Board of City Commissioners

The Board of City Commissioners is scheduled to meet on Tuesday, March 26, 2024, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

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

The City of Bismarck encourages citizens to email their comments for public hearing items on the Bismarck City Commission agenda 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 and Facebook LIVE. Agenda items can be found online at www.bismarcknd.gov/agendacenter.

Call to Order

FUTURE COMMISSION MEETINGS

- April 9, 2024 & April 23, 2024
- May 14, 2024 & May 28, 2024
- June 11, 2024 & June 25, 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. Proclamations

    1. Fair Housing Month Proclamation
    2. National Public Safety Telecommunications Week

Documents:

Fair Housing Month Proclamation.pdf
National Public Safety Telecommunications Week.pdf

2. Recognition of Bismarck Citizen Academy Participants
3. Public comment (restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items)
4. CONSENT AGENDA

A. Consider approval of minutes

Documents:

March 11, 2024 - Minutes.pdf
March 12, 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 Bismarck Airport for the following:

1. Change Order #2 to the Ostrom Painting and Sandblasting Inc. Contract dated October 19, 2023.
2. Northern Improvement Company (NIC) Change Order #15 Final to Snow Removal Equipment (SRE) Building Agreement.

Documents:

C) AIR - Airfield Painting Contract Change Order.pdf
C) AIR - SRE Building Change Order.pdf

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

1. Appointment to the Bismarck Planning and Zoning Commission.
2. Approval of a contract and scope of work for the Land Development Code.
3. Approval of a substantial amendment to the Community Development Block Grant (CDBG) 2019 Annual Action Plan.
4. Approval of amendments to the Community Development Block Grant (CDBG) Citizen Participation Plan.
5. Approval for the release of a 14-foot utility easement over the

south 7 feet of Lot 5B and the north 7 feet of Lot 6, running 390 feet east and west, less the west 7-foot and east 10-foot perimeter easements in Edens Subdivision.

6. Permission to assign the City of Bismarck's rights and responsibilities related to the 2017 HOME funds provided for the Washington Court project to North Dakota Housing Finance Agency (NDHFA).

Documents:

C) CD - P and Z Appointment.pdf
C) CD - Land Development Code.pdf
C) CD - 2019 Annual Action Plan Amendments.pdf
C) CD - CDBG Citizen Participation Plan Amendments.pdf
C) CD - Edens Subdivision Utility Easement Release.pdf
C) CD - HOME Rights and Responsibilities.pdf

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

1. Encroachment and waiver agreement with Cape Boats, LLC for installation of a sign overhanging the right of way.
2. Cathedral of the Holy Spirit street closure request.
3. Request to receive bids and award Street Light and Traffic Signal Project SV 72.

Documents:

C) ENG - Encroachment Agreement - 402 E Main Ave.pdf
C) ENG - Raymond Street Closure.pdf
C) ENG - SV 72.pdf

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

1. Applications for Abatement.
2. Approval of parking web payment convenience fees and credit card processing fees to be paid by the motorist.
3. Consider the introduction of and call for a public hearing on Ordinance 6574 to amend the 2023 budget ordinance.
4. Approval of the 2023 budget carryovers into the 2024 budget.

Documents:

C) FIN - Abatements.pdf
C) FIN - Parking ticket fees.pdf
C) FIN - Ord 6574 to Amend the 2023 Budget.pdf

C) FIN - 2023 Carryover Budget.pdf

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

1. Permission to purchase Fire Station Alerting Systems through Purvis Systems, Sourcewell Contract.

Documents:

C) FIRE - Fire Station Alerting System.pdf

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

1. Permission to award the contract for 2024 Furnishing Paving Materials to Northern Improvement Company.
2. Permission to enter into an agreement for the Collection and Disposal of Hazardous Waste by Clean Harbors Environmental Services, Inc. and to increase landfill fees for the disposal of hazardous waste for non-residents and businesses/commercial to capture increased fees and administrative costs.
3. Permission to award the bid for Installation of Painted Pavement Markings for 2024 to Traffic Safety Services, Inc.
4. Permission to sell assets from various City Departments at Public Sale or Online Auction.

Documents:

C) PW SO - Furnishing Paving Materials 2024.pdf
C) PW SO - Household Hazardous Waste Collection and Disposal Bid Award.pdf
C) PW SO - Painted Pavement Marking Bid Award.pdf
C) PW SO - Sale of Assets from City Departments.pdf

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

1. Change Order No. 3 to Swanberg Construction's Contract for Water Treatment Plant Filters 1-6 & 12 MGD Accelerator Project.

Documents:

C) PW UO - Swanberg Constructions Contract Change Order.pdf

5. REGULAR AGENDA

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

Documents:

R) ADMIN - Fact Finding Subcommittee Recommendation.pdf

B. Receive a presentation and recommendations on East Century Avenue reconstruction project and provide direction.

Documents:

R) ENG - E Century Avenue presentation and decisions.pdf

C. Public hearing on a request for a new Class I-2: Complementary Alcohol license for COM Garden Center Inc. dba Plant Perfect at 4615 Ottawa Street.

Documents:

R) ADMIN - Plant Perfect Liquor License Application.pdf

D. Public hearing on a request for a new Class I-2: Complementary Alcohol license for Le Beauty, LLC. dba Lux Nails at 3001 Yorktown Drive.

Documents:

R) ADMIN - Lux Nails Liquor License Application.pdf

E. Public hearing on Ordinance 6573 to amend the zoning district from the R10 – Residential district to a Planned Unit Development (PUD) for McKenzie and Coffin's Second Addition and the request for approval of a minor subdivision final plat, titled McKenzie and Coffin's Second Addition.

Documents:

R) CD - McKenzie and Coffins Second Addition.pdf

F. Appeal of the February 28, 2024, decision of the Planning and Zoning Commission to deny a zoning change from the A – Agricultural zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision.

Documents:

R) CD - P and Z Appeal.pdf

G. Consider the request to receive bids and award contract for Street Light and Traffic Signal Project SV 73.

Documents:

R) ENG - SV 73.pdf

H. Consider the request to receive bids and award contract for Street Light and Traffic Signal Project SV 74.

Documents:

R) ENG - SV 74.pdf

I. Consider approval of the revised City Concrete (CC24) A-2 gap sidewalk project list.

Documents:

R) ENG - CC24 A-2 Gap Sidewalk Revised Proposal.pdf

J. Consider request to receive bids and award contract for Public Works Roofing Project.

Documents:

R) PW SO - Public Works Roofing Project.pdf

K. Consider the request from Commissioner Connelly to discuss the initiation of a Home Rule Charter Amendment to add an additional ½-cent sales, use, and gross receipts tax with the proceeds to be dedicated exclusively to public safety and public transportation needs.

Documents:

R) ADMIN - Home Rule Charter Amendment.pdf

6. Other Business

Adjourn

Bismarck

PROCLAMATION

WHEREAS, one of the greatest freedoms enjoyed by Americans is the freedom to live in a home of one's choice; and

WHEREAS, this promise made to us by the Fair Housing Act of 1968 which requires that all people be treated equally in connection with the sale or rental of housing regardless of race, color, national origin, sex, disability, familial status, or relation and in North Dakota receipt of public assistance, marital status, and age; and

WHEREAS, this year marks the 56th anniversary of the Fair Housing Act of 1968, the original legislation targeting the elimination of housing discrimination in American and promoting residential integration; and

WHEREAS, April has been designated Fair Housing Month since the adoption of fair housing legislation in April 1968 and is the time each year when the US Department of Housing and Urban Development, High Plains Fair Housing Center, and other groups organize events and activities to focus attention on the issue of equal opportunity in housing; and

WHEREAS, each resident of the City of Bismarck, North Dakota, is urged to support efforts to put into practice the principles of freedom, justice, and equality upon which this great nation was founded during the nationwide observance of Fair Housing Month.

THEREFORE, BE IT RESOLVED that I, Mike Schmitz, Mayor of the City of Bismarck, on behalf of this Commission, do hereby proclaim the month of April 2024 as **FAIR HOUSING MONTH** in the City of Bismarck and urge all citizens to honor and abide by the letter and the spirit of the Fair Housing Law.

Signed this 26th day of March 2023.

_____

Mike Schmitz, Mayor
Bismarck Board of City Commissioners

Bismarck

PROCLAMATION

WHEREAS, emergencies can occur at any time that require law enforcement, fire, or emergency medical services; and

WHEREAS, when an emergency occurs, the prompt response of law enforcement officers, firefighters, and emergency medical personnel is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our law enforcement officers, firefighters, and emergency medical personnel is dependent upon the quality and accuracy of information obtained from citizens who call the Central Dakota Communications Center; and

WHEREAS, Public Safety Communications Specialists are the first, first responders, delivering essential pre-arrival instructions and providing the most critical link that our citizens have with emergency services; and

WHEREAS, Public Safety Communications Specialists are the single vital link for our law enforcement officers, firefighters, and emergency medical personnel by monitoring their activities by radio, providing them information, and ensuring their safety; and

WHEREAS, Public Safety Communications Specialists of the Central Dakota Communications Center have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

WHEREAS, each Communications Specialist has exhibited compassion, understanding, and professionalism during the performance of their duties in the past year; and

WHEREAS, the Central Dakota Communications Center Board of Directors has declared April 14th – 20th, 2024, as National Public Safety Telecommunications to honor the men and women of the Central Dakota Communications Center who dedicate themselves to helping keep our communities and our citizens safe;

THEREFORE, BE IT RESOLVED that I, Mike Schmitz, Mayor of the City of Bismarck, on behalf of this Commission, do hereby proclaim April 14th-20th, 2024, as **NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK** in the City of Bismarck.

Signed this 9th day of April 2024.

_____

Mike Schmitz, Mayor
Bismarck Board of City Commissioners

MEETING OF THE BOARD OF CITY COMMISSIONERS

3/11/2024 - Minutes

DRAFT

Call to Order

Mayor Schmitz called the Mayor to order at 3:00 PM. Commissioner Cleary, Commissioner Connelly, Commissioner Marquardt, Commissioner Zenker, and Mayor Schmitz were present.

1. Request to go into executive session under NDCC 44-04-19.2 to receive attorney consultation regarding an imminent lawsuit.

   Request to go into executive session under N.D.C.C. § 44-04-19.2 to receive an attorney consultation regarding an imminent lawsuit.

   Commissioner Marquardt motioned to enter into session under N.D.C.C. § 44-04-19.2 to receive an attorney consultation regarding an imminent lawsuit at 3:00 PM, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

   Commissioner Zenker motioned to exit the executive session at 4:10 PM, and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

   Mayor Schmitz reconvened the regular session at 4:11 PM, with all Commission members in attendance.

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

Adjourn

There being no further business to discuss, the meeting adjourned at 4:12 PM.

MEETING OF THE BOARD OF CITY COMMISSIONERS

3/12/2024 - Minutes

DRAFT

Call to Order

The Board of City Commissioners met on March 12, 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

- March 26, 2024
- April 9, 2024 & April 23, 2024
- May 14, 2024 & May 28, 2024

MISSION STATEMENT

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

MEETING OF THE BOARD OF CITY COMMISSION

1. Proclamations

    A. MDU 100th Anniversary Proclamation

    B. National Drug and Alcohol Facts Week Proclamation

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

    1. Terry Fleck requested that an item relating to Morrison Ave be placed on a Commission meeting agenda in April.

3. CONSENT AGENDA

    Commissioner Zenker motioned to approve the Consent Agenda as presented, and Commissioner Connelly 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 # 1116540 - 1116754.

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

1. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for Le Beauty, LLC. dba Lux Nails at 3001 Yorktown Drive.

2. Introduction of and call for a public hearing on a request for a new Class I-2: Complementary Alcohol license for COM Garden Center Inc. dba Plant Perfect at 4615 Ottawa Street.

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

1. Appointment for the Bismarck Historic Preservation Commission.

2. Additional supplemental HOME funds to pass through the City to NDHFA as a subrecipient.

3. Mitchell Unterseher, Mark Unterseher, and Tamara Unterseher are requesting the release of non-access lines over two 30-foot sections along Fernwood Drive and one 20-foot section along Sandy River Drive, as well as the dedication of a non-access line over one 30-foot section along Fernwood Drive, where staff recommends approval.

4. J & D Construction is requesting approval of a revision to the minor subdivision final plat titled Sonnet Heights Subdivision Ninth Replat, where Staff recommends approval.

5. Introduction of and call for a public hearing on Ordinance 6573, a request by Remedy Housing Solutions, LLC., Cory Louser, and Katilla Wiseman, for a zoning map amendment from the R10 – Residential zoning district to the PUD – Planned Unit Development zoning district for part of McKenzie and Coffins Second Addition, where the Bismarck Planning and Zoning Commission recommends approval.

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

1. Street closure for the KFYR TV Food Truck Festival.

2. Private Drive and Private Utility Agreement with J & D Construction, Inc.

3. Award concurrence of North Dakota Department of Transportation (NDDOT) Centennial Rd/Bismarck Expy Interchange Reconstruction project, IM-NHU-1-094(212)161), PCN 22648, City project HC 132.

4. North Dakota Department of Transportation (NDDOT) Cost Participation, Construction, and Maintenance Agreement for Urban Grant Project UGP-1-981 (141), City Project HC 166.

DRAFT

5. Resolution receiving bids and ordering preparation of the Engineer's Statement and resolution rejecting all bids for Sewer Improvement District SE 582/WPSP392.

6. Receive bids and award contract for Street Light and Traffic Signal Project SV 75.

7. Receive bids and award contract for Water Utility WU 145.

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

1. Approval of Abatements.

2. Authorize P-Card Program and Security Administrators for JP Morgan P-Card Program.

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

1. Permission to use Sourcewell contract to purchase safety equipment and personal protective equipment through M & T Fire & Safety Equipment.

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

1. Task Order 24-02 from Houston Engineering for the Solid Waste operations to provide Air Quality Tier 2 NMOC Emission Testing, Analysis, and Reporting.

2. Permission to enter into an agreement with Ames Construction for the purchase of Borrow Dirt from the Landfill for the price of $1.00 per Cubic Yard.

3. Permission to award the Landfill Cell 2 Construction Project to R.J. Zavoral and Sons, Inc.

4. Permission to award the bid for City of Bismarck Lawn Care Services, managed by Service Operations.

5. $500 sponsorship to the 2024 North Dakota Excavator Meeting.

6. Permission to accept the signed deed from the State of North Dakota to turn back unused property near the Landfill to the City of Bismarck.

7. Permission to sell Environmental Health Assets at a Public Auction or Online Auction.

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

1. Expense coverage from professional organization for AWWA DC Fly-In.

2. Permission to award lawn care services bids.

3. Skeel's Electric Change Order No. 2 for Lift Station SCADA Project.

4. Amendment No.4 to Stantec License & Maintenance Agreement for Use of FAMS-XL.

DRAFT

4. REGULAR AGENDA

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

Commissioner Cleary motioned to table this item for two weeks and be brought back to the March 26, 2024 meeting, and Commissioner Connelly seconded. Upon a roll call vote, all voted aye. M/C.

https://www.bismarcknd.gov/DocumentCenter/View/45234/Item-4A-_March-12-2024-PDF

B. ~~Continued discussion and approval of department director employment and performance processes.~~

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

Gabe Schell, City Engineer, provided information relating to the request for a resolution creating district Parts A-1, A-2, and B, Resolution Approving Plans and Specifications, and authorization to advertise and receive bids for City Concrete (CC)24—Parts A-1, A-2, and B.

Commissioner Zenker motioned to approve the request to create district Parts A-1 and B, Resolution Approving Plans and Specifications, and authorization to advertise and receive bids for City Concrete (CC)24 - Parts A-1 and B as presented, and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Zenker motioned to approve the request to create district Part A-2, Resolution Approving Plans and Specifications, and authorization to advertise and receive bids for City Concrete (CC)24 - Part A-2 as presented and directed staff to evaluate1 potential revisions to the A-2 address list and provide that information at the March 26, 2024 meeting, and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C

D. Request for resolutions receiving bids, ordering preparation of the engineer's statement and awarding contracts for SI 578.

Gabe Schell, City Engineer, provided information regarding the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SI 578.

Commissioner Zenker motioned to approve the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SI 578 to Municipal Pipe Tool Company for $361,918.48 as presented, and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

https://www.bismarcknd.gov/DocumentCenter/View/45235/Item-4D_March-12-2024-PDF

DRAFT

E. Request for resolutions receiving bids, ordering preparation of the engineer's statement and awarding contracts for Street Improvement District SI 579.

Gabe Schell, City Engineer, provided information regarding the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SI 579.

Commissioner Zenker motioned to approve the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SI 579 to Ti-Zack Concrete, LLC. for $2,890,695.48 as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

https://www.bismarcknd.gov/DocumentCenter/View/45236/Item-4E_March-12-2024-PDF

F. Request to receive bids and award contract for Sewer Utility Project SU 95.

Gabe Schell, City Engineer, provided information regarding the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SU 95.

Commissioner Marquardtmotioned to approve the request for resolutions to receive bids, order preparation of the engineer's statement, and award of contracts for SU 95 as presented, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

https://www.bismarcknd.gov/DocumentCenter/View/45237/Item-4F_March-12-2024-PDF

G. Request to receive bids and award contract for Water Utility WU 143.

Gabe Schell, City Engineer, provided information regarding the request for resolutions to receive bids and award contract for WU 143.

Commissioner Zenker motioned to approve the request for resolutions to receive bids and award the contract for WU 143 to Basaraba Excavating for $2,499,999.99, contingent upon concurrence from the Bismarck Parks and Recreation District and the removal of the Department of Water Resources state grant funds condition, and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

H. Request to receive bids and award contract for Water Utility WU 144.

Gabe Schell, City Engineer, provided information regarding the request for resolutions to receive bids and award contract for WU 144.

Commissioner Zenker motioned to approve the request for resolutions to receive bids and award contract for WU 144 to Basaraba Excavating for $1,851,346.80 contingent upon the removal of the Department of Water Resources state grant funds condition, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

5. Other Business

Commissioner Zenker thanked Dmitriy Chernyak, Leanne Schmidt, and the HR and Finance staff for assisting with activities at the Event Center over the past two weekends.

Adjourn

DRAFT

There being no further business to discuss, the meeting adjourned at 5:59 PM.

DRAFT

PERSONNEL ACTIONS FOR THE MEETING ON March 26, 2024

Full-Time and Part-Time Appointments

Fredrickson, Chanc Police Officer	Police	Probationary Appointment @$28.47/hr 3/18/24
Ness, Tyler Police Officer	Police	Probationary Appointment @$28.47/hr 3/19/24
Kaseman, Daniel Heavy Equipment Operator	PW-Services	Probationary Appointment @$25.50/hr 3/18/24

Separations

Peterson, Mary Communications Specialist	CenCom	Resigned 3/11/24
Jones, Kathleen Box Office Cashier I	Event Center	Resigned 3/8/2024
Keplin, Arla Building Service Worker	PW-Services	Retired 2/27/24
Seibel, Roy Equipment Operator II	PW-Services	Retired 2/26/24

Others

Peterson, Mary Communications Specialist	CenCom	Leave W/out Pay 3/2/24
Peterson, Mary Communications Specialist	CenCom	Leave W/out Pay 3/9/24
Ulland, Jason Senior Maintenance Tech-WTP	PW-Utilities	Promotion @$29.28/hr 3/3/24

Airport

DATE: March 26, 2024

FROM: Greg Haug, Airport Director

ITEM: Change Order #2 to the Ostrom Painting and Sandblasting Inc Contract dated 10/19/2023

REQUEST:
Change Order #2 to the Ostrom Painting and Sandblasting Inc Contract dated 10/19/2023

BACKGROUND INFORMATION:
On October 10, 2023, The City Commission approved entering into a contract with Ostrom Painting and Sandblasting Inc. to repaint markings on runway 13/31 that were deemed out of compliance by the Federal Aviation Administration Certification Inspector. The first change order added in additional runway markings that were damaged during snow removal operations and would need to be repainted too. The completion date of the contract was March 31, 2024. Due to low temperatures, the pavement markings project will not be completed by the original completion date in the contract. Change Order #2 will extend the completion date from March 31, 2024 to June 30, 2024 (additional 91 days) to allow the contractor to complete the project when the weather becomes warmer. This is a zero cost change order.

RECOMMENDED CITY COMMISSION ACTION:
Approve Change Order #2 to the Ostrom Painting and Sandblasting Inc.

STAFF CONTACT INFORMATION:
Matthew Remynse, Marketing and Operations Manager, 701-355-1812, mremynse@bismarcknd.gov

ATTACHMENTS:
1. AIR - 1

CHANGE ORDER- SECTION 1

Change Order No.	#2
Date	03/12/2024
Airport Name	Bismarck Airport
Contractor	Ostrom Painting & Sandblasting, Inc.
Contract Date	10/19/2023
Contract Description	2023 Airfield Painting
	Bismarck Airport, Bismarck, North Dakota

General Reason for Change – Qualify and explain details in Section 2 & 3

1. Extend the completion date from March 31, 2024 to June 30, 2024.

This change results in the following adjustment to the contract:

Total contract amount prior to this Change Order:	TOTAL	$137,994.75
Increase/Decrease resulting from this Change Order:	TOTAL	$0
Total contract amount including this Change Order:	TOTAL	$137,994.75

Contract Completion Date prior to this Change Order:	"03/31/2024"
Additional Days Added to contract:	91 Days
Contract Completion Date after this Change Order:	"06/30/2024"

Approvals of Change Order by: **Date:**

Robert Walker
Ostrom Painting & Sandblasting, Inc.

Michael T. Schmitz
President, Board of Commissioners

ENC 1

CHANGE ORDER - SECTION 2
Summary of Changes

Change Order No. 2
Federal Grant No. Non- AIP

ITEM NO.	SPEC. NO.	DESCRIPTION OF ITEM	QUANTITIES			UNIT	UNIT PRICE	REVISED COST	CHANGED COST
			PLANNED	REVISED	CHANGE				
Runway/Taxiway and Landside Pavement Markings									
1	P 620	Pavement Marking (White)	126,375	0	0	SF	$ 0.98	$ -	$ -
2	P 620	Pavement Marking (Black)	21,765	0	0	SF	$ 0.65	$ -	$ -
TOTAL CHANGE - CHANGE ORDER NO. 2									**$ -**
TOTAL REVISED COST - CHANGE ORDER NO. 2								**$ -**	

CHANGE ORDER – Section 3

Change Order No. 2

Federal Grant No. Non-AIP

REASON FOR CHANGE ORDER

Due to low temperatures, the pavement markings project will not be completed by the original completion date of March 31, 2024. This change will extend the completion date from March 31, 2024 to June 30, 2024 (additional 91 days) to allow the work to be completed when the weather becomes warmer.

Airport

DATE: March 26, 2024

FROM: Greg Haug, Airport Director

ITEM: Northern Improvement Company (NIC) Change Order #15-Final to Snow Removal Equipment (SRE) Building Agreement

REQUEST:
Northern Improvement Company (NIC) Change Order #15 Final to Snow Removal Equipment (SRE) Building Agreement

BACKGROUND INFORMATION:
On August 23, 2022, the Board approved actions for the SRE Building project including approval of an agreement with NIC for building and civil work. The work has been completed, a Certificate of Occupancy was received and we have moved into the building.

Change Order #15-Final reduces the cost from $13,518,464.13 by $96,341.71 to a final cost of $13,422,122.42, adjusting the quantities to the final amounts so the project can be closed.

RECOMMENDED CITY COMMISSION ACTION:
Approve NIC Change Order #15-Final to SRE Building Agreement at Enclosure 1

STAFF CONTACT INFORMATION:
Tim Thorsen, Assistant Airport Director, 701-355-1806, tthorsen@bismarcknd.gov

ATTACHMENTS:
1. AIR - 1

Change Order No. **15-Final**
Date February 24, 2024

Airport Name Bismarck Airport
Location Bismarck, North Dakota
Contract Description Construct New SRE Building
Contract Date October 12, 2022

AIP Project # 3-38-0003-071-2022; 3-38-0003-072-2023
KLJ Project # 2105-01256
Owner's Project # APG.AIP71.CONST; APG.BIL2223.CONST; APG.BIL24.CONST
Owner G/L Code: 600-620-602-6710-100

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

Contractor
Northern Improvement Company
PO Box 1254
Bismarck, ND 58502

Engineer
KLJ
4585 Coleman Street
Bismarck, ND 58503

General Reason for Change (quantify and explain details in sections 2 and 3)
Project quantities adjusted to the final amounts.

	AIP CARES Grant 071	2023 BIL Grant 072	Future 2024 BIL Grant	NON-AIP	Total
Total Contract Amount Prior to this Change Order	$ 8,740,687.64	$ 3,752,526.64	$ 944,571.35	$ 80,678.50	$ 13,518,464.13
Change Resulting from this Change Order	(1,944.20)	(95,151.07)	10,378.65	(9,625.09)	(96,341.71)
Total Contract Amount After this Change Order	$ 8,738,743.44	$ 3,657,375.57	$ 954,950.00	$ 71,053.41	$ 13,422,122.42

Prerequisites to Substantial Completion	
Prerequisites to Substantial Completion date prior to this Change Order	February 2, 2024
Change resulting from this Change Order	0
Revised Prerequisites to Substantial Completion date from this Change Order	February 2, 2024

Prerequisites to Final Acceptance	
Prerequisites to Final Acceptance date prior to this Change Order	February 24, 2024
Change resulting from this Change Order *	0
Revised Prerequisites to Final Acceptance date from this Change Order *	February 24, 2024

Change Order approved by:

3/15/2024
Date

KLJ

3/6/2024
Date

Jason Irey
Northern Improvement Company

Date

City of Bismarck

ENC 1

Summary of Changes

Airport Name: Bismarck Airport
Location: Bismarck, North Dakota
AIP Project #: 3-38-0003-071-2022; 3-38-0003-072-2023

Contractor: Northern Improvement Company

Change Order No. 15-Final
Section 2
KLJ Project # 2105-01256
Owner's Project # APG.AIP71.CONST; APG.BIL2223.CONST; APG.BIL24.CONST

Item #	Spec #	Item	Quantities			Unit	Unit Price	Revised Cost	Changed Cost
			Planned	Revised	Change				
FUTURE 2024 BIL GRANT									
Schedule 1, Division 1, Base Bid - Lancair Drive									
1	C-105	Mobilization	1.00	1.00	-	L.S.	$ 85,400.70	$ 85,400.70	$ -
2	Local and State	Engineer/RPR Field Office	1.00	1.00	-	L.S.	45,665.30	45,665.30	-
3	Local and State	Contractor Staging / Storage Area	1.00	1.00	-	L.S.	45,964.50	45,964.50	-
4	Local and State	Traffic Control	1.00	1.00	-	L.S.	1,121.00	1,121.00	-
5	Plan Notes	Install Construction Safety Fence	800	780	(20)	L.F.	5.60	4,368.00	(112.00)
6	Plan Notes	Remove Construction Safety Fence	800	780	(20)	L.F.	5.60	4,368.00	(112.00)
7	C-102	Biorolls	180	176	(4)	L.F.	10.10	1,777.60	(40.40)
8	P-101	Asphalt Pavement Removal	838	838	-	S.Y.	8.30	6,955.40	-
9	Plan Notes	Remove Existing Gravel Access Road	110	110	-	C.Y.	29.60	3,256.00	-
10	Plan Notes	Existing Waste Pile Removal	1	1	-	L.S.	62,957.90	62,957.90	-
11	P-151	Clearing and Grubbing	1	1	-	L.S.	5,734.80	5,734.80	-
12	Plan Notes	Water	40.0	35.3	(4.7)	M Gal.	51.80	1,828.54	(243.46)
13	P-152	Unclassified Excavation	2,572	2,572	-	C.Y.	39.50	101,594.00	-
14	Plan Notes	Geotextile Fabric	4,940	4,940	-	S.Y.	2.80	13,832.00	-
15	NDDOT 302	Aggregate Base Course CL. 5	542	542	-	C.Y.	125.10	67,804.20	-
16	NDDOT 302	Salvaged Base Course	667	667	-	C.Y.	63.60	42,421.20	-
17	NDDOT 430	AC Superpave (FAA 43)	1,260.00	1,392.06	132.06	Ton	161.80	225,235.31	21,367.31
18	P-603	Emulsified Asphalt Tack Coat	400	440	40	Gal.	2.60	1,144.00	104.00
19	D-705	4-Inch Perforated Corrugated PE Edgedrain Pipe Complete	1,284	1,284	-	L.F.	40.40	51,873.60	-
20	Plan Notes	4-Inch PVC Outlet Line & Headwall	2	2	-	Each	2,354.10	4,708.20	-
21	Plan Notes	4-Inch PVC Outlet Line to Storm Sewer Pipe	2	2	-	Each	2,707.20	5,414.40	-
22	D-751	72-Inch Storm Sewer Manhole with Inlet	2	2	-	Each	39,403.20	78,806.40	-
23	Plan Notes	Cut, Remove, and Modify Existing Storm Sewer Pipe	1	1	-	L.S.	49,211.90	49,211.90	-
24	NDDOT 754	Remove Existing Road Sign and Assembly	1	1	-	L.S.	560.50	560.50	-
25	NDDOT 754	Road Sign Assembly - Stop Sign	1	1	-	Each	560.50	560.50	-
26	NDDOT 754	Road Sign Assembly - Directional Sign	2	2	-	Each	3,363.00	6,726.00	-
27	P-620	Pavement Marking	88	88	-	S.F.	5.60	492.80	-
28	T-901	Seeding	2.50	2.50	-	Acre	2,746.50	6,866.25	-
29	T-905	Topsoil (On Site)	655	655	-	C.Y.	26.20	17,161.00	-
30	Plan Notes	Topsoil Waste Stockpile (On Site)	404	-	(404)	C.Y.	26.20	-	(10,584.80)
31	T-908	Mulching	2.50	2.50	-	Acre	4,456.00	11,140.00	-
		TOTAL SCHEDULE 1, DIVISION 1, BASE BID - FUTURE 2024 BIL GRANT						**$ 954,950.00**	**$ 10,378.65**
2023 BIL GRANT 072									
Schedule 1, Division 2, Base Bid - Landside Access Road									
1	C-105	Mobilization	1.00	1.00	-	L.S.	$ 41,801.30	$ 41,801.30	$ -
2	C-102	Biorolls	180	180	-	L.F.	10.10	1,818.00	-
3	C-102	Temporary Erosion Control Mat	40	40	-	S.Y.	12.60	504.00	-
4	P-151	Clearing and Grubbing	1	1	-	L.S.	5,734.80	5,734.80	-
5	Plan Notes	Water	50.0	34.5	(15.5)	M Gal.	51.80	1,787.10	(802.90)
6	P-152	Unclassified Excavation	4,175	4,175	-	C.Y.	39.50	164,912.50	-
7	Plan Notes	Geotextile Fabric	2,300	2,300	-	S.Y.	2.80	6,440.00	-
8	NDDOT 302	Aggregate Base Course CL. 5	243	243	-	C.Y.	125.10	30,399.30	-
9	NDDOT 302	Recycled Base Course	243	243	-	C.Y.	63.60	15,454.80	-
10	NDDOT 430	AC Superpave (FAA 43)	538.00	597.84	59.84	Ton	161.80	96,730.51	9,682.11
11	P-603	Bituminous Tack Coat	176	196	20	Gal.	2.60	509.60	52.00
12	D-705	4-Inch Perforated Corrugated PE Edgedrain Pipe Complete	1,100	1,100	-	L.F.	40.40	44,440.00	-
13	Plan Notes	4-Inch PVC Outlet Line & Headwall	2	2	-	Each	2,354.10	4,708.20	-
14	T-901	Seeding	1.65	1.65	-	Acre	2,746.50	4,531.73	-
15	T-905	Topsoil (On Site)	436	436	-	C.Y.	26.20	11,423.20	-
16	Plan Notes	Topsoil Waste Stockpile (On Site)	176	-	(176)	C.Y.	26.20	-	(4,611.20)
17	T-908	Mulching	1.65	1.65	-	Acre	4,456.00	7,352.40	-
		TOTAL SCHEDULE 1, DIVISION 2, BASE BID - 2023 BIL GRANT 072						**$ 438,547.44**	**$ 4,320.01**
2023 BIL GRANT 072									
Schedule 1, Division 3, Base Bid - SRE Apron (250' Building with 4 Bays)									
1	C-105	Mobilization	0.60	0.60	-	L.S.	$ 268,503.10	$ 161,101.86	$ -
2	Local and State	Contractor Staging / Storage Area	0.60	0.60	-	L.S.	45,964.50	27,578.70	-
3	P-151	Clearing and Grubbing	1	1	-	L.S.	4,591.90	4,591.90	-
4	Plan Notes	Water	50.0	34.0	(16.0)	M Gal.	51.80	1,761.20	(828.80)
5	P-152	Unclassified Excavation	2,730	2,730	-	C.Y.	39.50	107,835.00	-
6	Plan Notes	Geotextile Fabric	7,876	7,876	-	S.Y.	2.80	22,052.80	-
7	NDDOT 302	Aggregate Base Course CL. 5	1,080	1,080	-	C.Y.	125.10	135,108.00	-
8	NDDOT 302	Recycled Base Course	1,080	1,080	-	C.Y.	63.60	68,688.00	-
9	NDDOT 550	8-Inch Portland Cement Concrete Pavement	7,466	7,466	-	S.Y.	121.50	907,119.00	-
10	P-605	Joint Sealing - PCC Pavement (New)	13,044	13,044	-	L.F.	3.10	40,436.40	-
14	D-701	18-Inch Reinforced Concrete Pipe, Cl. 3	1,264	1,236	(28)	L.F.	222.00	274,392.00	(6,216.00)

Airport Name	Bismarck Airport		Change Order No.	15-Final
Location	Bismarck, North Dakota		Section	2
AIP Project #	3-38-0003-071-2022; 3-38-0003-072-2023		KLJ Project #	2105-01256
				APG.AIP71.CONST;
Contractor	Northern Improvement Company		Owner's Project #	APG.BIL2223.CONST;
				APG.BIL24.CONST

Item #	Spec #	Item	Quantities			Unit	Unit Price	Revised Cost	Changed Cost
			Planned	Revised	Change				
15	D-701	24-Inch Reinforced Concrete Pipe, Cl.3	268	254	(14)	L.F.	315.00	80,010.00	(4,410.00)
16	D-701	18-Inch Reinforced Concrete End Section, Cl. 3 with Rodent Guard	2	2	-	Each	2,712.80	5,425.60	-
17	D-705	4-Inch Perforated Corrugated PE Edgedrain Pipe Complete	1,115	1,115	-	L.F.	40.40	45,046.00	-
19	D-751	48-Inch Storm Sewer Manhole with Inlet	7	7	-	Each	9,864.80	69,053.60	-
20	D-751	60-Inch Storm Sewer Manhole with Inlet	2	2	-	Each	19,483.00	38,966.00	-
21	Plan Notes	Storm Sewer System Connection	1.00	1.00	-	Each	6,165.50	6,165.50	-
22	T-901	Seeding	2.00	2.00	-	Acre	2,746.50	5,493.00	-
23	T-905	Topsoil (On Site)	551	551	-	C.Y.	26.20	14,436.20	-
24	Plan Notes	Topsoil Waste Stockpile (On Site)	1,471	-	(1,471)	C.Y.	26.20	-	(38,540.20)
25	T-908	Mulching	2.00	2.00	-	Acre	4,456.00	8,912.00	-
		TOTAL SCHEDULE 1, DIVISION 3, BASE BID - 2023 BIL GRANT 072						**$ 2,024,172.76**	**$ (49,995.00)**
		AIP CARES GRANT 071							
		Schedule 1, Division 3, Base Bid - SRE Apron (250' Building with 4 Bays)							
1	C-105	Mobilization	0.40	0.40	-	L.S.	$ 268,503.10	$ 107,401.24	$ -
2	Local and State	Contractor Staging / Storage Area	0.40	0.40	-	L.S.	45,964.50	18,385.80	-
4	Plan Notes	Water	20.0	13.0	(7.0)	M Gal.	51.80	673.40	(362.60)
5	P-152	Unclassified Excavation	1,102	1,102	-	C.Y.	39.50	43,529.00	-
6	Plan Notes	Geotextile Fabric	3,178	3,178	-	S.Y.	2.80	8,898.40	-
7	NDDOT 302	Aggregate Base Course CL. 5	436	436	-	C.Y.	125.10	54,543.60	-
8	NDDOT 302	Recycled Base Course	436	436	-	C.Y.	63.60	27,729.60	-
9	NDDOT 550	8-Inch Portland Cement Concrete Pavement	3,012	3,012	-	S.Y.	121.50	365,958.00	-
10	P-605	Joint Sealing - PCC Pavement (New)	5,264	5,264	-	L.F.	3.10	16,318.40	-
11	P-620	Pavement Marking	130	130	-	S.F.	5.60	728.00	-
12	NDDOT 754	Road Sign Assembly - ADA Van Accessible Sign	1	1	-	Each	560.50	560.50	-
13	D-701	12-Inch PVC Storm Sewer Pipe (SDR 26)	422	422	-	L.F.	210.70	88,915.40	-
18	D-751	12-Inch Downspout Inlet	8	8	-	Each	3,082.80	24,662.40	-
		TOTAL SCHEDULE 1, DIVISION 3, BASE BID - AIP CARES GRANT 071						**$ 758,303.74**	**$ (362.60)**
		2023 BIL GRANT 072							
		Schedule 1, Division 3, Alternate A - SRE Apron (Additional 64' Building 2 Bay Expansion)							
1	C-105	Mobilization	1.00	1.00	-	L.S.	$ 38,201.30	$ 38,201.30	$ -
2	Plan Notes	Water	20.0	13.0	(7.0)	M Gal.	51.80	673.40	(362.60)
3	P-152	Unclassified Excavation	1,406	1,406	-	C.Y.	39.50	55,537.00	-
4	Plan Notes	Geotextile Fabric	1,966	1,966	-	S.Y.	2.80	5,504.80	-
5	NDDOT 302	Aggregate Base Course CL. 5	271	271	-	C.Y.	125.10	33,902.10	-
6	NDDOT 302	Recycled Base Course	271	271	-	C.Y.	63.60	17,235.60	-
7	NDDOT 550	8-Inch Portland Cement Concrete Pavement	1,896	1,896	-	S.Y.	121.50	230,364.00	-
8	P-605	Joint Sealing - PCC Pavement (New)	3,198	3,198	-	L.F.	3.10	9,913.80	-
9	D-705	4-Inch Perforated Corrugated PE Underdrain Pipe Complete	460	460	-	L.F.	40.40	18,584.00	-
		TOTAL SCHEDULE 1, DIVISION 3, ALTERNATE A - 2023 BIL GRANT 072						**$ 409,916.00**	**$ (362.60)**
		2023 BIL GRANT 072							
		Schedule 1, Division 4, Base Bid - SRE Apron Access Road to Taxiway C							
1	C-105	Mobilization	1.00	1.00	-	L.S.	$ 40,001.30	$ 40,001.30	$ -
2	Plan Notes	Airside Traffic Control	1.00	1.00	-	L.S.	5,605.00	5,605.00	-
3	Plan Notes	Install Construction Safety Fence	230	194	(36)	L.F.	5.60	1,086.40	(201.60)
4	Plan Notes	Remove Construction Safety Fence	230	194	(36)	L.F.	5.60	1,086.40	(201.60)
5	C-102	Biorolls	80	80	-	L.F.	10.10	808.00	-
6	C-151	Clearing and Grubbing	1	1	-	L.S.	5,734.80	5,734.80	-
7	Plan Notes	Water	20.0	10.0	(10.0)	M Gal.	51.80	518.00	(518.00)
8	P-152	Unclassified Excavation	607	607	-	C.Y.	39.50	23,976.50	-
9	Plan Notes	Geotextile Fabric	2,484	2,484	-	S.Y.	2.80	6,955.20	-
10	NDDOT 302	Aggregate Base Course CL. 5	352	352	-	C.Y.	125.10	44,035.20	-
11	NDDOT 302	Recycled Base Course	352	352	-	C.Y.	63.60	22,387.20	-
12	NDDOT 550	8-Inch Portland Cement Concrete Pavement	1,556	1,556	-	S.Y.	121.50	189,054.00	-
13	P-605	Joint Sealing - PCC Pavement (New)	2,675	2,675	-	L.F.	3.10	8,292.50	-
14	NDDOT 430	AC Superpave (FAA 43)	182.00	171.94	(10.06)	Ton	161.80	27,819.89	(1,627.71)
15	P-603	Bituminous Tack Coat	60	40	(20)	Gal.	2.60	104.00	(52.00)
16	Plan Notes	Obliterate Existing Pavement Paint	511	493	(18)	S.F.	5.60	2,760.80	(100.80)
17	P-620	Pavement Marking	1,638	1,620	(18)	S.F.	5.60	9,072.00	(100.80)
18	D-705	4-Inch Perforated Corrugated PE Edgedrain Pipe Complete	300	110	(190)	L.F.	40.40	4,444.00	(7,676.00)
19	NDDOT 754	Road Sign Assembly - Stop Sign	1	1	-	Each	560.50	560.50	-
20	Plan Notes	L-858 Non-Lighted Sign, Size 1	1	1	-	Each	5,100.60	5,100.60	-
21	T-901	Seeding	0.60	0.60	-	Acre	2,746.50	1,647.90	-
22	T-905	Topsoil (On Site)	161	161	-	C.Y.	26.20	4,218.20	-
23	Plan Notes	Topsoil Waste Stockpile (On Site)	260	-	(260)	C.Y.	26.20	-	(6,812.00)
24	T-908	Mulching	0.60	0.60	-	Acre	4,456.00	2,673.60	-
		TOTAL SCHEDULE 1, DIVISION 4, BASE BID - 2023 BIL GRANT 072						**$ 407,941.99**	**$ (17,290.51)**

Airport Name: Bismarck Airport
Location: Bismarck, North Dakota
AIP Project #: 3-38-0003-071-2022; 3-38-0003-072-2023

Contractor: Northern Improvement Company

Change Order No. 15-Final
Section 2
KLJ Project # 2105-01256
Owner's Project # APG.AIP71.CONST; APG.BIL2223.CONST; APG.BIL24.CONST

Item #	Spec #	Item	Quantities			Unit	Unit Price	Revised Cost	Changed Cost
			Planned	Revised	Change				
		2023 BIL GRANT 072							
Schedule 1, Division 5, Base Bid - Airside Access Road from ARFF to SRE Apron									
1	C-105	Mobilization	1.00	1.00	-	L.S.	$ 39,023.80	$ 39,023.80	$ -
2	Plan Notes	Airside Traffic Control	1.00	1.00	-	L.S.	5,605.00	5,605.00	-
3	Plan Notes	Install Construction Safety Fence	1,040	-	(1,040)	L.F.	5.60	-	(5,824.00)
4	Plan Notes	Remove Construction Safety Fence	1,040	-	(1,040)	L.F.	5.60	-	(5,824.00)
5	C-102	Biorolls	40	-	(40)	L.F.	10.10	-	(404.00)
6	C-102	Temporary Erosion Control Mat	80	-	(80)	S.Y.	12.60	-	(1,008.00)
7	P-101	Asphalt Pavement Removal	30	30	-	S.Y.	8.30	249.00	-
8	P-151	Clearing and Grubbing	1	1	-	L.S.	5,734.80	5,734.80	-
9	Plan Notes	Water	20.0	17.5	(2.5)	M Gal.	51.80	906.50	(129.50)
10	P-152	Unclassified Excavation	925	925	-	C.Y.	39.50	36,537.50	-
11	Plan Notes	Geogrid	1,782	1,782	-	S.Y.	4.20	7,484.40	-
12	Plan Notes	Geotextile Fabric	1,984	1,984	-	S.Y.	2.80	5,555.20	-
13	NDDOT 302	Aggregate Base Course CL. 5	333	333	-	C.Y.	125.10	41,658.30	-
14	NDDOT 302	Recycled Base Course	333	333	-	C.Y.	63.60	21,178.80	-
15	NDDOT 430	AC Superpave (FAA 43)	618.00	536.74	(81.26)	Ton	161.80	86,844.53	(13,147.87)
16	P-603	Bituminous Tack Coat	186	152	(34)	Gal.	2.60	395.20	(88.40)
17	D-701	36-Inch Reinforced Concrete Pipe	104	104	-	L.F.	591.90	61,557.60	-
18	D-701	36-Inch Reinforced Concrete End Section	4	4	-	Each	5,044.50	20,178.00	-
19	D-705	4-Inch Perforated Corrugated PE Edgedrain Pipe Complete	665	665	-	L.F.	40.40	26,866.00	-
20	Plan Notes	4-Inch PVC Outlet Line to Storm Sewer Pipe	1	1	-	Each	2,707.20	2,707.20	-
21	T-901	Seeding	1.10	1.10	-	Acre	2,746.50	3,021.15	-
22	T-905	Topsoil (On Site)	244	244	-	C.Y.	26.20	6,392.80	-
23	Plan Notes	Topsoil Waste Stockpile (On Site)	206	-	(206)	C.Y.	26.20	-	(5,397.20)
24	T-908	Mulching	1.10	1.10	-	Acre	4,456.00	4,901.60	-
		TOTAL SCHEDULE 1, DIVISION 5, BASE BID - 2023 BIL GRANT 072						**$ 376,797.38**	**$ (31,822.97)**
		AIP CARES GRANT 071							
Schedule 1, Division 6, Base Bid - Utilities & Fencing									
1	C-105	Mobilization	1.00	1.00	-	L.S.	$ 100,957.40	$ 100,957.40	$ -
2	BIS 801	6-Inch PVC Sanitary Sewer Pipe	36	36	-	L.F.	177.10	6,375.60	-
3	BIS 801	8-Inch PVC Sanitary Sewer Pipe	1,077	1,077	-	L.F.	177.10	190,736.70	-
4	BIS 801	6-Inch Cleanout	2	2	-	Each	1,597.40	3,194.80	-
5	BIS 1209	48-Inch Sanitary Sewer Manhole	4	4	-	Each	11,658.40	46,633.60	-
6	BIS 1209	Sanitary Sewer Service Connection	1	1	-	Each	3,363.00	3,363.00	-
7	BIS 1206	Adjust Manhole Casting in Unpaved Area	2	2	-	Each	6,670.00	13,340.00	-
8	BIS 1209	2-Inch Cu Water Service	8	8	-	L.F.	353.10	2,824.80	-
9	BIS 901	6-Inch Water Main	351	351	-	L.F.	134.50	47,209.50	-
10	BIS 901	8-Inch Water Main	938	938	-	L.F.	207.40	194,541.20	-
11	BIS 901	6-Inch Gate Valve	4	4	-	Each	3,587.20	14,348.80	-
12	BIS 901	8-Inch Gate Valve	1	1	-	Each	4,764.30	4,764.30	-
13	BIS 901	12x8 Inch Tapping Sleeve & Valve	1	1	-	Each	11,434.20	11,434.20	-
14	BIS 901	6-Inch Hydrant	2	2	-	Each	10,201.10	20,402.20	-
15	BIS 901	Reset Hydrant	1	1	-	Each	2,802.50	2,802.50	-
16	BIS 1209	2-Inch CB Stop and 2-Inch CB Box	1	1	-	Each	1,289.20	1,289.20	-
17	Plan Notes	Remove and Dispose of Chain-Link Fence	1,170	1,170	-	L.F.	16.50	19,305.00	-
18	F-162	10-Foot Chain-Link Fence	4,430	4,430	-	L.F.	86.70	384,081.00	-
19	F-162	10-Foot Chain-Link Fence - Temporary	425	401	(24)	L.F.	65.90	26,425.90	(1,581.60)
20	F-162	24-Foot Double Swing Gate	1	1	-	Each	7,847.00	7,847.00	-
21	F-162	24-Foot Double Swing Gate -Temporary	1	1	-	L.S.	7,566.80	7,566.80	-
22	F-162	38-Foot Double Sliding Vehicle Gate	1	1	-	Each	14,124.60	14,124.60	-
23	T-901	Seeding	0.50	0.50	-	Acre	2,746.50	1,373.25	-
24	T-908	Mulching	0.50	0.50	-	Acre	4,456.00	2,228.00	-
		TOTAL SCHEDULE 1, DIVISION 6, BASE BID - AIP CARES GRANT 071						**$ 1,127,169.35**	**$ (1,581.60)**
		AIP CARES GRANT 071							
Schedule 1, Division 7, Base Bid - SRE Building General									
1		SRE Building General - Base Bid	1.00	1.00	-	L.S.	$ 6,056,763.00	$ 6,056,763.00	$ -
		TOTAL SCHEDULE 1, DIVISION 7, BASE BID - AIP CARES GRANT 071						**$ 6,056,763.00**	**$ -**
		AIP CARES GRANT 071							
Schedule 1, Division 7, Alternate - SRE Building General									
1		SRE Building General - Alternate	1.00	1.00	-	L.S.	$ 762,280.00	$ 762,280.00	$ -
		TOTAL SCHEDULE 1, DIVISION 7, ALTERNATE- AIP CARES GRANT 071						**$ 762,280.00**	**$ -**

