: 5/28/2024****License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|--|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☐ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☒ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

B & N RALPH LLC

Doing Business As (DBA) Name, if Applicable:*

BRUNOS PIZZA

Date of Incorporation:*

ND

State of ND Liquor License No.:

AW-01777

If out of state corporation,
is corporation registered in
North Dakota?☐ Yes☐ No☒ N/A

Location Address:*

910 E FRONT AVE

City:*

BISMARCK

State:*

ND

Zip:*

58504

Phone No.:*

701-751-3700

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

BRANDON RALPH

Contact Information (Where correspondence is to be sent):

Primary Contact:*

CINDY SAUBER

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

MANDAN

State:*

ND

Zip:*

58554

Phone No.:*

[REDACTED]

Manager's Name:*

BRANDON RALPH

Date of Birth:*

[REDACTED]/1980

Percentage of
Ownership:*

40%

Driver's License No.:*

██████████

State Issued:*

ND

Gender:

M

Race:

CAUCASIAN

Home Address:*

████████████████████

City:*

BISMARCK

State:*

ND

Zip:*

58503

Phone No.:*

██████████

Officer/Director/Stockholder Title:*

PRESIDENT

Email Address:*

████████████████████

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

NICOLE RALPH

Date of Birth:*

██████/1980

Percentage of Ownership:*

40%

Driver's License No.:*

██████████

State Issued:*

ND

Gender:

F

Race:

CAUCASIAN

Home Address:*

████████████████████

City:*

BISMARCK

State:*

ND

Zip:*

58503

Phone No.:*

██████████

Officer/Director/Stockholder Title:***Email Address:**

VICE PRESIDENT

Name:**Date of Birth:****Percentage of Ownership:**

YVONNE RALPH

[REDACTED] 1952

10%

Driver's License No.:**State Issued:****Gender:****Race:**

[REDACTED]

MN

F

CAUCASIAN

Home Address:

[REDACTED]

City:**State:****Zip:****Phone No.:**

MOORHEAD

MN

58560

[REDACTED]

Officer/Director/Stockholder Title:**Email Address:**

SECRETARY

Name:**Date of Birth:****Percentage of Ownership:**

RICHARD RALPH

[REDACTED] 1945

10%

Driver's License No.:**State Issued:****Gender:****Race:**

[REDACTED]

MN

M

CAUCASIAN

Home Address:**City:**

MOORHEAD

State:

MN

Zip:

58560

Phone No.:**Officer/Director/Stockholder Title:**

TREASURER

Email address:**Please submit all officers that will not fit on this form.**[Choose File](#)

No file chosen

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

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?*

- ☒ Yes
☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years? *

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?*

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☒ Yes
☐ No

If yes please, give details:

BRANDON RALPH IS 50% OWNER OF 726 SERVICES LLC WHICH ALSO HAS A LIQUOR LICENSE IN NORTH DAKOTA.

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

Sales Tax Report.pdf

Liquor License Site Diagram Requirements:

- ☐ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☐ The agency name shall be included on the diagram.
- ☐ The direction "North" shall be included on the diagram.
- ☐ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☐ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☐ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

Site Diagram.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

BRANDON RALPH

By checking this box I acknowledge that I am electronically signing this liquor license application.*☒ Electronic Signature**Date:***

5/28/2024

Payment Options:*

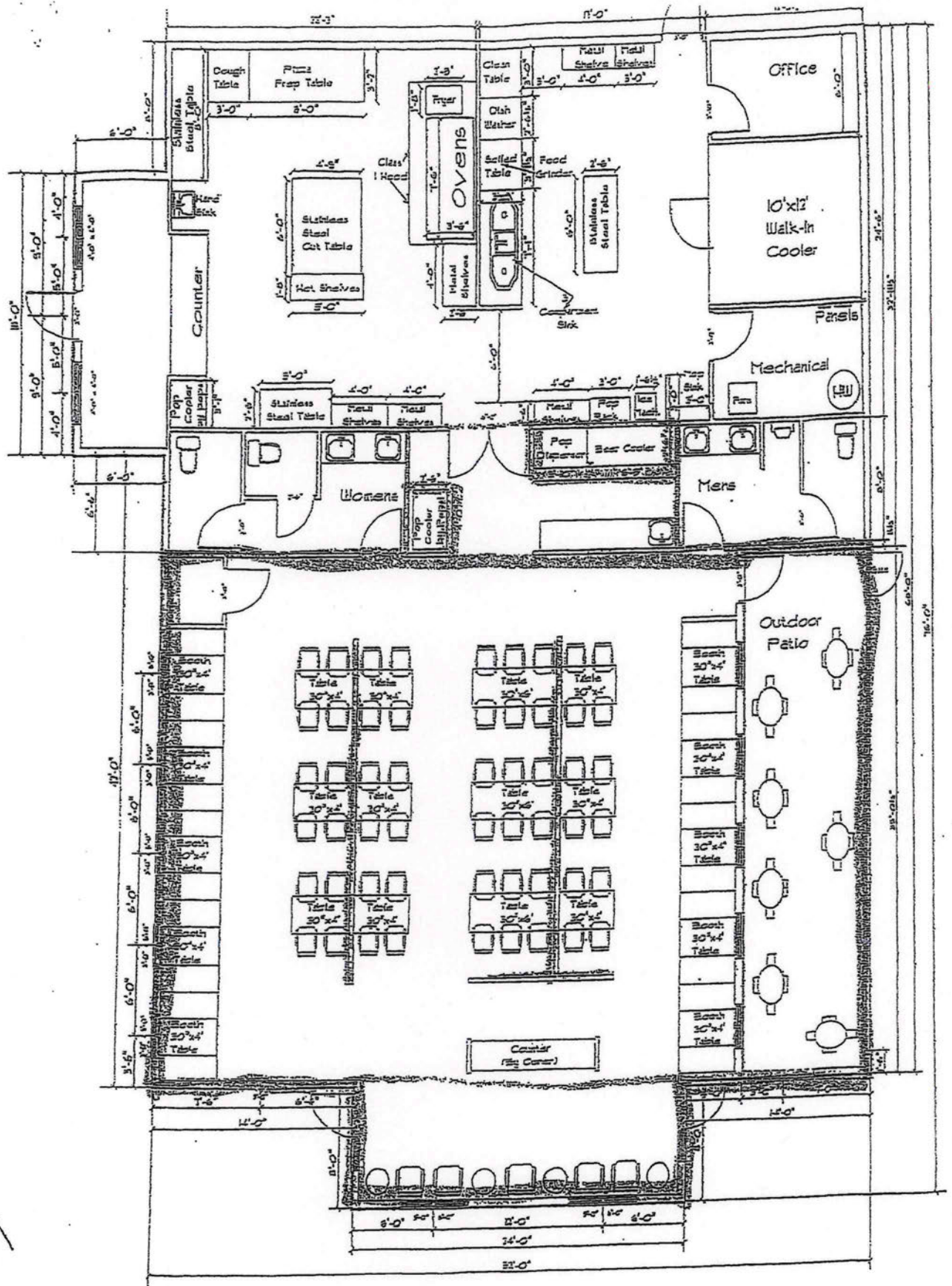
Check By Mail

NOTE: This application must be accompanied by required fees.

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

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form** No file chosen**Mail Payments To:**

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501



Fixture & Equipment Lay-out

Indoor Seating

Booths: 10 x 4 seats = 40 Seats
 Tables 4': 9 x 4 seats = 36 Seats
 Tables 6': 3 x 6 seats = 18 Seats

94 Seats
 5 Seats

Entry Way Seating

Outdoor Seating

Table 4': 6 x 4 seats = 24 Seats

Exits

Half wall

Sales Service

1. Dinner

BAN Ralph LLC
 Dan Pham's Pita

[Print](#)**Retail Alcohol Beverage License - Submission #23028****Date Submitted: 5/21/2024****License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|---|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☒ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

BWR-Bismarck, Inc.

Doing Business As (DBA) Name, if Applicable:*

Buffalo Wings and Rings

Date of Incorporation:*

02/02/2016

State of ND Liquor License No.:

AA-02844

**If out of state corporation,
is corporation registered in
North Dakota?**☐ Yes☐ No☒ N/A**Location Address:***

4424 N 15th Street

City:*

Bismarck

State:*

ND

Zip:*

58503

Phone No.:*

701-340-3930

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

Allan Hauck - President

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Allan Hauck

Email Address:***Mailing Address:*****City:***

Bismarck

State:*

ND

Zip:*

58503

Phone No.:***Manager's Name:***

Michael Hauck

Date of Birth:*

/1985

**Percentage of
Ownership:***

0

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

.....

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

President

Name:**Date of Birth:****Percentage of
Ownership:**

Mary K Hauck

1962

50

Driver's License No.:**State Issued:****Gender:****Race:**

ND

Female

White

Home Address:**City:****State:****Zip:****Phone No.:**

Bismarck

ND

58503

Officer/Director/Stockholder Title:**Email Address:**

Secretary

Name:**Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:**

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email address:

Please submit all officers that will not fit on this form.

[Choose File](#) No file chosen

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

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?*

- ☒ Yes
☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years? *

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?*

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

☐ Yes

☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

☐ Yes

☐ No

☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

☐ Yes

☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

☐ Yes

☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☒ Yes
☐ No

If yes please, give details:

A&M Hauck, Inc. (Buffalo Wings and Rings, 910 24th Ave SW, Minot, ND 58701)

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☒ Yes
☐ No

If yes please, give details:

Sale of Food and Beverage

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

State Tax Return Summary 2023.pdf

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☒ The agency name shall be included on the diagram.
- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☒ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

Bismarck Floor Plan.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Allan Hauck

By checking this box I acknowledge that I am electronically signing this liquor license application.*☒ Electronic Signature**Date:***

5/21/2024

Payment Options:*

Credit Card Authorization Form

**NOTE: This application must be accompanied by required fees.**

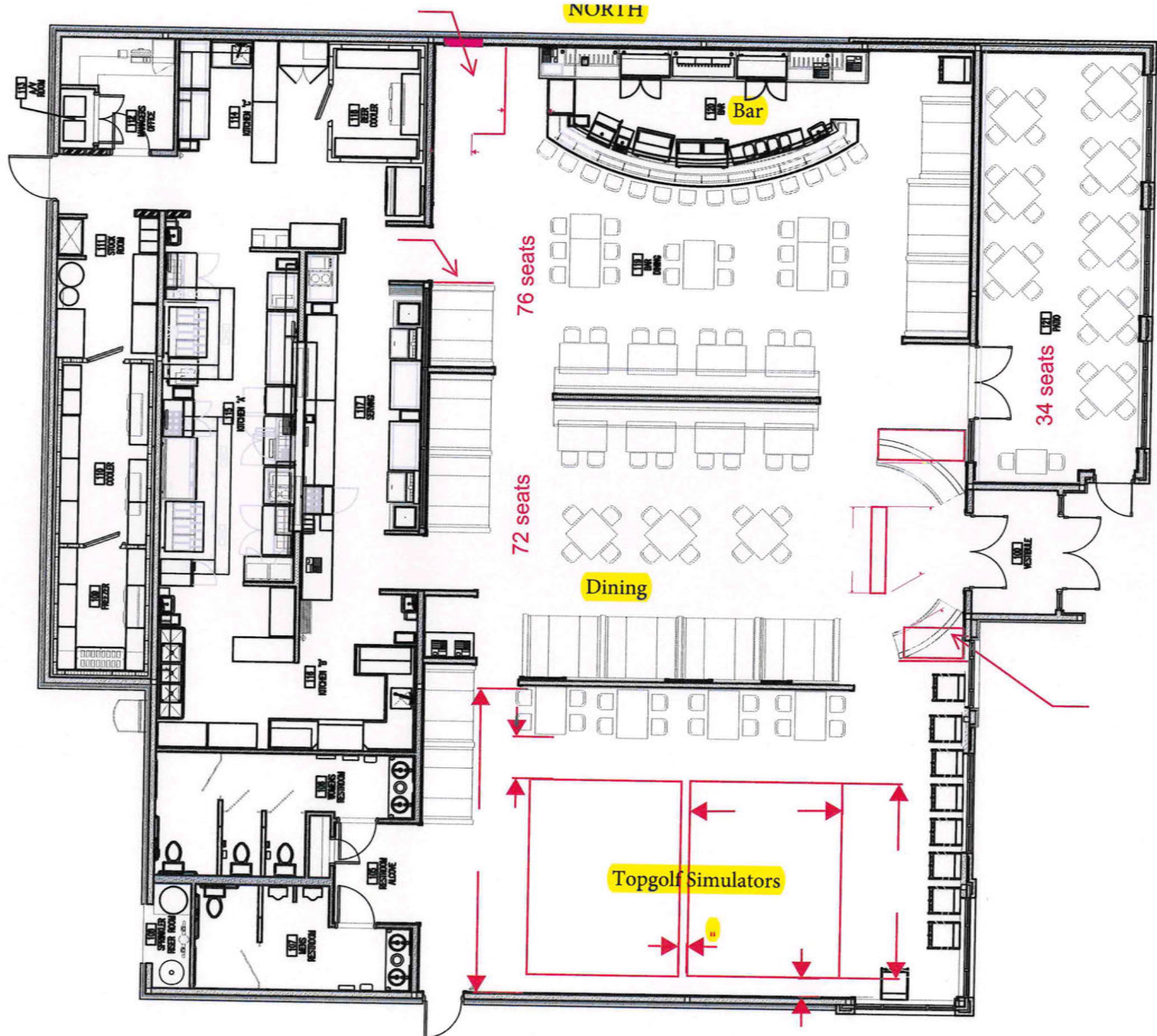
The \$200 application fee is due when the application is submitted. (Fee does not apply to renewal applications)

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

CC Auth From Bismarck License.pdf

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501



Print**Retail Alcohol Beverage License - Submission #23129****Date Submitted: 5/27/2024****License Information:****Application Type***

Renewal

**License Type***

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|---|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☒ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

CHARRAS B, INC.

Doing Business As (DBA) Name, if Applicable:*

CHARRAS AND TEQUILA

Date of Incorporation:*

8/24/17

State of ND Liquor License No.:

AA-02579

**If out of state corporation,
is corporation registered in
North Dakota?**

- ☐ Yes
☐ No
☐ N/A

Location Address:*

4503 SKYLINE CROSSINGS

City:*

Bismarck

State:*

ND

Zip:*

58503

Phone No.:*

8509100184

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):**Contact Information (Where correspondence is to be sent):****Primary Contact:***

David Mendoza

Email Address:***Mailing Address:*****City:***

Bismarck

State:*

ND

Zip:*

58503

Phone No.:***Manager's Name:***

David Mendoza

Date of Birth:*

1982

**Percentage of
Ownership:***

100

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

OWNER

Name:**Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:****Home Address:****City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email Address:****Name:****Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:**

Home Address:**City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email address:****Please submit all officers that will not fit on this form.**[Choose File](#)

No file chosen

The undersigned states that the following information is true and correct.**1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?***

- ☒ Yes
☐ No

If no, please explain:**2. Have any of the persons listed above been convicted of any crime within the past five years? ***

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:**3. Does the building meet all state and local sanitation and safety requirements?***

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☐ Yes
☒ No

If yes please, give details:

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

Charras Tequila Return Summary.pdf

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☐ The agency name shall be included on the diagram.
- ☐ The direction "North" shall be included on the diagram.
- ☐ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☐ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☐ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

Charras Bismarck Floor Plan.pdf

Liquor License Transfers**Download Required Form for License Transfer:**[Alcoholic Beverage License Transfer Form](#)**Upload Notarized Alcoholic Beverage License Transfer Form** No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

David Mendoza

By checking this box I acknowledge that I am electronically signing this liquor license application.*☒ Electronic Signature**Date:***

5/27/2024

Payment Options:*

Credit Card Payment Over The Phone - (701) 355-1300

**NOTE: This application must be accompanied by required fees.**

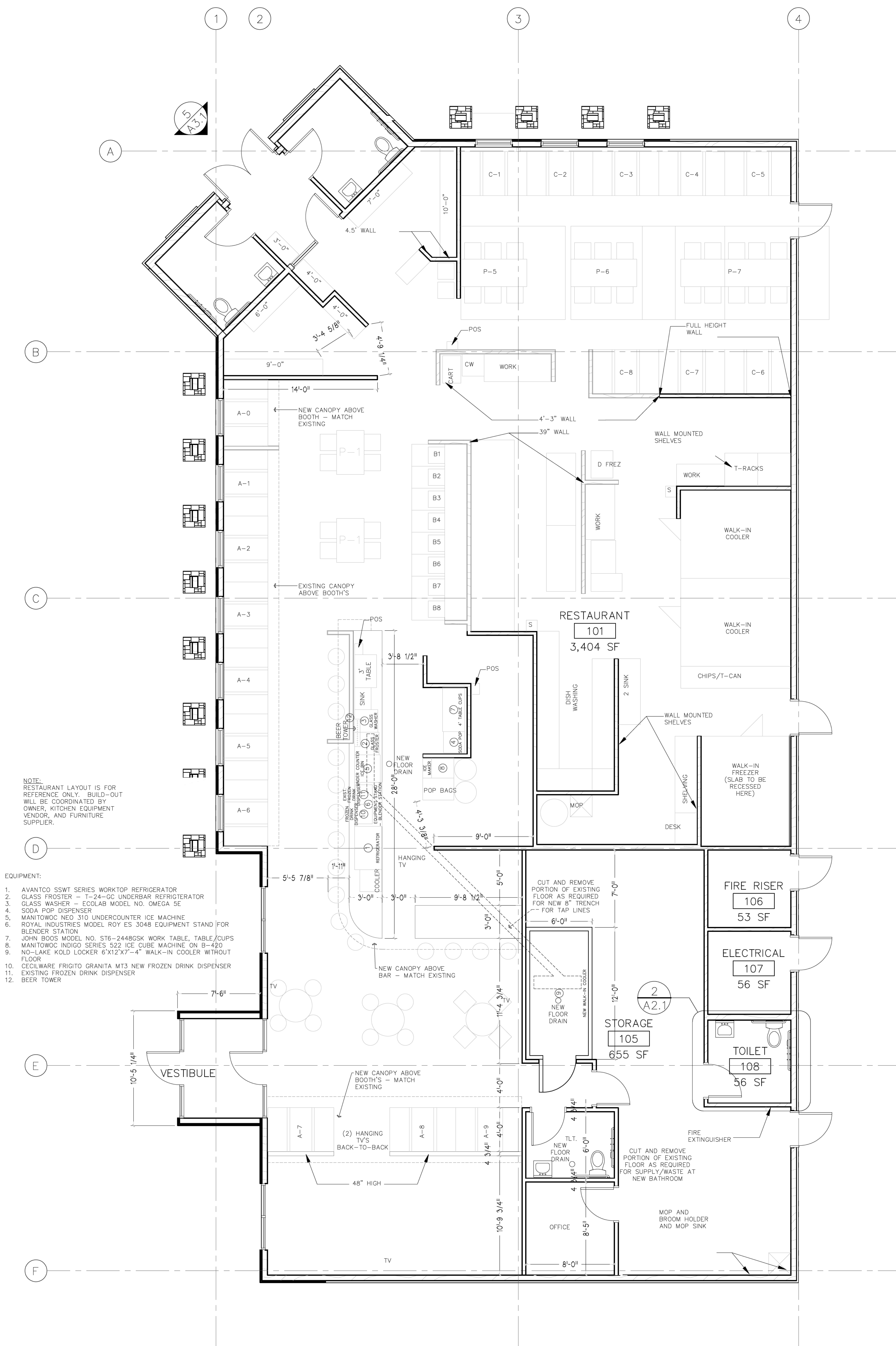
The \$200 application fee is due when the application is submitted. (Fee does not apply to renewal applications)

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

No file chosen

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501





APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

LAST REVISED: 2/6/2024

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

License Type:				
☐ New Application	☐ Renewal	☐ Transfer	☐ Relocation	
Class A: Nationally Organized Fraternal Order or Club ☐ \$3,700	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building ☐ \$650	Class B-2: Concession at the Bismarck Municipal Country Club ☐ \$650	Class B-3: Commercial passenger vessels on the Missouri River ☐ \$650	Class B-4: Sale of Beer & Wine at the Bismarck Event Center ☐ \$650
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations ☐ \$650	Class B-6: Commercial Airline ☐ \$650	Class C-1: Hotel or Motel Full Service ☐ \$3,800	Class C-2: Hotel or Motel ☐ \$1,000	Class D: Sale at Retail of Alcoholic Beverages ☐ \$4,100
Class E: Sale at Retail of Beer Only ☐ \$800	Class F-1: Restaurant - Alcoholic Beverages ☐ \$3,500	Class F-2: Restaurant - Beer & Wine Only ☒ \$1,100	Class G: Catered Retail Beer, Wine, & Liquor ☐ \$650	Class H-1: Domestic Winery ☐ \$800
Class H-2: Domestic Brewery ☐ \$800	Class H-3: Domestic Distillery ☐ \$800	Class I-1: Senior Living Community ☐ \$350	Class I-2: Complementary ☐ \$350	

All Class F-1, F-2 & C-2 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: <i>Lucky star Buffet, Inc</i>		Date of Incorporation:	State Business ID Number:	
Doing Business As (DBA) Name, if Applicable: <i>China star</i>		If out of state corporation, is corporation registered in North Dakota? ☐ Yes ☐ No		
Location Address: <i>1065 E Interstate Ave</i>	City: <i>Bismarck</i>	State: <i>ND</i>	Zip: <i>58503</i>	Phone Number: <i>701 255 6888</i>
Name and Title of Person Completing Form (must be the person listed in ownership information or manager):				

Contact Information (Where correspondence is to be sent):

Primary Contact: <i>Lucky star Buffet, Inc</i>	Phone Number: <i>701 255 6888</i>	Email Address: [REDACTED]	
Mailing Address: <i>1065 E Interstate Ave</i>	City: <i>Bismarck</i>	State: <i>ND</i>	Zip: <i>58503</i>

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

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

Name: Xuzhen Lin		Date of Birth: [REDACTED] / 1992	Percentage of Ownership:
Driver's License Number: [REDACTED]	State Issued: ND	Gender: F	Race: Asian
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58503
Occupation: Manager	Phone Number:	Title: President	Email Address:

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

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

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

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

1. Are the manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?

☒ Yes ☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years?

☐ Yes ☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements? ☒ Yes ☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended?

☐ Yes ☒ No

If yes, please give details:

5. If a new application, has the applicant or any of the persons listed above engaged in the sale or transportation of alcoholic beverages previously?

☐ Yes ☐ No

If yes, please give details:

6. Has the applicant, or any of the persons listed above, within the past five years, had an application for any federal or state, or local license of any type rejected or denied?

☐ Yes ☒ No

If yes, please give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?

☐ Yes ☒ No

If yes, please give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?

☐ Yes ☒ No

If yes, please give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other licensed liquor establishment within or without the State of North Dakota?

☐ Yes ☒ No

If yes, please give details:

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?

☐ Yes ☒ No

If yes, please give details:

11. Have all property taxes and special assessments currently due been paid?

☒ Yes ☐ No

If no, please give details:

Signature:

- ☐ I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances.
- ☐ I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.
- ☐ I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

Signature of Applicant _____

Date _____

Print Name / Title of Officer _____

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

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

Business Name _____

Applicant Business Name _____

Original License Holder Name Printed _____

Transfer Applicant Name Printed _____

Original License Holder Signature _____

Transfer Applicant Signature _____

State of _____

Subscribed and sworn to before me this _____

County of _____

day of _____

Notary Seal

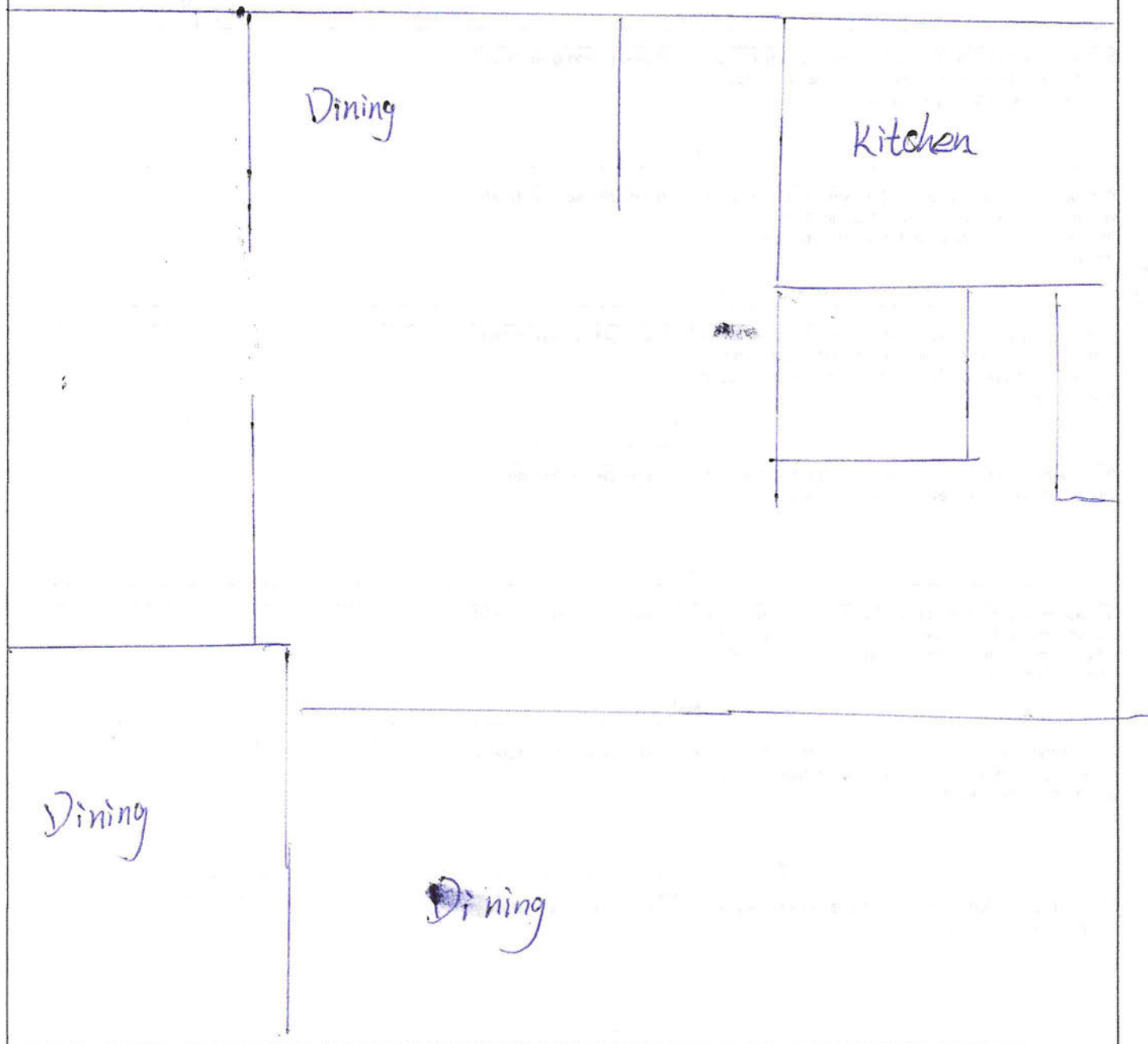
Notary Public _____

My Commission Expires _____

Site Diagram Requirements:

- ☐ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☐ The agency name shall be included on the diagram.
- ☐ The direction "North" shall be included on the diagram.
- ☐ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☐ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☐ If the licensed site is part of a larger complex, such as a restaurant, areas such as mixing, serving, and storage must be identified.

Site Diagram



[Print](#)**Retail Alcohol Beverage License - Submission #23059****Date Submitted: 5/22/2024****License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|--|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☐ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☒ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

Costco Wholesale Corporation

Doing Business As (DBA) Name, if Applicable:*

Costco Wholesale #1380

Date of Incorporation:*

05/12/1987

State of ND Liquor License No.:

AA-03148

**If out of state corporation,
is corporation registered in
North Dakota?**☒ Yes☐ No☐ N/A**Location Address:***

1325 57th

City:*

Bismarck

State:*

ND

Zip:*

58503

Phone No.:***Name and Title of Person Completing Form (must be the person listed in ownership information or manager):**

Heather Cimuchowski

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Heather Cimuchowski

Email Address:***Mailing Address:*****City:***

Seattle

State:*

WA

Zip:*

98124

Phone No.:***Manager's Name:***

Brandon Peck

Date of Birth:*

/1978

**Percentage of
Ownership:***

Less than 1%

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

President/Treasurer/Director

Name:**Date of Birth:****Percentage of
Ownership:**

Gail Tsuboi

/59

Less that 1%

Driver's License No.:**State Issued:****Gender:****Race:**

WA

Female

Asian

Home Address:**City:****State:****Zip:****Phone No.:**

Bellevue

WA

98009

Officer/Director/Stockholder Title:**Email Address:**

Officer/Director

Name:**Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:**

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email address:

Please submit all officers that will not fit on this form.

[Choose File](#)

No file chosen

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

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?*

☒ Yes

☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years? *

☐ Yes

☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?*

☒ Yes

☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☒ Yes
☐ No

If yes please, give details:

Costco Beverages maintains alcohol licenses for both Costco Wholesale locations, the other location is Costco Wholesale #1119 located at 750 23RD AVE EAST, WEST FARGO, ND, 58078-7804.
West Fargo license number 25, ND Office of Attorney General Retail Alcoholic Beverage License number AA-02095

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☒ Yes
☐ No

If yes please, give details:

Membership Warehouse selling general merchandise such as food, apparel, furniture and electronics.

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

[Choose File](#) No file chosen

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☒ The agency name shall be included on the diagram.
- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☒ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

1380 Bismarck Site Diagram.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

[Choose File](#) No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Heather Cimuchowski

By checking this box I acknowledge that I am electronically signing this liquor license application.*

☒ Electronic Signature**Date:***

5/22/2024

Payment Options:*

Credit Card Authorization Form

**NOTE: This application must be accompanied by required fees.**

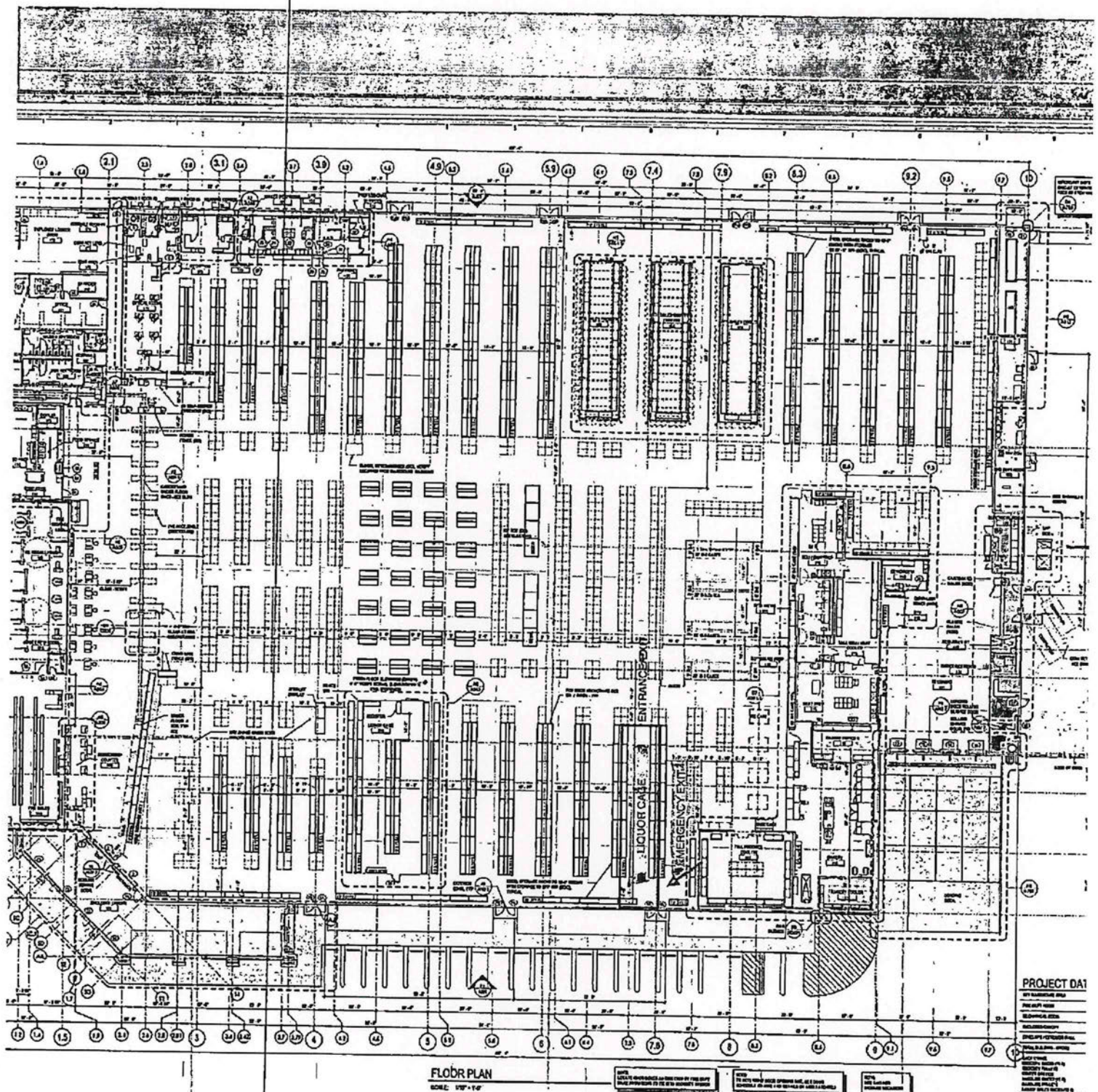
The \$200 application fee is due when the application is submitted. (Fee does not apply to renewal applications)

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

2024(MAY)_1380_Bismarck.pdf

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501



[Print](#)**Retail Alcohol Beverage License - Submission #23030****Date Submitted: 5/21/2024****License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|--|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☐ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☒ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

HALL FAMILY ENTERPRISES INC.

Doing Business As (DBA) Name, if Applicable:*

GOLF ETC. BISMARCK

Date of Incorporation:*

2013

State of ND Liquor License No.:

AW-01303

**If out of state corporation,
is corporation registered in
North Dakota?**

- ☐ Yes
☐ No
☒ N/A

Location Address:*

511 AIRPORT RD

City:*

BISMARCK

State:*

ND

Zip:*

58504

Phone No.:*

701-751-7070

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

GEN HALL, GENERAL MANAGER

Contact Information (Where correspondence is to be sent):**Primary Contact:***

GEN HALL

Email Address:***Mailing Address:*****City:***

BISMARCK

State:*

ND

Zip:*

58504

Phone No.:***Manager's Name:***

GEN HALL

Date of Birth:*

1980

**Percentage of
Ownership:***

0

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

PRESIDENT

Name:**Date of Birth:****Percentage of
Ownership:**

CAROL HALL

1959

49

Driver's License No.:**State Issued:****Gender:****Race:**

ND

F

Home Address:**City:****State:****Zip:****Phone No.:**

BISMARCK

ND

58501

Officer/Director/Stockholder Title:**Email Address:**

SECRETARY

Name:**Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:**

Home Address:**City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email address:****Please submit all officers that will not fit on this form.**[Choose File](#)

No file chosen

The undersigned states that the following information is true and correct.**1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?***

- ☒ Yes
☐ No

If no, please explain:**2. Have any of the persons listed above been convicted of any crime within the past five years? ***

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:**3. Does the building meet all state and local sanitation and safety requirements?***

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☐ Yes
☒ No

If yes please, give details:

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

GolfETC.pdf

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☒ The agency name shall be included on the diagram.
- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☒ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

Updated Golf Etc. Diagram.pdf

Liquor License Transfers**Download Required Form for License Transfer:**[Alcoholic Beverage License Transfer Form](#),**Upload Notarized Alcoholic Beverage License Transfer Form** No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

GEN HALL

By checking this box I acknowledge that I am electronically signing this liquor license application.*

☒ Electronic Signature**Date:***

5/21/2024

Payment Options:*

Credit Card Authorization Form

**NOTE: This application must be accompanied by required fees.**

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

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

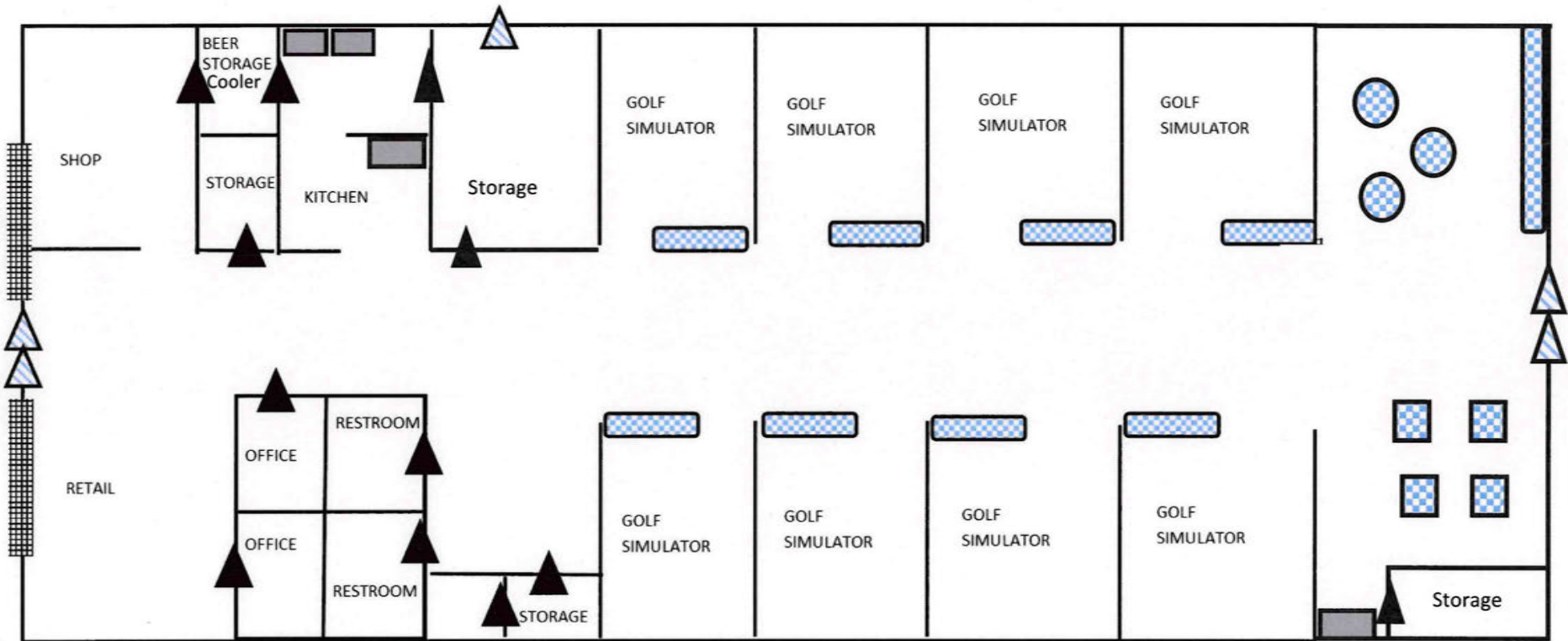
2024-05-21.pdf

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

GOLF ETC. BISMARCK

NORTH



EXIT



WINDOWS



COOLERS



INTERIOR DOOR



TABLES

[Print](#)**Retail Alcohol Beverage License - Submission #23017****Date Submitted: 5/21/2024****License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|---|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☒ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

GR Associates

Doing Business As (DBA) Name, if Applicable:*

Ground Round

Date of Incorporation:*

6/10/1986

State of ND Liquor License No.:**If out of state corporation,
is corporation registered in
North Dakota?**☐ Yes☐ No☒ N/A**Location Address:***

526 3rd St

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

701-223-0000

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

Bill Daniel, General Partner

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Lacy Brousseau

Email Address:***Mailing Address:*****City:***

Bismarck

State:*

ND

Zip:*

58501

Phone No.:***Manager's Name:***

Courtney Pfeifer

Date of Birth:*

1979

**Percentage of
Ownership:***

0

Driver's License No.:*

██████████

State Issued:*

ND

Gender:

Female

Race:

Caucasion

Home Address:*

██████████

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

██████████

Officer/Director/Stockholder Title:*

Restaurant Manager

Email Address:*

██████████

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Bill Daniel

Date of Birth:*

██████/1955

Percentage of Ownership:*

3.26 limited Partner 71.82 General Partner General Par

Driver's License No.:*

██████████

State Issued:*

ND

Gender:

Male

Race:

Caucasion

Home Address:*

██████████

City:*

Bismarck

State:*

ND

Zip:*

58503

Phone No.:*

██████████

Officer/Director/Stockholder Title:***Email Address:**

General Partner

Name:**Date of Birth:****Percentage of Ownership:**

John Scharnweber

[REDACTED] 1956

3.26 Limited Partner 18.18
General Partner**Driver's License No.:****State Issued:****Gender:****Race:**

AZ

Male

Caucasion

Home Address:**City:****State:****Zip:****Phone No.:**

Scottsdale

AZ

85259

Officer/Director/Stockholder Title:**Email Address:**

General Partner

Name:**Date of Birth:****Percentage of Ownership:**

Randy Hansen

[REDACTED] 1955

3.267 Limited Partner

Driver's License No.:**State Issued:****Gender:****Race:**

Male

Caucasion

Home Address:**City:**

Bismarck

State:

ND

Zip:

58504

Phone No.:**Officer/Director/Stockholder Title:**

Limited Partner

Email address:

Please submit all officers that will not fit on this form.

Ownership Listing for License Renewal.xlsx

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

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?*

- ☐ Yes
☒ No

If no, please explain:

Four Limited Partners currently reside outside of ND, but all are US residents.

2. Have any of the persons listed above been convicted of any crime within the past five years? *

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?*

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☒ Yes
☐ No

If yes please, give details:

Bill Daniel, John Scharnweber and Randy Hansen own and operate the Ground Round in Minot, ND and hold a liquor license in the city of Minot.

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

2023 Sales Tax Returns.pdf

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☐ The agency name shall be included on the diagram.
- ☐ The direction "North" shall be included on the diagram.
- ☐ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☐ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☐ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

Site Diagram.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Bill Daniel

By checking this box I acknowledge that I am electronically signing this liquor license application.*

☒ Electronic Signature**Date:***

5/21/2024

Payment Options:*

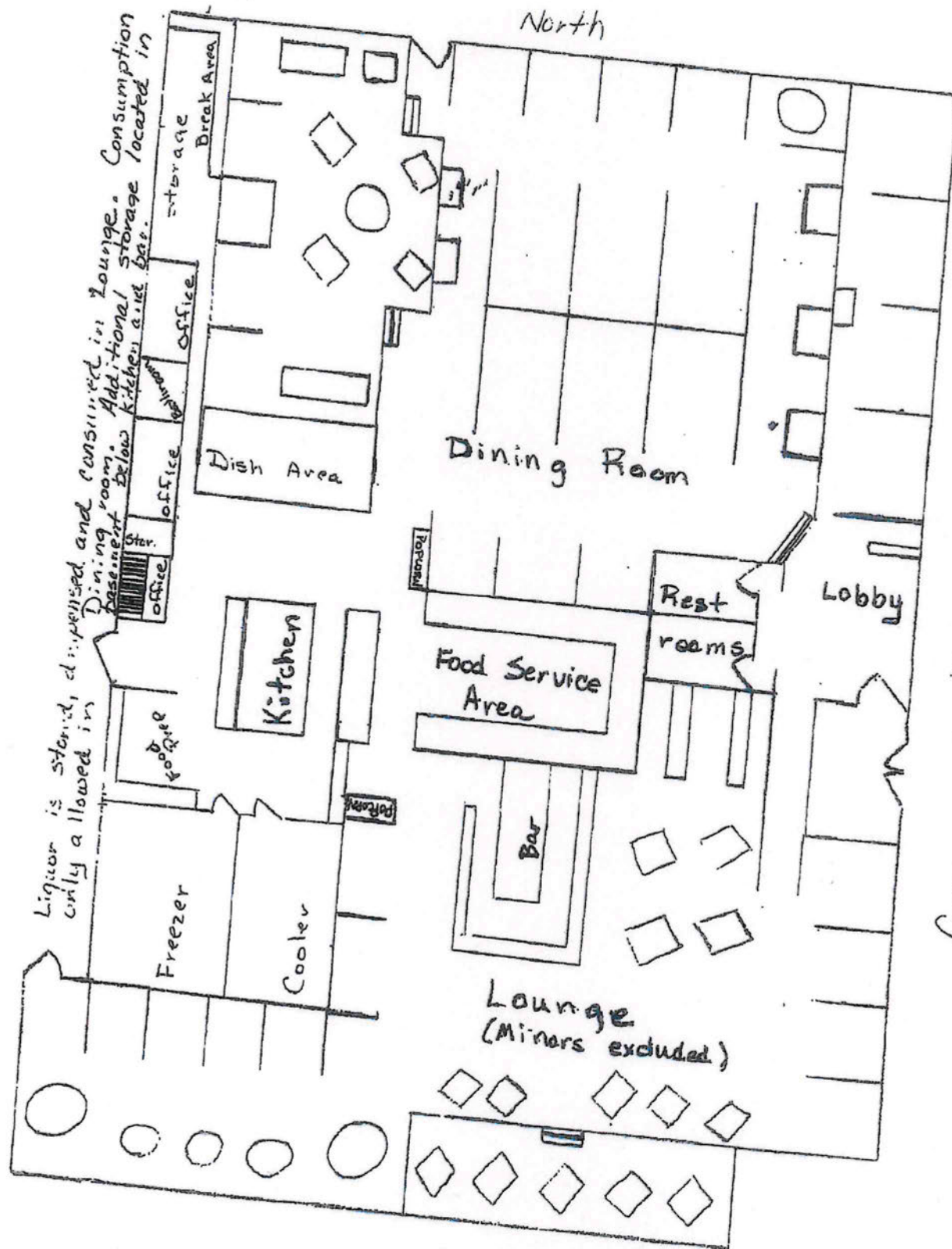
Check By Mail

NOTE: This application must be accompanied by required fees.

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

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form** No file chosen**Mail Payments To:**

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501



Ground Round (License 24, Class F)

[Print](#)**Retail Alcohol Beverage License - Submission #23103**

Date Submitted: 5/24/2024

**License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|--|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☐ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☒ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

BHI Hospitality LLC

Doing Business As (DBA) Name, if Applicable:*

Holiday Inn Bismarck

Date of Incorporation:*

11/14/2011

State of ND Liquor License No.:

AA-02774

**If out of state corporation,
is corporation registered in
North Dakota?**

- ☐ Yes
☐ No
☒ N/A

Location Address:*

3903 State Street

City:*

Bismarck

State:*

ND

Zip:*

58503

Phone No.:*

701-751-8240

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

Bernie Eckroth, General Manager

Contact Information (Where correspondence is to be sent):**Primary Contact:***

National Hospitality Services

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Fargo

State:*

ND

Zip:*

58103

Phone No.:*

[REDACTED]

Manager's Name:*

Bernie Eckroth

Date of Birth:*

[REDACTED]/1964

**Percentage of
Ownership:***

0%

Driver's License No.:***State Issued:*****Gender:****Race:****Home Address:*****City:*****State:*****Zip:*****Phone No.:*****Officer/Director/Stockholder Title:*****Email Address:***

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:***Date of Birth:*****Percentage of Ownership:*****Driver's License No.:*****State Issued:*****Gender:****Race:****Home Address:*****City:*****State:*****Zip:*****Phone No.:***

Officer/Director/Stockholder Title:*

President

Name:

SEE ATTACHED

Date of Birth:**Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:****Home Address:****City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email Address:****Name:****Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:**

Home Address:**City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email address:****Please submit all officers that will not fit on this form.**

BHI ownership.pdf

The undersigned states that the following information is true and correct.**1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?***

- ☒ Yes
☐ No

If no, please explain:**2. Have any of the persons listed above been convicted of any crime within the past five years? ***

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:**3. Does the building meet all state and local sanitation and safety requirements?***

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☐ Yes
☒ No

If yes please, give details:

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☒ The agency name shall be included on the diagram.
- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☒ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

BHI layout.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Bernie Eckroth

//

By checking this box I acknowledge that I am electronically signing this liquor license application.***Date:***

5/24/2024

☒ Electronic Signature

Payment Options:*

Check By Mail

**NOTE: This application must be accompanied by required fees.**

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

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

Choose File

No file chosen

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

[Print](#)**Retail Alcohol Beverage License - Submission #22833**

Date Submitted: 5/8/2024

**License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|--|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☒ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☐ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☒ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

JLB-BIS, Inc.

Doing Business As (DBA) Name, if Applicable:*

JL Beers

Date of Incorporation:*

6/29/2011

State of ND Liquor License No.:

AA-02276

**If out of state corporation,
is corporation registered in
North Dakota?**

- ☐ Yes
☐ No
☒ N/A

Location Address:*

217 North 3rd Street

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

701-751-4855

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

Lance Thorson

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Vonnie Birmingham

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Fargo

State:*

ND

Zip:*

58107

Phone No.:*

[REDACTED]

Manager's Name:*

Jon Rings

Date of Birth:*

[REDACTED]/1993

**Percentage of
Ownership:***

0%

Driver's License No.:***State Issued:*****Gender:****Race:****Home Address:*****City:*****State:*****Zip:*****Phone No.:*****Officer/Director/Stockholder Title:*****Email Address:***

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:***Date of Birth:*****Percentage of Ownership:*****Driver's License No.:*****State Issued:*****Gender:****Race:****Home Address:*****City:*****State:*****Zip:*****Phone No.:***

Officer/Director/Stockholder Title:***Email Address:**

President/Direcctor

Name:**Date of Birth:****Percentage of
Ownership:**

Randy Thorson

/1954

33.33%

Driver's License No.:**State Issued:****Gender:****Race:**

ND

Male

White

Home Address:**City:****State:****Zip:****Phone No.:**

Fargo

ND

58104

Officer/Director/Stockholder Title:**Email Address:**

Secretary/Treasurer/Director

Name:**Date of Birth:****Percentage of
Ownership:**

Warren Ackley

/1953

33.33%

Driver's License No.:**State Issued:****Gender:****Race:**

ND

Male

White

Home Address:**City:**

Fargo

State:

ND

Zip:

58103

Phone No.:**Officer/Director/Stockholder Title:**

Vice President/Director

Email address:

Please submit all officers that will not fit on this form.

Shawn Thorson.pdf

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

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?*

- ☒ Yes
☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years? *

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?*

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☒ Yes
☐ No

If yes please, give details:

See Attached. (Attachment will be forwarded with check payment.)

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☒ Yes
☐ No

If yes please, give details:

Food Sales

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

JL+Beers+Return+Summary.pdf

Liquor License Site Diagram Requirements:

- ☐ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☐ The agency name shall be included on the diagram.
- ☐ The direction "North" shall be included on the diagram.
- ☐ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☐ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☐ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

Floor Plan.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Lance Thorson

//

By checking this box I acknowledge that I am electronically signing this liquor license application.***Date:***

5/8/2024

☒ Electronic Signature

Payment Options:*

Check By Mail

**NOTE: This application must be accompanied by required fees.**

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

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

Choose File

No file chosen

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501



STATE OF NORTH DAKOTA
OFFICE OF STATE TAX COMMISSIONER
Brian Kroshus, Commissioner

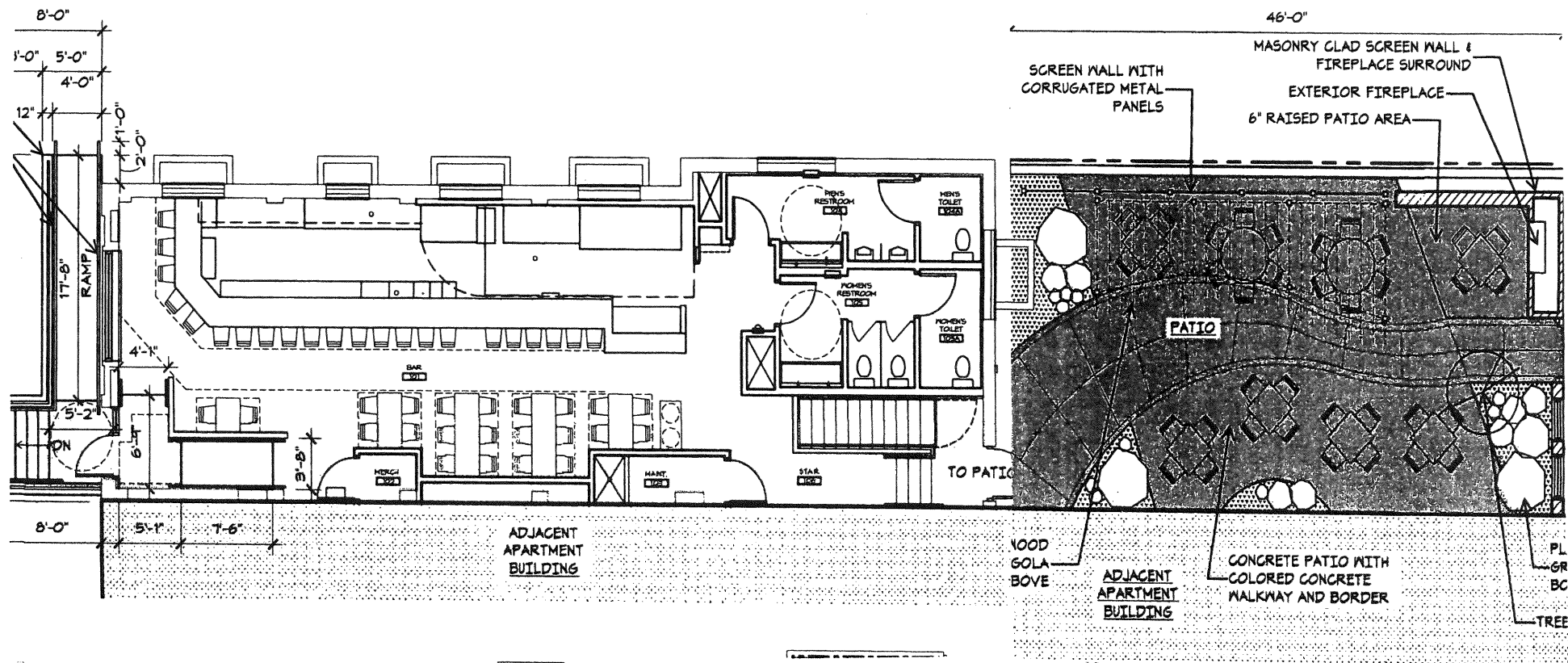
07-May-2024

Return Summary

Account ID: 281073 00
Taxpayer: JL BEERS
Beginning Period: 01-Apr-2023
Ending Period: 31-Mar-2024

		Column A	Column B	Total
		ALCOHOL	SALES	
Line 1	Total Sales	\$364,504.00	\$1,086,485.00	\$1,450,989.00
Line 2	Total Exempt Sales	\$1,237.00	\$10,115.00	\$11,352.00
Line 3	Items Subject to Use Tax	\$0.00	\$0.00	\$0.00
Line 4	Amount Taxable	\$363,267.00	\$1,076,370.00	\$1,439,637.00
Line 5	State Tax	\$25,428.69	\$53,818.50	\$79,247.19
Line 6	Total State Tax			\$79,247.19
Line 7	Compensation Discount			\$1,188.72
Line 8	Net State Tax			\$78,058.47
Line 12	Net Local Option Tax			\$27,928.97

JLB-BIS, Inc. dba JL Beers



Print**Retail Alcohol Beverage License - Submission #23023****Date Submitted: 5/21/2024****License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|---|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☒ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

Sky Dine, Inc

Doing Business As (DBA) Name, if Applicable:*

Marlin's Family Restaurant

Date of Incorporation:*

03/15/2004

State of ND Liquor License No.:

LIQ2023-137

**If out of state corporation,
is corporation registered in
North Dakota?**☒ Yes☐ No☐ N/A**Location Address:***

3938 Miriam Ave

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:***Name and Title of Person Completing Form (must be the person listed in ownership information or manager):**

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Kara Elsen

Email Address:***Mailing Address:*****City:***

Sioux Falls

State:*

SD

Zip:*

57104

Phone No.:***Manager's Name:***

Desiray Paradis

Date of Birth:*

1973

**Percentage of
Ownership:***

0

Driver's License No.:*

State Issued:*

North Dakota

Gender:

Female

Race:

Home Address:*

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

Officer/Director/Stockholder Title:*

President & Vice-President

Email Address:*

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

The Trust of Marlin C. Sejnoha Jr.

Date of Birth:*

1965

Percentage of Ownership:*

50

Driver's License No.:*

State Issued:*

SD

Gender:

Race:

Home Address:*

City:*

Brandon

State:*

SD

Zip:*

57005

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

President

Name:**Date of Birth:****Percentage of
Ownership:**

The Trust of Dustin Sejnoha

1973

50

Driver's License No.:**State Issued:****Gender:****Race:**

SD

Home Address:**City:****State:****Zip:****Phone No.:**

Sioux Falls

SD

57108

Officer/Director/Stockholder Title:**Email Address:**

Vice-President

Name:**Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:**

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email address:

Please submit all officers that will not fit on this form.

[Choose File](#)

No file chosen

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

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?*

☒ Yes

☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years? *

☐ Yes

☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?*

☒ Yes

☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

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- ☐ Yes
☒ No

If yes please, give details:

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- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

Sales Tax Bismarck.pdf

Liquor License Site Diagram Requirements:

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- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☒ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

Bismarck floor plan.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Kara Elsen

By checking this box I acknowledge that I am electronically signing this liquor license application.*☒ Electronic Signature**Date:***

5/21/2024

Payment Options:*

Credit Card Authorization Form

NOTE: This application must be accompanied by required fees.