Airport Name: Bismarck Airport
Location: Bismarck, North Dakota
AIP Project #: 3-38-0003-071-2022; 3-38-0003-072-2023

Contractor: Northern Improvement Company

Change Order No. 15-Final
Section 2
KLJ Project # 2105-01256
Owner's Project # APG.AIP71.CONST; APG.BIL2223.CONST; APG.BIL24.CONST

Item #	Spec #	Item	Quantities			Unit	Unit Price	Revised Cost	Changed Cost
			Planned	Revised	Change				
AIP CARES GRANT 071									
Change Order #3 - SRE Building General									
CO3-1		Carpet Tile at Lobby 118 and Hall 101	1.00	1.00	-	L.S.	$ 5,261.25	$ 5,261.25	$ -
CO3-2		Tile at Locker Rooms 210 and 211	1.00	1.00	-	L.S.	2,017.10	2,017.10	-
CO3-3		Sectional Doors	1.00	1.00	-	L.S.	(4,025.00)	(4,025.00)	-
CO3-4		Door Hardware for Doors 114e and 114f, 1 hour Fire Rating for Door 214	1.00	1.00	-	L.S.	1,198.30	1,198.30	-
CO3-5		Revise Casework in Breakroom 214	1.00	1.00	-	L.S.	1,231.65	1,231.65	-
							TOTAL CHANGE ORDER #3	**$ 5,683.30**	**$ -**
NON-AIP									
Change Order #4 - South Perimeter Service Road Asphalt Repairs (75'x20', 65'x20', 10'x10', 25'x13')									
CO4-1	P-101	Asphalt Pavement Removal	359	359	-	S.Y.	$ 8.30	$ 2,979.70	$ -
CO4-2	P-152	Unclassified Excavation	131	131	-	C.Y.	49.20	6,445.20	-
CO4-3	Plan Notes	Geogrid	393	393	-	S.Y.	4.20	1,650.60	-
CO4-4	NDDOT 430	AC Superpave (FAA 43)	133.00	100.23	(32.77)	Ton	260.00	26,059.80	(8,520.20)
CO4-5	P-603	Emulsified Asphalt Tack Coat	37	34	(3)	Gal.	2.60	88.40	(7.80)
CO4-6	Local and State	Traffic Control	1.00	1.00	-	L.S.	1,400.00	1,400.00	-
							TOTAL CHANGE ORDER #4 - South Perimeter Access Road	**$ 38,623.70**	**$ (8,528.00)**
NON-AIP									
Change Order #4 - Jetway Avenue Asphalt Repairs (Full Depth - 58'x10', 43'x20'; 2" Mill and Overlay - 56'x22', 10'x10')									
CO4-1	P-101	Asphalt Pavement Removal	160	160	-	S.Y.	$ 8.30	$ 1,328.00	$ -
CO4-2	P-152	Unclassified Excavation	54	54	-	C.Y.	49.20	2,656.80	-
CO4-3	Plan Notes	Geogrid	160	160	-	S.Y.	4.20	672.00	-
CO4-4	NDDOT 430	AC Superpave (FAA 43)	70.00	60.96	(9.04)	Ton	260.00	15,849.60	(2,350.40)
CO4-5	P-603	Emulsified Asphalt Tack Coat	19	20	1	Gal.	2.60	52.00	2.60
CO4-6	Local and State	Traffic Control	1.00	1.00	-	L.S.	1,400.00	1,400.00	-
							TOTAL CHANGE ORDER #4 - Jetway Avenue	**$ 21,958.40**	**$ (2,347.80)**
AIP CARES GRANT 071									
Change Order #5 - SRE Building General									
CO5-1		Additional Concrete Pour around the proposed Trench Drain in Maintenance Bays 111 and 112	1.00	1.00	-	L.S.	$ 6,057.05	$ 6,057.05	$ -
							TOTAL CHANGE ORDER #5	**$ 6,057.05**	**$ -**
NON-AIP									
Change Order #7 - Lancair Drive									
CO7-1	P-152	Unclassified Excavation	24	24	-	C.Y.	$ 39.50	$ 948.00	$ -
CO7-2	NDDOT 430	AC Superpave (FAA 43)	51.00	58.73	7.73	Ton	161.80	9,502.51	1,250.71
CO7-3	P-603	Emulsified Asphalt Tack Coat	8	8	-	Gal.	2.60	20.80	-
								$ 10,471.31	**$ 1,250.71**
							TOTAL CHANGE ORDER #7 - Lancair Drive		
AIP CARES GRANT 071									
Change Order #10 - SRE Building General									
CO10-1		Addition of Fire Rated Access Panel	1.00	1.00	-	L.S.	$ 555.00	$ 555.00	$ -
							TOTAL CHANGE ORDER #10	**$ 555.00**	**$ -**
AIP CARES GRANT 071									
Change Order #11 - SRE Building General									
CO11-1		Addition of Pre-Finished Metal Liner Panels	1.00	1.00	-	L.S.	$ 6,595.00	$ 6,595.00	$ -
							TOTAL CHANGE ORDER #11	**$ 6,595.00**	**$ -**
AIP CARES GRANT 071									
Change Order #12 - SRE Building General									
CO12-1		Furnish and Install Overhead Door Operating System	1.00	1.00	-	L.S.	$ 10,765.00	$ 10,765.00	$ -
CO12-2		Change Hardware on Doors 114e and 114f from Group 12 to Group 11	0.00	0.00	-	L.S.	2,280.00	-	-
							TOTAL CHANGE ORDER #12	**$ 10,765.00**	**$ -**
AIP CARES GRANT 071									
Change Order #13 - SRE Building General									
CO13-1		Remove Two (2) Bedframes and Add Six (6) Mattresses	1.00	1.00	-	L.S.	$ 2,003.00	$ 2,003.00	$ -
CO13-2		Remove Plastic Laminate Shelf and Replace with Casework Above the Range in Kitchen/Breakroom.	1.00	1.00	-	L.S.	945.00	945.00	-
							TOTAL CHANGE ORDER #13	**$ 2,948.00**	**$ -**

Airport Name Bismarck Airport
Location Bismarck, North Dakota
AIP Project # 3-38-0003-071-2022; 3-38-0003-072-2023

Contractor Northern Improvement Company

Change Order No. 15-Final
Section 2
KLJ Project # 2105-01256
Owner's Project # APG.AIP71.CONST; APG.BIL2223.CONST; APG.BIL24.CONST

Item #	Spec #	Item	Quantities			Unit	Unit Price	Revised Cost	Changed Cost
			Planned	Revised	Change				
AIP CARES GRANT 071									
Change Order #14 - SRE Building General									
CO14-1		Addition of Electric Door Strikes at Doors 101a and 111a	1	1.00	-	L.S.	$ 1,624.00	$ 1,624.00	$ -
							TOTAL CHANGE ORDER #14	**$ 1,624.00**	**$ -**
							TOTAL AIP CARES GRANT 071	**$ 8,738,743.44**	**$ (1,944.20)**
							TOTAL 2023 BIL GRANT 072	**$ 3,657,375.57**	**$ (95,151.07)**
							TOTAL FUTURE 2024 BIL GRANT	**$ 954,950.00**	**$ 10,378.65**
							TOTAL NON-AIP	**$ 71,053.41**	**$ (9,625.09)**
							TOTAL CHANGE	**$ 13,422,122.42**	**$ (96,341.71)**

NOTE: The items highlighted above in green are items that are funded under AIP CARES Grant 071.
NOTE: The items highlighted above in yellow are items that are funded under 2023 BIL Grant 072.
NOTE: The items highlighted above in pink are items that are funded under Future 2024 BIL Grant.
NOTE: The items highlighted above in blue are items that are Non-AIP.

Explanation of Changes

Airport Name	Bismarck Airport	Change Order No.	15-Final
Location	Bismarck, North Dakota	Section	3
AIP Project #	3-38-0003-071-2022; 3-38-0003-072-2023	KLJ Project #	2105-01256
		Owner's Project #	APG.AIP71.CONST; APG.BIL2223.CONST; APG.BIL24.CONST
Contractor	Northern Improvement Company		

Item No.

Description

Project quantities adjusted to the final amounts

Reason for Change

All project quantities have been adjusted to the final amounts.

Community Development Department

DATE: March 26, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Bismarck Planning and Zoning Commission Appointment

REQUEST:
On behalf of Mayor Schmitz, the Community Development Department recommends Ms. Amber Larson be appointed to serve on the Bismarck Planning and Zoning Commission.

BACKGROUND INFORMATION:
If confirmed by the Board of City Commissioners, Ms. Larson's term would begin on March 27, 2024. She would be appointed to fulfill a term, left by Wendy Van Duyne, expiring on December 31, 2025.

RECOMMENDED CITY COMMISSION ACTION:
It is recommended that Ms. Larson be appointed to serve on the Planning and Zoning Commission for a term expiring in December 2025.

STAFF CONTACT INFORMATION:
Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov

ATTACHMENTS:
None

Community Development Department

DATE: March 26, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Contact and Scope of Work for Land Development Code

REQUEST:
The Community Development department requests approved of a contract and scope of work for the Land Development Code.

Please place this item on the March 26, 2024, City Commission meeting agenda.

BACKGROUND INFORMATION:
The City of Bismarck has engaged Clarion Associates, SRF, and Madden Planning to provide consulting services for the Land Development Code, which will be conducted primarily between March 2024 and the end of 2025. The contract and associated scope of work are attached.

RECOMMENDED CITY COMMISSION ACTION:
Consider and take action on the contract and scope of work for the Land Development Code, as attached.

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. Bismarck LDC Consultant Agreement
2. Bismarck LDC Scope of Work

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, effective as of the _____day of _____, 2024, by and between the City of Bismarck, North Dakota, a Municipal Corporation ("City"), and Clarion Associates LLC, a Colorado Limited Liability Company doing business at 621 17th Street, Suite 2250, Denver, Colorado ("Clarion").

WHEREAS, the City is undertaking certain activities necessary for the planning execution of a project referred to in this Agreement as the Bismarck Land Development Code; and

WHEREAS, the City desires to engage Clarion to render certain professional advice and assistance in connection with the City's project:

NOW, THEREFORE, the parties listed above mutually agree as follows:

1. **Scope of Services.** Clarion agrees to provide services as described in Exhibit A attached to and incorporated into this agreement. The City agrees to provide supporting services to Clarion as described in Exhibit A.

2. **Time of Performance.** Clarion's services shall begin on March __, 2024 and shall be expeditiously completed as shown in the Project Schedule attached as Exhibit A, but in any event all services required under this Agreement shall be completed on or before January 30, 2026. The time of performance may be extended by mutual agreement of the parties.

3. **Method of Payment and Total Project Amount.** The City shall compensate Clarion for its services in accordance with the Project Budget and Schedule set out in Exhibit A. It is expressly understood and agreed that in no event will the total compensation and reimbursement to be paid under this Agreement exceed the sum of $244,915.00 for all services rendered. By mutual agreement, the City and Clarion may reallocate the budget among project tasks if the total budget amount remains unchanged. At least 20% of the total project budget will be retained by the City until the successful adoption of the Land Development Code is achieved.

4. **Insurance.** Consultant shall carry, for the period of the contract, Comprehensive General Liability Insurance (personal injury, bodily injury, and property damage to a combined single limit of $2,000,000 for each occurrence and $500,000 per person) and comply with worker's compensation insurance and employer's liability insurance as required under the laws of the State of North Dakota. The City of Bismarck must be listed as co-insured on these policies. Any and all sub-consultants must be similarly covered, either under their own or the general consultant's liability insurance policy.

5. **General Terms and Conditions.**
   A. Termination of Agreement. Either party shall have the right to terminate this Agreement, with or without cause, by providing at least 30 days' written notice of termination to the other and specifying the effective date of the termination. If the City terminates the Agreement, all finished or unfinished documents, data,

studies, and reports prepared by Clarion pursuant to this Agreement shall become the City's property. Clarion shall be entitled to receive compensation in accordance with the Agreement for any satisfactory work completed pursuant to the terms of this Agreement prior to the date of termination.

B. Changes. The City may, from time to time, request changes in the scope of services of Clarion to be performed under this Agreement. Such changes, including the increase or decrease in the amount of Clarion's compensation, that are mutually agreed upon between the City and Clarion, shall be in writing and upon execution shall become part of the Agreement.

C. Assignability. Written permission from the City is required prior to any assignment of Clarion's duties under this Agreement; provided, however, that claims for money due or to become due Clarion from the City under this Agreement may be assigned to a bank, or other financial institution, without such approval. Notice of any such assignment or transfer shall be furnished to the City.

D. Audit. The City or any of its duly authorized representatives shall have access to any books, documents, papers, and records of Clarion that are pertinent to Clarion's performance under this Agreement, for the purposes of making an audit, examination, or excerpts. Clarion shall maintain records for 3 years after contract ends.

E. Ownership of Documents. Drawings, specifications, guidelines, and other documents prepared by Clarion in connection with this Agreement shall be the property of the City. However, Clarion shall have the right to use those documents for its marketing, professional presentations, and for other business purposes.

F. Assignment of Copyrights. To the extent that any work is copyrighted for this Project, Clarion assigns to City the copyrights to all work prepared, developed, or created pursuant to this Agreement, including the right to: 1) reproduce the work; 2) prepare derivative works; 3) distribute copies to the public; 4) perform the works publicly; and 5) to display the work publicly. Clarion shall have right to use materials produced for this Agreement for marketing purposes and professional presentations, articles, speeches and other business purposes.

G. Governing Law. This Agreement shall be governed by the laws of the State of North Dakota. Clarion shall also comply with all applicable state and federal laws and regulations and resolutions of the City and shall commit no trespass on any public or private property in the performance of any of the work under this Agreement.

H. Subconsultants. Clarion shall have the right to use the firms listed as Subconsultants in Exhibit A to complete the approved scope of work. Other Subconsultants may be used if approved by the City.

I. Notices. Any notice concerning the terms and conditions of this Agreement from Clarion to the City shall be in writing and delivered, either personally, by mail (postage prepaid), or via electronic transmission and shall be addressed as follows:

Daniel Nairn, Planning Manager
City of Bismarck
221 North 5th Street
Bismarck, ND 58501
(701) 355-1854
dnairn@bismarcknd.gov

Notices to Clarion from City shall be in writing and delivered, either personally, by mail (postage prepaid), or via electronic transmission and shall be addressed to:

Elizabeth Garvin, Director
Clarion Associates
621 17th Street, Suite 2250
Denver, CO 80293
Telephone number: (303) 830-2890
Cell number: (720) 601-7929
egarvin@clarionassociates.com

Notices shall be deemed effective upon delivery in the event of personal delivery, and after three (3) days when mailed, postage prepaid; if transmitted by electronic transmission, upon verified receipt of the electronic transmission. Either party may change its address in reference to notices by written notification to the other party.

6. **Indemnification.** Clarion shall indemnify and hold City harmless from and against and all claims, suits, or action made or asserted for any damage to person or property caused by the negligent errors or omissions by Clarion in connection with performance of Clarion's obligation under this Agreement.

7. **Independent Consultant.** Clarion is an independent consultant. Notwithstanding any provision appearing in this Agreement, all personnel assigned by Clarion to perform work under the terms of the Agreement shall be and remain at all times, employees of Clarion for all purposes. Clarion, its agents and employees, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees of City. It is acknowledged by Clarion that the City has no responsibility for any of the following:
   A. Withholding of income taxes;
   B. Provision of insurance coverage;
   C. Accumulation of sick or vacation leave; or
   D. Unemployment compensation coverage.

8. **Extent of Agreement.** This Agreement represents the entire and integrated agreement between the City and Clarion and supersedes all prior negotiations, representations, or

agreement, either written or oral. This Agreement may be amended only by written agreement signed by both the City and Clarion.

9. **Mediation and Arbitration.** Any disputes arising out of this Agreement shall be subject to arbitration. As a pre-condition to the filing of any such arbitration, all claims, disputes, and other matters in question between the parties to this Agreement arising out of or relating to this Agreement concerning a breach thereof, shall first be submitted to non-binding mediation prior to initiation of any arbitration unless the parties mutually agree otherwise. The cost of mediation shall be split equally between the parties. The parties agree that any disputes concerning the terms and conditions of this Agreement that cannot be resolved after consultation and discussion between the parties or by mediation shall be submitted and finally settled by arbitration. Any arbitration shall be conducted under the rules of the American Arbitration Association. This agreement to mediate then arbitrate if needed shall be specifically enforceable under the prevailing laws of the State of North Dakota.

10. **Severability.** If any provision of this Agreement shall be held to be invalid or unenforceable, the remaining provisions of this agreement shall remain valid and binding upon the parties hereto.

CITY OF BISMARCK, ND

BY:_____
Michael Schmitz

Title: Mayor

Date:_____

CLARION ASSOCIATES LLC

BY: _____

Title: Director

Date: _____

Exhibit A: Bismarck Land Development Code Scope, Schedule, and Budget

Exhibit A: Bismarck Land Development Code

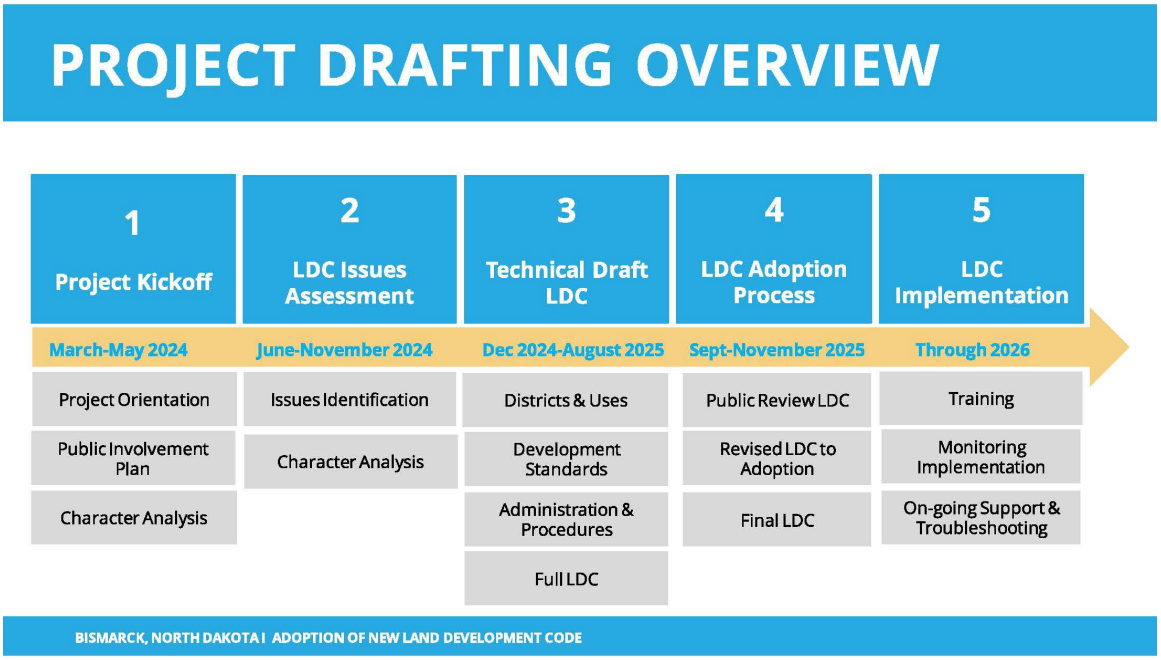
Scope, Schedule, and Budget

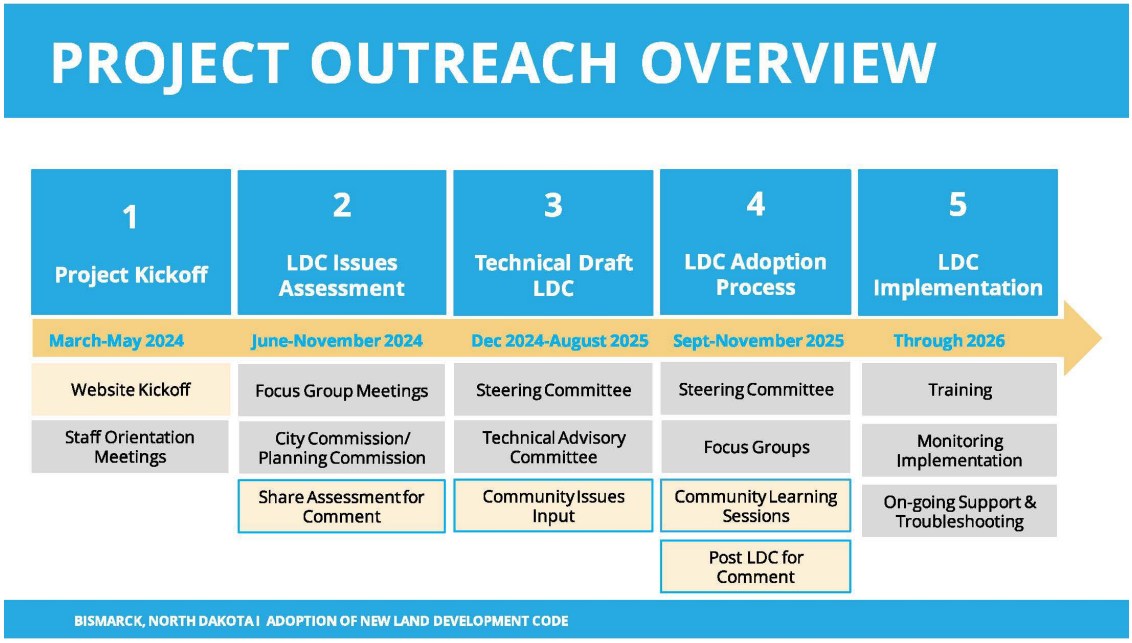
This section summarizes the scope of work and deliverables we propose for the New Bismarck Land Development Code.

It takes the whole community to draft a new code. We reference different participant groups throughout this Project Approach. They include:

- **Bismarck LDC Team (LDC Team)** – City Project Manager and core staff project leadership; responsible for project management.
- **Technical Advisory Committee (TAC)** – group including representatives from all code-using departments; will review and vet the LDC Technical Draft.
- **Steering Committee (SC)** – group comprised of community representatives from across Together 2045's elements and the City's partners in planning as well as frequent code users and the development community; intended to reflect a range of perspectives in Bismarck.
- **LDC Partners (LDCP)** – stakeholders from the development and real estate sector convened to provide input about the impact of potential LDC changes on preferred development patterns.
- **Community Meetings** – focus group and open house meetings for input and feedback about the new LDC.

The project will follow the timelines identified in these two graphics. Aside from final adoption, these dates are subject to change based on overall project priorities and without formal amendment to the project Agreement.





TASK 1: PROJECT STARTUP

RFP SCOPE TASKS 1, 2, AND 8.

This task is designed to establish and set in motion the processes and conversations that will lay the foundation for the success of the project.

1.1: PROJECT MANAGEMENT MEETING

An initial kick-off meeting will be held virtually with Bismarck staff and leadership to confirm project roles and responsibilities, gather background data and information, and establish an agenda and dates for the initial round of orientation meetings. Specific topics will include:

Public Involvement Plan
In contrast to comprehensive planning projects, code updates often involve detailed technical discussions. It takes skill and timing to present complex materials in an engaging and understandable way, and to avoid "technical topic burnout." We prepare a public involvement plan (PIP) for each code update project to detail who should be involved and how we can reach them for each project task. It will be important to build on the City's success with Together 2045 and we anticipate discussing how to make further use of the focus group approach. While we have not specified which of our team members will attend the different meetings in this proposal, we will do so in the PIP. Our public involvement will meet or exceed the requirements identified in the RFP, including:

- A minimum of 8 Steering Committee meetings, with at least 2 lead by the Project Manager;

- In-person and virtual public meetings during at least 2 stages of the process;
- Creating, hosting, and regularly updating the project website; and
- Creating, maintaining, and periodically submitting a summary of public participation activities and input.

We will share our proposed Bismarck PIP in the first project management meeting and schedule time to rethink and revise the PIP as the project progresses.

Ongoing Project Management
Effective project management is an essential component of getting to adoption. Our team has a track record of completing projects on time and within budget. We know that getting to the finish line requires communication with our clients throughout the project and the ability to make purposeful scheduling and drafting adjustments when necessary. We will schedule a twice-monthly status call with the Bismarck Project Team.

Document Collection
We will start our internal work with a deep dive into recent policy and planning projects to familiarize ourselves with community goals and perspectives. Our experience working on more than 180 zoning code projects allows us to quickly come up to speed on land use issues and identify the regulatory issues and patterns that we will explore further through early project conversations.

1.2: ORIENTATION MEETINGS

We will start the project content work with a series of live and virtual project orientation meetings with City staff from all departments that interact with the LDC (including Community Development, Engineering, Public Works, Police, Fire, and others as identified by the City's project manager) and Bismarck's elected and appointed officials. Topics will include overall project goals, scope and schedule, ongoing City activities that may impact the Land Development Code rewrite, initial strategies for public involvement, and key issues for the new LDC. Members of our consultant team will be on-site for three days to participate in orientation meetings. The remaining orientation meetings will be scheduled over a two-to three-week period to accommodate the schedules of the various participants. We will also assemble the orientation call questions into an initial staff survey to provide an opportunity for individuals who could not make the meetings to offer their thoughts and feedback on the new LDC.

In-person meeting and survey responses will be summarized into an orientation meeting summary that highlights common themes as well as more detailed issues and opportunities that emerged from the conversations and feedback.

Following the initial orientation meetings, drafting review tasks will be reviewed by the Technical Advisory Committee and we will update the City Commission and Planning & Zoning Commission about project progress at key milestones.

1.3: COMMUNITY CHARACTER ANALYSIS

Led by Mary Madden, we will prepare an initial community character analysis that we will use to help ground the new LDC in existing conditions and start a conversation about future

transformations to development patterns. Exploring and identifying the range of community character types (e.g., early plats and historic areas, compact traditional neighborhoods, post-war suburbs, and the urban/rural interface) is important to drafting form-based code districts and tailoring development standards such as landscaping or infill standards to match surrounding or proposed development.

In addition to gathering information from our team member SRF, we anticipate coordinating with staff to organize a community tour of Bismarck to explore and discuss projects and places that are working as well as those that are not. This tour will assist with the character analysis and identification of areas in the city where form-based development standards might be considered. In our experience, form districts are best applied where the framework of traditional urban form (interconnected streets and blocks) already exists and compatible infill and redevelopment is desired; or, there is a clear vision and physical master plan for transformative redevelopment of a large area such as a dying mall or aging auto corridor. Conventional zoning tools continue to work quite well for stable neighborhoods, commercial shopping centers and office districts, and apartment complexes, where no substantial change is anticipated under Together 2045.

Deliverables

Documents in all Tasks will be provided in the following formats:

- -Microsoft Word
- -Microsoft Excel as necessary
- -Illustrations shall be provided in an editable format in either Adobe Creative Suite or SketchUp software at the end of the project.

Task 1 Deliverables

- Initial and detailed Public Involvement Plan (iterative document)
- Project schedule (iterative document)
- Orientation meeting invitations and agendas
- Project website
- Preliminary draft Bismarck Character Analysis

TASK 2: TITLE 14 ISSUE ASSESSMENT

RFP SCOPE TASKS 1, 2, 3, AND 4.

Building on information gathered during the project startup tasks, we will prepare a detailed assessment of the current development regulations covering four topics:

- Current Title 14 content analysis and recommendations,
- Community character analysis for the purposes of both form-based regulations and tailored development standards,
- Potential changes or adjustments to existing zoning designations; and
- Options and recommendations for the new LDC's organizing concept.

2.1: TITLE 14 ISSUES ASSESSMENT COMPONENTS: STAFF REVIEW DRAFT

The Title 14 Issues Assessment will include four components that address the following:

Project Scope and Formatting Memo. The Project Scope and Formatting Memo will propose an outline of which topics in the current Title 14 should be included or not within the Land Development Code, and whether any new topics should be added. It will also identify best practices for formatting, codification, and enhancing usability of the Land Development Code.

Current Title 14 Analysis. The Current Title 14 Analysis will incorporate the Blue Zone and AARP review and address the following topics as needed:

1. How the current regulations respond to the community objectives identified in Together 2045 and other relevant plans as well as the issues raised in the Task 1 orientation meetings,
2. Conceptual options for updates to the standards or procedures to better meet the City's development goals;
3. Whether the current zoning districts are anticipated to implement Together 2045 and, if not, drafting options and locations in the City where they could be improved; and
4. Where one or more approaches may work for a particular regulatory issue in Bismarck, identification of which options the City should consider and what rationale supports any recommended approach(es).

Character Analysis. We will incorporate the Task 1.3 Character Analysis into the Title 14 Issues Assessment to use as a framework for discussing areas of the city where tailored regulations could best address future development. We anticipate this will include exploration of areas where form-based or form-oriented standards can help the community achieve specific development scale and form goals.

Organizing Concept. There are multiple organizing concepts or platforms to use for basic code organization (e.g., Euclidean (conventional), form-based, performance standards, negotiated). We think that the purpose of the LDC's organization is to be of service to the City and LDC users – so creating a user-friendly code is a priority regardless of the organizing concept. Following the RFP request, we will create a visually oriented summary of the various ways of organizing a code and drafting different segments of content to include in the Title 14 Issue Assessment for staff

review and discussion. While we are in Bismarck for project outreach meetings, we'll discuss organizing options with staff and settle on a consensus approach. With this information in place, we will create a summary of the formatting, styles, and graphics types that will be used in the drafting process.

Staff Review Draft. The purpose of Title 14 Issues Assessment first draft is to allow staff to review and provide substantive feedback on the report. Following staff preparation of one round of written comments, we will revise the Title 14 Issues Assessment and prepare for the outreach meetings.

2.2: TITLE 14 ISSUES ASSESSMENT – PUBLIC REVIEW AND ELECTED OFFICIAL UPDATE

We prepare only one public version of an issues assessment. Spending time "perfecting" the issues assessment delays the start of substantive drafting, where additional issues arise despite any extra work on the issues assessment. To document additional changes and ideas, we will add on the Title 14 Issues Assessment with summaries from the outreach meetings.

We will work with the LDC Project Team to schedule general public meetings (according to the Public Involvement Plan) to discuss the Title 14 Issues Assessment and collect comments. We will summarize the feedback from the public outreach meetings and present a summary of the Issues Assessment to the Steering Committee for feedback, followed by project update presentations to the Planning and Zoning Commission and City Commission.

TASK DELIVERABLES

- Staff draft Title 14 Issues Assessment
- Revised Title 14 Issues Assessment
- Presentation materials as necessary (PowerPoints, handouts, boards)

TASK 3: PREPARE DRAFT LDC

RFP SCOPE TASKS 1, 5, AND 6.

With the Title 14 Issues Assessment and comment process completed, and decisions made on code organization, we'll start drafting the new LDC. Over our 30 years of code drafting, we've typically drafted a new code in three installments and collected City and public review with each installment. This works well when the process primarily involves people who are familiar with both the existing code and the development process. Over the past five to 10 years, however, we've noticed an increase in general public and interest group (e.g., bicyclists, neighborhood organizations, and homebuilders) involvement, and find that these project participants can experience frustration waiting for their topic to come up in a long drafting process. To keep the process accessible to all, we are evolving our drafting approach. For the new Bismarck LDC, we propose creating a full technical draft during the first half of the project and doing outreach for a full public review draft during the second half of the project.

3.1: TECHNICAL DRAFT LDC

Following completion of the LDC Issues Assessment, Clarion will begin working on the new draft Land Development Code according to the content, sequencing, and formatting identified through the LDC Issues Assessment process. The updated LDC will include the agreed-upon substantive elements and emphasize the use of graphics, tables, and charts to explain zoning and land use concepts, instead of voluminous text. Areas that will benefit from illustrations will be noted (though actual illustrations may not be finalized until language is refined in later drafts). Where there are multiple potential options for addressing specific issues, we will make recommendations in the draft regarding which approach is likely to be most functional for the City and follow-up with review and discussion to ensure the LDC reflects the approach that works best for Bismarck.

The updated LDC will likely include a substantial amount of new information, presented in a new format. To make the review process more manageable for staff we recommend dividing the drafting into three manageable installments based on related material. Each installment will include commentary and footnotes to explain changes in regulations and practice and the rationale behind each new provision. The commentary and footnotes will also demonstrate how the revised code addresses the issues noted in the LDC Issues Assessment.

Drafting Organization

Installment 1 – Districts and Uses. This installment focuses on updating the current lineup of zoning districts to align with relevant City plans and policies. Clarion will work closely with City staff to recommend changes and review proposed updates that ensure that zoning district line-up implements the City's growth and development goals and policies, particularly with respect to mixed-use development and encouraging infill/redevelopment. Updates to the use regulations will also be included in this installment. This work includes revisiting the categories, specific use types, review type (e.g., permitted use, special use) and use-specific standards for clarity, relevance (do the standards reflect how this use is developed now?), and potential for approval process

streamlining.

Installment 2 – Development Standards. This installment focuses on the development quality standards, such as building and design, infrastructure use and improvements, landscaping, low impact development, access and circulation, sensitive area protection, and exterior lighting. Context-sensitive design standards for infill and redevelopment will be considered with the development standards and will be integrated and reconciled with any standards drafted during the zoning districts installment. The development standards are often the most complex part of a Land Development Code because of the breadth of standards and their relationship to standards that often live outside the code (such as street standards and other engineering standards). We will work with staff to identify the appropriate location for and potential integration of standards within and outside the Land Development Code.

Installment 3 – Administration and Procedures. This installment focuses on streamlining the current procedures for development review applications. Our whole team understands the need for clear, effective procedures and we are experienced in establishing procedures that are easy to understand, are based on a consistent and predictable foundation, and apply objective approval criteria--while offering flexibility where appropriate. This installment will also include the general provisions of the Land Development Code, which contain important elements to ensure the new code functions effectively (e.g., legal authority to regulate Land Development, relationship to other codes, nonconformities, and enforcement of the code).

Ordinance Visualizations

As we prepare the Technical Draft LDC, we will also create visualizations of dimensional, design, or spatially related requirements, either for direct incorporation into the Land Development Code or a separate guidance document, as determined across the drafting process. The illustrations will be clear and simple, employing a consistent graphic design style throughout.

Drafting Sequence

We will prepare the technical draft iteratively, first sharing all of the content for the current installment with the TAC and LDC Team. We will schedule 90-minute to two-hour monthly TAC meetings to discuss the proposed content. When a full installment has been reviewed by the TAC, we will work with the LDC Team to identify appropriate updates, edit as needed, post the draft to the project website for passive community review (specific engagement activities are identified in Task 3.2), and keep a list of issues for community or policy-maker discussion. As we move into the second and third installments, we will maintain this review schedule and add the new installments to a consolidated draft that includes the content from the earlier installments. We will also incorporate notes or comments from Task 3.2, Community Engagement. At the completion of the consolidated technical draft, we will work with the LDC Team to determine whether any additional review is needed before sharing the draft with the community.

3.2: TECHNICAL DRAFT LDC – COMMUNITY ENGAGEMENT

While we are working with the TAC and LDC Team to prepare the full public draft of the new LDC, we will also be reaching out to the community to gather

information to help us draft a new LDC that is unique to Bismarck, not an adjusted version of a code from a different community. We have had success with community-based outreach using some of the following exercises:

- Meeting-in-a-Box activity (live and online) to explore how neighborhoods and individuals see what is important to keep or change;
- StoryMap to explain existing zoning and to gather feedback about potential zoning changes; and
- Project fact sheets and surveys to educate about density and housing choices and start a community-wide discussion about anticipating change.

Working with the LDC Team, we will make some preliminary choices about this round of outreach as we finalize the Public Involvement Plan. Each round of outreach will be started with a set of in-person meetings, and the consultant team will also meet with the Steering Committee to provide project updates and discuss the role of community outreach activities.

We will organize the comments received from the Steering Committee, Planning and Zoning Commission, City Commission, and the public to review with the LDC Team. Our goal will be to identify any additional edits that need to be made to the Technical Draft.

Task Deliverables

- Staff draft LDC Installments 1, 2, 3, and full code
- TAC meetings agendas and facilitation materials
- LDC Installment revisions per LDC Team instructions
- Community outreach meeting agendas and materials (PowerPoint, handouts, boards)
- Community engagement summary memo

TASK 4: PUBLIC REVIEW DRAFT LDC

RFP SCOPE TASKS 1, 5, AND 6.

When the Technical Draft review process and editing is complete, we will move into the Public Review Draft phase of the project.

4.1: PUBLIC REVIEW DRAFT LDC – COMMUNITY ENGAGEMENT

The public review draft will be posted on the project website for comment. We use a document engagement tool from Konveio (www.konveio.com) that allows review and interactive comment on a PDF version of the document.

While the public review draft is open for review, we will facilitate three live and online learning sessions about the various contents of the LDC. Each of the learning sessions will be recorded and posted on the project website for later viewing. Concurrently with the live learning sessions, we will facilitate a Steering Committee discussion of those chapters of the draft to help identify issues and potential changes identified by the Steering Committee. We also anticipate providing two project updates to the Planning and Zoning Commission and City Council in this timeframe.

4.2: ADOPTION DRAFT LDC

We will organize the comments received from the Steering Committee, Planning and Zoning Commission, City Commission, and the general public for a discussion with the LDC Team about which revisions to incorporate in the Adoption Draft Land Development Code. As with the Technical Draft and Public Review Draft, we will first prepare an LDC Team review draft of the Adoption Draft Land Development Code.

After one round of consolidated feedback on the LDC Team draft, we will prepare the Adoption Draft to be carried forward into the adoption process. This draft will include final versions of illustrations, charts, tables, and revised text and will address any outstanding issues noted in earlier tasks.

Task Deliverables

- Adoption draft Land Development Code
- Categorized community engagement comments

TASK 5: ADOPTION PROCESS AND NEW LDC IMPLEMENTATION

RFP SCOPE TASKS 7 AND 9.

5.1: ADOPTION MEETING SUPPORT AND PRESENTATIONS

Following posting and distribution of the adoption draft, we will be responsible for attendance at and presentation to the Planning and Zoning Commission and City Commission for adoption of the Land Development Code. As needed, we will also support the LDC Team with supplementary materials or revised ordinance language.

5.2: BISMARCK LAND DEVELOPMENT CODE

Clarion will prepare a final adopted version of the new Bismarck Land Development Code based on comments and direction from the public hearings on the adoption draft. This final version will be prepared in the format identified in Organizing Concept discussions.

5.3: IMPLEMENTATION SUPPORT

LDC implementation support will start with the completion of the Technical Draft and continue through the first full year of LDC implementation. We agree that putting a new code in place is critical to achieving the intended outcomes and we will provide resources to assist staff with implementation of the updated LDC. As part of the PIP, we will work with the LDC Team to determine what types of resources would be most beneficial as the process progresses. Examples of the types of resources we have provided previous clients include the preparation of administrative manuals, procedural checklists for development review, training in Microsoft Word styles (to assist in maintaining the numbered outline format of the document as it is amended over time), crosswalks between old and new regulations, and training sessions to familiarize staff and developers with the updated LDC.

Task Deliverables

- Final version of the Land Development Code
- Implementation support materials as determined in conjunction with City Project Manager

TIMELINE

Based on our experience, we believe a 24-month engagement period resulting in adoption is realistic for the proposed scope of work (though the actual adoption date depends on political factors and thus can be somewhat unpredictable). We outlined a process in this proposal that we believe works and that results in a draft code that has been through numerous public meetings within approximately 20 months, which then would move into the final adoption process (which often we find can be a formality if prior meetings have been well-attended, informative, and productive). We summarized our proposed schedule in the table below.

2024[1]		DRAFTING ACTIVITIES	OUTREACH
TASK 1 **PROJECT START-UP** Refine Public Involvement Plan (PIP), draft Character Analysis	Mar		**Community Welcome** Open house and virtual meetings introducing the New LDC Project, Character Analysis
	Apr		
	May	✓	★ 💬 💡
TASK 2 **LDC ISSUE ASSESSMENT** Prepare updated and reorganized LDC; identify issues for community and stakeholder input	Jun	✦	**Neighborhood Meeting in a Box** Live and online self-guided exercise exploring key neighborhood traits, designed for use at a neighborhood meeting **Infrastructure and Density Mapping** Live and online introduction to StoryMap exercise focused on opportunities for redevelopment and adaptive reuse
	Jul	✦	
	Aug	● ✦	💬 💡
	Sep	✦	
	Oct	✦	
	Nov	● ✦	★ 💬 💡
TASK 3 **PREPARE DRAFT LAND DEVELOPMENT CODE**	Dec	✓	**No Outreach** Consultant team and Staff prepare Public Review Draft LDC
	Jan	● ✦	
2025			
TASK 4 **PUBLIC REVIEW DRAFT LDC**	Feb	✓	**Learning Sessions:** • Zone Districts and Uses • Development Standards • Administration and Procedures *Live and online overview of topic followed by Q&A*
	Mar	●	★ 💬 💡
	Apr		
	May	●	💬 💡
	Jun		
	Jul	●	★ 💬 💡
	Aug	●	
TASK 5 **ADOPTION PROCESS AND NEW LDC IMPLEMENTATION**	Sep	✓	**No Outreach** Consultant team and Staff prepare Adoption Version LDC **LDC Adoption per ND Statutory Schedule**
	Oct		★ 💬 💡
	Nov		

[1] Aside from final adoption, these dates are subject to change based on overall project priorities and without formal amendment to the Project Agreement.

BUDGET

The project budget includes all professional fees and expenses, as well as all costs for preparing materials for the meetings identified in the scope. Fee amounts may be moved from one task to another through discussion with the City's Project Manager without formal amendment to the Project Agreement.

Bismarck, North Dakota New Land Development Code				
Task	Clarion	SRF	Madden	Total
Task 1: Project Startup				
1.1 Project Management Meeting	9	3	1	13
1.2 Orientation Meetings	24	16	8	48
1.3 Community Character Analysis	17	0	20	37
Phase 1: Total Hours	***50***	***19***	***29***	***98***
Phase 1: Total Labor	***$6,190***	***$3,545***	***$5,800***	***$15,535***
Person trips	1	0	1	***2***
Phase 1: Total Travel	$1,000	$0	$1,000	***$2,000***
Phase 1: TOTAL	***$7,190***	***$3,545***	***$6,800***	***$17,535***
Task 2: LDC Issues Assessment				
2.1 Staff Review Draft	72	20	20	112
2.2 Public Review Draft and Elected Officials Update	70	24	8	102
Project Management/Coordination meetings w/staff	14	6	6	26
Phase 2: Total Hours	***156***	***50***	***34***	***240***
Phase 2: Total Labor	***$0***	***$9,500***	***$6,800***	***$ 16,300***
Person trips	2	0	0	***2***
Phase 2: Total Travel	$2,000	$0	$0	***$ 2,000***
Phase 2: TOTAL	***$21,540***	***$9,500***	***$6,800***	***$ 37,840***
Task 3: Technical Draft LDC				
3.1 Staff and TAC Review Draft	390	60	60	510
3.2 Community Engagement	120	24	20	164
Project Management/Coordination meetings w/staff	14	6	6	26
Phase 3: Total Hours	***524***	***90***	***86***	***700***
Phase 3: Total Labor	***$62,730***	***$16,970***	***$17,200***	***$96,900***
Person trips	3	0	1	***4***
Phase 3: Total Travel	$3,000	$0	$1,000	***$4,000***
Phase 3:TOTAL	***$65,730***	***$16,970***	***$18,200***	***$100,900***
Task 4: Public Review Draft LDC				
4.1 Community Engagement	100	40	16	156
4.2 Adoption Draft LDC	100	20	10	130
Project Management/Coordination meetings w/staff	20	6	2	28
Phase 4: Total Hours	***220***	***66***	***28***	***314***
Phase 4: Total Labor	***$28,060***	***$12,540***	***$5,600***	***$46,200***
Person trips	3	0	1	***$4***
Phase 4: Total Travel	$3,000	$0	$1,000	***$4,000***
Phase 4: Total	***$31,060***	***$12,540***	***$6,600***	***$50,200***
Task 5: Adoption Process and New LDC Implementation				
5.1 Adoption Meeting(s) Support and Presentations	64	30	4	192
5.2 Bismarck Land Development Code	50	10	10	130
5.3 Implementation Support	46	0	0	92
Phase 5: Total Hours	***160***	***40***	***14***	***414***
Phase 5: Total Labor	***$20,540***	***$7,600***	***$2,800***	***$59,080***
Person trips	3	0	0	***6***
Phase 5: Total Travel	$3,000	$0	$0	***$6,000***
Phase 5: Total	***$23,540***	***$7,600***	***$2,800***	***$65,080***
Project Total Hours	**1110**	**265**	**191**	***2941***
Project Total Labor	**$137,060**	**$50,155**	**$38,200**	***$225,415***
Project Total Person Trips	**12**	**0**	**3**	***15***
Total Travel Expenses	**$12,000**	**$0**	**$3,000**	***$15,000***
Online Engagement (Konveio license - 2 years)				***$4,500***
Total Fees: Labor and Expenses	**$149,060**	**$50,155**	**$41,200**	***$244,915***

Community Development Department

DATE: March 26, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: 2019 Annual Action Plan Amendments

REQUEST:
Consider approval of a substantial amendment to the Community Development Block Grant (CDBG) 2019 Annual Action Plan.

BACKGROUND INFORMATION:
The City of Bismarck is an entitlement community for the CDBG program administered by HUD. These funds are generally allocated for housing and community development activities that benefit low- and moderate-income households. Under this program, the City is required to develop an Annual Action Plan each year to implement a five-year consolidated plan. The 2019 Annual Action Plan was approved by the City Commission on July 23, 2019; and a substantial amendment was approved by the City Commission on May 9, 2023.

This substantial amendment to the 2019 Annual Action Plan includes the following:

- Modification of Section AP-20 (Annual Goals and Objectives) to remove one activity and goal outcome indicator for 2019;
- Modifications of Section AP-35 (Projects) to
    - Remove $11,130 in funds for a domestic violence shelter project canceled by Abused Adult Resource Center (AARC)
    - Allocate $11,130 in funds from the canceled AARC project to an AARC 2023 project, approved as a previous substantial amendment to the 2021 Annual Action Plan, for roof improvements at the intake location that serves individuals experiencing domestic violence.