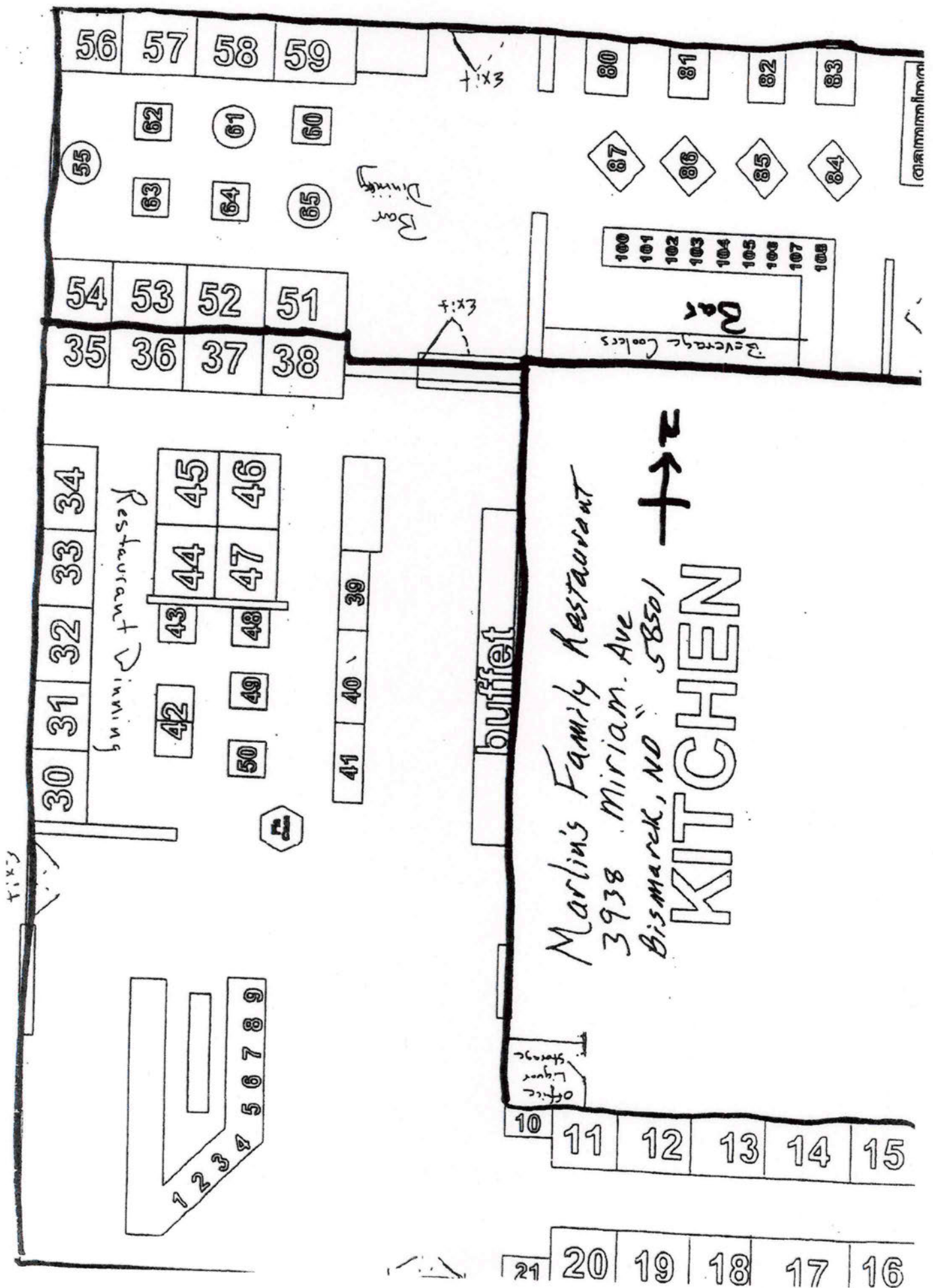
The \$200 application fee is due when the application is submitted. (Fee does not apply to renewal applications)

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

CC auth page Bismarck.pdf

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501





APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

LAST REVISED: 2/6/2024

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

License Type:		☐ New Application	☒ Renewal	☐ Transfer	☐ Relocation
Class A: Nationally Organized Fraternal Order or Club □ \$3,700	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building □ \$650	Class B-2: Concession at the Bismarck Municipal Country Club □ \$650	Class B-3: Commercial passenger vessels on the Missouri River □ \$650	Class B-4: Sale of Beer & Wine at the Bismarck Event Center □ \$650	
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations □ \$650	Class B-6: Commercial Airline □ \$650	Class C-1: Hotel or Motel Full Service □ \$3,800	Class C-2: Hotel or Motel □ \$1,000	Class D: Sale at Retail of Alcoholic Beverages □ \$4,100	
Class E: Sale at Retail of Beer Only ☒ \$800	Class F-1: Restaurant - Alcoholic Beverages □ \$3,500	Class F-2: Restaurant - Beer & Wine Only □ \$1,100	Class G: Catered Retail Beer, Wine, & Liquor □ \$650	Class H-1: Domestic Winery □ \$800	
Class H-2: Domestic Brewery □ \$800	Class H-3: Domestic Distillery □ \$800	Class I-1: Senior Living Community □ \$350	Class I-2: Complementary □ \$350		

All Class F-1, F-2, & C-2 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: <i>Midway Tavern, LLC</i>	Date of Incorporation: <i>10/18/2022</i>	State Business ID Number: <i>0006053281</i>
Doing Business As (DBA) Name, if Applicable: <i>Midway Tavern</i>	If out of state corporation, is corporation registered in North Dakota? ☐ Yes ☐ No	
Location Address: <i>1915 E Sweet Ave</i>	City: <i>Bismarck</i>	State: <i>ND</i>
	Zip: <i>58504</i>	Phone Number: <i>701-222-2778</i>
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): <i>Jeff Burns</i>		

Contact Information (Where correspondence is to be sent):

Primary Contact: <i>Jeff Burns</i>	Phone Number: [REDACTED]	Email Address: [REDACTED]
Mailing Address: [REDACTED]	City: <i>Bismarck</i>	State: <i>ND</i>
	Zip: <i>58504</i>	

Manager's Name: <i>Jeffrey A. Burns</i>	Date of Birth: <i>[REDACTED] 167</i>	Percentage of Ownership: <i>48</i>
Driver's License Number: [REDACTED]	State Issued: <i>ND</i>	Gender: <i>male</i>
Home Address: [REDACTED]	City: <i>Bismarck</i>	Race: <i>white</i>
	State: <i>ND</i>	Zip: <i>58501</i>
Occupation: <i>retail</i>	Phone Number: [REDACTED]	Title: <i>manager</i>
		Email Address: [REDACTED]

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

Name: Bernard B. Schumacher		Date of Birth: [REDACTED] 54	Percentage of Ownership: 48
Driver's License Number: [REDACTED]	State Issued: ND	Gender: Male	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58504
Occupation: Retail	Phone Number: [REDACTED]	Title: Manager	Email Address: [REDACTED]

Name: Chad Wolf		Date of Birth: [REDACTED] 77	Percentage of Ownership: 4
Driver's License Number: [REDACTED]	State Issued: ND	Gender: male	Race: white
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58503
Occupation: IT	Phone Number: [REDACTED]	Title: Bus. Acct Mgr	Email Address: [REDACTED]

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

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

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

1. Are the manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?

☒ Yes ☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years?

☐ Yes ☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements? ☒ Yes ☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended?

☐ Yes ☒ No

If yes, please give details:

5. If a new application, has the applicant or any of the persons listed above engaged in the sale or transportation of alcoholic beverages previously?

☐ Yes ☐ No

If yes, please give details:

6. Has the applicant, or any of the persons listed above, within the past five years, had an application for any federal or state, or local license of any type rejected or denied?

☐ Yes ☒ No

If yes, please give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?

☐ Yes ☒ No

If yes, please give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?

☐ Yes ☒ No

If yes, please give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other licensed liquor establishment within or without the State of North Dakota?

☐ Yes ☒ No

If yes, please give details:

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?

☐ Yes ☒ No

If yes, please give details:

11. Have all property taxes and special assessments currently due been paid?

☒ Yes ☐ No

If no, please give details:

Signature:

☒ I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances.

☒ I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.

☒ I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

Jeff Burns
Signature of Applicant

5-7-24
Date

Jeff Burns / President
Print Name / Title of Officer

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

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

Business Name _____

Applicant Business Name _____

Original License Holder Name Printed _____

Transfer Applicant Name Printed _____

Original License Holder Signature _____

Transfer Applicant Signature _____

State of _____

Subscribed and sworn to before me this _____

County of _____

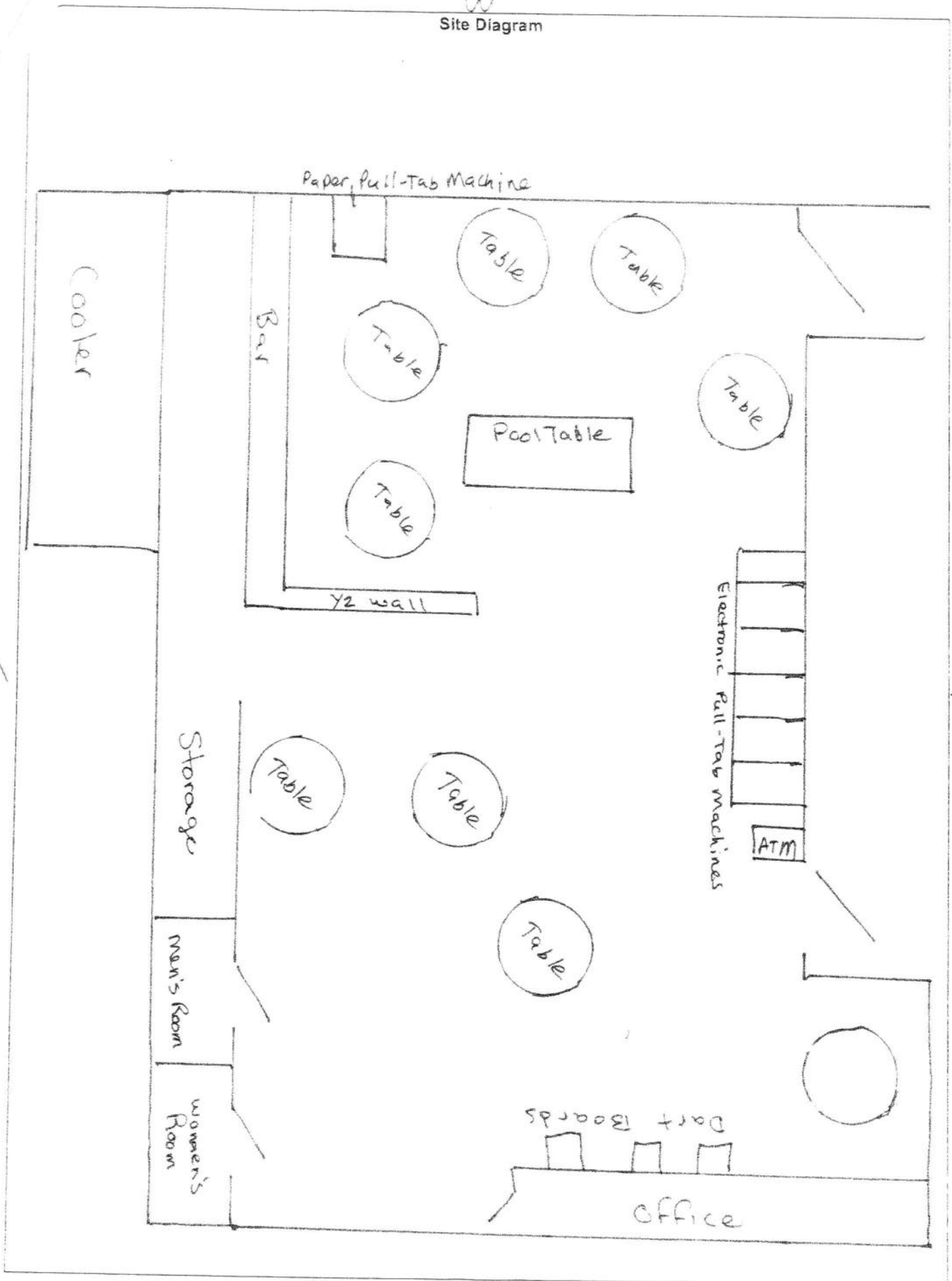
day of _____

Notary Seal

Notary Public _____

My Commission Expires _____

Site Diagram



[Print](#)**Retail Alcohol Beverage License - Submission #23254**

Date Submitted: 6/3/2024

**License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|---|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☒ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

SQV Inc.

Doing Business As (DBA) Name, if Applicable:*

Peacock Alley

Date of Incorporation:*

03/24/2010

State of ND Liquor License No.:

AA-00797

**If out of state corporation,
is corporation registered in
North Dakota?**☐ Yes☐ No☒ N/A**Location Address:***

422 E Main Ave

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

7014251596

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

Dale Zimmerman

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Dale Zimmerman

Email Address:***Mailing Address:*****City:***

Bismarck

State:*

ND

Zip:*

58501

Phone No.:***Manager's Name:***

Dale Zimmerman

Date of Birth:*

1968

**Percentage of
Ownership:***

51

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

.....

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

Sec/treas

Name:**Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:****Home Address:****City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email Address:****Name:****Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:**

Home Address:**City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email address:****Please submit all officers that will not fit on this form.** No file chosen

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

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?*

- ☒ Yes
☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years? *

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?*

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
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- ☐ Yes
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- ☐ Yes
☒ No

If yes please, give details:

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- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

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Upload Gross Food Sales Report:

scan0010.pdf

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- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☒ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

scan0011.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Dale Zimmerman

By checking this box I acknowledge that I am electronically signing this liquor license application.*☒ Electronic Signature**Date:***

6/3/2020

Payment Options:*

Check By Mail

NOTE: This application must be accompanied by required fees.

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

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

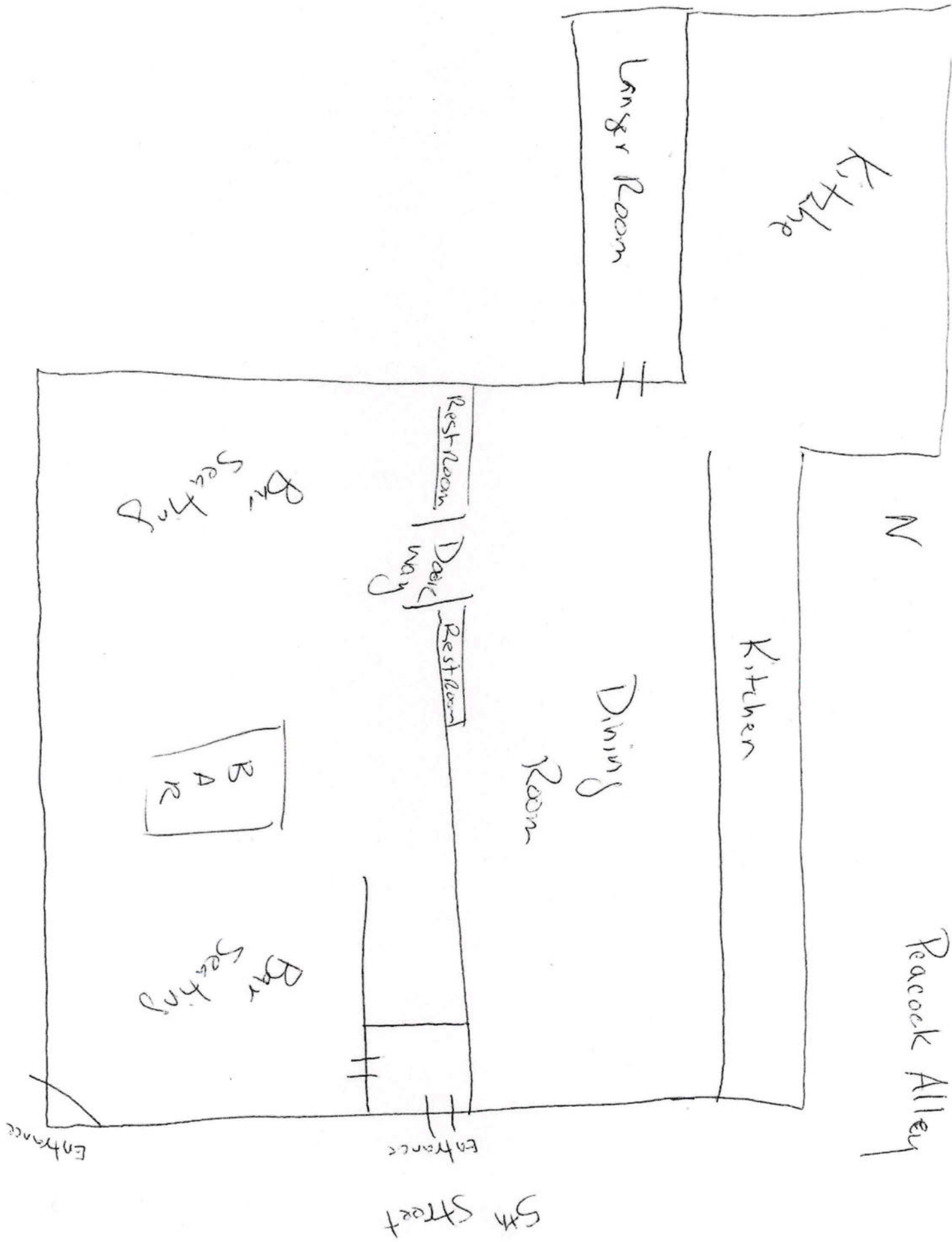
Choose File

No file chosen

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

main Ave



[Print](#)**Retail Alcohol Beverage License - Submission #23063****Date Submitted: 5/22/2024****License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|--|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☐ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☒ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

DBLD, Inc

Doing Business As (DBA) Name, if Applicable:*

Pub 21

Date of Incorporation:*

02/09/2001

State of ND Liquor License No.:

16664500

**If out of state corporation,
is corporation registered in
North Dakota?**☐ Yes☐ No☐ N/A**Location Address:***

1014 S 12th St

City:*

Bismarck

State:*

ND

Zip:*

58504

Phone No.:*

701-255-9445

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

Jonathan Christensen

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Jonathan Christensen

Email Address:***Mailing Address:*****City:***

GRAND FORKS

State:*

ND

Zip:*

58201

Phone No.:***Manager's Name:***

Heather Chase

Date of Birth:*

1977

**Percentage of
Ownership:***

0

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

President

Name:

Pat Sexton

Date of Birth:

[REDACTED]/1987

Percentage of Ownership:

0

Driver's License No.:**State Issued:**

ND

Gender:

Male

Race:

White

Home Address:**City:**

Grand Forks

State:

ND

Zip:

58203

Phone No.:**Officer/Director/Stockholder Title:****Email Address:**

Treasurer

Name:

Byron Newnam

Date of Birth:

[REDACTED]/1967

Percentage of Ownership:

0

Driver's License No.:**State Issued:**

ND

Gender:

Male

Race:

White

Home Address:**City:**

Minot

State:

ND

Zip:

58701

Phone No.:**Officer/Director/Stockholder Title:**

Chair

Email address:**Please submit all officers that will not fit on this form.**

BOD.docx

The undersigned states that the following information is true and correct.**1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?***

- ☒ Yes
☐ No

If no, please explain:**2. Have any of the persons listed above been convicted of any crime within the past five years? ***

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:**3. Does the building meet all state and local sanitation and safety requirements?***

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☒ No
☐ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☒ Yes
☐ No

If yes please, give details:

Southgate Casino Bar & Grill, Grand Forks, ND was purchased 5/22/2015. The Grainhopper, Minot, ND was purchased 9/26/2019. Bordertown Bar & Grill, West Fargo, ND was purchased 01/01/2023.

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

[Choose File](#) No file chosen

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☒ The agency name shall be included on the diagram.
- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☒ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

PUB 21 Floorplan.2022.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

[Choose File](#) No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Jonathan Christensen

By checking this box I acknowledge that I am electronically signing this liquor license application.*

☒ Electronic Signature

Date:*

5/22/2024

Payment Options:*

Credit Card Authorization Form

NOTE: This application must be accompanied by required fees.

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

Credit Card

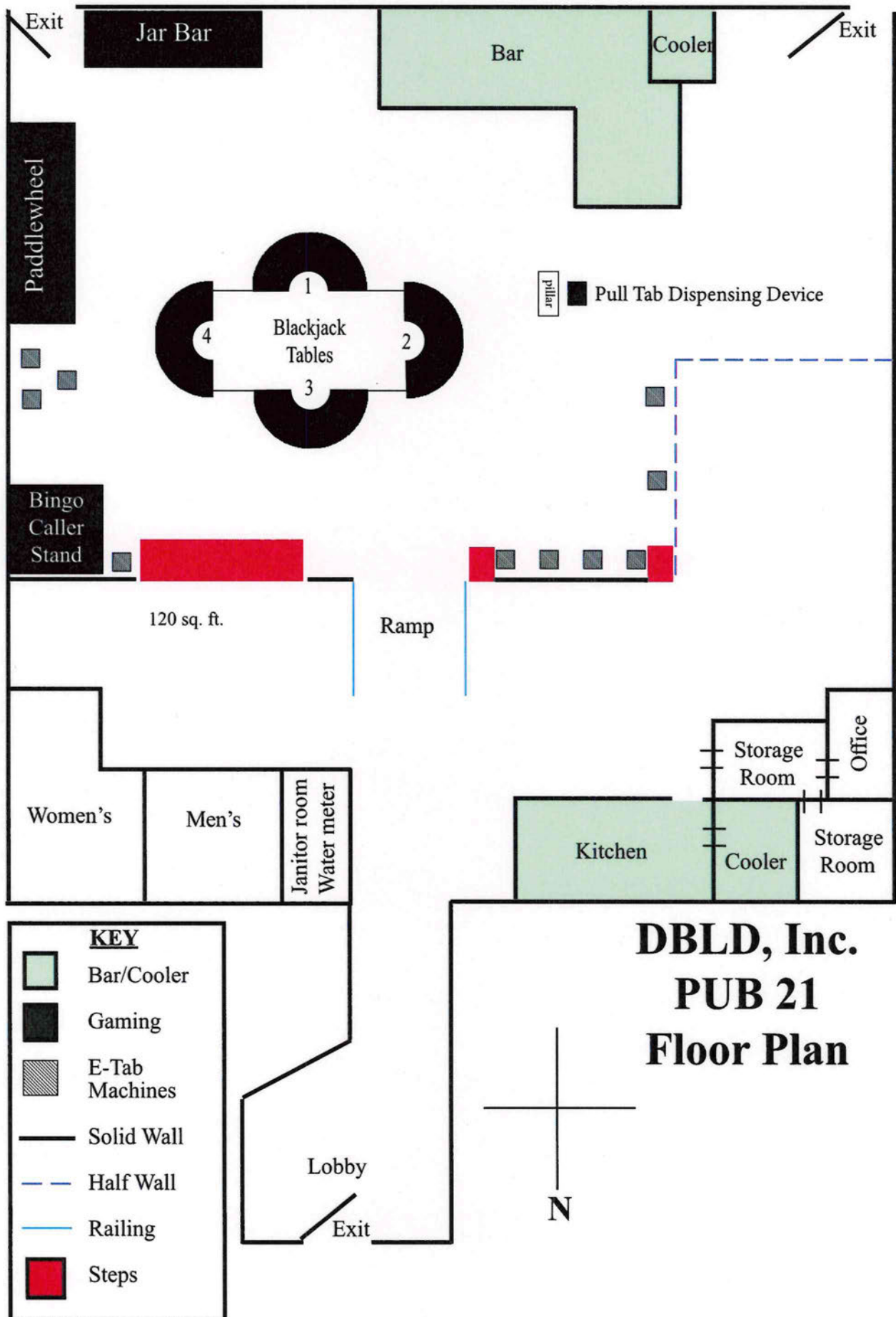
[Credit Card Authorization Form](#)

Upload Credit Card Authorization Form

Choose File No file chosen

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501



[Print](#)**Retail Alcohol Beverage License - Submission #23257****Date Submitted: 6/3/2024****License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|--|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☐ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☒ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

Sidelines Inc.

Doing Business As (DBA) Name, if Applicable:*

Sidelines Sports Bar

Date of Incorporation:*

2/1/1999

State of ND Liquor License No.:**If out of state corporation,
is corporation registered in
North Dakota?**

- ☐ Yes
☐ No
☐ N/A

Location Address:*

300 S 5th St

City:*

Bismarck

State:*

ND

Zip:*

58504

Phone No.:*

701-223-1520

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

Robert Hixson

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Robert Hixson

Email Address:***Mailing Address:*****City:***

Bismarck

State:*

ND

Zip:*

58503

Phone No.:***Manager's Name:***

Ian Easton

Date of Birth:*

1980

**Percentage of
Ownership:***

15

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

President

Name:**Date of Birth:****Percentage of
Ownership:**

Neal Scott

/1977

19

Driver's License No.:**State Issued:****Gender:****Race:**

ND

M

Home Address:**City:****State:****Zip:****Phone No.:**

Bismarck

ND

58504

Officer/Director/Stockholder Title:**Email Address:****Name:****Date of Birth:****Percentage of
Ownership:**

Bill Hixson

/1950

15

Driver's License No.:**State Issued:****Gender:****Race:**

ND

M

Home Address:**City:**

Bismarck

State:

ND

Zip:

58501

Phone No.:**Officer/Director/Stockholder Title:**

Secretary

Email address:**Please submit all officers that will not fit on this form.**

sidelinesownership.docx

The undersigned states that the following information is true and correct.**1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?***

- ☒ Yes
☐ No

If no, please explain:**2. Have any of the persons listed above been convicted of any crime within the past five years? ***

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:**3. Does the building meet all state and local sanitation and safety requirements?***

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☒ Yes
☐ No

If yes please, give details:

Bill Hixson - Sports Page and O'Brian's Sports Bar
Robert Hixson - Sports Page
Neal Scott - Sports Page

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

- ☐ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☐ The agency name shall be included on the diagram.
- ☐ The direction "North" shall be included on the diagram.
- ☐ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☐ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☐ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

BarDiagramsheet.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Robert Hixson

By checking this box I acknowledge that I am electronically signing this liquor license application.*

☒ Electronic Signature

Date:*

6/3/2024

Payment Options:*

Credit Card Authorization Form



NOTE: This application must be accompanied by required fees.

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

Credit Card

[Credit Card Authorization Form](#)

Upload Credit Card Authorization Form

CreditCardAuthsidelines.pdf

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

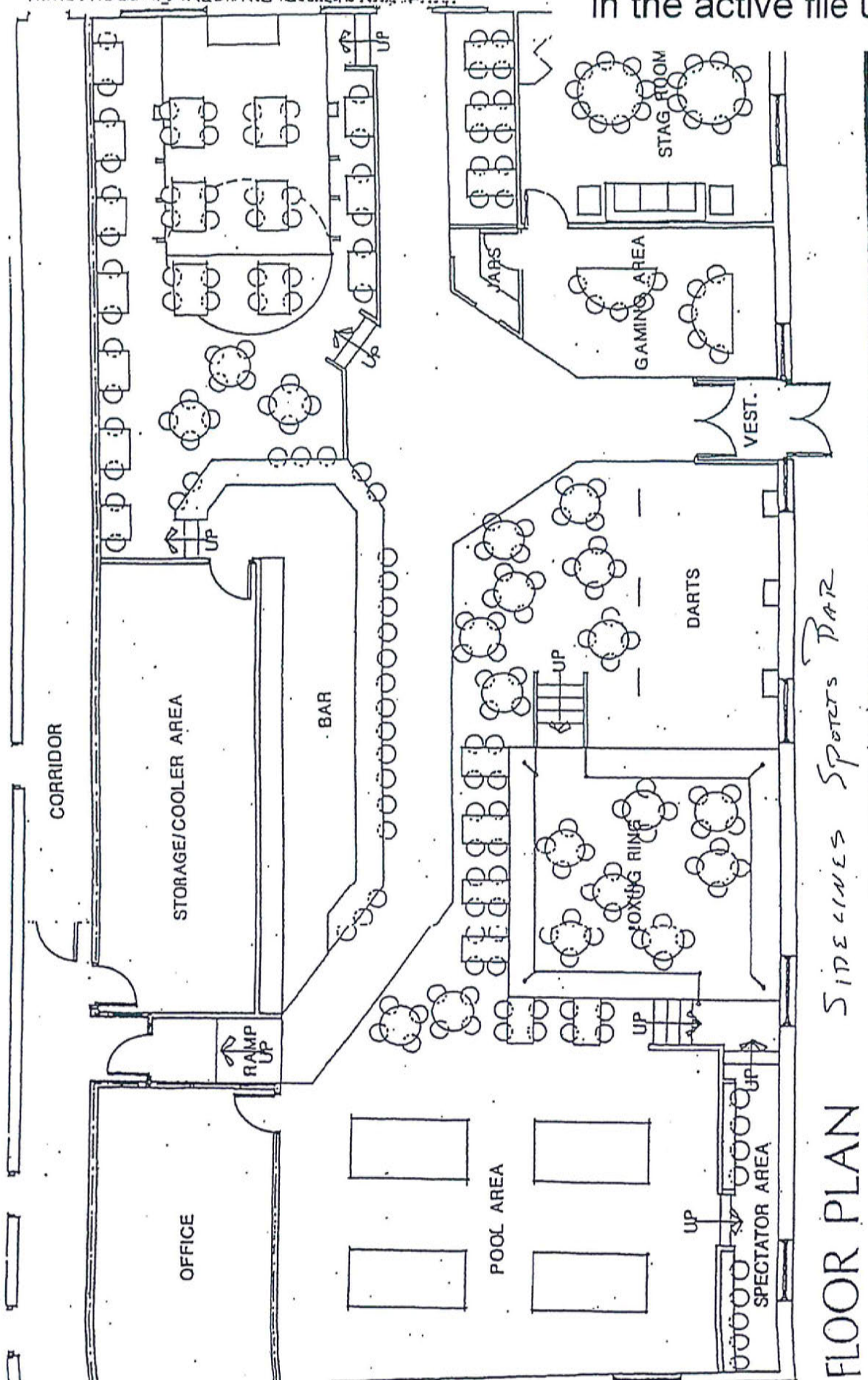
Nathan Remboldt – 4/24/1979 – 15%

REM-79-4811 - ND – M

1029 E Highland Acres Road, Bismarck , ND 58501

GM - 701-426-0009 - GM - nateremboldt@yahoo.com

Please retain this page
in the active file upstairs!



SIDE LINES SPORTS BAR

FLOOR PLAN



APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

LAST REVISED: 2/6/2024

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

License Type:				
☐ New Application	☐ Renewal	☐ Transfer	☐ Relocation	
Class A: Nationally Organized Fraternal Order or Club □ \$3,700	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building □ \$650	Class B-2: Concession at the Bismarck Municipal Country Club □ \$650	Class B-3: Commercial passenger vessels on the Missouri River □ \$650	Class B-4: Sale of Beer & Wine at the Bismarck Event Center □ \$650
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations □ \$650	Class B-6: Commercial Airline □ \$650	Class C-1: Hotel or Motel Full Service □ \$3,800	Class C-2: Hotel or Motel □ \$1,000	Class D: Sale at Retail of Alcoholic Beverages □ \$4,100
Class E: Sale at Retail of Beer Only □ \$800	Class F-1: Restaurant - Alcoholic Beverages X \$3,500	Class F-2: Restaurant - Beer & Wine Only □ \$1,100	Class G: Catered Retail Beer, Wine, & Liquor □ \$650	Class H-1: Domestic Winery □ \$800
Class H-2: Domestic Brewery □ \$800	Class H-3: Domestic Distillery □ \$800	Class I-1: Senior Living Community □ \$350	Class I-2: Complementary □ \$350	

All Class F-1, F-2, & C-2 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: <i>Sixteen03 man events</i>		Date of Incorporation:	State Business ID Number:	
Doing Business As (DBA) Name, if Applicable:		If out of state corporation, is corporation registered in North Dakota? ☐ Yes ☐ No		
Location Address: <i>1603 e man Ave Bismarck</i>	City: <i>no</i>	State: <i>no</i>	Zip: <i>58501</i>	Phone Number: <i>701 255 6246</i>
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): <i>Brittany Beechre GM</i>				

Contact Information (Where correspondence is to be sent):				
Primary Contact: <i>Brittany Beechre</i>		Phone Number: [REDACTED]	Email Address: [REDACTED]	
Mailing Address: <i>1603 e man Ave</i>	City: <i>Bismarck</i>	State: <i>no</i>	Zip: <i>58501</i>	
Manager's Name: <i>Brittany Beechre</i>		Date of Birth: [REDACTED] <i>189</i>	Percentage of Ownership: <i>0</i>	
Driver's License Number: [REDACTED]	State Issued: <i>no</i>	Gender: <i>F</i>	Race: <i>white</i>	
Home Address: [REDACTED]	City: <i>mandan</i>	State: <i>no</i>	Zip: <i>58554</i>	
Occupation: <i>GM</i>	Phone Number: <i>701 222 9002</i>	Title: <i>GM</i>	Email Address: [REDACTED]	

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

Name: Michelle Kaufman		Date of Birth: [REDACTED] 84	Percentage of Ownership: 51%
Driver's License Number: [REDACTED]	State Issued: ND	Gender: Female	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58504
Occupation: Management	Phone Number: [REDACTED]	Title: President	Email Address: [REDACTED]

Name: Steven Kaufman		Date of Birth: [REDACTED] 82	Percentage of Ownership: 49%
Driver's License Number: [REDACTED]	State Issued: ND	Gender: male	Race: white
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58504
Occupation: Builder	Phone Number: [REDACTED]	Title: Secretary	Email Address: [REDACTED]

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

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

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

1. Are the manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?	If no, please explain:
☒ Yes ☐ No	
2. Have any of the persons listed above been convicted of any crime within the past five years?	If yes, list all convictions and the dates, locations and sentence of disposition of each:
☒ Yes ☒ No	attached.
3. Does the building meet all state and local sanitation and safety requirements? ☐ Yes ☐ No	
4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended?	If yes, please give details:
☐ Yes ☒ No	
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?	If yes, please give details:
☐ Yes ☒ No	
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?	If yes, please give details:
☐ Yes ☐ No	
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?	If yes, please give details:
☐ Yes ☒ No	
8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?	If yes, please give details:
☐ Yes ☒ No	
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?	If yes, please give details:
☐ Yes ☒ No	
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?	If yes, please give details:
☐ Yes ☒ No	
11. Have all property taxes and special assessments currently due been paid?	If no, please give details:
☒ Yes ☐ No	

Signature:

☒ I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances.

☒ I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.

☒ I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

Signature of Applicant

Date

Brittany Beechir

Print Name / Title of Officer

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

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

Business Name

Applicant Business Name

Original License Holder Name Printed

Transfer Applicant Name Printed

Original License Holder Signature

Transfer Applicant Signature

State of

Subscribed and sworn to before me this _____

County of

day of _____

Notary Public

My Commission Expires

STATE OF NORTH DAKOTA

IN MUNICIPAL COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

City of Bismarck,

Plaintiff,

vs.

Michelle Sue Kaufman,

Defendant.

PLEA AGREEMENT

Case No. BI-2021-CR-01936

Pursuant to the provisions of Rule 43, N.D.R.Crim.P., the undersigned, who is the defendant in the above-entitled action, hereby consents to the arraignment, plea, trial, and imposition of sentence in her absence and waives personal appearance at all stages of the proceedings in the above-entitled action.

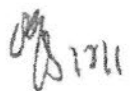
I authorize Justin Vinje to appear for me and to enter a plea of guilty or not guilty. If my attorney enters a plea of guilty, I authorize him to establish a factual basis for that plea.

1) I have been informed of the nature of the charge against me and have been informed of the maximum and minimum penalties which the Court may impose. I have also been informed that if I am convicted that the Court may place me on probation subject to terms and conditions which I must obey.

2) I have been informed that I have the right to remain silent and that any statement I make can later be used against me.

3) I have been informed that I have the right to the assistance of a lawyer at each and every stage of the proceedings in this case and have been informed that I have the right to have legal services provided for me at public expense to the extent that I am unable to provide for my defense without due hardship.

4) I have been informed that I have the right to be admitted to reasonable bail.



5) I have been informed that I have the right to plead not guilty and to persist in that plea and that the law presumes that I am innocent and the prosecution has the burden of proving my guilt by evidence beyond a reasonable doubt before I can be convicted.

6) I have been informed that I have the right to testify at any trial of this action, but that I do not have to testify and the judge or jury cannot draw any unfavorable inference if I choose not to testify, and the prosecutor cannot comment upon my failure to testify.

7) I have been told that if there is a trial of this action, that I have the right to be personally present and to be represented by my attorney and that I have the right to confront the witnesses against me face to face in open court.

8) I have been informed that I have the right to a trial by a jury of twelve persons; I further understand that with the consent of the Court and the prosecuting attorney, I have the right to waive a trial by jury and agree to a trial by the Court. I specifically authorize my attorney to decide whether or not I will request a court trial.

9) I have been informed that if I or one of my attorneys enters a plea of guilty to the charges, there will not be a further trial of any kind and that by pleading guilty I will be giving up nearly all of the foregoing rights and that the Court will enter a judgment finding me guilty of the offenses with which I am charged. I further understand that, unless there is a plea agreement, that if I plead guilty or my attorney pleads guilty for me, the judge may impose any sentence he deems just up to the maximum sentence which can be imposed.

10) With full knowledge of my rights, I respectfully request the Court to allow my attorney to appear for me at all stages of the proceedings, and to permit this action to proceed without requiring my personal appearance or presence.

PLEA AGREEMENT

The defendant and the City of Bismarck hereby enter the following plea agreement:

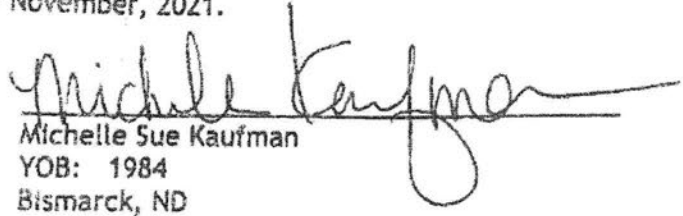
1. The defendant hereby pleads guilty to the charge of Driving Under the Influence, a Class B misdemeanor.
2. The defendant shall pay a fine in the amount of \$500.00 to the Bismarck Municipal Clerk of Court in monthly installments of at least \$75.00 beginning December

15, 2021.

3. The defendant shall be sentenced to ten (10) days in the Burleigh County Detention Center with all ten (10) days suspended for a period of three hundred sixty (360) days of unsupervised probation, contingent upon the following:

- a. The defendant shall pay all fines and fees as directed by the Court;
- b. The defendant shall have no criminal violations during the period of unsupervised probation, three hundred sixty (360) days; and
- c. The defendant shall submit to a chemical dependency evaluation and provide proof to the Court that she has done so within ninety (90) days of the entry of judgment herein, completing any recommended treatment within one hundred eighty (180) days.

Dated this 20th day of November, 2021.

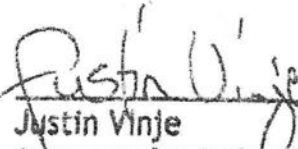

Michelle Sue Kaufman
YOB: 1984
Bismarck, ND

Dated this 26th day of November, 2021.

/s/ Julie Mees

Julie Mees
Bismarck Asst. City Attorney
N.D. State Bar ID #09500

Dated this 22 day of November, 2021.


Justin Vinje
Attorney for Defendant
N.D. State Bar ID #06066

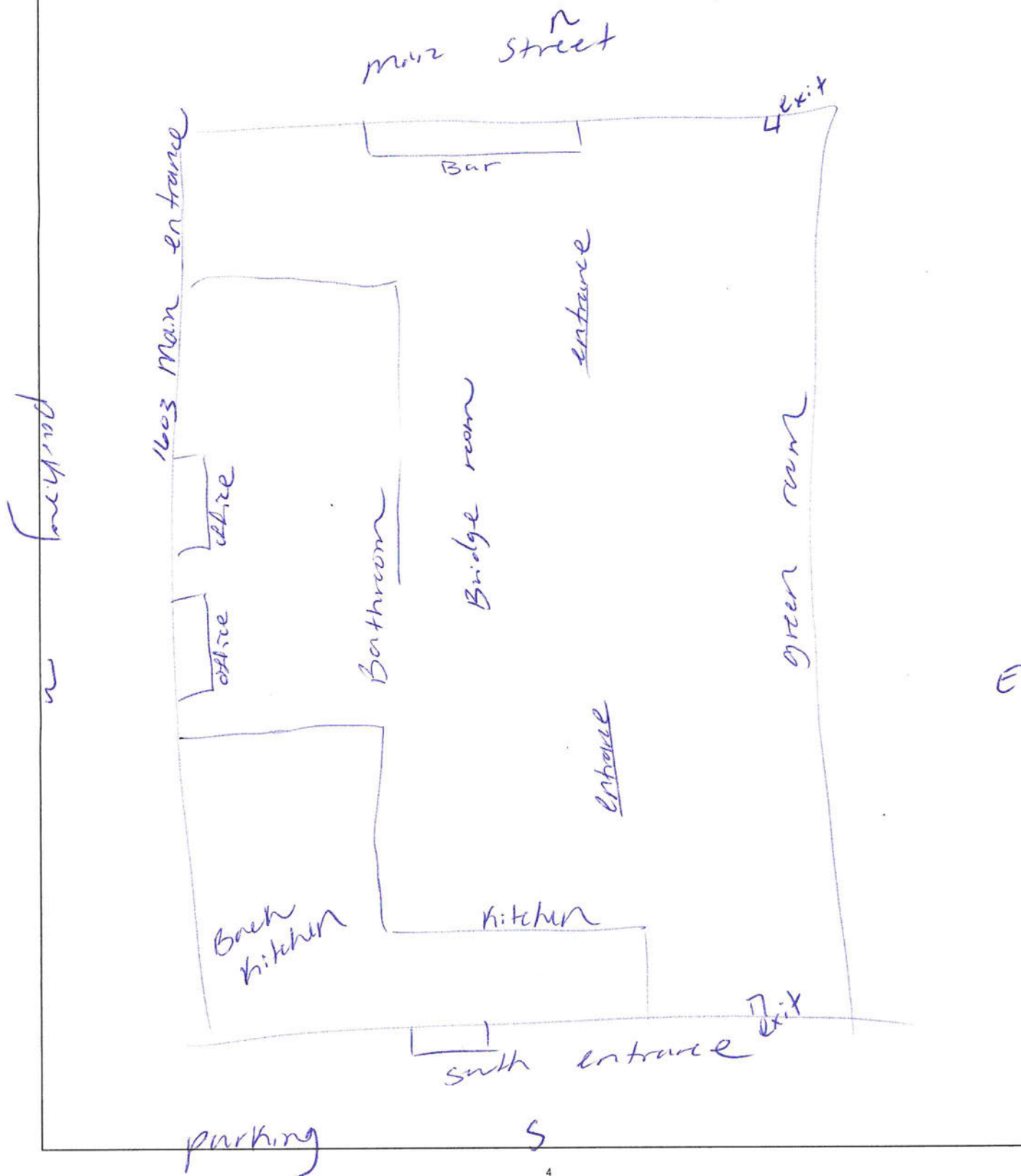
RECEIVED

BISMARCK
MUNICIPAL COURT

Site Diagram Requirements:

- Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- The agency name shall be included on the diagram.
- The direction "North" shall be included on the diagram.
- The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- The diagram may be hand drawn, but it must be neat and reasonably accurate.
- If the licensed site is part of a larger complex, such as a restaurant, areas such as mixing, serving, and storage must be identified.

Site Diagram



[Print](#)**Retail Alcohol Beverage License - Submission #23142****Date Submitted: 5/28/2024****License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|---|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☒ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

Galaxy Investors, Inc.

Doing Business As (DBA) Name, if Applicable:*

Space Aliens Grill & Bar

Date of Incorporation:*

7/16/1996

State of ND Liquor License No.:

AA-00371

**If out of state corporation,
is corporation registered in
North Dakota?**☐ Yes☐ No☒ N/A**Location Address:***

1304 E Century Ave.

City:*

Bismarck

State:*

ND

Zip:*

58503

Phone No.:***Name and Title of Person Completing Form (must be the person listed in ownership information or manager):**

David Glaser VP/CFO

Contact Information (Where correspondence is to be sent):**Primary Contact:***

David Glaser

Email Address:***Mailing Address:*****City:***

Bismarck

State:*

ND

Zip:*

58503

Phone No.:***Manager's Name:***

Cassandra Meyer

Date of Birth:*

/1981

**Percentage of
Ownership:***

0

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

VP/CFO

Name:**Date of Birth:****Percentage of
Ownership:**

Sheila Glaser

/1964

25

Driver's License No.:**State Issued:****Gender:****Race:**

ND

Female

White

Home Address:**City:****State:****Zip:****Phone No.:**

Bismarck

ND

58503

Officer/Director/Stockholder Title:**Email Address:**

VP/COO

Name:**Date of Birth:****Percentage of
Ownership:**

Morton Bank

/1947

50

Driver's License No.:**State Issued:****Gender:****Race:**

ND

Male

White

Home Address:**City:**

Bismarck

State:

ND

Zip:

58503

Phone No.:**Officer/Director/Stockholder Title:**

President/CEO

Email address:**Please submit all officers that will not fit on this form.**[Choose File](#)

No file chosen

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

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?*

- ☒ Yes
☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years? *

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?*

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☐ Yes
☒ No

If yes please, give details:

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

Space Aliens Bismarck Sales.pdf

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☒ The agency name shall be included on the diagram.
- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☒ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

Space Aliens Bismarck Floor Plan.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

David Glaser

By checking this box I acknowledge that I am electronically signing this liquor license application.*

☒ Electronic Signature

Date:*

5/28/2024

Payment Options:*

Credit Card Authorization Form

NOTE: This application must be accompanied by required fees.

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

Credit Card

[Credit Card Authorization Form](#)

Upload Credit Card Authorization Form

Space Aliens Payment.pdf

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

[Print](#)**Retail Alcohol Beverage License - Submission #23253****Date Submitted: 6/3/2024****License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|--|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☐ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☒ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

Sports Page Inc

Doing Business As (DBA) Name, if Applicable:*

Sports Page

Date of Incorporation:*

3/1/2001

State of ND Liquor License No.:

AA-01821

**If out of state corporation,
is corporation registered in
North Dakota?**☐ Yes☐ No☒ N/A**Location Address:***

1120 Tacoma Ave

City:*

Bismarck

State:*

ND

Zip:*

58504

Phone No.:*

701-224-0855

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

Robert Hixson - President and GM

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Robert Hixson

Email Address:***Mailing Address:*****City:***

Bismarck

State:*

ND

Zip:*

58503

Phone No.:***Manager's Name:***

Robert Hixson

Date of Birth:*

1975

**Percentage of
Ownership:***

45

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

Secretary

Name:

Neal Scott

Date of Birth:

1977

**Percentage of
Ownership:**

10

Driver's License No.:**State Issued:****Gender:****Race:**

ND

M

Home Address:**City:**

Bismarck

State:

ND

Zip:

58504

Phone No.:**Officer/Director/Stockholder Title:****Email Address:****Name:****Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:**

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email address:

Please submit all officers that will not fit on this form.

[Choose File](#)

No file chosen

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

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?*

- ☒ Yes
☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years? *

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?*

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

☐ Yes

☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

☐ Yes

☐ No

☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

☐ Yes

☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

☐ Yes

☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☒ Yes
☐ No

If yes please, give details:

Bill Hixson - Sidelines Sports Bar and O'Brian's Sports Bar
Robert Hixson - Sidelines Sports Bar
Neal Scott - Sidelines Sports Bar

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

[Choose File](#) No file chosen

Liquor License Site Diagram Requirements:

- ☐ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☐ The agency name shall be included on the diagram.
- ☐ The direction "North" shall be included on the diagram.
- ☐ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☐ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☐ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

BarDiagramsheet.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

[Choose File](#) No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Robert Hixson

By checking this box I acknowledge that I am electronically signing this liquor license application.*☒ Electronic Signature**Date:***

6/3/2024

Payment Options:*

Credit Card Authorization Form

NOTE: This application must be accompanied by required fees.

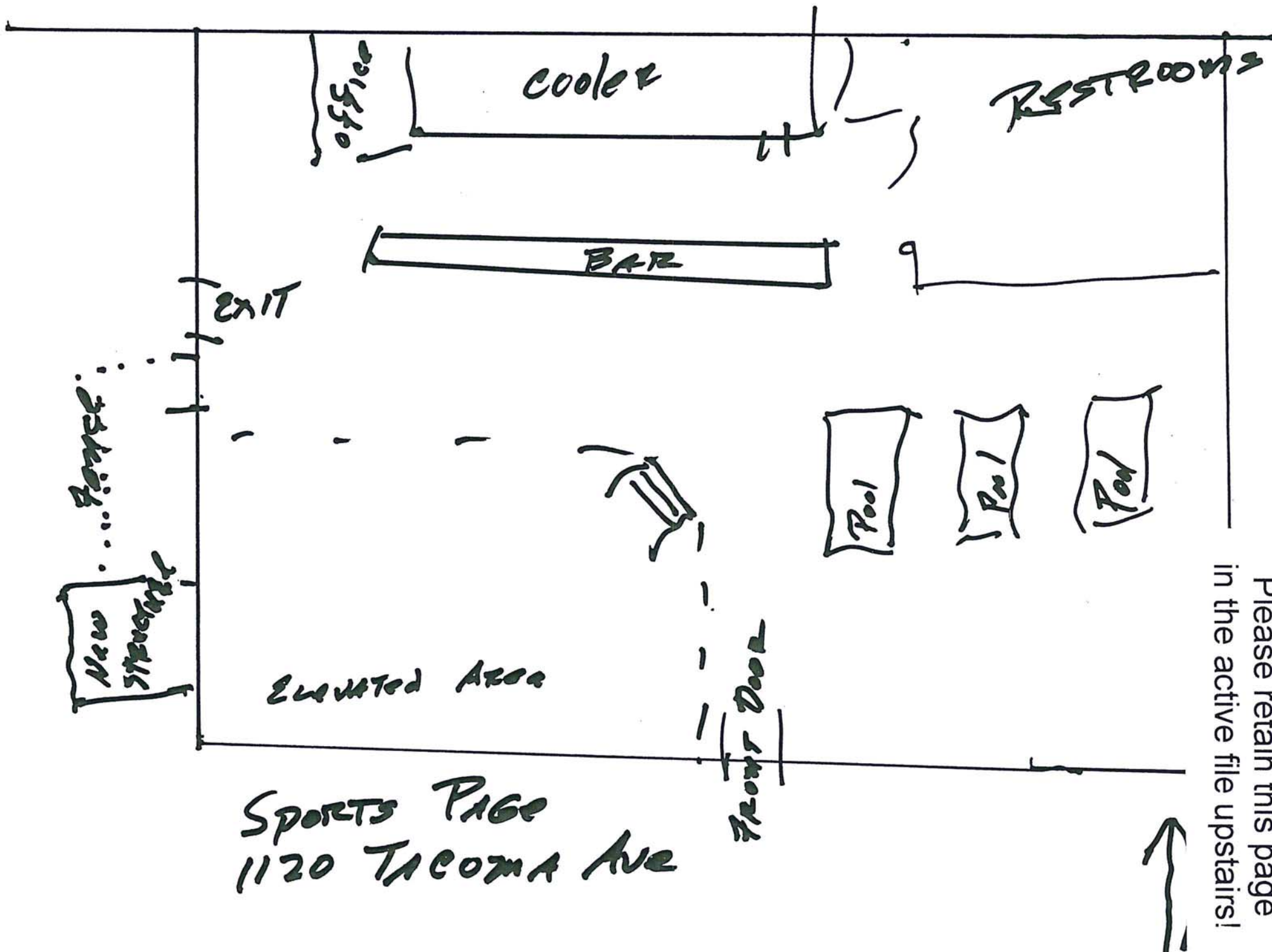
The \$200 application fee is due when the application is submitted. (Fee does not apply to renewal applications)

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

CreditCardAuthSP.pdf

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501



Please retain this page
in the active file upstairs!

SPORTS PAGE
1120 TACOMA AVE



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: 2/5/2024

License Type:	☐ New Application	☒ Renewal	☐ Transfer	☐ Relocation
Class A: Nationally Organized Fraternal Order or Club ☐ \$3,700	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building ☐ \$650	Class B-2: Concession at the Bismarck Municipal Country Club ☐ \$650	Class B-3: Commercial passenger vessels on the Missouri River ☐ \$650	Class B-4: Sale of Beer & Wine at the Bismarck Event Center ☐ \$650
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations ☐ \$650	Class B-6: Commercial Airline ☐ \$650	Class C-1: Hotel or Motel Full Service ☐ \$3,800	Class C-2: Hotel or Motel ☐ \$1,000	Class D: Sale at Retail of Alcoholic Beverages ☐ \$4,100
Class E: Sale at Retail of Beer Only ☐ \$800	Class F-1: Restaurant - Alcoholic Beverages ☒ \$3,500	Class F-2: Restaurant - Beer & Wine Only ☐ \$1,100	Class G: Catered Retail Beer, Wine, & Liquor ☐ \$650	Class H-1: Domestic Winery ☐ \$800
Class H-2: Domestic Brewery ☒ \$800	Class H-3: Domestic Distillery ☐ \$800	Class I-1: Senior Living Community ☐ \$350	Class I-2: Complementary ☐ \$350	

All Class F-1, F-2, & C-2 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: STONEHOME LLC	Date of Incorporation: 07/17/2015	State Business ID Number:
Doing Business As (DBA) Name, If Applicable: STONEHOME BREWING COMPANY	If out of state corporation, is corporation registered in North Dakota? ☐ Yes ☐ No	
Location Address: 1601 NORTH 12TH ST; STE 102	City: BISMARCK	State: ND
	Zip: 58501	Phone Number: 701-751-1445

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

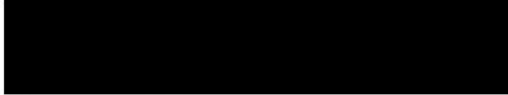
KIMBERLY BAHM

Contact Information (Where correspondence is to be sent):

Primary Contact: KIMBERLY BAHM	Phone Number: 701-751-1445	Email Address: kbahm@stonehomebismarck.com
Mailing Address: 1601 North 12th St; STE 102	City: Bismarck	State: ND
	Zip: 58501	

Manager's Name: KIMBERLY BAHM	Date of Birth: [REDACTED]/1972	Percentage of Ownership: 0
Driver's License Number: [REDACTED]	State Issued: ND	Gender: F
		Race: C
Home Address: [REDACTED]	City: MANDAN	State: ND
		Zip: 58554
Occupation: GENERAL MANAGER	Phone Number: [REDACTED]	Title: [REDACTED]
		Email Address: [REDACTED]

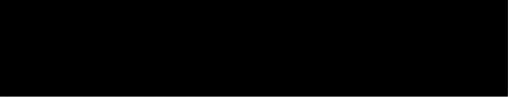
Stephen L. Stenehjem – President



Ownership: 10%

Occupation: CEO/ First International Bank & Trust

Gretchen Stenehjem – Vice President



Ownership: 10%

Occupation: Marketing PR/ First International Bank & Trust

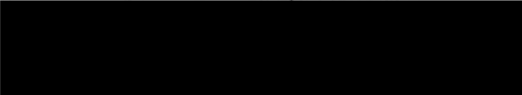
S. Peter Stenehjem – Vice President



Ownership: 20%

Occupation: President / First International Bank & Trust

Erik Stenehjem – Secretary/ Treasurer



Ownership: 20%

Occupation: Chief Credit Administration Officer / First International Bank & Trust

Kira Stenehjem Noll - Governor



Ownership: 20%

Occupation: Community Banker / First International Bank & Trust

Kristen Stenehjem - Governor



Ownership: 20%

Occupation: Medical Doctor – Resident

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

1. Are the manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States? ☒ Yes ☐ No	If no, please explain:
2. Have any of the persons listed above been convicted of any crime within the past five years? ☐ Yes ☒ No	If yes, list all convictions and the dates, locations and sentence of disposition of each:
3. Does the building meet all state and local sanitation and safety requirements? ☒ Yes ☐ No	
4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? ☐ Yes ☒ No	If yes, please give details:
5. If a new application, has the applicant or any of the persons listed above engaged in the sale or transportation of alcoholic beverages previously? ☐ Yes ☐ No	If yes, please give details:
6. Has the applicant, or any of the persons listed above, within the past five years, had an application for any federal or state, or local license of any type rejected or denied? ☐ Yes ☐ No	If yes, please give details:
7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another? ☐ Yes ☒ No	If yes, please give details:
8. Has the business been sold or leased, or is there any intention to sell or lease the business to another? ☐ Yes ☒ No	If yes, please give details:
9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other licensed liquor establishment within or without the State of North Dakota? ☒ Yes ☐ No	If yes, please give details: Outlaws Bar & Grill; Watford City JL Beers; Watford City Stonehome Brewing Company; Watford City Slow Ride; Watford City Fox Hole; Watford City
10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for? ☒ Yes ☐ No	If yes, please give details: Restaurant License
11. Have all property taxes and special assessments currently due been paid? ☒ Yes ☐ No	If no, please give details:

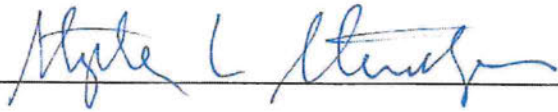
Signature:

☒ I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances.

☒ I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.

☒ I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

Signature of Applicant



Date

5/15/24

Print Name / Title of Officer

Stephen L. Stenehjem
President

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

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

Business Name

Applicant Business Name

Original License Holder Name Printed

Transfer Applicant Name Printed

Original License Holder Signature

Transfer Applicant Signature

State of

Subscribed and sworn to before me this _____

County of

day of _____

Notary Public

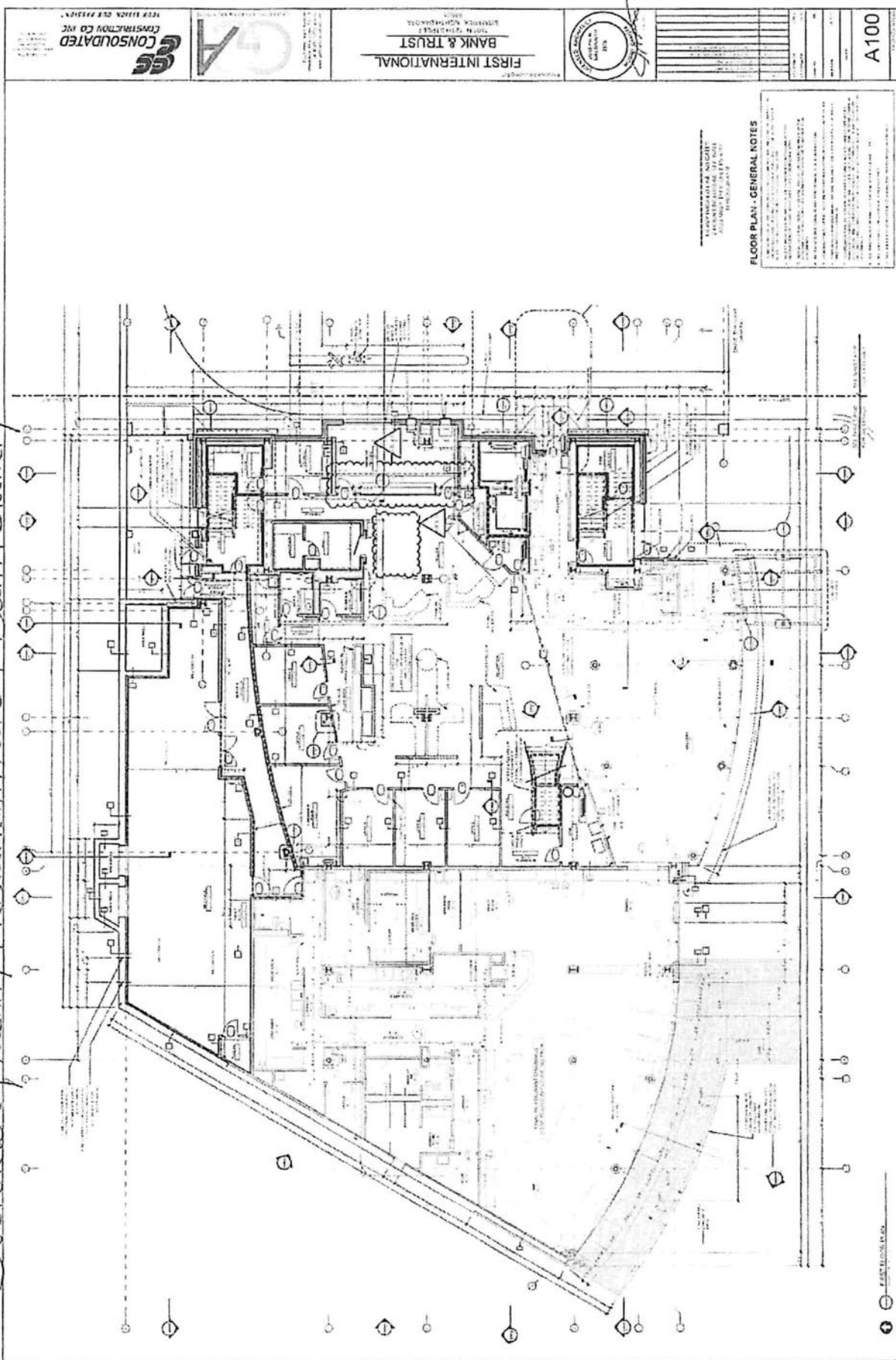
My Commission Expires

Area of Building to be covered by Alcohol License

We wish to hold a retail alcohol license for the entirety of 1601 North 12th Street Bismarck, ND. This is to include Stonehome Brewing Company, the patios and terraces and parking lot in the case a special event is held.

The plans included in this packet highlight the areas where normal business will be held (Restaurant/Bar and patio in appropriate weather).

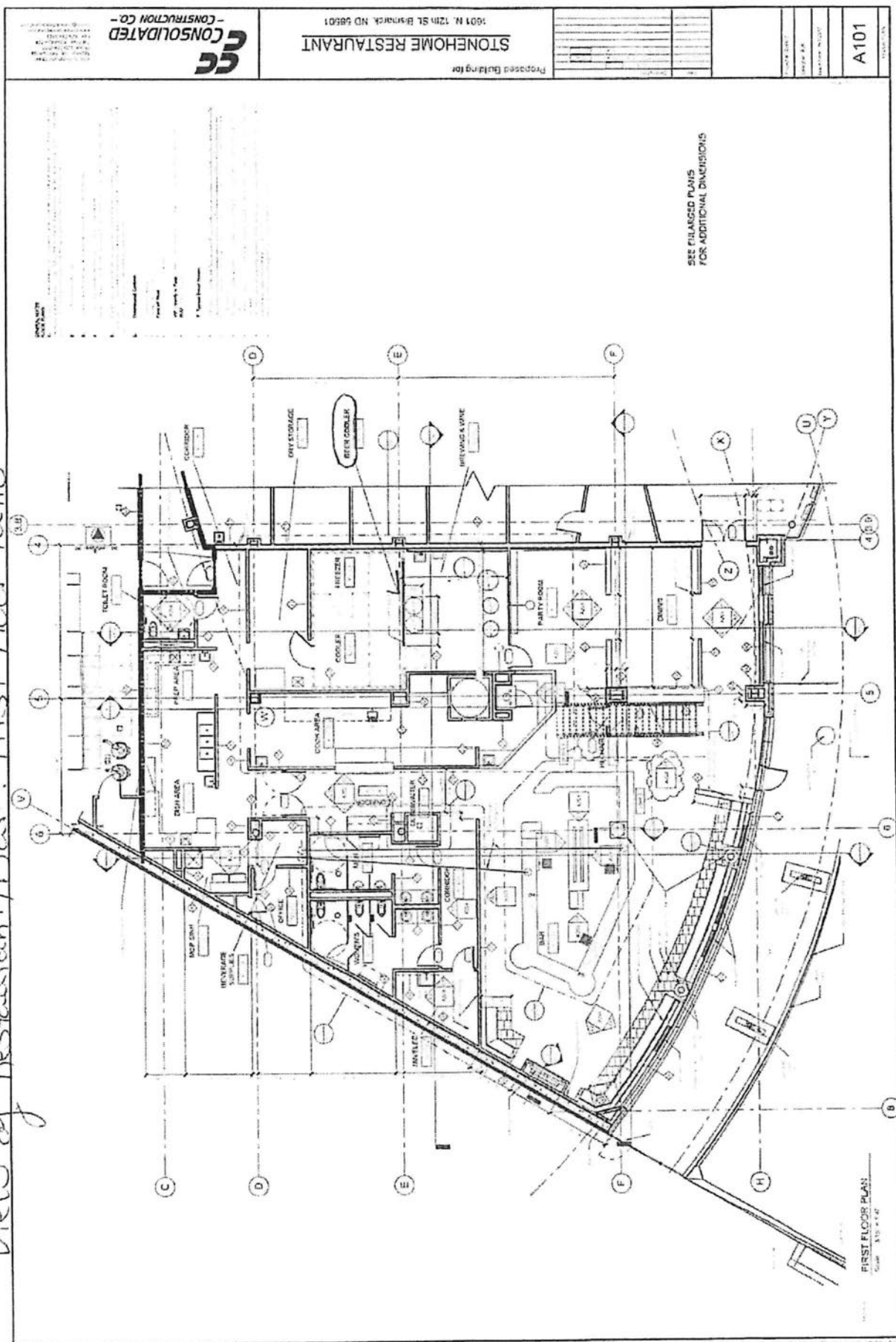
Overview of Facility Restaurant/Patio & Bank Gallery



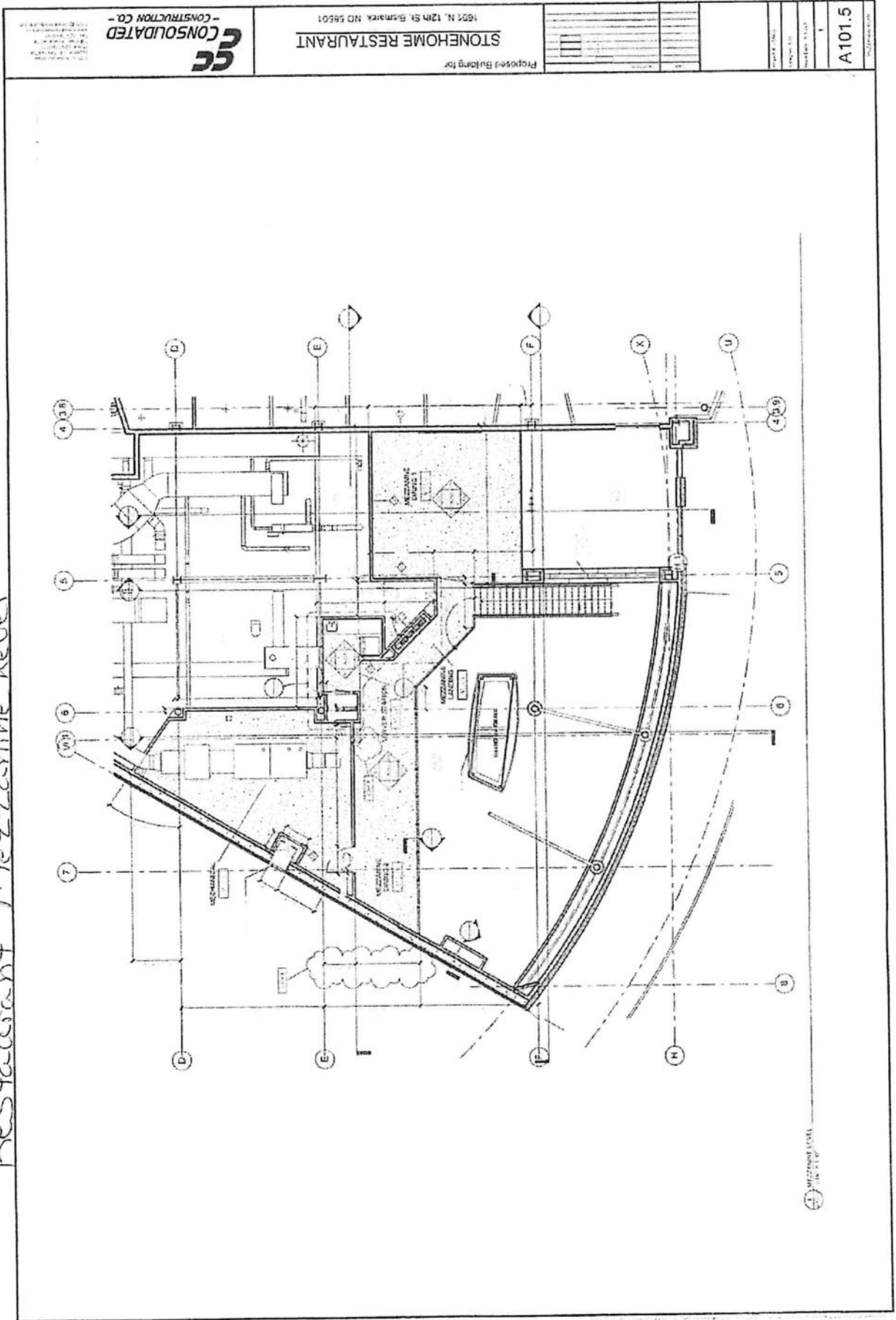
FLOOR PLAN - GENERAL NOTES

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
- 5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES THROUGHOUT THE PROJECT.
- 6. THE CONTRACTOR SHALL SUBMIT ALL MATERIALS AND METHODS FOR APPROVAL PRIOR TO INSTALLATION.
- 7. THE CONTRACTOR SHALL MAINTAIN ACCURATE RECORDS OF ALL WORK DONE.
- 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND WASTE.
- 9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATION WITH THE ARCHITECT AND OWNER.
- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.

View of Restaurant/Bar: First Floor Patio



Restaurant Mezzanine level



Second Floor Terrace

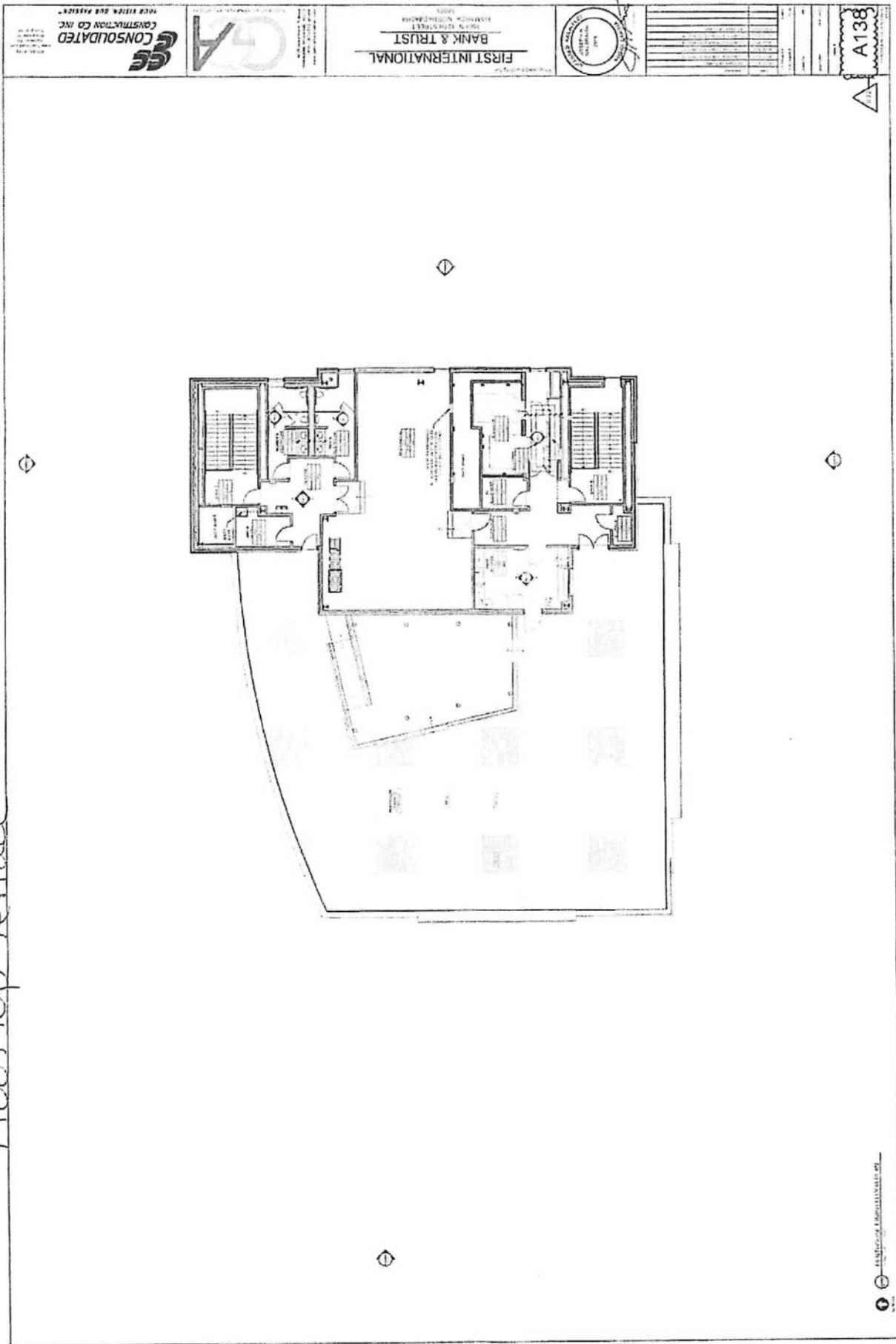


A133

FIRST INTERNATIONAL
BANK & TRUST
BANK OF AMERICA
BANK OF MONTREAL
BANK OF NEW YORK
BANK OF THE SOUTH
BANK OF THE WEST
BANK OF THE MIDDLE

CONSOLIDATED
CONSTRUCTION CO. INC.
1000 BROADWAY, NEW YORK, N.Y. 10004
TELEPHONE: 212-691-1000
FAX: 212-691-1001

Roof Top Terrace



100% COMPLETE

DATE: 10/1/00

BY: [Signature]

CONSOLIDATED
CONSTRUCTION CO. INC.
YOUR VISION OUR PASSION

GA

FIRST INTERNATIONAL
BANK & TRUST
100% COMPLETE
DATE: 10/1/00
BY: [Signature]

A138

[Print](#)**Retail Alcohol Beverage License - Submission #23256**

Date Submitted: 6/3/2024

**License Information:****Application Type***

Renewal

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|---|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☒ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

Tavern Bismarck, LLC

Doing Business As (DBA) Name, if Applicable:*

Tavern Grill Restaurant & Bar

Date of Incorporation:*

01/27/2021

State of ND Liquor License No.:

AA03616

**If out of state corporation,
is corporation registered in
North Dakota?**☐ Yes☐ No☒ N/A**Location Address:***

1802 N. 12th Street

City:*

Bismarck

State:*

North Dakota

Zip:*

58501

Phone No.:*

701-751-2484

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

Paul Chestovich

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Paul Chestovich

Email Address:***Mailing Address:*****City:***

Hopkins

State:*

MN

Zip:*

55343

Phone No.:***Manager's Name:***

Tricia Lippert

Date of Birth:*

989

**Percentage of
Ownership:***

0

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

Owner

Name:**Date of Birth:****Percentage of
Ownership:**

Peter Ahn

/1965

12.5

Driver's License No.:**State Issued:****Gender:****Race:**

MN

Male

Asian

Home Address:**City:****State:****Zip:****Phone No.:**

Orono

MN

55331

Officer/Director/Stockholder Title:**Email Address:**

Owner and Chief Financial Officer

Name:**Date of Birth:****Percentage of
Ownership:**

Reza Alizadeh

/1965

25

Driver's License No.:**State Issued:****Gender:****Race:**

MN

Male

Caucasian

Home Address:**City:**

Mendota Heights

State:

MN

Zip:

55118

Phone No.:**Officer/Director/Stockholder Title:**

Owner

Email address:**Please submit all officers that will not fit on this form.**

Bismarck Additional Owners and Officers.pdf

The undersigned states that the following information is true and correct.**1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?***

- ☐ Yes
☒ No

If no, please explain:

All managers, owners and officers are legal residents and citizens of the United States. Only the location manager is a resident of the State of North Dakota. All other such persons are residents of the State of Minnesota.

2. Have any of the persons listed above been convicted of any crime within the past five years? *

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:**3. Does the building meet all state and local sanitation and safety requirements?***

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☒ Yes
☐ No

If yes please, give details:

All of the persons having ownership in Tavern Bismarck, LLC also have the same ownership in a North Dakota LLC, physically located in Fargo ND, named HRP Fargo, LLC (and which owns and operates a full-service restaurant with a liquor license under the same brand name as Tavern Bismarck, LLC -- i.e., "Tavern Grill Restaurant & Bar").

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☒ Yes
☐ No

If yes please, give details:

Peter Ahn and Ali Alizadeh are engaged in investing in other business that are not involved in the sale of liquor. John Reilly is engaged in operating other businesses that are not involved in the sale of liquor. Paul Chestovich is engaged in providing legal services to other businesses not involved in the sale of liquor. Reza Alizadeh is engaged in the business own owning chiropractic clinics and providing chiropractic services.

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

20240604011937362.pdf

Liquor License Site Diagram Requirements:

- ☐ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☐ The agency name shall be included on the diagram.
- ☐ The direction "North" shall be included on the diagram.
- ☐ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☐ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☐ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

Floor Plan with Highlighted Area of Alcoholic Serving.pdf

Liquor License Transfers**Download Required Form for License Transfer:**[Alcoholic Beverage License Transfer Form](#)**Upload Notarized Alcoholic Beverage License Transfer Form** No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Paul Chestovich

By checking this box I acknowledge that I am electronically signing this
liquor license application.*

☒ Electronic Signature**Date:***

6/3/2024

Payment Options:*

Credit Card Authorization Form

**NOTE: This application must be accompanied by required fees.**

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

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

20240604012855924.pdf

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501





Administration Department

DATE: June 11, 2024

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Application for a new Class I-2: Complementary Alcohol License

REQUEST:

Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for KTP Boutique, LLC (dba) Apricot Lane Boutique at 4228 Boulder Ridge Road, Suite 4.

BACKGROUND INFORMATION:

KTP Boutique, LLC (dba) Apricot Lane Boutique is requesting the issuance of a new Class I-2: Complementary Alcohol license at 4228 Boulder Ridge Road, Suite 4.

Class I-2. To an applicant for the complementary provision of “on-sale” only beer, wine, and liquor, subject to the following conditions:

- A. The applicant must be a business with a permanent location within the City of Bismarck.
- B. The dispensing of alcohol is only to customers on the licensed premises without any additional charge for the alcoholic beverage.
- C. The license is for “on-sale” only, and “off-sale” is not permitted. A cessation of business at a licensed location for a period of ninety days or longer shall constitute cause to revoke such license pursuant to Section 5-01-09.
- D. Once a license has been established at a particular location, the license may not be transferred to another location.
- E. A licensee may not obtain an event permit pursuant to Section 5-01-13 except on real property owned in the name of the licensee.
- F. The licensee must obtain and keep in effect off-premises alcohol liability insurance and provide the City proof of insurance with its license application.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the introduction of and call for a public hearing on the request for a new Class I-2, Complementary Alcohol, from KTP Boutique, LLC (dba) Apricot Lane Boutique at 4228 Boulder Ridge Road, Suite 4., with the public hearing scheduled for Tuesday, June 25, 2024.

Staff also recommends approval of the new Class I-2: Complementary Alcohol license.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Apricot Lane Boutique Application

[Print](#)**Retail Alcohol Beverage License - Submission #23157****Date Submitted: 5/28/2024****License Information:****Application Type***

New License Application

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|--|--|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☐ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☒ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

KTP Boutique LLC

Doing Business As (DBA) Name, if Applicable:*

Apricot Lane Boutique

Date of Incorporation:*

6/13/2023

State of ND Liquor License No.:**If out of state corporation,
is corporation registered in
North Dakota?**

- ☐ Yes
☐ No
☒ N/A

Location Address:*

4228 Boulder Ridge Rd, Suite 4

City:*

Bismarck

State:*

ND

Zip:*

58503

Phone No.:***Name and Title of Person Completing Form (must be the person listed in ownership information or manager):**

Kari Pollert

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Kari Pollert

Email Address:***Mailing Address:*****City:***

Bismarck

State:*

ND

Zip:*

58503

Phone No.:***Manager's Name:***

Kari Pollert

Date of Birth:*

/1989

**Percentage of
Ownership:***

51%

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

Owner

Name:**Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:****Home Address:****City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email Address:****Name:****Date of Birth:****Percentage of
Ownership:****Driver's License No.:****State Issued:****Gender:****Race:**

Home Address:**City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email address:****Please submit all officers that will not fit on this form.**[Choose File](#)

No file chosen

The undersigned states that the following information is true and correct.**1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?***

- ☒ Yes
☐ No

If no, please explain:**2. Have any of the persons listed above been convicted of any crime within the past five years? ***

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:**3. Does the building meet all state and local sanitation and safety requirements?***

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☒ No
☐ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☐ Yes
☒ No

If yes please, give details:

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☐ Yes
☒ No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☒ The agency name shall be included on the diagram.
- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☒ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

Floor Plan-2.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Kari A. Pollert

By checking this box I acknowledge that I am electronically signing this
liquor license application.*

☒ Electronic Signature**Date:***

5/28/2024

Payment Options:*

Check By Mail

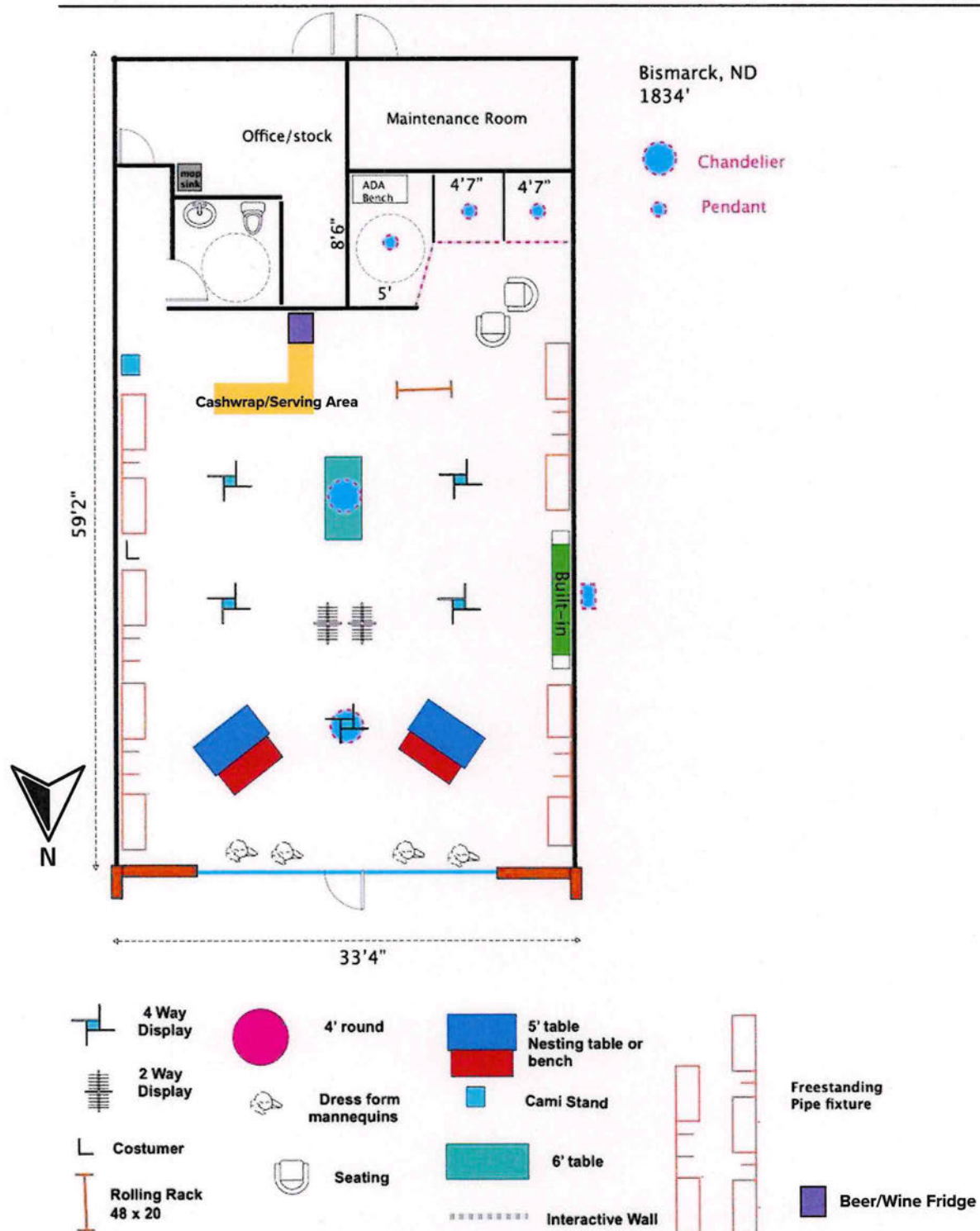
NOTE: This application must be accompanied by required fees.

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

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form** No file chosen**Mail Payments To:**

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

KTP Boutique LLC dba Apricot Lane Boutique





Administration Department

DATE: June 11, 2024

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Application for a new Class I-2: Complementary Alcohol License

REQUEST:

Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for Lotus Nail Bar & Spa, LLC. at 1401 Skyline Blvd, Suite C.

BACKGROUND INFORMATION:

Lotus Nail Bar & Spa, LLC. is requesting the issuance of a new Class I-2: Complementary Alcohol license at 1401 Skyline Blvd, Suite C.

Class I-2. To an applicant for the complementary provision of “on-sale” only beer, wine, and liquor, subject to the following conditions:

- A. The applicant must be a business with a permanent location within the City of Bismarck.
- B. The dispensing of alcohol is only to customers on the licensed premises without any additional charge for the alcoholic beverage.
- C. The license is for “on-sale” only, and “off-sale” is not permitted. A cessation of business at a licensed location for a period of ninety days or longer shall constitute cause to revoke such license pursuant to Section 5-01-09.
- D. Once a license has been established at a particular location, the license may not be transferred to another location.
- E. A licensee may not obtain an event permit pursuant to Section 5-01-13 except on real property owned in the name of the licensee.
- F. The licensee must obtain and keep in effect off-premises alcohol liability insurance and provide the City proof of insurance with its license application.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the introduction of and call for a public hearing on the request for a new Class I-2, Complementary Alcohol, from Lotus Nail Bar & Spa, LLC. at 1401 Skyline Blvd, Suite C, with the public hearing scheduled for Tuesday, June 25, 2024.

Staff also recommends approval of the new Class I-2: Complementary Alcohol license.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Lotus Nail Bar & Spa Application

[Print](#)**Retail Alcohol Beverage License - Submission #23060****Date Submitted: 5/22/2024****License Information:****Application Type***

New License Application

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|--|--|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☐ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☐ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☒ Class I-2: Complementary - \$350 |
| ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 | |

Location Information:**Legal Business Name:***

Lotus Nail Bar & Spa LLC

Doing Business As (DBA) Name, if Applicable:*

N/A

Date of Incorporation:*

09-24-2014

State of ND Liquor License No.:

ND

**If out of state corporation,
is corporation registered in
North Dakota?**

- ☐ Yes
☐ No
☒ N/A

Location Address:*

1401 Skyline Blvd Suite C

City:*

Bismarck

State:*

ND

Zip:*

58503

Phone No.:***Name and Title of Person Completing Form (must be the person listed in ownership information or manager):**

Tommy So

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Tommy So

Email Address:***Mailing Address:*****City:***

Bismarck

State:*

ND

Zip:*

58503

Phone No.:***Manager's Name:***

Tommy So

Date of Birth:***Percentage of
Ownership:***

50

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:***Email Address:**

President

Name:**Date of Birth:****Percentage of
Ownership:**

N/A

Driver's License No.:**State Issued:****Gender:****Race:****Home Address:****City:****State:****Zip:****Phone No.:****Officer/Director/Stockholder Title:****Email Address:****Name:****Date of Birth:****Percentage of
Ownership:**

N/A

Driver's License No.:**State Issued:****Gender:****Race:**

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email address:

Please submit all officers that will not fit on this form.

No file chosen

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

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?*

- ☒ Yes
☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years? *

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?*

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☐ Yes
☒ No
☐ N/A

If yes please, give details:

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☐ Yes
☒ No

If yes please, give details:

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☒ Yes
☐ No

If yes please, give details:

Operation of the nail salon.

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

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.

Upload Gross Food Sales Report:

[Choose File](#) No file chosen

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☒ The agency name shall be included on the diagram.
- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☐ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

IMG_20240522.jpg

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

[Choose File](#) No file chosen

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 agree

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 agree

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.*

☒ I agree

Signature of Applicant:*

Tommy So

By checking this box I acknowledge that I am electronically signing this liquor license application.*

☒ Electronic Signature

Date:*

5/22/2024

Payment Options:*

Credit Card Authorization Form

NOTE: This application must be accompanied by required fees.

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

Credit Card

[Credit Card Authorization Form](#)

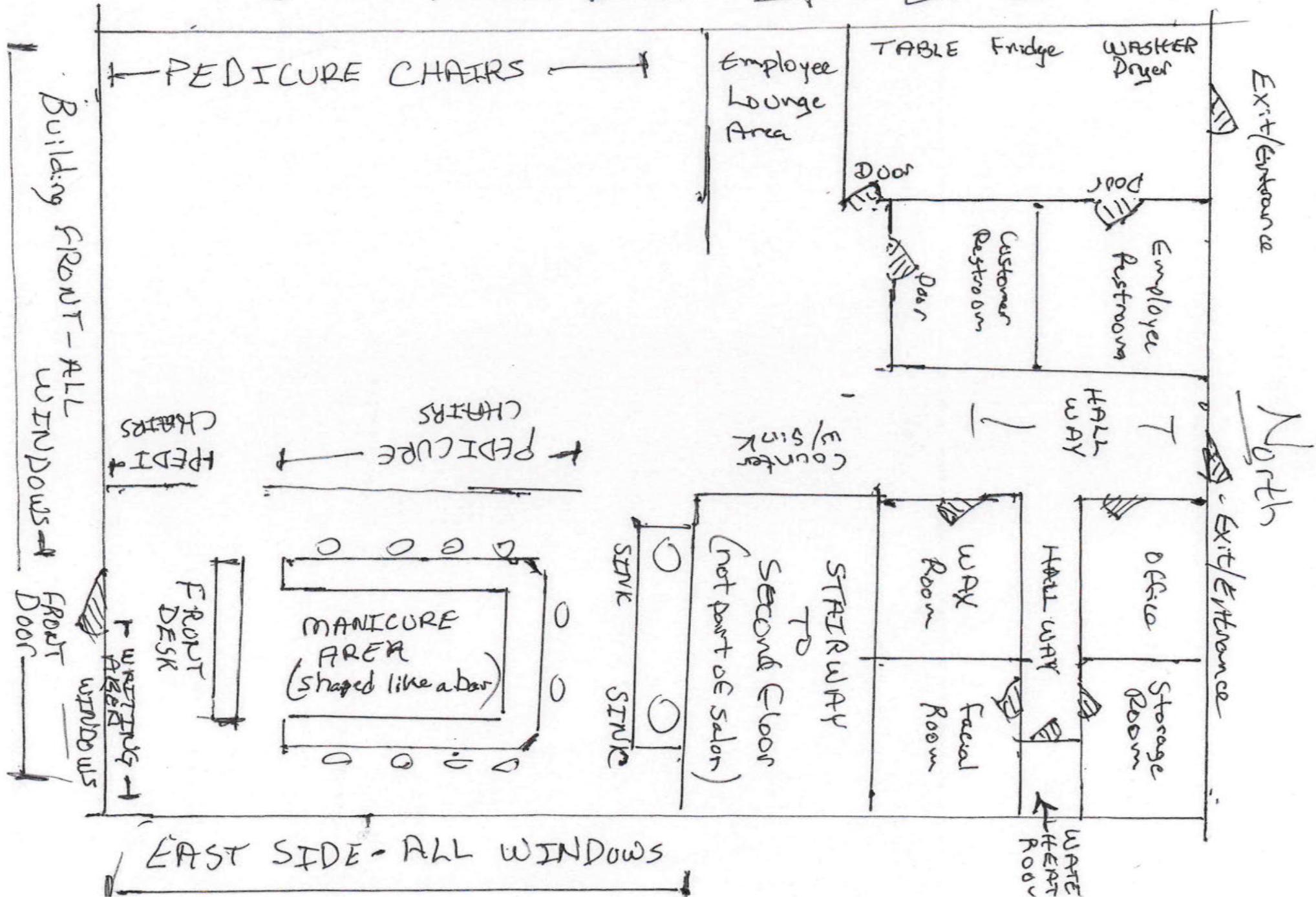
Upload Credit Card Authorization Form

IMG_20240522.jpg

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

LOTUS NAIL BAR & SPA LLC





Airport

DATE: June 11, 2024

FROM: Greg Haug, Airport Director

ITEM: Asphalt Surface Technologies Corporation Change Order #1

REQUEST:

Consider Asphalt Surface Technologies Corporation Change Order #1 to August 11, 2023 Agreement.

BACKGROUND INFORMATION:

On August 8, 2023, the Board approved the Asphalt Surface Technologies Corporation's agreement for Asphalt Pavement Maintenance at Bismarck Airport. This change order would authorize the Contractor to apply a micro-surface seal coat to the Lancair Drive pavement that was constructed in 2023. This portion of Lancair Drive was not included as part of the surface seal project because this project had the potential to be completed in 2023. Since this seal project was rescheduled, the Lancair Drive asphalt pavement is in place and can be sealed along with the rest of the asphalt pavement. Change Order #1 uses unit costs from the original bid. Change Order #1 increases the agreement cost from \$1,664,242.87 by \$61,677.00 to a new total cost of \$1,725,919.87.

RECOMMENDED CITY COMMISSION ACTION:

Approve Asphalt Surface Technologies Corporation Change Order #1 to August 11, 2023 Agreement at Enclosure 1.

STAFF CONTACT INFORMATION:

Greg Haug, Airport Director, 701-355-1805, ghaug@bismarcknd.gov

ATTACHMENTS:

1. KLJ Change Order No. 1

Change Order No. 1
Date June 4, 2024



Airport Name Bismarck Airport
Location Bismarck, ND
Contract Description 2023 Asphalt Pavement Rehabilitation Project
Contract Date August 11, 2023

AIP Project # TBD
KLJ Project # 2205-01996
Owner Project # APG.ASPHALT.CONST
Owner G/L Code: 600-620-603-6730-220
Contract # 2023-0061 Asphalt Surface Tech

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

Contractor
Asphalt Surface Technologies Corporation
PO Box 1025
St. Cloud, MN 56302

Engineer
KLJ Engineering LLC
400 East Broadway, Suite 600
Bismarck, ND 58501

General Reason for Change (quantify and explain details in sections 2 and 3)
Division 4, Item 4 Apply Micro Surface Seal Coat to Lancair Drive Pavement Constructed in 2023

	AIP Eligible	AIP Ineligible	Total
Total Contract Amount Prior to this Change Order	\$ 809,148.15	\$ 855,094.72	\$ 1,664,242.87
Change Resulting from this Change Order	61,677.00		61,677.00
Total Contract Amount After this Change Order	\$ 870,825.15	\$ 855,094.72	\$ 1,725,919.87

Prerequisites to Substantial Completion	
Prerequisites to Substantial Completion date prior to this Change Order	August 16, 2024
Change resulting from this Change Order	0
Revised Prerequisites to Substantial Completion date from this Change Order	August 16, 2024
Prerequisites to Final Acceptance	
Prerequisites to Final Acceptance date prior to this Change Order	October 31, 2024
Change resulting from this Change Order	0
Revised Prerequisites to Final Acceptance date from this Change Order	October 31, 2024

Change Order approved by:

06/04/2024
Date

6-4-24
Date

Date

KLJ Engineering LLC

Asphalt Surface Technologies Corporation

City of Bismarck

Summary of Changes

Airport Name Bismarck Airport
 Location Bismarck, ND
 AIP Project # TBD
 Contractor Asphalt Surface Technologies Corporation

Change Order No. 1
 Section 2
 KLJ Project # 2205-01996
 Owner's Project # 2023-0061 Asphalt Surface Tech

Item #			Quantities			Unit	Unit Price	Revised Cost	Changed Cost
			Planned	Revised	Change				
AIP Eligible									
Division 1 - Jetway Avenue, Including Connector from Terminal Boulevard to Jetway Avenue (AIP Eligible)									
1	C-105	Mobilization	1.00			L.S.	\$ 150,000.00	\$ -	\$ -
2	P-605	Rubber Crack Fill	500			L.F.	7.50	-	-
3	Plan Notes	Large Crack Repair	275			L.F.	25.50	-	-
4	P-620	Pavement Markings (Temporary)	390			S.F.	11.87	-	-
5	P-620	Pavement Markings	390			S.F.	11.87	-	-
6	P-629	Micro Surface Seal Coat	1,280			S.Y.	10.50	-	-
7	Local and State	Traffic Control	1.00			L.S.	5,000.00	-	-
8	Local and State	Contractor Staging / Storage Area	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 1								\$ -	\$ -
AIP Ineligible									
Division 2 - Jetway Avenue (AIP Ineligible)									
1	P-605	Rubber Crack Fill	1,900			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	725			L.F.	25.50	-	-
3	P-620	Pavement Markings (Temporary)	1,000			S.F.	11.87	-	-
4	P-620	Pavement Markings	1,000			S.F.	11.87	-	-
5	P-629	Micro Surface Seal Coat	4,576			S.Y.	10.50	-	-
6	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 2								\$ -	\$ -
AIP Ineligible									
Division 3 - E911 Parking Lot (AIP Ineligible)									
1	P-605	Rubber Crack Fill	250			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	250			L.F.	25.50	-	-
3	P-620	Pavement Markings	200			S.F.	11.87	-	-
4	P-629	Spray Seal Coat	1,254			S.Y.	4.00	-	-
5	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 3								\$ -	\$ -
AIP Eligible									
Division 4 - Lancair Drive including ARFF Access Road and Parking Lot (AIP Eligible)									
1	P-605	Rubber Crack Fill	2,700			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	455			L.F.	25.50	-	-
3	P-620	Pavement Markings	72			S.F.	11.87	-	-
4	P-629	Micro Surface Seal Coat	4,300	10,174	5,874	S.Y.	10.50	106,827.00	61,677.00
5	P-629	Spray Seal Coat	1,224			S.Y.	4.00	-	-
6	Local and State	Traffic Control	1.00			L.S.	5,000.00	-	-
TOTAL DIVISION 4								\$ 106,827.00	\$ 61,677.00
AIP Eligible									
Division 5 - Lancair Loop (AIP Eligible)									
1	P-605	Rubber Crack Fill	192			L.F.	\$ 7.50	\$ -	\$ -
2	P-629	Micro Surface Seal Coat	583			S.Y.	10.50	-	-
3	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 5								\$ -	\$ -
AIP Ineligible									
Division 6 - South Perimeter Service Road South of ARFF and Fuel Farm (AIP Ineligible)									
1	P-605	Rubber Crack Fill	2,300			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	1,100			L.F.	25.50	-	-
3	P-629	Spray Seal Coat	5,263			S.Y.	4.00	-	-
4	Local and State	Traffic Control	1.00			L.S.	4,500.00	-	-
TOTAL DIVISION 6								\$ -	\$ -

Airport Name Bismarck Airport
 Location Bismarck, ND
 AIP Project # TBD
 Contractor Asphalt Surface Technologies Corporation

Change Order No. 1
 Section 2

KLJ Project # 2205-01996
 Owner's Project # 2023-0061 Asphalt Surface Tech

Item #			Quantities			Unit	Unit Price	Revised Cost	Changed Cost
			Planned	Revised	Change				
AIP Eligible									
Division 7 - South Perimeter Road from CS Apron to ARFF, Including ARFF Access from ARFF Apron to Taxiway C (AIP Eligible)									
1	P-605	Rubber Crack Fill	600			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	860			L.F.	25.50	-	-
3	P-620	Pavement Markings (Temporary)	218			S.F.	11.87	-	-
4	P-620	Pavement Markings	465			S.F.	11.87	-	-
5	P-629	Spray Seal Coat	3,805			S.Y.	4.00	-	-
6	Local and State	Traffic Control	1.00			L.S.	4,500.00	-	-
TOTAL DIVISION 7								\$ -	\$ -
AIP Eligible									
Division 8 - Corporate Circle (AIP Eligible)									
1	P-605	Rubber Crack Fill	250			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	100			L.F.	25.50	-	-
3	P-620	Pavement Markings (Temporary)	24			S.F.	11.87	-	-
4	P-620	Pavement Markings	24			S.F.	11.87	-	-
5	P-629	Micro Surface Seal Coat	1,873			S.Y.	10.50	-	-
6	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 8								\$ -	\$ -
AIP Ineligible									
Division 9 - Maintenance Shop Service Road (AIP Ineligible)									
1	P-605	Rubber Crack Fill	200			L.F.	\$ 7.50	\$ -	\$ -
2	P-629	Spray Seal Coat	775			S.Y.	4.00	-	-
3	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 9								\$ -	\$ -
AIP Ineligible									
Division 10 - CS Apron Service Road (AIP Ineligible)									
1	P-605	Rubber Crack Fill	600			L.F.	\$ 7.50	\$ -	\$ -
2	P-629	Spray Seal Coat	1,641			S.Y.	4.00	-	-
3	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 10								\$ -	\$ -
AIP Ineligible									
Division 11 - Airport Employee Parking Lot (AIP Ineligible)									
1	P-605	Rubber Crack Fill	1,000			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	900			L.F.	25.50	-	-
3	P-620	Pavement Markings	607			S.F.	11.87	-	-
4	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 11								\$ -	\$ -
AIP Ineligible									
Division 12 - Economy Parking Lot (AIP Ineligible)									
1	P-605	Rubber Crack Fill	3,000			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	2,000			L.F.	25.50	-	-
3	P-620	Pavement Markings	8,890			S.F.	11.87	-	-
4	P-629	Spray Seal Coat	12,494			S.Y.	4.00	-	-
5	Local and State	Traffic Control	1.00			L.S.	15,000.00	-	-
TOTAL DIVISION 12								\$ -	\$ -
AIP Ineligible									
Division 13 - Terminal Boulevard (AIP Ineligible)									
1	P-605	Rubber Crack Fill	6,300			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	3,600			L.F.	25.50	-	-
3	Local and State	Traffic Control	1.00			L.S.	5,000.00	-	-
TOTAL DIVISION 13								\$ -	\$ -

Airport Name Bismarck Airport
 Location Bismarck, ND
 AIP Project # TBD
 Contractor Asphalt Surface Technologies Corporation

Change Order No. 1
 Section 2

KLJ Project # 2205-01996
 Owner's Project # 2023-0061 Asphalt Surface Tech

Item #			Quantities			Unit	Unit Price	Revised Cost	Changed Cost
			Planned	Revised	Change				
AIP Ineligible									
Division 14 - Rental Car Ready and Return Lots (AIP Ineligible)									
1	P-605	Rubber Crack Fill	1,000			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	450			L.F.	25.50	-	-
3	P-620	Pavement Markings (Temporary)	52			S.F.	11.87	-	-
4	P-620	Pavement Markings	967			S.F.	11.87	-	-
5	P-629	Spray Seal Coat	5,191			S.Y.	4.00	-	-
6	Local and State	Traffic Control	1.00			L.S.	15,000.00	-	-
TOTAL DIVISION 14								\$ -	\$ -
AIP Ineligible									
Division 15 - Rental Car Overflow Lot (AIP Ineligible)									
1	P-605	Rubber Crack Fill	4,100			L.F.	\$ 7.50	\$ -	\$ -
2	P-620	Pavement Markings (Temporary)	44			S.F.	11.87	-	-
3	P-620	Pavement Markings	672			S.F.	11.87	-	-
4	P-629	Spray Seal Coat	13,610			S.Y.	4.00	-	-
5	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 15								\$ -	\$ -
AIP Ineligible									
Division 16 - Cirrus Street (AIP Ineligible)									
1	P-605	Rubber Crack Fill	600			L.F.	\$ 7.50	\$ -	\$ -
2	P-620	Pavement Markings (Temporary)	214			S.F.	11.87	-	-
3	P-620	Pavement Markings	214			S.F.	11.87	-	-
4	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 16								\$ -	\$ -
AIP Eligible									
Division 17 - Maverick Avenue (AIP Eligible)									
1	P-605	Rubber Crack Fill	350			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	670			L.F.	25.50	-	-
3	P-620	Pavement Markings (Temporary)	750			S.F.	11.87	-	-
4	P-620	Pavement Markings	750			S.F.	11.87	-	-
5	P-629	Micro Surface Seal Coat	4,344			S.Y.	10.50	-	-
6	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 17								\$ -	\$ -
AIP Ineligible									
Division 18 - Operations Parking Lot (AIP Ineligible)									
1	P-605	Rubber Crack Fill	800			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	200			L.F.	25.50	-	-
3	P-620	Pavement Markings	46			S.F.	11.87	-	-
4	P-629	Spray Seal Coat	891			S.Y.	4.00	-	-
5	Local and State	Traffic Control	1.00			L.S.	5,000.00	-	-
TOTAL DIVISION 18								\$ -	\$ -
AIP Eligible									
Division 19 - Eclipse Way and North Connection to University Drive (AIP Eligible)									
1	P-605	Rubber Crack Fill	500			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	595			L.F.	25.50	-	-
3	P-620	Pavement Markings (Temporary)	82			S.F.	11.87	-	-
4	P-620	Pavement Markings	82			S.F.	11.87	-	-
5	P-629	Micro Surface Seal Coat	5,881			S.Y.	10.50	-	-
6	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 19								\$ -	\$ -
AIP Eligible									
Division 20 - North Airport Perimeter Service Road (AIP Eligible)									
1	P-605	Rubber Crack Fill	2,600			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	1,400			L.F.	25.50	-	-
3	P-629	Spray Seal Coat	11,089			S.Y.	4.00	-	-
4	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 20								\$ -	\$ -

Airport Name Bismarck Airport
 Location Bismarck, ND
 AIP Project # TBD
 Contractor Asphalt Surface Technologies Corporation

Change Order No. 1
 Section 2

KLJ Project # 2205-01996
 Owner's Project # 2023-0061 Asphalt Surface Tech

Item #			Quantities			Unit	Unit Price	Revised Cost	Changed Cost
			Planned	Revised	Change				
AIP Eligible									
Division 21 - Taxiway B (AIP Eligible)									
1	P-605	Rubber Crack Fill	1,500			L.F.	\$ 7.50	\$ -	\$ -
2	Plan Notes	Large Crack Repair	660			L.F.	25.50	-	-
3	P-620	Pavement Markings (Temporary)	1,898			S.F.	11.87	-	-
4	P-620	Pavement Markings	5,400			S.F.	11.87	-	-
5	P-629	Spray Seal Coat	12,236			S.Y.	4.00	-	-
6	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 21								\$ -	\$ -
AIP Ineligible									
Division 22 - Taxiway B Service Roads (AIP Ineligible)									
1	P-605	Rubber Crack Fill	300			L.F.	\$ 7.50	\$ -	\$ -
2	P-629	Spray Seal Coat	2,536			S.Y.	4.00	-	-
3	Local and State	Traffic Control	1.00			L.S.	2,500.00	-	-
TOTAL DIVISION 22								\$ -	\$ -
TOTAL AIP ELIGIBLE CHANGE								\$ 106,827.00	\$ 61,677.00
TOTAL AIP INELIGIBLE CHANGE								\$ -	\$ -
TOTAL CHANGE								\$ 106,827.00	\$ 61,677.00

The items highlighted in orange are items that are AIP eligible and funded 50 percent under NDAC state grant and 50 percent local match.

The items highlighted in blue are items that are AIP ineligible and are funded 50 percent under NDAC state grant and 50 percent local match.

Explanation of Changes			
Airport Name	Bismarck Airport	Change Order No.	0
Location	Bismarck, ND	Section	3
AIP Project #	TBD	KLJ Project #	2205-01996
Contractor	Asphalt Surface Technologies Corporation	Owner's Project #	2023-0061 Asphalt Surface Tech

Item No. Division 4, Item 4

Description

Apply Micro Surface Seal Coat to Lancair Drive Pavement Constructed in 2023

Reason for Change

The Owner would like to apply a micro surface seal coat to the Lancair Drive pavement that was constructed in 2023. This portion of Lancair Drive was not included as part of the asphalt pavement rehabilitation project since the asphalt pavement rehabilitation project had the potential to be completed in 2023. Since the asphalt pavement rehabilitation project is now being completed, the Lancair Drive asphalt pavement is a year old and can be sealed along with the rest of the asphalt pavements.

Since the cost is an extension of the unit price bid, a cost reasonableness determination is not applicable.



Airport

DATE: June 11, 2024

FROM: Greg Haug, Airport Director

ITEM: TSA National Amendment 23-02 Aviation Worker Screening

REQUEST:

Consider funding request for appeal of Transportation Security Administration (TSA) National Amendment 23-02 Aviation Worker Screening

BACKGROUND INFORMATION:

On April 27, 2023, TSA issued National Amendment (N/A) 23-02 – Aviation Worker Screening, which is designed to deter insider threat at airports across the country. Specifically, this NA requires Bismarck Airport staff to develop, hire, train, equip and administer a screening program for aviation workers by September 25, 2024. This NA would require Bismarck Airport to replicate the screening process TSA currently has in place at the checkpoint and utilize this same process at aviation worker entry point(s) at the terminal. Aviation workers include personnel from the airlines, airport, TSA, concessionaires, and any other personnel that enter the restricted portions of the airport terminal. Airport staff is supportive of efforts to reduce insider threats but feels strongly that screening activities should remain solely with TSA.

In September 2023, the City Commission approved Airport staff to join into a national lawsuit to appeal National Amendment 23-02 and authorized up to \$10,000 for this purpose. In total, there are sixteen airports and one national organization participating in the lawsuit. Since beginning the lawsuit, the legal team has met with the airports to discuss strategy and provide updates, drafted the necessary legal briefs and submitted them to the court and has responded to the court appropriately. Additionally, the legal team met with TSA leadership to discuss voluntarily issuing a stay for the NA, which TSA did not do and to conduct mediation with TSA which, unfortunately, did not provide a resolution to the lawsuit.

The discussions with TSA are the two primary reasons for the additional costs. Both items were unanticipated and resulted in additional work to file a motion to stay the NA's implementation date which extended the briefing schedule and to participate in an extended, court supervised mediation process with multiple meetings with the mediators, Department of Justice and TSA. The additional meetings with TSA, the mediation and extra work to file a motion to stay were needed because it became apparent during the initial phases of the litigation that the court's determination would not be known until after the implementation date of September 25, 2024.

Originally, the legal team thought that \$10,000 per airport would be enough to cover the costs of litigation, but unfortunately the unanticipated tasks to meet with TSA added costs to the initial

phase of litigation. With items now complete, the legal team anticipates the last remaining task to be oral arguments, which will likely take place in the fall. With only oral arguments remaining, the legal team estimates an additional need of approximately \$6,500 per airport to complete the lawsuit. This would bring the total cost of litigation to approximately \$16,500 per airport in the lawsuit.

Airport Staff requests the City Commission approve an additional \$10,000 to fund the airport's share of the litigation. The additional funding would pay for the \$6,500 estimate to complete the litigation plus any incidentals that may arise near the end of the lawsuit. The funding is available in the airport's spending plan.

RECOMMENDED CITY COMMISSION ACTION:

1. Authorize \$6,500 - \$10,000 to cover additional litigation expenses.

STAFF CONTACT INFORMATION:

Greg Haug, Airport Director, 701-355-1805, ghaug@bismarcknd.gov

ATTACHMENTS:

1. TSA National Amendment 23-02

From: David Mackey <dmackey@andersonkreiger.com>
Sent: Wednesday, May 22, 2024 9:16 PM
To: Matthew Remyse <mremynse@bismarcknd.gov>
Cc: Erica Brennon <brennon@andersonkreiger.com>; Gregory Haug <ghaug@bismarcknd.gov>
Subject: A & K Invoice for Services Rendered in April 2024

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Dear Matthew:

I've enclosed A & K's invoice for services rendered in the Aviation Worker Screening Matter in April, 2024. Bismarck's share of the \$40,481.42 total is \$2530.09.

As you've pointed out, we've exceeded the \$10,000 budget that we provided to you at the outset of the case. There are two primary reasons for that: the need to file a motion to stay the NA's implementation date given the delay in access to the administrative record and the subsequent extensions in the briefing schedule, as well as an extended, court supervised mediation process with multiple meetings with the mediators, DOJ and TSA (which ended up being fruitless.)

The briefing of the motion to stay and the briefing on the merits is now concluded, and we anticipate the last remaining task is oral argument, which will likely take place in the fall. Barring unexpected developments, I believe the total cost to each airport petitioner for the prosecution of the appeal will exceed our initial budget by about \$6,500, for a total cost to each airport petitioner of about \$16,500.

I hope this is helpful. Please let me know if you have questions or would like to discuss.

Regards,

Dave

ANDERSON David S. Mackey (he/him/his)
KREIGER T. 617.621.6531

[Anderson & Kreiger LLP](#) | 50 Milk Street | 21st Floor | Boston, MA 02109

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Bismarck-Burleigh Public Health Department

DATE: June 11, 2024

FROM: Renae Moch, Director

ITEM: Western Plains Public Health Donation

REQUEST:

Permission to accept donated mosquito traps from Western Plains Public Health.

BACKGROUND INFORMATION:

Western Plains Public Health is no longer using New Jersey light traps for their mosquito control program and would like to donate these unused mosquito traps to Bismarck-Burleigh Public Health. We currently use this type of trap for mosquito control and accepting this donation would increase our inventory of light traps from 10 to 15 traps.

RECOMMENDED CITY COMMISSION ACTION:

Approve the request to accept donated mosquito traps from Western Plains Public Health.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None



Bismarck-Burleigh Public Health Department

DATE: June 11, 2024

FROM: Renae Moch, Director

ITEM: Women's Way Program Donation

REQUEST:

Permission to accept a donation to the Women's Way Program.

BACKGROUND INFORMATION:

Bismarck-Burleigh Public Health is requesting approval to accept a monetary donation of \$608.25 from Century High School and St. Mary's High School girls soccer teams. Donations will assist local Women's Way clients with medical expenses related to breast and cervical cancer screenings and treatment, such as biopsies and cancer treatments. Funds will not be used for program operations/expenses.

RECOMMENDED CITY COMMISSION ACTION:

Approve the request for permission to accept a donation to the Women's Way Program.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None



Bismarck Veterans Memorial Public Library

DATE: June 11, 2024

FROM: Christine Kujawa, Library Director

ITEM: Library Board of Directors Appointment

REQUEST:

Approve the appointment of Nancy Guy to the Library Board of Directors.

BACKGROUND INFORMATION:

Library Board member Sue Sorlie is finishing her second 3-year term on the Library Board of Directors effective June 30, 2024. We are grateful for her service and continued advocacy for the library.

At the May 9, 2024 Library Board meeting, the Library Board of Directors elected Nancy Guy to a 3-year term to fill Sue Sorlie's vacation position, effective July 1, 2024.