Staff has been working internally and with our HUD representative to make modifications to the 2019 Annual Action Plan. A “substantial change” to the Consolidated Plan or an Annual Action Plan is defined by the City to be: a) a change in the allocation priorities or goals identified in the Consolidated Plan; or b) a change in the method of distributing funds (i.e. application process, selection criteria for projects, etc.); or c) a proposed new project for the program year; or d) a change in the purpose, scope, location, or type of beneficiaries of a project to such an extent that it can no longer reasonably be construed as the activity reviewed by the public and approved by the City Commission. The City’s Citizen Participation Plan requires that whenever

the City makes a substantial change to the Consolidated Plan or an Annual Action Plan, a public comment period and a public hearing must be held.

A draft of the substantial amendment to the 2019 Annual Action Plan was posted on the City's website on February 14, 2024; a public notice regarding the proposed substantial amendment was published in the Bismarck Tribune on February 14, 2024; a public hearing on the proposed substantial amendment was held on March 13, 2024; and the public comment period closed on March 16, 2024. No comments were received.

The draft amended 2019 Annual Action Plan can be found online here.

RECOMMENDED CITY COMMISSION ACTION:
Approve the substantial amendment to the 2019 Annual Action Plan.

STAFF CONTACT INFORMATION:
Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Hilary Balzum, CDBG Program Administrator, 701-355-1847, hbalzum@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov

ATTACHMENTS:
None

Community Development Department

DATE: March 26, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: CDBG Citizen Participation Plan Amendments

REQUEST:
Approval of amendments to the CDBG Citizen Participation Plan.

BACKGROUND INFORMATION:
The adoption of a citizen participation plan sets forth our jurisdiction's policies and procedures for citizen participation, wherein the population of Bismarck, particularly our low- and moderate-income persons, is encouraged to participate in the determination of how CDBG funds are used in our community.

In efforts to increase citizen participation and improve engagement methods, City staff have proposed the following changes:

- Addition of substantial amendment criteria as it relates to Consolidated Plan and Annual Action Plan activities.
- Addition of social media and public posting as methods for gathering citizen engagement; and
- General grammatical and formatting corrections.

RECOMMENDED CITY COMMISSION ACTION:
Approve of the proposed amendments to the CDBG Citizen Participation Plan.

STAFF CONTACT INFORMATION:
Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov
Hilary Balzum, CDBG Program Administrator, 701-355-1847, hbalzum@bismarcknd.gov

ATTACHMENTS:
1. 2024 CPP Amendment

City of Bismarck
Citizen Participation Plan

The Community Development Block Grant (CDBG) is a federal grant through the U.S. Department of Housing and Urban Development (HUD). The primary objective of CDBG is the development of viable communities by the provision of decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. In order to define what is needed to develop a suitable living environment, HUD and the City of Bismarck request the input of the public during the process to determine priorities for the CDBG program and to select projects to be funded by CDBG.

Purpose of the Citizen Participation Plan

The purpose of the Citizen Participation Plan is to set forth the policies and procedures by which the City will encourage citizens to participate in the development of the CDBG strategic plans and the use of the grant funding. The City of Bismarck will follow its Citizen Participation Plan, as long as the requirements for citizen participation do not restrict the responsibility or authority of the City to develop and execute its Consolidated Plan.

The CDBG process merges planning, application, and reporting requirements (24 CFR Part 91), and public participation is an integral element in this process. Accordingly, the City of Bismarck adopts a Citizen Participation Plan that describes how the City of Bismarck will promote and encourage public involvement throughout the CDBG process and encourage participation of LMI households living in potential project areas. This is a collaborative effort that emphasizes public involvement throughout all stages of the CDBG process and the development of the Consolidated Plan, Annual Action Plan and Consolidated Annual Performance Evaluation Report (CAPER). Public Participation helps Bismarck's Community Development Department gain a better understanding from the stakeholders and also get a diverse perspective on issues that matter most to the community.

Background

The City of Bismarck became an entitlement jurisdiction in 1990 for the CDBG program. As an entitlement jurisdiction, the City receives CDBG funding directly from HUD and administers the grant, including ensuring the funds are used according to the Code of Federal Regulations (CFR) and the associated plans, reports and certifications are completed on time and accurately. CDBG funding can be used for (1) activities that benefit low-and moderate-income households (2) eliminate conditions of slum and blight (3) meet an urgent community development need. As a recipient of CDBG funds, the City is required to provide the following:

1. Consolidated Plan at least once every five years (24 CFR § 91.15). The Consolidated Plan is a strategic plan that examines the housing and community development needs of a jurisdiction, sets priorities for HUD grant monies and establishes an action plan for meeting current and future needs. Each Consolidated Plan is also required to have a strategy for citizen participation in the Consolidated Planning process (24 CFR Part 91.105). The City of Bismarck's last Consolidated Plan covered the program years 2015- 2019.

2. Annual Action Plan each year to receive the CDBG funding (24 CFR § 91.15). The Annual Action Plan serves as the City's application to HUD for the following year's CDBG funding and includes the projects that the entitlement jurisdiction desires to fund. The Plan also outlines the tasks and objectives that will be accomplished during the program year and includes sections that describe

the public participation process, how other resources will be leveraged, and how the City plans to address barriers to affordable housing, fair housing and homelessness. The City's CDBG program year begins June 1 and ends May 31.

3. Consolidated Annual Performance and Evaluation Report (CAPER), which reviews the progress the City has made in carrying out the priorities in the Consolidated Plan. The report includes a description of the resources made available, the investment of the resources, the distribution and location of investments, per 24 CFR § 91.520. This report must be submitted to HUD within 90 days of the end of the program year.

Contact

The Community Development Department - Planning Division is the designated lead agency in the development of Bismarck's Consolidated Plan, Annual Action Plan, CAPER and Citizen Participation Plan for CDBG. This division resides within the City of Bismarck. Any comments or questions regarding the Consolidated Plan, Annual Action Plan, CAPER or the CDBG program can be sent to:

City of Bismarck
Community Development Department
PO Box 5503
Bismarck, ND 55806-5503
planning@bismarcknd.gov

Information can also be found ~~at https://www.bismarcknd.gov/1041/HUD-Grant-Programs~~ here

Basic Procedures

Public Participation

The City of Bismarck strives to involve citizens, public agencies, and other impacted parties in the process of setting priorities for the use of CDBG funds and identifying community needs. Since the national objectives of the grant are to benefit low- and moderate-income persons, prevent or eliminate slums or blight, or meet an urgent community need, emphasis is placed on involving low- and moderate-income people, particularly those living in areas where CDBG funds are proposed to be used. The City encourages participation from organizations that provide services to residents, especially those focused on the needs of the homeless, people with disabilities, veterans, the elderly, and youth. The Department of Community Development will make every effort to involve citizens in all phases of the development programs including, but not limited to, the following phases:

a. Identification and assessment of public infrastructure, housing and community development needs, determination of CDBG project(s) and documentation; ~~,~~
b. Changes and/or amendments to approved CDBG projects; and
c. Assessment of CDBG performance

All phases of the community development process will be conducted by Bismarck's Community Development Department in an open manner. Everyone is encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program outlined herein.

Community Meetings

Community meetings may be held, as necessary, to communicate information regarding a CDBG project or projects or to obtain feedback from low- and moderate-income residents or those that serve these populations in Bismarck. Community meetings will be held in locations that are American with Disabilities Act (ADA) compliant, when available. If residents require special assistance for community meetings for physical, visual, or language impairments, as well as for alternative format/language assistance, they should contact the ~~Community Development Department – Planning Division~~City of Bismarck – Human Resources Division at 701-355-~~1840~~ 1330 during operating hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. at least eight hours in advance of the scheduled meeting.

Public Comment Period

a. The City will hold a 30-day public comment period for the Consolidated Plan, Annual Action Plan and any substantial amendment(s) to these plans.

b. For the CAPER, the City will hold a public comment period of not less than 15 days to receive comments from citizens on this report.

c. The City will consider any comments or views of citizens received in writing or orally during the public comment period in the preparation of the Plans, reports and substantial amendments.

Public Hearings

All public hearing meetings will be open to the public and held in buildings that are accessible to persons with disabilities. Meetings will have adequate notice and be held at reasonable convenient times. Upon request and/or when relevant, special provisions will be made to accommodate persons due to disability or language barrier. The Community Development Department will publish notice of public hearings in the official newspaper of the City of Bismarck, Bismarck Tribune, at least fifteen days in advance.

~~-~~Bismarck will hold a minimum of two public hearings during each funding year, per 24 CFR § 91.105. The hearings will be held at two different stages of the program year and together, the hearings will address housing and community development needs, development of proposed activities, and review of program performance. The City will hold one public hearing during the 30-day public comment period on the draft Annual Action Plan, or five-year Consolidated Plan when applicable, to obtain the views of citizens ~~-~~on community needs ~~prior to the preparation of the Consolidated Plan or Annual Action Plan~~ (24 CFR § 91.105).~~.~~ The second public hearing could be held for a substantial amendment or for the CAPER. Other public hearings may be held, as necessary. ~~There will be a~~The previously referenced public comment period~~s~~ will be offered ~~before each of~~ in conjunction with these public hearings.

The City of Bismarck may also use virtual public hearings, when necessary for public health reasons. If virtual public hearings are used, real time responses and accommodations for persons with disabilities will be made to the farthest extent possible. During times of declared disasters or emergencies by local, state or federal government, the public comment period for substantial amendments to both the Annual Action Plan and Con-Plan is reduced to 5 days.

A summary of the comments received during the public comment period and at public hearings will be summarized and attached to the strategic plans and reports. The comments could influence the City to adjust the priorities or projects in the current or future Consolidated Plan or Annual Action Plan. Any adjustments would be approved by the City Commission.

Upon request, reasonable accommodations and special assistance will be made available during public hearings. Auxiliary aids and services are available upon request to individuals with disabilities or limited English proficiency using TTY/TTD equipment via TDD/TTY via 711/TDD, the ND Relay Service at 1-800-366-6888/TTY or 1-800-435-8590/Spanish.

Notice of Public Hearings and Community Meetings

It is the policy of the City of Bismarck to give residents reasonable and timely notice of meetings and access to materials related to the City's use of CDBG funds.

a. Notice of all public comment periods will be published as advertisements in the official newspaper of the City of Bismarck, beginning on or prior to the first day of the public comment period. The public hearing date, time and location will be listed in the newspaper notice with the public comment period. The public hearing will also be posted on the City's website ~~(https://www.bismarcknd.gov/)~~.

b. Whenever reasonable, every attempt will be made to give fifteen days' notice will prior to a public hearing.

c. Information that may be reviewed at community meetings and public hearings includes, but is not limited to:

    i. Amount of grant funding and program income anticipated in the coming year.
    ii. Range of activities that may be undertaken.
    iii. Estimated amount of grant funding and program income proposed to be used for activities that will benefit low- and moderate-income persons.
    iv. Any proposed activities likely to result in displacement and the City of Bismarck's plan for minimizing displacement.

Public Access to Information

As required by law, the City of Bismarck will provide the public with reasonable public access to information and records relating to the data or content of the Consolidated Plan. Documents relevant to the Program shall be made available at the City's Community Development Office during normal working hours for citizen review upon request. "Standard Documents" include the following:

a. Annual Action Plan
b. Consolidated Plan (Con-Plan)
c. Substantial amendments to either an Annual Action Plan pr Five-Year Strategic plan (Con-Plan)
d. Annual Performance Reports
e. The Citizen Participation Plan

The City shall also provide for full and timely disclosure of its program records and information consistent with applicable State and local laws regarding freedom of information, personal privacy, and obligations of confidentiality. These documents include all key documents such as prior applications for funding, all prior Statements of Objectives and Projected Use of Funds documents, letters of approval, grant agreements, other reports required by HUD; all mailings and promotional material; records of hearings; documents regarding other important program requirements, such as contracting procedures, environmental policies, fair housing and other equal opportunity requirements, and relocation provisions; copies of the regulations and issuances governing the program.

Written concerns or complaints

All written concerns and complaints will be given a written response within 15 working days whenever feasible. Often, issues involve federal regulations and may be resolved through informal discussion followed by a letter or email. Oral complaints will be handled on a case-by-case basis.

Application Process for CDBG-Eligible Organizations

a. The City will accept applications annually from CDBG-eligible organizations, including housing service providers, nonprofit organizations, and City departments. Information on the process will be available ~~at~~ ~~https://www.bismarcknd.gov/~~ on the City's website here. The timeframe for intake of applications will be emailed to eligible agencies that have requested the information and posted on the City's website and/or in the official newspaper of the City of Bismarck. The City also has the option to solicit additional applications in the event that more funding becomes available, or it is determined that additional projects are necessary to meet the community needs.

b. Applications or a summary of projects may be placed on the City's website during the public comment period.

c. City staff may conduct an application workshop and/or provide technical assistance to allow applicants to ask specific questions about the grant or potential projects.

d. Applicants may request one-on-one technical assistance session with City CDBG staff. The City will make a good faith effort to see that reasonable requests for technical assistance are responded to in a timely manner. Reasonable requests are those made more than a week in advance of the application deadline and are requests referring to assistance with completing the application.

Community Advisory Committee (CAC)

CAC is a focus group made up with up to 13 local community members who represent various economic, ethnic and social service interests within the City of Bismarck. The CAC focus group is a cross-section representation of the people in Bismarck they serve as a voice for the community and act in an advisory capacity on the current needs of community. The committee does not have independent duties or authority to take actions that will bind the Community Development Department. The group is led by a staff member from Bismarck Community Development Department.

a. Makes recommendations on applications requests for CDBG funding; and

b. Encourages community involvement in the development and review of the Con Plan and Annual Action plan;

Substantial Amendment to the Consolidated or Annual Action Plans

A "Substantial ~~Change~~Amendment" to the Consolidated or Annual Action Plans is defined by the City of Bismarck to be:

a. A change in the allocation priorities or goals identified in the Consolidated Plan; or
b. A change in the method of distributing funds (i.e. application process, selection criteria for projects, etc.); or
c. Adding an activity not previously identified in the Consolidated Plan or Annual Action Plan~~A proposed new project for the program year~~; or
d. A change in the purpose, scope, location, or type of beneficiaries of a project to such an extent that it can no longer reasonably be constructed as the activity reviewed by the public and approved by the City Commission; or
~~d.~~e. An increase or decrease in project funds of at least 20% for any activity whose allocation is $50,000 or more. An increase to an activity above 20% may be allowed when the City of Bismarck is allocated special CDBG funds (i.e. CDBG-CV funds). All other amendments would be considered minor in nature and completed administratively.

~~All other minor~~Minor changes to ~~the~~ this Plan will be considered informal amendments and will be noted in the Effective Date and Amendments section of this document. Examples may include, but are not limited to, updates to contact information, the modes of outreach utilized, City policies referenced in this Plan that are amended, clarifications of terms used in the document and applicable CFR's referenced in the Plan that are amended and do not substantially change the information included in the Plan or its intended purpose.

Citizen Participation during emergency events

In the event of a public health emergency or other emergency event requiring social distancing, the City has established expedited procedures to draft, propose, or amend the Consolidated Plan, the Annual Action Plan or solicit citizen participation.

The City must submit a request for waiver to HUD no less than two (2) days prior to utilization of the requested waiver. Expedited procedures must include notice and reasonable opportunity to comment of no less than five (5) days. The 5-day period can run concurrently for comments on Action Plan amendments, Consolidated Plan amendments, and amended Citizen Participation Plans. In-person public hearings are not required.

The City may* meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the City's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses. Instructions for participation in the virtual public meeting will be detailed in the public notice for the meeting.

During times of a national disaster or pandemic such as COVID19, advertisements and public notices may be solely on the City's website. Public comments received during the public comment period and at the virtual public meeting will be documented and held in file with the City of Bismarck's CDBG Grant Administrator. Notice of a public hearing scheduled under these circumstances must be posted on the City's website no less than 72 hours prior to the hearing. Accommodations for disabilities and non-English speaking residents will be made with a 48-hour notice prior to the scheduled meeting.

Disclaimer: All these procedures are subject to HUD's guidance during an emergency event and subject to change. The City of Bismarck will follow directives from HUD and refer to their policy and procedures in reference to the actual emergency event. This information shall be made available on the City's website.

Complaints and Grievances

It is the policy of the City of Bismarck to take reasonable steps to address concerns expressed by citizens and to respond to any formal complaints or grievances in a timely manner.

a. Citizens should bring any concerns they may have regarding the CDBG program, Plans, policies, or projects to the attention of the City of Bismarck~~, Community Development Department – Planning Division~~ – Human Resources Division, 701-355-18401330, ~~planning@bismarcknd.gov~~hr@bismarcknd.gov.

b. Unresolved issues, complaints, or grievances may be formally submitted to the City Administrator. The grievance and/or request must be in writing and legible; typed correspondence is strongly urged.

    i. The letter/email must be signed, dated, and indicate if the correspondent is representing his/her personal concerns or those of a larger group, in which case, the name and description of the group must be stated.
    ii. The letter/email must contain contact information including the person or organization's name, address, phone number, email address, and, if the organization has a fax, the fax number.
    iii. The letter/email must clearly identify the specific complaint or grievance and should state what corrective action is being sought.
    iv. b. Unresolved issues, complaints, or grievances may be formally submitted to the City Administrator. The grievance and/or request must be in writing and legible; typed correspondence is strongly urged.

c. It is anticipated that most concerns can be addressed through direct conversation. Should a written response be requested, the City will provide timely written answers to letters/emails that follow the guidelines listed in (b) above. The time required to respond may vary depending upon the nature and complexity of the specific complaint. Where practicable, written answers will be provided within 15 working days of the receipt of the written complaint.

Certifying Officers

For the CDBG program, the City of Bismarck's primary elected official/certifying officer is the Mayor. The Mayor will sign documents and HUD forms that will have a legal or financial impact to the CDBG program or the City of Bismarck, and those that have been approved through a public participation process.

The Mayor can delegate the administrative authority to the department heads in certain matters, to ensure the smooth and timely flow of information and documentation within and between the City, its

employees, applicants for employment, contractors, suppliers, and outside service providers. In an effort to ensure the City meets the timing requirements of the CDBG program, the Mayor may direct the City Administrator or the Community Development Director to sign CDBG forms and documents on behalf of Mayor. For example, administrative forms and certification will be signed by the Community Development Director.

Effective Date and Amendments

1. This City of Bismarck Citizen Participation Plan was approved on February 11, 2020, by the Bismarck City Commission. The Plan may be amended as necessary. It is recommended that this Plan is reviewed when creating a new Consolidated Plan.

2. An Administrative Amendment to this Citizen Participation Plan was proposed to be added on April 28, 2020. This amendment clarifies temporary processes and procedures in due to HUD regulatory updates.

~~2.~~3. An amendment to this Citizen Participation Plan was proposed to be added on January 23, 2024. This amendment clarifies public input opportunities and substantial amendments.

Community Development Department

DATE: March 26, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Utility easement release on Lots 5B and 6, Block 1, Edens Subdivision.

REQUEST:
Logan and Hannah Hauf are requesting approval for the release of a 14-foot utility easement over the south 7 feet of Lot 5B and the north 7 feet of Lot 6, running 390 feet east and west, less the west 7-foot and east 10-foot perimeter easements, in Edens Subdivision.

BACKGROUND INFORMATION:
The easement was granted with the plat of Edens Subdivision, which was recorded June 5, 2017. The easement is classified as a franchise utility easement and not subject to a public hearing.

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:
Based on the findings contained in the staff report, staff recommends approval of release of a 14-foot utility easement over the south 7 feet of Lot 5B and the north 7 feet of Lot 6, running 390 feet east and west, less the west 7-foot and east 10-foot perimeter easements, in Edens Subdivision, as described in the attached resolution.

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. BCC_PLMD_UEAS_Edens_Subdivision

March 26, 2024

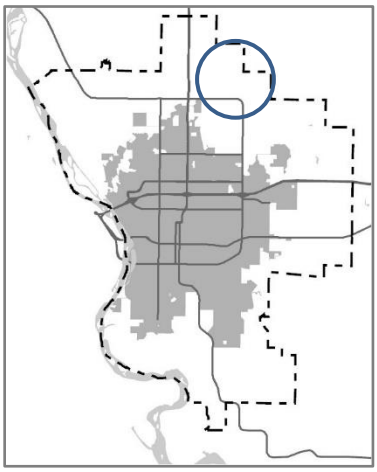
STAFF REPORT

Application for: **Easement Release**

Project ID: **PLMD2024-004**

Project Summary

Title:	Edens Subdivision, Lots 5B and 6, Block 1
Status:	City Commission - Final Consideration
Property Owner(s):	Logan and Hannah Hauff
Project Contact:	Logan Hauff
Project Location:	Northeast of Bismarck, south of 84th Avenue NE and west of 41st Street NE, to the east of Arcata Drive
Project Size:	5,460 square feet, more or lees
Applicant Request:	Vacate the 14-foot utility easement along the south line of Lot 5B and the north line of Lot 6, running 390 feet east and west, less the west 7-foot and east 10-foot perimeter easements, in Edens Subdivision
Staff Recommendation:	Approve



Project Narrative

Logan and Hannah Hauff are requesting approval of release of a 14-foot utility easement over the south 7 feet of Lot 5B and the north 7 feet of Lot 6, running 390 feet east and west, less the west 7-foot and east 10-foot perimeter easements, in Edens Subdivision.

The easement was granted with the plat of Edens Subdivision, which was recorded June 5, 2017. The easement is classified as a franchise utility easement and not subject to a public hearing.

The applicant has obtained letters from Montana-Dakota Utilities, Capital Electric Cooperative, Lumen, and South Central Regional Water consenting to the release of the easement.

Public Engagement

The requested utility easement release is exempt from public hearing and notification requirements. Release of any easement, other than franchise utility easements, requires a public hearing by City policy.

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. The County Engineer has affirmed that the utility easement proposed for release is not necessary for County services and operations. Public utility providers with facilities or operations in the area have affirmed in writing that the easement, or part thereof, proposed for release is not necessary to their present or planned service.

Proper administrative procedures related to the request are being followed.

Yes. The easement proposed for release is classified as a franchise utility easement and is thus exempt from public hearing and notification requirements, according to the City's Easement Release policy. Staff have reviewed the requested release and present to City Commission for final approval.

The public health, safety and general welfare will not be adversely impacted by the proposed release of a utility easement (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 a utility easement would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of release of a 14-foot utility easement over the south 7 feet of Lot 5B and the north 7 feet of Lot 6, running 390 feet east and west, less the west 7-foot and east 10-foot perimeter easements, in Edens Subdivision.

Attachments

1. Draft Resolution
2. Release Exhibit
3. Petition from Landowner

(continued)

4. Utility Consent Forms

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

RESOLUTION OF
THE BISMARCK BOARD OF CITY COMMISSIONERS

RELEASE OF UTILITY EASEMENT
IN EDENS SUBDIVSION (PLMD2024-004)

WHEREAS, the owners of property described as Lots 5B and 6, Block 1, Edens Subdivision, adjoining and contiguous to a platted utility easement, have heretofore joined in petition requesting that said utility 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 Edens Subdivision, which was recorded on June 5, 2017; and

WHEREAS, the County Engineer determined that the utility easement proposed for release is no longer necessary to provide utility services to the area; and

WHEREAS, the utility service providers for which the easement was granted have filed consent with the City of Bismarck.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, that the petition to release the utility easement described as:

> The entire South 7 feet of Lot 5B, Block 1, Edens Subdivision, less the West 7 feet and less the East 10 feet, in Burleigh County, North Dakota

is in all things allowed and granted.

BE IT FURTHER RESOLVED that the petition to release the utility easement described as:

> The entire North 7 feet of Lot 6, Block 1, Edens Subdivision, less the West 7 feet and less the East 10 feet, in Burleigh County, North Dakota

is in all things allowed and granted.

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

Adopted this 26th day of March, 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

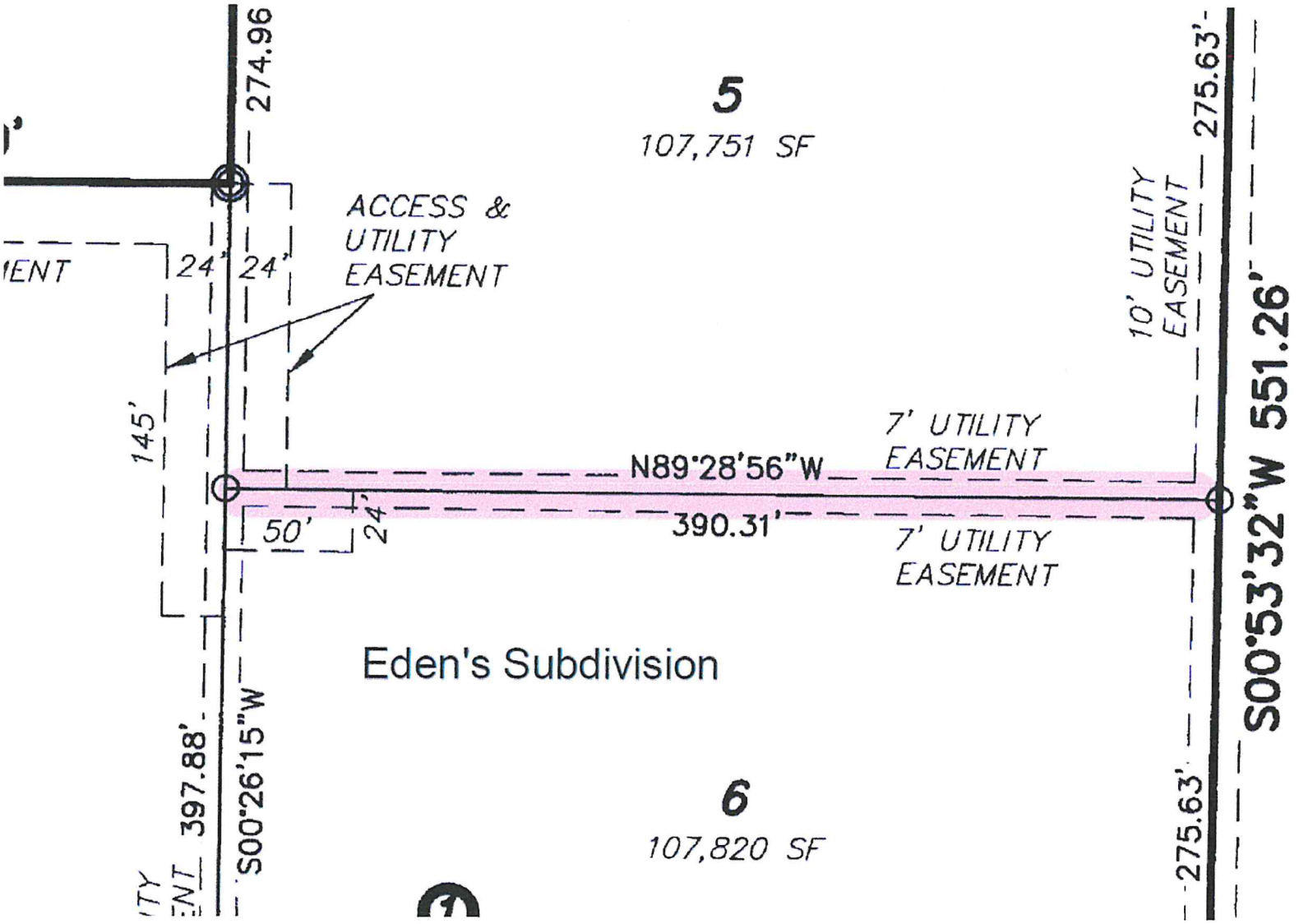
resolution adopted at a legally convened meeting of the Board of City Commissioners held on this March 26, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 26th day of March, 2024.

_____

Jason Tomanek
City Administrator
Bismarck, North Dakota

RECEIVED
FEB 2 9 2024



PLMD 24-4

RECEIVED
FEB 29 2024

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

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

Plat Modification
- ☐ Street/Alley Vacation
- ☒ Easement Release
- ☐ Non-Access Line Release

PROPERTY INFORMATION			
Project Name:	Hauff, Logan		
Legal description: (Lot, Block, Addition/Subdivision)	Lot 5B & 6, Block1, Edens Subdivision		
Street address of property:	8175 & 8165 Arcata Dr Bismarck, ND 58503		
Existing Zoning:		Proposed Zoning:	
Acreage:		Number of Lots:	2
Description of development proposal, including reason(s) for the request: *(if additional room is needed, please attach a separate sheet)*	Vacate the 14' utility easement along the south line of Lot 5B and the north line of lot 6 running 390' East & West in Edens Subdivision.		

APPLICANT/DEVELOPER	
Name:	Logan Hauff
Mailing Address:	8165 Arcata Dr Bismarck, ND 58503

PROPERTY OWNER (If Different Than Applicant/Developer)	
Name:	
Mailing Address:	

CONTACT PERSON/CONSULTANT (If Different Than Applicant/Developer)	
Name:	Logan Hauff
Mailing Address:	[redacted]

I/we attest that this application is complete with the required information as outlined in the attached submittal checklist. I/we grant approval for City of Bismarck staff to enter the property described herein for purposes related to evaluation, public notification, and documentation of the requested action.

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.

If an annexation application: I/we understand that the City will post legal notice of public hearing on my/our behalf rather than the applicant as specified in NDCC Section 40-51.2-05.

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.

(Applicant's Signature)	Logan Hauff (Printed Name)	2/23/24 (Date)
(Owner's Signature, if different)	(Printed Name)	(Date)
(Additional Owner's Signature, if applicable)	(Printed Name)	(Date)
(Additional Owner's Signature, if applicable)	(Printed Name)	(Date)

VERIFICATION FOR PLAT MODIFICATION REQUESTS:

The oath of at least one petitioner is required for **plat modification requests only**
(vacation of street/alley, release of non-access line, or release of easement)

STATE OF NORTH DAKOTA)
: SS
COUNTY OF BURLEIGH)

On this 29th day of February, 2024, before me, a notary public in and for said county and state, appeared Logan Hauff, 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.

SARAH S FRICKE
Notary Public
State of North Dakota
My Commission Expires April 21, 2024

Notary Public
Burleigh County, State of North Dakota

Submittal Deadlines:

The Planning and Zoning Commission regularly meets on the fourth Wednesday of each month. All development applications – except for variances, lot modifications and plat modifications – are due at **12:00 noon on the Friday that is 33 calendar days prior** to the meeting.

The Board of Adjustment regularly meets on the first Thursday of each month. All development applications for variances are due at **5:00 p.m. on the Monday that is 24 calendar days prior** to the meeting.

The Board of City Commissioners regularly meets on the second and fourth Tuesdays of each month. All development applications for plat modifications (street/alley vacation, non-access line release, easement release) are due at **5:00 p.m. on the 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.

☒ **Plat Modification** (street/alley vacation, non-access line release or easement release)			
	Date of communication with City or County Engineer (roadway, water, sanitary, drainage and stormwater)	2/23/24	
		Submitted	N/A
	Fee of $550.00 (street/alley vacation) Fee of $400.00 (non-access line release) Fee of $400.00 (easement release)	☑	
	Exhibit showing location of request	☑	
	For right-of-way vacation and utility easement release: Utility consent forms from all impacted utilities	☑	☐

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planning@bismarcknd.gov TDD: 711

Last Revised: 1/11/2023

UTILITY CONSENT FORM

Consent Provided for:

- ☐ Right-of-Way Vacation
- ☑ Easement Release
- ☐ Encroachment within Easement (e.g. sign)

Name of Utility Service Provider:	Capital Electric Coop.
Legal Description of area proposed for release/vacation:	Vacate the 14' utility easement along the south line of Lot 5B and the north line of lot 6 running 390' East & West in Edens Subdivision.

☑ An exhibit of the above-described area is attached to this form

Conditions Required (if any):	Retain utility easements as otherwise shown on Lots 5 & 6 Eden's Subdivision, namely the 7' and 10' utility easements shown around the lot perimeters. These easements were not shown on the plat of irregular description and would apply to Lots 5A, 5B, and 6.

I, Greg Owen, a representative of the above-noted utility provider, hereby consent to the action described herein with the understanding that all noted conditions would be met.

(Signature) _____ 2/23/2024 (Date)

Use Instructions:

This form must be completed, signed, and attached to any petition to release or vacate rights held by the utility service provider, or to any request for an encroachment within an easement without altering said easement. In the case of a general utility easement or public right-of-way, a separate form should be used for each entity providing utility services to the area within which the proposed vacation/release is located.

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Last Revised: 1/11/2023

UTILITY CONSENT FORM

Consent Provided for:

- ☐ Right-of-Way Vacation
- ☑ Easement Release
- ☐ Encroachment within Easement (e.g. sign)

Name of Utility Service Provider:	Lumen
Legal Description of area proposed for release/vacation:	Vacate the 14' utility easement along the south line of Lot 5B and the north line of lot 6 running 390' East & West in Edens Subdivision.

☑ An exhibit of the above-described area is attached to this form

Conditions Required (if any):	

I, CONNIE M KASSIAN, a representative of the above-noted utility provider, hereby consent to the action described herein with the understanding that all noted conditions would be met.

Connie M Kassian
(Signature)

2-23-2024
(Date)

Use Instructions:

This form must be completed, signed, and attached to any petition to release or vacate rights held by the utility service provider, or to any request for an encroachment within an easement without altering said easement. In the case of a general utility easement or public right-of-way, a separate form should be used for each entity providing utility services to the area within which the proposed vacation/release is located.

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Last Revised: 1/11/2023

UTILITY CONSENT FORM

Consent Provided for:

- ☐ Right-of-Way Vacation
- ☑ Easement Release
- ☐ Encroachment within Easement (e.g. sign)

Name of Utility Service Provider:	South Central Water
Legal Description of area proposed for release/vacation:	Vacate the 14' utility easement along the south line of Lot 5B and the north line of lot 6 running 390' East & West in Edens Subdivision.

☑ An exhibit of the above-described area is attached to this form

Conditions Required (if any):	

I, Larry Kirschmann, a representative of the above-noted utility provider, hereby consent to the action described herein with the understanding that all noted conditions would be met.

Larry Kirschmann
(Signature)

2-26-2024
(Date)

Use Instructions:

This form must be completed, signed, and attached to any petition to release or vacate rights held by the utility service provider, or to any request for an encroachment within an easement without altering said easement. In the case of a general utility easement or public right-of-way, a separate form should be used for each entity providing utility services to the area within which the proposed vacation/release is located.

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Last Revised: 1/11/2023

UTILITY CONSENT FORM

Consent Provided for:

- ☐ Right-of-Way Vacation
- ☑ Easement Release
- ☐ Encroachment within Easement (e.g. sign)

Name of Utility Service Provider:	MDU
Legal Description of area proposed for release/vacation:	Vacate the 14' utility easement along the south line of Lot 5B and the north line of lot 6 running 390' East & West in Edens Subdivision.

☑ An exhibit of the above-described area is attached to this form

Conditions Required (if any):	

I, ROBERT FRANK, a representative of the above-noted utility provider, hereby consent to the action described herein with the understanding that all noted conditions would be met.

(Signature) _____ (Date) 2/29/2024

Use Instructions:

This form must be completed, signed, and attached to any petition to release or vacate rights held by the utility service provider, or to any request for an encroachment within an easement without altering said easement. In the case of a general utility easement or public right-of-way, a separate form should be used for each entity providing utility services to the area within which the proposed vacation/release is located.

Community Development Department

DATE: March 26, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: HOME Rights and Responsibilities

REQUEST:
Consider the request of the North Dakota Housing Finance Agency (NDHFA) to assign all of the City of Bismarck's rights and responsibilities related to the 2017 HOME funds provided for the Washington Court project to North Dakota Housing Finance Agency (NDHFA).

BACKGROUND INFORMATION:
In 2019, the City of Bismarck awarded 2017 HOME funds in the amount of $524,350 for the renovation of units at Washington Court, owned by Burleigh County Housing Authority (BCHA). Additional 2017 funds in the amount of $245,000 were awarded in 2020.

Similar requests have been approved recently by the Board of City Commissioners for the reassignment of HOME and NSP rights and responsibilities to NDHFA for their Boulevard Apartments project. The North Dakota Housing Finance Agency is now requesting that the City of Bismarck assign all of its rights and responsibilities in this project to NDHFA. NDHFA is currently monitoring the project because other funding sources from NDHFA are included in the project. Since they are already monitoring the project for the other programs, NDHFA believes monitoring the project for compliance with HOME requirements would streamline the process.

RECOMMENDED CITY COMMISSION ACTION:
Approve the request to assign the City of Bismarck's rights and responsibilities related to the 2017 HOME funds for the Washington Court apartments project to the North Dakota Housing Finance Agency. This action would include the amendment and execution of documents that would transfer the City's rights under the Mortgage, Amended Mortgage, Assignment of Rents and Leases, Promissory Note, Amended Promissory Note, Loan Agreement and Declarations of Land Use Restrictive Covenants that was executed and recorded in December 2020.

STAFF CONTACT INFORMATION:
Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov
Hilary Balzum, CDBG Program Administrator, 701-355-1847, hbalzum@bismarcknd.gov

ATTACHMENTS:
1. Washington Court HOME Assignment

ASSIGNMENT

This Assignment (the "Assignment**"**) is dated as of ____ day of _____, 2024 and is entered into by and between the City of Bismarck, ("Assignor") and the Industrial Commission of North Dakota acting as the North Dakota Housing Finance Agency, ("Assignee").

Whereas, Washington Court, LLC a North Dakota limited liability limited partnership ("Borrower") entered into the Promissory Note dated January 12, 2018 ("Note"), an Assignment of Rents and Leases dated January 12, 2018 ("Assignment"), which was amended on December 23, 2020, and entered into a Mortgage- One Hundred Eighty Day Redemption, Security Agreement and Fixture Filing dated January 12, 2018, recorded with the Burleigh County Recorder on December 11, 2020, as Document Number 914573 ("Mortgage"), securing the Note, with Assignor, evidencing a HOME project loan/affordable housing project, and entered into an Amended Mortgage- One Hundred Eighty Day Redemption, Security Agreement and Fixture Filing dated December 23, 2020, recorded with the Burleigh County Recorder on December 23, 2020, as Document Number 915401 ("Amended Mortgage"); and

Whereas, as a condition of the Note and Mortgage and the receipt of HOME funds, the Borrower and Assignor agreed to a Home Loan Agreement ("Loan Agreement"), dated January 22, 2018, and Amended Declaration of Land Use Restrictive Covenants ("Covenants") to apply to the project. Said Covenants were dated December 23, 2020, and recorded with the Burleigh County Recorder on December 23, 2020 as Document Number 915403; and

Whereas, as a condition of the receipt of HOME Program funds, the North Dakota Department of Commerce, Division of Community Services ("DCS") and the Assignor entered into a Recipient Agreement, dated August 7, 2003, regarding the provision of HOME Program funds for this project; and

Whereas the Assignor has requested to assign the Note and Mortgage and the Assignee has agreed to assume the Note and Mortgage and to abide by all of the provisions of the Covenants, the Development Agreement and any other applicable requirements and or

regulations and to bring payments current upon the approval of the Assignment by the Borrower, and the Assignee has agreed to the undertaking by the Assignee of all the rights and obligations of the Assignor as contained in the Note and Mortgage; and

Now, therefore, in consideration of the premises and the mutual covenants herein contained and good and valuable consideration, the parties agree as follows:

1. **Assignment**. Subject to and in accordance with the terms and conditions of the Note and Mortgage, and for an agreed consideration, the Assignor hereby irrevocably sells, transfers and assigns to the Assignee, and Assignee hereby irrevocably purchases, accepts and assumes from the Assignor, all of the Assignor's rights and obligations under the Note and Mortgage. Such sale and assignment is without recourse and, except as expressly provided in this Assignment or written collateral agreement, without representation or warranty by Assignor. By acceptance of this Assignment, the Assignee agrees that the project will conform to the Covenants and that the Assignee will fulfill the terms of the recipient Agreement.

2. **Severability**. If any term of provision of this Assignment or the application therefore to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of the this Assignment or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of this Assignment shall be valid and enforced to the full extent permitted by law.

Signature page(s) follow.
Remainder of this page left intentionally blank.

IN WITNESS WHEREOF, Assignor has signed and delivered, or has caused to be signed and delivered, this Assignment by its duly authorized representative this ____ day of _____, 2024.

ASSIGNOR: City of Bismarck

Attest:

BY: _____ BY: _____

Jason Tomanek
City Administrator

Michael T. Schmitz
President
Bismarck City Commission

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this ____ day of _____, 2024, before me personally appeared Michael T. Schmitz, President Bismarck City Commission, and Jason Tomanek, Bismarck City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who acknowledged to me that they executed the same.

(SEAL) _____
Notary Public

IN WITNESS WHEREOF, Assignee has signed and delivered, or has caused to be signed and delivered, this Assignment by its duly authorized representative this ____ day of _____, 2024.

ASSIGNEE: Industrial Commission of North Dakota acting as the North Dakota Housing Finance Agency

BY: _____

David A Flohr
Executive Director

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this ____ day of _____, 2024, before me personally appeared David A Flohr, Executive Director of the Industrial Commission of North Dakota acting as the North Dakota Housing Finance Agency, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that they executed the same.

(SEAL) _____
Notary Public

IN WITNESS WHEREOF, Washington Court, LLC has signed and delivered, or has caused to be signed and delivered, this Consent to this Assignment by its duly authorized representative this ____ day of _____, 2024.

CONSENT BY Washington Court, LLC

Washington Court, LLC hereby consents to the foregoing Assignment by the City of Bismarck, as Assignor, to the Industrial Commission of North Dakota acting as the North Dakota Housing Finance Agency, as Assignee, Washington Court LLC's consent to this Assignment is conditioned upon the Assignee's assumption of all future obligations under the Note and Mortgage, the Covenants and the Agreement. The Assignor shall be relieved from further responsibility or liability under the Note and Mortgage upon the effective date of this Assignment.

BY: Washington Court, LLC
A North Dakota Limited Liability Company

BY: Community Homes of Bismarck, Inc.
lts: Sole Member

BY: _____
Name: Nicole Schurhamer
lts: Chief Executive Officer

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this ____ day of _____, 2024, before me personally appeared _____, the _____ (title) of _____ known to me to be the person who is described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

(SEAL) _____
Notary Public

Engineering Department

DATE: March 26, 2024

FROM: Gabe Schell, City Engineer

ITEM: Encroachment Agreement - 402 E Main Ave

REQUEST:
Encroachment and waiver agreement with Cape Boats, LLC for installation of a sign overhanging the right of way.

BACKGROUND INFORMATION:
Cape Boats, LLC is requesting an encroachment agreement to install a business sign overhanging the right of way at 402 E Main Ave for their tenant, JLG Architects. The Encroachment Committee has reviewed the agreement and recommends approval of the encroachment.

RECOMMENDED CITY COMMISSION ACTION:
Approve agreement and waiver with Cape Boats, LLC for a sign overhanging the right of way.

STAFF CONTACT INFORMATION:
Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:
1. Encroachment Agreement

ENCROACHMENT AGREEMENT AND WAIVER

The City of Bismarck hereby grants Cape Boats, LLC (Grantee) the right to install and maintain a privately-owned sign & hardware (Encroachments) attached to the building face overhanging the right-of-way at 402 E Main Avenue, Bismarck, Burleigh County, North Dakota 58501, as shown on the attached exhibit. Exhibit will be stored with the original signed document in the Engineering Department, subject to the following conditions:

1. The Grantee shall maintain the Encroachment and comply with all rules regarding maintenance of the Encroachment in the public right of way as set by the City Engineer.

2. The term of this grant shall be for Five (5) years and shall continue thereafter from year to year. The City may cancel this grant at any time after the initial five-year term upon six months' written notice to the Grantee.

3. The Grantee shall maintain a minimum of eight (8) feet or ninety-six (96") inches of unobstructed space between the lowest point of the encroachments and the top of the highest point in the sidewalk below the encroachment.

4. Upon the end of the term or prior abandonment of the Encroachment by the Grantee, the Grantee shall, at its own expense, remove the Encroachment and restore the right of way to its original condition, if so required by the City.

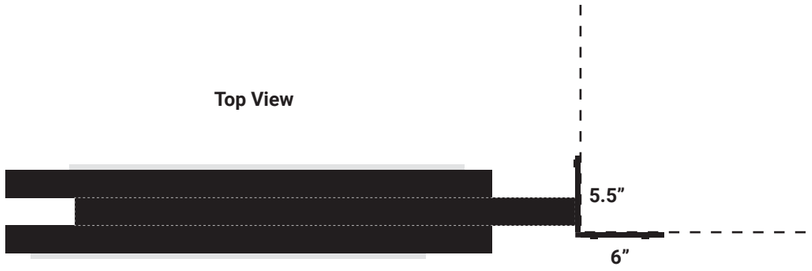
5. For and in consideration of the sum of One Dollar ($1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, in exchange for the City's permission to operate and encroachments in the right-of-way, Grantee agrees to release the City, its assigns, or other franchised utilities from and waive any and all claims relating to signs, but not limited to, damages arising from damage to the encroachments, loss of business, or other personal injury or property damage resulting from damage to the signs by the City, its assigns, or other franchised utilities. Grantee agrees that it is using the public right-of-way at its own risk. Grantee shall not look to the City, its assigns, or other franchised utilities to pay for any expense or damage to the encroachments by the City, its assigns, or other franchised utilities. Grantee agrees that it will hold harmless and indemnify the City, its assigns, or other franchised utilities from any and all claims in any way resulting from the placement of the encroachments in the public right-of-way. In the event the City is required to perform maintenance or construction on the right-of-way at the location of the encroachments, Grantee shall cooperate with the City in temporarily protecting the signs and accommodating the City's project, at Grantee's sole expense.

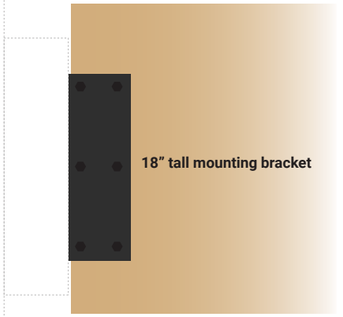
6. In the event of the commission of any breach of the terms of this Agreement by a party, the non-breaching party may cause this Agreement to be terminated on ten (10) days written notice. All obligations contained in paragraphs 4 and 5 will survive the termination of this Agreement, including but not limited to, the restoration of the property to the original condition.