Additionally, for the 2024-2025 election of officers, Dianna Kindseth was elected as Library Board President, which serves as the designated municipal representative in accordance with NDCC 40-38-03, to ensure continued qualification for State Aid to Public Libraries funding as outlined in NDCC 54-24.2-01. Mike Fladeland was elected as Library Board Vice President.

Nancy Guy served on the Bismarck City Commission from 2014-2022 where her portfolio included liaison for the library. In 2021, the North Dakota Library Association awarded Guy the Library Champion Award. Career highlights include Operations Director for the Lewis & Clark Development Group, business owner-UPS franchise, and work in software development. Guy currently serves as the AARP North Dakota State President.

2024-2025 Library Board
Dianna Kindseth, President
Mike Fladeland, Vice President
Nancy Guy
Justin Hughes
Mike LaLonde

RECOMMENDED CITY COMMISSION ACTION:

Appoint Nancy Guy to the Library Board of Directors.

STAFF CONTACT INFORMATION:

Christine Kujawa, Library Director, 701-355-1482, ckujawa@bismarcklibrary.org

ATTACHMENTS:

None



Community Development Department

DATE: June 11, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Central Outpost Subdivision – Zoning Map Amendment and Major Subdivision Final Plat

REQUEST:

Zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district and a major subdivision final plat for Central Outpost Subdivision.

BACKGROUND INFORMATION:

The proposed one-lot subdivision would allow construction of a maintenance facility and laydown yard. Central Power Electric Cooperative, Inc. would utilize this site for repair and upkeep of substations and other facilities in the area. A mobile substation will be housed in this location for temporary use on sites throughout the area.

A public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. No members of the public spoke at the hearing and no written comments were submitted.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the zoning map amendment and major subdivision final plat.

The attached staff report contains a complete review of the request, according to the standards of the Comprehensive Plan, city ordinances, and relevant law. Additionally, the staff report contains an overview of past public engagement related to this request.

RECOMMENDED CITY COMMISSION ACTION:

Consider approval of the zoning map amendment as outlined in Ordinance 6578 and major subdivision final plat for Central Outpost Subdivision and call for a public hearing.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

ATTACHMENTS:

1. Central Outpost

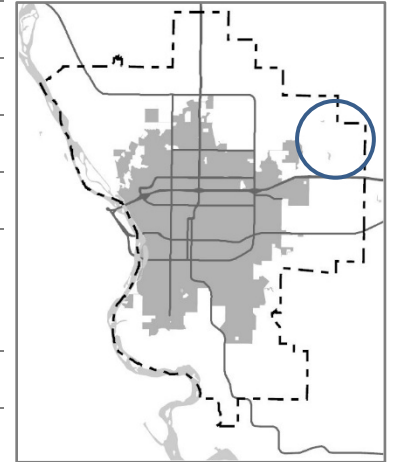
STAFF REPORT

Application for: **Final Plat**
Zoning Map Amendment

Project ID: **FPLT2024-003**
ZC2024-002

Project Summary

<i>Title:</i>	Central Outpost Subdivision
<i>Status:</i>	Board of City Commissioners - Consideration
<i>Property Owner(s):</i>	Central Power Electric Cooperative, Inc.
<i>Project Contact:</i>	Bryan Hastig, Interstate Engineering
<i>Project Location:</i>	Northeast of Bismarck, east of 80th Street NE and on the north side of 43rd Avenue NE (E ½ of E ½ of SW ¼ of Section 16, T139N-R79W)
<i>Project Size:</i>	40.21 Acres
<i>Applicant Request:</i>	Plat for development of utility maintenance facility and service yard
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Tract	<i>Lots/Blocks:</i>	1 Lot in 1 Block
<i>Land Use:</i>	Agriculture	<i>Land Use:</i>	Utility maintenance facility and service yard
<i>Future Land Use:</i>	Urban Reserve Mid-Term (URA)	<i>Future Land Use:</i>	Urban Reserve Mid-Term (URA)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	PUD – Density specified in PUD

Area Information

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)
<i>Township:</i>	Gibbs (organized)
<i>Neighborhood:</i>	Undefined

Property History

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

(continued)

Project Narrative

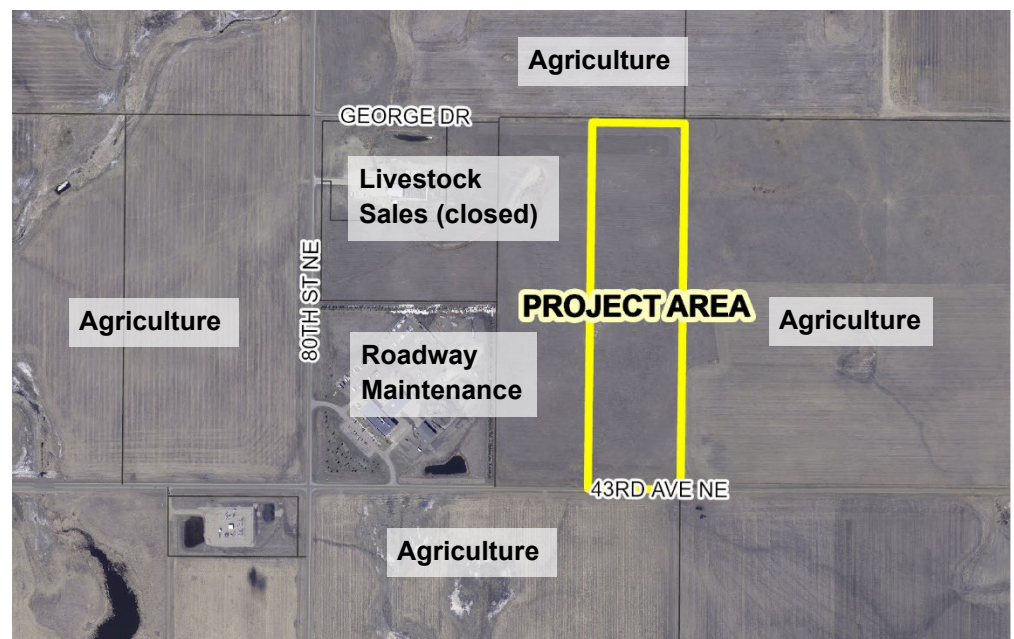
Central Power Electric Cooperative, Inc is requesting approval of a zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district and a major subdivision final plat for Central Outpost Subdivision.

The proposed 1-lot subdivision would allow construction of a maintenance facility and laydown yard. Central Power Electric Cooperative, Inc. would utilize this site for repair and upkeep of substations and other facilities in the area. A mobile substation will be housed in this location for temporary use on sites throughout the area.

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 mostly Urban Reserve Mid-Term, with a small portion as Urban Reserve Long-Term, in the Future Land Use Plan. Urban Reserve areas are suitable for urban development but are not projected to be annexed by the year 2045. Goals and objectives of this plan as they relate to this zoning map amendment and subdivision are referenced in review standards below.

The Major Street Plan shows an arterial roadway and two collectors adjacent to the proposed plat. Conformance with this plan is discussed in Findings of Fact below.

Public Engagement

Gibbs Township was notified of this request on April 8, 2024. The township has issued a resolution in support of this request, which is attached to this staff report.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 10 and May 17, and seven letters were mailed to the owners of nearby properties on May 10, 2024.

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

(continued)

publicly online through the Community Development Activities map.

The Planning and Zoning Commission held a public hearing on this request on May 22, 2024. No members of the public addressed the Commission during this hearing, and no written comments were submitted. The Planning and Zoning Commission voted unanimously to recommend approval of the requested zoning map amendment and major subdivision final plat.

Additional public notification will occur if the Board of City Commission calls for a public hearing.

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 Reserve Mid-Term in the Future Land Use Plan, as described in the Project Context section above. Specific land uses are not identified for this area, because urban development is not expected until after 2045, the time horizon of the plan. The proposed zoning district would generally conform to the character of this district.

In this area, any development should be made with consideration for future redevelopment at urban densities. A large-lot utility site would not be likely to create a barrier to annexation, and the northern portion of the 40-acres tract could be further subdivided in the future as warranted for development.

It should be noted that the lands to the west of 80th Street NE are identified for Urban Neighborhood, and previous Future Land Use Plans identified the subject site for residential development. Although future land use is formally undefined, approval of this plat will make residential development of the immediate surroundings, in particular the tract of the land to the west, less likely and desirable.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are identified in the project context section above. All immediately adjacent lands are undeveloped or in agricultural use. The nearest developed sites are a roadway maintenance facility, a former livestock sales pavilion, and an electrical substation. 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 A – Agricultural was established when the city assumed the extraterritorial authority of this area. Conditions have changed since this time, as the city limits have expanded in the northeastern corridor.

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 not directly adversely impact housing opportunities. However, over the longer-term, development of a non-residential use on this site may decrease the likelihood of residential development in the surrounding tracts of land. The inclusion of landscape buffers is intended to mitigate this impact.

(continued)

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

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

"Collaborate with public utility and delivery organizations to ensure efficient services" (C10).

This location is central to the utility service area, which includes several rural substations, and this location will optimize access to the mobile substation and other service needs of their facilities.

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.

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Planned Unit Development (Section 14-04-18(3)a)

Yes. The Planned Unit Development (PUD) would be limited to only public utility services, which would prevent the site and general area from developing into an industrial character overall,

and further aforementioned goals related to efficient service delivery.

The dimensional standards and requirements of the PUD mirror that of the roadway maintenance facility owned by Burleigh County. The application of these standards would create consistency for like uses within this section of land.

Adequate buffer areas have been provided between any noncompatible land uses (Section 14-04-18(3)b)

Yes. Although there are no incompatible adjacent uses currently, the proposed Planned Unit Development includes landscaped buffers to mitigate any potential negative impacts on future nearby uses. The landscaped buffers would be 50-feet in width and densely planted, similar to what has been planted by Burleigh County Highway Department to the west.

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. The proposed planned unit development incorporates these existing natural features into the design of the development to the greatest extent feasible. A pending stormwater management plan will address any potential for water runoff from the site. There are no hazardous water or topographical slope conditions.

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 planned unit development is served entirely by existing public rights-of-way without need for an internal circulation system

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)

(continued)

Yes. The proposed utility servicing uses, as designed and laid out in the proposed planned unit development, 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.

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion

Yes. No conditions were placed on the tentative approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat for stormwater and drainage, utilities, future City water and sewer, and rural water. Easements have been dedicated for the interim use as a rural site, and also for future urban services once the site is annexed into corporate limits.

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.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision, in each case the half of the right-of-way within the platted area. A total of 75 feet of right-of-way would be dedicated for 43rd Street NE on the southern boundary. On the northern boundary, 40 feet would be dedicated for an extension of George Drive. Third, a new collector roadway would be dedicated along the eastern boundary, to be named Lignite Drive. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. There are no corridors identified in the Active Mobility Plan within or adjacent to the proposed subdivision. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes, with improvements to 43rd Avenue NE. The segment of this roadway at this site is currently not paved. As a condition for acceptance of right-of-way, Burleigh County is anticipated to require improvement of this roadway to county standards. A waiver from improvement at this time of the

(continued)

collector roadways is being requested by the applicant.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. There are no internal roadways proposed with this plat, and all access currently would be gained from the existing 43rd Avenue NE. Any future development that requires additional roadway access could be determined through a replatting process.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. This plat would share a single access point to 43rd Avenue with the undeveloped tract of the land to the west. An access easement between these two properties would be recorded in conjunction with the plat. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the County's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Due to the public utility function of this site, it is important for an access point to the site to remain open at all times.

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 City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

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. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal 16-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f](#), Section 14-09-04(2)d)

Yes. The proposed subdivision is within two miles of the city limits and will require an agreement with the South Central Regional Water District prior to recordation of the plat. The City of Bismarck will retain rights to extend municipal water into the proposed subdivision after five years.

Water and sewer easements for future municipal services have been included on this plat. Detailed servicing plans have not been developed, but the reservation of easements during the platting process may facilitate future urbanization, as anticipated in the Comprehensive Plan.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

(continued)

Yes. The proposed subdivision is outside of Bismarck city limits and will not be served by municipal services at this time.

Technical specifications required of the preliminary 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. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Upon tentative approval of the preliminary plat, 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 have been met, as documented in this report above.

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 A – Agricultural zoning district to the PUD – Planned Unit Development zoning district, as attached, and approval of a final plat for Central Outpost Subdivision.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Final Plat
5. Preliminary Plat
6. Site Plan (referenced in PUD)
7. Landscape Plan (referenced in PUD)
8. Township Resolution

Staff report prepared by: Daniel Nairn, AICP, Planning Manager

701-355-1854 | dnairn@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. 6578

First Reading

Second Reading

Final Passage and Adoption

Publication Date

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 A – Agricultural zoning district and included in the PUD – Planned Unit Development zoning district

Lot 1, Block 1, Central Outpost Subdivision.

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan and landscape 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. Public utility storage and maintenance facility
 - ii. Public utility service yard
 - iii. Farming group

- b. *Accessory Uses.* No accessory uses shall be permitted, with the exception of any general services and utilities necessary for proper function of the principal uses on the site, including but not limited to above-ground storage tanks.
- 3. *Special Uses.* No uses requiring a special use permit shall be allowed.
- 4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
 - a. *Front Yard (south).* The setback from the south lot line adjacent to the arterial roadway of 43rd Avenue NE shall be 175 feet.
 - b. *Front Yard (east).* The setback from the east lot line adjacent to the collector roadway of Lignite Drive shall be 125 feet.
 - c. *Side Yard (west).* The setback from the west lot line shall be 50 feet.
 - d. *Rear Yard (north).* The setback from the north lot line shall be 50 feet.
 - e. *Height.* No building shall exceed fifty (50) feet in height.
- 5. *Development Standards.* The following development standards shall apply to all development within the district.
 - a. *Landscaping.* A landscaped buffer yard, as depicted in the landscape plan, is provided on the north and west sides of the developed site to screen the operation from adjacent land uses. Buffer yards shall be planted in conjunction with site development. General plantings on the south and southeast portions of the lot, as depicted in the land use plan, must be planted to provide visual screening of the parking area from adjacent rights-of-way.
 - b. *Parking.* Off-street parking spaces for a service business shall be required, according to Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading). Required parking and necessary drive lanes must be paved. All other service yard areas may utilize a gravel surface.
 - c. *Service Yard.* All exterior equipment and material storage areas shall be fenced and set back no less than one hundred fifty (150) feet from the south or east property line and no less than seventy-five (75) feet from a north or west property line.
- 6. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for Commercial zoning

districts. Notwithstanding, no off-premise advertising signs shall be allowed.

7. *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 and Plan Reference Map

CENTRAL OUTPOST SUBDIVISION

PPLT2024-001

ZC2024-002

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

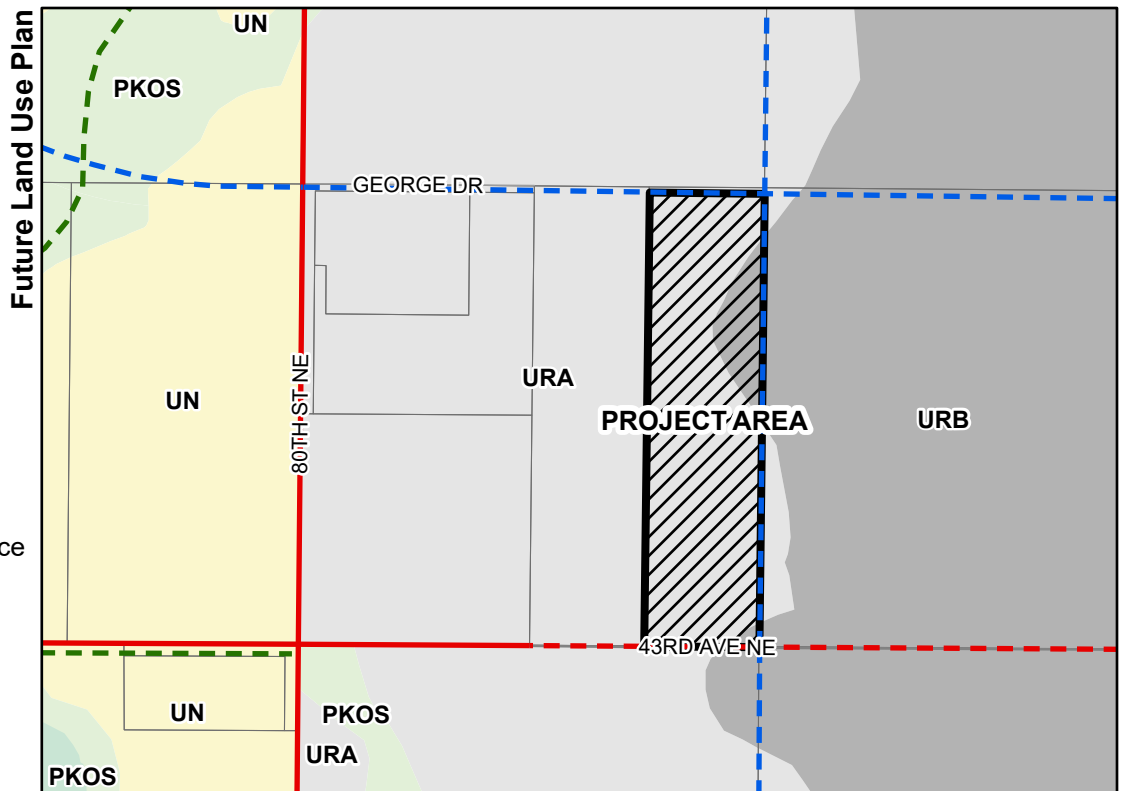
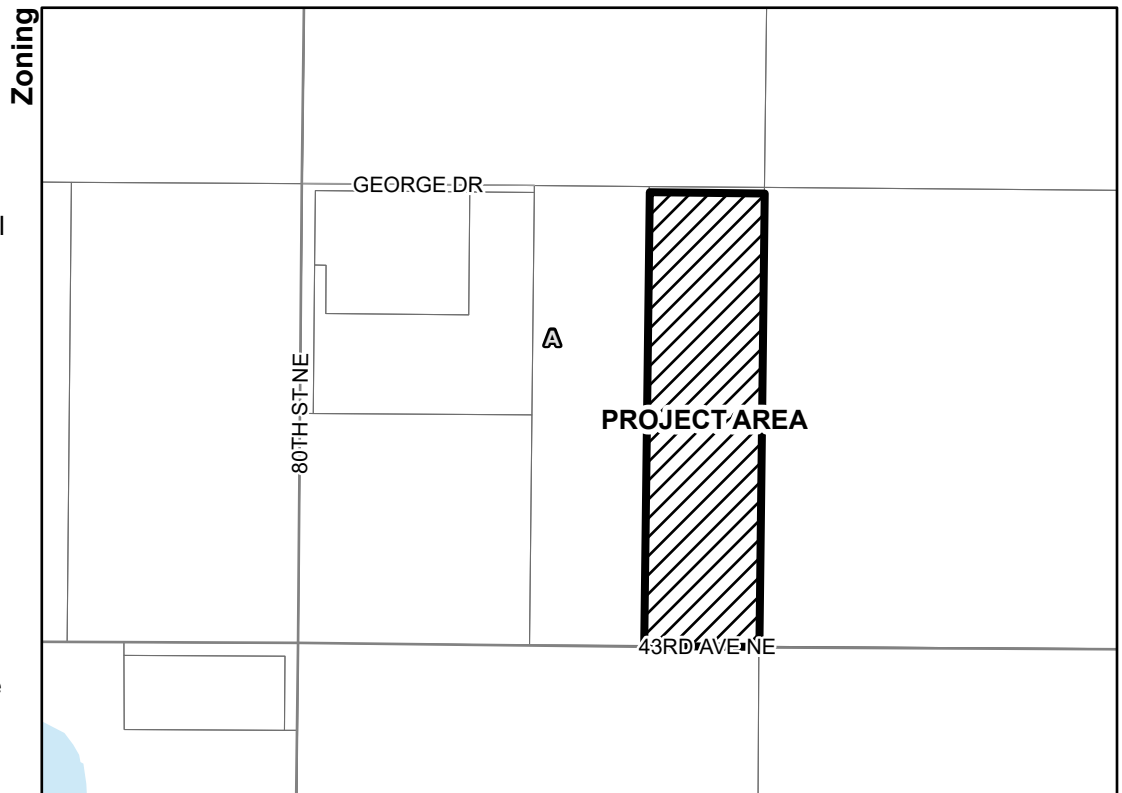
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Rural Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

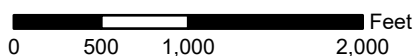
— Future Shared Trail

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.



City of Bismarck
Community Development
Planning Division
March 19, 2024



Proposed Zoning Change

CENTRAL OUTPOST SUBDIVISION

ZC2024-002

Proposed New Zoning Map

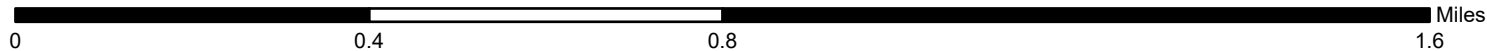
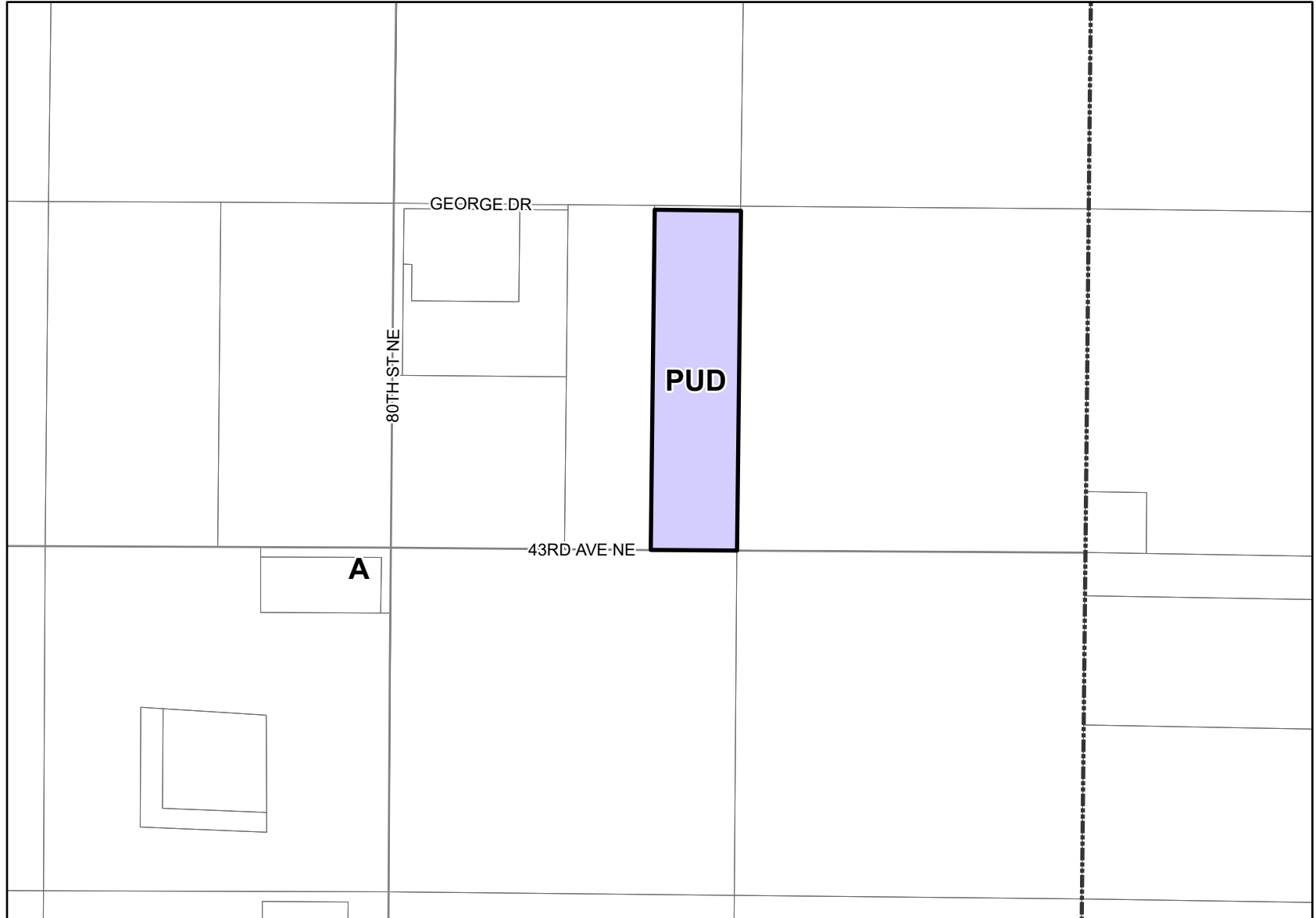
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

- A** Agriculture
- RR** Rural
- 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*



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



City of Bismarck
Community Development
Planning Division
March 19, 2024

LOCATED IN THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER (E1/2E1/2SW1/4),
SECTION 16, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH P.M.,
BURLEIGH COUNTY, NORTH DAKOTA

I/We, Central Power Electric Cooperative, Inc., being the owners of the land platted herein, have caused the land to be platted and do hereby voluntarily consent to the execution of this plat titled Central Outpost Subdivision, and dedicate all rights of way as shown on this plat to Burleigh County, North Dakota, and consent to any access control to the property as shown, and affirm that the description as shown in the certificate of the registered land surveyor is correct.

We also dedicate to the City of Bismarck and the public all easements as shown on the plat as "Utility Easement" to run with the land for gas, electric, communication and/or other public utilities on or under those certain strips of land designated herein.

We also dedicate to Burleigh County all easements as shown on this plat as "Stormwater and Drainage Easement" to run with the land for the free and unobstructed flow of water under and/or over those areas including the construction and maintenance of stormwater facilities together with necessary appurtenances.

We also dedicate to the City of Bismarck all public easements as shown on this plat as "Water and Sewer Easement" to run with the land for use by any governmental subdivision, its officers and employees to construct, operate, maintain, and repair water main and/or sanitary sewer facilities under or upon those areas designated as such.

We also dedicate to South Central Regional Water all private easements as shown on this plat as "Rural Water Easement" to run with the land for use by all land-owning parties, their tenants, visitors, and licensees to construct, maintain, and repair water main facilities under or upon those areas designated as such.

State of _____)
County of _____) SS

On this _____ day of _____, 20_____, before me personally appeared Thomas L. Meland, General Manager of Central Power Electric Cooperative, Inc., known to me to be the person described in and who executed the within certificate and they acknowledged to me that they executed the same.

I, Matthew Weeks, hereby certify I am a licensed land surveyor in the State of North Dakota, that this survey was made by me or under my direct supervision and that the survey is true and correct to the best of my knowledge, that all monuments shown hereon are correct, that all required monuments have been set, and that all dimensional and geodetic details are correct. This survey does not represent a complete title search.

Matthew Weeks, PLS, LS-3626
Interstate Engineering, Inc.
1403 27th Street NW
Mandan, ND 58554

Subscribed and sworn before me this _____ of _____, 20____.

My commission expires _____, 20____, notary public Morton County, North Dakota.

The subdivision of land as shown on this plat has been approved by the Planning and Zoning Commission of the City of Bismarck, North Dakota, on the _____ day of _____, 20____, in accordance with the laws of the State of North Dakota and ordinances of the City of Bismarck.

Michael Schwartz - Chair date

Attest: Ben Ehreth - Secretary date

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on this plat, has approved the grounds as shown on 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 Commission of Bismarck, North Dakota, was approved the _____ day of _____, 20_____.

Michael T. Schmitz - President date

Attest: Jason Tomanek - City Administrator

The Board of County Commissioners of Burleigh County, North Dakota, has accepted the dedication of all rights of way as shown on this plat.

The foregoing action of the Board of County Commission of Burleigh County, North Dakota, was approved the _____ day of _____, 20____.

Brian Bitner - Commission Chairman date

Attest: Mark Splonskowski - County Auditor/Treasurer date:

I, **Gabriel J. Schell**, City Engineer of the City of Bismarck, North Dakota, hereby approve this plat.

Gabriel J. Schell, P.E. - City Engineer date

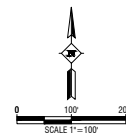
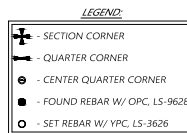
A tract of land being located in the East Half of the East Half of the Southwest Quarter (E1/2E1/2SW1/4) of Section 16, Township 139 North, Range 79 West of the Fifth Principal Meridian, Burleigh County, North Dakota, being more particularly described as follows:

BEGINNING at the south quarter corner of said Section 16, thence on the south line of said E1/2E1/2SW1/4, N89°36'46"W a distance of 664.72 feet to the southwest corner of said E1/2E1/2SW1/4; thence on the west line of said E1/2E1/2SW1/4, N00°35'05"E a distance of 2635.35 feet to the northwest corner of said E1/2E1/2SW1/4; thence on the north line of said E1/2E1/2SW1/4, S89°37'19"E a distance of 664.72 feet to the northeast corner of said E1/2E1/2SW1/4; thence on the east line of said E1/2E1/2SW1/4, S00°35'05"W a distance of 2635.35 feet to the POINT OF BEGINNING.

Said tract of land contains 40.21 acres more or less and may be subject to any previous easements, agreements, conveyances and surveys.

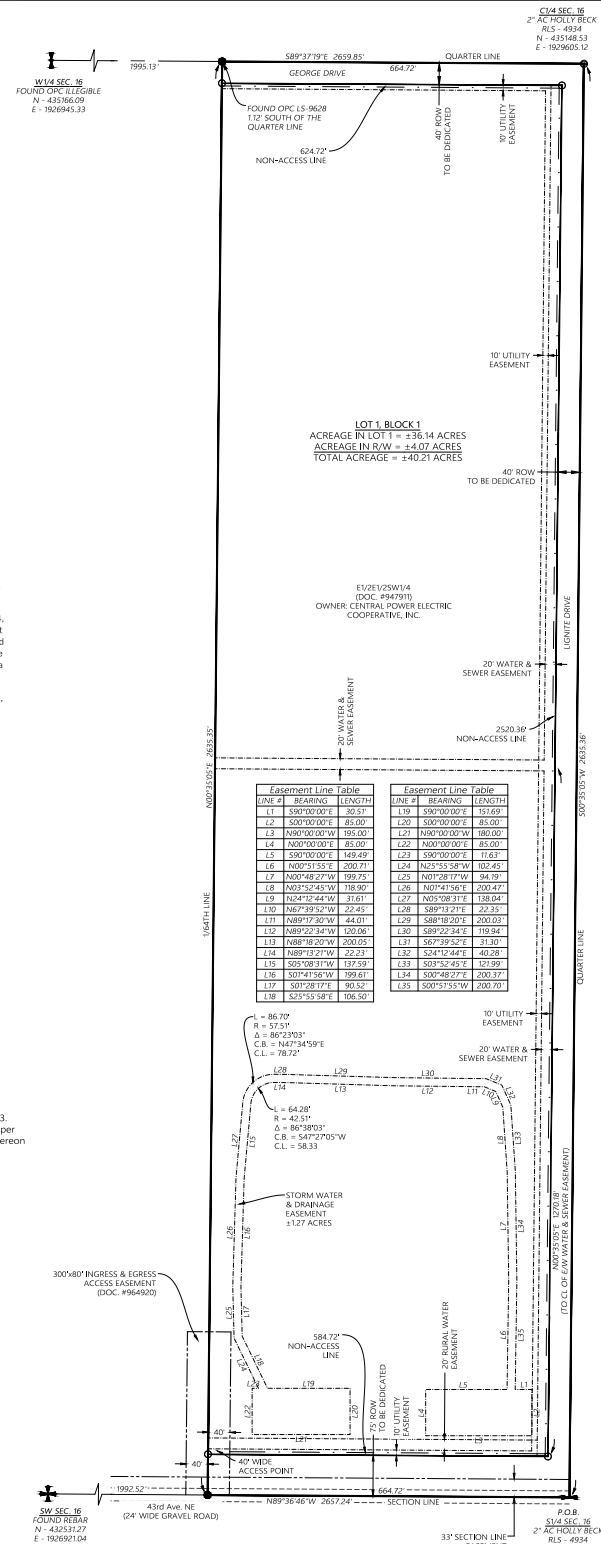
Lot 1, Block 1 of Central Outpost Subdivision, located in East Half of the East Half of the Southwest (E1/2E1/2SW1/4) Section 16, Township 139 North, Range 79 West of the Fifth Principal Meridian, Burleigh County, North Dakota.

A water service agreement between the City of Bismarck and South Central Regional Water District allows the provision of rural water service to Central Outpost Subdivision for a period of five (5) years from the date of the filing of the plat, and thereafter the City, at its discretion, may give a one (1) year notice of the City's intent to offer service to Central Outpost Subdivision and for South Central Regional Water District to end service.



1. The basis of bearing is based on North Dakota State Plane Coordinate System, South Zone - NAD83. The distances reported herein are in reference to the international foot definition and are at ground per the NDDOT combination factor for Burleigh County ($1/cf=1.000148521$). The measurements shown herein have been determined by RTK methods using the "Trimble NOW VRS" network. The vertical datum is NAVD88.

2. The date of the field survey occurred on June 27, 2023.
3. This survey does not represent a complete title search.
4. The existing zoning is agricultural. Proposed Planned Unit Development (PUD).



Interstate Engineering
1403 27th Street NW
PO Box 1254
Mandan, ND 58554
(701) 663.5455
www.interstateeng.com

SEC	T	R
16	139	79

OWNER(S): CENTRAL POWER ELECTRIC COOPERATIVE
FOR: CENTRAL POWER ELECTRIC COOPERATIVE
PURPOSE: CENTRAL OUTPOST SUBDIVISION

Drawn By: <u>B.H.H.</u>	Surveyed By: <u>EW</u>	Project No: <u>CR22-00-12</u>
Checked By: <u>MLW</u>	Designed By: <u>B.H.H.</u>	Date: <u>1/23/2024</u>

1 OF 1

SHEET NO.

CENTRAL OUTPOST SUBDIVISION
LOCATED IN THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER (E1/2E1/2SW1/4),
SECTION 16, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH P.M.,
BURLEIGH COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE OF DEDICATION

I/We, Central Power Electric Cooperative, Inc., being the owners of the land platted herein, have caused the land to be platted and do hereby voluntarily consent to the execution of this plat titled Central Outpost Subdivision, and dedicate all rights of way as shown on this plat to Burleigh County, North Dakota, and consent to any access control to the property as shown, and affirm that the description as shown in the certificate of the registered land surveyor is correct.

Central Power Electric Cooperative
Thomas L. Meland, General Manager
525 20th Ave SW
Minot, ND 58701

State of _____
County of _____, SS

On this _____ day of _____, 20____, before me personally appeared Thomas L. Meland, General Manager of Central Power Electric Cooperative, Inc., known to me to be the person described in and who executed the within certificate ad they acknowledged to me that they executed the same.

Notary Public _____

CERTIFICATE OF SURVEYOR

I, Matthew Weeks, hereby certify I am a licensed land surveyor in the State of North Dakota, that this survey was made by me or under my direct supervision and that the survey is true and correct to the best of my knowledge, that all monuments shown hereon are correct, that all required monuments have been set, and that all dimensional and geodetic details are correct. This survey does not represent a complete title search.

**PRELIMINARY - NOT
INTENDED FOR RECORDATION**

Matthew Weeks, PLS, LS-3626
Interstate Engineering, Inc.
1403 27th Street NW
Mandan, ND 58554

Subscribed and sworn before me this _____ of _____, 20____.

My commission expires _____, 20____, notary public Morton County, North Dakota.

APPROVAL OF CITY OF BISMARCK PLANNING AND ZONING COMMISSION

The subdivision of land as shown on this plat has been approved by the Planning and Zoning Commission of the City of Bismarck, North Dakota, on the _____ day of _____, 20____, in accordance with the laws of the State of North Dakota and ordinances of the City of Bismarck.

Michael T. Schmitz - President _____ date _____

Attest: Ben Ehrheth - Secretary _____ date _____

APPROVAL OF THE CITY OF BISMARCK BOARD OF CITY COMMISSIONERS

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on this plat, has approved the grounds as shown on 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 Commission of Bismarck, North Dakota, was approved the _____ day of _____, 20____.

Michael T. Schmitz - President _____ date _____

Attest: Jason Tomanek - Acting City Administrator _____

APPROVAL OF THE BURLEIGH COUNTY BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners of Burleigh County, North Dakota, has accepted the dedication of all rights of way as shown on this plat.

The foregoing action of the Board of County Commission of Burleigh County, North Dakota, was approved the _____ day of _____, 20____.

Steve Bakken - Commission Chairman _____ date _____

Attest: Mark Spolonskowski - County Auditor/Treasurer _____ date _____

APPROVAL OF THE CITY OF BISMARCK CITY ENGINEER

I, Gabriel J. Schell, City Engineer of the City of Bismarck, North Dakota, hereby approve this plat.

Gabriel J. Schell, P.E. - City Engineer _____ date _____

LEGAL DESCRIPTION

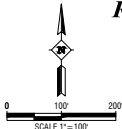
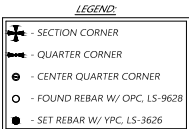
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BEGINNING at the south quarter corner of said Section 16, thence on the south line of said E1/2E1/2SW1/4, N89°36'46"W a distance of 664.72 feet to the southwest corner of said E1/2E1/2SW1/4; thence on the west line of said E1/2E1/2SW1/4, N00°35'05"E a distance of 2635.35 feet to the northwest corner of said E1/2E1/2SW1/4; thence on the north line of said E1/2E1/2SW1/4, S89°37'19"E a distance of 664.72 feet to the northeast corner of said E1/2E1/2SW1/4; thence on the east line of said E1/2E1/2SW1/4, S00°35'05"W a distance of 2635.36 feet to the POINT OF BEGINNING.

Said tract of land contains 40.21 acres more or less and may be subject to any previous easements, agreements, conveyances and surveys.

PLAT DESCRIPTION

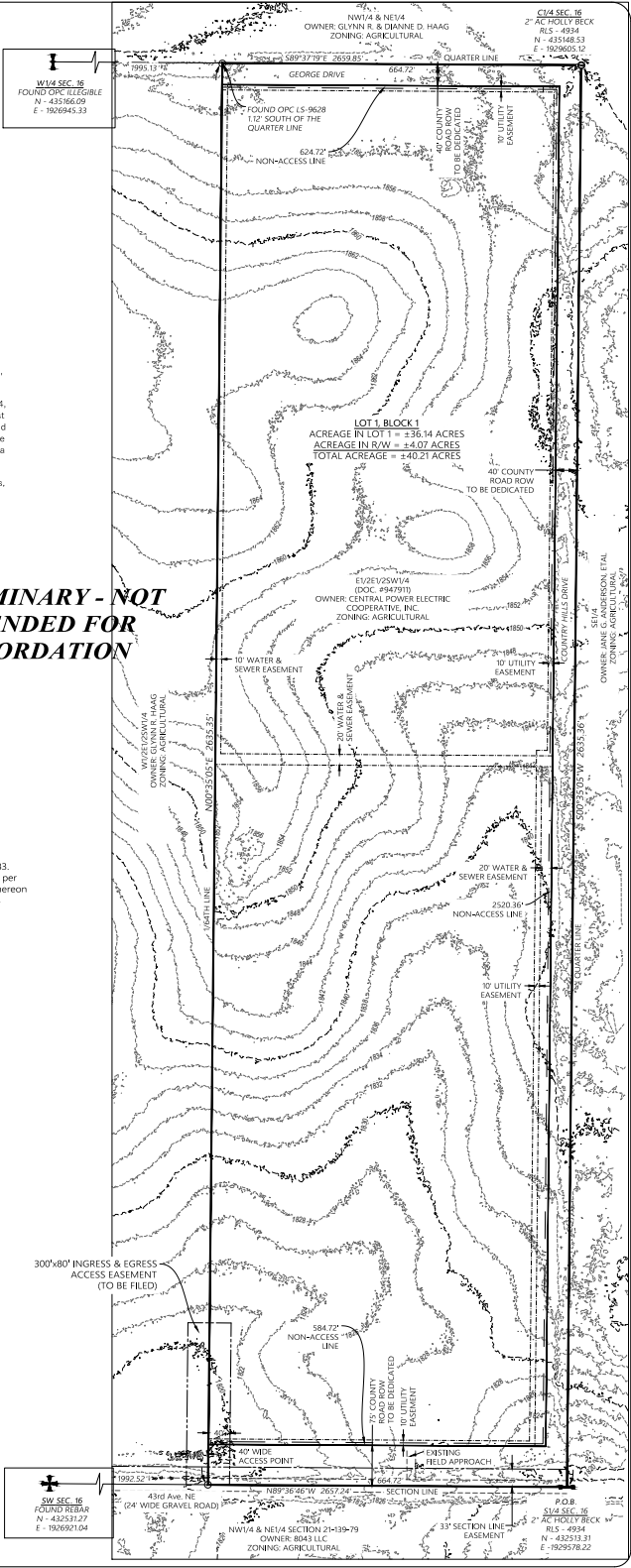
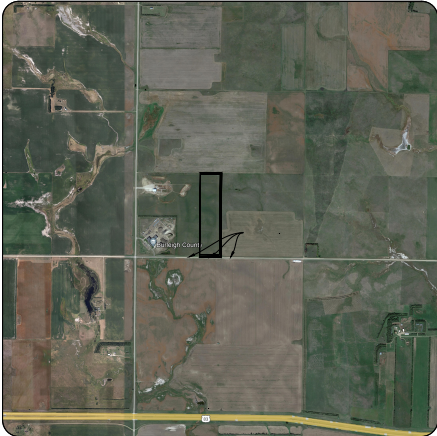
Lot 1, Block 1 of Central Outpost Subdivision, located in East Half of the East Half of the Southwest Quarter (E1/2E1/2SW1/4) Section 16, Township 139 North, Range 79 West of the Fifth Principal Meridian, Burleigh County, North Dakota.



SURVEYOR'S NOTES

- The basis of bearing is based on North Dakota State Plane Coordinate System, South Zone - NAD83. The distances reported hereon are in reference to the international foot definition and are at ground per the NDDOT combination factor for Burleigh County (1/cf=1.0001485221). The measurements shown hereon have been determined by RTK methods using the "Trimble NOW VRS" network. The vertical datum is NAVD88.
- The date of the field survey occurred on June 27, 2023.
- This survey does not represent a complete title search.
- The existing zoning is agricultural. Proposed Planned Unit Development (PUD).

VICINITY MAP
N.T.S.



Interstate Engineering
1403 27th Street NW
PO Box 1254
Mandan, ND 58554
(701) 663.5455
www.interstateeng.com

SEC	T	R
16	139	79

BISMARCK, NORTH DAKOTA

OWNER(S): CENTRAL POWER ELECTRIC COOPERATIVE
FOR: CENTRAL POWER ELECTRIC COOPERATIVE
PURPOSE: CENTRAL OUTPOST SUBDIVISION

Drawn By: B.H.H. Surveyed By: E.W. Project No: C292-00-129.61
Checked By: MLW. Designed By: B.H.H. Date: 1/23/2024

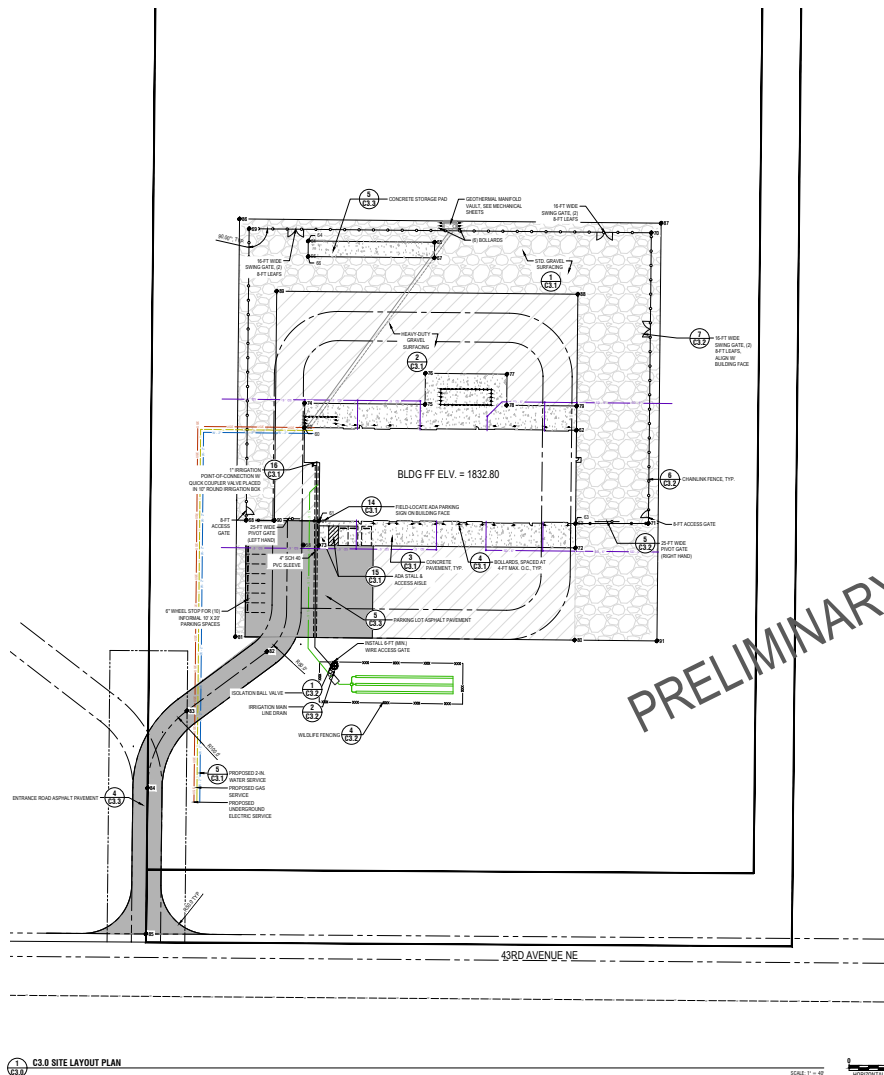
1 OF 1
SHEET NO.



Foss
ARCHITECTURE
+ INTERIORS



LKA ENGINEERS, INC.
1351 Page Dr S, Ste 208, Fargo, ND 58103
Bus. 701-232-8391 Fax: 701-237-0645

[illegible]

GENERAL NOTES

1. EXISTING FEATURES BASED ON TOPOGRAPHIC SURVEY COMPLETED BY INSTRUMENT ENGINEERING, INC. DATED JUNE, 2003
2. CONDUCT ALL WORK IN ACCORDANCE WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PROJECT'S STANDARD SPECIFICATIONS, CURRENT EDITION
3. IMMEDIATELY REPORT ANY AND ALL DISCREPANCIES FOUND ON THE PROJECT SITE TO THE PROJECT SUPERVISOR IMMEDIATELY UPON DISCOVERY
4. THE CONTRACTOR ASSUMES RESPONSIBILITY FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING LOCATION CONTRACTOR SHALL FIELD VERIFY EXISTING LOCATIONS AND DETERMINE ALL UTILITIES PER EXISTENCE OF EXISTING CONTRACTOR ACTIVITIES
6. LOCAL AND STATE AND FEDERAL SURVEY INSTRUMENT FROM PROJECT AREA TO ESTABLISH AND LINE
7. ALL ROADWAY 25 FEET UNLESS INDICATED OTHERWISE ON THE DRAWINGS
8. REFER TO 2-D DRAWING FOR DIMENSIONAL INFORMATION A LAYOUT
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS FOR THE PROJECT, INCLUDING THE OBTAINING WATER MAIN, SEWER, AND EQUIPMENT STORAGE FOR FUTURE CONSTRUCTION OF THE PROJECT, INCLUDING THE OBTAINING OF THE PROJECT WITHIN THE PROJECT AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT WITHIN THE PROJECT AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT WITHIN THE PROJECT AREA.
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15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT WITHIN THE PROJECT AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE PROJECT WITHIN THE PROJECT AREA.

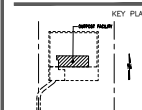
CONSTRUCTION POINTS				
Case	Number	Construction Point	Distance	Description
60	43000.48	102600.75	100.00	BLD/FZ
61	43000.52	102600.75	100.00	BLD/FZ
62	43000.56	102600.75	100.00	BLD/FZ
63	43000.60	102600.75	100.00	BLD/FZ
64	43000.64	102600.75	100.00	BLD/FZ
65	43000.68	102600.75	100.00	BLD/FZ
66	43000.72	102600.75	100.00	BLD/FZ
67	43000.76	102600.75	100.00	BLD/FZ
68	43000.80	102600.75	100.00	BLD/FZ
69	43000.84	102600.75	100.00	BLD/FZ
70	43000.88	102600.75	100.00	BLD/FZ
71	43000.92	102600.75	100.00	BLD/FZ
72	43000.96	102600.75	100.00	BLD/FZ
73	43001.00	102600.75	100.00	BLD/FZ
74	43001.04	102600.75	100.00	BLD/FZ
75	43001.08	102600.75	100.00	BLD/FZ
76	43001.12	102600.75	100.00	BLD/FZ
77	43001.16	102600.75	100.00	BLD/FZ
78	43001.20	102600.75	100.00	BLD/FZ
79	43001.24	102600.75	100.00	BLD/FZ
80	43001.28	102600.75	100.00	BLD/FZ
81	43001.32	102600.75	100.00	BLD/FZ
82	43001.36	102600.75	100.00	BLD/FZ
83	43001.40	102600.75	100.00	BLD/FZ
84	43001.44	102600.75	100.00	BLD/FZ
85	43001.48	102600.75	100.00	BLD/FZ
86	43001.52	102600.75	100.00	BLD/FZ
87	43001.56	102600.75	100.00	BLD/FZ
88	43001.60	102600.75	100.00	BLD/FZ
89	43001.64	102600.75	100.00	BLD/FZ
90	43001.68	102600.75	100.00	BLD/FZ
91	43001.72	102600.75	100.00	BLD/FZ
92	43001.76	102600.75	100.00	BLD/FZ
93	43001.80	102600.75	100.00	BLD/FZ
94	43001.84	102600.75	100.00	BLD/FZ
95	43001.88	102600.75	100.00	BLD/FZ
96	43001.92	102600.75	100.00	BLD/FZ
97	43001.96	102600.75	100.00	BLD/FZ
98	43002.00	102600.75	100.00	BLD/FZ
99	43002.04	102600.75	100.00	BLD/FZ
100	43002.08	102600.75	100.00	BLD/FZ
101	43002.12	102600.75	100.00	BLD/FZ
102	43002.16	102600.75	100.00	BLD/FZ
103	43002.20	102600.75	100.00	BLD/FZ
104	43002.24	102600.75	100.00	BLD/FZ
105	43002.28	102600.75	100.00	BLD/FZ
106	43002.32	102600.75	100.00	BLD/FZ
107	43002.36	102600.75	100.00	BLD/FZ
108	43002.40	102600.75	100.00	BLD/FZ
109	43002.44	102600.75	100.00	BLD/FZ
110	43002.48	102600.75	100.00	BLD/FZ
111	43002.52	102600.75	100.00	BLD/FZ
112	43002.56	102600.75	100.00	BLD/FZ
113	43002.60	102600.75	100.00	BLD/FZ
114	43002.64	102600.75	100.00	BLD/FZ
115	43002.68	102600.75	100.00	BLD/FZ
116	43002.72	102600.75	100.00	BLD/FZ
117	43002.76	102600.75	100.00	BLD/FZ
118	43002.80	102600.75	100.00	BLD/FZ
119	43002.84	102600.75	100.00	BLD/FZ
120	43002.88	102600.75	100.00	BLD/FZ
121	43002.92	102600.75	100.00	BLD/FZ
122	43002.96	102600.75	100.00	BLD/FZ
123	43003.00	102600.75	100.00	BLD/FZ
124	43003.04	102600.75	100.00	BLD/FZ
125	43003.08	102600.75	100.00	BLD/FZ

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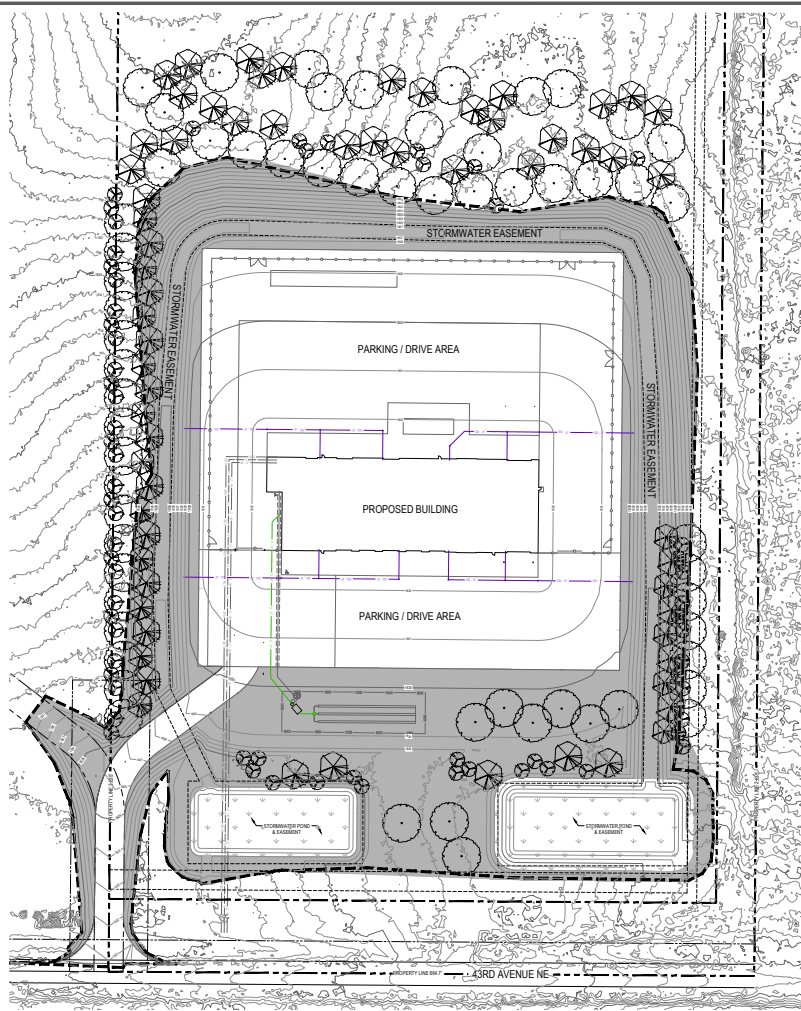


PROJECT NO: CR-22-00-129.04
SCALE: AS SHOWN
DATE: MAY 7, 2024
DRAWN: NBT

C3.0 SITE LAYOUT PLAN



SHEET: C3.0

[illegible]

PRELIMINARY NOT FOR CONSTRUCTION



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FOSS ARCHITECTURE & INTERIORS

**RESOLUTION OF
GIBBS TOWNSHIP**

WHEREAS, The Board of Supervisors of Gibbs Township have been advised of a request submitted to Bismarck's Planning and Zoning Commission within the geographic boundaries of this township.

WHEREAS, Central Power Electric Cooperative, Inc is requesting approval of a zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district and a major subdivision plat for Central Outpost Subdivision.

WHEREAS, Gibbs Township wishes to make a recommendation to the Planning and Zoning Commission regarding this request and has the right, under Section 14-01-02 of the Bismarck Code of Ordinances, to appoint a representative to participate as a voting member of the Planning and Zoning Commission in any action related to this issue.

NOW, THEREFORE, BE IT RESOLVED by Board of Township Supervisors of Gibbs Township, Burleigh County, North Dakota, takes a position regarding the above-referenced request for the zoning map amendment and subdivision to:

☒ Support

☐ Support with Conditions:

☐ Oppose for Reasons:

Adopted this 12 day of April.

CERTIFICATE

IN WITNESS WHEREOF, I have hereunto set my hand, this this 11 day of April.



Signature

Richard Sanders

Printed Name
Township Supervisor
Gibbs Township
Bismarck, North Dakota



Community Development Department

DATE: June 11, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Amendments to Agriculture Zoning District

REQUEST:

Amendments to Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district based on certain criteria.

BACKGROUND INFORMATION:

The proposed amendments would allow for agriculture recreation uses that offer opportunities to promote agritourism and to amend the ordinance to allow private riding arenas that are larger in size than standard accessory buildings.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Representatives of Apple Creek Farms, the Tourism Division of the Department of Commerce, and several citizens spoke during the public hearing. Concerns were raised by some that the proposed ordinance limited opportunities for agriculture recreation, in particular that certain events, such as pumpkin patches, corn mazes and u-pick produce should not be restricted to the major agriculture recreation uses.

At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with a representative of Apple Creek Farms and the Tourism Division of the ND Department of Commerce to address concerns expressed during the hearing.

Planning staff, a representative of Apple Creek Farms, and representatives of the Tourism Division met on May 3, 2024, to modify the ordinance to address concerns made during the public hearing.

A continued public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. Two members of the public spoke during the hearing. One member requested the lot/parcel size requirement for minor agriculture recreation uses be removed from the ordinance.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission voted unanimously to approve the zoning ordinance text

amendment with the removal the lot/parcel size requirement for minor agriculture recreation uses.

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.

RECOMMENDED CITY COMMISSION ACTION:

Consider approval of the zoning ordinance text amendment as outlined in Ordinance 6579 and call for a public hearing on Ordinance 6579.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov

Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

Jenny Wollmuth, Senior Planner, 701-355-1850, jwollmuth@bismarcknd.gov

ATTACHMENTS:

1. Agriculture Zoning District Amendment

STAFF REPORT

Application for: **Zoning Ordinance Text
Amendment**

Project ID: **ZOTA2023-001**

Project Summary

<i>Title:</i>	Agriculture Recreation Uses and Private Riding Arena
<i>Status:</i>	Board of City Commissioners
<i>Project Contact:</i>	Jenny Wollmuth, AICP, CFM
<i>Request:</i>	Amend Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district based on certain criteria
<i>Staff Recommendation:</i>	Approve

Project Narrative

The Community Development Department requests approval of amendments to Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district based on certain criteria.

Planning staff has been asked by property owners to amend the zoning ordinance to allow for agriculture recreation uses that offer opportunities to promote agritourism and to amend the ordinance to allow private riding arenas that are larger in size than standard accessory buildings.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Representatives of Apple Creek Farms, the Tourism Division of the Department of commerce, and several citizens spoke during the public hearing. Concerns were raised by some that the proposed ordinance limited opportunities for agriculture recreation in particular that certain events, such as pumpkin patches, corn mazes and u-pick produce should not be restricted to the major agriculture recreation uses.

At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with a representative of Apple Creek Farms and the Tourism Division of the ND Department of Commerce to address concerns expressed during the hearing.

Planning staff, a representative of Apple Creek Farms, and representatives of the Tourism Division met on May 3, 2024 to modify the ordinance to address concerns made during the public hearing.

During this meeting, it was decided to revise the definitions of both major agriculture recreation and minor agriculture recreation to provide additional agriculture recreation opportunities and increase the number of days for a major recreation event from 12 to 30.

Minor agriculture recreation includes uses that are smaller in scale and intensity with a limit of no more than 75 people on site at any one time. Minor agriculture recreation uses would be permitted without approval of a special use permit in the A – Agriculture zoning district.

Major agriculture recreation includes uses that are larger in scale and intensity, include commercial

(continued)

event type uses, and are limited to no more than 250 people on site at any one time for a period of no more than 30 calendar days. Major agriculture recreation uses would be permitted via a special use permit based on certain criteria.

The Planning and Zoning Commission held a continued public hearing on this request on May 22, 2024. Two members of the public spoke during the hearing. One member requested the lot/parcel size requirement for minor agriculture recreation uses be removed from the draft ordinance. At the conclusion of the public hearing and based on the findings in the staff report, the Planning and Zoning Commission voted unanimously to approve the zoning ordinance text amendment with a modification to remove the lot/parcel size requirement for minor agriculture recreation uses.

Sources of Information

Planning staff reviewed ordinances from peer communities throughout the state and zoning practice publications from the American Planning Association.

A stakeholder group, including representatives from the Planning and Zoning Commission, Board of Adjustment, representatives from Papas Pumpkin Patch, Apple Creek Farms and Grandpa Al's Hayrides was formed in the Fall of 2023 and five meetings have been held to draft and review the proposed amendments. City and County staff also met with representatives of the Convention and Visitors Bureau and the Tourism Division of the ND Department of Commerce in March and again in May 2024.

Proposed Changes

The proposed amendments include the following:

- Definitions for agriculture, minor agriculture recreation, major agriculture recreation, and private riding arena.

- Modify the lot/parcel size and increase the area of accessory buildings approved by special use permit for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB).
- Minor agriculture recreation uses permitted by right for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB).
- Major agriculture recreation uses approved by special use permit for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB) and include 35 or more acres. Criteria for approval include mitigation of noise and light impacts to adjacent properties, additional setback requirements and requirements to meet applicable building and fire codes.
- Private riding arenas approved by special use for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB) and include 35 or more acres. Criteria for approval include location requirements, building size limitation of no larger than 22,000 square feet, setback requirements, restrictions for sales, training and/or similar events, and requirements to meet applicable building and fire codes.

Public Engagement

A stakeholder committee met on five occasions to draft, review and offer suggested changes to the draft ordinance.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune

(continued)

on April 12 and April 19, 2024 and the hearing was continued to the next regular meeting.

Additional public notification will occur if the City Commission calls for a public hearing.

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 were distributed to the Planning and Zoning Commission prior to their April 24 and May 22, 2024, meeting 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 goals and objectives of Together 2045 Bismarck's Comprehensive Plan would be advanced by the proposed zoning ordinance text amendment ([Comprehensive Plan](#))

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

Objective 17(e) states:

“Encourage agritourism that combines retail of local produce with unique experiences, such as vineyards, pumpkin patches, Christmas tree groves, community-supported agriculture, and farm-based event venues.”

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

Yes. This section of the zoning ordinance was previously amended in 2012, specifically relating to sizes of accessory buildings in the A – Agriculture zoning district within a certain distance of corporate limits. Conditions have changed since this time period, which justify the proposed revision. In particular, the utilization of the Urban Service Area Boundary (USAB) to designate areas suitable for agriculture recreation uses and private riding arenas.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed amendment (Section 14-02-01; [NDCC 40-27-03](#))

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

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

Yes. All sections of the zoning ordinance containing any references to or potential conflicts with the proposed zoning ordinance text amendment have been reviewed and corrected, as needed. Additional definitions for agriculture, agriculture recreation and private riding arena, and criteria for approval have been added to the ordinance to avoid misinterpretation, and to clarify uses and approval requirements.

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

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

(continued)

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

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

Certain federal and state requirements associated with commercial building construction may apply to event spaces / buildings associated with agriculture recreation and private riding areas, depending on the situation. Notably, any commercial use, regardless of size, that is open to the public must provide reasonable accommodations for persons with disability to be compliant with the Americans with Disabilities Act (ADA). Although this is not a zoning criterion, the property owner is still responsible for compliance.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment for Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district based on certain criteria.

Attachments

1. Revised draft zoning ordinance text amendment
2. Map of the USAB
3. Written Comments

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

CITY OF BISMARCK

ORDINANCE NO. 6579

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

AN ORDINANCE TO AMEND 14-02-03, 14-03-06, 14-03-08, 14-04-17, OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO RIDING ARENA AND AGRICULTURE RECREATION.

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

Section 1. Amend. 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to riding arenas, his hereby enacted to read as follows:

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

* * * * *

Agriculture. The science or practice of cultivating the soil, producing crop, and raising livestock.

Agriculture Recreation, Minor. Any agricultural-related use that combines agriculture production with commercial recreation uses that are ancillary to the primary agricultural use. Such uses include education related events and tours, farm to table dinners, pumpkin patches, u-pick produce, Christmas tree farm, corn maze, and hayrides for someone other than the property owner. Minor agriculture recreation uses shall not exceed an occupancy of seventy-five (75) people at any one time.

Agriculture Recreation, Major. Any agricultural-related use that combines agriculture production with commercial recreation uses that are ancillary to the primary agricultural use. Such uses include but are not limited to education related events and tours, a celebration, ceremony, wedding, reception, corporate function, u-pick produce, Christmas tree farm, pumpkin patches, corn maze and hayrides for someone other than the property owner. A Major agriculture recreation use shall not exceed an occupancy of two-hundred fifty (250) people at any one time and shall not exceed thirty (30) days per calendar year.

* * * * *

Private Riding Arena: A building or portion of a building used exclusively for private equestrian activities by the property owner. A private riding arena must be ancillary to a single-family dwelling.

* * * * *

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

1. Accessory Uses and Buildings

* * * * *

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

* * * * *

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

The allowable accessory buildings for a single-family rural residence on a lot in the agriculture zoning district (A) A – Agriculture zoning district with at least (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size area, and located entirely outside the Urban Service Area Boundary (USAB), may be increased to a maximum of seventy-five hundred (7,500) 8,000 square feet provided a special use permit is approved by in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in the A – Agriculture zoning district with at least eighty (80) acres in area, or two aliquot parts of a corrective section intended to comprise two quarter-quarter sections, provide such aliquot parts are not less than seventy (70) acres in area when combined together, and located entirely outside the Urban Service Area Boundary (USAB), may be increased to a maximum of 15,000 square feet as a special use in accordance with the provisions of Sections 14-03-08 and 14-04-17.

A private riding arena up to 22,000 square feet, in addition to the accessory buildings allowed in this section for a single-family rural residence, may be located on a lot in the A – Agriculture zoning district with at least thirty-five (35) acres area, and located outside the Urban Service Area Boundary (USAB), as a special use in accordance with the provisions of Section 14-03-08.

* * * * *

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

* * * * *

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

* * * * *

aa. Agriculture Recreation, Major. Agriculture Recreation, Major may be permitted in any A – Agricultural district as a special use provided:

1. The use is ancillary to the primary agricultural use.
2. The lot in which the use is located is at least thirty-five (35) acres in area.
3. The lot in which the use is located is outside the Urban Service Area Boundary (USAB).
4. Attendance is limited to two hundred and fifty (250) persons in attendance at any one time.
5. No more than thirty (30) days per calendar year, not to include minor agriculture recreation uses.
6. Site design and building(s) must conform to all applicable requirements of the International Building Code (IBC) and the International Fire Code (IFC) as

adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations).

7. All parking areas shall be mowed and designed to prevent debris from the site entering the public right-of-way and be arranged to provide for orderly and safe loading or unloading and parking.
8. Access to buildings or areas associated with the agriculture recreation use shall be an all-weather access and be designed for safe and orderly access for patrons and emergency services.
9. Sound generated by the use shall meet the requirements outlined in Chapter 08-10 of the City Code of Ordinance.
10. All outdoor light fixtures shall be installed in a manner intended to limit the amount of off-site impacts. Light fixtures located near adjacent properties may require special shielding devices to prevent light trespass.
11. The use is setback a minimum of 50 feet adjacent to properties with a residential use, zoning, or land use classification.
12. A site plan, and if necessary, a stormwater management plan is submitted for review and approval prior to the issuance of a building permit or commencement of operations.

bb. Private riding arena: A private riding arena may be permitted in any A – Agricultural district as a special use provided:

1. The use is ancillary to and in conjunction with a single-family dwelling.
2. The lot in which the use is located is at least thirty-five (35) acres.
3. The lot in which the use is located is outside the Urban Service Area Boundary (USAB).
4. There will be no sales, shows, competitions, training clinics, or similar events within or on the premises in which the private riding arena is located. There will be no spectator seating, stands or bleachers within the arena.
5. The proposed building is setback a minimum of 100 feet adjacent to properties with a residential use or zoning.
6. Site design and building(s) must conform to all applicable requirements of the International Building Code (IBC) and the International Fire Code (IFC) as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations).

7. A site plan, and if necessary, a stormwater management plan is submitted for review and approval prior to the issuance of a building permit.

14-04-17. "A" Agricultural Zoning District. In an A agricultural district, the following regulations shall apply:

* * * * *

2. Uses Permitted. The following uses are permitted.

i. Agriculture Recreation, Minor, shall be allowed on a parcel entirely located outside the Urban Service Area Boundary (USAB), and shall not exceed an occupancy of seventy-five (75) people at any one time.

* * * * *

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

* * * * *

u. Private riding arena

v. Agriculture Recreation, Major

* * * * *

11. Accessory Buildings.

* * * * *

The allowable accessory buildings for a single-family rural residence on a lot in the agriculture zoning district (A) A – Agriculture zoning district with at least (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size area, and located entirely outside the Urban Service Area (USAB) may be increased to a maximum of seventy-five hundred (7,500) 8,000 square feet provided a special use permit is approved by in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings to a non-farm single-family residence may be increased to a maximum of fifteen thousand (15,000) square feet in area provided:

- a. The property on which the accessory building(s) is to be located is no less than 80 acres in area, or two aliquant parts of a corrective section intended to comprise two quarter-quarter sections, provided such aliquot parts when combined are not less than seventy (70) acres in area.
- b. The property on which the accessory buildings(s) is to be located is at least two (2) miles from the current corporate limits of Bismarck.
- c. A special use permit is approved by the Planning Commission in accordance with provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in the A – Agriculture zoning district with at least seventy (70) acres in area and located entirely outside the Urban Service Area Boundary (USAB), may be increased to a maximum of 15,000 square feet as a special use in accordance with the provisions of Sections 14-03-08.

A private riding arena up to 22,000 square feet, in addition to the accessory buildings allowed in this section for a single-family rural residence, may be located on a lot in the A – Agriculture zoning district with at least thirty-five (35) acres area, and located entirely outside the Urban Service Area Boundary (USAB), as a special use in accordance with the provisions of Section 14-03-08.

* * * * *

- Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.
- Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- Section 4. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

Sarah Fricke

From: sfricke@bismarcknd.gov
Subject: FW: Apple Creek Farms Request for approval of ordinance of Ag Recreation Minor & Ag Recreation Major

From: [REDACTED] >
Sent: Tuesday, April 23, 2024 3:27 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Apple Creek Farms Request for approval of ordinance of Ag Recreation Minor & Ag Recreation Major

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Re: Apple Creek Farms Request for approval of ordinance of Ag Recreation Minor & Ag Recreation Major

I'm writing to officially share my support of Apple Creek Farms Request for approval for the ordinance to allow Ag Recreation Minor & Ag Recreation Major for the activities they host at their property.

Albeit I am **opposed** to the city of Bismarck having the ETA or jurisdiction in this area in the first place.

With that stated, I am a North Dakota resident, a community member of approx. 20 years in the Bismarck rural area (*I live just across the road from Apple Creek Farms*) & close neighbor of Apple Creek Farms, I support the events they host at this location AND I support their Request for approval of ordinance of Ag Recreation Minor & Ag Recreation Major.

It's likely that I may not be able to attend the public meeting in person, be sure to include this letter of support.

I've lived in this area long before Apple Creek Farms began their events. I have yet to experience so much as one negative issue or even an inconvenience due to the events / activities held at Apple Creek Farms. In fact, on the contrary, thus far it's been nothing but a positive improvement to our community. The property and landscaping is pleasant to look at, the events are well organized and respectful.

I'd also like to know specifically how and why Apple Creek Farms is being seemingly singled out. Who decided this was an issue and why? Was it a specific employee within the City of Bismarck or complaint from who?

Respectfully,

Jeanne David

1100 80th Street SE

Bismarck, ND 58504

701-[REDACTED]

Sarah Fricke

From: Planning - General Mailbox
Sent: Tuesday, April 23, 2024 4:48 PM
To: Sarah Fricke; Daniel Nairn; Isak Johnson; Jenny Wollmuth; Lauren Oster
Subject: FW: Apple Creek Farm Request for Approval of Ordinance of Ag Recreation Minor & Major

From: Sara Timme [REDACTED]
Sent: Tuesday, April 23, 2024 4:12 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Apple Creek Farm Request for Approval of Ordinance of Ag Recreation Minor & Major

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Hello,

I am writing to share my support for Apple Creek Farm's request for approval of the ordinance to allow ag recreation minor and major for the activities they host at their property.

I am a lifelong resident of Bismarck, having lived here for 36 years, and I am in full support the events hosted at Apple Creek Farm. I believe they serve a great purpose in the community.

Though I will not be able to attend the meeting, I would like to have my letter of support considered.

Sincerely

Sara J. Timmer



Community Development Department

DATE: June 11, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Fettig Subdivision – Zoning Map Amendment and Major Subdivision Final Plat

REQUEST:

Zoning map amendment from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district and a major subdivision final plat for Fettig Subdivision.

BACKGROUND INFORMATION:

The proposed zoning map amendment and final plat are being requested to allow the development of a single-family dwelling in conjunction with a commercial use on Lot 3 of the proposed plat. The area within the proposed plat is partially developed, a hotel is located on Lot 1 and a single-family dwelling is located on Lot 2. The proposed plat is located adjacent to city limits.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Concerns were raised by the property owner and their consulting engineer relating to the request of the City to annex the plat, or at a minimum Lots 2 and 3 of the proposed plat, and noted that municipal sanitary sewer is not readily available to the property. At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with the owner and their consulting engineer to create a development agreement that specifies conditions for future annexation.

Staff have prepared a draft development agreement that would require a signed annexation petition for the entire subdivision to be submitted to the City and that the City will hold said petition until no less than twenty (20) years after the date of the agreement or at such time when City sanitary sewer services are within 500 feet and available for use with required rights-of-way or easements to access the utility/sewer whichever is sooner. At which point, the petition may be submitted to the Board of City Commissioners for final action and consideration for annexation, following standard procedures in place at the time.

The signed annexation petition would be required prior to recording the proposed plat and finalization of the zoning map amendment. The owner and their consulting engineer have agreed to the provisions outlined in the development agreement.

A continued public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. No members of the public spoke at the hearing and no written comments were

submitted.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning & Zoning Commission voted 9 to 1 to approve the development agreement, zoning map amendment and major subdivision final plat for Fettig Subdivision.

The attached staff report contains a complete review of the request, according to the standards of the Comprehensive Plan, city ordinances, and relevant law. Additionally, the staff report contains an overview of past public engagement related to this request.

RECOMMENDED CITY COMMISSION ACTION:

Consider approval of the zoning map amendment as outlined in Ordinance 6580, development agreement, and major subdivision final plat for Fettig Subdivision and call for a public hearing on Ordinance 6580.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov
Jenny Wollmuth, Senior Planner, 701-355-1850, jwollmuth@bismarcknd.gov

ATTACHMENTS:

1. BCC Items_Fettig Subdivision

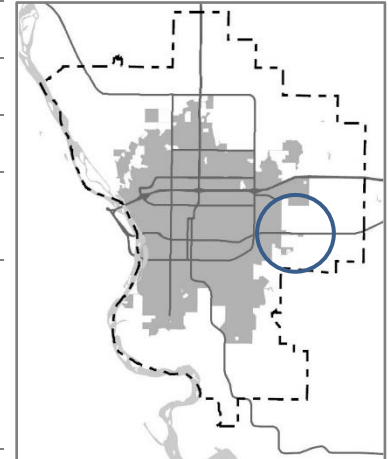
STAFF REPORT

Application for: **Zoning Map Amendment**
Final Plat

Project ID: **ZC2023-014**
FPLT2024-002

Project Summary

<i>Title:</i>	Fettig Subdivision
<i>Status:</i>	Board of City Commissioners
<i>Property Owner(s):</i>	Robert Fettig
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Company
<i>Project Location:</i>	East of Bismarck, between 52nd Street SE and 66th Street SE, along the south side of East Main Avenue / County Highway 10 (a replat of all of Highway Subdivision and Part of the NE¼ of Section 6, T138N-R79W/Apple Creek Township)
<i>Project Size:</i>	4.8 acres
<i>Applicant Request:</i>	Plat and rezone property for development of a single-family dwelling in conjunction with commercial use
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block and 2 parcels	<i>Lots/Blocks:</i>	3 lots in 1 block
<i>Land Use:</i>	Commercial (hotel) and single-family	<i>Land Use:</i>	Commercial (hotel), single-family, and single-family in conjunction with commercial use
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	A – Agricultural CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	A – Agriculture CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	A – 1 unit / 40 acres CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

(continued)

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	04/1978
<i>Township:</i>	Apple Creek (organized)	<i>Platted:</i>	07/2009 (Highway Subdivision)
<i>Neighborhood:</i>	Old Highway 10	<i>Annexed:</i>	N/A

Project Narrative

Robert Fettig is requesting approval of a zoning map amendment from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district and a major subdivision final plat titled Fettig Subdivision.

The proposed zoning map amendment and final plat are being requested to allow the development of a single-family dwelling in conjunction with a commercial use on Lot 3 of the proposed plat. The area within the proposed plat is partially developed; a hotel is located on Lot 1 and a single-family dwelling is located on Lot 2.

Due to the proximity of corporate limits, its location in the Expansion Future Area, and the location of municipal water, staff have indicated to the applicant that support of the proposed zoning map amendment and proposed plat would be contingent on annexation of the proposed plat or at a minimum Lot 2 and Lot 3 of the proposed plat to meet the goals and objectives of the Comprehensive Plan.

The proposed plat is adjacent to corporate limits and in an area that is partially zoned CG – Commercial. Pre-zoning and annexation in anticipation of future development were common practices in the 1970s and 1980s prior to the adoption of a Future Land Use Plan.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Concerns were raised by the property owner and their consulting engineer relating to the request of the City to annex the plat or at a minimum Lots 2 and 3 of the proposed plat and noted that

municipal sanitary sewer is not readily available to the property. The consultant also suggested that the owner would be amenable to a development agreement that would specify conditions of annexation based on availability of municipal sanitary sewer.

At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with the owner and their consulting engineer to create a development agreement that specifies conditions for future annexation.

Staff have created a development agreement that would require a signed annexation petition for the entire subdivision be submitted to the City and that the City will hold said petition until no less than twenty (20) years after the date of the agreement or at such time when City sanitary sewer services are within 500 feet and available for use with required rights-of-way or easements to access the utility/sewer whichever is sooner, at which point the petition may be submitted to the Board of City Commissioners for final action and consideration for annexation, following standard procedures in place at the time.

The signed annexation petition and development agreement would be required prior to recording the proposed plat and finalization of the zoning map amendment.

The owner and their consulting engineer have and agreed to the provisions outlined in the development agreement.

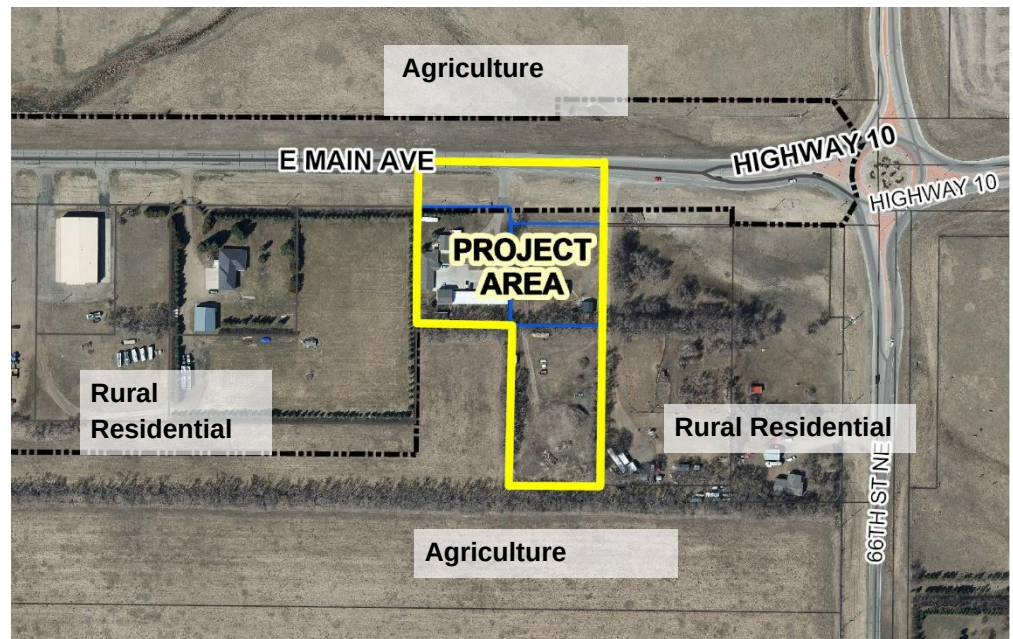
(continued)

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.



Comprehensive Plan

Goals and objectives of the Comprehensive Plan as they relate to the zoning map amendment and final plat are referenced in review standards below.

Future Land Use Plan

The property has been identified as Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas.

The property is also located in the Expansion Future area of the Growth Phasing Plan. This plan is a map that shows when areas of Bismarck and its extraterritorial area are expected to annex and develop based on proximity and availability of city services. Expansion Future areas may not be easily serviced with existing infrastructure and municipal services, but annexation is expected as the city expands, and infrastructure and municipal services become available. Municipal water is

available and located within the right-of-way of East Main Avenue.

Access

Access to all three lots within the proposed plat would be from an existing access point along East Main Avenue via access easements. The proposed plat also includes an access easement along the north side of Lot 2 which could provide access to the adjacent property to the east if access along East Main Avenue becomes limited in the future.

Infrastructure

The City and South Central Regional Water District (SCRWD) entered into an agreement in 1996, which was revised in 2019. This agreement that allows the City to provide municipal water to SCRWD and for SCRWD to sell this water to rural residents. As part of this agreement, the City must approve of and agree to SCRWD providing water to properties within 2-miles of corporate limits. Municipal water was extended within the East Main Avenue right-of-way recently; however,

(continued)

SCRWD is currently providing water to adjacent properties and to Lot 1 and Lot 2 of the proposed plat.

Municipal sanitary sewer is not currently available in this location and there are existing individual private sewer systems located on each lot. Typically, these private sewer systems are not located on property that is annexed; however, as sewer is not available at this time, staff have indicated that the existing private sewer systems could remain, and a new private sewer system could be installed on Lot 3 until the provisions in the development agreement have been met.

Public Engagement

Apple Creek Township was notified of this request on April 19, 2024.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 12 and 19, and 16 letters were mailed to the owners of nearby properties on April 12, 2024.

Additional public notification will occur if the City Commission calls for a public hearing.

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

The Planning and Zoning Commission held a continued public hearing on these requests on May 22, 2024. At the conclusion of the continued public hearing and based on the findings listed below, the Planning and Zoning Commission recommended approval of the draft development agreement, zoning map amendment and major subdivision final plat for Fettig Subdivision.

At the continued public hearing, the applicant's representative spoke. However, no other members of the public spoke at the hearing. No written comments were submitted.

Review Standards and Findings of Fact

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

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 Neighborhood Mixed Use (NMU) 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 the construction of a single-family dwelling in conjunction with a commercial use on Lot 3 of the proposed plat. 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 property is zoned both A – Agriculture and CG – Commercial. The CG – Commercial zoning district was established in 1978 and conditions have changed since this time. The proposed zoning map amendment is being requested to allow the development of Lot 3 to include a single-family dwelling in conjunction with a commercial use.

Undue restriction of housing options or access to neighborhood amenities would not result from the

(continued)

proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

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

No. The proposed amendment may impede the goals and objectives of the Comprehensive Plan. Specifically, without annexation of the plat, the following goals would not be advanced.

Objective G5(a) states:

"Preserve the ability of the City to expand its boundaries by strictly limiting rural development within the Urban Service Area of the Growth Phasing Plan, unless future urbanization is clearly feasible and agreed to by all parties"

Objective G3(c) states:

"Provide all municipal services, including roadways, water, sewer, stormwater, police, and fire protection equitably to all annexed land, unless certain service connections are clearly not feasible in the immediate future and both City and landowner mutually agree to forgo such services temporarily until readily available"

Lots within this plat would have access to municipal water which is located within the East Main Avenue right-of-way. The City has agreed that lots within the plat can be serviced by an individual septic tank and drain field until such a time that municipal sanitary sewer is available.

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.

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

No. City of Bismarck staff find that the proposed zoning map amendment would adversely impact the public health, safety, and general welfare. In particular, without annexation of the proposed plat, the ability of the city to expand its boundaries and extend municipal services would be limited.

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion.

Yes. The Planning and Zoning Commission did not place conditions on the approval of the preliminary plat.

(continued)

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. Easements are included for stormwater and drainage, municipal water and sanitary sewer, access, and other utilities.

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. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. East Main Avenue is included in the proposed plat and is an existing arterial roadway. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. A future shared use trail could be incorporated into the right-of-way for East Main Avenue. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore, no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity has been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision. In particular, access easements have been added to the proposed plat to provide future access to adjacent properties.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional

(continued)

engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Access to all three lots within the proposed plat would be from one existing access point along East Main Avenue via access easements. The proposed plat also includes an access easement along the north side of Lot 2 which could provide access to the adjacent property to the east if access along East Main Avenue becomes limited in the future.

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. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal 16-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f, Section 14-09-04\(2\)d](#))

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through

future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

No, unless the proposed plat is annexed and a development agreement is created and approved by the Bismarck City Commission. Public costs associated with provision of municipal water and future sewer service to new development will be adequately compensated for through payment of utility capital charges. The initial development will be funded by the developer or through special assessment of properties benefitted by said improvements, as outlined in the Development Cost Policy. Ongoing costs of maintenance and operation of all public facilities will be offset by property and/or sales tax derived from the proposed subdivision.

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 draft development agreement, zoning map amendment from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district, and major subdivision final plat for Fettig Subdivision, with the following condition:

1. A signed annexation petition is submitted prior to recording the proposed plat.
2. A development agreement is approved by the City Commission prior to recording the proposed plat.

Attachments

1. Draft Development Agreement

(continued)

-
- | | |
|----------------------------------|---------------------|
| 2. Draft Zoning Ordinance | 6. Preliminary Plat |
| 3. Zoning and Plan Reference Map | 7. Final Plat |
| 4. Proposed Zoning Map | |
| 5. Growth Phasing Plan Map | |
-

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

DEVELOPMENT AGREEMENT – 2024

The City of Bismarck (the “City”) and Robert Fettig, their successors and assigns (the “Developer”), make this Development Agreement (“Agreement”) with regard to future annexation of lands into the corporate limits of the City, such lands described as follows:

Lots 1-3, Block 1, Fettig Subdivision, Burleigh County, North Dakota.

The **Developer** desires to develop the land known as Fettig Subdivision, which lies within one-quarter mile of **City’s** corporate limits and is thus not subject to restrictions on agreements to annex in 40-47-01.2 (City Zoning) of North Dakota Century Code. The **City** desires to preserve its ability the grow in an orderly and efficient manner in the future.

In exchange for the mutual performance of the parties under this Agreement, the parties hereby agree to the following terms, conditions and obligations:

1. The **Developer** will file with the **City** a duly executed petition for annexation of Fettig Subdivision, contemporaneously with the execution of this agreement. The petition for annexation shall remain binding on any successors to interest in the above described property and shall be a covenant running with the land.
2. The **City** shall hold said petition until no less than twenty (20) years after the date of this agreement or at such time when **City** sanitary sewer services are within 500 feet and available for use with required rights-of-way or easements to access the utility/sewer whichever is sooner, at which point the petition may be submitted to the Board of City Commissioners for final action and consideration for annexation, following standard procedures in place at the time.
3. Upon receipt of the annexation petition, the **City** will authorize the plat for Fettig Subdivision for recordation with the Burleigh County Recorder’s Office

Notary Public

Dated this ____ day of _____, 2024.

City of Bismarck

Michael T. Schmitz
President, Board of City
Commissioners

Attest: _____
Jason Tomanek
City Administrator

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of _____ 2024, before me personally appeared
_____ known to be to be the person who is described
in, and who executed the within and foregoing instrument, and severally
acknowledged to me that they executed the same.

Notary Public

CITY OF BISMARCK

ORDINANCE NO. 6580

First Reading
Second Reading
Final Passage and Adoption
Publication Date

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, 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 A – Agriculture and CG – Commercial zoning districts and included in the CG – Commercial zoning district:

Lots 1-3, Block 1, Fettig Subdivision

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



Zoning and Plan Reference Map

FETTIG SUBDIVISION

PPLT2023-004

Zoning Districts

A	Agriculture
RR	Rural
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

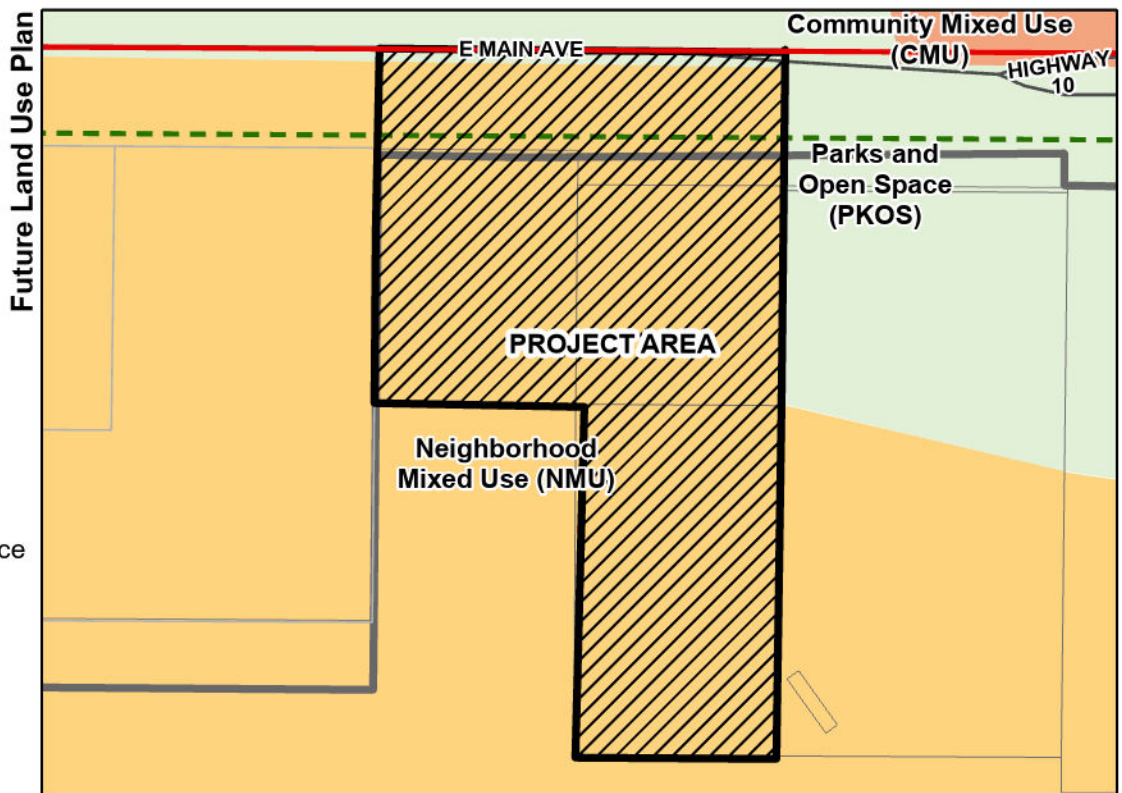
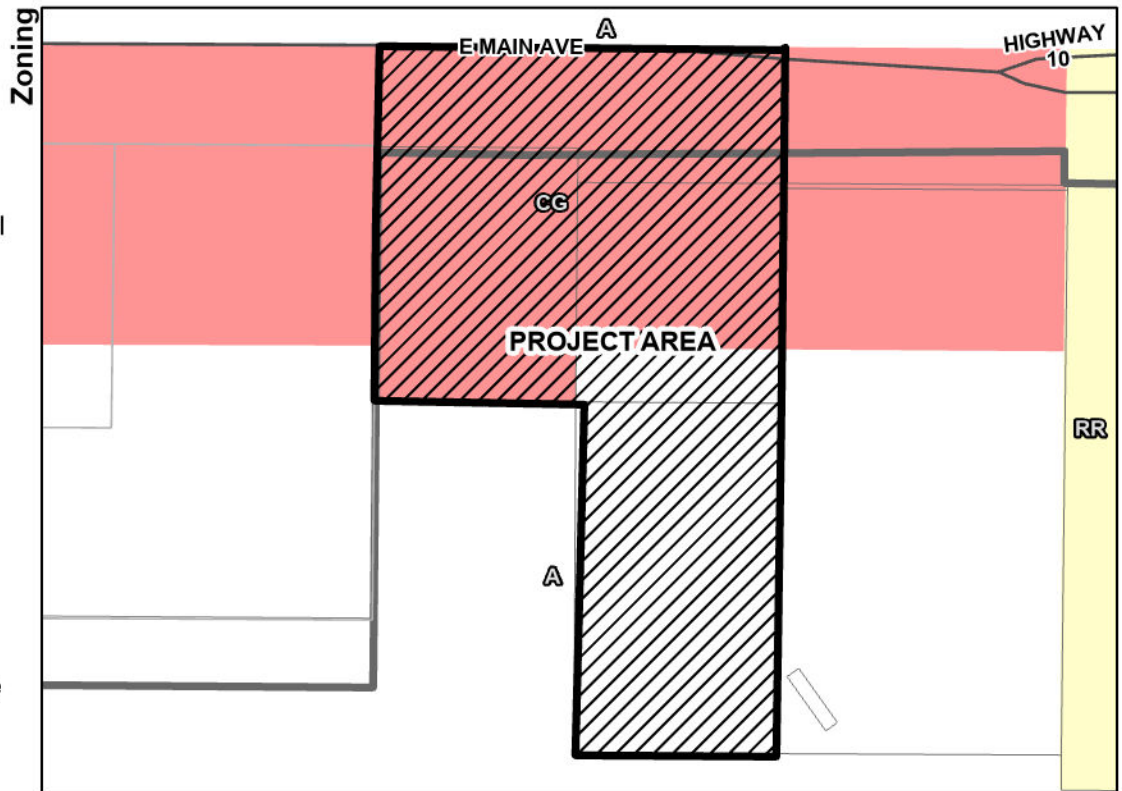
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

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.

0 137.5 275 550 Feet



City of Bismarck
Community Development
Planning Division
February 20, 2024

Proposed New Zoning Map

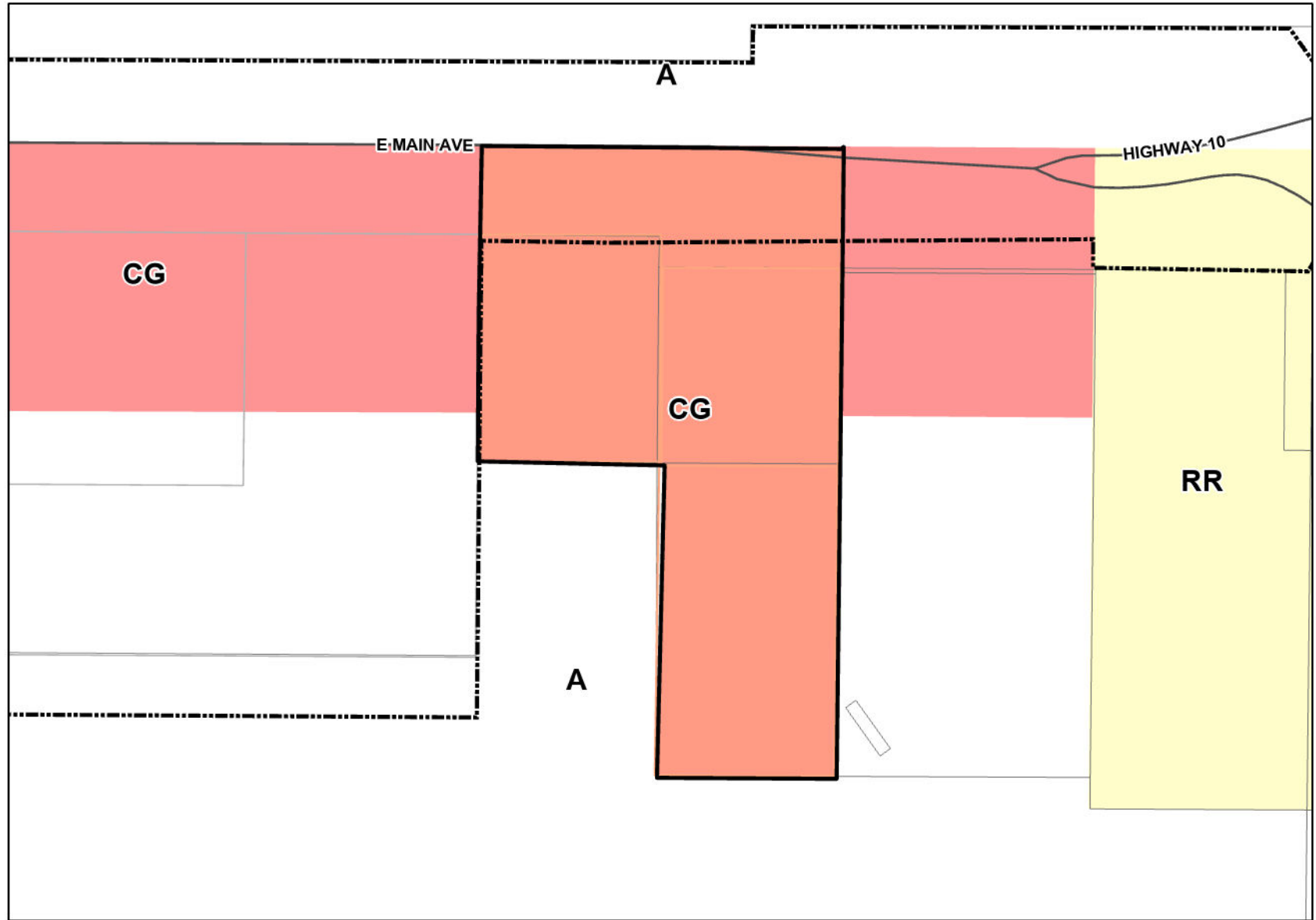
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

- A** Agriculture
- RR** Rural
- 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*

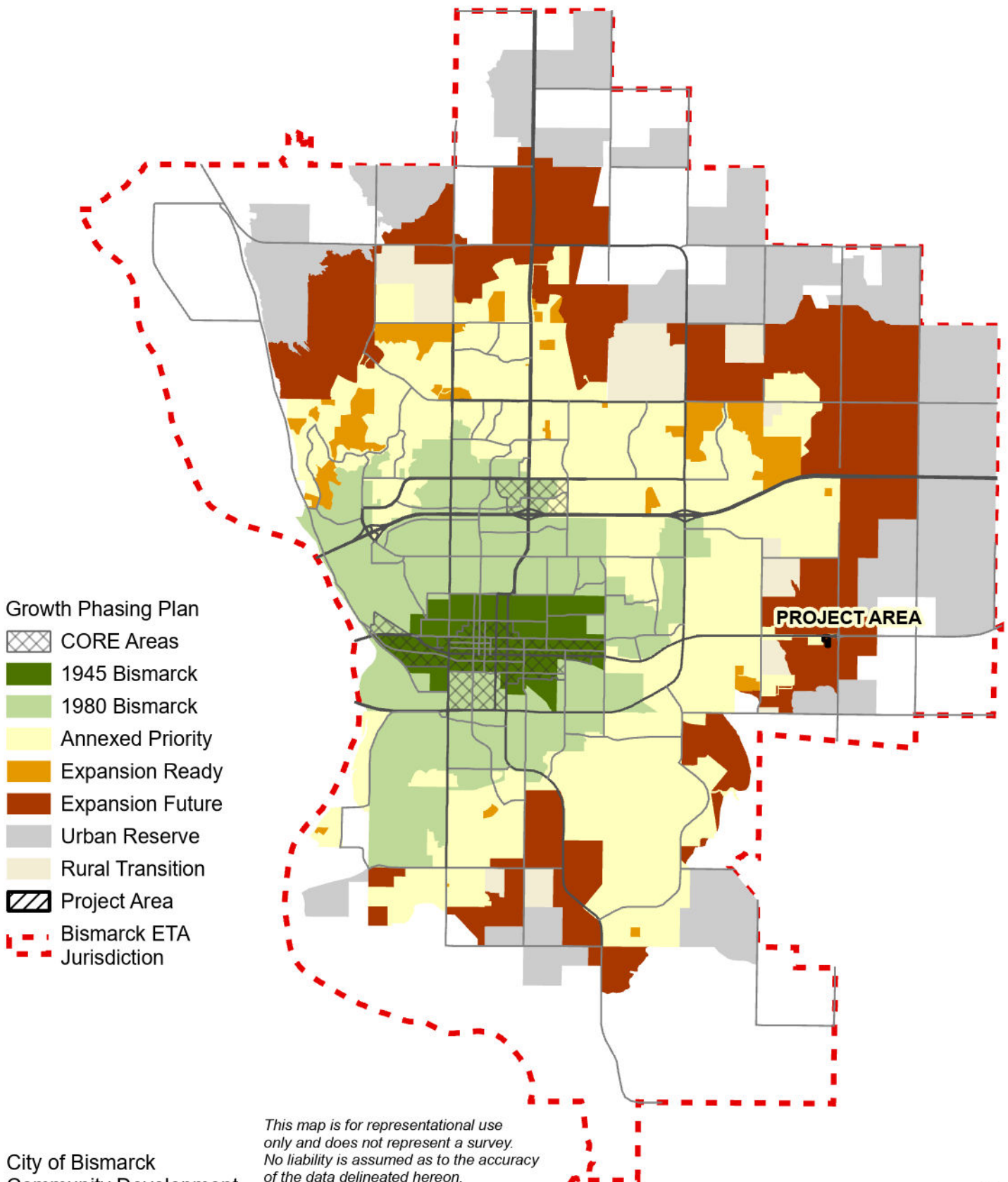


0 0.05 0.1 0.2 Miles

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

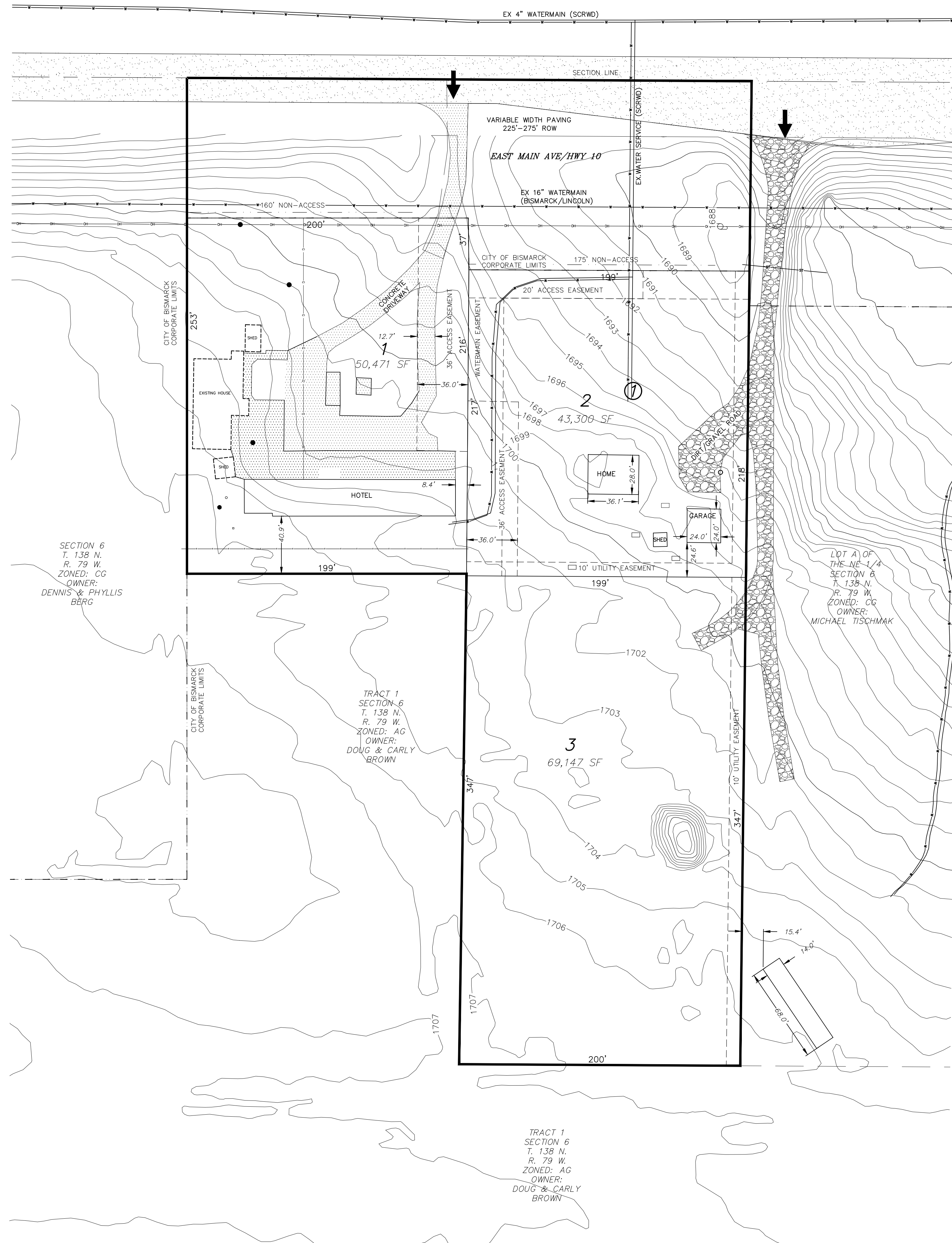


City of Bismarck
Community Development
Planning Division
February 20, 2024



FETTIG SUBDIVISION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6,
TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BURLEIGH COUNTY, NORTH DAKOTA

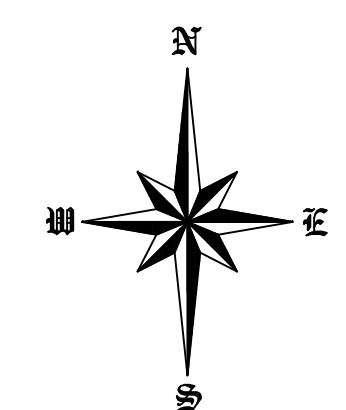


LOCATION MAP

4.8 ACRES
EXISTING ZONING: A/CG
PROPOSED ZONING: CG
3 LOTS
1 BLOCK

OWNER: ROBERT FETTIG

400' ARTERIAL RIGHT-OF-WAY



0 40' 80'
SCALE - 1" = 40'

VERTICAL DATUM: NAVD 88

JANUARY 26, 2024



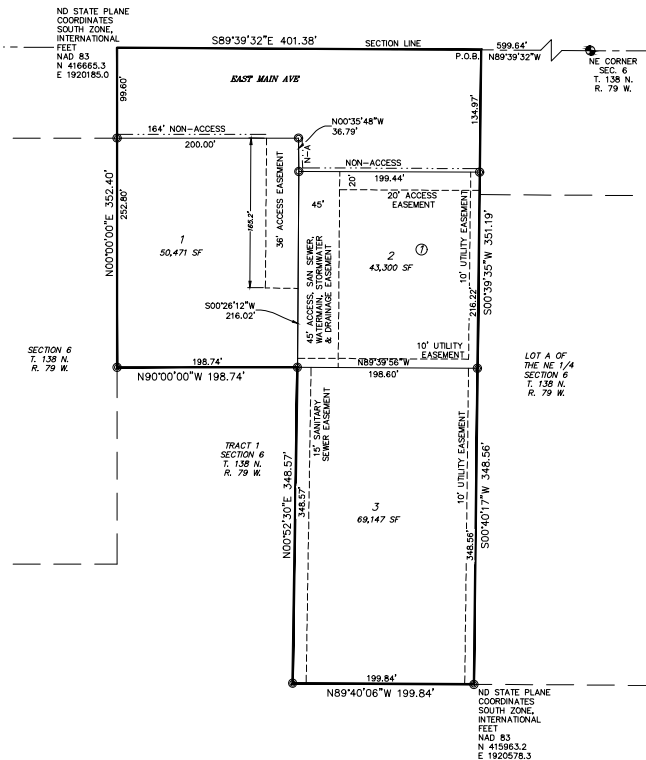
SWENSON, HAGEN & COMPANY P.C.

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

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

FETTIG SUBDIVISION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6,
TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BURLEIGH COUNTY, NORTH DAKOTA



NOTES

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

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

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

VERTICAL BENCHMARK:
SE CORNER FETTING SUBDIVISION
ELEV. 1706.19 (NAD 88)

AREA DATA

LOTS	162,918 SF	4.74 ACRES
STREETS	16,803 SF	1.06 ACRES
TOTAL	209,811 SF	4.82 ACRES

DESCRIPTION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID NE 1/4 THAT IS NORTH 89 DEGREES 39 MINUTES 32 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 599.84 FEET FROM THE NE CORNER OF SAID NE 1/4; THENCE SOUTH 00 DEGREES 39 MINUTES 35 SECONDS WEST, ALONG THE WEST LINE AND ITS NORTHERLY EXTENSION OF LOT 1 OF SAID NE 1/4, A DISTANCE OF 351.19 FEET; THENCE SOUTH 00 DEGREES 40 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 348.56 FEET, TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 40 MINUTES 06 SECONDS WEST, ALONG THE BOUNDARY OF TRACT 1 OF SECTION 6, A DISTANCE OF 198.84 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 30 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 348.57 FEET; THENCE NORTH 80 DEGREES 00 MINUTES 00 SECOND WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 198.74 FEET TO THE WEST LINE OF HIGHWAY SUBDIVISION; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID WEST LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 352.40 FEET TO THE NORTH LINE OF SAID NE 1/4; THENCE SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 401.38 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 4.82 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, 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 CORRECT TO THE BEST OF MY KNOWLEDGE, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

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

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

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2024, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST:
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2024.

MICHAEL T. SCHMITZ - PRESIDENT

ATTEST: JASON TOMANEK - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL - CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

I, ROBERT FETTING, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED FETTING SUBDIVISION, 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, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS UTILITY EASEMENT TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATION AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

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

THEY ALSO DEDICATE ACCESS EASEMENTS TO THE PUBLIC, TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, TO PASS AND REPASS ALONG SAID EASEMENT, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND 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 THE PROPERTY IN THE SUBDIVISION.

THEY FURTHER GRANT A WATERMAIN & SANITARY SEWER EASEMENT TO THE CITY OF BISMARCK, SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY DESIGNATED HEREON AS WATERMAIN EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ROBERT FETTING
6319 E MAIN AVE
BISMARCK, ND 58501

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED ROBERT FETTING, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



SWENSON, HAGEN & COMPANY P.C.

909 Basin Avenue
Bismarck, North Dakota 58501
Sheng@swensonhagen.com
Phone (701) 221-2600
Fax (701) 221-2606
Surveying
Titlework
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management



Community Development Department

DATE: June 11, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: West Region Medical Second Addition

REQUEST:

Zoning map amendment from the CG – Commercial and RT – Residential zoning districts to the CG – Commercial zoning district and major subdivision final plat for West Region Medical Second Addition.

BACKGROUND INFORMATION:

Approval of the proposed zoning map amendment and proposed plat would rededicate Idaho Drive, adjust lot lines and allow for future commercial development including a basketball training and game facility.

A public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. No members of the public spoke at the hearing and no written comments were submitted.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously approved the zoning map amendment and major subdivision final plat for West Region Medical Addition.

The attached staff report contains a complete review of the request, according to the standards of the Comprehensive Plan, city ordinances, and relevant law. Additionally, the staff report contains an overview of past public engagement related to this request.

RECOMMENDED CITY COMMISSION ACTION:

Consider approval of the zoning map amendment as outlined in Ordinance 6581 and major subdivision final plat for West Region Medical Addition and call for a public hearing on Ordinance 6581.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov
Jenny Wollmuth, Senior Planner, 701-355-1850, jwollmuth@bismarcknd.gov

ATTACHMENTS:

1. West Region Medical Second Addition

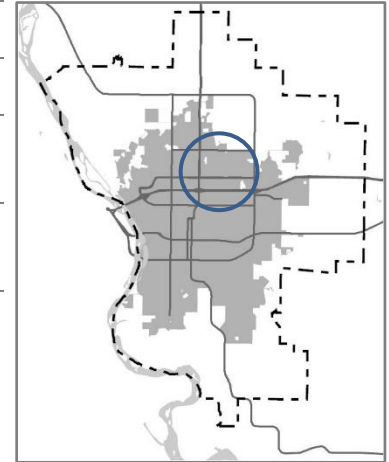
STAFF REPORT

Application for: **Zoning Map Amendment**
Final Plat

Project ID: **ZC2024-001**
FPLT2024-001

Project Summary

<i>Title:</i>	West Region Medical Second Addition
<i>Status:</i>	Board of City Commissioners
<i>Property Owner(s):</i>	High Plains PMS LLC Bearstail Basketball
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Company
<i>Project Location:</i>	In north-central Bismarck, north of East Century Avenue between State Street and North 19th Street, along the south side of East Calgary Avenue (being a replat of all of West Region Medical Addition)
<i>Project Size:</i>	17 acres
<i>Applicant Request:</i>	Replat property for future development
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	3 parcels in 2 blocks	<i>Lots/Blocks:</i>	3 lots in 2 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Commercial land uses including basketball training and game facility
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	RT – Residential CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	RT – Offices and multi-family residential CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	RT – 30 units / acre CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

(continued)

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	06/2004
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	07/2013
<i>Neighborhood:</i>	Memorial	<i>Annexed:</i>	04/1993

Project Narrative

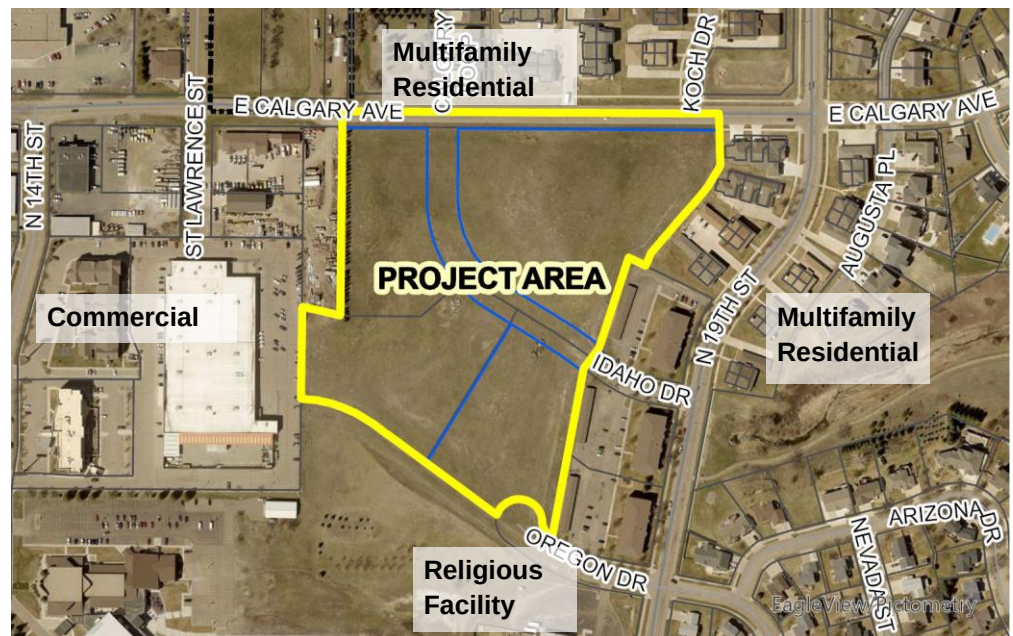
High Plains PMS LLC and Bearstail Basketball are requesting approval of a zoning map amendment from the CG – Commercial and RT – Residential zoning districts to the CG – Commercial zoning district and major subdivision final plat for West Region Medical Second Addition.

Approval of the proposed zoning map amendment and proposed plat would rededicate Idaho Drive, adjust lot lines, and allow for future commercial development including a basketball training and game facility.