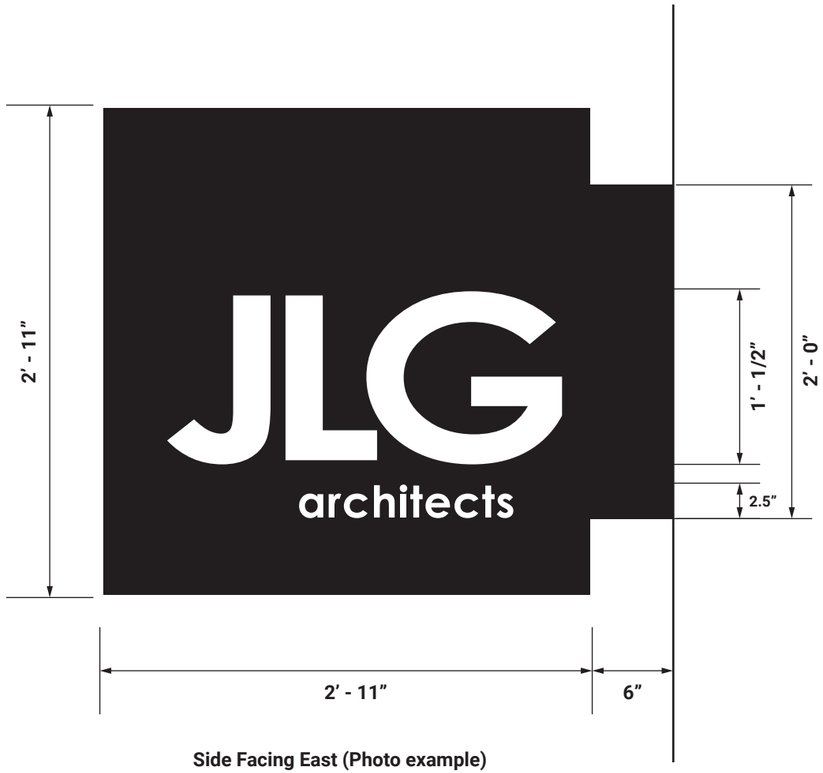
Print Name & Title Cape Boats, LLC	Signature
Address	Date
Gabe Schell, P.E. City Engineer	Date
Jason Tomanek City Administrator Bismarck	Michael T. Schmitz, President Bismarck City Commission
	Date

Get Noticed. Be Remembered.™

BISMARCKSIGNCO.COM 701-751-7777



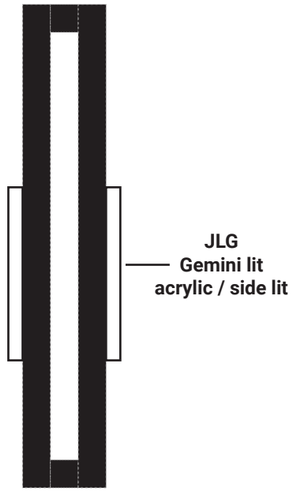




Side Facing East (Photo example)



Side Facing West



Side View

BISMARCK SIGN CO.™
SIGN DESIGN

Account: JLG Architects	Project # 240461-01	Rep: WM	Artist: MK
Notes: projecting, double faced, illuminated sign			

Proof # 01

Sheet # 1/2

- [ ] Approved
- [ ] Approved pending revisions
- [ ] Revise and resubmit

NOTICE
ALL SIGNS MANUFACTURED FOR 120V ELECTRICAL SERVICE UNLESS OTHERWISE NOTED

ANY CHANGES AFTER SIGNING ARE AT AN ADDITIONAL CHARGE.
By signing this proof you are agreeing that all spelling, colors, and placement are accurate.

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All colors and dimensions are approximate and may vary from the actual product.

X _____ DATE _____

PLEASE PRINT, SIGN, DATE AND RETURN TO SALES REP

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8’ from grade to bottom of sign

BISMARCK SIGN CO.™
SIGN DESIGN

Account: JLG Architects	Project # 240461-01	Rep: WM	Artist: MK

Notes: projecting, double faced, illuminated sign

Proof # 01

Sheet # 2/2

- [ ] Approved
- [ ] Approved pending revisions
- [ ] Revise and resubmit

NOTICE
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X _____ DATE _____

PLEASE PRINT, SIGN, DATE AND RETURN TO SALES REP

BISMARCKSIGNCO.COM 701-751-7777

Engineering Department

DATE: March 26, 2024

FROM: Gabe Schell, City Engineer

ITEM: Community event within the right-of-way.

REQUEST:
Consider a request to hold a community event within the right-of-way.

BACKGROUND INFORMATION:
Catherdral of the Holy Spirit has requested permission to close Raymond Street on June 1, 2024 from 6 PM to 11 PM. Please see attached application.

RECOMMENDED CITY COMMISSION ACTION:
Approve request to hold a community event within the right-of-way..

STAFF CONTACT INFORMATION:
Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:
1. Cathedral Church - Application for a Community Event

Bismarck
ENGINEERING

Application for a Community Event in the Public Right of Way

The City Commission may grant permits for certain types of community events or festivals to take place upon the public streets, sidewalks, squares, avenues, or alleys of the City.

The sponsor of the event or festival shall submit to City Administration this completed application for a permit at least 45 days prior to the opening of the community event or festival. A completed application will be considered by the City Commission.

Name of Event: Spirit Festival

Sponsoring Individual/Organization: Cathedral of the Holy Spirit

The purpose of the festival or event: To celebrate our parish - as a gift to our parishioners.

The activities that will be held as part of the event: Food vendors, live music (noise permit attached), inflatables, yard games, face painting

Dates and times: June 1, 2024 6 PM to 11 PM

Reoccurring: X Annually _____ Monthly _____ Weekly _____

Benefiter: Commercial _____ Non-Profit Organization X

Event Manager/Coordinator Contact Information:

Name: Joni Obrigewitch

Address: 519 Raymond St. Bismarck ND 58501

Cell Phone: 701-527-6013

Amplified Music (Y)/N (Environmental Health Permit Required)

Alcohol Served Y/(N) (Police Department Permit Required)

Provide location map with layout on aerial photo of any street closures, on street parking utilization, impacts to sidewalks, and vendor spaces.

Food Vendors will not be permitted in the public right of way unless they registered with the event.

Public Health
Prevent. Promote. Protect.
Bismarck-Burleigh Public Health

Bismarck

February 29, 2024

Joni Obrigewitch
519 Raymond St.
Bismarck, ND 58501

RE: Special Permit for Relief from Noise Level Designations

Dear Joni Obrigewitch:

The letter serves as your special permit for relief from noise level designations as specified in Section 8-10-04 of the Code of Ordinances of the City of Bismarck for the following:

ACTIVITY:	Amplified music for the Cathedral of the Holy Spirit outdoor street party known as "Spirit Festival"
LOCATION:	On the street in front of the Cathedral of the Holy Spirit
DATES/TIMES:	Saturday June 1, 2024 from 6:00pm – 11:00pm CST
CONDITIONS:	Ensure you have permission for street closure from Bismarck's Engineering Department

Be advised that the Environmental Health Division and/or the Bismarck Police Department reserve the right to revoke this permit at any time or revise the requirements to minimize the adverse effects upon the city or the surrounding neighborhood. Please call me at 701-355-3401 if you have any questions.

Sincerely,

Anton Sattler

Anton Sattler, Administrator
Environmental Health Division

cc via email: Bismarck Police & Fire Department


W Ave A
N Hannifin St
W Rosser Ave
Cathedral of the Holy Spirit Elementary School
W Ave B
VENDOR
CLOSED
VENDOR
N Raymond St
N Raymond St
N Raymond St
W Ave A
Google

ISSUED DATE: 3/7/2023
EXPIRATION DATE: 3/31/2024

Bismarck

BISMARCK-BURLEIGH PUBLIC HEALTH
500 E FRONT AVE. BISMARCK, ND 58504
701-355-3400
bbph@bismarcknd.gov

LICENSE #: FOOD2021-00032
LICENSE TYPE: FOOD SERVICE
LICENSE SUBTYPE: MOBILE FOOD 2

The below named establishment has met the City of Bismarck's licensure requirements and agrees to comply with the applicable Code of Ordinances. Failure to comply with these regulations may result in license suspension or revocation.

Udderly Amazing Treats
604 N 21ST ST
BISMARCK, ND 58501

To view previous establishment inspection reports scan QR code and enter License # FOOD2021-00032

ISSUED DATE: 3/20/2023
EXPIRATION DATE: 3/31/2024

Bismarck

BISMARCK-BURLEIGH PUBLIC HEALTH
500 E FRONT AVE. BISMARCK, ND 58504
701-355-3400
bbph@bismarcknd.gov

LICENSE #: FOOD2022-00011
LICENSE TYPE: FOOD SERVICE
LICENSE SUBTYPE: MOBILE FOOD 1

The below named establishment has met the City of Bismarck's licensure requirements and agrees to comply with the applicable Code of Ordinances. Failure to comply with these regulations may result in license suspension or revocation.

Luigi's Ice Cream
515 GREENFIELD LN
BISMARCK, ND 58503

To view previous establishment inspection reports scan QR code and enter License # FOOD2022-00011

Engineering Department

DATE: March 26, 2024

FROM: Gabe Schell, City Engineer

ITEM: Street Light and Traffic Signal Project SV 72

REQUEST:
Consider a request to receive bids and award Street Light and Traffic Signal Project SV 72

BACKGROUND INFORMATION:
Street Light and Traffic Signal Project SV 72 is a project to upgrade roadway lighting from high pressure sodium fixtures to LED fixtures. This project includes replacement of approximately 1,864 cobrahead-styled light fixtures in north Bismarck. This work will upgrade all remaining cobrahead-style fixtures with LED fixtures north of Divide Avenue.

The engineer's estimate for the construction of this project was $920,980; the 2024 CIP programmed cost for this project was $960,000. Bids were received on March 18, 2024. Five bids were received with Fetzer Electric, LLC submitting the low bid of $557,690. The bid summary and project budget are attached.

Project Schedule	
Receipt and Opening of Bids	March 18, 2024
Award of Bid	March 26, 2024
Project Completion	May 1, 2025

RECOMMENDED CITY COMMISSION ACTION:
Receive bids and award Street Light and Traffic Signal Project SV 72

STAFF CONTACT INFORMATION:
Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:
1. bid summary - 240318 - SV 72
2. project budget - 240319 - SV 72

BID SUMMARY
FOR
STREET LIGHT AND TRAFFIC SIGNAL PROJECT NO. 72
2024 STREET LIGHT LED UPGRADES

BID DATE: March 18, 2024; 4:00 p.m.

ENGINEER'S ESTIMATE:	$	920,980.00
CIP BUDGET:**	$	960,000.00

BIDDER		**AMOUNT**
Edling Electric	$	1,113,330.00
Strata Corporation	$	889,626.00
Skeels Electric Company	$	1,129,330.00
Denny's Electric LLC	$	622,399.28
Fetzer Electric	$	557,690.00

** CIP Budget includes proposed construction costs only

PROJECT BUDGET

Number	SV 72	Description	LED Street Lighting Upgrade

Scheduled Start	4/9/2024	Scheduled End	5/1/2025

Project Contracts

Project Construction Contracts		Amount
Fetzer Electric, LLC		557,690.00
Subtotal		557,690.00
Contingencies	10%	55,769.00
Total Construction Contracts		613,459.00

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

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

SUMMARY

Construction Cost - No Contingencies		**557,690.00**
TOTAL CONSTRUCTION COST WITH CONTINGENCIES		613,459.00
Engineering	10%	61,345.90
Administration		-
Advertising and Legal		-
Interest During Construction		-
SV 72 TOTAL PROJECT COST		**674,804.90**

Project Funding	Amount
Street Light and Traffic Signal Utility Fund	674,804.90
Total Funding	**674,804.90**

Date	3/19/2024

Finance Department

DATE: March 26, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Applications for Abatement

REQUEST:
Approval of applications for abatement.

BACKGROUND INFORMATION:
The property owners have met the requirements set forth in NDCC 57-02-08 to apply for the disabled veteran credit; market value reduction due to an error in the property description.

Application for Abatement for 2023
Property Owner - Jack Basaraba
Property Address - 3209 Winnipeg Dr
Property ID - 0785-003-025

Application for Abatement for 2023
Property Owner - Raymond Erickson
Property Address - 1720 Braman Ave
Property ID - 0100-019-035

Applications for Abatement for 2022 & 2023
Property Owner - Jerry Anderson & Karen Syvertson
Property Address - 615 N 4th St
Property ID - 0015-012-035

Applications for Abatement for 2022 & 2023
Property Owner - Patrick & Toni Grumley
Property Address - 217 Quebec Ln
Property ID - 1045-001-025

Application for Abatement for 2023
Property Owner - Burton & Sheri Ann Whitmire
Property Address - 614 N 20th St
Property ID - 0080-022-180

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** H1

County of BURLEIGH **Property I.D. No.** 0785-003-025

Name BASARABA, JACK **Telephone No.**

Address 3209 WINNIPEG DR, BISMARCK, ND 58503-0454

Legal description of the property involved in this application:

NORTH HILLS 1ST Block: 3 LOT 6

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

Land	$ 70.000
Improvements	$ 338,400
Total	$ 408.400 (1)

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

Land	$ 70.000
Improvements	$ 299,900
Total	$ 369,900 (2)

The difference of $ 38,500 **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 the market value be adjusted as recommended.

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

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

Signature of Preparer (if other than applicant) _____ Date _____ Signature of Applicant Jack John Basaraba 2/12/2024 Date

24775
(2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____ _____
County Auditor Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant: Jack Bassingthwaighte

County Auditor's File No.: 24-4134

Date Application Was Filed With The County Auditor: 3/6/24

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

Mark Blackledge
MP

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota **Assessment District** _____

County of BURLEIGH **Property I.D. No.** 0100-019-035

Name ERICKSON, RAYMOND R **Telephone No.** _____

Address 1720 BRAMAN AVE, BISMARCK, ND 58501-2869

Legal description of the property involved in this application:

FISHER BLOCK: 19 EAST 80' OF LOTS 14-16

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

Land	$ 44,000
Improvements	$ 174,400
Total	$ 218,400 (1)

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

Land	$ 44,000
Improvements	$ 174,400
Total Adj	$ 56,400 (2)

The difference of $ 162,000 **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) (90%)

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

1. Purchase price of property: $_____ Date of purchase: _____
   Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
   Was there personal property involved in the purchase price? _____ (yes/no) Estimated value: $_____
2. Has the property been offered for sale on the open market? _____ (yes/no). If yes, how long? _____
   Asking price: $_____ Terms of sale: _____
3. The property was independently appraised: _____ (yes/no) Purpose of appraisal: _____
   _____ Market value estimate: $_____
   Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is $_____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that the application be approved as presented.

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

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

Signature of Preparer (if other than applicant) Date Signature of Applicant 3-7-2024 Date

24775
(2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____ _____
County Auditor Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant Raymond Erickson

County Auditor's File No. 24-444

Date Application Was Filed With The County Auditor 3/11/24

Date County Auditor Mailed Application to Township Clerk or City Auditor (must be within five business days of filing date) Mark Splonskowski 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.** 0015-012-035

Name ANDERSON, JERRY F & SYVERTSON KAREN F **Telephone No.**

Address 615 N 4TH ST, BISMARCK, ND 58501-3685

Legal description of the property involved in this application:

NORTHERN PACIFIC Block: 12 S 50 FT LOT 7 E 10 FT OF N 25 FT OF LOT 7 & E 10 FT OF LOT 8

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

Land	$ 40,000
Improvements	$ 232,600
Total	$ 272,600 (1)

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

Land	$ 40,000
Improvements	$ 219,700
Total	$ 259,700 (2)

The difference of $ 12,900.00 **true and full value between (1) and (2) above is due to the following reason(s):**

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

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

1. Purchase price of property: $_____ Date of purchase: _____
   Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
   Was there personal property involved in the purchase price? _____ (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 for 2022 be reduced from $272,600 to 259,700.

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 7 MARCH 2024 Date

24775
(2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____ _____
County Auditor Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant Jerry Anderson & Karen Syverson

County Auditor's File No. 24-445

Date Application Was Filed With The County Auditor 3/11/24

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

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.** 0015-012-035

Name ANDERSON, JERRY F & SYVERTSON KAREN F **Telephone No.**

Address 615 N 4TH ST, BISMARCK, ND 58501-3685

Legal description of the property involved in this application:

NORTHERN PACIFIC Block: 12 S 50 FT LOT 7 E 10 FT OF N 25 FT OF LOT 7 & E 10 FT OF LOT 8

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

Land	$ 40,000
Improvements	$ 237,500
Total	$ 277,500 (1)

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

Land	$ 40,000
Improvements	$ 224,600
Total Adj	$ 264,600 (2)

The difference of $ 12,900.00 **true and full value between (1) and (2) above is due to the following reason(s):**

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

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

1. Purchase price of property: $_____ Date of purchase: _____
   Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
   Was there personal property involved in the purchase price? _____ (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 for 2023 be reduced from $277,500 to 264,600

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 7 MARCH 2024 Date

24775
(2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____ _____
County Auditor Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant Jerry Anderson & Karen Syverson

County Auditor's File No. 24-406

Date Application Was Filed With The County Auditor 3/11/24

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

Mark Glastetter

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota **Assessment District** _____

County of BURLEIGH **Property I.D. No.** 1045-001-025

Name GRUMLEY, PATRICK & MATHIAS-GRUMLEY, TONI **Telephone No.** _____

Address 217 QUEBEC LN, BISMARCK, ND 58503-0268

Legal description of the property involved in this application:

HIGH MEADOWS 2ND
BLOCK: 1
LOT 6

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

Land	$ 74,000
Improvements	$ 346,600
Total	$ 420,600 (1)

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

Land	$ 74,000
Improvements	$ 346,600
Total Adj.	$ 330,600 (2)

The difference of $ 90,000 **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) _____ (50%)

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

1. Purchase price of property: $_____ Date of purchase: _____
   Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
   Was there personal property involved in the purchase price? _____ (yes/no) Estimated value: $_____
2. Has the property been offered for sale on the open market? _____ (yes/no). If yes, how long? _____
   Asking price: $_____ Terms of sale: _____
3. The property was independently appraised: _____ (yes/no) Purpose of appraisal: _____
   _____ Market value estimate: $_____
   Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is $_____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s):_____

Applicant asks that the application be approved as presented.

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

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

_____ _____ Patrick Mathias-Grumley 3-12-24

Signature of Preparer (if other than applicant) Date Signature of Applicant Date

24775
(2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____ _____
County Auditor Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant Patrick Gumley & Tom Mathias - Gumley

County Auditor's File No. 24-1755

Date Application Was Filed With The County Auditor 3/12/24

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

Mark Splonskowski

MP

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota **Assessment District** _____

County of BURLEIGH **Property I.D. No.** 1045-001-025

Name GRUMLEY, PATRICK & MATHIAS-GRUMLEY, TONI **Telephone No.** _____

Address 217 QUEBEC LN, BISMARCK, ND 58503-0268

Legal description of the property involved in this application:

HIGH MEADOWS 2ND
BLOCK: 1
LOT 6

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

Land $ 74,000
Improvements $ 427,600
Total $ 501,600 (1)

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

Land $ 74,000
Improvements $ 427,600
Total Adj. $ 411,600 (2)

The difference of $ 90,000 **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. (50%)
- ☐ 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 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.

_____ _____ Pat Mathias-Grumley 3-12-24
Signature of Preparer (if other than applicant) Date Signature of Applicant Date

24775
(2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____ _____
County Auditor Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant Patrick Gramby & Tom Mathers Gramby

County Auditor's File No. 24-1456

Date Application Was Filed With The County Auditor 3/12/24

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

Mike Stanley MP

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota **Assessment District** _____

County of BURLEIGH **Property I.D. No.** 0080-022-180

Name WHITMIRE, BURTON L & SHERI ANN **Telephone No.** _____

Address 614 N 20TH ST, BISMARCK, ND 58501-4728

Legal description of the property involved in this application:

CLIFFORDS SUBDIVISION Block: 22 LOT 37

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

Land	$ 40,000
Improvements	$ 267,600
Total	$ 307,600 (1)

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

Land	$ 40,000
Improvements	$ 217,700
Total	$ 257,700 (2)

The difference of $ 49,900.00 **true and full value between (1) and (2) above is due to the following reason(s):**

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

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

1. Purchase price of property: $_____ Date of purchase: _____
   Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
   Was there personal property involved in the purchase price? _____ (yes/no) Estimated value: $_____
2. Has the property been offered for sale on the open market? _____ (yes/no). If yes, how long? _____
   Asking price: $_____ Terms of sale: _____
3. The property was independently appraised: _____ (yes/no) Purpose of appraisal: _____
   _____ Market value estimate: $_____
   Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is $_____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

Applicant asks that the true and full value be reduced to $257,700.

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.

_____ _____ Burton L Whitmire 3/18/24

Signature of Preparer (if other than applicant) Date Signature of Applicant Date

24775
(2-2016)

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

On _____, _____, the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

_____

_____

_____

Dated this _____ day of _____, _____.

_____
City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approved/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from $ _____ to $ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of $ _____. The Board accepts $ _____ in full settlement of taxes for the tax year _____.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

_____

_____

_____

Dated _____, _____

_____ _____
County Auditor Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
				yes/no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of County Commissioner are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

_____ _____
County Auditor Date

Application For Abatement Or Refund Of Taxes

Name of Applicant Whitmire, Burton & Sherri Ann

County Auditor's File No. 24-475

Date Application Was Filed With The County Auditor 3/19/24

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

Mark Splonskowski
by

Finance Department

DATE: March 26, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Parking ticket web payment convenience fee and credit card processing fees.

REQUEST:
Approve all parking web payment convenience fees and credit card processing fees to be paid by the motorist.

BACKGROUND INFORMATION:
The City is transitioning to an online payment option for parking tickets. The convenience fee is currently set at $2.50. The rate of convenience fee is subject to change by the vendor Park Loyalty. The credit card processing fee is set at current market prices. The rate is subject to future payment processor vendor increases. The motorist will still have the option to pay by check or cash with no fee.

RECOMMENDED CITY COMMISSION ACTION:
Approve the convenience fee and credit card processing fees to be paid for by the motorist.

STAFF CONTACT INFORMATION:
Dmitriy Chernyak, Finance Director, 701-355-1601, dchernyak@bismarcknd.gov
Tandra Kraft, IT Manager, 701-355-1635, tkraft@bismarcknd.gov

ATTACHMENTS:
None

Finance Department

DATE: March 26, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Ordinance 6574 to Amend the 2023 Budget

REQUEST:
Consider the introduction of and call for a public hearing on Ordinance 6574 to amend the 2023 budget ordinance.

BACKGROUND INFORMATION:
Attached is the amended 2023 budget ordinance for the Roads and Streets Fund, Streetlights and Traffic Signals Fund, and the Hotel and Motel Tax Fund. The amendments to the Roads and Streets Fund and Streetlights and Traffic Signals Fund are mainly due to weather conditions and snowfall in the first quarter of 2023, which caused increased unforeseen expenditures in 2023. The Hotel and Motel Tax Fund amendment is a result of tax collections in excess of the budgeted amount in 2023.

RECOMMENDED CITY COMMISSION ACTION:
Approve the first reading and introduction of Ordinance 6574 and call for a public hearing on April 9, 2024.

STAFF CONTACT INFORMATION:
Dmitriy Chernyak, Finance Director, 701-355-1601, dchernyak@bismarcknd.gov

ATTACHMENTS:
1. 2023 Budget Ordinance Amendment 6574 Amendment (March 26, 2024)

ORDINANCE NO. 6574

First Reading	*March 26, 2024*
Second Reading	
Final Passage and Adoption	
Publication Date	

AN ORDINANCE TO AMEND THE ANNUAL APPROPRIATIONS FOR EXPENDITURES OF THE CITY OF BISMARCK, NORTH DAKOTA FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023.

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

Section 1. There are hereby amend the appropriation of the following sums of money for so much thereof that may be necessary for the purpose of paying expenses of the City of Bismarck, North Dakota for the fiscal year commencing January 1, 2023, and ending December 31, 2023.

The City will increase the total City budget appropriation for each fund as follows:

- Roads and Streets Fund increase in the amount of $1,000,000 for a total of $11,578,438 to account for the additional snow removal expenditures in the first quarter of 2023 and accounting for equipment financing purchase based on the GASB pronouncement No. 87, *Leases*.
- Streetlights and Traffic Signals Fund increase in the amount of $200,000 for a total of $4,098,982 to account for the replacement of the three traffic signals that were knocked down due to snow and weather conditions in 2023.
- Hotel and Motel Tax Fund increase in the amount of $100,000 for a total of $1,199,034 to account for the contracted distribution of Hotel and Motel Tax (2%) collections in excess of budgeted revenues. The purpose of this fund is to account for the contracted split between the Convention and Visitors' Bureau (75%) and the Bismarck Event Center (25%) of the collections in excess of budget in 2023, as allowed by state statutes.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

Finance Department

DATE: March 26, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: 2023 Budget Carryovers into 2024 Budget

REQUEST:
Approve the 2023 budget carryovers into the 2024 budget.

BACKGROUND INFORMATION:
Annually, the City re-allocates unappropriated budget amounts across the City's departments by fund in order to adjust the budget and carryover certain items/projects that were not completed or purchased in 2023 due to various reasons. Most of the carryovers from the 2023 to the 2024 budgets are a result of economic circumstances such as supply chain issues or unforeseen circumstances. Similar to other communities across the United States, the city continues to face some supply chain issues, but much less over the past several years due to the shortage of certain goods. This issue continues to create delays in the delivery of products, supplies, and equipment that the City's departments need in order to provide quality services for the citizens. For example, equipment was ordered at the beginning of 2022 and 2023 but was not delivered until 2024 and not in the budget year that was originally approved. This situation continues to create budget carryovers and encumbrances year-to-year for the City.

RECOMMENDED CITY COMMISSION ACTION:
Approve the 2023 budget adjustments and carryovers from the 2023 to the 2024 budget, as recommended.

STAFF CONTACT INFORMATION:
Dmitriy Chernyak, Finance Director, 701-355-1601, dchernyak@bismarcknd.gov

ATTACHMENTS:
1. 2023-2024 Budget Carryover

BUDGET CARRYOVERS (2023 TO 2024)	Carryover Amount
General	
Administration	
Professional Communication Service- Odney	20,000
Professional Communication Service-La Barbera	8,000
Website - Refresh/Update	17,429
Administration Total	**45,429**
Community Development	
Bismarck Local Match for MPO studies	12,288
Bismarck Local Match for MPO studies (One-time Priority Funding for Match)	10,728
Computer Small Equipment	9,000
National Endowment for the Arts (One-time Priorty Funding for Match)	40,000
Community Development Total	**72,016**
Finance	
Equipment Replacement (Computers)	6,907
IT Training for More Staff (one year)	18,000
Universal Power Supply (UPS) Battery Backup Replacement	15,000
Veeam Cloud Backup - Cybersecurity Initiative (Server Backup)	15,000
Finance Total	**54,907**
Fire	
St 1 Landscaping/Parking Lot	7,500
St 2 Sealants/St 1 Recaulk	8,500
Fire Total	**16,000**
Human Resources	
HR Recruiting System	56,766
Leadership Development Program	38,777
Human Resources Total	**95,543**
Police	
Equipment Changeover	122,710
Replacement Ballistic Plates -	37,336
State SIRN Radio Project Is Still Ongoing	40,376
Vehicles	179,542
Police Total	**379,964**
General Total	**663,859**
Roads and Streets	
PW Service Ops	
Dump body Truck	150,000
PW Service Ops Total	**150,000**
Roads and Streets Total	**150,000**
Street Lights and Signals	
PW Service Ops	
Boom Truck	205,000
PW Service Ops Total	**205,000**
Street Lights and Signals Total	**205,000**
Grand Total	**1,018,859**

Fire Department

DATE: March 26, 2024

FROM: Joel Boespflug, Fire Chief

ITEM: Purchasing from Purvis Systems through Soucewell Contract

REQUEST:
Approve Fire Station Alerting Systems through Purvis Systems, Soucewell Contract No. 042021-PUR

BACKGROUND INFORMATION:
Station Alerting is used to notify responders of incidents that are occurring. It is designed to work in the background and collect data that then is sent to the station that needs to respond to the incident. This was approved in the 2024 budget.

RECOMMENDED CITY COMMISSION ACTION:
Approve the use of the Souceswell contract to purchase Fire Station Alerting system through Purvis Systems.

STAFF CONTACT INFORMATION:
Brooks Martin, Deputy Fire Chief, 701-355-1406, bmartin@bismarcknd.gov

ATTACHMENTS:
None

Public Works Service Operations

DATE: March 26, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Furnishing Pavement Materials 2024 - Parts A-G Bid Award

REQUEST:
Request permission to award the contract for 2024 Furnishing Paving Materials to Northern Improvement Company.

BACKGROUND INFORMATION:
The 2024 Furnishing Paving Materials (Parts A-G) bids were opened on March 18, 2024. We had two bidders, however, one was disqualified. We request to award Parts A, B, E, and G of Furnishing Paving Materials to Northern Improvement Company. Funds for these purchases are included in the 2024 Roads and Streets budget. Attached are the bid tab and RFP for Furnishing Paving Materials 2024 (Parts A-G).

RECOMMENDED CITY COMMISSION ACTION:
Approve the bid award of Parts A, B, E, and G of Furnishing Paving Materials to Northern Improvement Company.

STAFF CONTACT INFORMATION:
Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov

ATTACHMENTS:
1. Bid Tab 2024 Furnishing Pavement Materials Parts A-G 3.18.2024
2. Furnishing Paving - Maintenance Materials 2024 - Parts A-G

BID TAB - FURNISHING PAVING MATERIALS - PARTS A-G

BIDS RECEIVED: MARCH 18, 2024 AT 10:00 AM **and** OPENED: MARCH 18, 2024 AT 11:00 AM

Vendor				NORTHERN IMPROVEMENT COMPANY			STRATA CORPORATION		
Meets Specifications				Current ND Contractor's License √ Bid Bond √			Current ND Contractor's License √ Bid Bond - No bid bond		
PART A	**Description**	**Unit**	**Quantity**	**Unit Price**	**Mileage Cost**	**Total**	**Unit Price**	**Mileage Cost**	**Total**
401-6.11	AC Leveling Course (FAA 41)	Ton	200	$ 81.17		$ 16,234.00			$ -
401-6.21	AC Superpave Course (FAA 41)	Ton	7,000	$ 81.17		$ 568,190.00			$ -
Part A Totals						$ 584,424.00			$ -
PART B	**Description**	**Unit**	**Quantity**	**Unit Price**		**Total**	**Unit Price**		**Total**
402-4.2	Bituminous Tack Oil	Gal.	4,000	$ 4.50		$ 18,000.00			$ -
PART C	**Description**	**Unit**	**Quantity**	**Unit Price**		**Total**	**Unit Price**		**Total**
405-8.1A	Asph. Cement Sealant (PG 58-28)	Ton	42	NA		NA			
PART D	**Description**	**Unit**	**Quantity**	**Unit Price**		**Total**	**Unit Price**		**Total**
405-8.1B	Asph. Cement Sealant (DP-1)	Gal.	1,250	NA		NA			
405-8.1C	Asph. Cement Sealant (CRS-2)	Gal.	1,250	NA		NA			
Part D Totals									
PART E	**Description**	**Unit**	**Quantity**	**Unit Price**		**Total**	**Unit Price**		**Total**
SP No. 4	Bituminous Seal Oil (CRS-2P)	Ton	42	$ 808.00		$ 33,936.00			$ -
PART F	**Description**	**Unit**	**Quantity**	**Unit Price**		**Total**	**Unit Price**		**Total**
SP No. 6	Crushed Granite	Ton	200	NA		NA			
PART G	**Description**	**Unit**	**Quantity**	**Unit Price**		**Total**	**Unit Price**		**Total**
SP No. 7A	Cold Mix Patch Material	Bag	240	$ 14.50		$ 3,480.00			$ -
SP No. 7B	Cold Mix Patch Material	Ton	130	$ 186.00		$ 24,180.00			$ -
Part G Totals						$ 27,660.00			$ -

PROPOSAL

FOR

FURNISHING STREET PAVING MATERIALS 2024 PARTS A-G

BISMARCK ND

BIDS RECEIVED BY 10:00 AM CT
BIDS OPENED AT 11:00 AM CT
MONDAY, MARCH 18, 2024

OFFICE OF THE CITY ADMINISTRATOR
PO BOX 5503 (221 N 5TH ST)
BISMARCK ND 58506-5503

DEPARTMENT OF PUBLIC WORKS
SERVICE OPERATIONS
PO BOX 5503
BISMARCK ND 58506-5503
(701) 355-1700, option 3

ADVERTISEMENT

The City of Bismarck Public Works Service Operations is seeking bids for Furnishing Street Paving Materials - Parts A - G.

Sealed bids will be received in the office of the City Administrator, until 10:00 a.m. CT on Monday, March 18, 2024. Bids will be publicly opened and reviewed at 11:00 a.m. CT on Monday, March 18, 2024.

The sealed bid must be mailed to the City Administrator (PO Box 5503, Bismarck ND 58506-5503) or otherwise deposited with the City Administrator (221 North Fifth Street, Bismarck ND 58501) and shall be sealed and endorsed:

"Bid for Furnishing Street Paving Materials 2024 – Part A-G"
Name of the person, firm or corporation submitting the bid.

If a bid is to be faxed, the bid must be sent to a bidder's agent independent of the City of Bismarck, placed in a sealed envelope, labeled according to this specification, and delivered to the office of the City Administrator prior to the bid deadline.

Bids must be submitted on blanks furnished by the City of Bismarck and in accordance with specifications and conditions contained therein. Copies of proposal blanks and specifications may be downloaded from the website or obtained from the Public Works Service Operation, 601 S 26th St, Bismarck ND 58504, or Gale Nicholson, publicworksservice@bismarcknd.gov or 701-355-1707. All bidders are invited to be present at the opening of the proposal. Contractor may bid on any or all proposals.

In accordance with North Dakota state law, a **separate envelope** containing a **current North Dakota contractor's license** and a **bid bond** or **certified check** in the amount of five (5) percent of the total amount bid must be attached to the proposal/bid envelope and labeled "Bid Bond." An application for a North Dakota contractor's license is not sufficient to fulfill this requirement. Checks or bonds of the unsuccessful bidders will be returned to them after making the award.

The City, in its sole discretion, may extend the work completion deadline due to unforeseen circumstances, if it is determined to be in the best interest of the City to do so. The City shall reserve the right to hold all bids for a period of forty-five (45) days, to reject any and all bids, to waive irregularities or to accept such as may be determined to be for the best interest of the City of Bismarck. However, bids which do not comply with mandatory requirements imposed by law or late bids must be rejected.

The City of Bismarck is committed to providing non-discriminatory service. No person shall, on the basis of a person's nation origin, race, color, disability, sex, age and/or income status, be excluded from participation or be subjected to discrimination or harassment by the City of Bismarck or any of its locations. The City of Bismarck will consider every request for reasonable accommodation to provide:

- an accessible meeting facility or other accommodation for people with disabilities,
- language interpretation for people with limited English proficiency (LEP), and
- translations of written material necessary to access City of Bismarck programs and information.

Appropriate provisions will be considered when the City of Bismarck is notified at least 10 days prior to the meeting date or the date the written material translation is needed.

To request accommodations, contact the City of Bismarck Title VI and ADA Coordinator, at 701-355-1332. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

City of Bismarck
Jason Tomanek
City Administrator

Adv 3/1 & 3/8

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GENERAL CONDITIONS

The work shall be performed in accordance with the City of Bismarck Construction Specifications for Municipal Public Works Improvements dated February 1969 and revised **January 2024** as supplemented or modified with the enclosed special provisions. The Standard Specifications can be found at: bismarcknd.gov/Engineering

The enclosed special provisions and special conditions, if any, the Standard Specifications described above, the plans and all supplemental documents are essential parts of the contract, and a requirement occurring in one is as binding as though occurring in all. They are intended to be complementary and to describe and provide for a complete work.

In case of discrepancy between contract documents, the following hierarchy of precedence will govern (i.e. addenda will take precedence over all other contract documents):

1. Addenda,
2. Special Provisions,
3. Project Plans,
4. Supplemental Specifications,
5. Standard Drawings,
6. Standard Specifications.

For dimensions shown on standard drawings or project plans, calculated dimensions will govern over scaled dimensions.

The CONTRACTOR shall take no advantage of any apparent error or omission in the plans or specifications. In the event the CONTRACTOR discovers such an error or omission, the CONTRACTOR shall immediately notify the ENGINEER. The ENGINEER will then make such correction and interpretations as may be necessary for fulfilling the intent of the plans and specifications.

The CONTRACTOR will be supplied with a minimum of two sets of approved plans and contract assemblies including special provisions, one set of which the CONTRACTOR shall keep available on the work site at all times.

The CONTRACTOR shall give the work the constant attention necessary to facilitate the progress thereof, and shall cooperate with the ENGINEER, inspectors, and other contractors in every way possible.

GENERAL SPECIFICATIONS

The CITY OF BISMARCK has estimated the need for a supply of materials required from April 15, 2024, to April 14, 2025, for street maintenance and construction. The probable quantities will be listed on the proposal form.

The contract shall be divided into seven parts, A, B, C, D, E, F, and G with a separate contract awarded for each part.

Part A includes asphalt paving materials.

Part B includes bituminous tack oil.

Part C includes asphalt cement sealant (PG 58-28).

Part D includes asphalt cement sealant (DP-1 and CRS-2).

Part E includes bituminous seal oil.

Part F includes crushed granite.

Part G includes cold mix patch material.

There will be no guarantee as to the quantity of material required as such material shall be on the basis of need.

A CONTRACTOR bidding on either Part A, B, C, D, E, F, or G is not required to bid on the other part to have a valid bid but may do so at their discretion. A fax, scan, or email of the bid is acceptable if sent to a third party and not directly to the City of Bismarck. The third party is then responsible for delivery of the bid to the City of Bismarck prior to the date and time listed for the receipt of bids. Label the bid envelope "Furnishing Street Maintenance Materials 2024 - Parts A-G."

Delivery of the materials shall take place within ten (10) days of receipt of written notice to deliver the following materials: AC Leveling Course (FAA 41), AC Superpave (FAA 41), and Cold Mix Patch Materials, and twenty-one (21) days of receipt of written notice to deliver the Crushed Granite. Notice to deliver may include the call for various quantities of materials to be received at the Department of Public Works storage yard located at 601 South 26th Street for asphalt cement sealant and bituminous seal oil to the Solid Waste Facility (Landfill) at 2111 North 52nd Street or as directed by the CITY.

The CITY will pick up AC Superpave (FAA 41) and AC Leveling Course (FAA 41) at the CONTRACTOR's plant site. The CITY will make an adjustment to the base bids received for the AC Superpave (FAA 41) and the AC Leveling Course (FAA 41), based upon the distance and time to travel from the geographic center of Bismarck (1820 East Boulevard Avenue) to the CONTRACTOR's plant. This adjustment will be made to determine best and lowest bid. A trip add-on of $2.83 per ton of hot mix asphalt for Northern Improvement Company (NIC) shall be calculated and applied based on the 20-minute round trip travel time to NIC's hot mix plant located at 1721 Burlington Drive, Bismarck; and a trip add-on of $5.04 per ton of hot mix asphalt for Mariner Construction d/b/a Strata Corporation shall be calculated and applied based on the 35-minute round trip travel time to Mariner Construction d/b/a Strata Corporation's hot mix plant located at 16163 Industrial Park Drive, Menoken. The CITY calculated that this haul time costs the CITY $85.38 per hour for labor, equipment, and fuel. Haul time costs are calculated using a 9.74-ton asphalt load, determined by averaging CITY truck asphalt load weight over a ten-year period from 2012 to 2022. Payment for AC Superpave (FAA 41) and AC Leveling Course (FAA 41) shall be made at the asphalt base price bid.

AC Leveling Course (FAA 41) and AC Superpave (FAA 41) shall be available at the CONTRACTOR'S plant site at any time the CONTRACTOR is normally producing the materials. The CITY reserves the right to purchase AC Superpave (FAA 41) or AC Leveling Course (FAA 41) from another supplier when it is deemed in the best interests of the City of Bismarck (for example, when the CONTRACTOR'S plant is not in production, or when the quantity of asphalt material to be obtained would make it uneconomical to haul from a greater distance).

SPECIAL PROVISIONS

SPECIAL PROVISION NO. 1
(Part A)
AC Leveling Course (FAA 41) and AC Superpave (FAA 41)

AC Leveling Course (FAA 41) and AC Superpave (FAA 41) shall conform to Section 401 of said Construction Specifications and shall have minimum superpave mix properties that meets FAA 41 requirements.

SPECIAL PROVISION NO. 2
(Parts A & B)
Frequency of Tests

Asphalt frequency of testing shall conform to Section 401-5.11(c) with the following exception:

One dry belt sample and one bituminous mix sample shall be taken and tested per 250 tons of AC Superpave (FAA 41) material produced.

One dry belt sample and one bituminous mix sample shall be taken and tested per 100 tons of AC Leveling Course (FAA 41) material produced.

SPECIAL PROVISION NO. 3
(Parts C & D)
Asphalt Cement Sealant

Asphalt cement sealant bitumen shall be PG 58-28 or PG 58S-28 and shall be paid for at the unit price bid per ton (TON) supplied and delivered for 405-8.1A "Asphalt Cement Sealant (PG58-28)." DP-1 and CRS-2 will be paid for at the unit price bid per gallon (GAL) supplied and delivered in 250-gallon containers for 405-8.1B "Asphalt Cement Sealant (DP-1)" and 405-8.1C "Asphalt Cement Sealant (CRS-2)."

SPECIAL PROVISION NO. 4
(Part E)
Bituminous Seal Oil

Bituminous seal oil shall be CRS-2P as set forth in Section 403-2.3 in said Construction Specifications and shall be paid for at the unit price bid per ton (TON) for "SP No. 4 Bituminous Seal Oil (CRS-2p)".

SPECIAL PROVISION NO. 5
Oil Price Adjustment

The invoices for asphalt cement and bituminous seal oil shall be provided with the executed city agreement for 2024 construction. The contract unit price shall be firm for the first one (1) month of the contract period. Thereafter, successful bidders may request a price adjustment (increase or decrease) at a minimum frequency of one (1) month. A written request for a price adjustment must be submitted to the Public Works Department and must include justification for the proposed change. The provision will remain in effect throughout the duration of the contract. Enactment of the asphalt cement and seal oil price adjustment clause will only be considered when the **increase or decrease** in the price of asphalt cement or seal oil as defined herein exceeds ten (10) percent.

The justification should establish a base line at the time of bidding or last approved price adjustment and current pricing. For example: a copy of an invoice for seal oil at the time of bidding would establish the base line and an invoice at the time of the request would indicate the increase or decrease.

The CITY will respond as follows:

(1) The request may be granted.
(2) More justification may be requested.
(3) The price paid may continue without change.

If a price adjustment is approved by the CITY, the date the adjustment will be effective along with the new unit prices will be included in the written response to the requestor. Approval of any price adjustments renews the one (1) month firm price period.

The CITY shall also be advised of and receive the benefit of any price decrease. The same notification and review process will apply to a decrease in cost.

SPECIAL PROVISION NO. 6
(Part F)
Crushed Granite

Crushed Granite shall be washed, have a negative charge, and shall meet the following gradation of percent passing square mesh sieve sizes:

Sieve	% Passing
3/8”	100
#4	28
#8	1.7
#16	1.1
#50	0.5
#200	0.2

The CONTRACTOR shall provide test results of electrical charge, gradation, and shale content upon pick up of material by CITY at the plant site. Material shall also be tested for gradation at the rate of 1 test per 100 tons of material prior to pick up by the CITY at the plant site. All cost of testing shall be included in the price bid for SP No 6 Crushed Granite.

The CITY will take delivery of the crushed granite at the supplier’s plant site or warehouse within 20 miles of 601 South 26th Street, Bismarck, North Dakota. Crushed Granite shall be paid for at the unit price bid per ton (TON) for “SP No. 6 Crushed Granite”.

SPECIAL PROVISION NO. 7
(Part G)
High Performance Cold Mix Patch Material

High performance cold mix patch materials shall be obtainable in either 50-lb. bags or in bulk by the ton. Smaller or larger bags will be accepted, however, the price per bag shall reflect the cost of a 50-lb. bag. The CITY will take delivery of the High-Performance Cold Mix Patch Material at the supplier's plant site or warehouse within 20 miles of 601 South 26th Street, Bismarck, North Dakota.

The specified aggregate shall be combined with a High-Performance Cold Mix Oil in accordance with manufacturer's recommendations to produce a "High Performance Cold Mix Patch Material" acceptable to the CITY. The finished product shall be equal to OmegamiX as produced by Northern Improvement Company or EX Street Mix as produced by Mariner Construction d/b/a Strata Corporation. Standard cold mix utilizing SC and/or MC oils combined with NDDOT Class 25, 27, 29, or other aggregates will not be accepted. Special Provision No. 5 "Oil Price Adjustment" shall also apply to this item.

The aggregate shall be crushed rock with a minimum 90% fractured faces for the OmegamiX or a minimum 35% fractured faces for the EZ Street Mix and meet the following gradation:

OmegamiX		EZ Street Mix	
Sieve	% Passing	Sieve	% Passing
3/8"	100	3/4"	100
#4	60-85	1/2"	93-100
#8	8-20	3/8"	89-99
#16	0-10	#4	32-40
#50	0-10	#8	11-19
#200	0-5	#200	0.7-3.7

High perform and cold mix patch material shall be paid for at the unit price bid per 50 lb. bag (BAG) for "SP No. 7A Cold Mix Patch Material (Bag)" and at the unit price bid per ton (TON) for "SP No. 7B Cold Mix Patch Material (Ton)".

MATERIALS HAULED BY CONTRACTOR

At the request of the CITY, any of the materials except AC Superpave (FAA 41), AC Leveling Course (FAA 41), Crushed Granite, High Performance Cold Mix Patch Material shall be hauled to the Department of Public Works storage yard located at 601 South 26th Street in accordance with the following special provisions:

1. The haul route shall be along a designated truck route whenever feasible.

2. The material shall be weighed at the loading site. The weigh ticket shall contain location and destinations of load. At the unloading site the ticket shall be verified as to destination and given to an authorized representative of the CITY.

3. The unit price shall include furnishing truck, and all operational costs, such as operator, fuel, oil, repairs, etc., including liability insurance. The unit price must include the materials hauled.

4. The CONTRACTOR shall provide results of tests from an approved testing facility of an adequately sized sample of aggregate and bituminous material before any material may be delivered.

MATERIALS HAULED BY OWNER

1. Plant location will be verified by a representative of the CITY prior to bidding date.

The CONTRACTOR shall provide results of tests from an approved testing facility of an adequately sized sample of aggregate and bituminous material before any material may be delivered.

PROPOSAL

Bidder: _____ Date:_____

Commissioners:

The undersigned proposes to furnish street maintenance materials to the CITY OF BISMARCK until April 14, 2025, at the unit prices listed below:

PART A

Item No.	Item	Quantity	Unit	Unit Price	Total
401-6.11	AC Leveling Course (FAA 41)	200	Ton		
401-6.21	AC Superpave (FAA 41)	7,000	Ton		
				TOTAL SUM BID PART A	

PART B

Item No.	Item	Quantity	Unit	Unit Price	Total
402-4.2	Bituminous Tack Oil	4,000	Gal		
				TOTAL SUM BID PART B	

PART C

Item No.	Item	Quantity	Unit	Unit Price	Total
405-8.1A	Asph. Cement Sealant (PG 58-28)	42	Ton		
				TOTAL SUM BID PART C	

PART D

Item No.	Item	Quantity	Unit	Unit Price	Total
405-8.1B	Asph. Cement Sealant (DP-1)	1,250	Gal		
405-8.1C	Asph. Cement Sealant (CRS-2)	1,250	Gal		
				TOTAL SUM BID PART D	

PART E

Item No.	Item	Quantity	Unit	Unit Price	Total
SP No. 4	Bituminous Seal Oil (CRS-2P)	42	Ton		
				TOTAL SUM BID PART E	

PART F

Item No.	Item	Quantity	Unit	Unit Price	Total
SP No. 6	Crushed Granite	200	Ton		
			TOTAL SUM BID PART F		

PART G

Item No.	Item	Quantity	Unit	Unit Price	Total
SP No. 7A	Cold Mix Patch Material (Bag)	240	Bag		
SP No. 7B	Cold Mix Patch Material (Ton)	130	Ton		
			TOTAL SUM BID PART G		

The foregoing proposal is in accordance with the advertisement and the specifications, and the Bidder agrees on acceptance of this proposal to enter into contract and complete said work in accordance with the advertisement and specifications and this proposal, all of which shall be made a part hereof.