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 Community Mixed Use (CMU) in the Future Land Use Plan. The CMU areas are places of commerce, employment, and residence for the Bismarck community. Goals and objectives of this plan as they relate to the proposed zoning map amendment and final plat are referenced in review standards below.

Adjacent uses include multifamily residential to the north across East Calgary Avenue and to the east, a religious facility to the south, and commercial property to the west.

Background Information

(continued)

The proposed plat is a replat of all of West Region Medical Addition, which was approved in 2013. A plat modification to vacate all of Idaho Drive and a lot modification to combine Lots on either side of Idaho Drive into one parcel were approved in 2015 at the owner's request.

The proposed plat would rededicate Idaho Drive in the same location as the original plat and create parcels for development. Idaho Drive would be constructed to the northwestern edge of Lot 1, Block 1 and would continue north to East Calgary Avenue as development of the adjacent lots occurs.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 10 and 17, and 94 letters were mailed to the owners of nearby properties on May 10, 2024.

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

At the public hearing, the applicant's representative spoke. However, no other members of the public spoke at the hearing. No written comments were submitted.

Additional public notification will occur if the City Commission calls for a public hearing.

The Planning and Zoning Commission held a public hearing on these requests on May 22, 2024. At the conclusion of the public hearing and based on the findings listed below, the Planning and Zoning Commission recommended approval of these requests

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 Community Mixed Use (CMU) 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 for commercial uses, specifically a basketball training and game facility which is allowed in the CG – Commercial zoning district as a commercial recreation group. 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 RT – Residential and CG – Commercial were established in 2004. Conditions have changed since this time including adoption of new comprehensive plans.

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 not adversely impact housing opportunities in any way.

(continued)

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

Yes. The proposed zoning map amendment would confirm to the Community Mixed Use (CMU) designation as outlined in the Future Land Use Plan.

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.

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.

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion.

Yes. The Planning and Zoning Commission did not place conditions on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. Easements are included for stormwater and drainage, municipal water and sanitary sewer, access, and other utilities.

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. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the final plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Creation of any new lots in the City of Bismarck is subject to development capital charges for

(continued)

municipal utilities. Capital utility charges will be due prior to recordation of the plat.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. East Calgary Avenue is included in the proposed plat and is an existing collector roadway. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. There is an existing street bike connection within the right-of-way of East Calgary Avenue. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore, no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity have been met, and there are no cul-

de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal I6-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f](#), Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

(continued)

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

Yes. The proposed subdivision involves infill and redevelopment of an area already served by municipal infrastructure. The additional up-front and ongoing costs to the City are expected to be minimal, relative to the benefits provided by the subdivision.

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 RT – Residential and CG Commercial zoning districts to the CG – Commercial zoning district and major subdivision final plat for West Region Medical Second Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Preliminary Plat
5. Final Plat

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

CITY OF BISMARCK

ORDINANCE NO. 6581

First Reading
Second Reading
Final Passage and Adoption
Publication Date

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, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RT – Residential and CG – Commercial zoning district and included in the CG – Commercial zoning district:

Lot 1 and Lot 2, Block 1, West Region Medical Second Addition

Section 2. 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 CG – Commercial zoning district and included in the CG - Commercial zoning district:

Lot 1, Block 2, West Region Medical Second Addition

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



Zoning and Plan Reference Map

WEST REGION MEDICAL SECOND ADDITION

PPLT2024-002

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

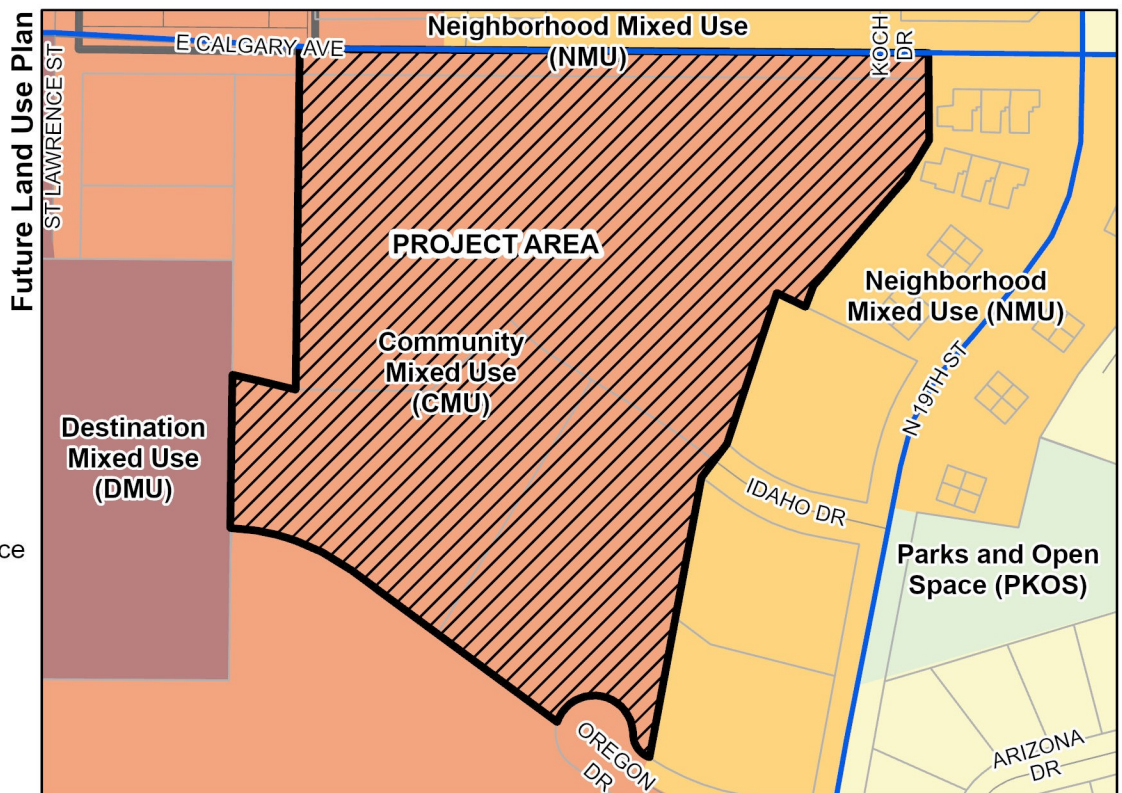
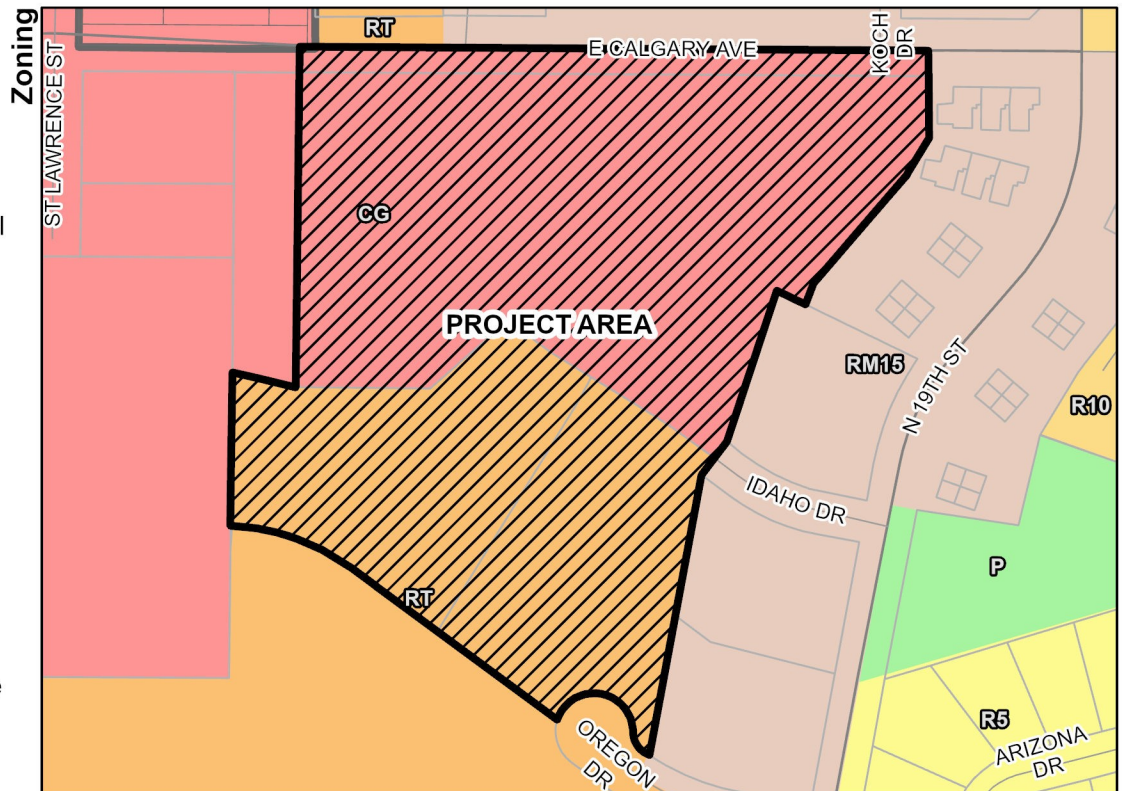
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Rural Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

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 herein.

0 220 440 880 Feet



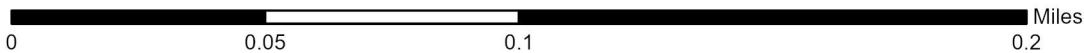
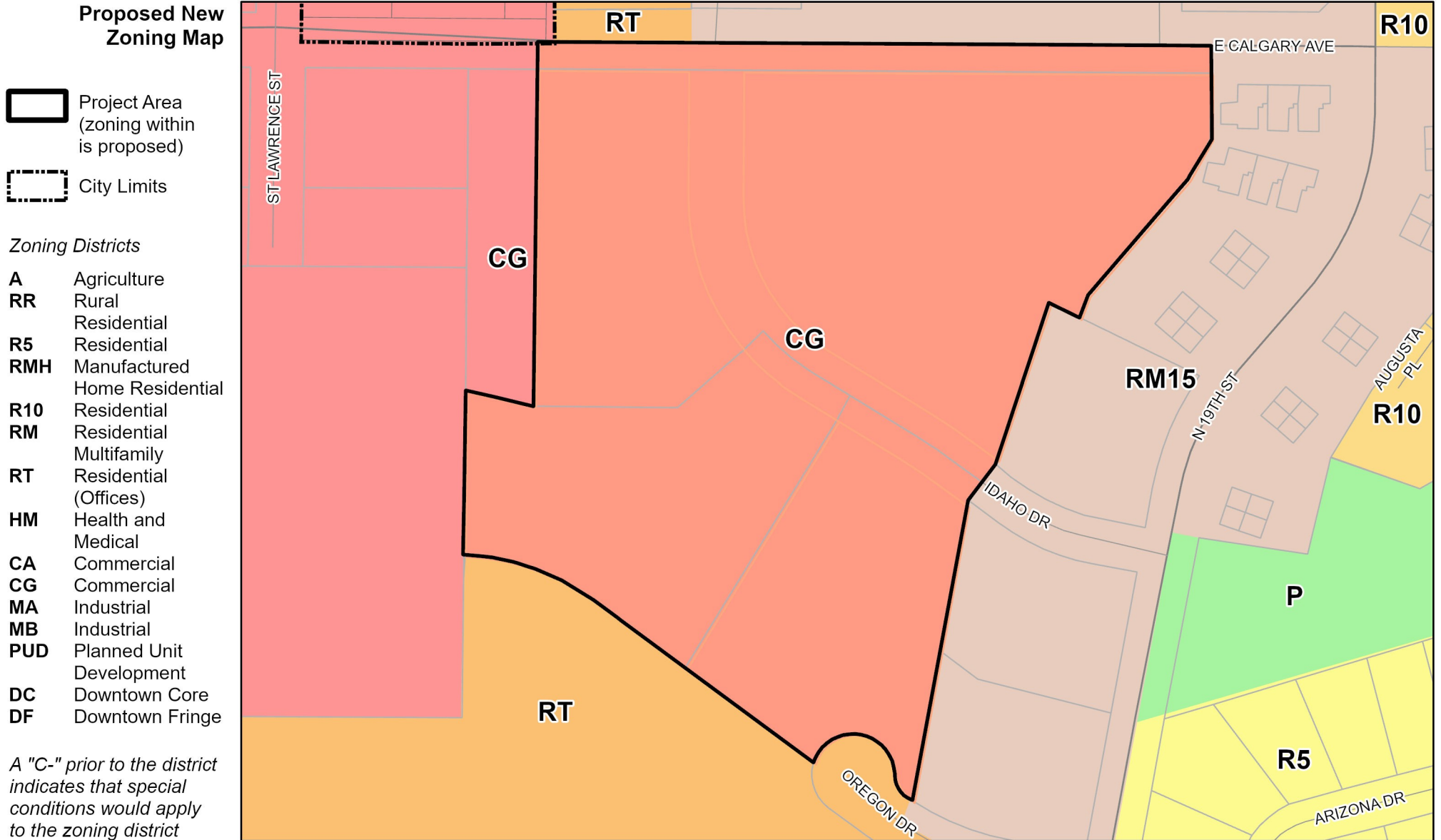
City of Bismarck
Community Development
Planning Division
March 19, 2024



Proposed Zoning Change

WEST REGION MEDICAL SECOND ADDITION

PPLT2024-002



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



City of Bismarck
Community Development
Planning Division
March 19, 2024

WEST REGION MEDICAL SECOND ADDITION

BEING A REPLAT OF ALL OF WEST REGION MEDICAL ADDITION
PART OF THE SW 1/4 OF SECTION 22
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

17.0 ACRES

EXISTING ZONING: RT/CG

PROPOSED ZONING: CG

3 LOTS, 2 BLOCKS

OWNER: HIGH PLAINS PMS, LLC
PO BOX 564
MANDAREE, ND 58757

BEARS TAIL BASKETBALL
8008 NORTHWOOD PLACE
BISMARCK, ND 58503



0 80'

SCALE - 1" = 80'
VERTICAL DATUM: NAVD 88
MARCH 21, 2024



LOCATION MAP



SWENSON, HAGEN & COMPANY P.C.

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

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

WEST REGION MEDICAL SECOND ADDITION

BEING ALL OF WEST REGION MEDICAL ADDITION
OF THE SW 1/4 OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING ALL OF WEST REGION MEDICAL ADDITION OF THE SW 1/4 OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BUREIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 BLOCK 1 PEBBLE CREEK SIXTH ADDITION; THENCE NORTH 00 DEGREES 37 MINUTES 50 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 6 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 531.71 FEET TO THE CENTERLINE OF CALGARY AVENUE RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 38 MINUTES 19 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 981.55 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 00 DEGREES 11 MINUTES 11 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 135.66 FEET TO THE WEST LINE OF LOT 2 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 29 DEGREES 03 MINUTES 58 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 67.54 FEET TO THE WEST LINE OF LOT 3 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 40 DEGREES 50 MINUTES 43 SECONDS WEST, ALONG SAID WEST LINE AND THE WEST LINE OF LOT 4 BLOCK 1 PEBBLE CREEK NINTH ADDITION, A DISTANCE OF 223.05 FEET; THENCE SOUTH 21 DEGREES 00 MINUTES 20 SECONDS WEST, CONTINUING ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 35.11 FEET TO THE NORTH LINE OF LOT 5 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE NORTH 64 DEGREES 11 MINUTES 01 SECOND WEST, ALONG SAID NORTH LINE, A DISTANCE OF 49.36 FEET TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH 18 DEGREES 20 MINUTES 45 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 247.69 FEET TO THE NORTH LINE OF IDAHO DRIVE RIGHT-OF-WAY; THENCE SOUTH 37 DEGREES 16 MINUTES 56 SECONDS WEST, A DISTANCE OF 66.01 FEET TO THE WEST LINE OF LOT 3 BLOCK 1 PEBBLE CREEK SIXTH ADDITION; THENCE SOUTH 10 DEGREES 28 MINUTES 26 SECONDS WEST, ALONG SAID WEST LINE, AND THE WEST LINE OF LOT 4 BLOCK 1 PEBBLE CREEK SIXTH ADDITION, A DISTANCE OF 445.81 FEET TO THE BOUNDARY OF OREGON DRIVE RIGHT-OF-WAY; THENCE NORTHWESTERLY AND TO THE RIGHT, ON A 60.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 33 DEGREES 03 MINUTES 45 SECONDS EAST, ALONG SAID BOUNDARY, AN ARC LENGTH OF 53.63 FEET; THENCE WESTERLY AND TO THE LEFT, ON A 60.00 FOOT RADIUS CURVE, CONTINUING ALONG SAID BOUNDARY, AN ARC LENGTH OF 165.19 FEET TO THE NORTH LINE OF LOT 5 BLOCK 1 PEBBLE CREEK SIXTH ADDITION; THENCE NORTH 53 DEGREES 32 MINUTES 48 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 398.32 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID NORTH LINE, ON A 340.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 204.53 FEET TO THE EAST LINE OF LOT 1 BLOCK 1 HOME DEPOT ADDITION; THENCE NORTH 00 DEGREES 35 MINUTES 37 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 199.93 FEET TO THE SOUTH LINE OF LOT 6 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 76 DEGREES 47 MINUTES 20 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 102.59 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 17.04 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, 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 CORRECT TO THE BEST OF MY KNOWLEDGE, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

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

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

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____, 202____, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ — CHAIRMAN

ATTEST
BEN EHRETH — SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

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

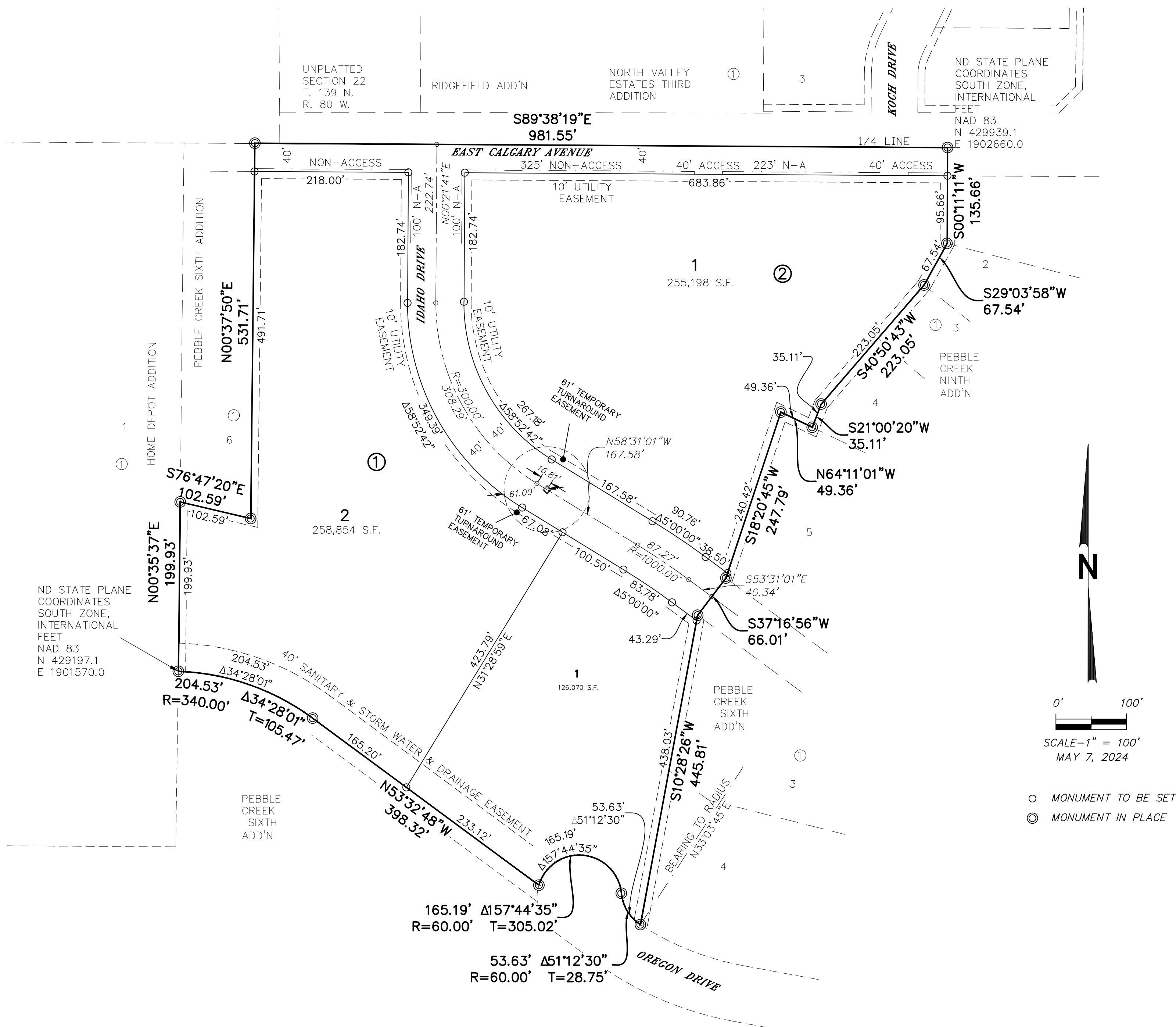
MICHAEL T. SCHMITZ---PRESIDENT

ATTEST: JASON TOMANEK---CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL---CITY ENGINEER



NOTES

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

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

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

VERTICAL BENCHMARK:
HYD #2011 ELEV. 1774.17 (NGVD 29)
19TH STREET 1ST NORTH OF IDAHO DRIVE

AREA DATA

LOTS	640,122 S.F.	14.70 ACRES
STREETS	102,169 S.F.	2.34 ACRES
TOTAL	742,291 S.F.	17.04 ACRES

OWNER'S CERTIFICATE & DEDICATION

WE, HIGH PLAINS PMS, LLC & BEARS TAIL BASKETBALL, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED WEST REGION MEDICAL SECOND ADDITION, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS UTILITY EASEMENT TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATION AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

BIRON BAKER
HIGH PLAINS PMS, LLC
PO BOX 564
MANDAREE, ND 58757

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED BIRON BAKER OF HIGH PLAINS PMS, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

OWNER'S CERTIFICATE & DEDICATION CONT'D

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

BEARS TAIL BASKETBALL
8008 NORTHWOOD PLACE
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED _____ OF BEARS TAIL BASKETBALL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



SWENSON, HAGEN & COMPANY P.C.

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



Community Development Department

DATE: June 11, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Ordinance 6582

REQUEST:

Amendment to Section 07-08-01 of the City Code of Ordinances relating to the Renaissance Zone Authority.

BACKGROUND INFORMATION:

The Bismarck Renaissance Zone Program was renewed for a 1-year period on January 3, 2024. As a condition of their ongoing support, the Burleigh County Commission requested revisions to the terms and procedures of the Renaissance Zone program and the Bismarck City Commission agreed to make these revisions in a Letter of Intent dated November 15, 2023.

Chapter 7-08 of the Bismarck Code of Ordinances establishes the Renaissance Zone Authority. Changes to this ordinance are necessary to allow other political subdivisions to appoint members to the Bismarck Renaissance Zone Authority, as stipulated in the Letter of Intent.

If the City Commission calls for a public hearing on this ordinance amendment request, a revised Renaissance Zone Development Plan will also be presented concurrently during that hearing. This is the document that contains the majority of program standards and procedures.

RECOMMENDED CITY COMMISSION ACTION:

Review attached Ordinance 6582 and call for a public hearing for the June 25, 2024 regular meeting of the Board of City Commissioners.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

ATTACHMENTS:

1. Ordinance 6582

CITY OF BISMARCK

ORDINANCE NO. 6582

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND SECTION 07-08-01 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE RENAISSANCE ZONE AUTHORITY .

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

Section 1. Amend. Section 07-08-01 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the Renaissance Zone Authority, his hereby enacted to read as follows:

07-08-01. Local Zone Authority.

1. A Local Zone Authority ~~appointed~~ designated by the City Commission pursuant to NDCC Chapter 40-63 shall be called the Bismarck Renaissance Zone Authority. The constitution of said authority and the administration of the Bismarck Renaissance Zone program shall be governed by the adopted Bismarck Renaissance Zone Development Plan. The Authority and shall have all of the powers and authorities contained in NDCC Chapter 40-63 that chapter except:
 - a. The Board of City Commissioners shall make the final decision as to whether or not a project or application should be approved.
 - b. The Board of City Commissioners may authorize City staff to aid the Bismarck Renaissance Zone Authority as directed by the Board of City Commissioners.
 - c. The Bismarck Renaissance Zone Authority may utilize consultants or other professionals to aid it in investigating any matter before it.
 - d. Any misrepresentation by an applicant to the Bismarck Renaissance Zone Authority or the City will be considered material and may result in the denial of an application or the

discontinuance of a granted exemption, and the applicant must repay any monies already received together with interest at the statutory rate.

* * * * *

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall take effect after final passage, adoption and publication.



Community Development Department

DATE: June 11, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Bicycle Friendly Community Renewal Application

REQUEST:

Submit an application for renewal of its “Bicycle Friendly Community” designation.

BACKGROUND INFORMATION:

The League of American Bicyclists, a national organization dedicated to promoting bicycle education and opportunity, awarded the Bismarck-Mandan Metropolitan Planning Organization (BMMPO), on behalf of the cities of Bismarck, Mandan, and Lincoln, the designation of “Bicycle Friendly Community” in 2016, and again in 2020. National recognition as a “Bicycle Friendly Community” through the League of American Bicyclists is important to the City of Bismarck as research shows that bike-friendly improvements boost economies by increasing retail activity, attracting top talent to the community, improving property values with the inclusion of bikeways, and promoting greater health and reduced health costs for the residents of the community.

The “Bicycle Friendly Community” designation is effective for four years, at which time it must be renewed through submittal of a new application. The BMMPO has begun completing an application to submit by the June 25, 2024, deadline.

The current Bicycle Friendly Community designation was awarded at a “Bronze” status and staff is hopeful that a “Silver” level might be attained through the current application process. The renewal of a “Bronze” designation or the possible upgrade to “Silver” poses no financial liability to the City of Bismarck.

RECOMMENDED CITY COMMISSION ACTION:

Staff requests approval to submit a renewal application for the “Bicycle Friendly Community” program offered through the League of American Bicyclists.

STAFF CONTACT INFORMATION:

Kimberly Riepl, Transportation Planner, 701-355-1844, kriepl@bismarcknd.gov

ATTACHMENTS:

None



Community Development Department

DATE: June 11, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Bismarck-Mandan MPO 2024 Functional Class System

REQUEST:

2024 Urban Functional Classification System.

BACKGROUND INFORMATION:

Each time a Decennial Census is taken, the Bis-Man MPO updates the Urbanized Area Boundary (UZA) and the Urban Functionally Classified (FC) System. The UZA was updated in fall 2023. Since that time, the Bis-Man MPO has worked with the engineering and planning staff from its jurisdictions, including the City of Bismarck, to update the Urban FC System. The system identifies arterial and collector roadways within the Urbanized Area which are expected to funnel and carry local and regional traffic. Functionally Classified roadways will also be eligible for the federal funding that is administered by NDDOT via the Bis-Man MPO.

The proposed changes can be viewed at: tinyurl.com/jy9ary8f. A list of changes are also attached. The first page outlines the changes requested within the UZA boundary. This includes additions, upgrades, and downgrades to roadways within the system. The second page shows changes that may be requested in the future by NDDOT or Burleigh County. Due to the UZA Boundary being made smaller, a few sections of the Urban FC System will be migrated onto the State and/or Rural Functional Class Systems.

The Bis-Man MPO TAC and Policy Board will consider approval of the 2024 FC System at their June meetings. The MPO is likewise requesting consideration and approval from all jurisdictions in the month of June. The approved system will be sent to NDDOT by July 1.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the 2024 Urban Functional Classification System.

STAFF CONTACT INFORMATION:

Rachel Lukaszewski, Principal Transportation Planner, 701-355-1852,
rlukaszewski@bismarcknd.gov

ATTACHMENTS:

1. MPO 2024 Functional Class System

Map ID	Road	From	To	Change From	Final	Jurisdiction	Mileage Length	2022 AADT*	Justification
1	Sunset Drive	Old Red Trail	27th Street N	Collector	Minor Arterial	Mandan	0.3	5870 (2022)	Land development in this area increases and will increase traffic counts.
2	27th Street N	Sunset Drive	Hwy 1806	Collector	Minor Arterial	Mandan	1	2,775	Land development in this area increases and will increase traffic counts.
3	13th Ave NW	Lohstreter Rd	13th Ave NW	Collector	Local	Mandan	0.08	not applicable	Remove to reconfigure the collector network and add Lohstreter Rd.
4	6th St NW	13th Ave NW	12th Ave NW	Collector	Local	Mandan	0.15	not applicable	Remove to reconfigure the collector network and add Lohstreter Rd.
5	Lohstreter Rd	13th Ave NW	Custer Drive	Local	Collector	Mandan	0.25	830 (2019) - 975 (2006)	Traffic counts and geometry favor Lohstreter over the current alignment on 13th Ave/6th St. Lohstreter is the eventual collector for the area, and this adds Lohstreter onto the System.
6	Custer Drive	Lohstreter Rd	12th Ave NW	Local	Collector	Mandan	0.3	no data available	Closes the loop of Lohstreter Rd
7	12th Ave NW	Custer Drive	13th Ave NW	Local	Collector	Mandan	0.08	1450-2205 (2009)	Closes the loop of Lohstreter Rd
8	6th Ave NE	1st St NE	Main St	Local	Minor Arterial	Mandan	0.11	2,265	Continues 6th Ave NE in a northward direction. Captures a high volume block in downtown Mandan.
9	8th Ave SE	19th St SE	27th St SE	Local	Collector	Mandan	0.75	1,895	Geometries meet general design for a collector. Over 700 dwelling units in this neighborhood
10	27th St SE	8th Ave SE	14th Ave SE	Local	Collector	Mandan	0.35	no data available	Geometries meet general design for a collector. Over 700 dwelling units in this neighborhood
11	14th Ave SE	27th Ave SE	19th St SE	Local	Collector	Mandan	0.71	1060	Geometries meet general design for a collector. Over 700 dwelling units in this neighborhood
12	McKenzie Dr	39th Ave SE	34th Ave SE	Local	Collector	Mandan	0.23	1045	Extend classification along McKenzie Dr. More closely aligns with patterns in the neighborhood.
13	34th Ave SE	McKenzie Dr	21st St SE	Local	Collector	Mandan	0.4	no data available	Extend classification along McKenzie Dr. More closely aligns with patterns in the neighborhood.
14	21st St SE	34th Ave SE	40th Ave SE	Local	Collector	Mandan	0.6	2075	Extend classification along McKenzie Dr. More closely aligns with patterns in the neighborhood.
15	19th St SE	40th Ave SE	46th Ave SE	Collector	Local	Mandan	0.5	not applicable	Remove as the road does not carry much traffic.
16	Borden Harbor Dr SE	Southbay Dr SE	Bayshore Bend SE	Local	Collector	Mandan	0.52	1220	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
17	Bay Shore Bend SE	Borden Harbor Dr SE	Lakewood Dr SE	Local	Collector	Mandan	0.2	no data available	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
18	Lakewood Dr SE	Bay Shore Bend SE	40th Ave SE	Local	Collector	Mandan	0.42	no data available	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
19	40th Ave SE	Lakewood Dr SE	Southbay Dr SE	Local	Collector	Mandan	0.93	565	Since last reclassification the roads have been functioning more and more like collectors. Serves a development of over 500 homes.
20	46th Ave SE	Memorial Hwy	McKenzie Ave SE	Collector	Minor Arterial	Mandan	0.55	3865 - 5835	Roadway functions more as an arterial, not a collector. Geometry is more similar to an arterial than a collector.
21	Bis-Man Ave	Memorial Hwy	Twin City Dr	Local	Collector	Mandan	0.37	945 - 1175 (2013)	Roadway collects traffic from the industrial park and Twin City Estates (over 200 dwelling units), and distributes onto Main St and Memorial Hwy.
22	Twin City Drive	Bis-Man Ave	E Main St	Local	Collector	Mandan	1.12	2470 - 2720 (2014)	Roadway collects traffic from the industrial park and Twin City Estates (over 200 dwelling units), and distributes onto Main St and Memorial Hwy.
23	REMOVED								
24	E Century Ave	Centennial Rd	Roosevelt Dr	Collector	Minor Arterial	Bismarck	0.55	8955	Land development and traffic volume increases. Section functions as a minor arterial, no longer as a collector.
25	Santa Fe Ave	S Washington St	Boston Dr	Local	Collector	Bismarck	0.62	no data available	Land development and traffic volume increases. Section functions as a collector, no longer as a local road.
26	Boston Dr	Santa Fe Ave	Burleigh Ave	Local	Collector	Bismarck	0.82	no data available	Land development and traffic volume increases. Section functions as a collector, no longer as a local road.
27	Ridgedale St Frontage Road	57th Ave NW	64th Ave N	Local	Collector	Bismarck	0.92	no data available	Frontage Road System along US83. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
28	State Street E Frontage Road	Holiday Inn	43rd Ave N	Local	Collector	Bismarck	0.38	445 (2019)	Frontage Road System along US83/State Street. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
29	State Street E/13 St N Frontage Road	Divide Ave	Capitol Ave	Local	Collector	Bismarck	0.46	1225 (2006)	Frontage Road System along US83/State Street. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
30	State Street W/ 12 St N Frontage Road - 1	Interchange Ave	Capitol Ave	Local	Collector	Bismarck	0.14	1220	Frontage Road System along US83/State Street. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
31	State Street W/ 12 St N Frontage Road - 2	Capitol Ave	North of Divide Ave/ 12 St N	Local	Collector	Bismarck	0.33	820 (2019)	Frontage Road System along US83/State Street. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the US Highway.
32	Bismarck Expressway South Frontage Road System - 1	Portland Dr	Laramie Dr	Local	Collector	Bismarck	0.45	140	Frontage Road System along Bismarck Expressway. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
33	Bismarck Expressway South Frontage Road System - 2	Bozeman Dr	5 7th St	Local	Collector	Bismarck	0.4	430	Frontage Road System along Bismarck Expressway. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
34	5 7th Street	Bismarck Expressway	Denver Ave	Local	Collector	Bismarck	0.3	2500 - 2910 (2014)	Needed to complete classification of the Frontage Road System along Bismarck Expressway. Frontage road is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
35	Industrial Dr Frontage Road	WAPA	Miriam Dr	Local	Collector	Bismarck	1.27	1530 (2009)	Frontage Road System along Bismarck Expressway. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
36	Miriam Dr	Interchange Ave	Bismarck Expressway	Local	Collector	Bismarck	0.04	2205	Needed to complete classification of the Frontage Road System along Bismarck Expressway. Frontage road is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
37	American Dr	University Dr	Basin Ave	Local	Collector	Bismarck	0.01	310	Needed to complete classification of the Frontage Road System along Bismarck Expressway. Frontage road is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
38	Basin Ave Frontage Rd	American Dr	Airport Ave	Local	Collector	Bismarck	0.83	no data available	Frontage Road System along Bismarck Expressway. Is within NDDOT ROW. NDDOT suggests functional classification in the event that future road work is needed in conjunction with a project on the State System.
39	Old Red Trail	2013 UZA Boundary	2023 UZA Boundary	Local	Minor Arterial	Morton County	0.42	630	Extension to meet new UZA boundary
40	McKenzie Dr	39th Ave SE	40th Ave SE	Minor arterial	Collector	Mandan	0.13	1045	The minor arterial was a stub. We are requesting this roadway be demoted to collector to better align with traffic patterns. Further sections of McKenzie are being requested to be a collector, see number 12.
41	Baretta St	Sunset Drive	Hwy 1806	Local	Collector	Mandan	1	no data available	Matches the FARM alignment. New subdivision being built. Mandan said the roads will be constructed by the time 2024 FC is approved.
42	8th Ave NW	27th St N	Baretta St	Local	Collector	Mandan	0.5	385	Matches the FARM alignment. New subdivision being built. Mandan said the roads will be constructed by the time 2024 FC is approved.
43	12th St NW	27th St N	Baretta St	Local	Collector	Mandan	0.5	no data available	Matches the FARM alignment. New subdivision being built. Mandan said the roads will be constructed by the time 2024 FC is approved.
44	Sunset Drive	27th St N	Baretta St	Local	Collector	Mandan	0.5	no data available	Matches the FARM alignment. New subdivision being built. Mandan said the roads will be constructed by the time 2024 FC is approved.

Proposed Changes to the Rural and State Functional Classification Systems - Corresponding to Chagnes in the 2023 UZA Boundary

101	ND 1804/ 71st Ave	2013 UZA Boundary	2023 UZA Boundary	Urban Minor Arterial	Rural Collector (or another designation requested by the State)	NDDOT	3.89	1670-3570	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
102	River Road	2023 UZA Boundary	Burnt Creek Lp	Urban Collector	Rural Collector (or another designation requested by the County)	Burleigh	1.12	1,495	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
103	Burnt Creek Rd	River Rd	US 1804/ 71st Ave	Urban Collector	Rural Collector (or another designation requested by the County)	Burleigh	0.08	<i>no data available</i>	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
104	Tyler Parkway	2023 UZA Boundary	US 1804/ 71st Ave	Urban Minor Arterial	Rural Collector (or another designation requested by the County)	Burleigh	0.35	1,050	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
105	REMOVED: Sonora Way								
106	US 83 (N Bound)	2023 UZA Boundary	2013 UZA Boundary	Urban Principle Arterial	Rural Principle Arterial (or another designation requested by the State)	NDDOT	1.3	11,190	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
107	US 83 (S Bound)	2023 UZA Boundary	2013 UZA Boundary	Urban Principle Arterial	Rural Principle Arterial (or another designation requested by the State)	NDDOT	1.3	11,190	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
108	Lincoln Rd	2023 UZA Boundary	80th Street	Urban Collector	Rural Collector (or another designation requested by the County)	Burleigh	0.35	210	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
109	ND 1804/ University Dr	2023 UZA Boundary	Sentinel St	Urban Minor Arterial	Rural Collector (or another designation requested by the State)	NDDOT	2.6	5500 (2015) - 6755 (2019)	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
201	ND 1806 N	2023 UZA Boundary	2013 UZA Boundary	Urban Principal Arterial	Rural Collector (or another designation requested by the State)	NDDOT	4.17	3220	Removing from Urban and adding to Rural system. UZA boundary change. Burleigh County will submit a follow-up request.
202	ND 1806 S	2023 UZA Boundary	2013 UZA Boundary	Urban Principal Arterial	Rural Principle Arterial (or another designation requested by the State)	NDDOT	0.31	2475	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
203	ND 6	2023 UZA Boundary	2013 UZA Boundary	Urban Principal Arterial	Rural Principal Arterial (or another designation requested by the State)	NDDOT	1.8	2635	Removing from Urban and adding to Rural/State Highway System. UZA boundary change. MPO is submitting request.
204	Old Red Trail/ Co Rd 139A	2023 UZA Boundary	State Hwy 25	Local	Rural Collector (or another designation requested by the State)	NDDOT	1.38	590	Adding to the Rural/State Highway System to complete the functional classification of Old Red Trail on the Urban System



Engineering Department

DATE: June 11, 2024

FROM: Gabe Schell, City Engineer

ITEM: HC 158 - Contract Change Order No. 1

REQUEST:

Receive notice of Contract Change Order No. 1 for Highway Construction Project 158.

BACKGROUND INFORMATION:

This project consists of reconstructing S Washington Street from Burleigh Avenue to the south Bismarck Drainage ditch.

During construction, it was found that an additional gate valve would be required at the intersection of S Washington Street and Burleigh Avenue to allow for the extension of the 16-inch watermain to the south of Burleigh Avenue.

The original contract amount was \$16,986,618.65. Change Order No. 1 is for \$25,005.00 resulting in a proposed contract amount of \$17,011,623.65, which is within the contract budget of \$18,685,280.52. The change order amount is within the authority of the City Administrator to approve. Administrator Tomanek has approved the change order and notification is provided to the Commission at the next available meeting.

RECOMMENDED CITY COMMISSION ACTION:

Receive notice of Contract Change Order No. 1 for Highway Construction Project 158.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. City Change Order No.1
2. NDDOT Change Order No.1

CONTRACT CHANGE ORDER FORM

DEPARTMENT

City Department	<u>Engineering</u>		
Contractor	<u>Knife River Corporation</u>		
Contract Number	<u>24-16</u>	Change Order Number	<u>1</u>
Project Number	<u>HC-158</u>	Change Order Date	<u>5/28/2024</u>
Project Description	<u>S. Washington Reconstruction</u>		
Original Contract Amount	<u>\$ 16,986,618.65</u>	Approved Contract Budget	<u>\$ 18,685,280.52</u>
Previous Contract Amount	<u>\$ 16,986,618.65</u>		
Change Order Amount	<u>\$ 25,005.00</u>		ACTION REQUIRED (SEE BELOW)
Proposed Contract Amount	<u>\$ 17,011,623.65</u>		
Within Project Scope	<u>YES</u>	Within Project Funding	<u>YES</u>
Original Completion Date	<u>6/28/2025</u>	Change in Completion Date	<u>NO</u>
Revised Completion Date*		<i>*If completion date changed on this Change Order</i>	
Type of Change Order	<u>Design-related</u>	Work Order No(s).	<u>1</u>

Description:

See NDDOT Change Order #1 for PCN: 23859

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

Department Head Signature (≤\$25,000) _____ **SIGN HERE**
Date

ADMINISTRATION

City Administrator Signature (≤\$50,000) _____ **SIGN HERE**
Add to Commission Agenda Date

COMMISSION APPROVAL

Commission Approval Date _____
Attach minutes for Commission Approval

FISCAL

Comments

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

North Dakota Department of Transportation
Change Order

Page 1 of 1

Change Order No: 1

Project: AC-NHU-1-981(137)

PCN: 23859

SubProject: 2 GRADING, AGGREGATE BASE, CURB & GUTTER, PC County: Burleigh

For: GRADING, AGGREGATE BASE, PCC PAVEMENT, HMA, CURB & GU

Contractor: KNIFE RIVER CORPORATION - NORTH CENTRAL
4787 SHADOWWOOD DR NE
SAUK RAPIDS, MN 56379-9431

Original Contract Amount:
\$16,828,118.65

Date Created: 05/16/2024

Date Approved: 05/31/2024

Spec No	Code No	Item of Work	Unit	Original Quantity	+ or - Quantity	Unit Price	Increase Amount	Decrease Amount
ADDED CONTRACT ITEM								
NON-PARTICIPATING (BISMARCK CITY FUNDS)								
724	317	GATE VALVE & BOX 16IN	EA	0.00	1.00	25,005.000	25,005.00	
Net Increase or Decrease to Date			Part	25,005.00	Non-Part	TOTALS	25,005.00	
							NON-PARTICIPATING	25,005.00
							PARTICIPATING	

Due to This Change, the Contract Time:
NO CHANGE.

Classification

Functional Design Change

EXPLANATION OF CHANGE IN PLAN RECOMMENDED

If the federal funds authorized in the cost participation agreement with the local agency is exceeded and federal funds are not available for this change, the local agency will assume the total cost of this change order.

When Cofell's was planning to start the extension of the 16-inch watermain, they coordinated with City of Bismarck Public Works for the watermain shutdown to remove the hydrant at Sta 152+14 - 20' Rt. Public Works stated they would not be able to have the line shut down the entire time for the 16-inch main to be installed and the hydrant relocated to the end of the extension. This led to further discussion between Cofell's, Apex, City of Bismarck Engineering, and City of Bismarck Public Works about installation methods, phasing, and other options that could shorten the duration of the shutdown. The decision was made by the City of Bismarck to add a gate valve where the hydrant is to be removed which would provide the following benefits:

1. minimize the shutdown time on the existing mains,
2. allow for easier testing on the 16-inch watermain extension, and
3. adding a valve at this location would benefit any future line that would be extended south of this project.

The valve will be installed where a coupling was planned to tie into the existing line. The coupling was incidental to the price of the watermain.

This change order proposes the addition of a 16IN Gate Valve & Box.

KNIFE RIVER CORPORATION - 05/30/2024
NORTH CENTRAL

Prime Contractor DATE

Gabe Schell 05/28/2024

County/City Official DATE

Caleb Weisgarber 05/31/2024

Project Engineer DATE



Engineering Department

DATE: June 11, 2024

FROM: Gabe Schell, City Engineer

ITEM: HC 167 - Contract Change Order No. 1 and Revised Budget

REQUEST:

Contract Change Order No. 1 and Revised Budget for Highway Construction Project 167.

BACKGROUND INFORMATION:

This project is the City's inaugural contracted pavement crack sealing project to crack seal snow emergency routes with rubberized sealant. Each sealed roadway will be on a cycle to have the sealant maintained every three years.

Bids were received and opened on April 8, 2024. The low bid was in the amount of \$108,640 which was under the Engineer's Estimate of \$168,000. Change Order No.1 in the amount of \$35,000 would allow additional roadways to be crack sealed under this year's project while remaining within the CIP budget of \$200,000. The contractor, Roadway Services, Inc, has agreed to Change Order No. 1 for additional work at the prices bid.

The original contract amount was \$108,640. Change Order No.1 is for \$35,000 resulting in a proposed contract amount of \$143,640, which exceeds the contract budget of \$119,504 approved at the time of award but is within the 2024 CIP budget of \$200,000. A revised project budget is attached.

RECOMMENDED CITY COMMISSION ACTION:

Approve Change Order No. 1 for project HC 167 in the amount of \$35,000 and approve the revised project budget.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Change Order No.1
2. REVISED project budget - HC 167

CONTRACT CHANGE ORDER FORM

DEPARTMENT

City Department	<u>Engineering</u>		
Contractor	<u>Roadway Services, Inc</u>		
Contract Number	<u>24-31</u>	Change Order Number	<u>1</u>
Project Number	<u>HC 167</u>	Change Order Date	<u>6/3/2024</u>
Project Description	<u>2024 Crack Sealing Project</u>		
Original Contract Amount	\$ <u>108,640.00</u>	Contract + Contingency	\$ <u>119,504.00</u>
Previous Contract Amount	\$ <u>108,640.00</u>		
Change Order Amount	\$ <u>35,000.00</u>		ACTION REQUIRED (SEE BELOW)
Proposed Contract Amount	\$ <u>143,640.00</u>	EXCEEDS APPROVED CONTRACT	
Within Project Scope	<u>YES</u>	Within Project Funding	<u>YES</u>
Original Completion Date	<u>11/1/2024</u>	Change in Completion Date	<u>NO</u>
Revised Completion Date*		<i>*If completion date changed on this Change Order</i>	
Type of Change Order	<u>Design-related</u>	Work Order No(s).	

Description:

The low bid was in the amount of \$108,640.00 which was well under the Engineer's Estimate of \$168,000.00. Change Order No.1 in the amount of \$35,000.00 would allow additional roadways to be crack sealed under this year's project while remaining within the CIP budget of \$200,000.

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

Department Head Signature (≤\$25,000) _____ **SIGN HERE**
Date

ADMINISTRATION

City Administrator Signature (≤\$50,000) _____ **SIGN HERE**
Add to Commission Agenda Date

COMMISSION APPROVAL

Commission Approval Date _____
Attach minutes for Commission Approval

FISCAL

Comments

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

REVISED PROJECT BUDGET

Number	HC 167	Description	2024 Annual Crack Sealing Project
---------------	--------	--------------------	-----------------------------------

Scheduled Start	6/10/2024
------------------------	-----------

Scheduled End	11/1/2024
----------------------	-----------

Project Contracts

<u>Project Construction Contracts</u>	<u>Amount</u>
Roadway Services, Inc. -----	108,640.00
Change Order No. 1 -----	35,000.00
Subtotal	143,640.00
Contingencies 10%	14,364.00
Total Construction Contracts	158,004.00

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

<u>Work by Other City Departments</u>	<u>Amount</u>
Subtotal	-
*Contingencies 10%	-
Total Work by Other City Departments	-

SUMMARY

Construction Cost - No Contingencies **143,640.00**

TOTAL CONSTRUCTION COST WITH CONTINGENCIES **158,004.00**

Engineering	10%	-----	15,800.40
Administration		-----	-
Advertising and Legal		-----	-
Interest During Construction		-----	-

HC 167 TOTAL PROJECT COST **173,804.40**

<u>Project Funding</u>	<u>Amount</u>
City Funded (Sales Tax) -----	173,804.40
Total Funding	173,804.40

Date 6/3/2024

REVISED



Engineering Department

DATE: June 11, 2024

FROM: Gabe Schell, City Engineer

ITEM: Accept Sidewalk Easements

REQUEST:

Sidewalk easements at the intersection of 19th Street and Calgary Avenue.

BACKGROUND INFORMATION:

The 2024 street maintenance project, Street Improvement District 577, will construct a mini-roundabout at the intersection of 19th Street and Calgary Avenue. As part of the roundabout, the pedestrian crossing locations for both streets will be shifted. To improve pedestrian safety, better align the pedestrian movements with the revised crossing locations, and reduce the amount of concrete needed at the intersection, a 15-foot by 15-foot sidewalk easement was identified on three corners of the intersection and the underlying owners have agreed to grant said easement.

RECOMMENDED CITY COMMISSION ACTION:

Approve dedication and acceptance of three sidewalk easements at the intersection of 19th Street and Calgary Avenue.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Sidewalk Easements

SIDEWALK EASEMENT

This indenture, made this _____ day of _____, 20____, between **Block 2, Edgewood Village First Addition Homeowner's Association of Bismarck, Inc.**, whose post office address is 2015 Bay Hill Loop, Bismarck, North Dakota 58503, 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, a non-exclusive easement to construct, operate, maintain, and repair a public sidewalk (the "Work") under or upon the real property hereinafter described, together with the right to ingress and egress across Grantor's real property adjacent to the Easement Area to the extent reasonably necessary in order to allow Grantor to complete the Work and to maintain and repair the sidewalk located within the Easement Area. Grantor also grants to the public a non-exclusive easement of ingress and egress upon the Easement Area for purposes compatible with use as a public sidewalk. Nothing in this agreement is meant to relieve Grantor of any statutory obligations it may have to maintain or repair public sidewalks located adjacent to Grantor's property.

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

A tract of land being a part of Lot 1 Block 2, Edgewood Village First Addition to the City of Bismarck, Burleigh County, North Dakota, being more particularly described as follows:

Beginning at the Southwest corner of Lot 1 Block 2 Edgewood Village First Addition, thence N00°33'37"E along said West boundary line a distance of 15.00 feet; Thence S44°29'50"E a distance of 21.19 feet; thence N89°33'17"W along said South boundary line a distance of 15.00 feet to the point of beginning.

Said described tract contains 112.50 SQ. Feet, more or less.

See Exhibit No. 1

3. Grantor hereby reserves and retains all other property rights in and to the Easement Area, including without limitation, the rights to (a) use the Easement Area for any purpose whatsoever, so long as such use does not unreasonably interfere with Grantee's rights hereunder, and (b) locate electric, gas and water lines and other utilities in the Easement Area, so long as such improvements do not unreasonably interfere with Grantee's permitted use of the Easement Area.

4. Grantee shall, after completing the above-described Work, 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 Work or access to the lands.

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

6. The easement granted herein is given without any warranty or representation regarding the easement or the Easement Area whatsoever, in their "AS-IS", "WHERE-IS", "WITH ALL FAULTS" condition, and subject to all valid and existing licenses, leases, grants, exceptions, encumbrances, title defects, matters of record, reservations and conditions affecting Grantor's Property and/or affecting access thereto.

7. The terms and conditions of this instrument shall run with the land and be binding on Grantor and Grantee and their successors and assigns

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

SIGNATURE PAGE TO SIDEWALK EASEMENT

Dated this 20th day of May, 2024

By Donna Faye Pudwill
Donna Faye Pudwill, President

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

On this 20th day of May, 2024, before me personally appeared Donna Faye Pudwill, 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.


Notary Public

State of North Dakota
Commission Expires: March 18, 2028

Elliot Fried
Notary Public
State of North Dakota
Commission Expires: March 18, 2028

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

_____	Attest: _____
Michael T Schmitz	Jason Tomanek
President, Board of City Commissioners	City Administrator

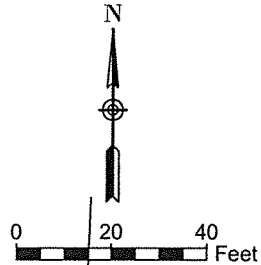
STATE OF NORTH DAKOTA	)
	) SS
COUNTY OF BURLEIGH	)

On this _____ day of _____, 20__, before me personally appeared Michael T Schmitz, President of Board of City Commissioners, and Jason Tomanek, 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.

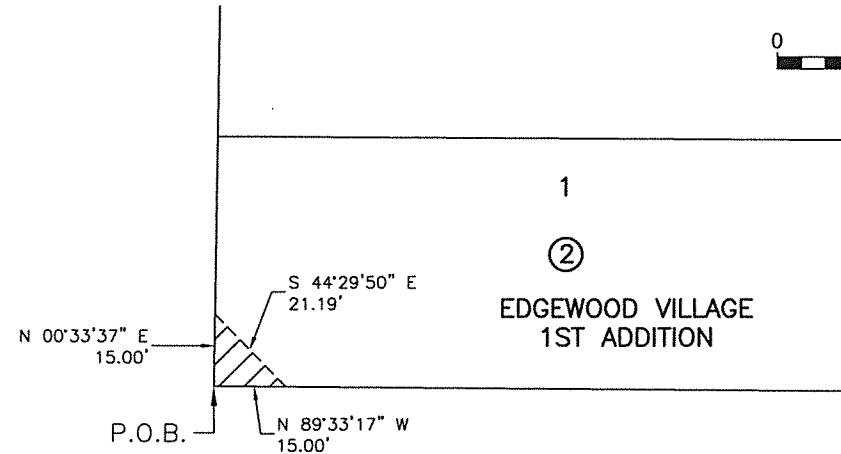
Notary Public

SIDEWALK EASEMENT EXHIBIT

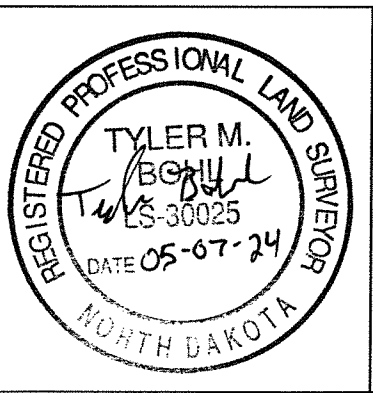
BEING A PART OF LOT 1 BLOCK 2, EDGEWOOD VILLAGE 1ST ADDITION
TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



①
KOCH ADDITION

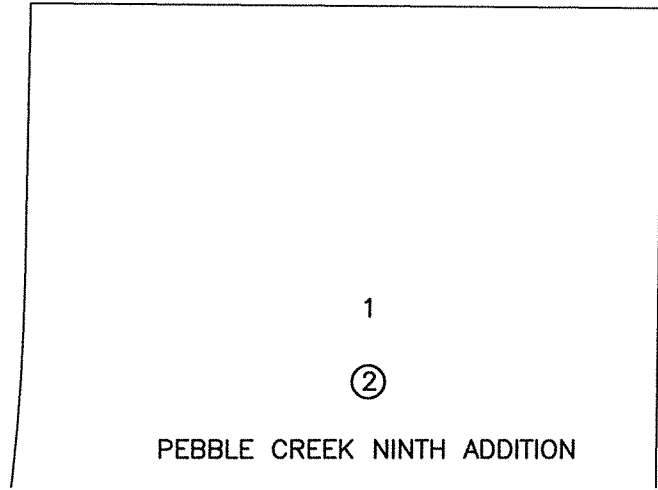


CALGARY AVE.



1
①
PEBBLE CREEK NINTH ADDITION

19TH STREET



SIDEWALK EASEMENT

This indenture, made this 25TH day of May, 2024, between **Zigy Condo Association II**, whose post office address is 1909 E Calgary Ave Apt D, Bismarck, North Dakota 58503, Bismarck, North Dakota, 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, a non-exclusive easement to construct, operate, maintain, and repair a public sidewalk (the "Work") under or upon the real property hereinafter described, together with the right to ingress and egress across Grantor's real property adjacent to the Easement Area to the extent reasonably necessary in order to allow Grantor to complete the Work and to maintain and repair the sidewalk located within the Easement Area. Grantor also grants to the public a non-exclusive easement of ingress and egress upon the Easement Area for purposes compatible with use as a public sidewalk. Nothing in this agreement is meant to relieve Grantor of any statutory obligations it may have to maintain or repair public sidewalks located adjacent to Grantor's property.

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

A tract of land being a part of Lot 1 Block 2, Pebble Creek Ninth Addition to the City of Bismarck, Burleigh County, North Dakota, being more particularly described as follows:

Beginning at the Northwest corner of Lot 1 Block 2 Pebble Creek Ninth Addition, thence S00°48'18"W along said West boundary line a distance of 15.00 feet; Thence N45°36'58"E a distance of 21.28 feet; thence N89°34'20"W along said North boundary line a distance of 15.00 feet to the point of beginning.

Said described tract contains 112.50 SQ. Feet, more or less.

See Exhibit No. 1

3. Grantor hereby reserves and retains all other property rights in and to the Easement Area, including without limitation, the rights to (a) use the Easement Area for any purpose whatsoever, so long as such use does not unreasonably interfere with Grantee's rights hereunder, and (b) locate electric, gas and water lines and other utilities in the Easement Area, so long as such improvements do not unreasonably interfere with Grantee's permitted use of the Easement Area.

4. Grantee shall, after completing the above-described Work, 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 Work or access to the lands.

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

6. The easement granted herein is given without any warranty or representation regarding the easement or the Easement Area whatsoever, in their "AS-IS", "WHERE-IS", "WITH ALL FAULTS" condition, and subject to all valid and existing licenses, leases, grants, exceptions, encumbrances, title defects, matters of record, reservations and conditions affecting Grantor's Property and/or affecting access thereto.

7. The terms and conditions of this instrument shall run with the land and be binding on Grantor and Grantee and their successors and assigns

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

SIGNATURE PAGE TO SIDEWALK EASEMENT

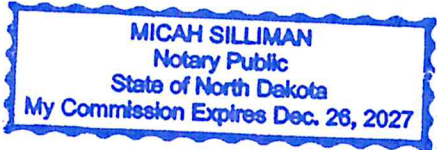
Dated this 25TH day of May, 2024.

By Randal B. Salzer
Randal B Salzer, President
Zigy Condo Association II

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

On this 25 day of May, 2024, before me personally appeared Randal B Salzer, 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.

Micah Silliman
Notary Public



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

_____	Attest: _____
Michael T Schmitz	Jason Tomanek
President, Board of City Commissioners	City Administrator

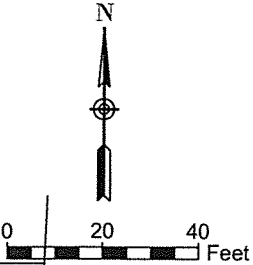
STATE OF NORTH DAKOTA	)
	) SS
COUNTY OF BURLEIGH	)

On this _____ day of _____, 20__, before me personally appeared Michael T Schmitz, President of Board of City Commissioners, and Jason Tomanek, 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.

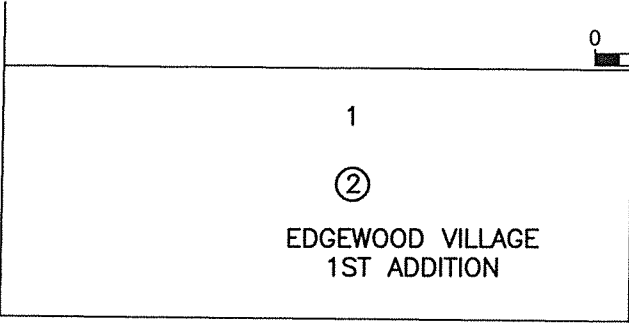
Notary Public

SIDEWALK EASEMENT EXHIBIT

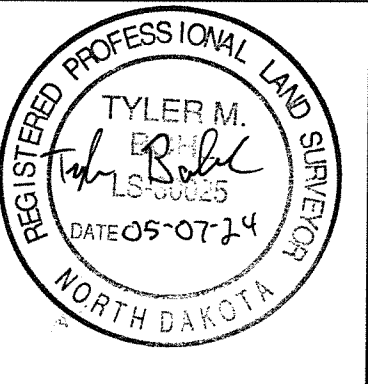
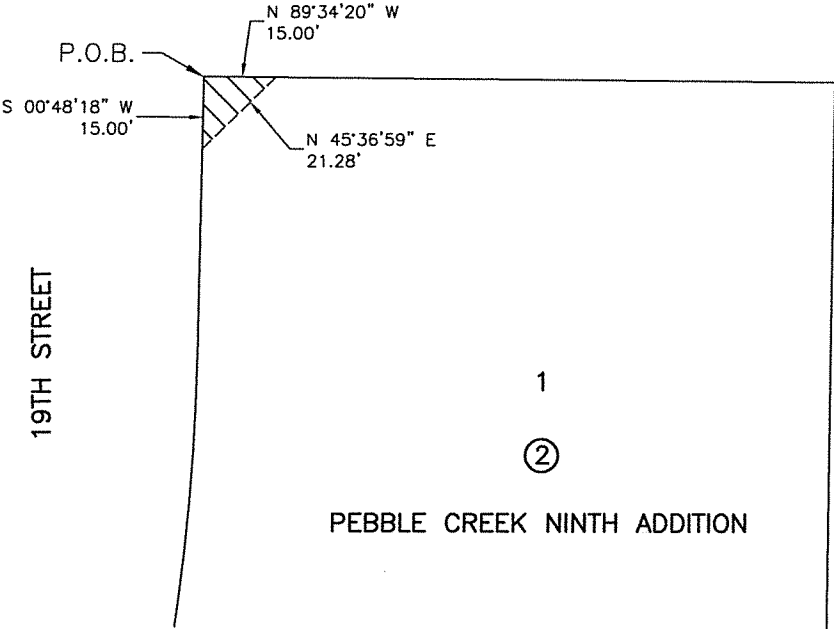
BEING A PART OF LOT 1 BLOCK 2, PEBBLE CREEK NINTH ADDITION
TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



①
KOCH ADDITION



CALGARY AVE.



1
①
PEBBLE CREEK NINTH ADDITION

SIDEWALK EASEMENT

This indenture, made this _____ day of _____, 20__, between **East Calgary Condos**, whose post office address is 1835 E Calgary Ave, Bismarck, North Dakota 58501, 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, a non-exclusive easement to construct, operate, maintain, and repair a public sidewalk (the "Work") under or upon the real property hereinafter described, together with the right to ingress and egress across Grantor's real property adjacent to the Easement Area to the extent reasonably necessary in order to allow Grantor to complete the Work and to maintain and repair the sidewalk located within the Easement Area. Grantor also grants to the public a non-exclusive easement of ingress and egress upon the Easement Area for purposes compatible with use as a public sidewalk. Nothing in this agreement is meant to relieve Grantor of any statutory obligations it may have to maintain or repair public sidewalks located adjacent to Grantor's property.

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

A tract of land being a part of Lot 1 Block 1, Pebble Creek Ninth Addition to the City of Bismarck, Burleigh County, North Dakota, being more particularly described as follows:

Beginning at the Northeast corner of Lot 1 Block 1 Pebble Creek Ninth Addition, thence N89°37'24"W along said North boundary line a distance of 15.00 feet; Thence S44°13'58"E a distance of 21.07 feet; thence N01°09'27"E along said East boundary line a distance of 15.00 feet to the point of beginning.

Said described tract contains 112.50 SQ. Feet, more or less.

See Exhibit No. 1

3. Grantor hereby reserves and retains all other property rights in and to the Easement Area, including without limitation, the rights to (a) use the Easement Area for any purpose whatsoever, so long as such use does not unreasonably interfere with Grantee's rights hereunder, and (b) locate electric, gas and water lines and other utilities in the Easement Area, so long as such improvements do not unreasonably interfere with Grantee's permitted use of the Easement Area.

4. Grantee shall, after completing the above-described Work, 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 Work or access to the lands.

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

6. The easement granted herein is given without any warranty or representation regarding the easement or the Easement Area whatsoever, in their "AS-IS", "WHERE-IS", "WITH ALL FAULTS" condition, and subject to all valid and existing licenses, leases, grants, exceptions, encumbrances, title defects, matters of record, reservations and conditions affecting Grantor's Property and/or affecting access thereto.

7. The terms and conditions of this instrument shall run with the land and be binding on Grantor and Grantee and their successors and assigns

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

SIGNATURE PAGE TO SIDEWALK EASEMENT

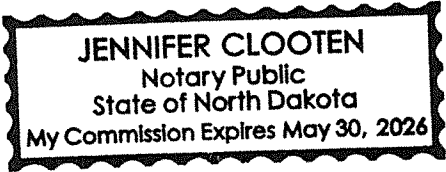
Dated this 20th day of May, 2024

By Donald W. Van Beek
Donald W Van Beek, President
East Calgary Condos

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this 20th day of May, 2024, before me personally appeared Donald W Van Beek, 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.

Jennifer Clooten
Notary Public



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

Michael T Schmitz
President, Board of City Commissioners

Attest: _____
Jason Tomanek
City Administrator

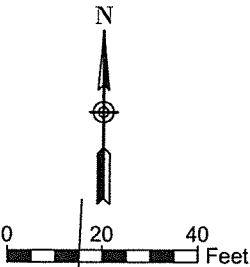
[illegible]

On this _____ day of _____, 20____, before me personally appeared Michael T Schmitz, President of Board of City Commissioners, and Jason Tomanek, 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

SIDEWALK EASEMENT EXHIBIT

BEING A PART OF LOT 1 BLOCK 1, PEBBLE CREEK NINTH ADDITION
TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



①

KOCH ADDITION

1

②

EDGEWOOD VILLAGE
1ST ADDITION

CALGARY AVE.

N 89°37'24" W
15.00'

P.O.B.

S 44°13'58" E
21.07'

N 01°09'27" E
15.00'

1

①

PEBBLE CREEK NINTH ADDITION

19TH STREET

1

②

PEBBLE CREEK NINTH ADDITION



05/07/2024



Finance Department

DATE: June 11, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Applications for Abatement

REQUEST:

Applications for Abatement.

BACKGROUND INFORMATION:

Applications for Abatement for 2022 & 2023

Property Owner - Jesse Baker

Property Address - 1616 Richmond Dr

Property ID - 0596-019-075

Application for Abatement for 2023

Property Owner - Steven & Deborah Van Berkom

Property Address - 3011 Chisholm Trl

Property ID - 1317-003-010

Applications for Abatement for 2022 & 2023

Property Owner - Michelle Welder

Property Address - 308 Toronto Dr

Property ID - 1043-001-030

The property owners have met the requirements set forth in NDCC 57-02-08 to apply for the disabled veteran credit; market value reductions due to an error in the property description.

RECOMMENDED CITY COMMISSION ACTION:

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

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Abatements



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. 0596-019-075
 Name BAKER, JESSE L Telephone No. _____
 Address 1616 RICHMOND DR, BISMARCK, ND 58504-7153

Legal description of the property involved in this application:

MEADOW VALLEY 4TH
 Block: 19
 LOT 16

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

Land \$ 52,000
 Improvements \$ 191,900
 Total \$ 243,900
 (1)

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

Land \$ 52,000
 Improvements \$ 191,900
 Total Adj \$ 198,900
 (2)

The difference of \$ 45,000 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- ☐ 2. Residential or commercial property's true and full value exceeds the market value
- ☐ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☒ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☐ 10. Other (explain) (5090) (1/2 inter.)

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

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

Applicant asks that the application be approved as presented.

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant Jesse L Baker

Date 5-21-24

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

Jesse Baker

County Auditor's File No.

24-615

Date Application Was Filed
With The County Auditor

5/22/24

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)

Mark Spink

MB

Application For Abatement Or Refund Of Taxes
North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District #1
County of BURLEIGH Property I.D. No. 0596-019-075
Name BAKER, JESSE L. Telephone No. _____
Address 1616 RICHMOND DR, BISMARCK, ND 58504-7153

Legal description of the property involved in this application:

MEADOW VALLEY 4TH
Block: 19
LOT 16

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

Land \$ 52,000
Improvements \$ 197,500
Total \$ 249,500
(1)

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

Land \$ 52,000
Improvements \$ 197,500
Total Adj \$ 195,500
(2)

The difference of \$ 54,000 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- ☐ 2. Residential or commercial property's true and full value exceeds the market value
- ☐ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☒ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☐ 10. Other (explain) (60%) (1/2 inter.)

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

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

Applicant asks that the application be approved as presented.

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant Jesse L. Baker

Date 5-21-24

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

County Auditor's File No.

Date Application Was Filed
With The County Auditor

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)

Made Spanskowski
MB



Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District #1
 County of BURLEIGH Property I.D. No. 1317-003-010
 Name VAN BERKOM, STEVEN M & DEBORAH Telephone No. _____
 Address PO BOX 1763, BISMARCK, ND 58502-1763

Legal description of the property involved in this application:

PROMONTORY POINT II Block: 3 AUDITORS LOT 2A BEING A PART OF LOT 2

Property Address: 3011 Chisholm Trl

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

Land \$ 94,200
 Improvements \$ 476,200
 Total \$ 570,400
 (1)

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

Land \$ 94,200
 Improvements \$ 476,200
 Total Adj. \$ 444,400
 (2)

The difference of \$ 126,000 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- ☐ 2. Residential or commercial property's true and full value exceeds the market value
- ☐ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☒ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☐ 10. Other (explain) (70% Dis)

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

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

Applicant asks that the application be approved as presented.

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

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

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

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

Steven & Deborah Van Berckom

County Auditor's File No.

24-621

Date Application Was Filed With The County Auditor

5/29/24

Date County Auditor Mailed Application to Township Clerk or City Auditor

(must be within five business days of filing date)

Mark Spindler

MP

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District #1

County of Burleigh

Property I.D. No. 1043-001-030

Name WELDER, MICHELLE R

Telephone No. _____

Address 308 TORONTO DR, BISMARCK, ND 58503-0274

Legal description of the property involved in this application:

HIGH MEADOWS Block: 1 LOT 7

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

Land \$ 74,000
Improvements \$ 297,800
Total \$ 371,800
(1)

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

Land \$ 74,000
Improvements \$ 253,800
Total \$ 327,800
(2)

The difference of \$ 44,000.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

Applicant asks that Value be reduced from \$371,800 to \$327,800

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 Michelle R. Welder

Date 5-29-24

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

County Auditor's File No.

Date Application Was Filed
With The County Auditor

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)

Michelle Walder
24-625
5/31/24
Mark J. Janssen
MP

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

Assessment District

#1

County of

Burleigh

Property I.D. No.

1043-001-030

Name WELDER, MICHELLE R

Telephone No.

Address 308 TORONTO DR, BISMARCK, ND 58503-0274

Legal description of the property involved in this application:

HIGH MEADOWS Block: 1 LOT 7

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

Land \$ 74,000
Improvements \$ 325,900
Total \$ 399,900
(1)

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

Land \$ 74,000
Improvements \$ 281,900
Total \$ 355,900
(2)

The difference of \$ 44,000.00 true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

Applicant asks that Value be reduced from \$399,900 to \$355,900.

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

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

Michelle Walder

County Auditor's File No.

24-626

Date Application Was Filed
With The County Auditor

5/31/24

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)

Mark Sparsburg

MB



Police Department

DATE: June 11, 2024

FROM: Cody Trom, Police Lieutenant

ITEM: Patrol Rifles Purchase

REQUEST:

Permission to purchase police patrol rifles from Scheels.

BACKGROUND INFORMATION:

With the 2024 budget, the police department is continuing to replace an inventory of aged Smith and Wesson patrol rifles with an upgraded Daniel Defense AR-15 platform. As a way to maximize the quantities purchased and reduce costs, Scheels has integrated a trade value for 20 rifles which provides a balance due within budget. The difference due after trade would be \$29,875.50.

RECOMMENDED CITY COMMISSION ACTION:

Authorize the purchase of 15 Daniel Defense police patrol rifles from Scheels with the trade of 20 Smith and Wesson rifles.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Scheels Rifle Quote with Trade



EMPLOYEE OWNED

BISMARCK KIRKWOOD SCHEELS

800 KIRKWOOD MALL
BISMARCK, ND 58504
701 255 7255

Hello Craig.

Thank you for reaching out to us for the opportunity to take care of your department on the DD rifle packages. Below you will see each item requested at a 15% discount off of our regular retail price. I will list each item individually as you requested from Jacob Weigel both with our regular retail followed by the discounted price and the total for the full quantities. If there is anything else you need from me, please don't hesitate to reach out.

	<u>Reg</u>	<u>Disc</u>	<u>Total</u>
15 - Daniel Defense DDM4 V7 SLW 02-128-15049-047	\$2051.00	\$1743.35	\$26,150.25
15 - Aimpoint Micro P2 Sights 200170	\$749.99	\$637.49	\$9562.35
15 - Aimpoint Risers 12358	\$88.00	\$74.80	\$1122.00
15 - Streamlight Protac lights 88066	\$105.95	\$90.05	\$1350.75
15 - Magpul MBUS pro front sight MAG275	\$85.99	\$73.09	\$1096.35
15 - Magpul MBUS pro rear sight MAG276	\$104.99	\$89.24	\$1338.60
100 - Magpul 30 rd Pmags MAG556-BLK	\$17.99	\$12.99	\$1299.00
15 - Sling MS1QDM MAG939	\$74.99	\$63.74	\$956.10
	\$50,712.65		\$42,875.30
- Trade value of M&P rifles			\$15,000.00

Trade **20** Smith and Wesson M&P patrol w/Aimpoint T2 Micro, Surefire light, Pistol grip, and sling @ **\$750.00 ea.**

Difference Due \$27,875.30

Thank you.

Kyle Kline

Assistant Store Leader

Kirkwood Scheels

kekline@scheels.com

701-255-7255

OUR GOAL IS TO BE THE BEST RETAILER IN THE USA

IN THE EYES OF OUR CUSTOMERS, ASSOCIATES AND BUSINESS PARTNERS.



Police Department

DATE: June 11, 2024

FROM: Randy Ziegler, Deputy Police Chief-Field Services

ITEM: Accept Wallace Birkland Donation

REQUEST:

Accept donation from Wallace Birkland.

BACKGROUND INFORMATION:

We are requesting to accept a donation from Wallace Birkland for the Bismarck Police Department

RECOMMENDED CITY COMMISSION ACTION:

Approve Donation.

STAFF CONTACT INFORMATION:

Randy Ziegler, Deputy Police Chief-Field Services, 701-355-1869, rzeigler@bismarcknd.gov

ATTACHMENTS:

None



Public Works Service Operations

DATE: June 11, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Sell/Dispose of 2014 Multi-Pack Garbage Truck

REQUEST:

Permission to sell /dispose of Solid Waste Collection Multi-Pack Garbage Truck at public auction.

BACKGROUND INFORMATION:

Below is the Multi-Pack Garbage Truck (Solid Waste Collection Division) that we are requesting permission to sell/dispose at a public auction.

Unit	Asset Number	Description	VIN	License	Department	Meter Type	Meter	In Service Date
3432	10045	2014 PETERBILT 320	3BPZLJ0X8EF235532	G84509 ND	Solid Waste Collections	Hours	10382	9/7/2012

RECOMMENDED CITY COMMISSION ACTION:

Approve request to sell/dispose Multi-Pack Garbage Truck in the Solid Waste Collection Division.

STAFF CONTACT INFORMATION:

Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov

ATTACHMENTS:

None



Public Works Service Operations

DATE: June 11, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Tire Recycling Contract Award

REQUEST:

Permission to award the contract for Tire Recycling to Saber Shred Solutions, Inc.

BACKGROUND INFORMATION:

The City of Bismarck Department of Public Works Solid Waste Division requested informal price quotes for tire recycling at the landfill from three (3) vendors. We received one (1) price quote from Saber Shred Solutions, Inc. The initial term of this agreement shall be for one (1) year commencing on *bid award date and expiring June 30, 2025. The agreement shall automatically renew for three (3) additional one-year periods, beginning July 1 of each option year, unless otherwise notified. The agreement may be extended for an additional two (2) year period upon written mutual agreement of both parties to negotiate in good faith to establish rates for calendar years beginning 7/1/2028. Either party may cancel this agreement any time it may be determined to be in the best interest to do so. We recommend accepting the bid and award to Saber Shred Solutions, Inc., Tire Recycling at the landfill. Attached is the Request for Quotes and Informal Price Quote Tab.

RECOMMENDED CITY COMMISSION ACTION:

Approve the bid award for Tire Recycling to Saber Shred Solutions, Inc.

STAFF CONTACT INFORMATION:

Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov

ATTACHMENTS:

1. Tire Recycling Price Quote Request 2024
2. Tire Recycling Informal Quotes Tab 2024



City of Bismarck
Department of Public Works Solid Waste Division

INFORMAL QUOTES FOR TIRE RECYCLING
Quotes Due by 1:00 pm on Monday, June 3, 2024.

The City of Bismarck Department of Public Works Solid Waste Division is seeking price quotes for tire recycling. Please provide pricing information for tire recycling listed at the bottom of the page.

Price Quotes must be returned by 1:00 pm on Monday, June 3, 2024. Quotes may be emailed to publicworksservice@bismarcknd.gov or deposited with the Public Works Service Operations Department, 601 S 26th Street, Bismarck ND 58504.

Please contact Leland Miller or Alesha Dockter at 701-355-1700, option 3 if you have any questions. Thank you.

Insurance Coverage: The Successful bidder must have insurance coverage as listed.

- Certificate of Workers Compensation Coverage – State: Statutory
- The **Company** shall furnish copies of insurance certificates for such coverage upon signing this contract. The **City of Bismarck** shall be named as an **additional insured** with **waiver of subrogation** on the policy for the duration of the contract. The **City** shall be immediately notified of any cancellation or cessation of insurance coverage.

Commercial General Liability Insurance

- \$2,000,000 Each Occurrence

Automobile Liability Insurance

- \$500,000 Bodily Injury (per person)
- \$500,000 Property Damage (per accident)
- \$2,000,000 Combined Single Limit (each accident)

Term of Agreement:

- The initial term of this agreement shall be for one (1) year commencing on *bid award date and expiring June 30, 2025. The agreement shall automatically renew for three (3) additional one-year periods, beginning July 1 of each option year, unless otherwise notified.
- Agreement may be extended for an additional two (2) year period upon written mutual agreement of both parties to negotiate in good faith to establish rates for calendar years beginning 7/1/2028.
- Either party may cancel this agreement any time it may be determined to be in the best interest to do so. A notice of intent shall be served at least thirty (30) days prior to the date of said notice of cancellation.

TIRE RECYCLING PRICING (*contract year runs July 1 through June 30)				
Item Description	Cost per Ton 2024	Cost per Ton 2025	Cost per Ton 2026	Cost per Ton 2027
Tires, Tires with Rims, Rubber Dozer Tracks				

Date: _____ Email Address: _____

Company: _____

Printed Name: _____ Signature: _____

Title: _____

Mailing Address: _____

City State Zip

Phone Number: _____ Cell Phone: _____

**TIRE RECYCLING
INFORMAL QUOTES TABULATION
JUNE 3, 2024**

TIRE RECYCLING PRICING (*contract year runs July 1 through June 30)

Cost includes: Tires, Tires with Rims, Rubber Dozer Tracks

Vendor	Cost Per Ton 2024	Cost Per Ton 2025	Cost Per Ton 2026	Cost Per Ton 2027
Rollin Express LLC	No Bid	No Bid	No Bid	No Bid
Saber Shred Solutions, Inc.	\$210.00	\$220.00	\$230.00	\$230.00
Ttires for Reclamation	No Bid	No Bid	No Bid	No Bid

Agreement may be extended for an additional two (2) year period upon written mutual agreement of both parties to negotiate in good faith to establish rates for calendar years beginning 7/1/2028.



Public Works Utility Operations

DATE: June 11, 2024

FROM: Michelle Klose, Director Public Works Utilities

ITEM: PKG Contracting, Inc. WWTP Project

REQUEST:

Work Authorization 2 with PKG Contracting, Inc., for the Wastewater Treatment Plant Flow Equalization (FEQ) Project.

BACKGROUND INFORMATION:

Bids were received on May 9, 2024 for early procurement for the FEQ project at the wastewater treatment plant. The equipment included in the early procurement includes electrical equipment, pumps, motors, and clarifiers which have long lead times for production. The bid tabulation for the FEQ equipment is attached for review.

RECOMMENDED CITY COMMISSION ACTION:

Approve Work Authorization 2 to PKG Contracting, Inc., in the amount of \$2,158,933 for early procurement of equipment for the FEQ Project at the Wastewater Treatment Plant.

STAFF CONTACT INFORMATION:

Amber Araujo, Executive Assistant, 701-355-1739, aaaraujo@bismarcknd.gov

ATTACHMENTS:

1. Equipment Procurement Proposal



May 17, 2024

Michelle Klose, Director
Bismarck Public Works Utility Operations
601 South 26th Street
Bismarck, ND 58504

Re: Flow Equalization (FEQ) Project
Bismarck Wastewater Treatment Facility
Sub: WA2 Procurement Proposal

Dear Ms. Klose:

We are pleased to submit our Work Authorization 2 to provide the electrical, pumps/motors, and clarifier equipment as an early procurement for FEQ project at the Bismarck Wastewater Treatment Facility per the Bid results for the following price.

Equipment Procurement **\$2,158,933**

Attached is the Bid Tabulation, the risk register associated with equipment, and the Exhibit B Work Authorization. The bids will be for the base bids to Edling Electric for the electrical equipment, Vessco for the pumps and motors, and Fougner for the clarifiers. No alternates were accepted for the project.

Please feel free to call my direct cell phone number at 701 527-2451 or email russ@pkg-inc.com or Darin Pfingsten darin@pkg-inc.com if any questions arise.

Thank you for your time,

A handwritten signature in black ink that reads 'Russell Sorenson'.

Russell Sorenson, CMAR Manager
PKG

Cc: Darin Pfingsten, President PKG
Jeremy Johnson, Project Manager PKG
Jarrett Hillius, HDR

Office: 701-232-3878
Fax: 701-232-3935

4301 S University Drive
Fargo, ND 58104
www.pkg-inc.com



Bismarck WWTF - FEQ Equipment Bid Tabulation

5/09/24 @ 4:00 pm

Bidder	Base Bid	Preconstrucion Fee	Alternatives		Acknowledge Addendum(s)
Bid Package 26b - Electrical Equipment					
Edling Electric	\$ 617,145.00	\$ 4,000.00			x
	Equipment is EATON, Breakers are Siemens (Bid Form incorrect)				
Skeels Electric	\$ 658,460.00	\$ 5,000.00			x
	Equipment is EATON, Breakers are Siemens				
Bid Package 43b - Pumps and Motors					
Vessco	\$ 329,300.00	\$ -			x
	Bid all pumps				
Quality Flow Systems	\$ 71,645.00	\$ -			x
	Bid only Supernatant and Scum Pumps (Boerger)				
Bid Package 46c - Clarifiers (Alternates: A.1 5-year warranty; A.2 FRP feedwell)			Alt A.1	Alt A.2	
Fougner	\$ 1,090,284 Plow Scraper	\$ 3,500.00	\$ -	\$ (99,917.00)	x
	\$ 1,182,422 Spiral Scraper		\$ -		
Ovivo	\$ 1,334,360 Plow Scraper	\$ 40,000.00	\$ 9,681.000	\$ 16,929.00	x
	\$ 1,410,431 Spiral Scraper		\$ 9,681.000		
WesTech	\$ 1,394,703 Plow Scraper	\$ 91,790.00	\$ 18,116.000	\$ 48,808.00	x
	\$ 1,436,552 Spiral Scraper		\$ 18,116.000		
Evoqua	\$ 2,015,848 Plow Scraper	\$ 211,397.00	\$ 166,446.000	\$ -	x
	\$ 2,113,973 Spiral Scraper		\$ 172,346.000		

Project:

Flow Equalization Improvements

Owner:

City of Bismarck, Wastewater Treatment Facility

Exhibit B - Work Authorization Compensation

Work Authorization No.: WA2 - FEQ

Work Authorization: Equipment Procurement

Use the following table for early procurement of equipment and for early Bid Packages for construction work to be performed prior to the final bidding and 100% GMP

Early Phased Guaranteed Maximum Price

Bid Package	Description	Units	Quantity	Unit Price	Amount
26b	Electrical Equipment	ls	1	\$ 617,145.00	\$ 617,145.00
43b	Pumps and Motors	ls	1	\$ 329,300.00	\$ 329,300.00
46c	Clarifiers	ls	1	\$ 1,090,284.00	\$ 1,090,284.00
	No Alternates Accepted				\$ -
					\$ -
					\$ -
Equipment Procurement					\$ 2,036,729.00
CMAR Fee and Contingency will be totaled at 100% GMP					
CMAR Fee			0%		\$ -
CMAR Contingency Allowance *Note above			6%	% or Fixed Cost	\$ 122,204.00
(Total Cost of the Equipment, CMAR Fee and CMAR Contingency Allowance)					\$ 2,158,933.00

City of Bismarck WWTP - Flow Equization Projct - Risk Register- Equipment Procurement WA 2																								
										CONTINGENCY BEFORE MIDIGATION				\$ 122,203.74		MIDIGATED CONTINGENCY		\$ 24,440.75						
RISK DESCRIPTION											MITIGATION													
#	STATUS	ENTITY CAUSING RISK	PRIMARY RISK CATEGORY	RISK DESCRIPTION	Bid Package	\$ in Cost Model	POTENTIAL OUTCOME(S) OF RISK	Field of Impact Schedule Budget Reputation	Intensity of Impact	RISK MATRIX (VERY LOW TO VERY HIGH)	MITIGATION CATEGORY	MITIGATION DESCRIPTION	RESPONSIBILITY FOR MITIGATING/ MANAGING RISK	CONTINGENCY CALCULATION	CONTINGENCY VALUE	MITIGATION PROBABILITY	TOTAL CONTINGENCY VALUE	EVENT TRIGGERING ELEMINATION OF RISK						
13	Open	Engineering Construction	Engineering Permitting Construction Other	Equipment Bid Package - Early Procurement	26b 43b 46c	\$ 2,036,729	Changes in Equipment Contract during final design and submittals	Budget	Prob High Impact Low	PROBABILITY	VH	5	8	12	20	24	Avoid Transfer Mitigate Accept	Correct contracts to match changes.	Engineering	Package Value x % Risk	\$ 122,204	80%	\$ 24,441	90 - 100% Design revisions
										H	4	6	10	16	20									
										M	3	4	6	10	12									
										L	2	3	4	6	12									
										VL	1	2	4	10	12									
IMPACT		VL	L	M	H	VH																		



Administration Department

DATE: June 11, 2024

FROM: Jason Tomanek, City Administrator

ITEM: Heartview Foundation Vision Fund Application

REQUEST:

Consider the recommendation from the Vision Fund Committee to support a Flex PACE program interest buy-down for Heartview Foundation.

BACKGROUND INFORMATION:

Heartview Foundation has requested a Flex PACE program interest rate buy-down to purchase the property at 116 N 4th Street for use as administrative offices. The Vision Fund Committee met on May 23, 2024, and reviewed the application. The Committee supported the pre-application as presented and recommended moving the request directly to the city commission for consideration, foregoing the full application meeting. The full application is included in the packet. The Lewis & Clark Development Group can provide the loan servicing administration required for this request. A loan servicing fee of 1% will be paid to Lewis & Clark Development Group by Heartview Foundation. A loan interest charge of 1% will be paid back to the Vision Fund by Heartview Foundation. The Vision Fund Committee approved moving the request to the City Commission for consideration and final approval. The amount requested from the Vision Fund is an amount of \$100,675.65. Nathan Schneider, Chamber EDC Vice President will be available to answer the Board's questions regarding this request.

RECOMMENDED CITY COMMISSION ACTION:

Consider approval of a request from the Vision Fund Committee to support a Flex PACE program interest buy-down for Heartview Foundation structured as a loan for an amount of \$100,675.65.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Heartview Foundation Vision Fund Full Application



BISMARCK VISION FUND APPLICATION - FORM 1

Please complete and return to the Bismarck Mandan Chamber EDC
1640 Burnt Boat Drive, Bismarck, North Dakota 58503.

Applications will be reviewed by the Bismarck Vision Fund Committee.
Please allow 3 - 4 weeks for consideration.

GENERAL CONTACT INFORMATION		
Business Name: Heartview Foundation		FOR INTERNAL USE ONLY
Business Address: 101 E Broadway Ave		Date Received:
City: Bismarck	State: ND	Zip Code: 58502
Project Address: 116 N 4th St		Date to Vision Fund Committee:
City: Bismarck		State: ND
Zip Code: 58502		Date to Commission:
Contact: Ryan Messer		Date Commission Approved:
Business Phone Number: 701-751-5704		Funding Amount Approved:
Cell Number: 701-333-9352		Other:
Federal Tax ID Number: 45-0282159		
E-Mail: ryan@heartview.org		
Date Business Established: 1964		
Amount Vision Fund Funds Requested: \$94,503.27		
FINANCIAL INFORMATION		
Total Project Cost: \$2,200,000		Owner's Equity: \$440,000
PURPOSE OF REQUEST		
☐ New Business ☐ Business/Equipment Updates ☒ Business Expansion ☐ Other:		
BUSINESS OWNERSHIP INFORMATION		
Ownership Structure ☐ Sole Proprietorship ☐ Partnership ☐ Limited Liability Corporation ☐ Public Corporation ☒ Other: 501(c)3		
Key Owner Names (List all with a 20% interest or more) N/A	% Ownership 	Social Security Number - - - - - - - - - -
Key Management Name/ Phone Number Kurt Snyder/701-751-5708 Ryan Messer/701-751-5704	Titles Executive Director CFO	



BISMARCK VISION FUND APPLICATION - FORM 1

Please complete and return to the Bismarck Mandan Chamber EDC
1640 Burnt Boat Drive, Bismarck, North Dakota 58503.

Applications will be reviewed by the Bismarck Vision Fund Committee.
Please allow 3 - 4 weeks for consideration.

EMPLOYEE INFORMATION				
Current Employees	Full-Time: 121	Avg. Salary: \$62,450	Part-Time: 43	Avg. Salary: \$47,050
3-Year Projection	Full-Time: 133	Avg. Salary: \$72,300	Part-Time: 46	Avg. Salary: \$54,400
5-Year Projection	Full-Time: 140	Avg. Salary: \$79,700	Part-Time: 49	Avg. Salary: \$60,000
How many jobs will this project create?	Full-Time: 10		Part-Time: 2	
Average salary of new jobs?	Full-Time: \$66,000		Part-Time: \$45,000	
PROJECT INFORMATION				
Please provide a summary of the project. The Heartview Foundation has ran out of space and is unable to expand in Bismarck without expansion. Heartview is currently renting an upper floor of 116 N 4th St for administrative staff and is considering purchasing the entire building in order to expand to the lower floor and basement. This expansion would allow us to move additional administrative staff from Heartview's 101/121/123 E Broadway and 305 N 23rd St locations, allowing for additional clinical staff to be hired and additional services to be offered.				
Describe what your company does to add value to your product, process or service. The Heartview Foundation was established in 1964 as a drug and alcohol treatment center and has served over 30,000 patients and their families. Heartview is headquartered in Bismarck, where we have a 16-bed residence, a 13-bed residence, intensive day treatment, outpatient services, and a Medications for Opioid Use Disorder (MOUD) program. Heartview currently has approximately 160 employees, 100 of which are located in Bismarck. From Nov 22-Oct 23, Heartview served 1,199 clients, took 1,907 intake calls, connected 606 uninsured clients to coverage and treatment, and served 47 out of 53 counties in North Dakota.				
Describe the economic impact this project will have on the city of Bismarck. This expansion will allow Heartview to hire additional administrative and clinical staff and to expand treatment services. The larger impact will be on the number of individuals with a substance abuse disorder that can be served by Heartview. The more clients served, the more formerly unemployed or underemployed individuals can fill needed jobs. In 2021, around 21% of North Dakotan adults had a substance use disorder and 113,000 needed, but did not receive treatment. Nationally, 25.8% of individuals with a SUD are unemployed or not in the workforce. By treating these individuals, North Dakota can add thousands of new workers.				
Has or will this project receive any other incentive? ☒ Yes ☐ No If yes, please explain. Potential MIDA Bond Application				
Please attach a brief (no more than two pages) description of business, trade area served, kind of jobs to be created, and any other information that may help describe this project and demonstrate eligibility criteria are met.				



BISMARCK VISION FUND APPLICATION - FORM 1

Please complete and return to the Bismarck Mandan Chamber EDC
1640 Burnt Boat Drive, Bismarck, North Dakota 58503.

Applications will be reviewed by the Bismarck Vision Fund Committee.
Please allow 3 - 4 weeks for consideration.

Additional information or documentation may be requested if deemed necessary.

Be advised as per North Dakota open records law that applications may be released to the public if requested except for portions subject to NDCC 44-04-18.4 pertaining to confidentiality of trade secret, proprietary, commercial and financial information.

Certification and Authorization

I/We certify that all information set forth in this application is a true representation of the facts pertaining to the proposing business for the purpose of obtaining funding under the Bismarck Vision Fund.

I/We understand and acknowledge that any willful misrepresentation of the information contained in this application could result in disqualification from the program, requiring any funds already disbursed to be repaid in full to the City of Bismarck.

The undersigned specifically authorizes the Bismarck Mandan Chamber EDC or its representatives to conduct a background check on the applicant, including the checking of references and the verification of any information on the application.

I understand that personal and/or business information may be requested pursuant to this applicant for an incentive and I hereby give my consent for such information to be provided to the Bismarck Mandan Chamber EDC, Vision Fund Committee, the City of Bismarck or its representatives. I also understand that the Bismarck Vision Fund Committee and the City of Bismarck retain the decision as to whether this incentive application is approved, disapproved, or modified. It is my right to accept or decline the incentive amount and terms approved by the program.

The applicant further certifies that he/she has read and understands the Bismarck Vision Fund Guidelines. The applicant must comply with all local, state and federal regulations. It is understood that all funding commitments are contingent upon the availability of program funds.

Release of Information

The applicant hereby authorizes any third party to release to the Bismarck Vision Fund and/or the Bismarck Mandan Chamber EDC without limit, any and all financial information regarding the applicant that is requested by the Bismarck Mandan Chamber EDC, it's representatives or employees. Further, the applicant hereby authorizes release of said records and information by the Bismarck Mandan Chamber EDC to a third party, as deemed necessary by the Bismarck Mandan Chamber EDC, it's representatives or employees.

All owners, officers or partners must sign this application.

Signatures:

Applicant/Business Owner

Date

Applicant/Business Owner

Date

Heartview Vision Fund Brief

Description of Business/Area Served

The Heartview Foundation was established in 1964 as a drug and alcohol treatment center and has served over 31,000 patients and their families. Since its inception, the mission of Heartview has been to be the provider of choice for quality treatment and education for substance use disorders. Heartview is headquartered in Bismarck, where we have a 16-bed residence, a 13-bed residence, intensive day treatment, outpatient services, and a Medications for Opioid Use Disorder (MOUD) program. Heartview also has 16-bed facilities in Dickinson and Cando, N.D. Heartview currently has approximately 165 employees, 100 of which are located in Bismarck, an exponential growth of new jobs since 2011, when Heartview had 33 employees.

Under the Affordable Care Act, nonprofit hospitals are required to regularly complete a community health needs assessment (CHNA) using surveys, focus groups, and community member interviews to identify community perceptions of critical health needs. Based on data collected from 36 CHNAs in ND between 2017 and 2019, substance abuse and mental health were ranked most frequently as the top health concerns (UND Center for Rural Health, 2020). These findings are not surprising in that similar results were found in a 2014 report commissioned by the North Dakota State Legislature which concluded, succinctly, “the North Dakota mental health and substance abuse system is in crisis” (p. 1, Schulte Consulting, 2014).

Last year, Heartview served 1,199 clients needing substance use treatment, an increase from 755 the year before. Of those who responded with a race, 25% identified themselves as Native American and 67% identified themselves as white. Around 70% of Heartview’s patients qualify for Medicaid and 322 used the N.D. Substance Use Disorder Voucher last year. Since 2019, Heartview has completed 2880 intakes and evaluations on new patients, 35% of those patients listed alcohol as their primary drug of choice and 28% listed opioids.

Opioid addiction and overdose is an increasing problem in Bismarck and Heartview provides Bismarck’s only OTP. OTP programs have been used for the past half century and are an evidence-based way to treat opioid use disorder. Mortality is reduced by approximately 50 percent, criminal behaviors are reduced, and social functioning is improved (National Academies of Sciences, Engineering, and Medicine; Health and Medicine Division, 2019).

In Bismarck, Heartview has replicated this evidence of success. From 2021-2022, Heartview surveyed 305 OTP patients. At baseline, 32% of patients were employed, 90% had been arrested in their lifetime (an average of 10 times), and 61% had overdosed during their lifetime. In a follow-up survey one year later, 70% of patients were employed, only 4% had been arrested in the last month, and less than 1% had overdosed in the last month.

Heartview partners with Bismarck and other communities whenever possible. A few examples of these partnerships are:

The Heartview –Department of Corrections MAT program provides addiction treatment services, including treatment with Methadone, to individuals incarcerated at the North Dakota State Penitentiary, Dakota Women’s Correctional Rehab Center, and Burleigh-Morton County Detention Center. In order to provide continuity of care to OUD clients who become incarcerated during the course of treatment, Heartview prepares, transports, and administers medication to them while they are incarcerated. By facilitating continued access to MAT for individuals who are on prescribed FDA-approved MAT, correctional agencies can minimize the risk of post-release overdose and death.

The Opioid Bridge project, funded through a Bureau of Justice Assistance grant, is a community collaboration designed to intervene with individuals experiencing an opioid overdose who are treated in local emergency rooms by transitioning them to Medication Assisted Treatment (MAT) and substance abuse treatment to break the cycle of addiction and overdose. Heartview partnered with the Bismarck Police Department and collaborated with the Mandan and Lincoln Police Departments, Burleigh County Sheriff’s Department, Morton County Sheriff’s Department, Bismarck-Burleigh Public Health, Custer Health, Sanford Health Emergency Department, Ministry on the Margins, Catholic Health Invest (CHI). This program has provided a model for other cities to follow to help bridge the gap between the emergency room and addiction services, and the program received the 2022 Recovery Reinvented Trailblazer Award from Governor and First Lady Burgum.

Jobs Created

Heartview’s top priority is to attract workforce and add additional staff members in order to serve additional patients. Heartview founded and provides staffing for the Training Academy of Addiction Professionals (TAAP), which trains new addiction professionals. By purchasing this building and adding space for administrative staff, Heartview will have more room in its clinical space to hire addiction counselors, a medical professional, director of nursing, and hire case managers and social workers to assist clients in finding jobs and housing. In addition, space can be used to train more students to enter the field. Heartview administrative staff are already sharing offices with each other and our ability to hire additional staff and expand services is hindered by a lack of space. Additional administrative staff to be hired include a fundraiser and accountant.

As well as adding staff, the 4th Street facility has a basement which could be used to train new employees, host AA/NA meetings and offer additional family services. Evidence suggests that family-based approaches to treating addiction are more effective than treating individuals alone. Heartview is working to begin family programming to wrap services around entire families struggling with addiction. This could involve both counseling and case management.

Exhibit A: Heartview

LOAN TYPE: Flex PACE
LOAN NUMBER:
LEAD BANK:

NOTE: The borrower and originating lender should be aware that the fund will provide a set stream of subsidy payments (interest buydown) based upon the payment schedule below. The amount of the borrower's payment, the amortization and all other terms of the loan shall be governed by the promissory note.
The balances shown here, other than the specific buydown amounts, are intended for illustrative purposes only.

Buydown Account Details

INTEREST BUYDOWN AMOUNT:	\$307,692.33
BND BUYDOWN AMOUNT:	\$200,000.00
COMMUNITY BUYDOWN AMOUNT:	\$107,692.33
PRESENT VALUE BND:	\$175,506.06
PRESENT VALUE COMMUNITY:	\$94,503.27
CREATED DATE:	5/6/2024

Loan without buydown

PRINCIPAL:	\$885,000.00
YIELD RATE:	7.50
AMORTIZATION (MONTHS):	240
PAYMENT:	\$7,188.80

Loan with buydown

PRINCIPAL:	\$885,000.00
BORROWING RATE:	3.50
AMORTIZATION (MONTHS):	240

Period	Payment	Principal	Interest	Balance
1	\$7,188.80	\$1,473.18	\$5,715.62	\$883,526.83
2	\$7,188.80	\$1,666.76	\$5,522.04	\$881,860.07
3	\$7,188.80	\$1,493.45	\$5,695.35	\$880,366.62
4	\$7,188.80	\$1,503.10	\$5,685.70	\$878,863.52
5	\$7,188.80	\$1,695.90	\$5,492.90	\$877,167.62
6	\$7,188.80	\$1,523.76	\$5,665.04	\$875,643.86
7	\$7,188.80	\$1,716.03	\$5,472.77	\$873,927.83
8	\$7,188.80	\$1,544.68	\$5,644.12	\$872,383.15
9	\$7,188.80	\$1,554.66	\$5,634.14	\$870,828.49
10	\$7,188.80	\$2,108.97	\$5,079.83	\$868,719.52
11	\$7,188.80	\$1,578.32	\$5,610.48	\$867,141.20
12	\$7,188.80	\$1,769.17	\$5,419.63	\$865,372.03
13	\$7,188.80	\$1,599.94	\$5,588.86	\$863,772.09
14	\$7,188.80	\$1,790.22	\$5,398.58	\$861,981.87
15	\$7,188.80	\$1,621.83	\$5,566.97	\$860,360.04
16	\$7,188.80	\$1,632.31	\$5,556.49	\$858,727.73
17	\$7,188.80	\$1,821.75	\$5,367.05	\$856,905.98
18	\$7,188.80	\$1,654.62	\$5,534.18	\$855,251.36
19	\$7,188.80	\$1,843.48	\$5,345.32	\$853,407.88
20	\$7,188.80	\$1,677.21	\$5,511.59	\$851,730.67
21	\$7,188.80	\$1,688.04	\$5,500.76	\$850,042.63
22	\$7,188.80	\$2,230.22	\$4,958.58	\$847,812.41
23	\$7,188.80	\$1,713.34	\$5,475.46	\$846,099.07
24	\$7,188.80	\$1,900.68	\$5,288.12	\$844,198.39
25	\$7,188.80	\$1,736.69	\$5,452.11	\$842,461.70
26	\$7,188.80	\$1,923.41	\$5,265.39	\$840,538.29
27	\$7,188.80	\$1,760.32	\$5,428.48	\$838,777.97
28	\$7,188.80	\$1,771.69	\$5,417.11	\$837,006.28
29	\$7,188.80	\$1,957.51	\$5,231.29	\$835,048.77
30	\$7,188.80	\$1,795.78	\$5,393.02	\$833,252.99
31	\$7,188.80	\$1,980.97	\$5,207.83	\$831,272.02
32	\$7,188.80	\$1,820.17	\$5,368.63	\$829,451.85
33	\$7,188.80	\$1,831.92	\$5,356.88	\$827,619.93
34	\$7,188.80	\$2,361.02	\$4,827.78	\$825,258.91
35	\$7,188.80	\$1,859.00	\$5,329.80	\$823,399.91
36	\$7,188.80	\$2,042.55	\$5,146.25	\$821,357.36
37	\$7,188.80	\$1,884.20	\$5,304.60	\$819,473.16
38	\$7,188.80	\$2,067.09	\$5,121.71	\$817,406.07

Period	Payment	Principal	Interest	Balance
1	\$4,140.47	\$1,473.18	\$2,667.29	\$883,526.82
2	\$4,243.71	\$1,666.76	\$2,576.95	\$881,860.06
3	\$4,151.28	\$1,493.45	\$2,657.83	\$880,366.61
4	\$4,156.43	\$1,503.10	\$2,653.33	\$878,863.51
5	\$4,259.25	\$1,695.90	\$2,563.35	\$877,167.61
6	\$4,167.45	\$1,523.76	\$2,643.69	\$875,643.85
7	\$4,269.99	\$1,716.03	\$2,553.96	\$873,927.82
8	\$4,178.60	\$1,544.68	\$2,633.92	\$872,383.14
9	\$4,183.93	\$1,554.66	\$2,629.27	\$870,828.48
10	\$4,479.56	\$2,108.97	\$2,370.59	\$868,719.51
11	\$4,196.54	\$1,578.32	\$2,618.22	\$867,141.19
12	\$4,298.33	\$1,769.17	\$2,529.16	\$865,372.02
13	\$4,208.07	\$1,599.94	\$2,608.13	\$863,772.08
14	\$4,309.56	\$1,790.22	\$2,519.34	\$861,981.86
15	\$4,219.75	\$1,621.83	\$2,597.92	\$860,360.03
16	\$4,225.34	\$1,632.31	\$2,593.03	\$858,727.72
17	\$4,326.37	\$1,821.75	\$2,504.62	\$856,905.97
18	\$4,237.24	\$1,654.62	\$2,582.62	\$855,251.35
19	\$4,337.96	\$1,843.48	\$2,494.48	\$853,407.87
20	\$4,249.29	\$1,677.21	\$2,572.08	\$851,730.66
21	\$4,255.06	\$1,688.04	\$2,567.02	\$850,042.62
22	\$4,544.22	\$2,230.22	\$2,314.00	\$847,812.40
23	\$4,268.55	\$1,713.34	\$2,555.21	\$846,099.06
24	\$4,368.47	\$1,900.68	\$2,467.79	\$844,198.38
25	\$4,281.01	\$1,736.69	\$2,544.32	\$842,461.69
26	\$4,380.59	\$1,923.41	\$2,457.18	\$840,538.28
27	\$4,293.61	\$1,760.32	\$2,533.29	\$838,777.96
28	\$4,299.67	\$1,771.69	\$2,527.98	\$837,006.27
29	\$4,398.78	\$1,957.51	\$2,441.27	\$835,048.76
30	\$4,312.52	\$1,795.78	\$2,516.74	\$833,252.98
31	\$4,411.29	\$1,980.97	\$2,430.32	\$831,272.01
32	\$4,325.53	\$1,820.17	\$2,505.36	\$829,451.84
33	\$4,331.80	\$1,831.92	\$2,499.88	\$827,619.92
34	\$4,613.98	\$2,361.02	\$2,252.96	\$825,258.90
35	\$4,346.24	\$1,859.00	\$2,487.24	\$823,399.90
36	\$4,444.13	\$2,042.55	\$2,401.58	\$821,357.35
37	\$4,359.68	\$1,884.20	\$2,475.48	\$819,473.15
38	\$4,457.22	\$2,067.09	\$2,390.13	\$817,406.06

Period	Interest Buydown	BND (65.00%)	Community (35.00%)
1	\$3,048.33	\$1,981.41	\$1,066.92
2	\$2,945.09	\$1,914.31	\$1,030.78
3	\$3,037.52	\$1,974.39	\$1,063.13
4	\$3,032.37	\$1,971.04	\$1,061.33
5	\$2,929.55	\$1,904.21	\$1,025.34
6	\$3,021.35	\$1,963.88	\$1,057.47
7	\$2,918.81	\$1,897.23	\$1,021.58
8	\$3,010.20	\$1,956.63	\$1,053.57
9	\$3,004.87	\$1,953.17	\$1,051.70
10	\$2,709.24	\$1,761.01	\$948.23
11	\$2,992.26	\$1,944.97	\$1,047.29
12	\$2,890.47	\$1,878.81	\$1,011.66
13	\$2,980.73	\$1,937.47	\$1,043.26
14	\$2,879.24	\$1,871.51	\$1,007.73
15	\$2,969.05	\$1,929.88	\$1,039.17
16	\$2,963.46	\$1,926.25	\$1,037.21
17	\$2,862.43	\$1,860.58	\$1,001.85
18	\$2,951.56	\$1,918.51	\$1,033.05
19	\$2,850.84	\$1,853.05	\$997.79
20	\$2,939.51	\$1,910.68	\$1,028.83
21	\$2,933.74	\$1,906.93	\$1,026.81
22	\$2,644.58	\$1,718.98	\$925.60
23	\$2,920.25	\$1,898.16	\$1,022.09
24	\$2,820.33	\$1,833.21	\$987.12
25	\$2,907.79	\$1,890.06	\$1,017.73
26	\$2,808.21	\$1,825.34	\$982.87
27	\$2,895.19	\$1,881.87	\$1,013.32
28	\$2,889.13	\$1,877.93	\$1,011.20
29	\$2,790.02	\$1,813.51	\$976.51
30	\$2,876.28	\$1,869.58	\$1,006.70
31	\$2,777.51	\$1,805.38	\$972.13
32	\$2,863.27	\$1,861.13	\$1,002.14
33	\$2,857.00	\$1,857.05	\$999.95
34	\$2,574.82	\$1,673.63	\$901.19
35	\$2,842.56	\$1,847.66	\$994.90
36	\$2,744.67	\$1,784.04	\$960.63
37	\$2,829.12	\$1,838.93	\$990.19
38	\$2,731.58	\$1,775.53	\$956.05