Firm (Legal Name) _____

Signature (Authorized) _____

Printed Name _____

Title _____

Maling Address _____

_____

City State Zip

Email Address _____

Telephone ( ) _____

Cell Phone ( ) _____

Contractor's License Type _____

Number _____

Public Works Service Operations

DATE: March 26, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Household Hazardous Waste Collection & Disposal Bid Award

REQUEST:
Request permission to enter into agreement for the Collection and Disposal of Hazardous Waste by Clean Harbors Environmental Services, Inc. and to increase landfill fees for the disposal of hazardous waste for non-residents and businesses/commercial to capture increased fees and administrative costs.

BACKGROUND INFORMATION:
Sealed bids were opened and reviewed on Monday, March 18, 2024, for the collection and disposal of the City's household hazardous waste. The term of the agreement shall be for two (2) years and seven (7) months commencing on May 1, 2024, and expiring on December 31, 2026, and 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 2027 and 2028.

One bid was received, and we recommend entering into a contract with Clean Harbors Environmental Services, Inc. to provide proper packaging, transportation, and disposal of Household Hazardous Waste (HHW) from the City of Bismarck Municipal Landfill. Disposal of HHW is free for Bismarck residents. We are also asking permission to increase landfill fees for the disposal of hazardous waste for non-residents and businesses to capture increased fees and administrative costs. The bid tab and Household Hazardous Waste Collection and Disposal Proposal are attached.

RECOMMENDED CITY COMMISSION ACTION:
Approve bid award to Clean Harbors Environmental Services, Inc. to provide proper packaging, transportation, and disposal of Household Hazardous Waste (HHW) from the City of Bismarck Municipal Landfill and to increase landfill fees for the disposal of hazardous waste for non-residents and businesses to capture increased fees and administrative costs.

STAFF CONTACT INFORMATION:
Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov

ATTACHMENTS:
1. Bid Tab Household Hazardous Waste 2024

2. Household Hazardous Waste Proposal 2024

BID TAB HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSAL

Bids due: Monday, March 18, 2024 at 10:00 A.M. CT

Bids opened & reviewed: Monday, March 18, 2024 at 11:00 A.M. CT

Note: Mobilization and shipping costs are included in the unit cost of each waste material. Price negotiations for years 2027 and 2028.

			VENDOR NAME	**Clean Harbors Environmental Services, Inc**
			Met Qualifications	**Yes √ No_____**
WASTE MATERIAL	UNIT	ESTIMATED QUANTITY	**2024** UNIT COST	**2024** EXTENDED COST
Unstable Reactives	Pound	150	case by case	---
Waste Reactives	Pound	100	$9.75	$975.00
Oxidizers (Class I & II)	Pound	75	$2.75	$206.25
Organic Peroxides (Class I)	Pound	5	$9.75	$48.75
Flammables (including solvent, aerosol)	Pound	2,500	$2.75	$6,875.00
Flammables (oil-based paint/stain)	Pound	2,500	$2.00	$5,000.00
Corrosives	Pound	750	$2.75	$2,062.50
Toxics	Pound	1,500	$2.75	$4,125.00
Paint (water based)	Pound	1,500	$1.50	$2,250.00
Unknowns (liquid/solid)	Pound	100	$2.75	$275.00
			2024 Total Sum Bid	**$21,817.50**

WASTE MATERIAL	UNIT	ESTIMATED QUANTITY	**2025** UNIT COST	**2025** EXTENDED COST
Unstable Reactives	Pound	150	case by case	---
Waste Reactives	Pound	100	$10.24	$1,024.00
Oxidizers (Class I & II)	Pound	75	$2.89	$216.75
Organic Peroxides (Class I)	Pound	5	$10.24	$51.20
Flammables (including solvent, aerosol)	Pound	2,500	$2.89	$7,225.00
Flammables (oil-based paint/stain)	Pound	2,500	$2.10	$5,250.00
Corrosives	Pound	750	$2.89	$2,167.50
Toxics	Pound	1,500	$2.89	$4,335.00
Paint (water based)	Pound	1,500	$1.58	$2,370.00
Unknowns (liquid/solid)	Pound	100	$2.89	$289.00
			2025 Total Sum Bid	**$22,928.45**

WASTE MATERIAL	UNIT	ESTIMATED QUANTITY	2026 UNIT COST	2026 EXTENDED COST
Unstable Reactives	Pound	150	case by case	---
Waste Reactives	Pound	100	$10.76	$1,076.00
Oxidizers (Class I & II)	Pound	75	$3.04	$228.00
Organic Peroxides (Class I)	Pound	5	$10.76	$53.80
Flammables (including solvent, aerosol)	Pound	2,500	$3.04	$7,600.00
Flammables (oil-based paint/stain)	Pound	2,500	$2.21	$5,525.00
Corrosives	Pound	750	$3.04	$2,280.00
Toxics	Pound	1,500	$3.04	$4,560.00
Paint (water based)	Pound	1,500	$1.66	$2,490.00
Unknowns (liquid/solid)	Pound	100	$3.04	$304.00
			2026 Total Sum Bid	**$24,116.80**

2024-2026 Total Bid	**$68,862.75**

PROPOSAL

FOR

HOUSEHOLD HAZARDOUS WASTE

COLLECTION AND DISPOSAL

BISMARCK, NORTH DAKOTA

BIDS RECEIVED BY 10:00 AM CT
BIDS OPENED AT 11:00 AM CT
MONDAY, MARCH 18, 2024

OFFICE OF THE CITY ADMINISTRATOR
PO BOX 5503 (221 N 5TH STREET)
BISMARCK, ND 58506-5503

DEPARTMENT OF PUBLIC WORKS
SERVICE OPERATIONS
PO BOX 5503
BISMARCK ND 58506-5503
(701) 355-1700, option 3

ADVERTISEMENT

The City of Bismarck Public Works Service Operations is seeking cost proposals for the collection and disposal of the City's household hazardous waste. The term of the agreement shall be for two (2) years and seven (7) months commencing on May 1, 2024, and expiring on December 31, 2026, and 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 2027 and 2028.

Proposals for Collection and Disposal of Household Hazardous Waste items will be received in the office of the City Administrator, until 10:00 A.M. CT, on Monday, March 18, 2024. Bids will be publicly opened and reviewed at 11:00 A.M. CT, on Monday, March 18, 2024.

The proposals may be mailed to the City Administrator (PO Box 5503, Bismarck ND 58506-5503) or otherwise deposited with the City Administrator (221 North Fifth Street, Bismarck ND 58501) and shall be sealed and endorsed:

"Household Hazardous Waste Proposal"
Name of the person, firm or corporation submitting the proposal

If a proposal is to be faxed, the proposal must be sent to a bidder's agent independent of the City of Bismarck, placed in a sealed envelope, labeled according to this specification, and delivered to the office of the City Administrator prior to the bid deadline.

In accordance with North Dakota state law, a separate envelope containing a current North Dakota contractor's license and a certified check or a bid bond in the amount of five (5) percent of the total amount bid must be attached to the outside of the proposal/bid envelope and labeled "**Bid Bond**". Checks or bonds of the unsuccessful bidders will be returned to them after making the award.

In the same separate envelope as the bid bond, each bidder must enclose a valid copy of the following documents:

- EPA/North Dakota State Health Department ID number.
- North Dakota State Health Department Hauler Permit.
- EPA/North Dakota State Health Department Hazardous Waste Storage and Treatment Permit.
- North Dakota Contractor's License.

Bids must be submitted on blanks furnished by the City of Bismarck and in accordance with specifications and conditions therein contained. Bids shall be made on the basis of cash payment (U.S. Dollars) for the work to be done. Copies of proposal blanks and specifications may be downloaded from the website or obtained from the Public Works Service Operation, 601 S 26th St, Bismarck ND 58504, or Gale Nicholson, publicworksservice@bismarcknd.gov or 701-355-1707. All bidders are invited to be present at the opening of proposals.

We are offering the ability to appear at the bid opening via video/audio on Microsoft Teams, in addition to appearing in person. There is no charge for this. If you wish to appear virtually at the bid opening, please send your email address to publicworksservice@bismarcknd.gov no later than 3:00 PM the day prior to the bid opening day. We will email you a Teams Invite for you to see and hear as the bids are opened.

City of Bismarck
Jason Tomanek
Assistant City Administrator

Adv 2/28 & 3/6

GENERAL SPECIFICATIONS

1. Bids may be accepted or rejected as to the best interest of the City of Bismarck.

2. Proposals may be rejected if they show any alteration of form, additions not called for, conditional or alternate bids, incomplete bids, and irregularities of any kind or if they contain a clause in which the bidder reserved the right to accept or reject a contract awarded to him. Proposals in which the prices are obviously unbalanced or proposals otherwise regular, which are not accompanied by a satisfactory proposal guarantee, will be rejected.

3. No proposal will be considered unless accompanied by a certified check of the bidder or a bidder's bond in an amount equal to five (5) percent of his bid, made payable to the City of Bismarck, which check will be forfeited to the City of Bismarck should the bidder fail to effect a contract within ten (10) days after a notice of award.

4. The right is reserved to cancel any and all awards under this letting for the failure to make delivery within thirty (30) days due to the priorities or any other reason.

5. The successful bidder, when accepting the award, agrees to remove all collected material from the collection site within two weeks of notification by the City. The collection facility is not large enough to store waste for full semi loads.

6. The total price is to be less federal excise tax for which exemption certificates will be furnished.

7. The successful bidder, when accepting the award, agrees to review the proper collection and packaging of Household Hazardous Waste (HHW) with City personnel.

8. The bidder shall submit a completed proposal addressing all minimum specification including specification deviations, upon acceptance, same shall become a part of these originally contained herein, in so far as they do not conflict with these specifications.

9. In the event of a conflict between General Specifications and the Detailed Specifications, the latter will govern.

10. Where it is not readily determinable to the Board of City Commissioners as to the services included or not included, the bidder shall attach to the proposal a complete statement listing this information.

11. The Contractor may reasonably expect a variation in the estimated quantities from the actual quantities and no claims will be allowed for anticipated profits, for loss of profits or for damage of any sort because of a difference between the estimate of any item and the amount of the item actually collected or required. The City reserves the right to eliminate items from the proposal when such is deemed in its best interest.

12. It shall be the responsibility of each Bidder before submitting a bid, to (a) examine the proposals thoroughly, (b) become familiar with local conditions that may affect cost, progress, performance or furnishing of the work, (c) consider federal, state, and local laws and regulations that may affect cost, progress, performance or furnishing of the work, (d) study and

carefully correlate Bidder's observations with the proposals, and (e) notify City of all conflicts, errors, or discrepancies in the proposals. Any interpretation of the proposals will be made only by addendum. The owner will not be responsible for any other explanations or interpretations of the proposals.

13. Purchases by the City of Bismarck are not subject to the North Dakota State Sales Tax.

14. Bids shall be submitted on the bid forms furnished in the specifications packet.

15. All questions regarding the Request for Proposal may be directed to Alesha Dockter, Recycling Specialist, at 701-355-1789, or Steve Salwei, Director of Service Operations, at 701-355-1700, option 3.

16. Most Reasonable Proposal - In determining "the most reasonable proposal", in addition to price, the following factors will be considered (proof of the following):

		Meets Spec Yes	No
a.	EPA/ND State Health Department ID Number.	_____	_____
b.	ND State Health Department Hauler Permit (for contractor or its agent).	_____	_____
c.	EPA/ND State Health Department Waste Storage and Treatment Permit (for contractor or its agent).	_____	_____
d.	The ability, capacity, and skill of the bidder to perform the contract or provide the services required.	_____	_____
e.	Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.	_____	_____
f.	The character, integrity, reputation, judgment, experience, and efficiency of the firm.	_____	_____
g.	The quality of performance of previous contracts or service.	_____	_____
h.	The previous and existing compliance by the firm with laws and ordinances relating to the contract or service.	_____	_____
i.	The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.	_____	_____
j.	The quality, availability and adaptability of the supplies, or contractual services to the particular use required.	_____	_____
k.	The number and scope of conditions attached to the bid.	_____	_____

DETAILED SPECIFICATIONS

A. SOURCE OF WASTES

Homeowners located within the Bismarck city limits and outside of the Bismarck city limits will be allowed to drop off their wastes at the collection site. Businesses will not be allowed to use this service.

B. TRANSPORTING OF WASTES

Proposals shall identify in detail the following:

		Meets Spec Yes	No
1.	Transportation vehicles that will be used.	_____	_____
2.	Any transporters, including EPA identification numbers, with which the bidder proposes to subcontract for transportation of the waste material.	_____	_____
3.	Action to comply with the manifest system of record keeping as required by 40 CFR Parts 262 and 263.	_____	_____
4.	The immediate action necessary to protect the public health and environment in case of an accident during transport.	_____	_____
5.	Insurance coverage of any transporter to be used for the program.	_____	_____

C. TREATMENT, RECYCLING, AND/OR DISPOSAL

Proposals shall identify in detail the following:

		Meets Spec Yes	No
1.	A description on how recycling will be implemented into the HHW program.	_____	_____
2.	Description of the types of containers to be used for packaging, storage, and shipping the waste material to the treatment, recycling, and/or disposal facilities.	_____	_____
3.	Provide lined cubic yard boxes and covered drums for temporary storage of small paint containers, toxics and reactives.	_____	_____
4.	Record keeping which provides a complete log of the waste by shipping container number, and to fully account for all wastes from the source of the point of reuse, recycling, treatment, and/or disposal.	_____	_____
5.	Prepare certificate of reuse, recycling, treatment, or disposal within 180 days of delivery of TSDF.	_____	_____

D. INSURANCE COVERAGE

- Certificate of Workers Compensation Coverage – State: Statutory
- Certificate of insurance prior to starting the work. 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.

Comprehensive Liability Insurance		Comprehensive Automobile Liability	
Bodily Injury	$500,000 Each Person	Bodily Injury	$500,000 Each Person
	$2,000,000 Each Occurrence		$2,000,000 Each Occurrence
Property Damage	$2,000,000 Each Occurrence	Property Damage	$2,000,000 Each Occurrence

E. MEASUREMENT AND PAYMENT

Price shall include all costs associated with the collection, treatment, storage, packaging, transportation, disposal, labor, materials, equipment, and other costs necessary to provide the services as described within this RFP meeting all state, local and federal requirements. Progressive payments shall be made for each item as the certificates of disposal are received by the City.

LIQUIDS

1. Acids and Bases will be lab-packed for disposal and measured and paid for by the net pound.
2. Flammable Liquids will be lab-packed and measured and paid for by the net pound.
3. Latex Paints will be consolidated and will be measured and paid for by the pound.
4. Oil Base Paints will be consolidated and will be measured and paid for by the pound.
5. Pesticides/Herbicides will be lab-packed and will be measured and paid for by the net pound.
6. Poisons will be lab-packed and measured and paid for by the net pound.
7. Oxidizers will be lab-packed and measured and paid for by the net pound.

SOLIDS

1. Acids/Bases will be lab-packed and measured and paid for by the net pound.
2. Herbicides/Pesticides will be lab-packed and measured and paid for by the net pound.
3. Poisons will be collected and disposed of properly. Measurement and payment shall be made by the net pound.
4. Flammable Solids will be lab-packed and measured and paid for by the net pound.
5. Oxidizers will be lab-packed and measured and paid for by the net pound.

MISCELLANEOUS

1. Aerosols will be lab-packed and be measured and paid for by the net pound.
2. Costs for mobilization and shipping shall be included in the unit cost of each waste material.

F. TERM

The term of the agreement shall be for two (2) years and seven (7) months commencing on May 1, 2024, and expiring on December 31, 2026, and 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 2027 and 2028. Either party may cancel the agreement by giving the other party 30 days' written notice of cancellation.

G. TERMINATION

This agreement may be terminated by either party any time it may be determined to be in the best interest to do so. A written notice of intent shall be served at least thirty (30) days prior to the date of said notice of termination.

BID FORM

Bidder: _____ _____, 2024

Honorable Board of City Commissioners
Bismarck, ND

We the undersigned agree to provide services for the proper collection, packaging, transportation, and disposal of Household Hazardous Waste (HHW) for the City of Bismarck.

HOUSEHOLD HAZARDOUS WASTE
COLLECTION AND DISPOSAL

***Note*: Mobilization and shipping costs are included in the unit cost of each waste material.**
Price negotiations for years 2027 and 2028.

WASTE MATERIAL	UNIT	ESTIMATED QUANTITY	2024		2025		2026	
			UNIT COST	EXTENDED COST	UNIT COST	EXTENDED COST	UNIT COST	EXTENDED COST
Unstable Reactives	Pound	150						
Waste Reactives	Pound	100						
Oxidizers (Class I & II)	Pound	75						
Organic Peroxides (Class I)	Pound	5						
Flammables (including solvent, aerosol)	Pound	2,500						
Flammables (oil-based paint/stain)	Pound	2,500						
Corrosives	Pound	750						
Toxics	Pound	1,500						
Paint (water based)	Pound	1,500						
Unknowns (liquid/solid)	Pound	100						
			2024 Total Sum Bid	$	**2025 Total Sum Bid**	$	**2026 Total Sum Bid**	$

The following documents are attached to and made a condition of this bid:

		Meets Spec Yes	No
1.	Bid security in the form of a five percent (5%) certified check of the bidder or a bid bond. (Enclosed in a separate envelope).	_____	_____
2.	Enclosed in the same separate envelope as the bid bond; the following licenses will be enclosed:	_____	_____
	A. EPA/North Dakota State Health Department ID number.	_____	_____
	B. North Dakota State Health Department Hauler Permit.	_____	_____
	C. EPA/North Dakota State Health Department Hazardous Waste Storage and Treatment Permit.	_____	_____
	D. North Dakota Contractor's License.	_____	_____
3.	Listing of Subcontractors, including Company Name, Representative & Title, Mailing Address, and Telephone Number.	_____	_____
4.	Other items as stated in the Request for Proposals.	_____	_____

Contractor Name _____

Contractor Representative (please print) _____

Contractor Representative Signature _____

Contractor Representative Title _____

Mailing Address _____

City/State/Zip _____

E-mail Address _____

Telephone Number _____

Date Signed _____

Public Works Service Operations

DATE: March 26, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Painted Pavement Markings 2024 Bid Award

REQUEST:
Permission to award the bid for Installation of Painted Pavement Markings for 2024 to Traffic Safety Services, Inc.

BACKGROUND INFORMATION:
The bid opening for the Installation of Painted Pavement Markings was held on March 18, 2024. There was one bid. The bid tabulation is attached. We recommend awarding the bid to Traffic Safety Services, Inc., in the amount of $138,970.25. Funding for this item is part of the 2024 Roads and Streets budget.

RECOMMENDED CITY COMMISSION ACTION:
Award the Installation of Painted Pavement Marking to Traffic Safety Services, Inc. in the amount of $138,970.25 for Roads and Streets operations.

STAFF CONTACT INFORMATION:
Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov

ATTACHMENTS:
1. BID TAB 2024 Painted Pavement Marking
2. 2024 Painted Pavement Markings Proposal

BID TABULATION
Installation of Painted Pavement Marking

BIDS RECEIVED BY 10:00 AM CT
BIDS OPENED AT 11:00 AM CT
Monday, March 18, 2024
City/County Office Building Mayor's Conference Room

All Spring work shall be completed by June 21, 2024			TRAFFIC SAFETY SERVICES, INC.	
ITEM	**DESCRIPTION**	**Quantity (Linear Foot)**	**Unit Price**	**Total Price**
1210-4.1A	4" Wide White Striping	376,032	$0.13	$48,884.16
1210-4.1B	4" Wide Yellow Striping	490,538	$0.13	$63,769.94
1210-4.11	6" Wide White Striping	37,961	$0.30	$11,388.30
1210-4.12	8" Wide White Striping	42,651	$0.35	$14,927.85
	TOTAL	947,182		$138,970.25
Separate Envelope	Current ND Contractor's License		Yes	
	Bid Bond		Yes	
	Acknowledge Addendum 1		Yes	

PROPOSAL

FOR

INSTALLATION OF PAINTED PAVEMENT MARKING

BISMARCK ND

BIDS RECEIVED BY 10:00 AM CT
BIDS OPENED AT 11:00 AM CT
MONDAY, MARCH 18, 2024

OFFICE OF THE CITY ADMINISTRATOR
PO BOX 5503 (221 N 5TH ST)
BISMARCK ND 58506-5503

DEPARTMENT OF PUBLIC WORKS
SERVICE OPERATIONS
PO BOX 5503
BISMARCK ND 58506-5503
(701) 355-1700, option 3

ADVERTISEMENT

The City of Bismarck Public Works Service Operations is seeking bids for the Installation of Painted Pavement Marking.

Sealed bids will be received in the office of the City Administrator, until 10:00 a.m. CT on Monday, March 18, 2024. Bids will be publicly opened and reviewed at 11:00 a.m. CT on Monday, March 18, 2024.

The sealed bid must be mailed to the City Administrator (PO Box 5503, Bismarck ND 58506-5503) or otherwise deposited with the City Administrator (221 North Fifth Street, Bismarck ND 58501) and shall be sealed and endorsed:

"Bid for Installation of Painted Pavement Marking"
Name of the person, firm or corporation submitting the bid.

If a bid is to be faxed, the bid must be sent to a bidder's agent independent of the City of Bismarck, placed in a sealed envelope, labeled according to this specification, and delivered to the office of the City Administrator prior to the bid deadline.

Bids must be submitted on blanks furnished by the City of Bismarck and in accordance with specifications and conditions contained therein. Copies of proposal blanks and specifications may be downloaded from the website or obtained from the Public Works Service Operation, 601 S 26th St, Bismarck ND 58504, or Gale Nicholson, publicworksservice@bismarcknd.gov or 701-355-1707. All bidders are invited to be present at the opening of the proposal. Contractor may bid on any or all proposals.

In accordance with North Dakota state law, a **separate envelope** containing a **current North Dakota contractor's license** and a **bid bond** or **certified check** in the amount of five (5) percent of the total amount bid must be attached to the proposal/bid envelope and labeled "Bid Bond." An application for a North Dakota contractor's license is not sufficient to fulfill this requirement. Checks or bonds of the unsuccessful bidders will be returned to them after making the award.

The City, in its sole discretion, may extend the work completion deadline due to unforeseen circumstances, if it is determined to be in the best interest of the City to do so. The City shall reserve the right to hold all bids for a period of forty-five (45) days, to reject any and all bids, to waive irregularities or to accept such as may be determined to be for the best interest of the City of Bismarck. However, bids which do not comply with mandatory requirements imposed by law or late bids must be rejected.

The City of Bismarck is committed to providing non-discriminatory service. No person shall, on the basis of a person's nation origin, race, color, disability, sex, age and/or income status, be excluded from participation or be subjected to discrimination or harassment by the City of Bismarck or any of its locations. The City of Bismarck will consider every request for reasonable accommodation to provide:

- an accessible meeting facility or other accommodation for people with disabilities,
- language interpretation for people with limited English proficiency (LEP), and
- translations of written material necessary to access City of Bismarck programs and information.

Appropriate provisions will be considered when the City of Bismarck is notified at least 10 days prior to the meeting date or the date the written material translation is needed.
To request accommodations, contact the City of Bismarck Title VI and ADA Coordinator, at 701-355-1332. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

City of Bismarck
Jason Tomanek
City Administrator

Adv 3/1 & 3/8

PROPOSAL FOR INSTALLATION OF PAINTED PAVEMENT MARKING

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PROPOSAL

INSTALLATION OF PAINTED PAVEMENT MARKING

GENERAL CONDITIONS

The work shall be performed in accordance with the City of Bismarck Construction Specifications for Municipal Public Works Improvements dated February 1969 and revised March 2021 as supplemented or modified with the enclosed Special Provisions. The Standard Specifications can be found at: www.bismarcknd.gov/engineering.

The enclosed Special Provisions, if any, the Standard Specifications described above, the plans and all supplementary documents are essential parts of the contract, and a requirement occurring in one is as binding as though occurring in all. They are intended to be complimentary and to describe and provide for a complete work. In case of discrepancy, calculated dimensions will govern over scaled dimensions; plans will govern over standard specifications; supplemental specifications will govern over standard specifications, supplemental specifications, and plans.

The contractor shall take no advantage of any apparent error or omission in the plans and specifications, in the event the contractor discovers such an error or omission, the contractor shall immediately notify the Director of Service Operations. The Director will then make such corrections and interpretations as may be necessary for the fulfilling the intent of the plans and specifications.

The contractor shall give the work the constant attention necessary to facilitate the progress thereof, and shall cooperate with the Director of Service Operations, inspectors, and other contractors in every way possible. All work shall be completed during the regular work week, no weekends, and no holidays.

No proposal will be considered unless accompanied by a certified check of the bidder or a bidder's bond in an amount equal to five (5) percent of his bid, made payable to the City of Bismarck, and attached to the proposal/bid envelope and labeled "Bid Bond." Said check/bond will be forfeited to the City of Bismarck should the bidder fail to effect a contract within ten (10) days after a notice of award.

Insurance Contractor that is awarded the bid, shall acquire, and maintain acceptable general liability insurance:

- Certificate of Workers Compensation Coverage – State: Statutory
- Certificate of insurance prior to starting the work. 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.

Comprehensive Liability Insurance		**Comprehensive Automobile Liability**	
Bodily Injury	$500,000 Each Person	Bodily Injury	$500,000 Each Person
	$2,000,000 Each Occurrence		$2,000,000 Each Occurrence
Property Damage	$2,000,000 Each Occurrence	Property Damage	$2,000,000 Each Occurrence

It is the policy of the City of Bismarck to comply with all laws, rules, regulations, and orders with respect to local preference, non-discrimination, wages and hours and all other applicable laws, rules, regulations, and orders. All suppliers, contractors and service providers doing business with the City of Bismarck must certify that they are in compliance with all federal, state, and local laws, regulations and orders including but not limited to those regarding non-discrimination, wages and hours, workers' compensation, and immigration. Failure of compliance may result in the cancellation of any City of Bismarck contract and exclusion from consideration for future contracts.

SPECIAL PROVISIONS

SPECIAL PROVISION NO. 1 Project Schedule

The spring season city-wide installation of 4", 6" and 8" painted pavement marking shall be fully completed no later than **June 21, 2024**. There will be an option for the CITY to have the CONTRACTOR return in the fall season to install painted pavement marking in the high traffic areas and chip seal projects throughout the City of Bismarck, North Dakota. All work shall be completed during the regular work week, and no work shall be performed on weekends or holidays without approval by the CITY.

If the CONTRACTOR fails to substantially complete the work within this time, or such additional time as has been granted for excusable delays, there shall be deducted from any money due the CONTRACTOR liquidated damages per Section 106 and special provisions for each calendar day that the completion of the work is delayed beyond the final completion date. Such deducted amounts shall be charged as liquidated damages and not as a penalty.

SPECIAL PROVISION NO. 2 Painted Pavement Marking

All pavement markings shall conform to Section 1210 for paint, glass beads, installation, and payment. The CONTRACTOR shall install painted pavement marking at the location of existing markings unless otherwise directed by the CITY. Four-inch painted pavement markings shall be separated by color and paid or at the unit price bid per liner foot (FT) for "1210-4.1A PVMT MRKNG PAINTED – 4" WHT LN" for white pavement markings or 1210-4.1B PVMT MRKNG PAINTED 4" YLW LN" for yellow pavement markings.

SPECIAL PROVISION NO. 3 Pavement Marking Skips

All pavement marking skips shall be four (4) inches wide and skip lines shall be in lengths of ten (10) feet separated by gaps of thirty (30) feet unless otherwise directed by the CITY.

SPECIAL PROVISION NO. 4 Application Rate Testing

The application rate and thickness of painted pavement markings shall conform to Section 1210 with the following addition: the paint shall be sprayed on a flat sheet of aluminum and measured with a wet film thickness gauge. This measurement will be made at the beginning of the project by the CITY and random measurements will be made during the pavement marking operation. Any deviation of wet paint thickness shall be grounds to reject the pavement painting and require repainting of all previous applications at no additional cost to the CITY.

APPROXIMATE QUANTITIES

Item	Description	Quantity (Estimate)	Units
1210-4.1A	**PVMT MRKNG PAINTED – 4" WHT LN**	**376,032**	**LF**
1210-4.1B	**PVMT MRKNG PAINTED – 4" YLW LN**	**490,538**	**LF**
1210-4.11	**PVMT MRKNG PAINTED – 6" LN**	**37,961**	**LF**
1210-4.12	**PVMT MRKNG PAINTED – 8" LN**	**42,651**	**LF**

BID SHEET

Installation of Painted Pavement Marking

Commissioners: Date: _____, 2024

The undersigned proposes to furnish all labor, material, and equipment necessary for the city-wide installation of painted pavement marking and related work as specified in the request for proposal for installation of painted pavement marking at the price list as follows:

All spring season work shall be completed on or before **June 21, 2024**. The City, in its sole discretion, may extend the work completion deadline due to unforeseen circumstances, if it is determined to be in the best interest of the City to do so.

Item	Description	Quantity (Estimate)	Unit	Unit Price	Total Price
1210-4.1A	4” wide white striping	376,032	Linear Foot		
1210-4.1B	4” wide yellow striping	490,538	Linear Foot		
1210-11	6” wide white striping	37,961	Linear Foot		
1210-12	8” wide white striping	42,651	Linear Foot		
	TOTAL	947,182	Linear Foot		

The foregoing proposal is in accordance with plans and specifications and the bidder agrees on acceptance of this proposal to enter into contract and complete said work in accordance with plans and specifications and this proposal all of which shall be made a part hereof.

Firm (Legal Name) _____

Signature (Authorized) _____

Printed Name _____

Title _____

Maling Address _____

_____

City State Zip

Email Address _____

Telephone ( ) _____

Cell Phone ( ) _____

Contractor’s License Type _____

Number _____

Public Works Service Operations

DATE: March 26, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Sale of Assets from City Departments

REQUEST:
Request permission to sell assets from various City Departments listed on the attachment, at Public Sale or Online Auction.

BACKGROUND INFORMATION:
Request permission to sell assets, listed on the attachment, at Public Sale or Online Auction from the following departments; Building Maintenance, Community Development, Roads and Streets, Street Lights/Traffic Division, Solid Waste Disposal, and Storm Water.

RECOMMENDED CITY COMMISSION ACTION:
Approve sale of various assets from City Departments at Public Sale or Online Auction.

STAFF CONTACT INFORMATION:
Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov

ATTACHMENTS:
1. Sell City Assets at Public Sale or Online Auction 20240326

City of Bismarck Assets

Unit	Year/Make/Model	VIN	Description	Division	Meter Type	Meter	Date Aquired
6620	2003 TENNANT 7400	7400-6326	Floor Sweeper	Building Main.	Hours	1479	4/9/2003
9093	2013 DODGE RAM1500ST	1C6RR7FT0DS671614	Pickup, 1/2 Ton Ext Cab	Community Development	Miles	89909	5/23/2013
1594	2015 ELGIN PELICAN_NP	NP30654	Street Sweeper	Roads & Streets	Hours	5697	7/30/2015
1150	2010 DODGE RAM 1500	1D7RV1GT3AS208707	Pickup, 1/2 Ton	Roads & Streets	Miles	103624	6/1/2010
1008	2004 CHEVROLET 2500HD	1GCHK24U04E326735	Pickup, 3/4 Ton, Ext Cab	Roads & Streets	Miles	124071	5/12/2004
1671	2013 CHEVROLET 2500HD	1GC1KVCG1DF221937	Pickup, 3/4 Ton, Crew Cab	Roads & Streets	Miles	101878	5/6/2013
1111	2003 FORD F250	1FTNX21LX3ED16647	Pickup 3/4 Ton, Ext Cab	Roads & Streets	Miles	54054	5/13/2003
2328	2018 HARPER ATM72LC	18A28	Riding Slope Mower	Storm Water	Hours	1472	4/9/2019
1625	2005 GMC SIERRA	1GTEK19B75E268791	Pickup, 1/2 Ton Ext Cab	Street Lights & Signals	Miles	116078	4/12/2005
3249	2009 CAT 930H	CAT0930HPDHC01550	Front End Loader	Solid Waste Disposal	Hours	6643	6/9/2009

Misc Equipment

Qty	Year/Make/Model	VIN	Description	Division
3	JRB 416 Loader Hitch Blanks	NA	NA	Roads & Streets
1	Yuneec Typhoon H Pro	YU16332055B08A01	Drone with Batteries	Storm Water

Qty	Description	Division
1	AC Unit 8 Ton Liebert Unit: Model Number PX29UA1C8A403	Building Main.
1	Onan 15 KW Generator	Building Main.
1	Troy-Bilt 32” 13Hp walk behind snow blower	Building Main.
19	Lockers 12" wide, 12" deep x 5' height (approx)	Building Main.

Public Works Utility Operations

DATE: March 26, 2024

FROM: Michelle Klose, Director Public Works Utilities

ITEM: Change Order No. 3 to Swanberg Construction's Contract WTP Filters 1-6 & 12 MGD Accelator Project

REQUEST:
Approval of Change Order No. 3 to Swanberg Construction's Contract for Water Treatment Plant Filters 1-6 & 12 MGD Accelator Project

BACKGROUND INFORMATION:
Change order No. 3 to Swanberg Construction's contract for the Water Treatment Plant (WTP) filters 1-6 face piping replacement and 12 MGD accelator effluent pipe improvement project addresses a change to underfloor piping, flanged bends, pipe coating, sealing the effluent drop box on the 12 MGD accelator, in addition to some specialty piping. The amount of the change order is $6434.00. To accommodate the changes, a time extension to April 15, 2024 is necessary.

RECOMMENDED CITY COMMISSION ACTION:
Approve Change Order No. 3 in the amount of $6434.00 and the time extension to April 15, 2024 to Swanberg Construction's WTP Filter 1-6 face piping replacement and 12 MGD accelator effluent pipe improvements project.

STAFF CONTACT INFORMATION:
Amber Araujo, Executive Assistant, 701-355-1739, aaraujo@bismarcknd.gov

ATTACHMENTS:
1. Change Order No. 3_Contract No. 1_Swanberg

CHANGE ORDER NO. 3:
CONTRACT NO. 1 – GENERAL CONSTRUCTION

Owner:	City of Bismarck, ND	Owner's Project No.:	2022-085
Engineer:	HDR Engineering, Inc.	Engineer's Project No.:	10340857
Contractor:	Swanberg Construction, Inc.	Contractor's Project No.:	
Project:	City of Bismarck, ND Water Treatment Plant		
Contract Name:	Filters 1-6 Face Piping Replacement and 12 MGD Accelator Effluent Pipe Improvs		
Date Issued:	March 8, 2024	Effective Date of Change Order:	March 8, 2024

The Contract is modified as follows upon execution of this Change Order:
Description:

1. For Filters 4 thru 6, leave in place portion of the underfloor piping and connect the new filter influent/backwash supply piping to the existing cast iron 45-degree bends cast into and under the floor/walls (See Swanberg letter dated December 26, 2023, with deduct in price of $38,130.00).
2. For Filters 1 thru 5, due to differing conditions with the filter-to-waste control valves, replace 2-6" 90-degree flanged bends with 2–45-degree flanged bends and a 2.25" filler flange (See Swanberg letter dated December 27, 2023, with increase in price of 3,998.00)
3. For Filters 1 thru 3, coat the filter effluent/backwash supply piping inside the Clearwell (See Swanberg letter dated December 27, 2023, with increase in price of $15,820.00).
4. Seal leaking concrete effluent drop box on the 12 MGD Accelator (See Swanberg letter dated February 1, 2024 with increase price of $3,657.00).
5. Provide Specialty pipe support for 36-inch Effluent Pipe from 12 MGD Accelator to maintain clear space for walkway (See Swanberg letter dated March 8, 2024 with increase price of $19,193.00).
6. Change Vent Piping over the combined effluent channel from the 6 MGD and 12 MGD Accelerators from one 12-inch ductile iron pipe vent to two 8-inch schedule 40 PVC Pipe vents (See Swanberg letter dated March 8, 2024 with increase price of $1,896.00).
7. Increase the substantial completion date by 29 days and the final completion date by 31 days, due to coordination delays with Contract No. 2 and the functional testing of the new filter control panel and the new filter valves.

Attachments:

1. Letter from Swanberg to HDR dated December 26, 2023, with cost to leave in place portion of piping under the floor for filters 4 thru 6.
2. Letter from Swanberg to HDR dated December 27, 2023, with cost breakdown and supporting documents for replacing he 90-degree bends with 45- degree bends on the filter to waste piping for filters 1 thru 5.
3. Letter from Swanberg to HDR dated December 27, 2023, with cost breakdown and supporting documents for coating the filter effluent/backwash supply piping inside the Clearwell.
4. Letter from Swanberg to HDR dated February 1, 2024, with breakdown and supporting documents for sealing the leak in the concrete effluent drop box for the 12 MGD Accelator.
5. Letter from Swanberg to HDR dated March 8, 2024, with breakdown and supporting documentation for the pipe support for the 36-inch Accelator Effluent Pipe.
6. Letter from Swanberg to HDR dated February 27, 2024, with breakdown and supporting documentation for the revised vent piping over the combined effluent channel from the 6 MGD and 12 MGD Accelerators.

Change in Contract Price	Change in Contract Times
Original Contract Price: $ 2,174,000.00	Original Contract Times: Substantial Completion: March 1st, 2024 Ready for final payment: March 15th, 2024
N/A from previously approved Change Orders No. N/A to No. N/A: $ 25,612	N/A from previously approved Change Orders No. N/A to No. N/A: Substantial Completion: N/A Ready for final payment: N/A
Contract Price prior to this Change Order: $ 2,199,612.00	Contract Times prior to this Change Order: Substantial Completion: March 1st, 2024 Ready for final payment: March 15th, 2024
Increase this Change Order: $ 6,434.00 (See Cost Breakdown Attached)	Increase this Change Order: Substantial Completion: 29 Days Ready for final payment: 31 Days
Contract Price incorporating this Change Order: $ 2,206,046.00	Contract Times with all approved Change Orders: Substantial Completion: March 29th, 2024 Ready for final payment: April 15th, 2024

Recommended by Engineer (if required)	Accepted by Owner
By: Kevin F. Newman	
Title: Project Engineer	
Date: 03/08/2024	
Accepted by Contractor	**Approved by Funding Agency (if applicable)**
By:	
Title:	
Date: 3/8/2024	

Bismarck WTP - Filters 1-6 Face Piping Replacement and 12 MGD Accelator Effluent Pipe Improvements

Project Number: 10340857

Change Order No. 3 Cost Summary

Description	Amount	Days
For Filters 4 thru 6, leave in place portion of the underfloor piping and connect the new filter influent/backwash supply piping to the existing cast iron 45-degree bends cast into and under the floor/walls	($38,130.00)	0
For Filters 1 thru 5, due to differing conditions with the filter-to-waste control valves, replace 2-6" 90-degree flanged bends with 2–45-degree flanged bends and a 2.25" filler flange	$3,998.00	0
For Filters 1 thru 3, coat the filter effluent/backwash supply piping inside the Clearwell	$15,820.00	0
Seal leaking concrete effluent drop box on the 12 MGD Accelator.	$3,657.00	0
Provide Specialty pipe support for 36-inch Effluent Pipe from 12 MGD Accelator to maintain clear space for walkway.	$19,193.00	0
Change Vent Piping over the combined effluent channel from the 6 MGD and 12 MGD Accelerators from one 12-inch ductile iron pipe vent to two 8-inch schedule 40 PVC Pipe vents.	$1,896.00	
Substantial Completion Days Extension		29
Final Completion Days Extension		31
Total	**$6,434.00**	

SWANBERG CONSTRUCTION, INC

BUILDING-MUNICIPAL/HEAVY CONTRACTORS

Phone: 701-845-6946
Fax No: 701-845-8999

250 Central Ave S
PO Box 728
Valley City, ND 58072-0728

December 26, 2023

HDR Engineering.
101 South Philips Ave, Suite 401
Sioux Falls, SD 57103

Attn: Kevin Newman, PE

Re: Bismarck WTP Filters 1-6 Face Piping
Revised- Change Proposal No. 3_ leaded joints and under floor pipe deduct

Gentlemen,

The following is a cost breakdown to leave in place a portion of the underfloor piping and connect to the existing cast iron 45 degree bends cast into and under the floor/walls of filters 4 thru 6.

Filters 4 – 6 Labor, Tools and Equipment deduct	<38,130.00>
Total deduct	<38,130.00>

Respectfully Submitted,

Kent Swanberg
Swanberg Construction

SWANBERG CONSTRUCTION, INC

BUILDING-MUNICIPAL/HEAVY CONTRACTORS

Phone: 701-845-6946
Fax No: 701-845-8999

250 Central Ave S
PO Box 728
Valley City, ND 58072-0728

December 27, 2023

HDR Engineering.
101 South Philips Ave, Suite 401
Sioux Falls, SD 57103

Attn: Kevin Newman, PE

Re: Bismarck WTP Filters 1-6 Face Piping
Change Proposal No. 5- filter to waste 45s and fillers

Gentlemen,

Due to differing conditions- the following is a cost proposal to replace 2- 6" 90 degree flanged bends with 2- 45 degree flanged bends and a 2.25" filler flange. This was required on filters 1 thru 5- filter to waste piping. The double 90 degree bends hit the floor – floor uneven and slopes. Refer to sheet 00D901 -attached. Also, attached invoice for the material to replace the 6" 90's.

Credit for qty 10 - 90 degree bends (less shipping and 25% restock fee)	<$1,101.00>
Material	4,099.00
Labor, Equipment and Incidentals 4 hrs at $135.00	540.00
Subtotal	$3,538.00
Overhead, Bond and profit	460.00
Total	$3,998.00

Respectfully Submitted,

Kent Swanberg
Swanberg Construction

SWANBERG CONSTRUCTION, INC

BUILDING-MUNICIPAL/HEAVY CONTRACTORS

Phone: 701-845-6946
Fax No: 701-845-8999

250 Central Ave S
PO Box 728
Valley City, ND 58072-0728

December 27, 2023

HDR Engineering.
101 South Philips Ave, Suite 401
Sioux Falls, SD 57103

Attn: Kevin Newman, PE

Re: Bismarck WTP Filters 1-6 Face Piping
Change Proposal No. 4_ coating DIP inside clearwell_ filters 1-3

Gentlemen,

The following is a cost breakdown to coat the filter effluent/backwash supply piping inside the clearwell on filters 1 thru 3. Quote and material product data attached from Protech Contracting services. Includes prepping and coating the 3 sets of 20" DIP in place. Prepping as best as possible with power tools and sanding. The contractor cannot warranty the coating system.

Subcontractor – Protech	$9,800.00
Supervision, Labor and Equipment	4,200.00
Subtotal	$14,000.00
Overhead, Bond and profit	1,820.00
Total	$15,820.00

Time extension of 3 weeks will be required.

Respectfully Submitted,

Kent Swanberg
Swanberg Construction

SWANBERG CONSTRUCTION, INC

BUILDING-MUNICIPAL/HEAVY CONTRACTORS

Phone: 701-845-6946
Fax No: 701-845-8999

250 Central Ave S
PO Box 728
Valley City, ND 58072-0728

February 1, 2024

HDR Engineering.
101 South Philips Ave, Suite 401
Sioux Falls, SD 57103

Attn: Kevin Newman, PE

Re: Bismarck WTP Filters 1-6 Face Piping
Change Proposal_ seal leaking accelator concrete effluent drop box

Gentlemen,

The following is a cost breakdown for material, labor and equipment to clean the interior of the concrete drop box at the 13 million gallon accelator. Locate the crack, prep the concrete and seal the crack. If this does not seal the leak to the satisfaction of the owner- crack injection or Zypex system can be completed by Swanberg Construction's personell after the accelator is in operation.

Labor	$2,826.00
Material and equipment	410.00
Sub-Total	$3,236.00
Overhead, Bond and Profit	421.00
Total	$3,657.00

Respectfully Submitted,

Kent Swanberg
Swanberg Construction

SWANBERG CONSTRUCTION, INC

BUILDING-MUNICIPAL/HEAVY CONTRACTORS

Phone: 701-845-6946
Fax No: 701-845-8999

250 Central Ave S
PO Box 728
Valley City, ND 58072-0728

March 8, 2024

HDR Engineering.
101 South Philips Ave, Suite 401
Sioux Falls, SD 57103

Attn: Kevin Newman, PE

Re: Bismarck WTP Filters 1-6 Face Piping
Revised Change Proposal_ pipe support 36" clarifier effluent

Gentlemen,

The following is a cost breakdown for material, labor and equipment for revised pipe support at the 36" clarifier effluent pipe- New column and beam support in lieu of reusing existing support.

Labor	$6,712.00
Material	
Mid America	4,278.00
Plant and Flanged	4,746.00
Freight	500.00
Equipment and Incidentals	600.00
Sub-Total	$16,836.00
Overhead, Bond and Profit	2,357.00
Total	$19,193.00

Respectfully Submitted,

Kent Swanberg
Swanberg Construction

SWANBERG CONSTRUCTION, INC

BUILDING-MUNICIPAL/HEAVY CONTRACTORS

Phone: 701-845-6946
Fax No: 701-845-8999

250 Central Ave S
PO Box 728
Valley City, ND 58072-0728

February 27, 2024

HDR Engineering.
101 South Philips Ave, Suite 401
Sioux Falls, SD 57103

Attn: Kevin Newman, PE

Re: Bismarck WTP Filters 1-6 Face Piping
Change Proposal_ vent pipe revision

Gentlemen,

The following is a cost breakdown for material, labor and equipment for the revised vent piping- change from 1 – 12" DIP vent to 2 – 8" sch 40 PVC.

Labor	285.00
Material	1,366.00
Sub-Total	1,651.00
Overhead, Bond and Profit	245.00
Total	$1,896.00

Respectfully Submitted,

Kent Swanberg
Swanberg Construction

Administration Department

DATE: March 26, 2024

FROM: Jason Tomanek, City Administrator

ITEM: City Commission Fact Finding Subcommittee Recommendation

REQUEST:
Continued discussion and final decision regarding the final recommendation from the City Commission Fact-Finding Subcommittee relating to the performance issues of Charlie Jeske, Event Center Director, and recommendations regarding the appropriate actions to take to address any necessary employee discipline and changes to Event Center operations.

BACKGROUND INFORMATION:
At the February 27, 2024, Commission meeting, the Commission decided to continue the discussion of this item to its meeting on March 12, 2024. At the November 28, 2023, special meeting of the Board of City Commissioners, a motion was passed to create a fact-finding subcommittee consisting of two commissioners and Gordy Smith, whom Mayor Schmitz appointed, with direction to report back to the Commission on progress moving forward with Mr. Jeske's performance and a plan to implement checks and balances relating to business practices and contract management. Since that time, the subcommittee has met eight times.

RECOMMENDED CITY COMMISSION ACTION:
Continue discussion and make a final decision regarding the final recommendation from the City Commission Fact-Finding Subcommittee relating to the performance issues of Charlie Jeske, Event Center Director, and recommendations regarding the appropriate actions to take to address any necessary employee discipline and changes to Event Center operations.

STAFF CONTACT INFORMATION:
Jason Tomanek, City Administrator, 701-355-1300, jtomanek@bismarcknd.gov

ATTACHMENTS:
1. Fact-Finding Subcommittee Report and Findings

CITY COMMISSION FACT-FINDING SUBCOMMITTEE FINDINGS

The Fact-Finding Subcommittee was created by the City Commission at its November 28, 2023, meeting, which consisted of Commissioners Cleary and Connelly and Gordy Smith (appointed by Mayor Schmitz). We met several times and gathered knowledge through information reviews, interviews, observation, data collection, and analysis. The following is a summary of the subcommittee's findings and recommendations.

1. CONFLICT OF INTEREST

In 2015, Mr. Jeske took a trip paid for by a bidder (ETIX) prior to a ticketing bid being awarded. Other vendors were not provided with the same opportunity.