39	\$7,188.80	\$1,909.72	\$5,279.08	\$815,496.35	39	\$4,373.29	\$1,909.72	\$2,463.57	\$815,496.34	39	\$2,815.51	\$1,830.08	\$985.43
40	\$7,188.80	\$1,922.05	\$5,266.75	\$813,574.30	40	\$4,379.87	\$1,922.05	\$2,457.82	\$813,574.29	40	\$2,808.93	\$1,825.80	\$983.13
41	\$7,188.80	\$2,103.96	\$5,084.84	\$811,470.34	41	\$4,476.89	\$2,103.96	\$2,372.93	\$811,470.33	41	\$2,711.91	\$1,762.74	\$949.17
42	\$7,188.80	\$1,948.05	\$5,240.75	\$809,522.29	42	\$4,393.73	\$1,948.05	\$2,445.68	\$809,522.28	42	\$2,795.07	\$1,816.80	\$978.27
43	\$7,188.80	\$2,129.29	\$5,059.51	\$807,393.00	43	\$4,490.39	\$2,129.29	\$2,361.10	\$807,392.99	43	\$2,698.41	\$1,753.97	\$944.44
44	\$7,188.80	\$1,974.39	\$5,214.41	\$805,418.61	44	\$4,407.78	\$1,974.39	\$2,433.39	\$805,418.60	44	\$2,781.02	\$1,807.66	\$973.36
45	\$7,188.80	\$1,987.14	\$5,201.66	\$803,431.47	45	\$4,414.58	\$1,987.14	\$2,427.44	\$803,431.46	45	\$2,774.22	\$1,803.24	\$970.98
46	\$7,188.80	\$2,334.73	\$4,854.07	\$801,096.74	46	\$4,599.96	\$2,334.73	\$2,265.23	\$801,096.73	46	\$2,588.84	\$1,682.75	\$906.09
47	\$7,188.80	\$2,015.05	\$5,173.75	\$799,081.69	47	\$4,429.47	\$2,015.05	\$2,414.42	\$799,081.68	47	\$2,759.33	\$1,793.56	\$965.77
48	\$7,188.80	\$2,194.54	\$4,994.26	\$796,887.15	48	\$4,525.19	\$2,194.54	\$2,330.65	\$796,887.14	48	\$2,663.61	\$1,731.35	\$932.26
49	\$7,188.80	\$2,042.24	\$5,146.56	\$794,844.91	49	\$4,443.97	\$2,042.24	\$2,401.73	\$794,844.90	49	\$2,744.83	\$1,784.14	\$960.69
50	\$7,188.80	\$2,221.02	\$4,967.78	\$792,623.89	50	\$4,539.32	\$2,221.02	\$2,318.30	\$792,623.88	50	\$2,649.48	\$1,722.16	\$927.32
51	\$7,188.80	\$2,069.77	\$5,119.03	\$790,554.12	51	\$4,458.65	\$2,069.77	\$2,388.88	\$790,554.11	51	\$2,730.15	\$1,774.60	\$955.55
52	\$7,188.80	\$2,083.14	\$5,105.66	\$788,470.98	52	\$4,465.78	\$2,083.14	\$2,382.64	\$788,470.97	52	\$2,723.02	\$1,769.96	\$953.06
53	\$7,188.80	\$2,260.86	\$4,927.94	\$786,210.12	53	\$4,560.57	\$2,260.86	\$2,299.71	\$786,210.11	53	\$2,628.23	\$1,708.35	\$919.88
54	\$7,188.80	\$2,111.19	\$5,077.61	\$784,098.93	54	\$4,480.74	\$2,111.19	\$2,369.55	\$784,098.92	54	\$2,708.06	\$1,760.24	\$947.82
55	\$7,188.80	\$2,288.18	\$4,900.62	\$781,810.75	55	\$4,575.14	\$2,288.18	\$2,286.96	\$781,810.74	55	\$2,613.66	\$1,698.88	\$914.78
56	\$7,188.80	\$2,139.61	\$5,049.19	\$779,671.14	56	\$4,495.90	\$2,139.61	\$2,356.29	\$779,671.13	56	\$2,692.90	\$1,750.38	\$942.52
57	\$7,188.80	\$2,153.42	\$5,035.38	\$777,517.72	57	\$4,503.26	\$2,153.42	\$2,349.84	\$777,517.71	57	\$2,685.54	\$1,745.60	\$939.94
58	\$7,188.80	\$2,653.28	\$4,535.52	\$774,864.44	58	\$4,769.86	\$2,653.28	\$2,116.58	\$774,864.43	58	\$2,418.94	\$1,572.31	\$846.63
59	\$7,188.80	\$2,184.47	\$5,004.33	\$772,679.97	59	\$4,519.82	\$2,184.47	\$2,335.35	\$772,679.96	59	\$2,668.98	\$1,734.84	\$934.14
60	\$7,188.80	\$2,359.55	\$4,829.25	\$770,320.42	60	\$4,613.20	\$2,359.55	\$2,253.65	\$770,320.41	60	\$2,575.60	\$1,674.14	\$901.46
61	\$7,188.80	\$2,213.81	\$4,974.99	\$768,106.61	61	\$4,535.47	\$2,213.81	\$2,321.66	\$768,106.60	61	\$2,653.33	\$1,724.66	\$928.67
62	\$7,188.80	\$2,388.13	\$4,800.67	\$765,718.48	62	\$4,628.44	\$2,388.13	\$2,240.31	\$765,718.47	62	\$2,560.36	\$1,664.23	\$896.13
63	\$7,188.80	\$2,243.53	\$4,945.27	\$763,474.95	63	\$4,551.32	\$2,243.53	\$2,307.79	\$763,474.94	63	\$2,637.48	\$1,714.36	\$923.12
64	\$7,188.80	\$2,258.02	\$4,930.78	\$761,216.93	64	\$4,559.05	\$2,258.02	\$2,301.03	\$761,216.92	64	\$2,629.75	\$1,709.34	\$920.41
65	\$7,188.80	\$2,431.19	\$4,757.61	\$758,785.74	65	\$4,651.41	\$2,431.19	\$2,220.22	\$758,785.73	65	\$2,537.39	\$1,649.30	\$888.09
66	\$7,188.80	\$2,288.31	\$4,900.49	\$756,497.43	66	\$4,575.21	\$2,288.31	\$2,286.90	\$756,497.42	66	\$2,613.59	\$1,698.83	\$914.76
67	\$7,188.80	\$2,460.69	\$4,728.11	\$754,036.74	67	\$4,667.14	\$2,460.69	\$2,206.45	\$754,036.73	67	\$2,521.66	\$1,639.08	\$882.58
68	\$7,188.80	\$2,318.98	\$4,869.82	\$751,717.76	68	\$4,591.56	\$2,318.98	\$2,272.58	\$751,717.75	68	\$2,597.24	\$1,688.21	\$909.03
69	\$7,188.80	\$2,333.96	\$4,854.84	\$749,383.80	69	\$4,599.55	\$2,333.96	\$2,265.59	\$749,383.79	69	\$2,589.25	\$1,683.01	\$906.24
70	\$7,188.80	\$2,817.39	\$4,371.41	\$746,566.41	70	\$4,857.38	\$2,817.39	\$2,039.99	\$746,566.40	70	\$2,331.42	\$1,515.42	\$816.00
71	\$7,188.80	\$2,367.23	\$4,821.57	\$744,199.18	71	\$4,617.30	\$2,367.23	\$2,250.07	\$744,199.17	71	\$2,571.50	\$1,671.48	\$900.02
72	\$7,188.80	\$2,537.56	\$4,651.24	\$741,661.62	72	\$4,708.14	\$2,537.56	\$2,170.58	\$741,661.61	72	\$2,480.66	\$1,612.43	\$868.23
73	\$7,188.80	\$2,398.90	\$4,789.90	\$739,262.72	73	\$4,634.19	\$2,398.90	\$2,235.29	\$739,262.71	73	\$2,554.61	\$1,660.50	\$894.11
74	\$7,188.80	\$2,568.41	\$4,620.39	\$736,694.31	74	\$4,724.59	\$2,568.41	\$2,156.18	\$736,694.30	74	\$2,464.21	\$1,601.74	\$862.47
75	\$7,188.80	\$2,430.98	\$4,757.82	\$734,263.33	75	\$4,651.30	\$2,430.98	\$2,220.32	\$734,263.32	75	\$2,537.50	\$1,649.38	\$888.12
76	\$7,188.80	\$2,446.68	\$4,742.12	\$731,816.65	76	\$4,659.67	\$2,446.68	\$2,212.99	\$731,816.64	76	\$2,529.13	\$1,643.93	\$885.20
77	\$7,188.80	\$2,614.95	\$4,573.85	\$729,201.70	77	\$4,749.41	\$2,614.95	\$2,134.46	\$729,201.69	77	\$2,439.39	\$1,585.60	\$853.79
78	\$7,188.80	\$2,479.37	\$4,709.43	\$726,722.33	78	\$4,677.10	\$2,479.37	\$2,197.73	\$726,722.32	78	\$2,511.70	\$1,632.60	\$879.10
79	\$7,188.80	\$2,646.79	\$4,542.01	\$724,075.54	79	\$4,766.39	\$2,646.79	\$2,119.60	\$724,075.53	79	\$2,422.41	\$1,574.57	\$847.84
80	\$7,188.80	\$2,512.48	\$4,676.32	\$721,563.06	80	\$4,694.76	\$2,512.48	\$2,182.28	\$721,563.05	80	\$2,494.04	\$1,621.13	\$872.91
81	\$7,188.80	\$2,528.71	\$4,660.09	\$719,034.35	81	\$4,703.42	\$2,528.71	\$2,174.71	\$719,034.34	81	\$2,485.38	\$1,615.50	\$869.88
82	\$7,188.80	\$2,994.43	\$4,194.37	\$716,039.92	82	\$4,951.80	\$2,994.43	\$1,957.37	\$716,039.91	82	\$2,237.00	\$1,454.05	\$782.95
83	\$7,188.80	\$2,564.38	\$4,624.42	\$713,475.54	83	\$4,722.44	\$2,564.38	\$2,158.06	\$713,475.53	83	\$2,466.36	\$1,603.13	\$863.23
84	\$7,188.80	\$2,729.58	\$4,459.22	\$710,745.96	84	\$4,810.55	\$2,729.58	\$2,080.97	\$710,745.95	84	\$2,378.25	\$1,545.86	\$832.39
85	\$7,188.80	\$2,598.57	\$4,590.23	\$708,147.39	85	\$4,740.68	\$2,598.57	\$2,142.11	\$708,147.38	85	\$2,448.12	\$1,591.28	\$856.84
86	\$7,188.80	\$2,762.88	\$4,425.92	\$705,384.51	86	\$4,828.31	\$2,762.88	\$2,065.43	\$705,384.50	86	\$2,360.49	\$1,534.32	\$826.17
87	\$7,188.80	\$2,633.19	\$4,555.61	\$702,751.32	87	\$4,759.14	\$2,633.19	\$2,125.95	\$702,751.31	87	\$2,429.66	\$1,579.28	\$850.38
88	\$7,188.80	\$2,650.20	\$4,538.60	\$700,101.12	88	\$4,768.21	\$2,650.20	\$2,118.01	\$700,101.11	88	\$2,420.59	\$1,573.38	\$847.21
89	\$7,188.80	\$2,813.17	\$4,375.63	\$697,287.95	89	\$4,855.13	\$2,813.17	\$2,041.96	\$697,287.94	89	\$2,333.67	\$1,516.89	\$816.78
90	\$7,188.80	\$2,685.48	\$4,503.32	\$694,602.47	90	\$4,787.03	\$2,685.48	\$2,101.55	\$694,602.46	90	\$2,401.77	\$1,561.15	\$840.62
91	\$7,188.80	\$2,847.53	\$4,341.27	\$691,754.94	91	\$4,873.46	\$2,847.53	\$2,025.93	\$691,754.93	91	\$2,315.34	\$1,504.97	\$810.37
92	\$7,188.80	\$2,721.22	\$4,467.58	\$689,033.72	92	\$4,806.09	\$2,721.22	\$2,084.87	\$689,033.71	92	\$2,382.71	\$1,548.76	\$833.95
93	\$7,188.80	\$2,738.79	\$4,450.01	\$686,294.93	93	\$4,815.46	\$2,738.79	\$2,076.67	\$686,294.92	93	\$2,373.34	\$1,542.67	\$830.67
94	\$7,188.80	\$3,042.43	\$4,146.37	\$683,252.50	94	\$4,977.40	\$3,042.43	\$1,934.97	\$683,252.49	94	\$2,211.40	\$1,437.41	\$773.99
95	\$7,188.80	\$2,776.13	\$4,412.67	\$680,476.37	95	\$4,835.38	\$2,776.13	\$2,059.25	\$680,476.36	95	\$2,353.42	\$1,529.72	\$823.70
96	\$7,188.80	\$2,935.82	\$4,252.98	\$677,540.55	96	\$4,920.54	\$2,935.82	\$1,984.72	\$677,540.54	96	\$2,268.26	\$1,474.37	\$793.89
97	\$7,188.80	\$2,813.02	\$4,375.78	\$674,727.53	97	\$4,855.05	\$2,813.02	\$2,042.03	\$674,727.52	97	\$2,333.75	\$1,516.94	\$816.81

98	\$7,188.80	\$2,971.75	\$4,217.05	\$671,755.78
99	\$7,188.80	\$2,850.38	\$4,338.42	\$668,905.40
100	\$7,188.80	\$2,868.79	\$4,320.01	\$666,036.61
101	\$7,188.80	\$3,026.07	\$4,162.73	\$663,010.54
102	\$7,188.80	\$2,906.86	\$4,281.94	\$660,103.68
103	\$7,188.80	\$3,063.15	\$4,125.65	\$657,040.53
104	\$7,188.80	\$2,945.41	\$4,243.39	\$654,095.12
105	\$7,188.80	\$2,964.44	\$4,224.36	\$651,130.68
106	\$7,188.80	\$3,390.54	\$3,798.26	\$647,740.14
107	\$7,188.80	\$3,005.48	\$4,183.32	\$644,734.66
108	\$7,188.80	\$3,159.21	\$4,029.59	\$641,575.45
109	\$7,188.80	\$3,045.29	\$4,143.51	\$638,530.16
110	\$7,188.80	\$3,197.99	\$3,990.81	\$635,332.17
111	\$7,188.80	\$3,085.61	\$4,103.19	\$632,246.56
112	\$7,188.80	\$3,105.54	\$4,083.26	\$629,141.02
113	\$7,188.80	\$3,256.67	\$3,932.13	\$625,884.35
114	\$7,188.80	\$3,146.63	\$4,042.17	\$622,737.72
115	\$7,188.80	\$3,296.69	\$3,892.11	\$619,441.03
116	\$7,188.80	\$3,188.24	\$4,000.56	\$616,252.79
117	\$7,188.80	\$3,208.83	\$3,979.97	\$613,043.96
118	\$7,188.80	\$3,612.71	\$3,576.09	\$609,431.25
119	\$7,188.80	\$3,252.89	\$3,935.91	\$606,178.36
120	\$7,188.80	\$3,400.19	\$3,788.61	\$602,778.17
	\$862,656.00	\$282,221.84	\$580,434.16	

98	\$4,939.71	\$2,971.75	\$1,967.96	\$671,755.77
99	\$4,874.98	\$2,850.38	\$2,024.60	\$668,905.39
100	\$4,884.79	\$2,868.79	\$2,016.00	\$666,036.60
101	\$4,968.68	\$3,026.07	\$1,942.61	\$663,010.53
102	\$4,905.10	\$2,906.86	\$1,998.24	\$660,103.67
103	\$4,988.45	\$3,063.15	\$1,925.30	\$657,040.52
104	\$4,925.66	\$2,945.41	\$1,980.25	\$654,095.11
105	\$4,935.81	\$2,964.44	\$1,971.37	\$651,130.67
106	\$5,163.06	\$3,390.54	\$1,772.52	\$647,740.13
107	\$4,957.70	\$3,005.48	\$1,952.22	\$644,734.65
108	\$5,039.69	\$3,159.21	\$1,880.48	\$641,575.44
109	\$4,978.93	\$3,045.29	\$1,933.64	\$638,530.15
110	\$5,060.37	\$3,197.99	\$1,862.38	\$635,332.16
111	\$5,000.43	\$3,085.61	\$1,914.82	\$632,246.55
112	\$5,011.06	\$3,105.54	\$1,905.52	\$629,141.01
113	\$5,091.66	\$3,256.67	\$1,834.99	\$625,884.34
114	\$5,032.98	\$3,146.63	\$1,886.35	\$622,737.71
115	\$5,113.01	\$3,296.69	\$1,816.32	\$619,441.02
116	\$5,055.17	\$3,188.24	\$1,866.93	\$616,252.78
117	\$5,066.15	\$3,208.83	\$1,857.32	\$613,043.95
118	\$5,281.55	\$3,612.71	\$1,668.84	\$609,431.24
119	\$5,089.65	\$3,252.89	\$1,836.76	\$606,178.35
120	\$5,168.21	\$3,400.19	\$1,768.02	\$602,778.16
	\$553,091.10	\$282,221.84	\$270,869.26	

98	\$2,249.09	\$1,461.91	\$787.18
99	\$2,313.82	\$1,503.98	\$809.84
100	\$2,304.01	\$1,497.61	\$806.40
101	\$2,220.12	\$1,443.08	\$777.04
102	\$2,283.70	\$1,484.40	\$799.30
103	\$2,200.35	\$1,430.23	\$770.12
104	\$2,263.14	\$1,471.04	\$792.10
105	\$2,252.99	\$1,464.44	\$788.55
106	\$2,025.74	\$1,316.73	\$709.01
107	\$2,231.10	\$1,450.22	\$780.88
108	\$2,149.11	\$1,396.92	\$752.19
109	\$2,209.87	\$1,436.42	\$773.45
110	\$2,128.43	\$1,383.48	\$744.95
111	\$2,188.37	\$1,422.44	\$765.93
112	\$2,177.74	\$1,415.53	\$762.21
113	\$2,097.14	\$1,363.14	\$734.00
114	\$2,155.82	\$1,401.28	\$754.54
115	\$2,075.79	\$1,349.26	\$726.53
116	\$2,133.63	\$1,386.86	\$746.77
117	\$2,122.65	\$1,379.72	\$742.93
118	\$1,907.25	\$1,239.71	\$667.54
119	\$2,099.15	\$1,364.45	\$734.70
120	\$148.02	\$96.21	\$51.81
	\$307,692.33	\$200,000.00	\$107,692.33

**BISMARCK VISION FUND APPLICATION - FORM 2**

Please complete and return to the Bismarck Mandan Chamber EDC
1640 Burnt Boat Drive, Bismarck, North Dakota 58503.

Applications will be reviewed by the Bismarck Vision Fund Committee.
Please allow 3 - 4 weeks for consideration.

GENERAL CONTACT INFORMATION				
Business Name: Heartview Foundation				
Business Address: 101 E Broadway Ave				
City: Bismarck		State: ND		Zip Code: 58501
Project Address: 116 N 4th St				
City: Bismarck		State: ND		Zip Code: 58501
Contact: Ryan Messer				
Business Phone Number: 701-751-5704		Cell Number: 701-333-9352		
Federal Tax ID Number: 45-0282159				
E-Mail: ryan@heartview.org				
COMPANY INFORMATION				
Has the company or any of the principals ever been involved in bankruptcy? ☐ Yes ☒ No				
Plant/Facilities/Office Locations: Bismarck/Cando/Dickinson				
Current Employees	Full-Time: 121	Avg. Salary: \$62,450	Part-Time: 43	Avg. Salary: \$47,050
Briefly outline employee benefits provided: Heartview fully covers single health, dental and vision insurance for employees. Heartview offers a 4% 401K match with an potential additional match approved by the Board each year. Heartview employees start with 18 days PTO.				
PRIMARY BANK ACCOUNT:				
Name: Bravera		Address: Bismarck, ND		
Telephone: 701-221-4724		Contact Person: ShaLee Huntley		
COMPANY ATTORNEY:				
Name: Crowley Fleck		Address: Bismarck, ND		
Telephone: 701-223-6585		Contact Person: Amy Oster		
COMPANY BUSINESS/MARKETING CONSULTANT:				
Company Name: Heartview (Internal)		Address: Bismarck, ND		
Telephone: 701-751-6135		Contact Person: Jennifer Greuel		

NOTE:

Individual(s)/firms listed in F, G, H, above, may be contacted unless you specifically request otherwise.



BISMARCK VISION FUND APPLICATION - FORM 2

Please complete and return to the Bismarck Mandan Chamber EDC
1640 Burnt Boat Drive, Bismarck, North Dakota 58503.

Applications will be reviewed by the Bismarck Vision Fund Committee.
Please allow 3 - 4 weeks for consideration.

List of Required Attachments:

- A. A completed Vision Fund Form 3 (Project financing breakdown).
- B. A completed Vision Fund Form 4 (Current and projected employment).
- C. A completed business plan to include two (2) years pro forma financial statements. (Only for New Business Ventures)
- D. If applying for a PACE or Flex PACE buy down, an amortization schedule from the Bank of North Dakota.

For any direct loans, other than PACE or Flex PACE buy down funding, from the Bismarck Vision Fund the following may be required:

- 1. Financial statements for the past three (3) fiscal years, including: balance sheets, income statements, statements of changes in financial position, and notes to financial statements.
- 2. Most recent interim financial statements (balance sheets, income statements, if available).
- 3. Federal tax returns filed by the business for the previous three years.
- 4. Pro forma balance sheet, income statement, and cash flow statement for the 24 months following the loan closing that shows the financial position of the business, including the proposed financing.
- 5. Signed personal financial statements dated as of the date of the application for any person who owns 20% or more interest in the business. In addition, include data privacy forms signed by each individual submitting personal financial statements. (Information Release form attached)
- 6. Any other information, including a key person insurance policy which may be available to secure the loans, which would assist us in processing your application as efficiently as possible.
- 7. Information concerning any pending or threatened litigation or administrative proceeding or any outstanding administration orders, judgment, or injunctions.



BISMARCK VISION FUND APPLICATION - FORM 3

Please complete and return to the Bismarck Mandan Chamber EDC
1640 Burnt Boat Drive, Bismarck, North Dakota 58503.

Applications will be reviewed by the Bismarck Vision Fund Committee.
Please allow 3 - 4 weeks for consideration.

SOURCES

USES

	Bismarck Vision Fund		Bank		Equity		Other		Total
	Amount	%	Amount	%	Amount	%	Amount	%	Amount
Land Acquisition									
Acquisition of/or improvements to building	\$100,676	5%	\$1,459,324	66%	\$440,000	20%	\$200,000	9%	\$2,200,000
Acquisition of machinery or equipment ☐ new ☐ used									
Inventory Purchased									
Other									
TOTALS:	\$100,676		\$1,459,324		\$440,000		\$200,000		\$2,200,000

Please describe any Sources and/or Uses listed above as Other

Other amount of \$200,000 signifies Bank of North Dakota buydown amount.

Please enclose copies of bids you have received which support the cost assumptions and commitment letters from banks or other institutions which support the itemization.



BISMARCK VISION FUND APPLICATION - FORM 4

Please complete and return to the Bismarck Mandan Chamber EDC
1640 Burnt Boat Drive, Bismarck, North Dakota 58503.

Applications will be reviewed by the Bismarck Vision Fund Committee.
Please allow 3 - 4 weeks for consideration.

CURRENT AND PROJECTED EMPLOYMENT

Type of Employment	Existing Jobs as of Application Date:		Employment Projections 1st Year		Employment Projections 2nd Year		Employment Projections 3rd Year		Current Average Wage/Salary	Average Starting Wage/Salary (only for projected new employees)
	FT:	PT:	FT:	PT:	FT:	PT:	FT:	PT:		
Professional	72	33	76	34	80	34	82	35	\$57,350	\$70,000
Managerial	21	1	21	1	21	1	21	1	\$91,600	N/A
Technical	29	9	31	10	31	10	31	10	\$47,200	\$70,000
TOTALS:	122	43	128	45	132	45	134	46	\$59,600	\$61,800

Salary and benefit total amounts should be provided for each job category. Do salary and wage employees receive same benefits? ☒ Yes ☐ No

If no, please explain any differences.

The data which you supply to the Bismarck Vision Fund will be used to assess your firm's qualifications for a business loan. We will not be able to process your financial application without it. There is a possibility this data might constitute a public record if and when a loan is approved, and, at this time, the data may be examined by anyone.

The undersigned says he/she is duly authorized to verify the foregoing application, that he/she has read the same and is familiar with the statements contained herein and that the same are true in substance and in fact. The undersigned specifically authorizes the Bismarck Vision Fund to do a background check on the applicant, including the checking of references and the verification of any information on the application.

Signature of Officer of Applicant or Owner if Sole Proprietor

Date

Title

Exhibit A: Heartview

LOAN TYPE:	Flex PACE
LOAN NUMBER:	
LEAD BANK:	
Buydown Account Details	
INTEREST BUYDOWN AMOUNT:	\$307,692.34
BND BUYDOWN AMOUNT:	\$200,000.00
COMMUNITY BUYDOWN AMOUNT:	\$107,692.34
PRESENT VALUE BND:	\$186,969.00
PRESENT VALUE COMMUNITY:	\$100,675.65
CREATED DATE:	5/6/2024

Loan without buydown

PRINCIPAL:	\$1,760,000.00
YIELD RATE:	7.30
AMORTIZATION (MONTHS):	240
PAYMENT:	\$14,077.94

NOTE: The borrower and originating lender should be aware that the fund will provide a set stream of subsidy payments (interest buydown) based upon the payment schedule below. The amount of the borrower's payment, the amortization and all other terms of the loan shall be governed by the promissory note.

The balances shown here, other than the specific buydown amounts, are intended for illustrative purposes only.

Loan with buydown

PRINCIPAL:	\$1,760,000.00
BORROWING RATE:	3.50
AMORTIZATION (MONTHS):	240

Period	Payment	Principal	Interest	Balance	Period	Interest Buydown	BND (65.00%)	Community (35.00%)
1	\$14,077.94	\$3,014.38	\$3,014.38	\$5,304.45	1	\$5,759.11	\$3,743.42	\$2,015.69
2	\$14,077.94	\$3,389.61	\$3,389.61	\$5,124.54	2	\$5,563.79	\$3,616.46	\$1,947.33
3	\$14,077.94	\$3,054.64	\$3,054.64	\$5,285.14	3	\$5,738.16	\$3,729.80	\$2,008.36
4	\$14,077.94	\$3,073.84	\$3,073.84	\$5,275.94	4	\$5,747.46	\$3,723.30	\$2,004.86
5	\$14,077.94	\$3,447.51	\$3,447.51	\$5,096.78	5	\$5,533.65	\$3,596.87	\$1,936.78
6	\$14,077.94	\$3,114.84	\$3,114.84	\$5,236.28	6	\$5,706.82	\$3,709.43	\$1,997.39
7	\$14,077.94	\$3,487.43	\$3,487.43	\$5,077.64	7	\$5,512.87	\$3,583.37	\$1,929.50
8	\$14,077.94	\$3,156.34	\$3,156.34	\$5,236.38	8	\$5,685.22	\$3,695.39	\$1,989.83
9	\$14,077.94	\$3,176.18	\$3,176.18	\$5,226.87	9	\$5,674.89	\$3,688.68	\$1,986.21
10	\$14,077.94	\$4,249.22	\$4,712.40	\$5,204.49	10	\$5,116.32	\$3,325.61	\$1,790.71
11	\$14,077.94	\$3,222.86	\$3,222.86	\$5,027.20	11	\$5,458.11	\$3,547.77	\$1,910.34
12	\$14,077.94	\$3,592.63	\$3,592.63	\$5,027.20	12	\$5,628.29	\$3,658.39	\$1,969.90
13	\$14,077.94	\$3,265.70	\$3,265.70	\$5,183.95	13	\$5,436.39	\$3,533.65	\$1,902.74
14	\$14,077.94	\$3,634.35	\$3,634.35	\$5,007.20	14	\$5,605.71	\$3,643.71	\$1,962.00
15	\$14,077.94	\$3,309.07	\$3,309.07	\$5,163.16	15	\$5,594.88	\$3,636.67	\$1,958.21
16	\$14,077.94	\$3,329.88	\$3,329.88	\$5,153.18	16	\$5,403.86	\$3,512.51	\$1,891.35
17	\$14,077.94	\$3,696.84	\$3,696.84	\$4,977.24	17	\$5,571.89	\$3,621.73	\$1,950.16
18	\$14,077.94	\$3,374.05	\$3,374.05	\$5,132.00	18	\$5,381.47	\$3,497.96	\$1,883.51
19	\$14,077.94	\$3,739.86	\$3,739.86	\$4,956.61	19	\$5,548.61	\$3,606.60	\$1,942.01
20	\$14,077.94	\$3,418.77	\$3,418.77	\$5,110.56	20	\$5,537.42	\$3,599.32	\$1,938.10
21	\$14,077.94	\$3,440.26	\$3,440.26	\$5,100.26	21	\$4,991.38	\$3,244.40	\$1,746.98
22	\$14,077.94	\$4,489.24	\$4,489.24	\$5,076.36	22	\$5,511.48	\$3,582.46	\$1,929.02
23	\$14,077.94	\$3,490.10	\$3,490.10	\$5,076.36	23	\$5,322.63	\$3,459.71	\$1,862.92
24	\$14,077.94	\$3,852.88	\$3,852.88	\$4,902.43	24	\$5,487.45	\$3,566.84	\$1,920.61
25	\$14,077.94	\$3,536.26	\$3,536.26	\$5,054.23	25	\$5,299.24	\$3,444.51	\$1,854.73
26	\$14,077.94	\$3,897.83	\$3,897.83	\$4,880.87	26	\$5,463.12	\$3,551.03	\$1,912.09
27	\$14,077.94	\$3,626.54	\$3,626.54	\$5,031.83	27	\$5,451.40	\$3,543.41	\$1,907.99
28	\$14,077.94	\$3,605.51	\$3,605.51	\$5,021.03	28	\$5,240.01	\$3,406.01	\$1,834.00
29	\$14,077.94	\$3,965.27	\$3,965.27	\$4,848.54	29	\$5,426.62	\$3,527.30	\$1,899.32
30	\$14,077.94	\$3,653.11	\$3,653.11	\$4,998.21	30	\$5,401.54	\$3,511.00	\$1,890.54
31	\$14,077.94	\$4,011.61	\$4,011.61	\$4,826.32	31	\$5,389.44	\$3,503.14	\$1,886.30
32	\$14,077.94	\$3,701.29	\$3,701.29	\$4,975.11	32	\$4,856.87	\$3,156.97	\$1,699.90
33	\$14,077.94	\$3,688.50	\$3,688.50	\$4,963.95	33	\$5,361.71	\$3,485.11	\$1,876.60
34	\$14,077.94	\$9,221.07	\$4,747.64	\$4,773.43	34	\$5,176.79	\$3,364.91	\$1,811.88
35	\$14,077.94	\$3,777.81	\$3,777.81	\$4,938.42	35	\$5,335.82	\$3,468.28	\$1,867.54
36	\$14,077.94	\$4,133.05	\$4,133.05	\$4,768.10	36	\$5,151.58	\$3,348.53	
37	\$14,077.94	\$3,827.54	\$3,827.54	\$4,914.58	37			
38	\$14,077.94	\$4,181.48	\$4,181.48	\$4,744.88	38			

39	\$14,077.94	\$3,877.89	\$10,200.05	\$1,618,755.69	\$8,768.32	\$3,877.89	\$4,890.43	\$1,618,755.69	39	\$5,309.62	\$3,451.25	\$1,858.37
40	\$14,077.94	\$3,902.26	\$10,175.68	\$1,614,853.43	\$8,781.01	\$3,902.26	\$4,878.75	\$1,614,853.43	40	\$5,296.93	\$3,443.00	\$1,853.93
41	\$14,077.94	\$4,254.25	\$9,823.69	\$1,610,599.18	\$8,964.24	\$4,254.25	\$4,709.99	\$1,610,599.18	41	\$5,113.70	\$3,323.90	\$1,789.80
42	\$14,077.94	\$3,953.53	\$10,124.41	\$1,606,645.65	\$8,807.70	\$3,953.53	\$4,854.17	\$1,606,645.65	42	\$5,270.24	\$3,425.66	\$1,844.58
43	\$14,077.94	\$4,304.18	\$9,773.76	\$1,602,341.47	\$8,990.23	\$4,304.18	\$4,686.05	\$1,602,341.47	43	\$5,087.71	\$3,307.01	\$1,780.70
44	\$14,077.94	\$4,005.44	\$10,072.50	\$1,598,336.03	\$8,834.72	\$4,005.44	\$4,829.28	\$1,598,336.03	44	\$5,243.22	\$3,408.09	\$1,835.13
45	\$14,077.94	\$4,030.62	\$10,047.32	\$1,594,305.41	\$8,847.83	\$4,030.62	\$4,817.21	\$1,594,305.41	45	\$5,230.11	\$3,399.57	\$1,830.54
46	\$14,077.94	\$4,702.54	\$9,375.40	\$1,589,602.87	\$9,197.59	\$4,702.54	\$4,495.05	\$1,589,602.87	46	\$4,880.35	\$3,172.23	\$1,708.12
47	\$14,077.94	\$4,085.52	\$9,992.42	\$1,585,517.35	\$8,876.41	\$4,085.52	\$4,790.89	\$1,585,517.35	47	\$5,201.53	\$3,380.99	\$1,820.54
48	\$14,077.94	\$4,432.71	\$9,645.23	\$1,581,084.64	\$9,057.14	\$4,432.71	\$4,624.43	\$1,581,084.64	48	\$5,020.80	\$3,263.52	\$1,757.28
49	\$14,077.94	\$4,139.07	\$9,938.87	\$1,576,945.57	\$8,904.28	\$4,139.07	\$4,765.21	\$1,576,945.57	49	\$5,173.66	\$3,362.88	\$1,810.78
50	\$14,077.94	\$4,484.85	\$9,593.09	\$1,572,460.72	\$9,084.28	\$4,484.85	\$4,599.43	\$1,572,460.72	50	\$4,993.66	\$3,245.88	\$1,747.78
51	\$14,077.94	\$4,193.28	\$9,884.66	\$1,568,267.44	\$8,932.50	\$4,193.28	\$4,739.22	\$1,568,267.44	51	\$5,145.44	\$3,344.54	\$1,800.90
52	\$14,077.94	\$4,219.64	\$9,858.30	\$1,564,047.80	\$8,946.22	\$4,219.64	\$4,726.58	\$1,564,047.80	52	\$5,131.72	\$3,335.62	\$1,796.10
53	\$14,077.94	\$4,563.32	\$9,514.62	\$1,559,484.48	\$9,125.12	\$4,563.32	\$4,561.80	\$1,559,484.48	53	\$4,952.82	\$3,219.33	\$1,733.49
54	\$14,077.94	\$4,274.85	\$9,803.09	\$1,555,209.63	\$8,974.96	\$4,274.85	\$4,700.11	\$1,555,209.63	54	\$5,102.98	\$3,316.94	\$1,786.04
55	\$14,077.94	\$4,617.08	\$9,460.86	\$1,550,592.55	\$9,153.11	\$4,617.08	\$4,536.03	\$1,550,592.55	55	\$4,924.83	\$3,201.14	\$1,723.69
56	\$14,077.94	\$4,330.74	\$9,747.20	\$1,546,261.81	\$9,004.06	\$4,330.74	\$4,673.32	\$1,546,261.81	56	\$5,073.88	\$3,298.02	\$1,775.86
57	\$14,077.94	\$4,357.97	\$9,719.97	\$1,541,903.84	\$9,018.23	\$4,357.97	\$4,660.26	\$1,541,903.84	57	\$5,059.71	\$3,288.81	\$1,770.90
58	\$14,077.94	\$5,323.35	\$8,754.59	\$1,536,580.49	\$9,520.76	\$5,323.35	\$4,197.41	\$1,536,580.49	58	\$3,512.01	\$2,282.81	\$1,229.20
\$816,520.52				\$223,419.51	\$507,783.01	\$223,419.51	\$284,363.50			\$307,692.34	\$200,000.00	\$107,692.34



Community Development Department

DATE: June 11, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Whispering Ridge Second Subdivision - Stormwater and Drainage Easement Release

REQUEST:

Public hearing for the conditional release of the 20-foot stormwater and drainage easement on Lots 1 and 2, Block 1, Whispering Ridge Second Subdivision, requested by Knutson Homes and Rodney and Kathryn Froelich.

BACKGROUND INFORMATION:

Knutson Homes and Rodney and Kathryn Froelich request the release of a 20-foot stormwater and drainage easement over Lots 1 and 2, Block 1, Whispering Ridge Second Subdivision in conjunction with recording a new stormwater and drainage easement to the north of the lot to construct a single-family dwelling in the center of these lots.

As these lots are within the extraterritorial area (ETA), City and County staff have determined that the new easement should be dedicated to Burleigh County. Relocation of any stormwater and drainage infrastructure will be required prior to issuance of the building or occupancy permit for the proposed building.

The attached staff report contains a complete review of the request, according to standards of the Comprehensive Plan, city ordinances, and other relevant law.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing for the conditional release of the 20-foot stormwater and drainage easement on Lots 1 and 2, Block 1, Whispering Ridge Second Subdivision and take final action on this item.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov
Lauren Oster, Planner, 701-355-1846, laoster@bismarcknd.gov

ATTACHMENTS:

1. Whispering Ridge Second Subdivision

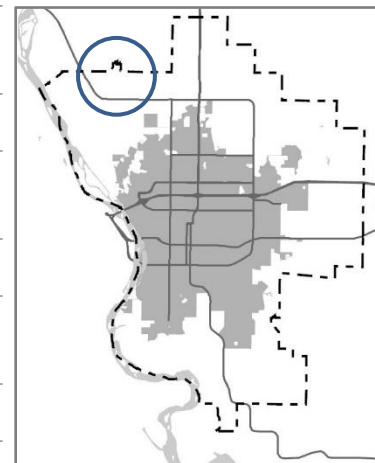
STAFF REPORT

Application for: **Easement Release**

Project ID: **PLMD2024-006**

Project Summary

<i>Title:</i>	Whispering Ridge Second Subdivision, Lots 1 and 2, Block 1
<i>Status:</i>	City Commission - Public Hearing
<i>Property Owner(s):</i>	Rodney and Kathryn Froehlich, Owners Knutson Homes, Applicant
<i>Project Contact:</i>	Andra Marquardt, Toman Engineering
<i>Project Location:</i>	Lots 1 and 2, Block 1, Whispering Ridge Second Subdivision
<i>Project Size:</i>	2.53 acres
<i>Applicant Request:</i>	Vacate the existing stormwater and drainage easement and record a new stormwater and drainage easement to the north of the lot
<i>Staff Recommendation:</i>	Approve



Project Narrative

Knutson Homes and Rodney and Kathryn Froehlich are requesting the release of a stormwater and drainage easement over Lots 1 and 2, Block 1, Whispering Ridge Second Subdivision in conjunction with recording a new stormwater and drainage easement to the north of the lot to develop a home in the center of these lots.

The easement was granted to the City of Bismarck and the public with the plat of Whispering Ridge Second Subdivision, which was recorded October 24, 2019. As these lots are within the extraterritorial area (ETA), City and County staff have determined that the new easement should be dedicated to Burleigh County. Relocation of any stormwater and drainage infrastructure will be required prior to issuance of the building or occupancy permit for the proposed building.

Public Engagement

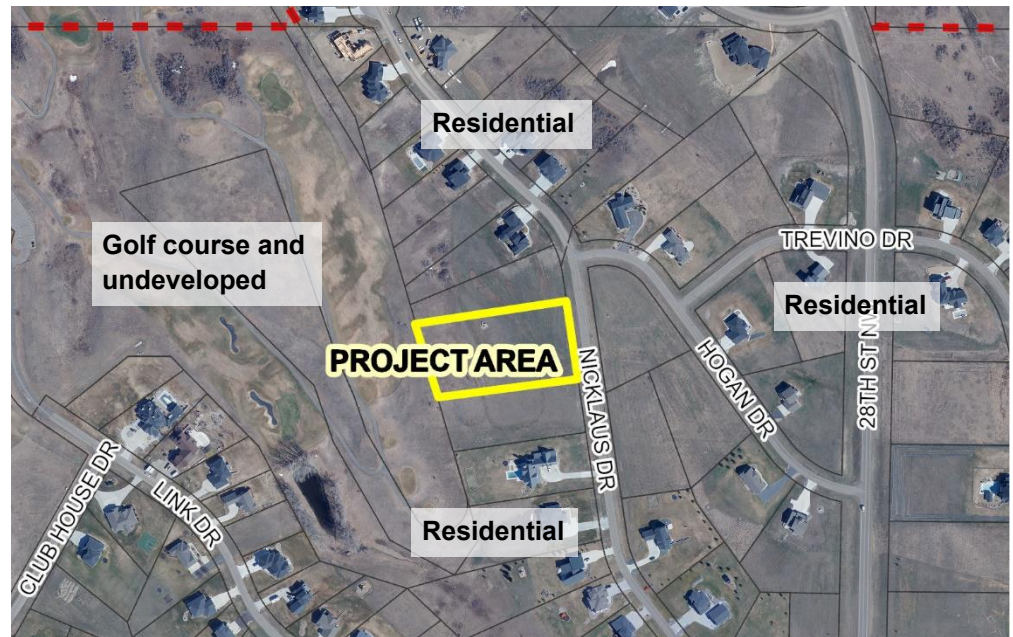
Release of any easement, other than franchise utility easements, requires a public hearing by City policy. Owners of adjacent properties have been notified of the public hearing to be held on this request.

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

(continued)

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 easement proposed for release is no longer needed for the purpose for which it was dedicated ([Goal C10-b](#), [Goal C11](#))

Yes, with dedication of a new stormwater and drainage easement. The overall function of stormwater management in this area would be retained if the easement proposed for release is replaced by a new stormwater and drainage easement. A draft of this replacement easement is attached to this staff report.

This new stormwater and drainage easement will be dedicated to Burleigh County. The Burleigh County Commission accepted the easement on June 3, 2024. It will be recorded in conjunction with the release of the current easement if this request is approved.

Proper administrative procedures related to the request are being followed

Yes. The proposed easement is subject to a public hearing and notification requirements, according to the City's Easement Release policy. A public hearing has been scheduled for this requested easement release, and all notice requirements have been met, as documented in this report above.

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the release of a stormwater and

(continued)

drainage easement on Lots 1 and 2, Block 1,
Whispering Ridge Second Subdivision.

Attachments

1. Draft Resolution
2. Release Exhibit
3. Replacement Exhibit and Description
4. Original Plat Exhibit
5. Petition from Landowner

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

**RESOLUTION OF
THE BISMARCK BOARD OF CITY COMMISSIONERS
RELEASE OF STORMWATER & DRAINAGE EASEMENT
IN WHISPERING RIDGE SECOND SUBDIVISION (PLMD2024-006)**

WHEREAS, the owners of property described as Lots 1 and 2, Block 1, Whispering Ridge Second Subdivision, adjoining and contiguous to a platted stormwater & drainage easement, have heretofore joined in petition requesting that said stormwater & drainage easement be released, verified by oath of at least one petitioner and accompanied by a plat of said easement to be released, having set forth the facts and reason for said release; and

WHEREAS, said platted easement is shown on the plat of Whispering Ridge Second Subdivision, which was recorded on October 24, 2019; and

WHEREAS, the City Engineer and County Engineer have determined that the stormwater & drainage easement proposed for release is no longer necessary to provide stormwater & drainage services to the area; and

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

All of the 20-foot stormwater & drainage easement within Lots 1 and 2, Block 1, Whispering Ridge Second Subdivision in the City of Bismarck, Burleigh County, North Dakota.

Containing 8,000 Square Feet, more or less

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 11th day of June, 2024.

CERTIFICATE

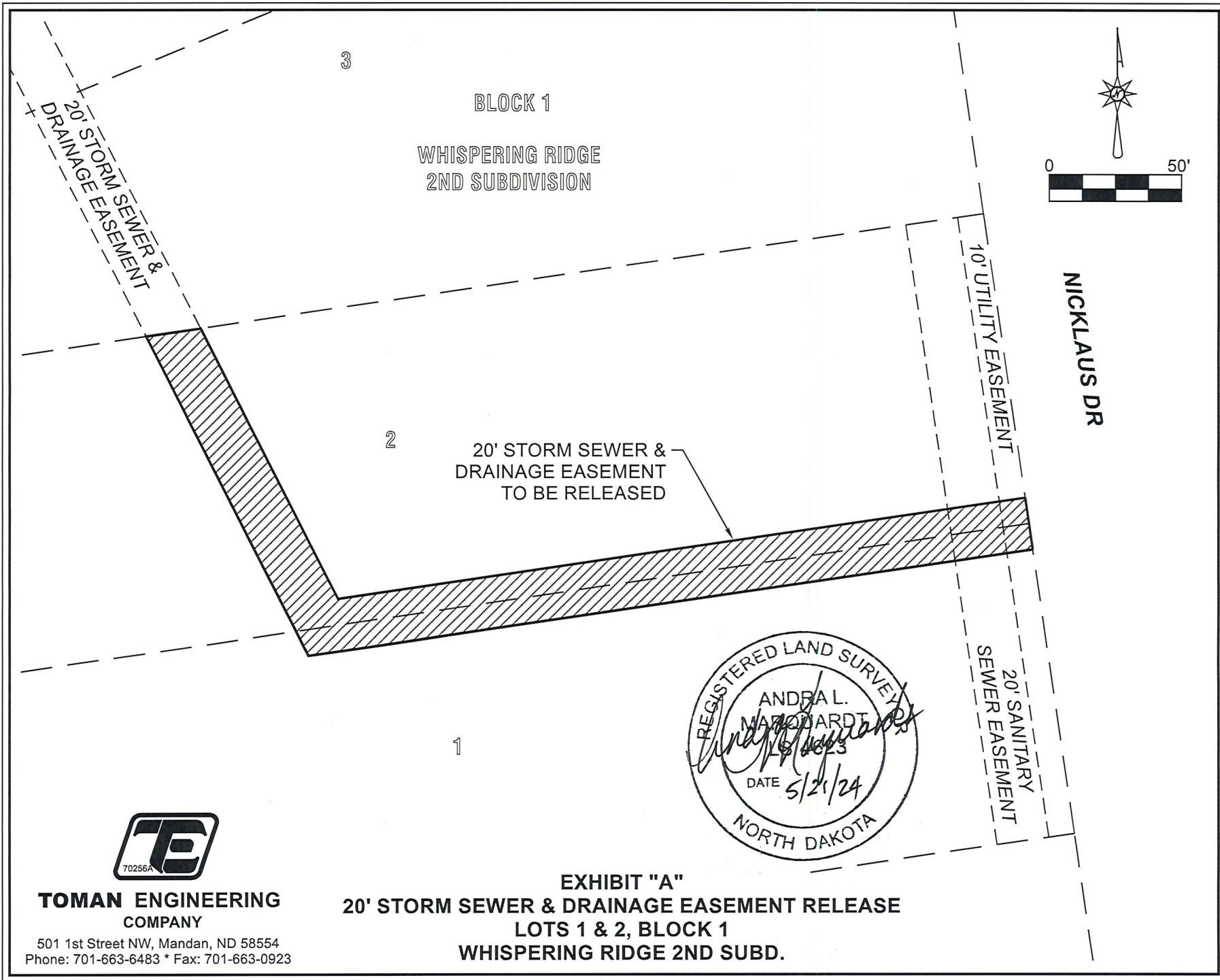
I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified City Administrator of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Board of City Commissioners held on this June 11, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota.

Jason Tomanek
City Administrator
Bismarck, North Dakota

Date

DRAFT



STORM WATER & DRAINAGE EASEMENT

The undersigned, Rodney J. Froelich and Kathryn M. Froelich, their successors and assigns, hereinafter called Grantors, for valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, convey unto Burleigh County, their successors and assigns, and the public, hereinafter called Grantee, a Storm Water & Drainage Easement, upon the real property hereinafter described:

A TRACT OF LAND BEING A PART OF LOTS 1 AND 2, BLOCK 1, WHISPERING RIDGE 2ND SUBDIVISION OF THE NE 1/4 OF SECTION 1, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, HAYCREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA. SAID TRACT OF LAND BEING 20 FEET WIDE AND 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, BLOCK 1, WHISPERING RIDGE 2ND SUBDIVISION OF BURLEIGH COUNTY NORTH DAKOTA; THENCE SOUTH 81°37'45" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 2 FOR 24.83 FEET; THENCE NORTH 34°26'56" WEST FOR 122.49 FEET TO A POINT 10 FEET SOUTH OF AND PARALLEL TO THE NORTH BOUNDARY LINE OF SAID LOT 2; THENCE SOUTH 81°38'07" WEST ALONG SAID PARALLEL LINE FOR 231.29 FEET; THENCE NORTH 26°59'33" WEST FOR 10.52 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF SAID LOT 2. SAID POINT ALSO BEING THE POINT OF TERMINATION. NOTE: LINES ARE TRIMMED OR EXTENDED AT EACH END TO PREVENT GAPS OR OVERLAPS. SEE ATTACHED EXHIBIT "A"

In witness whereof, this instrument is executed by the undersigned.

Dated: _____, 2024

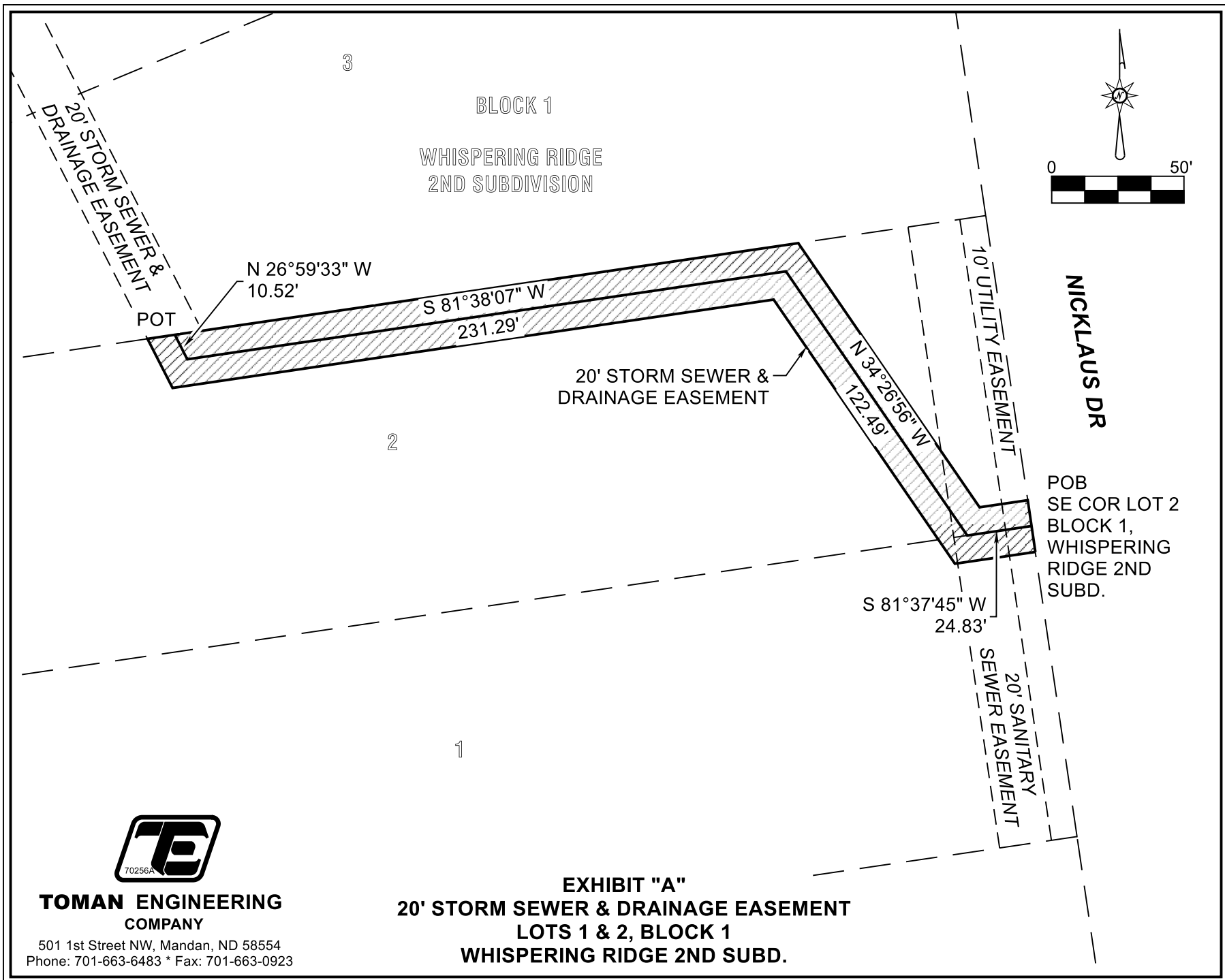
By: _____
Rodney J. Froelich

By: _____
Kathryn M. Froelich

State of North Dakota)
) ss
County of Burleigh)

On this _____ day of _____, 2024, before me personally appeared Rodney J. Froelich and Kathryn M. Froelich, known to me to be the persons described herein and who executed the within instrument. And they acknowledged to me that they executed the same.

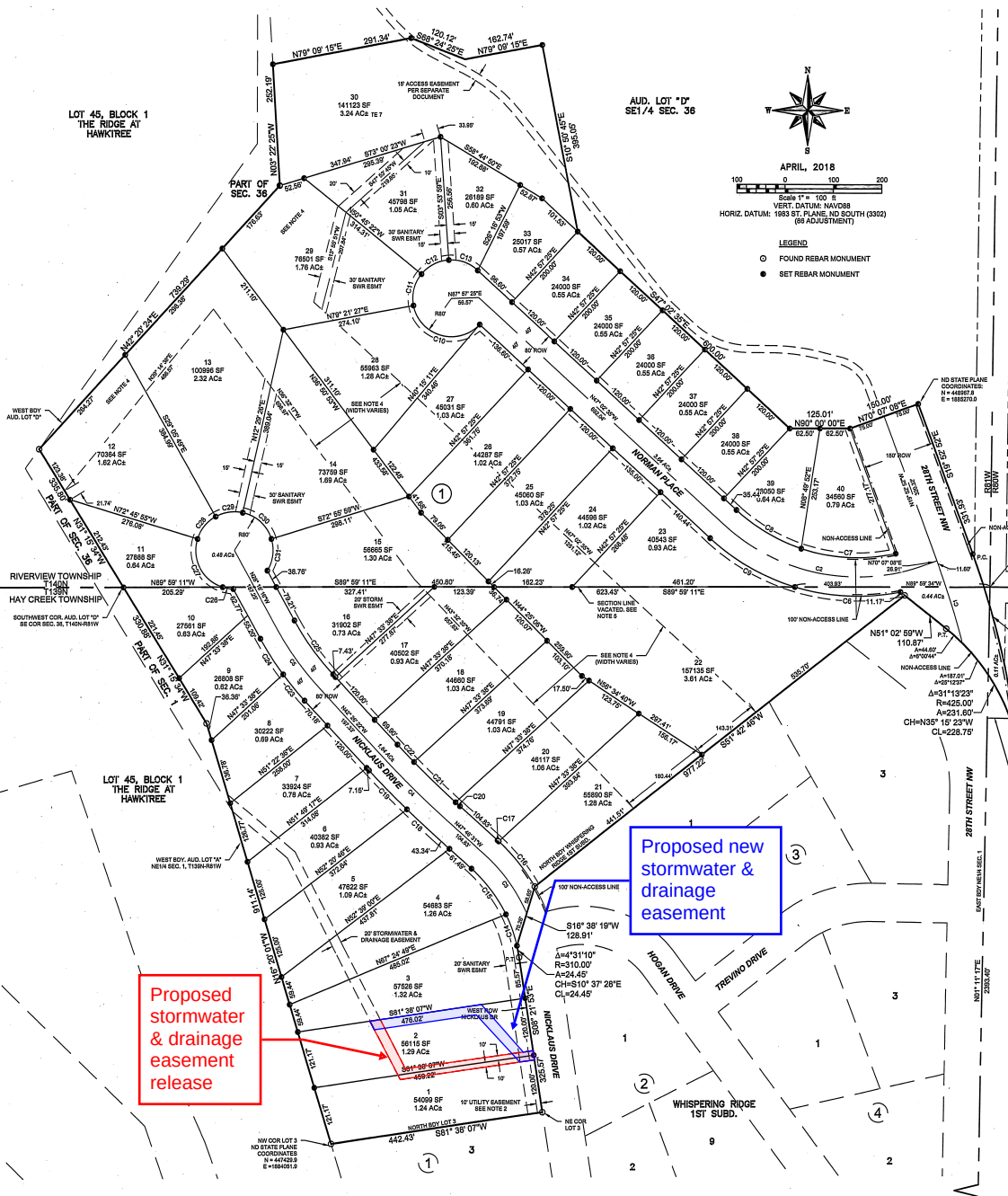
Notary Public



WHISPERING RIDGE 2ND SUBDIVISION

OF BURLEIGH COUNTY, NORTH DAKOTA

ALL OF LOTS 1 & 2, BLOCK 1, WHISPERING RIDGE 1ST SUBDIVISION, PART OF AUDITOR'S LOT "A" OF NE1/4 SEC. 1, T139N-R81W, PART OF GOVERNMENT LOT 4, SECTION 6, T139N-R80W, HAY CREEK TOWNSHIP, AND PART OF AUDITOR'S LOT "D" OF SE1/4 SEC. 36, T140N-R81W, RIVERVIEW TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA



CENTERLINE STREET CURVE TABLE					
CURVE #	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	CHORD BEARING
C1	120° 00' 00"	100.00	S81° 17' 10"	147.02	
C2	120° 00' 00"	100.00	S81° 17' 10"	147.02	
C3	120° 00' 00"	100.00	S81° 17' 10"	147.02	
C4	120° 00' 00"	100.00	S81° 17' 10"	147.02	
C5	120° 00' 00"	100.00	S81° 17' 10"	147.02	

LOTLINE CURVE TABLE					
CURVE #	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	CHORD BEARING
C1	120° 00' 00"	100.00	S81° 17' 10"	147.02	
C2	120° 00' 00"	100.00	S81° 17' 10"	147.02	
C3	120° 00' 00"	100.00	S81° 17' 10"	147.02	
C4	120° 00' 00"	100.00	S81° 17' 10"	147.02	
C5	120° 00' 00"	100.00	S81° 17' 10"	147.02	



TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923
SURVEYOR: ANDREA L. MARGUARDT, RLS-4823
SHEET 1 OF 2



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

Last Revised: 2/08/2023

RECEIVED
APR 15 2024

UNIFIED DEVELOPMENT APPLICATION

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

Application submitted for (check all that apply):

- | | | | |
|--|---|---|--|
| ☐ Preliminary Major Plat | ☐ Final Major Plat | ☐ Minor Plat | ☐ Plat Vacation |
| ☐ Annexation | ☐ Zoning Map Amendment | ☐ Planned Unit Development (PUD) / PUD Amendment | |
| ☐ Special Use Permit | ☐ Variance | ☐ Rural Lot Split (RR & RR5) | |
| ☐ Major Street Plan Amendment | | ☐ Future Land Use Plan Amendment | |

Lot Modification

- ☐ Lot Line Adjustment
☐ Lot Split
☒ Lot Combination

LTMD 24-8

Plat Modification

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

PLMD 24-6

PROPERTY INFORMATION

Project Name:	Lots 1 & 2, Block 1, Whispering Ridge 2nd Subdivision		
Legal description: (Lot, Block, Addition/Subdivision)	Lots 1 & 2, Block 1, Whispering Ridge 2nd Subdivision		
Street address of property:	8112 & 8120 Nicklaus Drive, Bismarck		
Existing Zoning:	R5	Proposed Zoning:	R5
Acreage:	2.53	Number of Lots:	2
Description of development proposal, including reason(s) for the request: (if additional room is needed, please attach a separate sheet)	Combine Lots, vacate existing 20' stormwater & drainage easement & record new storm sewer easement to reflect relocated storm sewer.		

APPLICANT/DEVELOPER

Name:	Knutson Homes
Mailing Address:	101 Slate Drive, Bismarck, ND 58503

PROPERTY OWNER (If Different Than Applicant/Developer)

Name:	Rodney & Kathryn Froelich
Mailing Address:	8710 Hwy 6, Selfridge, ND 58568

CONTACT PERSON/CONSULTANT (If Different Than Applicant/Developer)

Name:	Toman Engineering Co.
Mailing Address:	501 1st St NW, Mandan, ND 58554

If a subdivision plat application: Because of scheduling and calendar considerations, the subdivision plat may not be finally approved within 30 days as per NDCC Section 40-48-21. I/we hereby waive said requirements in return for expeditious consideration of my application by the City. I/we understand that the City of Bismarck will record the approved subdivision with the Burleigh County Recorder's Office on my/our behalf once it has been signed and submitted to the City in recordable form.

I/we understand the regulations of the Bismarck Zoning Ordinance and the North Dakota Century Code as they pertain to this request(s). I/we certify that all property owners have signed or ratified this application. I/we hereby request favorable consideration of the above-described development application.

* Kathryn Froelich Kathryn Froelich (Applicant's Signature)	Kathryn Froelich Kathryn J. Froelich (Printed Name)	4-15-2024 (Date)
* Kathryn Froelich Kathryn Froelich (Owner's Signature, if different)	Kathryn Froelich Kathryn Froelich (Printed Name)	4-15-2024 (Date)
* Kathryn Froelich Kathryn Froelich (Additional Owner's Signature, if applicable)	Kathryn Froelich Kathryn Froelich (Printed Name)	4-15-2024 (Date)
(Additional Owner's Signature, if applicable)	(Printed Name)	(Date)

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

STATE OF NORTH DAKOTA)
 : SS
COUNTY OF BURLEIGH)

JEFF BEATY
Notary Public
State of North Dakota
My Commission Expires Aug 8, 2026

On this 15 day of April, 2024, before me, a notary public in and for said county and state, appeared Rodney Froelich and Kathryn Froelich, known to be personally to be the same person described in and whom executed the above instrument, and severally acknowledged that he/she executed the same.

Notary Public
Burleigh County, State of North Dakota

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

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

The Board of City Commissioners regularly meets on the second and fourth Tuesdays of each month. All development applications for plat modifications (street/alley vacation, non-access line release, easement release) are due at **5:00 p.m. on the Friday that is 25 calendar days prior** to the meeting.

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



Airport

DATE: June 11, 2024

FROM: Greg Haug, Airport Director

ITEM: Airfield Painting Project.

REQUEST:

Receive and Consider Bids for Airfield Painting Project.

BACKGROUND INFORMATION:

Refreshing the airfield and street markings is part of the Airport's ongoing maintenance program and is completed every year. For 2024, the project will include both painting and obliteration of markings on the airfield and streets. Work included in this year's project will be on taxiway "C", the commercial apron, and the terminal boulevard loop.

Airport staff will receive and open bids on June 10, 2024, and then bring the bid tabulation along with a recommendation to the City Commission for approval on June 11, 2024. The engineer's estimate for the project is \$137,189.20. The funds for this project are budgeted in the approved Airport spending plan. Additionally, Airport staff will request a grant from the North Dakota Aeronautics Commission to cover up to 90% of the project cost.

RECOMMENDED CITY COMMISSION ACTION:

Accept the bid and award the airfield painting contract based on Airport Staff recommendation.

STAFF CONTACT INFORMATION:

Greg Haug, Airport Director, 701-355-1805, ghaug@bismarcknd.gov

ATTACHMENTS:

None



Public Works Service Operations

DATE: June 11, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Executive Session

REQUEST:

Consider the request from Public Works Service Operations to enter Executive Session under North Dakota Century Code Section 44-04-19.2 regarding contract negotiations/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 the 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 negotiations/negotiation strategy under NDCC Section 44-04-19.1 (9) for the purpose of the consideration of potential acquisition of a property outside the city limits.

STAFF CONTACT INFORMATION:

Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov

ATTACHMENTS:

None