- The City's Principles of Ethical Conduct state, "…each City of Bismarck employee shall respect and adhere to the fundamental principles of ethical service as implemented in the regulations promulgated under this policy."
- They further state, "An employee shall not, except pursuant to such reasonable exceptions as provided by regulation, solicit, or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's department, or whose interests may be substantially affected by the performance or non-performance of the employee's duties.
- In addition, they state, "Employees shall act impartially and not give preferential treatment to any private organization or individual.'
- They further state, "Employees must avoid any actions which are or may be perceived as a conflict of interest between their personal interests and the City's interests.'
- Finally, they state, "Employees must avoid any actions that may involve, or that could be reasonably construed to involve, a conflict of interest with the City of Bismarck job responsibilities."

FINDING: The Fact-Finding Subcommittee concludes that Charlie Jeske violated the conflict-of-interest sections of the City's Principles of Ethical Conduct by accepting the 2015 trip paid for by ETIX prior to the awarding of the ticketing bid as all other bidders were not provided that opportunity.

2. LEADERSHIP AND MANAGEMENT

A. ALCOHOL SALES

- The 2016 request for proposal (RFP) for alcohol sales did not have a contract signed by both parties setting forth the terms of the agreement and incorporating the relevant portions of the RFP. Instead, for seven years, the BEC and the vendor used the RFP as the contract. As the department head, Mr. Jeske was responsible for securing a contract signed by both parties.
- The RFP states, “The manager shall issue reasonable rules and regulations consistent with policies adopted by the Event Center for the operations of the Alcohol Beverage Catering Services, and the Alcoholic Beverage Caterer shall operate in accordance with such rules and regulations.”
- The BEC’s manager’s job description states, “Develops policies and procedures to ensure the efficiency and effectiveness of department operations...”
- At the beginning of the Subcommittee’s review, the internal controls surrounding alcohol sales were seriously deficient. The cash-only process included counting cups at the beginning and end of the event and the number of flats (empty 18 packs and case boxes) to determine the number of beer/drinks sold and recording the number on an Alcohol Settlement Sheet. These numbers were then multiplied by the price of the beer/drink and totaled, and a representative of the vendor and BEC signed off on the form. Cash received during the event was placed in empty beer boxes. The vendor then removed the money from the BEC, and the BEC used the Alcohol Settlement Sheet to bill the vendor for its share of the proceeds (48% from 2016-2023).
- The most glaring internal control weaknesses in such a system include cash is not recorded immediately upon receipt; cash is never counted and reconciled at the end of the event; using cups and flats as means of determining sales can easily be circumvented; and cash-only sales present more opportunities for misuse than using a point-of-sale system allowing credit and debit card purchases.
- I used analytical review procedures to compare total alcohol sales for 2021, 2022, and 2023. Analyzing data such as attendance and number of events, it appeared that 2023 total sales were low. I reviewed the alcohol sales ledger maintained in the business office, reviewed monthly data for 2023, and found a $106,658 error in the October 2023

data. The ledger is essentially an Excel spreadsheet, and the formula for totaling the month's sales was wrong; therefore, the monthly and yearly total was understated by $106,658.

- I looked at individual Alcohol Settlement Sheets and judgmentally grabbed the Hairball Concert sheets from 2019, 2021, 2022, and 2023 (the 2020 concert wasn't held due to Covid). The 2022 Alcohol Settlement Sheet contained a serious mathematical error, which resulted in $9,268 in alcohol revenue not being recorded on the sheet, which meant the vendor removed that revenue from the BEC without the BEC receiving its share.
- When looking at the comparative data on the Alcohol Settlement Sheets for the Hairball Concert sheets (see below) for 2019, 2021, 2022, and 2023, another anomaly becomes obvious. Attendance from 2022 to 2023 increased by 7.7%, while the number of beers sold decreased by 28%. This seems unusual. Both concerts were held on Saturday nights, so that was not a factor. If the same number of beers had been sold in 2023 as had been sold in 2022 (despite a 7.7% increase in attendance), there would have been $14,058 in additional revenue collected. Once again, this is evidence of a serious lack of oversight surrounding the sale of alcohol.

Hairball Concert
Comparison Data
2019, 2021, 2022 and 2023

	2019	2021	2022	2023
Beer Cups Sold	7,636	5,572	5,562	4,000
Mixed Drinks Sold	328	1,704	1,750	1,746
Attendance	3,171	2,776	3,256	3,509
Gross Alcohol Revenue	$ 55,748	$ 58,208	$58,496*	$ 51,714
Price Per Beer	$ 7.00	$ 8.00	$ 8.00	$ 9.00

* This is a corrected figure.

In 2023, attendance was up 7.7% and number of beer cups sold was down 28%.

If there were as many beer cups sold as in 2022 the alcohol revenue would be $14,058 higher.

- As a result of this error, I requested all Alcohol Settlement Sheets for 2021, 2022 and 2023. I selected some of the larger events and recalculated the amount of alcohol determined sold as well as the mathematical determination of alcohol sold multiplied by the sales price. In other cases, I did a cursory review just mentally doing those calculations. I found two additional mathematical errors calculating the amount of alcohol sold that together resulted in the vendor removing $1,304 of alcohol proceeds from the building without BEC receiving its share. In addition, another serious concern is that I found 13 instances where the sheet containing the calculation of alcohol sold was missing from the Alcohol Settlement Sheet. I gave the Business Manager and the Food and Beverage Manager several days to locate these, but they couldn't find them. Since I uncovered three math errors totaling $10,572, it is a serious problem that supporting documents are missing.
- During interviews with current and former employees, an employee reported finding a large bag of cash after an event and stated they turned it into their boss's office, who returned it to the alcohol vendor. A former employee confirmed this to me during their interview.
- As a result of the weaknesses in internal controls that have existed for many years and the results of the very basic testing, I was able to perform, I have very low assurance the BEC has received all the proceeds from alcohol that it should have since the time these poor internal controls have been in place. The findings I have listed reveal a serious lack of oversight of the sale of alcohol at BEC.
- Since our initial fact-finding process started, the BEC and the vendor have taken steps to improve the internal controls surrounding alcohol sales. Cash registers are now used to record cash immediately upon receipt, and the cash register tapes are now reconciled to the counts on the Alcohol Settlement Sheets. This is a positive step. However, to my knowledge, cash is still not counted and reconciled to the cash register tape. In addition, I still had issues reconciling the numbers used to determine alcohol sold on the sheet provided to me using the new system (the first day of the state pool tournament on February 15, 2024).

B. WORK ENVIRONMENT

- Interviews with current and prior employees revealed serious personnel issues with some employees of BEC. There were constant references to the differences in the treatment of employees in the "front and back of the house." The "front of the house" refers to employees in the Food and Beverage Department, the Marketing and Sales Department, and the Business Department. The "back of the house" refers to the Operations Department.
- Criticisms of the manager included poor communication, failure to treat all employees fairly and equally, failure to consistently enforce policies for employees in the "front and back of the house," and instances where employees witnessed unprofessional behavior. Several individuals interviewed stated they feared retaliation or retribution from the manager.
- Some employees expressed a great deal of skepticism as to whether the current manager would be able to resolve the current personnel issues, and they don't believe the BEC would grow towards its potential if the current operating style and practices remain in place.
- Finally, some employees and former employees said the manager gave preferential treatment to certain vendors.

C. CONTRACTS

- There were several instances where contracts with entertainment/vendors were not being signed until shortly before the events were to take place. NOTE: Since the start of the Fact-Finding Subcommittee's work, the BEC has implemented the use of Docu-Sign, which allows for electronic signatures, and while there have been some initial challenges, it is hoped this will help resolve this issue.
- There is no consistent, documented, detailed system used by management to determine the likelihood of profitability for events scheduled by BEC. While the manager and others cited certain research and an approach used for large events, there was no consistent, detailed, documented system available to measure the success/failure of any approach used by management. A detailed documented system (especially for large events to start with) to analyze the potential profitability of events prior to scheduling them would provide BEC with a tool to enhance their efforts at success. An analysis of the actual success of events scheduled vs. the system prediction model would enable BEC to judge the reliability of the

system and modify it to improve it. As time passes and the system improves, it should be used for more events prior to scheduling them.

D. LACK OF COMPREHENSIVE PLAN

- The BEC's audited financial statements for the years 2018-2022 show operating losses of between $1.63-$2.83 million per year.
- Using BEC data and its 2018 strategic plan, from 2015 to 2023, the number of events at BEC grew from 651 in 2015 to 773 in 2023 (18.7% increase). However, the attendance went from 475,454 in 2015 to 341,954 in 2023 (28.5% decrease).
- BEC has been able to weather these losses in part due to $3.3 million in COVID relief funds received from the federal government. However, those funds are essentially gone as of the end of 2023.
- Falling attendance despite an increase in the number of events suggests that an evaluation of the strategy used to schedule events would be prudent. Some type of documented research and analysis would enable the management team to evaluate if a significant change in the type or timing of entertainment scheduled is necessary.
- A detailed documented system to evaluate the likelihood of the profitability of events, as discussed in C, should also improve the chances of scheduling more events that make profits for BEC.
- The manager's job description states "…conducts operational and financial performance evaluations...". However, when asked about this during his interview. The manager did not seem familiar with these types of evaluations. He discussed meeting with his operational supervisors and was informed they have talked to their full time and changeover crew about operations procedures. He further discussed that from a financial standpoint, he monitors the budget. When prompted by his attorney, he stated he has not been given any formal evaluative criteria or expectations relating to this aspect of his job description. The manager stated the Budget Committee and portfolio holder have acknowledged the BEC does not make money but should try to get as close to zero as possible. He also stated, "We always rely on the enterprise fund, which is actually the bed and booze tax, to be our safety net." This statement is puzzling since it is my understanding that the bed and booze tax is essentially restricted to capital improvements and not BEC operations, so it is not a safety net.
- Even if the BEC manager has not received any direction from his supervisors on the expectations of the nature and operational and financial evaluations called for in his job descriptions, as the BEC

department head, he should have sought this information from his supervisors during his 15-year tenure. The fact they are called for in his job description illustrates his supervisors consider them important to the position.

- An example of an operational evaluation may be a coordinated review of the processes used to host events and transition to subsequent events. This would include the sales staff as well as the operations staff and would involve an analysis of the timing of the events, labor requirements of the full-time operations staff, sustainability of the current system, consideration of alternative methods and ways of measuring the effectiveness of both the current and alternative systems proposed. For example, would hiring more part-time staff to relieve pressure on the full-time Operations staff during exceptionally busy times be more cost-effective and provide the sales staff with insight as to the critical nature of the accuracy and sufficiency of pre-event information?
- An example of a financial evaluation may be a consistent measurement of the profitability of scheduled events accumulated on an annual basis measured against the pro forma model discussed in the CONTRACTS section above. Another example of a financial evaluation would be the consideration of a documented analysis of the most/least popular and most/least profitable items sold in the concessions area and a rotation of those products. It could also include considering an expansion of the number of concessions offered after considering a more efficient use of space. (For example, would a food court in the north lobby be worth the cost of refurbishing it?)

E. WRITTEN POLICIES

- I reviewed a manual I received from the Business Manager. He stated all department heads have this manual. The manual contains information such as evacuation plans, the most recent strategic plan, and BEC policies.
- During the fact-finding process, I noted the absence of formal policies for certain areas that may prove useful for BEC department heads and staff. These include:
    1. Formal policies for authorization for distribution of complimentary tickets (current system appeared sufficient).
    2. Authorization for who can negotiate rates for space and services.

3. Authorization and guidance on what qualifies as a write-off of an account (the current system includes too many entries that do not qualify as a write-off).
4. Establishing of internal controls for the sale of alcohol and retention of the related supporting documents.
5. Establishing the internal controls over concession stand sales (which appeared very good based upon my walk-through).
6. Documenting the internal procedures surrounding the receipt of payments in the Business Office.

F. VENDORS AND BIDS

- Several vendors were interviewed as part of the fact-finding process. Many indicated they were pleased with the BEC Marketing and Sales manager and staff they dealt with. However, a few indicated they were frustrated dealing with the BEC manager. One stated he had been unprofessional to their staff.
- A vendor indicated that they signed a long-term contract with the BEC but would not do so again because many of the opportunities they were promised to help recover their investment have not been realized. While they were satisfied dealing with the Marketing and Sales staff, they specifically indicated they felt the manager “brought nothing to the table” and they hadn’t met with him in several years. The vendor said they had put a significant amount of money into the BEC. Their contract is up in a year or two, but they have not been contacted by BEC to discuss continuing the business relationship or to improve or increase their opportunities.
- A couple of vendors indicated they felt they were treated unprofessionally by the Food and Beverage Manager and staff.
- Two vendors who were unsuccessful bidders for the 2024 alcohol bid were extremely unhappy, and both felt the process was not fair and equitable to all bidders. One indicated they felt the process was fixed from the beginning.
- I reviewed the bidding process relating to the 2024 alcohol contract, and I have some concerns regarding the scoring of the bids. One concern related to the fact that the 5 individual scorers were allowed to keep their scores for each bid anonymous. In other words, the scores were turned in and accumulated, but no one knew which scores belonged to which scorer. Per discussion with the current City Administrator, this is common practice for all city departments. This was not the practice at the State Auditor’s Office, and honestly, I don’t

see its benefits. In fact, I believe this part of the process may allow a scorer to display a bias. One of the reasons I bring it forward is that in one case, the successful bidder got a perfect 45 from one scorer (a top score of 5 in all 9 categories). I have a fair amount of experience scoring bids from professional CPA firms. One of the categories to be scored asked how many people the bidder could bring to the job at a time. This is understandably important because the BEC could be hosting multiple events and require multiple bars at more than one event. The successful bidder indicated they could bring 50 people to the job on any given date and received a high score of 5 points from this scorer. Another bidder indicated they could bring 60 people to the job on any given date, and this same scorer awarded them 3 points. Finally, another bidder stated that they could bring 80 people to the job on any given date, and the same scorer awarded them 4 points. I do not believe any amount of logic or reasoning could justify those scores for those bidders from the same individual.

- In comparing other scores in different categories, I noted some additional concerning items. Some of these items may be attributable to the relative inexperience of the scorers in the process. But I also feel having the scorers "own" their scores by having them identified also reduces the chances of bias entering the process. However, the winning bidder did have the most professional bid submitted and did address all the items requested in the RFP. In my judgment, I have serious doubts whether another set of scorers would have reached a different conclusion in awarding the bid. However, I am convinced the final decision would have been closer than it was. I bring this information to the attention of the City Commission to illustrate the issue of allowing scorers on bids to remain anonymous.

FINDING

The Fact-Finding Subcommittee concludes that manager Charlie Jeske has demonstrated a lack of leadership, questionable judgment, and poor management for failing to address the issues cited above sufficiently. The poor internal controls surrounding the sale of alcohol were allowed to continue throughout his entire BEC career despite clear direction in his job description to establish policies and procedures to ensure the efficiency and effectiveness of department operations. It's likely that because of the weak controls, the BEC has not received all the money from the sale of alcohol as it should have during his tenure.

Despite continued decreases in attendance and consistent financial losses, Mr. Jeske failed to develop a formal, comprehensive plan to explore potential strategies to address either situation. The falling attendance comes despite an increase in the number of events hosted by BEC. This would suggest that documented research and analysis of alternative methods of targeting and scheduling events would be prudent management.

The BEC was able to sustain continued operational losses due to over $3.3 million of federal funds (Sheltered Venues Operating Grant) received in 2021. However, these funds are essentially gone, and the manager should have used his experience and expertise, in addition to input from his management team, to develop a documented formula to assist in targeting and scheduling entertainment, which has a higher likelihood of profitability. While these types of venues typically operate at a loss, successful pro forma tools help reduce that loss. In addition, if this had been done years ago, the formula could have been refined. It could also have been used comparatively for a post-event analysis on a year-over-year basis to show progress.

Employee and former employee interviews revealed significant issues that have existed for many years. Employees cited poor communication from the manager, failure to consistently treat employees fairly and equally, failure to enforce policies for employees in the front and the back of the house, unprofessional behavior, and fear of retribution and retaliation from the manager. When interviewed and asked about the employees' work environment, Mr. Jeske replied, "I thought we got along. To this day, I still think we get along quite well…" Later in the interview, he acknowledged that in the industry, "..the front of the house creates a headache for the back of the house to handle.." However, he went on to complain about his operations manager rather than accept any responsibility. The BEC manager's job description clearly calls for him to supervise the staff, and these unresolved personnel issues clearly indicate he has not sufficiently fulfilled that requirement.

Contract management issues appear to have started to be addressed only when the subcommittee's work began. There is still more work to be done relating to designing and documenting the pro forma analysis (as discussed above) prior to signing contracts.

While most vendors interviewed were very happy with the BEC Marketing and Sales Manager and staff, some were not pleased with the BEC manager.

As a result of these issues, which have existed for years in some cases, and the first finding above, the Fact-Finding Subcommittee feels it is neither reasonable

nor prudent to retain Charlie Jeske as BEC manager. Therefore, it is the Fact-Finding Subcommittee's recommendation that his employment be terminated.

3. SECONDARY RECOMMENDATIONS

A. The City Commission consider approval of BEC securing a point of sale (POS) system for use for the sale of alcohol. The errors found, and the fact a POS system will reduce the amount of cash involved make such an investment worth it. If the BEC needs to be rewired to accomplish this—the rewiring is going to have to be done at some point in the future anyway and will most likely significantly improve technology usage by BEC staff.
B. The City Commission consider requiring the BEC to institute a policy of having 360-degree evaluations at least once every two years. These evaluations should be developed by the City HR department and be mailed to the employee's home address and returned directly to the City HR department. They should include an evaluation of each employee's direct supervisor, department head, and the BEC manager.
C. The City Commission consider hiring a firm to conduct a risk assessment of the BEC. Considering the age of the building and the equipment (boilers, etc.), as well as the number of events and the public attendance, it would be prudent to identify the largest risks to the public and the employees. This would also provide the commission with a basis to prioritize funding for capital improvements.
D. The City Commission should consider modifying its contract with the CPA firm conducting the audit of the city to include an agreed-upon procedure. The CPA firm uses materiality to determine how much time and work it spends on each aspect of the City of Bismarck audit. It does very limited work at the BEC. An agreed-upon procedure would require the firm to conduct certain work (agreed on between the client and the firm) at BEC. This could be anything the Commission feels it wants to be examined. Considering what the employees have been through the last several months, I would suggest holding off on implementing this recommendation for at least one audit cycle.

Engineering Department

DATE: March 26, 2024

FROM: Gabe Schell, City Engineer

ITEM: Century Avenue Reconstruction Presentation and Decisions - HC 165

REQUEST:
Receive presentation and recommendations on East Century Avenue reconstruction project and provide direction

BACKGROUND INFORMATION:
At the June 13, 2023 Board of City Commission meeting, East Century Ave from Centennial Rd to Kost Dr was approved as the next half-cent sales tax funded arterial road reconstruction project. This project would also include the extension of East Century Ave from Kost Dr to 52nd St NE and the extension of 52nd St NE from East Century Ave to Gold Dr.

The City is contracted with KLJ Engineering to perform preliminary engineering services. Alternatives have been developed for the Commission's review and direction. KLJ will provide a presentation on the project, the alternatives, and the public input received.

Staff will request direction from the Board pertaining to the alternatives and funding source for the 52nd St NE improvements.

RECOMMENDED CITY COMMISSION ACTION:
Receive presentation and provide direction

STAFF CONTACT INFORMATION:
Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:
1. East Century Avenue Preliminary Engineering Report - HC 165 - 240319

ENGINEERING, REIMAGINED

CITY PROJECT: HC165

EAST CENTURY AVENUE AND 52ND STREET NORTHEAST IMPROVEMENTS

PRELIMINARY ENGINEERING REPORT

PREPARED FOR: CITY OF BISMARCK, NORTH DAKOTA

March 2024

KLJ Project #2304-00414

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EXECUTIVE SUMMARY

A. Project Description

The proposed project includes reconstruction and improvements to East Century Ave from just east of Yorktown Dr where asphalt section begins to Kost Dr as well as the new construction of East Century Ave from Kost Dr to 52nd St NE and 52nd St NE from East Century Ave to Gold Dr. The project will include capacity and safety improvements for vehicular, bicycle, and pedestrian modes of traffic. Improvements to lighting, storm sewer, and watermain are anticipated within the urban reconstruction area.

B. Project Schedule

Project: East Century Ave Reconstruction - HC165
Bid Ready: Fall 2024

Construction: 2025

C. Purpose of Project

The purpose of the proposed project is to reconstruct the East Century Ave corridor to improve vehicle, pedestrian, and bicycle safety, and make any required updates to sewer, water, and stormwater infrastructure in the area. The project will provide connectivity in roadways by connecting East Century Ave with 52nd St NE.

D. Need for Project

East Century Ave needs an improved cross-section to improve safety, accommodate turning vehicles into neighborhoods, improve/add pedestrian and bicycle facilities, and extend East Century Ave and 52nd St NE to provide connectivity. The project will facilitate storm sewer, water main, and sanitary sewer improvements where necessary. See **Exhibit 2** for project study area map.

Table 1, shows the current annual daily traffic (ADT) as well as the highest forecasted ADT from Centennial Rd to Kost Dr on East Century Ave, dependent on the different traffic scenarios studied in the traffic operations report. The table also shows forecasted ADT on the East Century Ave extension and 52nd St NE connection. With the growth on East Century Ave between 2023 and 2045, minor approach operations become unacceptable as outlined in the in **Existing Conditions** and **Deficiencies** below.

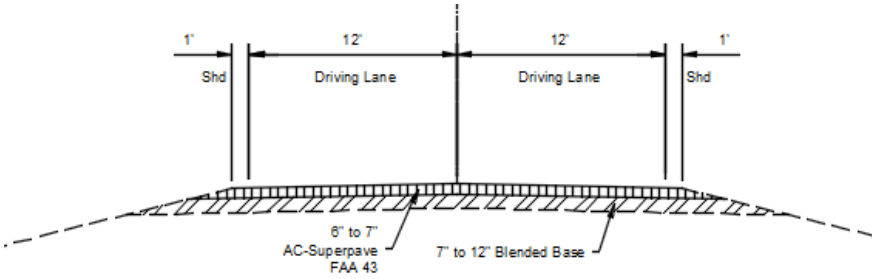
Table 1, Traffic Data

		Year	Passengers	Trucks	Totals
East Century Ave Centennial Rd to Kost Dr	Current ADT	2023	5,760	240	6,000
	Forecast ADT	2045	9,600	400	10,000
East Century Ave Kost Dr to 52nd St NE	Current ADT	2023	0	0	0
	Forecast ADT	2045	11,760	240	12,000
52nd St East Century Ave to Gold Dr	Current ADT	2023	0	0	0
	Forecast ADT	2045	11,760	240	12,000

1. *Existing Conditions*

The existing East Century Ave roadway section east of Greensboro Dr consists of a 24-foot-wide asphalt roadway with one 12-foot driving lane in each direction. There are no turning lanes. East Century Ave has a 10-foot shared-use path along the north side between Centennial Rd and Stonewall Dr. Another 10-foot shared path along the south side of East Century Ave connects Lafayette Dr and British Dr. A continental crosswalk is located midway between Lafayette Dr and British Dr allows for pedestrian access to Roosevelt Dr and is marked with school crosswalk warning signs. There is also a six-foot sidewalk along the south side of the roadway from Centennial Rd to Yorktown Dr. There are no dedicated bike lanes or bus stops on the corridor. See **Exhibit 1** for existing typical section on East Century Ave.

Exhibit 1, Existing Typical Section from Greensboro Dr to Kost Dr



Existing Typical Section E Century Ave

The review of historic crash information can help identify existing deficiencies that can be addressed through this study. Five years of segment and intersection crash records (July 1, 2018 through June 30, 2023) were requested from NDDOT for the study area. There were twelve crashes along East Century Ave during the five-year analysis period. There were no fatal crashes reported during the analysis period. One of the twelve crashes was reported as resulting in incapacitating injury, with the remainder classified as property damage only (PDO) (8), possible injury (2), or non-incapacitating injury (1). The incapacitating injury crash involved a motorcycle operating at night without a headlight that struck a turning vehicle.

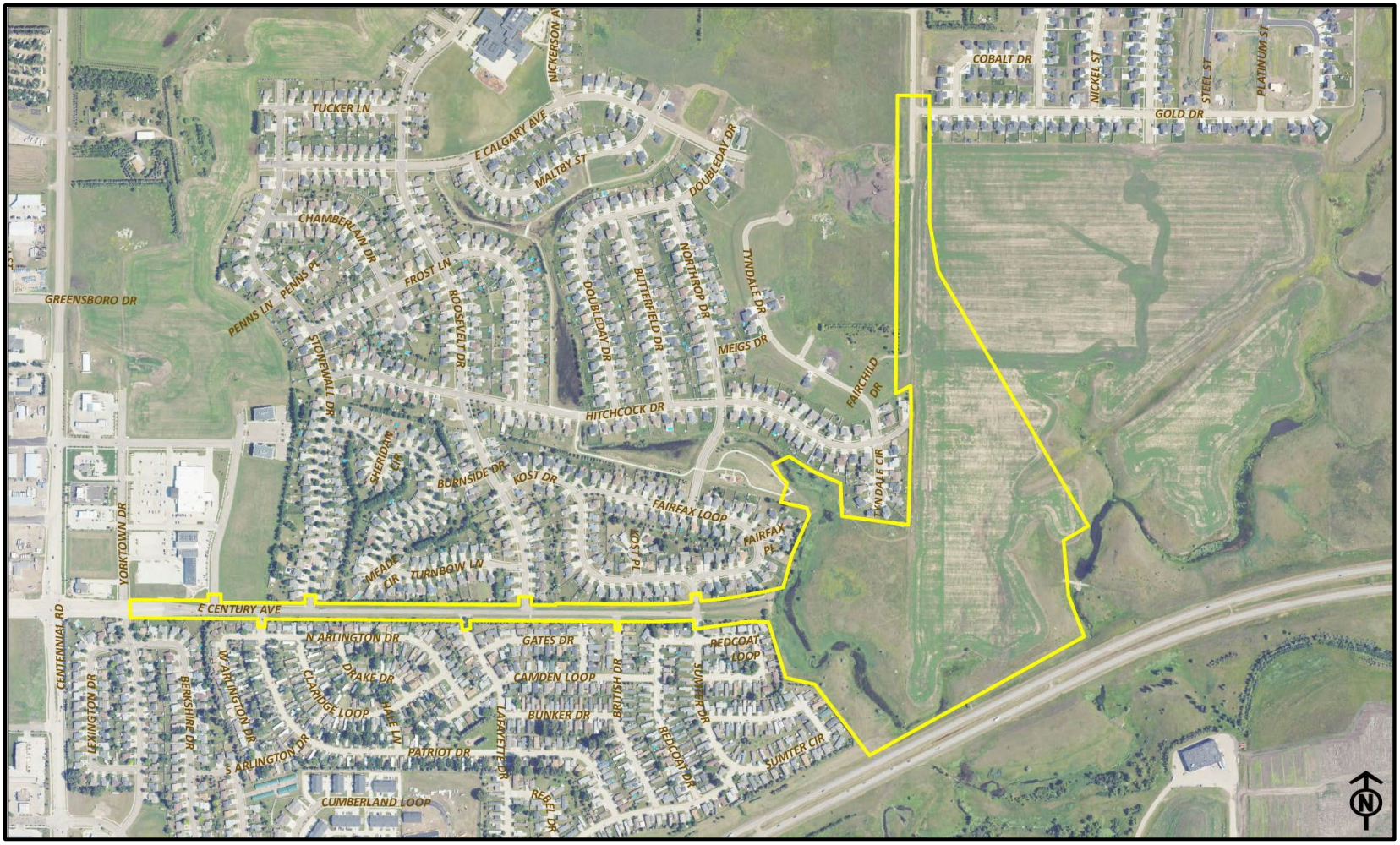
Rear end crashes were the most prevalent crash type, with four occurring during the analysis period. Two of these rear end crashes occurred along the East Century Ave corridor. The proposed two-way left turn lane configuration of East Century Ave should help alleviate these types of crashes. Two of the total twelve crashes involved motorcycles. No pedestrian or bicycle crashes were reported.

2. *Deficiencies*

The existing pavement condition has exceeded its design life, with significant transverse, longitudinal, and alligator cracking. The existing roadway section does not provide the capacity needed to meet the future multimodal traffic demands. Additionally, future growth potential is being restricted with East Century Ave currently terminating at Kost Dr. East Century Ave does not cross the Sunrise Tributary or connect into 52nd St providing continuity in this region.

Other deficiencies within the current roadway corridor include lack of turn lanes, lighting, and pedestrian facilities.

Exhibit 2, Project Study Area Map



E. Description of Alternatives

a. Alternative A: No Build

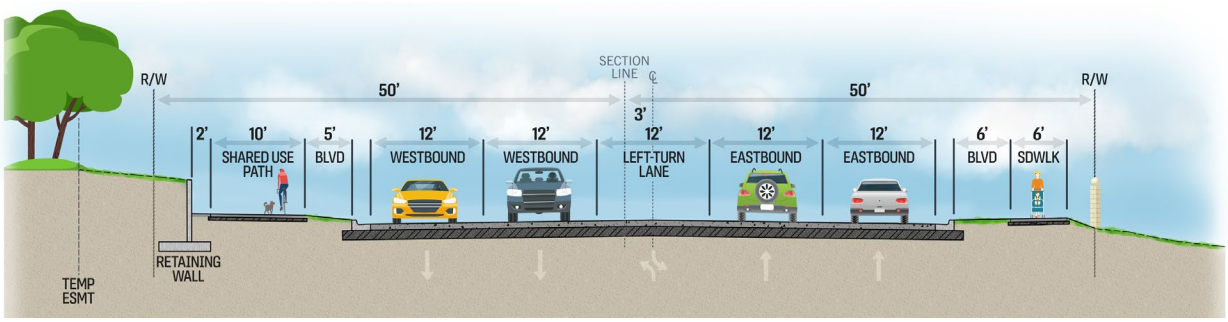
The proposed project would not be reconstructed with Alternative A. The continuation of existing conditions does not address the roadway deficiencies, safety, or social demand/economic development of East Century Ave and 52nd St. Alternative A would not meet the project's purpose and need.

b. Alternative B: 5-Lane Reconstruction

Alternative B would construct a five-lane section for East Century Ave consisting of two through lanes in each direction and a two-way left turn lane (TWLTL) in the center, see **exhibit 3**. Multimodal facilities are provided in the form of a 10-foot shared used path to the north and a 6-foot sidewalk to the south. The typical section provides consistency with the lane configuration of East Century Ave at the Centennial Rd intersection. A five-lane section would operate sufficiently based on traffic operations for all scenarios for 2045 projected traffic volumes. The five-lane section would extend just east of the Sunrise Tributary (roughly 980' east of Kost Drive) providing for future extension and connection to 52nd St NE, see **exhibit 6**. Retaining walls are anticipated to be required along parts of the north and south side of East Century Ave from Patriot Dr to just east of Kost Dr. The need for retaining walls may be eliminated or reduced if temporary construction easements could be obtained for grading on private property.

The intersections along East Century Ave would be stop-controlled on the approaches, with either a two-way left turn lane or dedicated left turn lanes on East Century Ave for the intersections.

Exhibit 3, Five-Lane Typical Section from Greensboro Dr to East of Sunrise Tributary

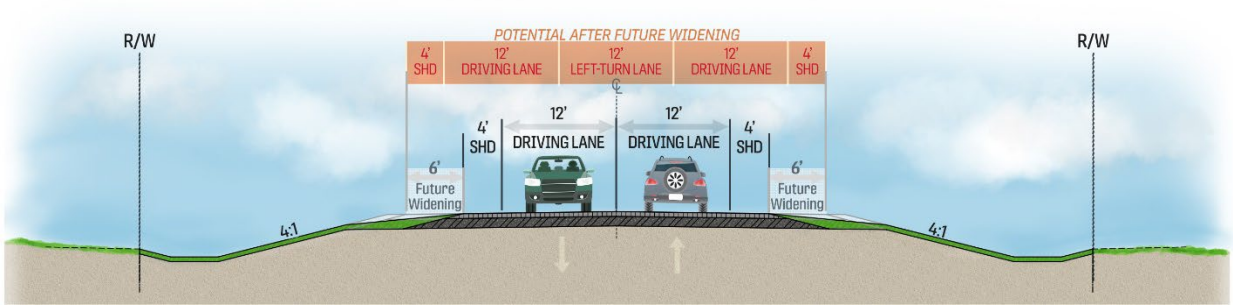


c. Alternative C: 5-Lane new Construction With 2-Lane Rural Extension

Alternative C would consist of the improvements made in Alternative B with the addition of an extension into a two-lane rural segment at the end of the five-lane section and the extension of 52nd St NE from East Century Ave extension to Gold Dr.

The two-lane rural segment would provide a single lane in each direction and 4' shoulders, see **exhibit 4**. Grading and widening would be done to accommodate addition lanes in the future. 52nd St NE will also consist of a single lane in each direction and 4' shoulders, see **exhibit 4**. The rural segment would continue to the intersection where 52nd St NE will be extended and connected to East Century Ave, see **exhibit 7**. A side-street stop approach on 52nd St NE at the intersection of East Century Ave and 52nd St NE is recommended for the near-term.

Exhibit 4, 52nd St NE extension to East Century Ave & Two-Lane Rural Section from east of Sunrise Tributary to 52nd St NE extension



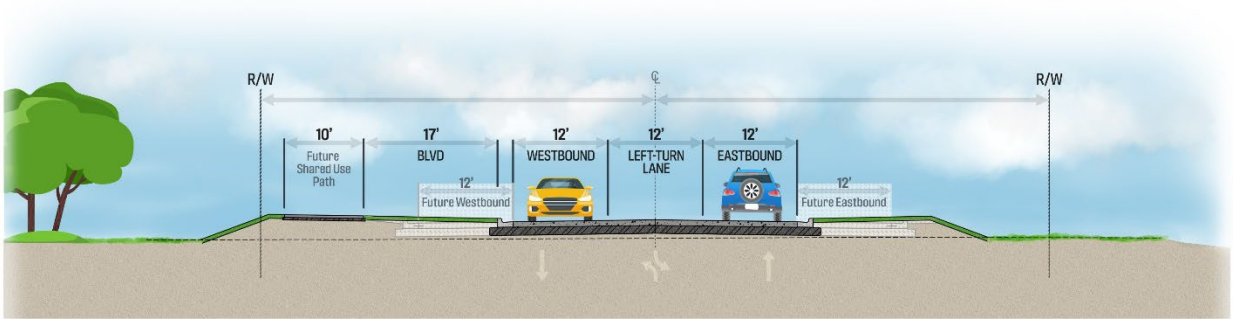
d. Alternative D: 5-Lane new Construction With 3-Lane Urban Extension

Alternative D would consist of the improvements made in Alternative B with the addition of an extension into a three-lane urban segment at the end of the five-lane section and the extension of 52nd St NE to the East Century Ave extension.

The three-lane urban segment would provide a single lane in each direction with a two-way left turn lane (TWLTL) in the center, see **exhibit 5**. 52nd St NE will consist of a single lane in each direction and 4' shoulders, see **exhibit 4**. The urban segment would continue to the intersection where 52nd St NE will be extended and connected to East Century Ave, see **exhibit 8**. A side-street stop approach on 52nd St NE at the intersection of East Century Ave and 52nd St NE is recommended for the near-term.

This alternative would also include lighting along the extension and storm sewer system under the extension.

Exhibit 5, Three-Lane Urban Section from east of Sunrise Tributary to 52nd St NE



e. Pedestrian Crossing options

The traffic operations report proposed pedestrian improvements to the north-south crosswalk at the Roosevelt Dr intersection to include a pedestrian refuge island and rectangular rapid-flashing beacons on both sides in addition to the typical high visibility pavement markings, advanced warning signing, and lighting.

Other north-south crosswalk locations such as at the Lafayette Dr intersection are also being considered to include a pedestrian refuge island.

Exhibit 6, Alternative B: 5-Lane Reconstruction

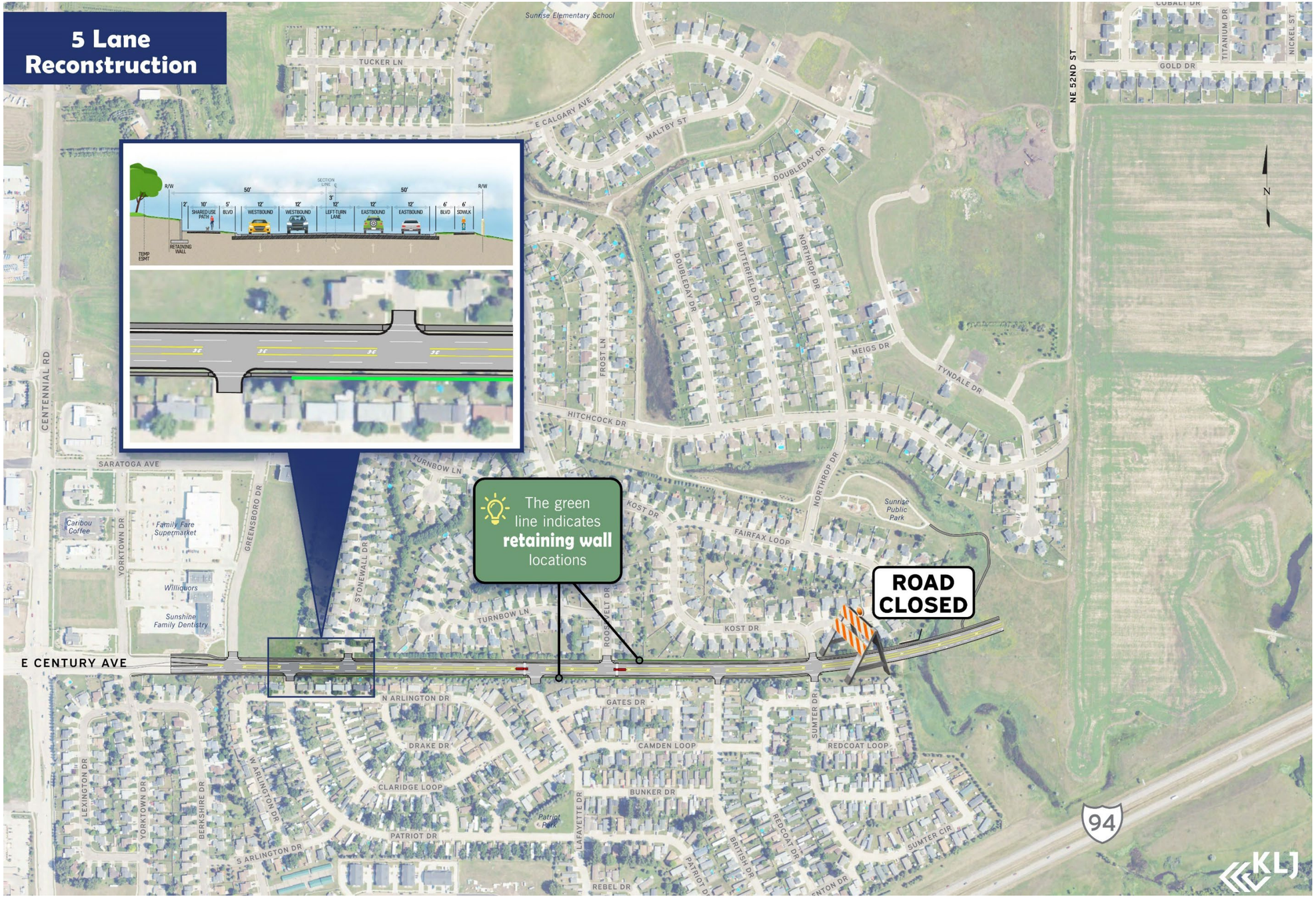


Exhibit 7, Alternative C: 5-Lane with 2 Lane Rural Extension

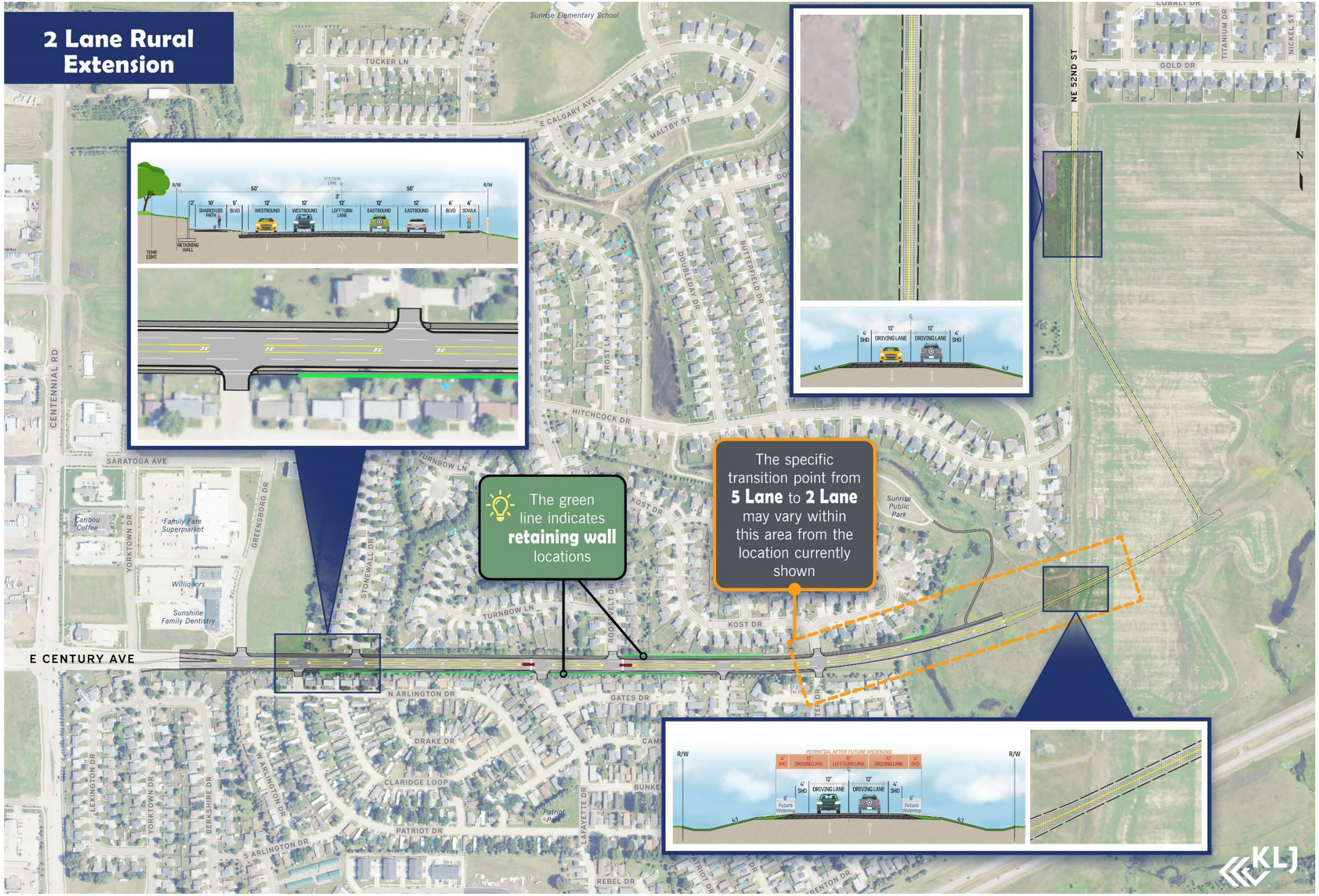
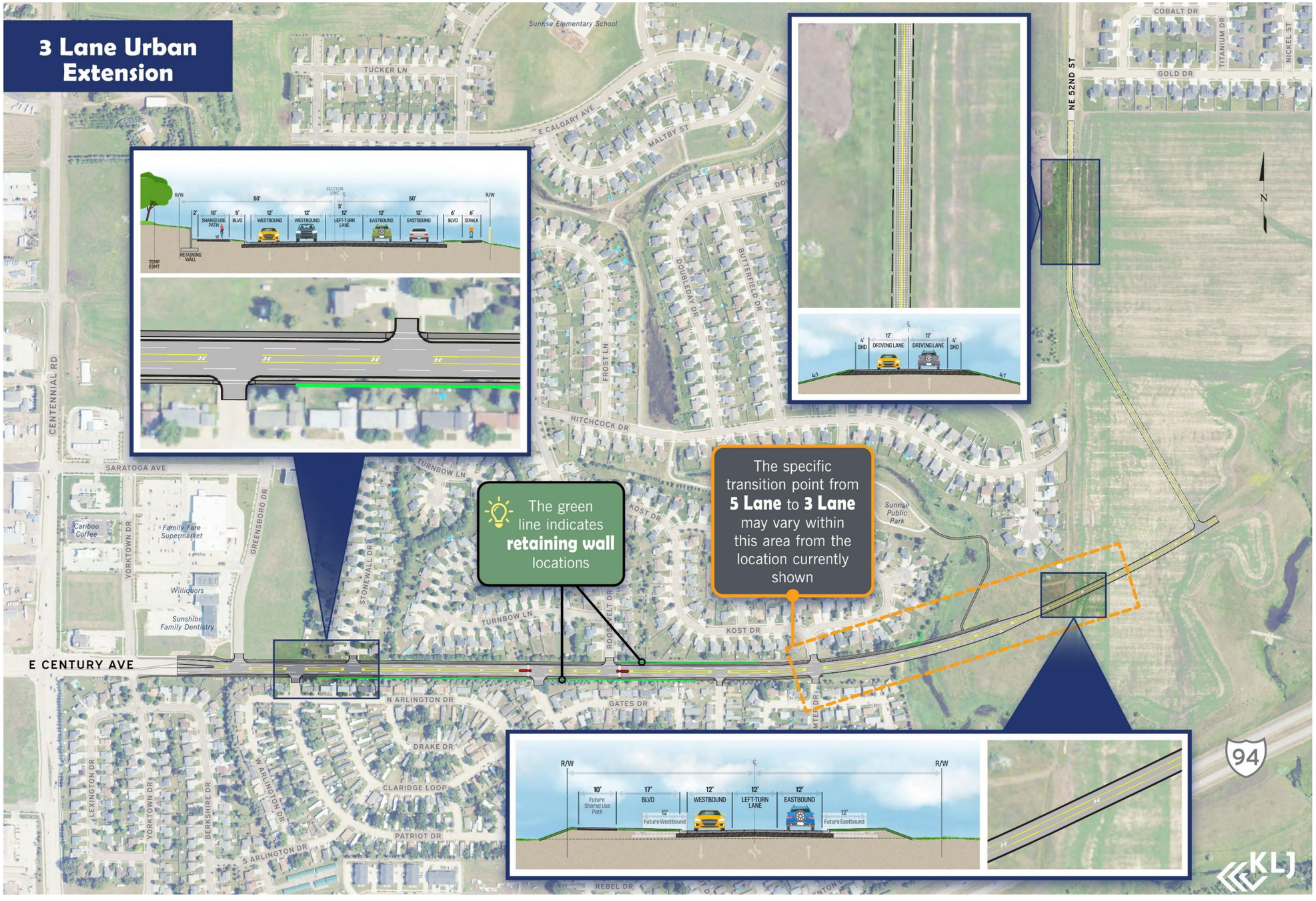


Exhibit 8, Alternative D: 5-Lane with 3 Lane Urban Extension



f. Optional Work Items

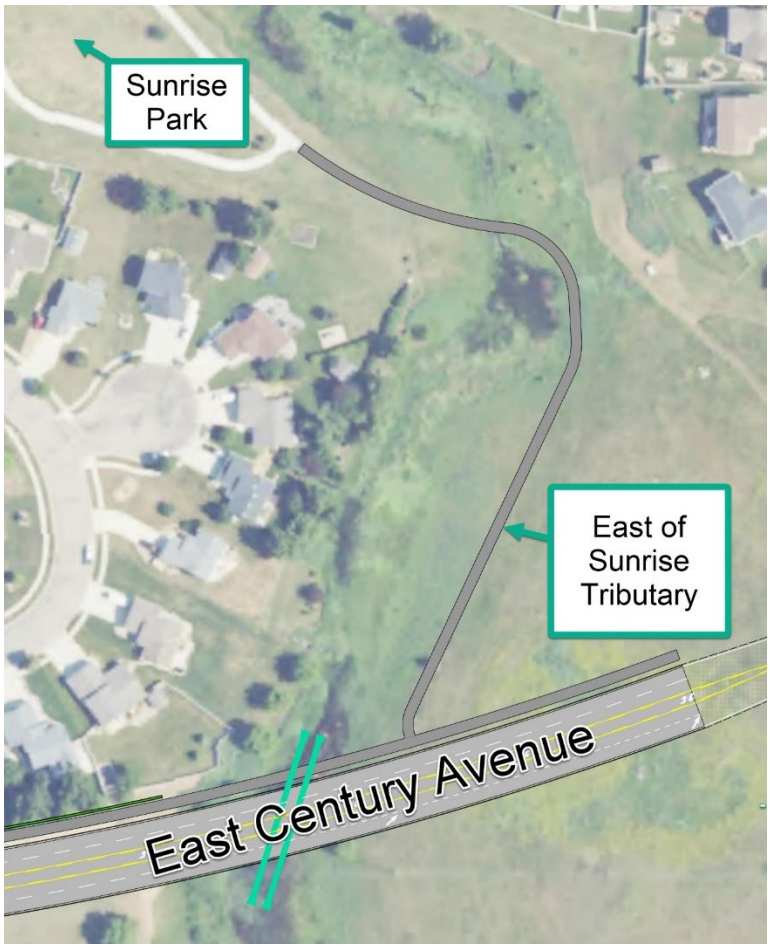
1. Option 1: Sunrise Park Shared Use Path Connection

A 10-foot shared use path connecting the existing shared use path at Sunrise Park to the proposed shared use path along the north side of East Century Ave. The proposed path would run along the east side of the Sunrise Tributary.

The path connection would require embankment along the path, a culvert to the north of its connection to the proposed East Century shared use path as well as culverts under the portion that would be crossing the Sunrise Tributary, see exhibit 9.

ND Department of Transportation Alternatives (TA) funding has been applied for to assist in the funding of these improvements. If TA funding is obtained, these improvements would be designed, bid, and constructed under a separate project. If TA funding is not obtained, a decision would be brought to the Board of City Commissioners for action on this item.

Exhibit 9, Option 1: Sunrise Park Shared Use Path Connection



g. Utilities

Coordination with utilities will continue to occur throughout the design and construction phases. Generally, utility impacts will be avoided where possible and protected during construction. In locations where intersection and/or storm sewer improvements cause possible conflicts, utility relocation will be coordinated with the utility owners. The extension of East Century Ave would cross a NuStar refined petroleum product pipeline. Impacts to the NuStar line could be avoided, however, NuStar identified that the infrastructure is aging and needing replacement. The replaced section of this fuel line will be designed and replaced by NuStar. Coordination with the roadway design and underground facilities will assure that future conflict would not arise during roadway construction. The NuStar line is anticipated to be relocated by Fall of 2024.

h. Work Zone Traffic Control

East Century Ave provides access to Sunrise Town Centre commercial properties, Sattler's Sunrise residential neighborhood, and Century Park residential properties from Centennial Rd and because East Century Ave ends at Kost Dr, this is a primary access location to these developments. East Century Ave will need to be closed to facilitate construction; however, consideration is being made to provide temporary access to Sattler's Sunrise and Century Park. The construction could be phased by shifting traffic onto temporary roadway surfacing for East Century Ave connecting to Patriot Dr and Stonewall Dr. East Century Ave east of Stonewall Dr would be closed through the duration of construction; however, consideration could be made to require completion by certain dates to accommodate school.

i. Maintenance Responsibility Discussion

The City of Bismarck would be responsible for maintenance of the project.

j. Summary of Engineering Issues

1. NuStar Pipeline

Avoiding impacts to the NuStars Pipeline under the extension of East Century Ave will require raising the vertical profile of the roadway to go over their facility. The raised profile may potentially create undesirable fill conditions vs impacting their facility resulting in costly reimbursable relocations. Raising the profile not only results in undesirable fill but may also impact future development requiring additional fill for development grade connections to the roadway.

2. Retaining Walls

The minimal right of way mixed with diverse terrain of highs and lows along East Century Ave may require retaining walls. The retaining walls could be eliminated or at least reduced if temporary construction easements could be obtained to allow grading into private property. Where retaining wall would be required, fencing, tree, irrigation, and landscaping may be impacted by the installation of the retaining walls. Designs would attempt to minimize these impacts, to the maximum extent feasible.

3. Sight Distance

The intersection sight distance for right turning movements at Stonewall Dr onto East Century Ave does not meet current standards. During preliminary review, the intersection sight distance requirements can be met through a combination of the following improvements:

- Shifting the high point of East Century Ave to the west
- Lowering the high point of East Century Ave
- Providing a longer more gradual vertical curve in East Century Ave

k. Summary of Environmental Issues

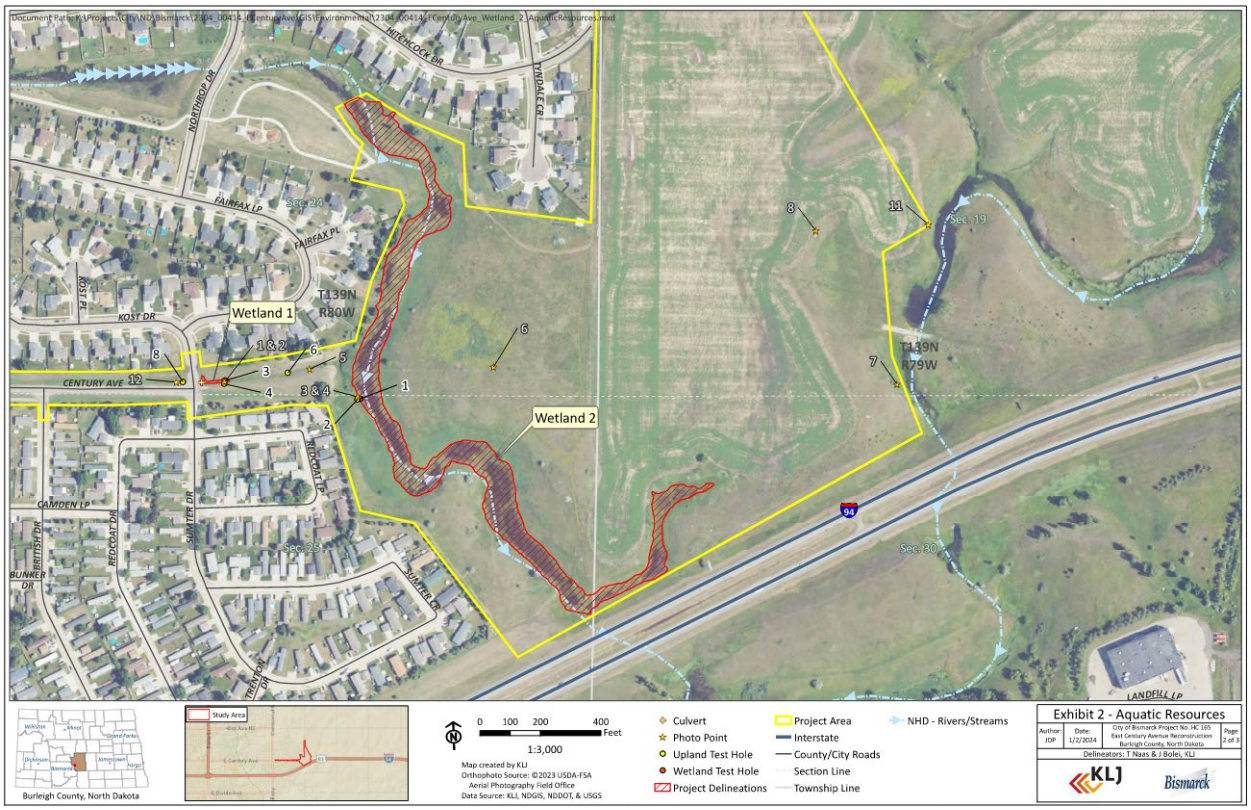
A field aquatic resource delineation was conducted by KLJ in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (Version 2.0). Wetland boundaries within the study area were determined by completing United States Army Corps of Engineers (USACE) Wetland Determination Data Forms for paired test hole points and observing soils, vegetation, and hydrology in the area. For any Other Water (OW) delineations, USACE Regulatory Guidance Letter 05-05 was used in conjunction with an Other Water form.

Two wetlands, totaling 4.55 acres, were delineated within the study area. The study area spanned approximately 88.80 acres. Some aquatic resources extended beyond the limits of the study area; however, aquatic resources were only delineated to the boundary of the study area. A summary of the delineated features is shown in Table 2, Delineated Wetlands, and the map of the locations of these delineated features is shown in Exhibit 10, Map of Delineated Wetlands.

Table 2, Delineated Wetlands

Wetland Number	Test Hole (in wetland)	Location	LONG West (Dec. Deg.)	LAT North (Dec. Deg.)	Field Cowardin Classification	Wetland Type*	Wetland Size (acres)	Wetland Feature	Located in a Natural Feature
1	3	Sec.24, T139N, R80W	-100.714333	46.838068	PEMAx	Ditch	0.02	Created	No
2	1	Sec. 24, T139N, R80W	-100.712547	46.837906	PEMC	Slope (Drainage)	4.53	Natural	Yes
						Totals	**4.55**		

Exhibit 10, Map of Delineated Wetlands



1. *East Century Ave*

It is anticipated that permanent wetland impacts would be approximately 0.515 acres. Temporary impacts would be approximately 0.046 acres. An approved jurisdictional determination to the USACE has been submitted. It is assumed in the cost estimate that wetlands are jurisdictional and require mitigation.

2. *52nd St NE*

There are no anticipated wetland impacts along 52nd St NE connection to East Century Ave.

3. *Sunrise Park Shared Use Path*

It is anticipated that permanent wetland impacts would be approximately 0.095 acres. Temporary impacts would be approximately 0.032 acres. An approved jurisdictional determination to the USACE has been submitted. It is assumed in the cost estimate that wetlands are jurisdictional and require mitigation.

I. Right of Way

1. East Century Ave & 52nd St NE

Permanent right of way will be acquired in locations where proposed improvements extend beyond the existing right of way. It is anticipated that 120 foot width of permanent right of way will be acquired along roadway centerlines for the unplatted sections of East Century Ave and 52nd St NE. It is anticipated that approximately 9.0 acres of permanent right of way will be required for Alternate C or D. Temporary construction easements will also be required. See **table 3** for a breakdown of right of way acquisition.

2. Sunrise Park Shared Use Path

Part of the shared use path will be on land owned by Bismarck Park District and part will be in an existing stormwater, drainage, and pedestrian path easement. No permanent right of way or temporary construction easements are anticipated for Option 1.

Table 3, Right of Way

Right of Way Summary					
Alternative	Permanent Right of Way			Temporary Right of Way	
	Total Width (Ft)	Number of Parcels	Total Acres	Number of Parcels	Total Acres
Alternative A: No Build	0	0	0	0	0
Alternative B: 5-Lane Reconstruction	0	0	0	40	2.817
Alternative C: 5-Lane Reconstruction W/ 2-Lane Rural Extension & 52nd St NE Connection	120	4	8.945	44	3.246
Alternative D: 5-Lane Reconstruction W/ 3-Lane Extension & 52nd St NE Connection	120	4	8.945	44	3.246
Option 1: Sunrise Park Shared Use Path	0	0	0	0	0

m. Project Costs

The project is intended to be funded by City of Bismarck 0.5 cent sales tax, except for the watermain improvements that will be funded by the City of Bismarck water utility Fund. See **Table 4, Summary of Estimated Total Costs.**

Table 4, Summary of Estimated Total Costs

Summary of Estimated Total Costs						
		Alternative B	Alternative C	Alternative D	Alternative C or D	Option 1
	No Build	5-Lane Reconstruction W/ 5-Lane Extension	2-Lane Rural Extension	3-Lane Urban Extension	52nd St NE Connection	Sunrise Park SUP Connection
Roadway Construction Costs	**$0.00**	**$14,492,253.00**	**$1,735,960.00**	**$3,106,909.00**	**$1,786,116.00**	**$671,601.00**
Design Engineering	$0.00	$1,086,919.00	$130,197.00	$233,018.00	$133,959.00	$50,370.00
Construction Engineering	$0.00	$1,086,919.00	$130,197.00	$233,018.00	$133,959.00	$50,370.00
Right of Way/Temporary Construction Easements	$0.00	$73,614.00	$136,428.00	$136,428.00	$321,999.00	$0.00
Wetland Mitigation	$0.00	$73,226.00	$0.00	$0.00	$0.00	$10,278.00
Utility Relocation	$0.00	$100,000.00	$1,057,071.00	$1,057,071.00	$0.00	$0.00
SUBTOTAL	**$0.00**	**$16,912,931.00**	**$3,189,853.00**	**$4,766,444.00**	**$2,376,033.00**	**$782,619.00**
Watermain Construction Costs	**$0.00**	**$1,856,100.00**	**$1,168,750.00**	**$1,168,750.00**	**$362,940.00**	**$0.00**
Design Engineering	$0.00	$139,208.00	$87,656.00	$87,656.00	$27,221.00	$0.00
Construction Engineering	$0.00	$139,208.00	$87,656.00	$87,656.00	$27,221.00	$0.00
SUBTOTAL	**$0.00**	**$2,134,515.00**	**$1,344,063.00**	**$1,344,063.00**	**$417,381.00**	**$0.00**
TOTAL PROJECT COSTS	**$0.00**	**$19,047,446.00**	**$4,533,916.00**	**$6,110,507.00**	**$2,793,414.00**	**$782,619.00**

n. Comparison of Alternatives

Table 5, Comparison of Alternatives

Alternative / Options	Advantages	Disadvantages
Alternative A: No Build	Lowest initial cost; no direct impacts to the environment	Does not meet the purpose and need of the project; increased traffic will continue to impede travel efficiency and does not improve safety.
Alternative B: 5-Lane Reconstruction	Improves safety and capacity of roadway; intersection sight distance; and pedestrian facilities and crossings, addresses deteriorating pavement conditions, avoids significant utility impacts.	Does not meet the full purpose and need of the project; Large corridor footprint; Does not provide network connectivity for public and emergency services.
Alternative C: 5-Lane New Reconstruction W/ 2-Lane Rural Extension & 52nd St NE Connection	Improves safety and capacity of roadway; intersection sight distance; and pedestrian facilities and crossings. Provides network connectivity for public and emergency services.	Large corridor footprint; increased cost; increased right of way acquisition; 2 lane rural roadway section likely needing to be converted to an urban section in the future, potential impacts to NuStar Pipeline
Alternative D: 5-Lane New Reconstruction W/ 3-Lane Urban Extension & 52nd St NE Connection	Improves safety and capacity of roadway; intersection sight distance; and pedestrian facilities and crossings. Provides network connectivity for public and emergency services, 3 lane urban roadway section will serve the anticipated traffic demand	Large corridor footprint; increased cost; increased right of way acquisition; potential impacts to NuStar Pipeline
Option 1: Sunrise Park SUP Connection	Provides Connectivity from Sunrise Park path to East Century Ave shared use path	Increased cost; wetland impacts

F. Public Concerns / Need for Public Input

A Public Input Meeting was held on February 22, 2024, at the Sunrise Elementary School Cafetorium. A direct mailer notification of the public input meeting was sent to all property owners within one-half mile of the project corridor including all of Century Park/Sattler Sunrise developments, all of Silver Ranch south of 43rd Ave NE, Bismarck Parks and Recreation, Bismarck Public Schools, and area developers. A press release was distributed, legal ad was printed in the newspaper, and Sunrise Elementary School distributed the notice to their mailing list of parents. The meeting was held with an open house format where participants were able to talk with the project team individually. A formal presentation was given, and an informational handout was also available. A total of 35 people attended the meeting, and 19 comments were received during the two-week comment period that followed via email or comment cards.

Comments expressed by the public focused on:

- Visibility/Sight Distance of oncoming traffic from the east at Stonewall Dr
- Will it address current drainage/stormwater conveyance through the corridor
- Where five lanes end and where the road will extend to
- Where retaining walls will be
- How Improvements to I-94 Exit 161 will affect the project
- Coordination with NuStar
- Will existing dead end roadways connect into 52nd St

Please refer to Appendix A, Public Input Comments for the written comments that were received and the minutes from the public input meeting.

CITY DECISIONS

1. Do you concur with the project concepts as proposed?

_____ Yes

_____ No

2. Which alternative should proceed with the project?

_____ Alternative A – No-Build Alternative ($0)

_____ Alternative B – 5-Lane Reconstruction – East of York Dr. to East of Sunrise Tributary (roughly 980' east of Kost Drive) ($19,047,446)

_____ Alternative C – 5-Lane Reconstruction W/ 2-Lane Rural Extension & 52nd St SE Extension ($26,374,775)

_____ Alternative D – 5-Lane Reconstruction W/ 3-Lane Urban Extension & 52nd St SE Extension ($27,951,367)

Amendments/Comments for Project No. HC 165:

_____

_____

_____

_____

_____

_____

_____

_____ _____

Gabe Schell, City of Bismarck Engineer Date

APPENDIX A

Public Inputs Comments

Public Input Meeting — Minutes

East Century Avenue

HC 165

Date: 2/22/2024
Time: 6:00-8:00 PM
Facilitator: KLJ Engineering
Location: Sunrise Elementary School

Question and Answer Session

Comment: How far east do the retaining walls extend?
Response: Current proposed retaining wall locations are assumed worst case scenario ranging from 2 feet to 5' in height. The retaining walls are located at the south side of E Century between Patriot Drive and Lafayette Drive, the south side of E Century between Lafayette Dr and British Drive, the north side of E Century between Roosevelt Drive and Kost Drive, and the north side of E Century near the Sunrise Coulee.

Comment: Will the project address the issues with ponding water, silted in culverts, undersized culverts?
Response: One of the goals of urbanizing a corridor will be to eliminate the existing ditches and culverts, capturing water into the storm sewer system and carrying that stormwater in underground trunk lines until they discharge at outfall locations. Ponding water will be addressed by providing positive drainage and undersized culverts will be address by sizing the storm sewer to accommodate the required design storm event.

Comment: Where does the 5-lane reconstruction section currently end?
Response: The current proposed 5-lane reconstruction ends just immediately east of the Sunrise Coulee, but the exact location may vary between Kost Dr and the Section Line of 52nd Street. Currently, the 5-lane section is strategically carried over Sunrise Coulee so that drainage structures (culverts) are installed to the correct length and not needing to be widened again in the future if the roadway is further expanded.

Comment: Has the project been coordinating with NuStar about crossing their facilities?
Response: The project does require coordination with private utilities, which has already been started. The project team has met with NuStar about the requirements/agreements necessary to cross their easement/facilities. No agreements have been made at this time.

Comment: Will the NuStar and other agreements be public information?
Response: Yes, City agreements with these utility companies will ultimately become public information, but at what time those agreements may become available is unknown at this time.

Comment: Will the existing roadways that currently dead-end, such as Hitchcock, Fairchild, and Calgary Drive, connect into 52nd Street?
Response: The project is not currently proposing to provide these connections, but will accommodate their future connection. The connections would most likely be made when the area develops and a private developer installs this infrastructure.

Comment: What are the next steps? When will it be constructed?
Response: The preliminary engineering is anticipated to be completed in March, 2024 with City Commission Presentation in late March/early April, 2024. Upon City Commission decisions, final design and right of way will begin in April, with final plans completed in the Fall of 2024. A bid date has not yet been set, but the project would likely be bid in Fall 2024 or early 2025 with construction during the summer of 2025.

Comment: Have you considered how the improvements to Exit 161 (Centennial/Expressway Interchange) will affect this project?
Response: The project is aware of the proposed improvements at Exit 161. The two projects will likely be under construction at the same time. The project team did review the traffic control for the Interchange, with concerns that the access at Trenton Drive may be impacted. However, the project does not have any proposed closures to Trenton Drive that would impact access to Century Park. However, to further mitigate these concerns with access, the City/design team is reviewing temporary access along East Century so that access would be maintained to Silver Ranch at Stonewall Drive and to Century Park at Patriot Drive.

Comment: Will the project address the issues with visibility of oncoming traffic at the intersection of Stonewall Drive and East Century?
Response: The design team is aware of the sight distance concerns at this intersection, due to the high point in East Century Avenue. We are currently reviewing options to shift the high point of East Century Avenue further west, lowering the high point of East Century Avenue, and providing a longer, flatter, more gradual vertical curve in East Century Avenue. Through a combination of these

Comment: Does the project start where the roadway starts to transition down to the narrow 2-lane section (near Centennial)?
Response: Yes, the project will tie-into the existing concrete section that is widened to accommodate the turn lanes at Centennial Road.

Comment: The intersection of 43rd Ave and Roosevelt Drive is currently very busy, and it is difficult to turn onto 43rd during busy periods. Has the project considered a traffic signal for this intersection? It may need one when that is the only access point to Sattler Sunrise.
Response: The intersection is outside of the scope of this project, but consideration may be needed during construction due to increased traffic volumes requiring to use this intersection. Gabe stated that the City would likely review solutions starting with the least amount of impacts before immediately providing a signal. Reducing the speed limit, providing 4-way stop control, and other measures would be considered to improvement the intersection level of service.

Comment: Will East Century Avenue continue and tie into the 66th Street (potential future interchange at 66th)?
Response: The City's Master Plan would continue to extend East Century Avenue to 66th Street.

Comment: Will the project provide trees along the boulevards as shown in the exhibits provided?
Response: Trees would be proposed, where they could be accommodated based on boulevard widths. The design team will work with the City's forester to determine trees that could be sustained in these locations, without creating maintenance issues. Additionally, the forester will help determine if boulevard widths can accommodate trees.

Comment: Any roundabouts, traffic control being installed at any of the intersections?
Response: No roundabouts are proposed for this project.

Comment: Can the extension portion with 52nd be completed first to allow for additional access during the reconstruction of Century?
Response: The design team will review and discuss with the City about providing milestone completion so that additional, likely temporary, access to Sattler Sunrise could be provided along 52nd Street. However, there may not be added value that supports the costs of doing this, as most vehicles would likely still utilizes the intersection of Roosevelt Drive and 43rd to access Sattler Sunrise. This will be reviewed and considered with the City.

Comment: How will the project be funded? Just 0.5 cent sales tax or will there be any special assessments for those in Sattler Sunrise?
Response: Currently, it will be the recommendation to City Council that the project be funded through the 0.5 cent sales tax without any special assessments.

Comment: [redacted] mentioned the connections to Trenton have decreased traffic onto E Century by about 2/3?

a. He said that there are some options to close at least one connection to E Century
b. Options to regrade side streets
c. He is adamantly opposed to commercial type special assessments to Century Park
d. He doesn't think the sidewalk is needed along the south side of E Century

Comment: Property owner at the NE corner of E Century and Roosevelt is concerned about how close is property is to the roadway

a. He is not opposed to a retaining wall or discussing regrading/replanting portions of his yard

Comment: Landowner off Red Coat Loop said that water always sits in the ditch to the north of him along the south side of E Century

Meeting Comments from Written Cards

Date: 2/22/2024
Attendees: See Sign In Sheets
Facilitator: KLJ Engineering
Comments: East Century Avenue

Comment 1
E Century Ave Centennial Rd to Kost Dr: Remove the hill at Stonewall and Century.
Extension of E Century Ave and 52nd St NE:

Comment 2
E Century Ave Centennial Rd to Kost Dr: Concerns regarding increased noise from traffic, safety of pedestrians with through traffic, decreased property values on homes that border Century Ave or are in close vicinity.
Extension of E Century Ave and 52nd St NE:

Comment 3
E Century Ave Centennial Rd to Kost Dr: One thought we have is to not be so concerned about planting trees along the roads. They need water if not they look bad. I think the money could be spend elsewhere.
Extension of E Century Ave and 52nd St NE:

Comment 4
E Century Ave Centennial Rd to Kost Dr: Very much Needed!
Extension of E Century Ave and 52nd St NE: Good for the Future Too!

Comment 5
E Century Ave Centennial Rd to Kost Dr: I have concerns about how the retaining wall will be put in and any affect it might have on my existing yard
Extension of E Century Ave and 52nd St NE:

Comment 6
E Century Ave Centennial Rd to Kost Dr: It is definitely needed. Century gets so congested with people needing to turn it will be so nice to have center lane for turning. I'm hoping for a walking path or sidewalk along the road as well.
Extension of E Century Ave and 52nd St NE: All for this one as well. Having a Three lane with sidewalks or walking paths along this road will also be needed. With two kids it would be nice to be able to get over to the other developments while on walks or bike rides without halving to walk/ride on the shoulder of a busy road.
It would make more sense to complete this section first before reconstructing Century to give another part of access. Also making Hitchcock & the road N of Hitchcock off Tyndale to temp connect to 52nd during construction.

E Century Ave HC 165

Bismarck

COMMENTS

What are your thoughts and comments on the
reconstruction of E Century Avenue from Centennial Road to Kost Drive?

Remove the hill @ Stonewall & Century

What are your thoughts and comments on the
extension of E Century Avenue and 52nd St NE?

E Century Ave HC 165

Bismarck

COMMENTS

What are your thoughts and comments on the
reconstruction of E Century Avenue from Centennial Road to Kost Drive?

Concerns regarding increased noise from traffic, safety of pedestrians with through traffic, decreased property values on homes that border Century Avenue or are in close vicinity

What are your thoughts and comments on the
extension of E Century Avenue and 52nd St NE?

E Century Ave HC 165

Bismarck

COMMENTS

What are your thoughts and comments on the
reconstruction of E Century Avenue from Centennial Road to Kost Drive?

One thought we have is to not be so concerned about Planting Trees along the roads. They need upkeep & if not they look bad. I think those $'s could be spent elsewhere.

Thank You

What are your thoughts and comments on the
extension of E Century Avenue and 52nd St NE?

E Century Ave HC 165

Bismarck

COMMENTS

What are your thoughts and comments on the
reconstruction of E Century Avenue from Centennial Road to Kost Drive?

Very much needed!

What are your thoughts and comments on the
extension of E Century Avenue and 52nd St NE?

Good For The Future Too!

E Century Ave HC 165

Bismarck

COMMENTS

What are your thoughts and comments on the
reconstruction of E Century Avenue from Centennial Road to Kost Drive?

I Have CONCERNS ABOUT HOW THE RETAINING WALL WILL BE PUT IN AND ANY EFFECT IT MIGHT HAVE ON MY EXISTING YARD

[redacted]

THANKS

What are your thoughts and comments on the
extension of E Century Avenue and 52nd St NE?

E Century Ave HC 165

Bismarck

COMMENTS

What are your thoughts and comments on the
reconstruction of E Century Avenue from Centennial Road to Kost Drive?

It is definitely needed. Century gets so congested with people needing to turn it will be so nice to have a center lane for turning. Im hoping for a walking path or side walk along the road as well.

What are your thoughts and comments on the
extension of E Century Avenue and 52nd St NE?

All for this one as well. Having a 3 lane with side walks or walking paths along this road will also be needed. With 2 kids it would be nice to be able to get over to the other developements while on walks or bike rides without having to walk/ride on the shoulder of a busy road.

It would make more sense to complete this section first before reconstructing Century to give another part of acess. Also making Hitchcock & the road N of Hitchcock off Tyndale to temp connect to 52nd during construction.

Meeting Comments from Online Input

Date Start: 2/22/2024
Date End: 3/8/2024

Facilitator: Online
Comments: East Century Avenue

Comment 1
E Century Ave Centennial Rd to Kost Dr: Much needed
Extension of E Century Ave and 52nd St NE: much needed as the area grows make it 4 lanes so it doesnt have to be widened in 5 years. Also put interstate ramp in!

Comment 2
E Century Ave Centennial Rd to Kost Dr: It is long overdue. I am glad to see the addition of a center lane in addition to two lanes each direction.
Extension of E Century Ave and 52nd St NE: I would like to see the urban roadway project implemented as traffic is only going to increase in that area with the continued constuction. It would be nice to see 52nd St NE expanded as much as possible now to ease future expansion. With the amount of houses on the 71st Ave corridor, the use of 52nd is only going to increase with this added access.

Comment 3
E Century Ave Centennial Rd to Kost Dr: May as well built it for the near future, the "urban 3-lane roadway makes the most long-term economical sense.
Extension of E Century Ave and 52nd St NE: It this "can" gets kicked down the road it will only cost much more in the coming years, best to complete it now.

Comment 4
E Century Ave Centennial Rd to Kost Dr: I think this is perfect and what is needed! Worried about possible back ups at Greensboro Drive with drivers trying to make left turn from Greensboro to Century. Already have to wait a bit at peak traffic times. Also showing only "for sure" exit out of development will be to 43rd during construction isn't ideal, especially during school months with Legacy students and buses all trying to access the subdivision.
Extension of E Century Ave and 52nd St NE: Extension is fine. Not sure why 52nd isn't being expanded to more than a rural 2 lane road. At public meeting Bismarck guy said they don't want to put in roads that look nice but aren't needed. Not sure what he's talking about, there are already 2 elementary schools and possible hundreds of houses going into Silver Ranch...of course the expanded road is needed, it probably already is! Of course people are going to build by an elementary school. 52nd should be expanded to, at minimum, a 3 lane road from Century to 43rd.

Comment 5

E Century Ave Centennial Rd to Kost Dr: I am in favor of the reconstruction segment of this project. It is needed. I do have concerns about the traffic phasing for the area. I do not think 43rd would work for the entire development as a route to get onto Centennial Drive. Traffic should be able to get through to Centennial at least one of three ways during construction: Stonewall Drive West onto Centennial Drive, Lafayette Drive South onto Trenton Drive West onto Centennial Drive, or Sumter Drive South onto Trenton Drive West onto Centennial Drive.

Extension of E Century Ave and 52nd St NE: With the minimal cost increase, I think that a concrete 3-lane roadway on Century would make sense. As the rest of Century is Concrete, for continuity, it could be concrete throughout and require less costs in the future.

Comment 6

E Century Ave Centennial Rd to Kost Dr:

Extension of E Century Ave and 52nd St NE: I am disappointed to find out that once the road meets 52nd, that it will remain a 2 lane road way. Bismarck notoriously functions in a "reactive" manner, instead of proactive. We saw that with 43rd Ave alone. This area of town is close to 2 different elementary schools and a high school. Telling the community the reason for not having it be a MINIMUM of a 3 lane road is because there "aren't enough houses," is not reasonable. This area of town will continue to grow residentially, and should definitely be treated as such.

Comment 7

E Century Ave Centennial Rd to Kost Dr: Would agree on doing Century as a 5 lane road. But what is the reasoning to drop it to a 3 lane road where it connects to 52nd? In a few short years that will be a major roadway needing reconstruction into a 5 lane road anyway. Wouldn't it be more cost efficient to completely build Century as a 5 lane road to its terminus at 52nd? After all, costs are just going to increase. I would much rather see this done right the first time.

Extension of E Century Ave and 52nd St NE: Is 52nd second planning on becoming a major arterial road out of Silver Ranch development? Wouldn't it make sense to build 52nd to the future Bismarck traffic plan standards? Connecting Century will just add more traffic to 52nd, and just making it a 2 lane rural roadway seems like it is underbuilt. Traffic will be increasing in a few short years as more and more houses are completed in Silver Ranch.

From: EastCcentury
Sent: Monday, February 26, 2024 12:15 PM
To: [redacted]
Cc: Brad Krogstad
Subject: RE: Public input meeting - Grading down a portion of E Century.

Good Afternoon [redacted],

Thank you for the email. We are aware of the concerns with visibility due to this hill, specifically at this intersection. The concerns have been noted both during our preliminary design review and by several comments like yours! One of our design requirements is to ensure adequate sight distance/visibility without obstructions. At this intersection, we are doing several things to help with this issue:

- Shifting the high point of E Century Ave further west so that it's closer to Stonewall Drive
- Lowering the high point of E Century Ave so that drivers stopped at Stonewall Drive are not sitting much lower than the top of the hill
- Providing a longer, more gradual vertical curve in E Century Ave so that drivers can see further distances without obstruction

Through a combination of all of these improvements, we've been able to exceed the minimum requirements for sight distances with our design speed. We feel there will be a significant improvement upon project completion.

Thank you again for your comment/question. Please don't hesitate to contact us if you have any other questions.

Thanks,

Todd Hummel PE
KLJ
701-271-4860 Direct
701-315-0393 Cell
300 23rd Ave E, Suite 100
West Fargo, ND 58078
kljeng.com

From: [redacted]
Sent: Monday, February 26, 2024 11:30 AM
To: EastCentury <EastCentury@kljeng.com>
Subject: Public input meeting - Grading down a portion of E Century.

You don't often get email from bethlkrieger@aol.com. Learn why this is important

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Thank for the information. It sounds like this will be a great improvement. We do have one question though.

We live on Stonewall Drive and currently, when we are at the stop sign on Stonewall Dr at Century Ave, it is very difficult to see the oncoming traffic from the east due to the slight hill obstruction. Are there plans to lower or grade down East Century Ave a bit (the portion just east of Stonewall Drive) so that the Stonewall Drive traffic has an unobstructed view of oncoming traffic? We have witnessed some close-call potential accidents and with increased traffic, it could pose an issue, especially on icy days when we cannot take off very fast from Stonewall Dr.

Thank you for your time,
[redacted]

Sent from my Verizon, Samsung Galaxy smartphone

From: EastCentury
Sent: Thursday, March 7, 2024 1:56 PM
To: [redacted]; EastCentury
Cc: Brad Krogstad
Subject: RE: East Century Project

Good Afternoon [redacted],

Thank you for the email. We appreciate your comments on the proposed project and will incorporate these into the engineering report. At this time, the proposed improvements would be tentatively constructed in the summer of 2025.

If you have any other questions or comments, please don't hesitate to contact us.

Thank you,

Todd Hummel PE
KLJ
701-271-4860 Direct
701-315-0393 Cell
300 23rd Ave E, Suite 100
West Fargo, ND 58078
kljeng.com

From: [redacted]
Sent: Thursday, March 7, 2024 11:48 AM
To: EastCentury <EastCentury@kljeng.com>
Subject: East Century Project

You don't often get email from [redacted]. Learn why this is important

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

3 Lane with center turning lane.....YEEEEEEEEEEEEES!!!!!!!! The 5 lane with center turning lane absolutely NOOOOOOOOO! The proposed walking paths.....YEEEEEEEEEEEES!!!!!!

How about starting construction this year, 2024.....YEEEEEEEEEEES!!!!!!!!

[redacted]
[redacted]

[redacted]

Administration Department

DATE: March 26, 2024

FROM: Jason Tomanek, City Administrator

ITEM: Public hearing for Class I-2 Complementary Alcohol License Application - Plant Perfect

REQUEST:
Public hearing on a request for a new Class I-2: Complementary Alcohol license for COM Garden Center Inc. dba Plant Perfect at 4615 Ottawa Street.

BACKGROUND INFORMATION:
COM Garden Center Inc., dba Plant Perfect, is requesting the issuance of a new Class I-2: Complementary Alcohol license at 4615 Ottawa Street.

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:
Hold a public hearing on the request for a new Class I-2, Complementary Alcohol, from COM Garden Center Inc. dba Plant Perfect at 4615 Ottawa Street and approve the license application.

STAFF CONTACT INFORMATION:
Whitnie Olsen, Senior Administrative Assistant, wolsen@bismarcknd.gov

ATTACHMENTS:

1. Plant Perfect Application
2. Plant Perfect Site Diagram

Print

Retail Alcohol Beverage License - Submission #22183

Date Submitted: 2/24/2024

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-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-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
- [x] Class I-2: Complimentary - $350

Location Information:

Legal Business Name:*

COM Garden Center Inc

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

Plant Perfect

Date of Incorporation:*
10-26-2020

State of ND Liquor License No.:
North Dakota

If out of state corporation, is corporation registered in North Dakota?
- ( ) Yes
- ( ) No
- (•) N/A

Location Address:*
4615 Ottawa St

City:*
Bismarck

State:*
North Dakota

Zip:*
58503

Phone No.:*
7014125961

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:*
Casey McCollum

Email Address:*
caseym@plantperfect.com

Mailing Address:*
4615 Ottawa St

City:*
Bismarck

State:*
North Dakota

Zip:*
58503

Phone No.:*
7014125961

Manager's Name:*
Casey McCollum

Date of Birth:*
02-13-1996

Percentage of Ownership:*
100

Driver's License No.:* MCC-96-9710

State Issued:* ND

Gender: Male

Race:

Home Address:* 4817 Cornice LP

City:* Bismarck

State:* ND

Zip:* 58503

Phone No.:* 701-412-5961

Occupation:* Owner

Title:* President

Email Address:* caseym@plantperfet.com

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

Name:* Casey McCollum

Date of Birth:* 02-13-1996

Percentage of Ownership:* 100

Driver's License No.:* MCC-96-9710

State Issued:* ND

Gender: Male

Race:

Home Address:* 4817 Cornice Lp

City:* Bismarck

State:* ND

Zip:* 58503

Phone No.:* 7014125961

Occupation:* Owner

Title:* President

Email Address:

Name:

Date of Birth:

Percentage of Ownership:

Driver's License No.:

State Issued:

Gender:

Race:

Home Address:

City:

State:

Zip:

Phone No.:

Occupation:

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.:**

Occupation: **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:

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:*

layout plant perfect.png

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:*

Casey McCollum

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

☑ Electronic Signature

Date:*

2/24/2024

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

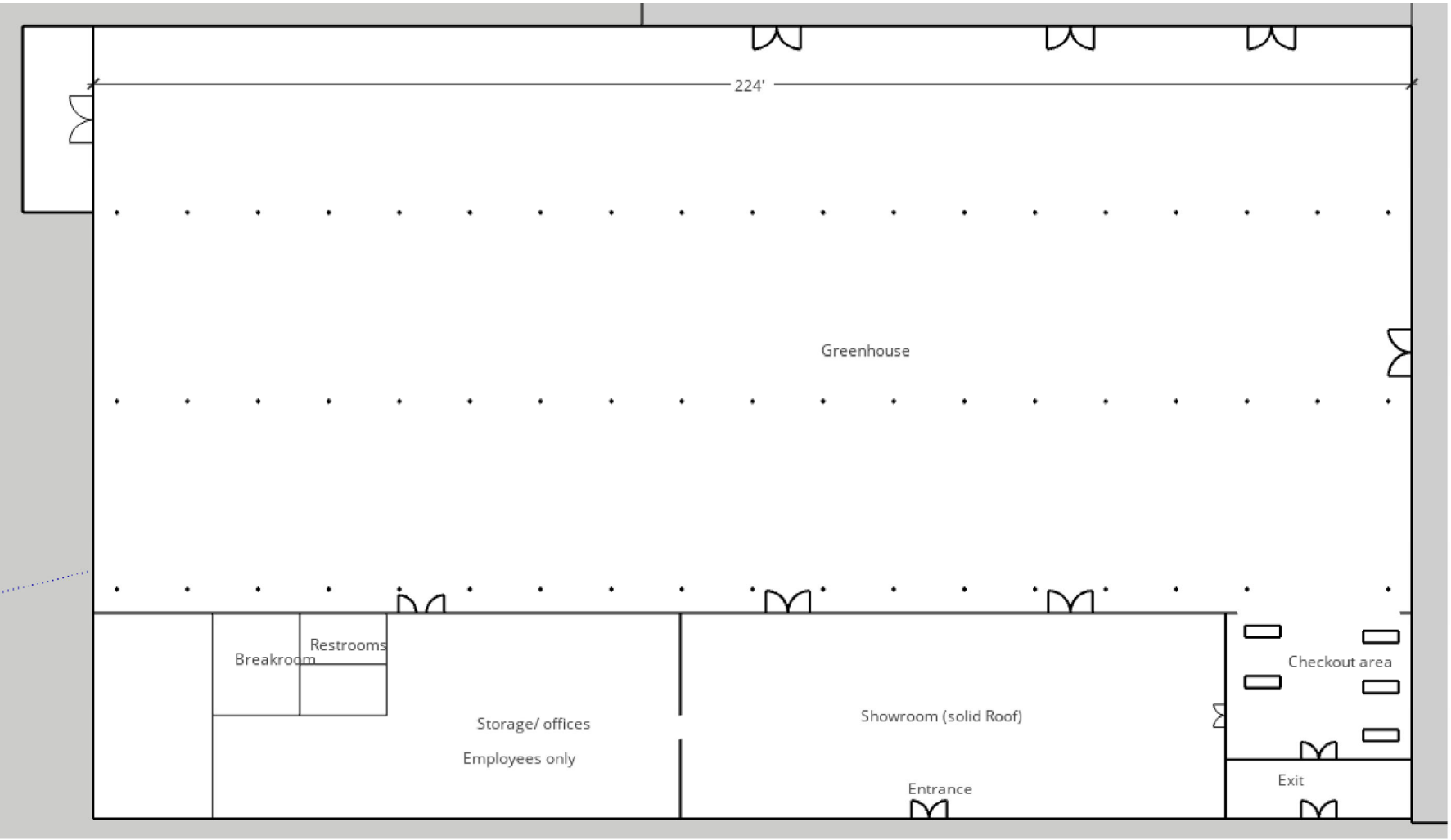
Credit Card Authorization Form

Upload Credit Card Authorization Form

Credit-Card-Authorization-Form-PDF.pdf

Mail Payments To:

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



COM Garden Center Inc
DBA Plant Perfect

4615 Ottawa St
Bismarck, ND 58503

NORTH

Administration Department

DATE: March 26, 2024

FROM: Jason Tomanek, City Administrator

ITEM: Public hearing for Class I-2 Complementary Alcohol License Application - Lux Nails

REQUEST:
Public hearing on a request for a new Class I-2: Complementary Alcohol license for Le Beauty, LLC. dba Lux Nails at 3001 Yorktown Drive.

BACKGROUND INFORMATION:
Le Beauty, LLC. dba Lux Nails is requesting the issuance of a new Class I-2: Complementary Alcohol license at 3001 Yorktown Drive.

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:
Hold a public hearing on the request for a new Class I-2, Complementary Alcohol, from Le Beauty, LLC. dba Lux Nails at 3001 Yorktown Drive and approve license application.

STAFF CONTACT INFORMATION:
Whitnie Olsen, Senior Administrative Assistant, wolsen@bismarcknd.gov

ATTACHMENTS:

1. Lux Nails Application
2. Lux Nails Site Diagram

Print

Retail Alcohol Beverage License - Submission #22202

Date Submitted: 2/28/2024

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-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-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
- [x] Class I-2: Complimentary - $350

Location Information:

Legal Business Name:*

Le Beauty LLC

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

Lux Nails

Date of Incorporation:*
10/02/2023

State of ND Liquor License No.:
ND

If out of state corporation, is corporation registered in North Dakota?
- (●) Yes
- ( ) No
- ( ) N/A

Location Address:*
3001 Yorktown Dr

City:*
Bismarck

State:*
ND

Zip:*
58503

Phone No.:*
7017510721

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

Contact Information (Where correspondence is to be sent):

Primary Contact:*
Nhi Le

Email Address:*
lediep613@gmail.com

Mailing Address:*
909 Calvert Dr

City:*
Bismarck

State:*
ND

Zip:*
58503

Phone No.:*
7013338150

Manager's Name:*
Nhi Le

Date of Birth:*
06/26/1994

Percentage of Ownership:*
50

Driver's License No.:* LEX947626

State Issued:* ND

Gender: Female

Race: Asian

Home Address:* 909 Calvert Dr

City:* Bismarck

State:* ND

Zip:* 58503

Phone No.:* 7013338150

Occupation:* Master Manicurist

Title:* Owner

Email Address:* lediep613@gmail.com

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

Name:* Thu Hoai Nguyen

Date of Birth:* 02/22/1984

Percentage of Ownership:* 50

Driver's License No.:* NGU844719

State Issued:* ND

Gender: Female

Race: Asian

Home Address:* 1119 University Dr, lot 1622

City:* Bismarck

State:* ND

Zip:* 58504

Phone No.:* 7146514873

Occupation:* Master manicurist

Title:* Owner

Email Address: Thn8479@gmail.com

Name:

Date of Birth:

Percentage of Ownership:

Driver's License No.:

State Issued:

Gender:

Race:

Home Address:

City:

State:

Zip:

Phone No.:

Occupation:

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.:**

Occupation: **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:

Currently leasing the building and plan to serve complimentary champagne to clients, maximum 1 glass per client.

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.
- [x] The agency name shall be included on the diagram.
- [x] The direction “North” shall be included on the diagram.
- [x] 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.
- [x] 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

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,*

- [x] 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.*

- [x] 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.*

- [x] I agree

Signature of Applicant:*

Nhi Le

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

☑ Electronic Signature

Date:*

2/28/2024

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

Credit Card Authorization.pdf

Mail Payments To:

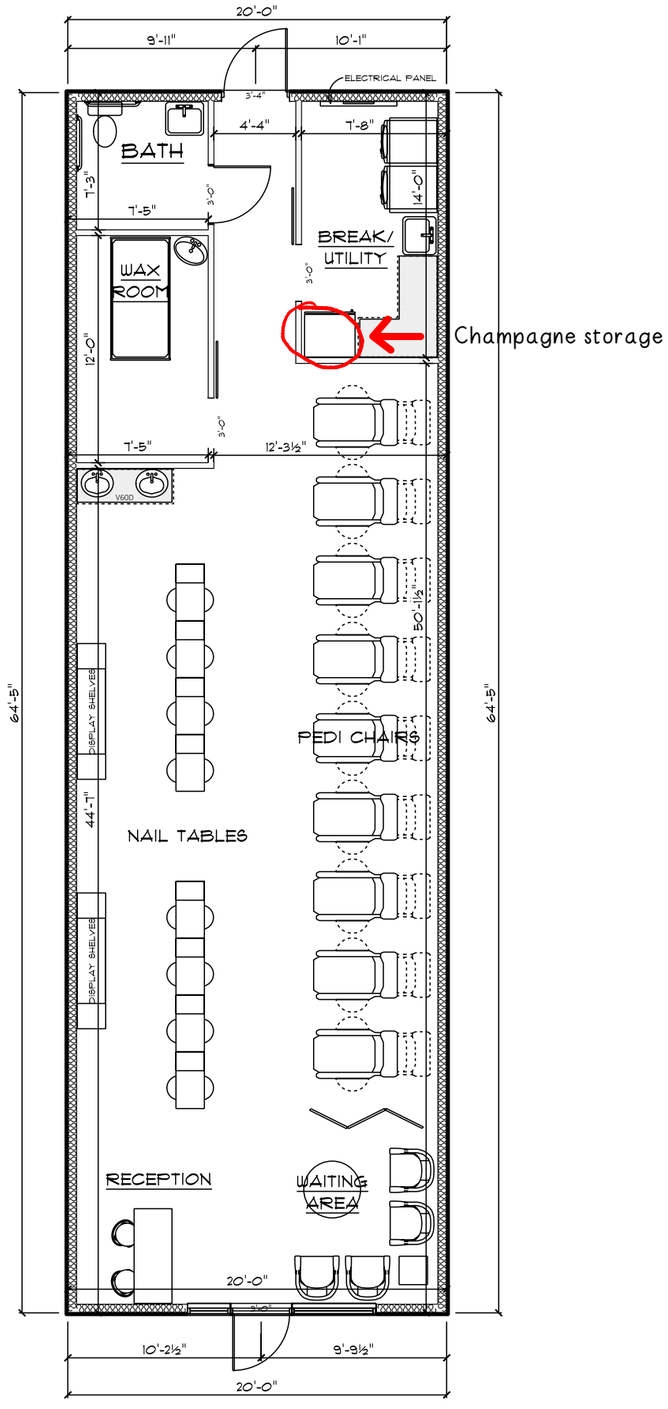
City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

PLAN #
23-050

Information

-1288 Sq Ft
-12' -0" Suspended Ceilings
- Main
-8' -0" Ceilings
- Bath
- Wax
- Break/Utility

North



23-050 FLOOR PLAN
SCALE = 1/8" = 1'-0"

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR MUST CHECK ALL DETAILS AND DIMENSIONS AND BE RESPONSIBLE FOR THE SAME FOR ALL GOVERNING CODES AND BUILDING PRACTICES. THESE DRAWING CONFORMES TO GENERALLY ACCEPTED BUILDING PRACTICES, HOWEVER, STATE AND LOCAL CODES VERY WIDELY, THE DESIGNER, AND "BFS" SHALL NOT BE HELD LIABLE FOR ANY ERRORS, ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES, DO NOT SCALE DRAWINGS, PRINTED DIMENSIONS OVERRIDE SCALING, VERIFY WITH THE WINDOW MANUFACTURE ON ALL WINDOW SIZES AND APPLICABLE EGRESS REQUIREMENTS, CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCE. CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS, CONTRACTOR SHALL VERIFY ALL BEAM AND HEADER SIZES FOR CODE COMPLIANCE.

1513 39TH AVE.
P.O. BOX 39
MANDAN, ND 58554
PHONE: 663-9861
FAX: 663-1346

Builders FirstSource

"VERIFY ALL DIMENSIONS"
NOTE: CONTRACTOR / HOMEOWNER RESPONSIBLE FOR SENDING PLANS TO SUBCONTRACTORS AND/OR MATERIAL SUPPLIERS

PLAN # 23-050	PRINT DATE: Tuesday, October 31, 2023 PRINT TIME: 10:39 AM
CONTRACTOR: Bulldog Contracting	SCALE: 1/8"=1'-0"
CUSTOMER: Lux Nails	DRAWN BY Calista Moch

Community Development Department

DATE: March 26, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: McKenzie and Coffin's Second Addition – Minor Subdivision Final Plat and Zoning Map Amendment

REQUEST:
Approval of a minor subdivision final plat titled McKenzie and Coffin's Second Addition and a zoning map amendment from the R10 – Residential district to a Planned Unit Development (PUD) on Lots 2 and 3, Block 1, of McKenzie and Coffin's Second Addition.

BACKGROUND INFORMATION:
The applicant plans to construct a twin-home style structure with two residential units on the main floor and two smaller residential units on the lower level, creating a total of four housing units on the portion of the minor plat that would be zoned PUD. All other aspects of the PUD development, such as setbacks and lot size, will generally conform to the standards of an R10 – Residential zoning district. The project is located in central Bismarck, on the northwest corner of the intersection of East Avenue D and North 12th Street.

The applicant intends to use the replat of the property for two purposes: first, to create two new lots from one existing southern lot, such that each new lot will have two housing units while the whole development looks like a standard twin-home; additionally, the applicant will use the minor plat to transfer ten feet from the northern boundary of the existing southern parcel to the existing northern parcel. The parcel receiving the north ten feet of the existing parcel would remain in the R10 – Residential district.

The attached staff report contains a complete review of the request according to the Comprehensive Plan standards, city ordinances, and other relevant laws. Additionally, the staff report contains an overview of past public engagement related to this request.

A public hearing at the Planning and Zoning Commission meeting was held on February 28, 2024. Staff received one public comment prior to the Planning and Zoning Commission hearing expressing concern over the ownership/rental model that would be proposed for the housing units, and one member of the public spoke at the hearing primarily expressing some concern about the impacts to parking and traffic.

These comments were addressed by the applicant and their consultant representative, who stated that the current plan is to rent the units to working professionals so that there may be a

handful of additional cars commuting to and from the area. For parking, the applicant's representative stated that there will be one garage space per main unit and additional driveway and parking pad spaces, for a total of six parking spaces.

At the end of the public hearing, the Planning and Zoning Commission unanimously approved the plat and the zoning map amendment. An overview of the discussion at the Planning and Zoning Commission hearing is also provided in the staff report.

The Board of City Commissioners considered this item at their meeting on March 12, 2024.

RECOMMENDED CITY COMMISSION ACTION:
Hold a public hearing on the request for Ordinance 6573 to amend zoning from the R10 – Residential district to a Planned Unit Development (PUD) for McKenzie and Coffin's Second Addition and take final action. Additionally, consider the request for a minor subdivision final plat, titled McKenzie and Coffin's Second Addition, and take final action.

STAFF CONTACT INFORMATION:
Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov
Isak Johnson, Planner, 701-355-1850, ijohnson@bismarcknd.gov

ATTACHMENTS:
1. BCC_MPLT & ZC_McKenzie & Coffins Second Addition_032624

STAFF REPORT

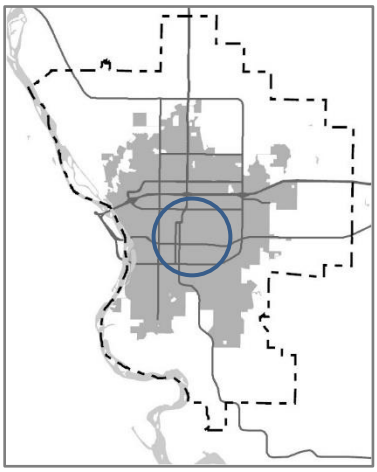
March 26, 2024

Application for: **Minor Plat** Project ID: **MPLT2024-001**

Zoning Map Amendment Project ID: **ZC2023-015**

Project Summary

Title:	McKenzie and Coffin's Second Addition
Status:	Board of City Commissioners – Public Hearing
Property Owner(s):	Remedy Housing Solutions, LLC, and Cory Louser & Katilla Wiseman
Project Contact:	Landon Niemiller, AICP, Swenson, Hagen & Co.
Project Location:	In central Bismarck, the northwest corner of the intersection of East Avenue D and North 12th Street
Project Size:	8,100 SF, more or less – Zoning Map Amendment 27,443 SF, more or less – Minor Plat
Applicant Request:	Replat & rezone property for multifamily development
Staff Recommendation:	Approve



Site Information

Existing Conditions		*Proposed Conditions*	
Lots/Blocks:	2 lots in 1 block	*Lots/Blocks:*	3 lots in 1 block
Land Use:	Single-family home and two-family flat	*Land Use:*	Single-family home and twin-home style residential with four housing units
Future Land Use:	Urban Neighborhood (UN)	*Future Land Use:*	Urban Neighborhood (UN)
Zoning:	R10 – Residential	*Zoning:*	PUD – Planned Unit Development R10 – Residential
Uses Allowed:	R10 – Single and two-family residential	*Uses Allowed:*	PUD – Uses specified in PUD R10 – Single and two-family residential
Max Density:	R10 – 10 units / acre	*Max Density:*	PUD – Density specified in PUD R10 – 10 units / acre

(continued)

Area Information

Zoning Jurisdiction:	Bismarck City Limits
Township:	N/A (City of Bismarck)
Neighborhood:	McKenzie

Property History

Zoned:	Pre-1980
Platted:	12/1882
Annexed:	Pre-1980

Project Narrative

Remedy Housing Solutions LLC, as well as Cory Louser and Katilla Wiseman, are requesting approval of a minor subdivision final plat titled McKenzie and Coffin's Second Addition on all of Lots 11-12 and the East 90 Feet of Lots 13-16, Block 69, McKenzie and Coffin's Addition. Remedy Housing Solutions LLC is also requesting a zoning map amendment from the R10 – Residential district to a Planned Unit Development (PUD) on Lots 2 and 3, Block 1, of McKenzie and Coffin's Second Addition.

The applicant plans to construct a twin-home style structure with two residential units on the main floor, and two smaller residential units on the lower level, creating a total of four housing units on the portion of the minor plat that would be zoned PUD. All other aspects of the development, such as setbacks and lot size, will generally conform to the standards of an R10 – Residential zoning district.

The applicant intends to use the replat of the property for two purposes: first, to create two new lots, from one existing southern lot, such that each new lot will have two housing units while the whole development looks like a standard twin-home; additionally, the applicant will use the minor plat to transfer ten feet from the northern boundary of the existing southern parcel to the existing northern parcel. The new parcel receiving the north ten feet of the existing southern parcel (Lot 1, Block 1, McKenzie and Coffin's Second Addition) would remain in the R10 – Residential district.

The Planning and Zoning Commission considered this request at their meeting on January 24, 2024, and held a public hearing on the minor subdivision final plat and zoning map amendment on February 28, 2024.

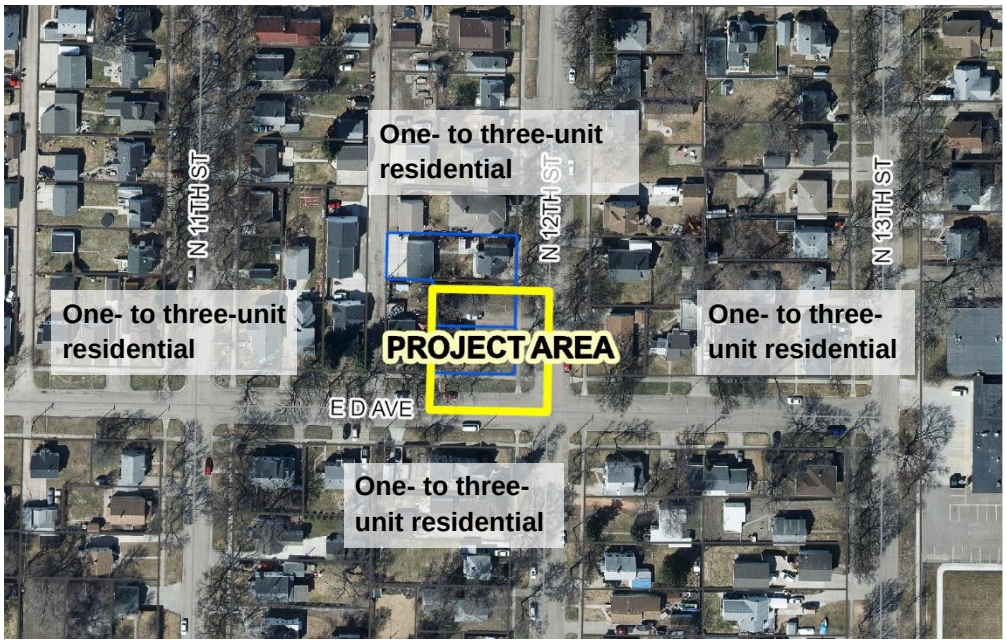
The Board of City Commissioners considered this request at their meeting on March 12, 2024.

(continued)

Project Context

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

Note: Yellow project area is the Zoning Map Amendment, and the blue lots are the proposed lots from the Minor Subdivision Final Plat



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 project area has been identified as Urban Neighborhood (UN) in the Future Land Use Plan. The UN areas are places for quiet enjoyment of home life. Goals and objectives of this plan as they relate to minor subdivision final plats and to zoning map amendments to Planned Unit Developments are referenced in review standards below.

The project area is surrounded by land zoned R10 – Residential which allows single and two-family homes by-right; however, this is an older area of Bismarck that does have some structures with three or four units – according to City Assessing data – so four units (on two lots) would not be inherently out of character for the neighborhood.

Public Engagement

The public has been duly notified of this request at the Planning and Zoning Commission level. A notice was published in the Bismarck Tribune on February 16 and February 23, and 77 letters were mailed to owners of nearby properties on February 15, 2024.

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

Staff received one public comment prior to the Planning and Zoning Commission hearing expressing concern over the ownership/rental model that would be proposed for the housing units, and one member of the public spoke at the

(continued)

hearing primarily expressing some concern about impacts to parking and traffic.

These comments were addressed by the applicant and their consultant representative stating that the current plan is to rent the units to working professionals so that there may be a handful of additional cars commuting to and from the area. For parking, the applicant's representative stated that there will be one garage space per main unit and additional driveway and parking pad spaces for a total of six parking spaces.

At the City Commission level, the public was duly notified of this request in the form of additional publications in the Bismarck Tribune on March 15 and March 22, 2024. Any public comments received before the public hearing will be summarized by summarized by staff.

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.

Minor Subdivision Final Plat

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

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

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

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

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

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

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing was held for this request, and all requirements for notice of this hearing were met, as documented in this report above.

All requirements for public engagement at the City Commission level have been met as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. One capital utility charge will be due prior to the recordation of the plat, and an additional two charges (for the secondary residential units) will be due during the building permit stage.

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.

(continued)

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment (Future Land Use Plan)

Yes. The proposed zoning map amendment is within the area designated as Urban Neighborhood (UN) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The UN designation in the Future Land Use Plan describes a mixture of housing with structures of up to four units, which would align with this request.

The proposed amendment is compatible with adjacent land uses and zoning (Goal S10-a, S5-a)

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow a total of four housing units on two lots. Development that may be anticipated from the proposed zoning would be similar in nature to a typical twin-home that could be expected in an R10 – Residential district and 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 R10 - Residential zoning district was established pre-1980. Conditions have changed since this time. There are numerous structures in the area that were built before the current R10 – Residential district was created that have more than two housing units on similarly sized lots. There is no evidence that these existing structures inherently, negatively impact the neighborhood. The project area would not be any less restrictive than existing conditions in the surrounding area.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment (Goal S1-a, Goal T1-c)

Yes. The proposed zoning map amendment would enhance the diversity of housing types available to Bismarck residents and would support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; NDCC 40-27-03)

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

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

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing was held for this request, and all requirements for notice of this hearing were met, as documented in this report above.

All requirements for public engagement at the City Commission level have been met as documented in this report above.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. One capital utility charge will be due prior to the recordation of the plat, and an additional two charges (for the secondary

(continued)

residential units) will be due during the building permit stage.

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Planned Unit Development (Section 14-04-18(3)a)

Yes. The following objectives of the plan would be advanced through the proposed Planned Unit Development.

S6: Encourage a diversity of housing types to meet the variety of household needs in the community.

S10: Support the arrangement of compatible land uses to minimize adjacent conflicts.

G1: Encourage infill and redevelopment of land already connected to municipal services.

T3: Ensure that the variety and quality of housing is aligned with the needs of the community.

The proposed development would be an infill project which redevelops land within the core of Bismarck. Therefore, it will use existing public utility and roadway infrastructure. This will allow not only additional housing opportunities for the area – which can increase the vibrancy of the neighborhood – but by utilizing existing infrastructure it will minimize costs to the broader public thus allowing it to be very financially efficient from a public services standpoint.

Adequate buffer areas have been provided between any noncompatible land uses (Section 14-04-18(3)b)

Yes. There are no uses adjacent to this proposed PUD that are incompatible and require a buffer.

Natural features of the site would be preserved, insomuch as possible, including the preservation of trees and natural drainage ways (Section 14-04-18(3)c)

Yes. The proposed PUD is a redevelopment of land within the central core of Bismarck. The proposed development would be visually and functionally similar to nearby, existing development in terms of incorporating existing natural features into the design.

The internal roadway circulation system within the Planned Unit Development has been adequately designed for the type of traffic that would be generated (Section 14-04-18(3)d)

Yes. The proposed PUD is served 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)

Yes. The proposed land use would be a total of four housing units in one structure on two lots that would be visually and functionally similar to a twin-home style development that would be typical of standard R10 – Residential districts. The proposed use, as designed and shown in the layout 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.

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat titled McKenzie and Coffin's Second Addition, and of the zoning map amendment from the R10 – Residential District to a Planned Unit Development (PUD) on Lots 2 and 3, Block 1, of the new minor subdivision final plat.

(continued)

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. PUD Narrative
5. Proposed Site Exhibit
6. Proposed Building Elevations
7. Final Plat
8. Original Plat with Replatted Area Highlighted

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov

CITY OF BISMARCK
ORDINANCE NO. 6573

Introduced by	_____
First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 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 R10 – Residential district and included in the PUD – Planned Unit Development zoning district:

Lots 2 & 3, Block 1, McKenzie and Coffin's Second Addition.

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan approved in conjunction with the PUD.

2. *Uses Permitted.* The uses within the district shall be limited to the following:

    a. *Principal Uses*. The following principal uses shall be allowed:

        i. One rowhouse building with two (2) primary units and two (2) secondary units.

    b. *Accessory Uses*. The following uses shall be allowed as accessory to the principal uses on the property.

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i. All accessory uses allowed for one and two-family residential buildings as defined in the City Code of Ordinances, Section 14-03-06 (Incidental Uses).

3. *Special Uses.* All special uses typically allowed in an R10 – Residential District, as described in Section 14-04-06(2), shall be allowed with a special use permit.

4. *Dimensional Standards.* The following dimensional standards shall apply to all development within the district.

    a. *Lot Dimensions*. Minimum lot size dimensions shall conform to the appropriate section of the City Code of Ordinances based on the above use: Section 14-04-06(2)e (R10 Residential District).

    b. *Front Yards*. Minimum front yard setbacks shall conform to the appropriate section of the City Code of Ordinances based on the above use: Section 14-04-06(2)e (R10 Residential District). Steps used to reach the main entrance may project no more than nine (9) feet into front yard setback.

    c. *Side Yards.* Minimum side yard setbacks shall conform to the appropriate section of the City Code of Ordinances based on the above use: Section 14-04-06(2)e (R10 Residential District).

    d. *Rear Yards.* Minimum rear yard setbacks shall conform to the appropriate section of the City Code of Ordinances based on the above use: Section 14-04-06(2)e (R10 Residential District). Patios and accompanying steps may project no more than fifteen (15) feet into the rear yard setback.

    e. *Height*. All buildings shall have a height limit in accordance with the appropriate section of the City Code of Ordinances based on the above use: Section 14-04-06(2)e (R10 Residential District).

5. *Development Standards.* The following development standards shall apply to all development within the district.

    a. *Off-Street Parking and Loading.* Off-Street Parking and Loading. All off-street parking and loading must conform to the submitted site plan and be in full compliance with Section 14-03-11 of the City Code of Ordinances (Off-Street Parking and Loading).

    b. *Landscaping and Screening*. Street trees must be installed in accordance with the submitted landscape plan contained within the site plan. Deviation from this plan may only be

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allowed if in full compliance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening) as it relates to structures typically seen in an R10 – Residential District (Section 14-04-06).

6. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

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Zoning and Plan Reference Map

MCKENZIE AND COFFINS SECOND ADDITION

MPLT2024-001

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

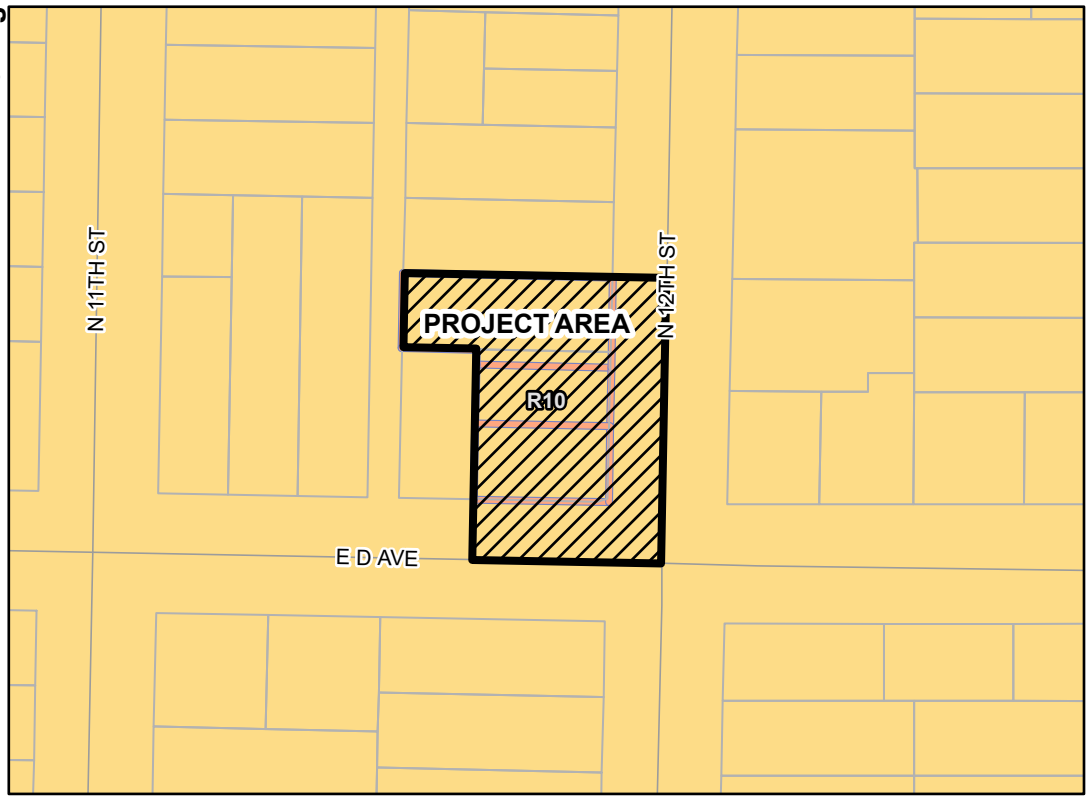
Active Mobility Plan

- Future Shared Trail

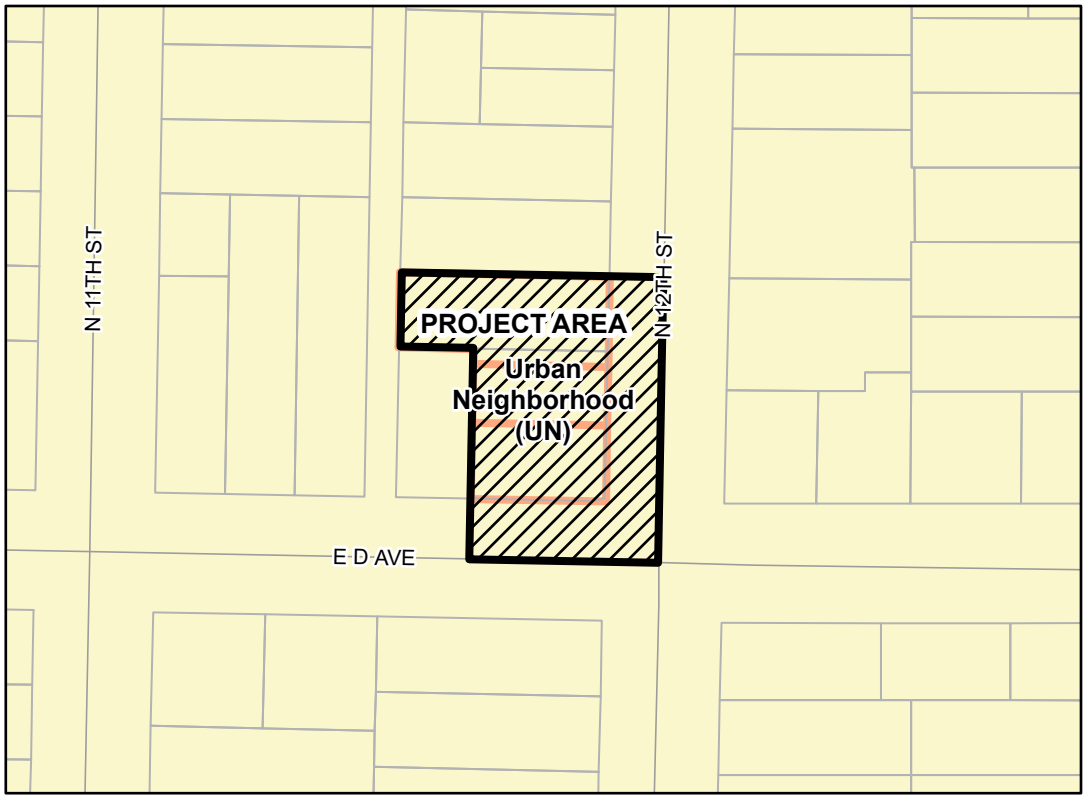
Major Street Plan

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

Zoning



Future Land Use Plan



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 90 180 360 Feet

City of Bismarck
Community Development
Planning Division
February 20, 2024

Proposed Zoning Change

MCKENZIE AND COFFINS SECOND ADDITION

MPLT2024-001

Proposed New Zoning Map

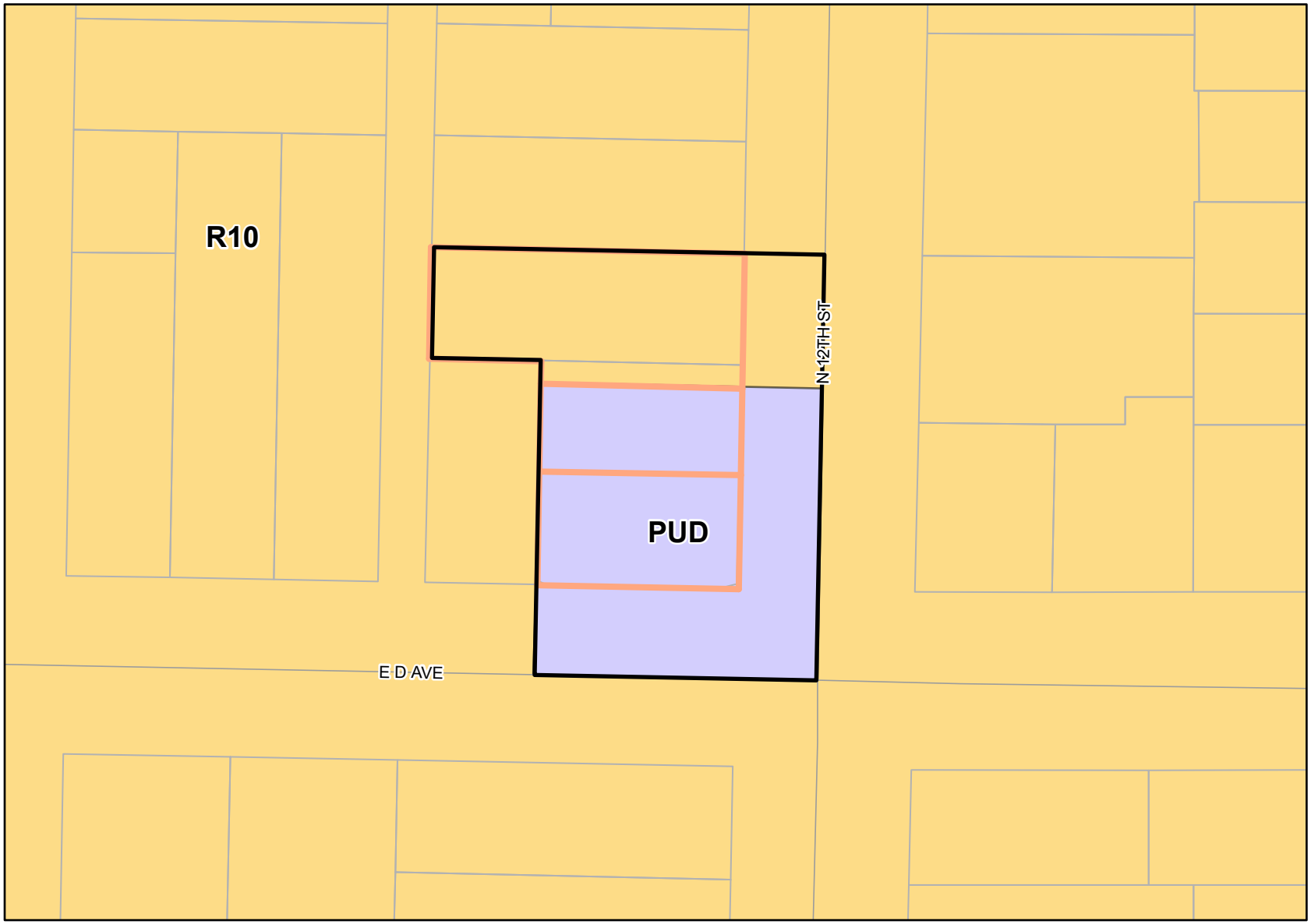
Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district



0 0.02 0.04 0.09 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

SWENSON, HAGEN & CO. P.C.
civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

McKenzie & Coffin's First Addition First Replat

The East 90' of Lots 13-16 Block 69 Less the North 10' of Lot 13

McKenzie & Coffin's Addition

Request for PUD

Remedy Housing Solutions, LLC, is proposing to re-zone a portion of McKenzie & Coffins' addition on the NW corner of N 12th St & East Avenue D. The lots in question are currently zoned R10, and contain a partially demolished home & outbuilding. Adjoining properties are also zoned R10.

The proposed PUD for a Gentle/Lean Infill project, as described in the City of Bismarck's "Infill and Redevelopment Plan" accepted by the Board of City Commissioners in February of 2017, would replace the existing structure with a twin-home style building, that will also have rental space for two additional units, for a total of four living spaces.

Setbacks would generally conform to R10 zoning with the allowance of Contextual setbacks. As measured per a survey, the "front yard" setback from East Ave D will be set at 18.2'. The Front Yard setback from N. 12th St. will be 20', which will be the garage facing side of the structure. Side yard of 6' and a rear yard of 20'.

Additionally, two of the units will be provided with garage space, while the two remaining will have paved parking spaces within the property. An HOA will be formed for maintenance of the structure, snow removal & communal green space.

Landscaping will be limited to street trees & grass, as the structure will aesthetically and structurally appear as a twin home, no landscape buffering between the project & adjoining uses will be required.

Lot coverage for all structures will be limited to 40%, building height limited to 40', minimum lot area of 3,500 sf.

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


11
12
RECEIVED
DEC 22 2023
N 12TH ST.
6.0'
20.0'
20.0'
18.2'
AVENUE D





DRAWING SCHEDULE

Second Floor	1
Main Floor	2
Basement	3
Foundation	4
Roof	5
Elevations - Front & Back	6
Elevations - Left & Right	7

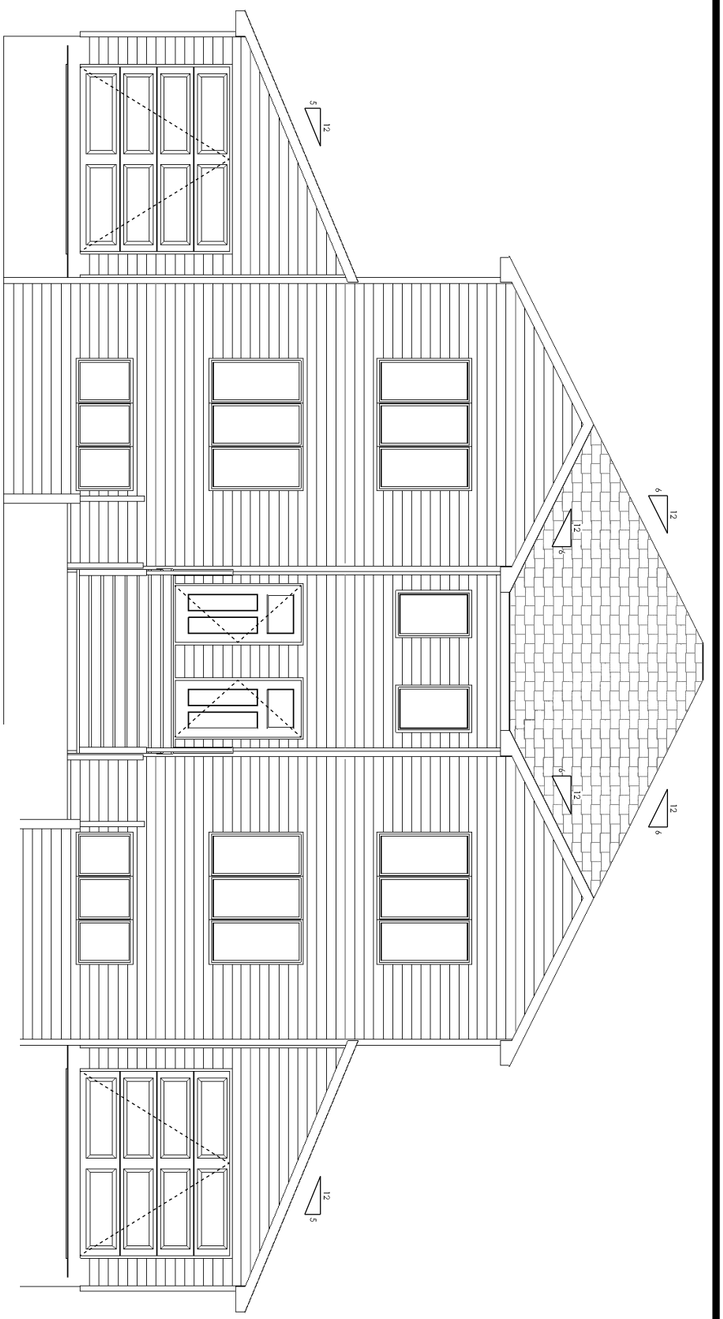
J.E. BUILDERS

1118 E Ave D

Thursday, December 28, 2023

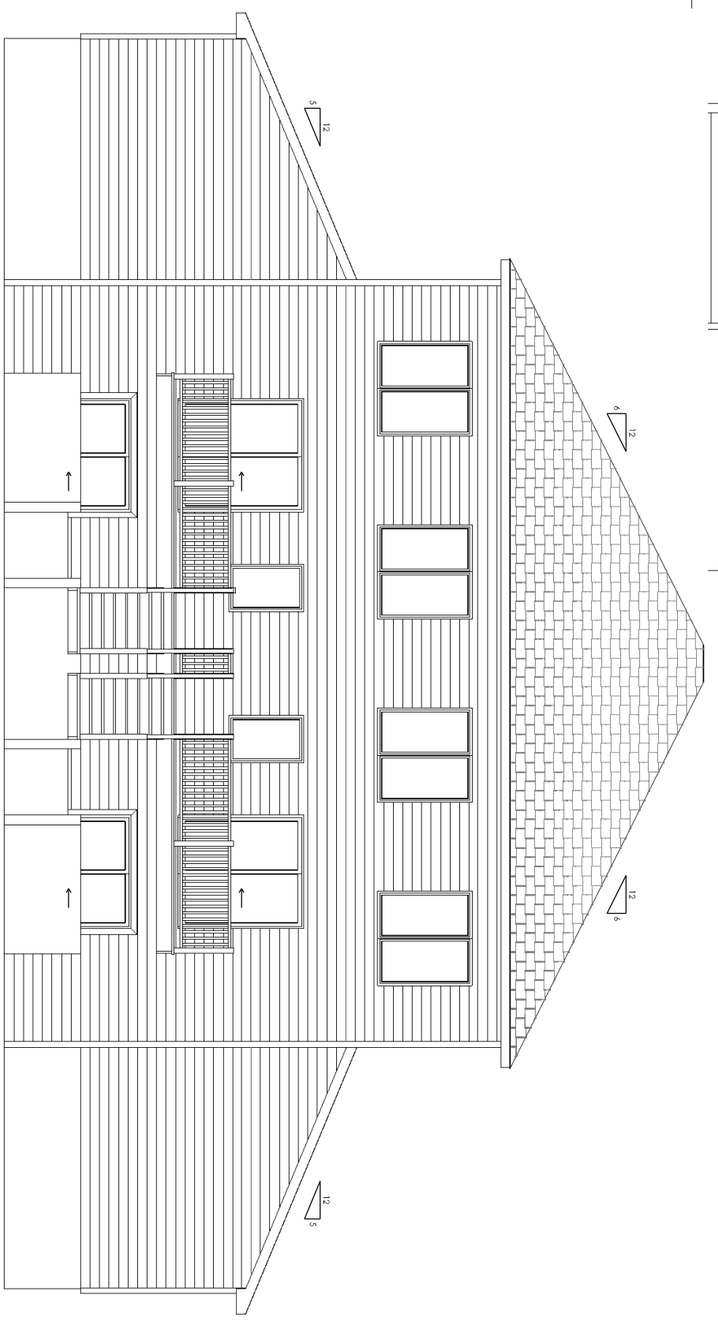
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



BACK ELEVATION

SCALE: 1/8" = 1'-0"



ALL EXTERIOR DIMENSIONS ARE TO EXTERIOR EDGE OF BEARING (CONCRETE/STUD). ALL INTERIOR DIMENSIONS ARE TO STUD (UNO).

J.E. BUILDERS

7007 15th St NW
Bismarck, North Dakota 58503
701-595-2758

House Information

1118 E Ave D

Foundation Walls : 8" Concrete (UNO)	Basement : 0000 sf
Exterior Walls : 2x6	Main Floor : 0000 sf
Interior Walls : 2x4 (UNO)	Second Floor : 0000 sf
Wall Height : 0'-0"	Garage : 0000 sf
Garage Wall Height : 0'-0" (VERIFY)	Covered Porch : 0000 sf
Floor Trusses : 00"- Engineered	Covered Patio : 0000 sf
	Total Living Area : 0000 sf

Disclaimer:

M.A. has prepared these plans based on information provided to J.E. Homes. Plans and elevations to be used to provide a concept and example of what is to be built. Contractor or Architect is responsible for verifying all locations, dimensions, building codes, & exterior materials. Contractor or Architect is responsible for having all plans reviewed by an engineer.

DRAWN BY: M.A.

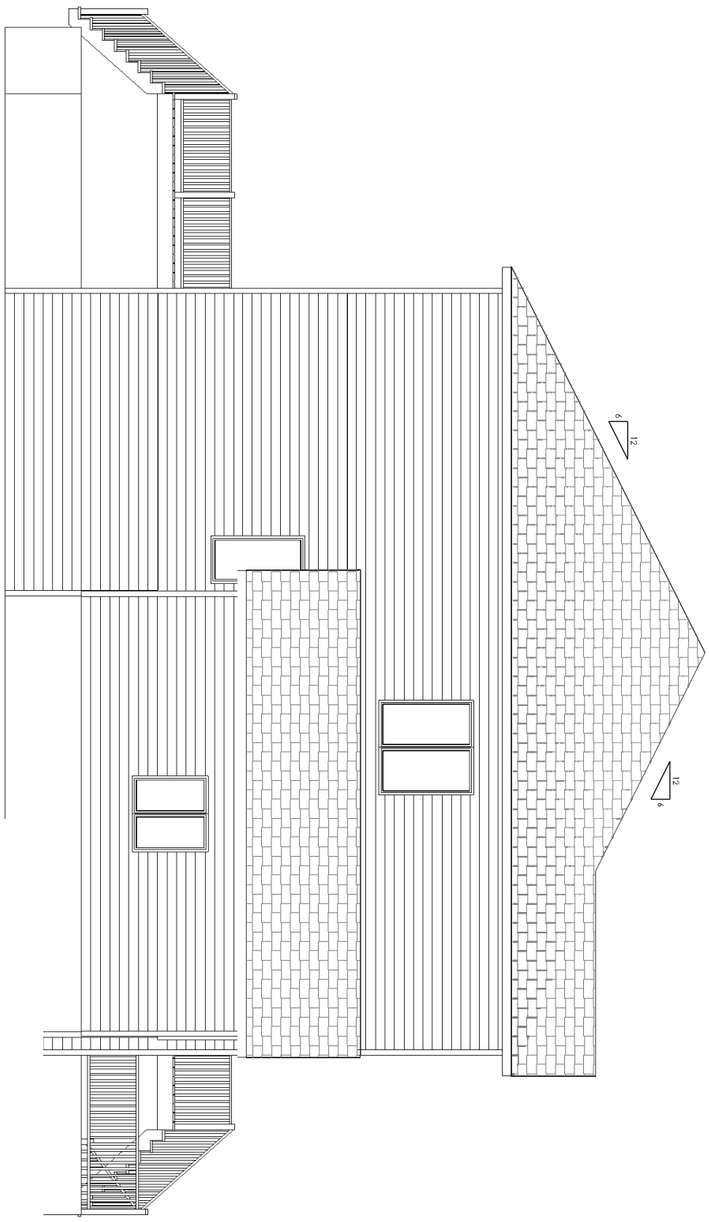
SCALE: 1/8" = 1'-0"

DATE: 12/28/2023

Elevations - Front & Back

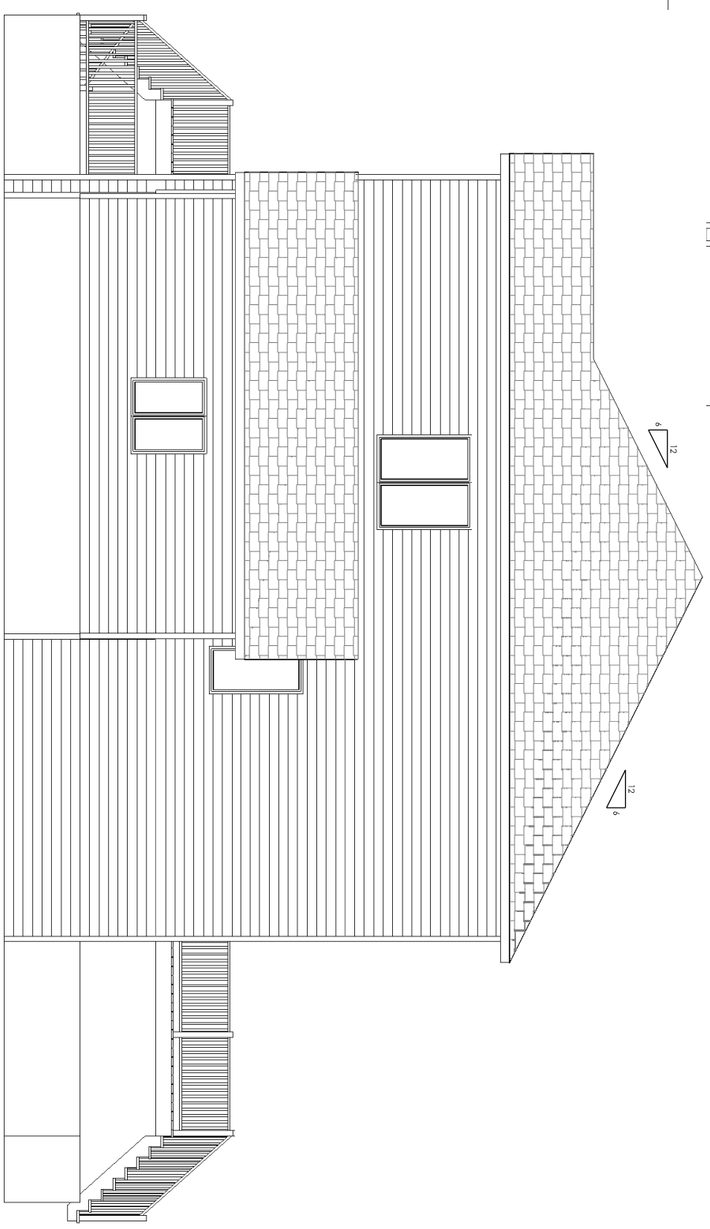
LEFT ELEVATION

SCALE: 1/8" = 1'-0"



RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



ALL EXTERIOR DIMENSIONS ARE TO EXTERIOR EDGE OF BEARING (CONCRETE/STUD). ALL INTERIOR DIMENSIONS ARE TO STUD (UNO).

J.E. BUILDERS

7007 15th St NW
Bismarck, North Dakota 58503
701-595-2758

House Information

1118 E Ave D

Foundation Walls : 8" Concrete (UNO)	Basement : 0000 sf
Exterior Walls : 2x6	Main Floor : 0000 sf
Interior Walls : 2x4 (UNO)	Second Floor : 0000 sf
Wall Height : 0'-0"	Garage : 0000 sf
Garage Wall Height : 0'-0" (VERIFY)	Covered Porch : 0000 sf
Floor Trusses : 00"- Engineered	Covered Patio : 0000 sf
	Total Living Area : 0000 sf

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DRAWN BY: M.A.

SCALE: 1/8" = 1'-0"

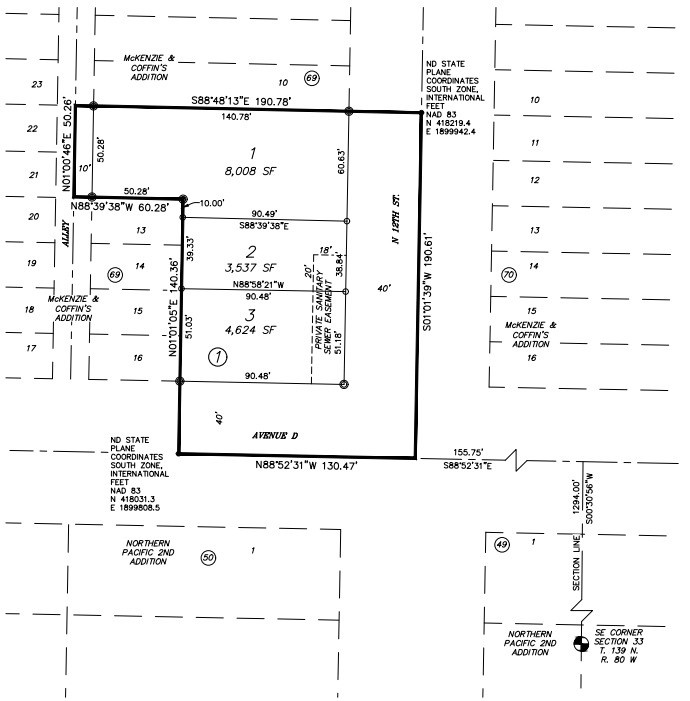
DATE: 12/28/2023

Elevations - Left & Right

McKENZIE AND COFFIN'S SECOND ADDITION

BEING ALL OF LOTS 11–12 AND THE EAST 90 FEET OF LOTS 13–16 BLOCK 69 McKENZIE AND COFFINS ADDITION OF SECTION 33 TOWNSHIP 139 NORTH RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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.

N

0' 30'

SCALE–1" = 30'
FEBRUARY 12, 2024

○ MONUMENT TO BE SET
◎ MONUMENT IN PLACE

DESCRIPTION

BEING ALL OF LOTS 11–12 AND THE EAST 90 FEET OF LOTS 13–16 BLOCK 69 McKENZIE AND COFFINS ADDITION OF SECTION 33 TOWNSHIP 139 NORTH RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 13; THENCE NORTH 01 DEGREE 00 MINUTES 46 SECONDS EAST, ALONG THE EAST LINE OF THE BLOCK 69 ALLEY OF SAID McKENZIE & COFFINS ADDITION, A DISTANCE OF 50.28 FEET TO THE SOUTH LINE OF LOT 10 BLOCK 69 OF SAID McKENZIE & COFFINS ADDITION; THENCE SOUTH 88 DEGREES 48 MINUTES 13 SECONDS EAST, ALONG SAID SOUTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 190.78 FEET TO THE CENTERLINE OF NORTH 12TH STREET RIGHT-OF-WAY; THENCE SOUTH 01 DEGREE 01 MINUTE 39 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 190.61 FEET TO THE CENTERLINE OF AVENUE D RIGHT-OF-WAY; THENCE NORTH 88 DEGREES 52 MINUTES 31 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 130.47 FEET; THENCE NORTH 01 DEGREE 01 MINUTE 05 SECONDS EAST, A DISTANCE OF 140.36 FEET; THENCE NORTH 88 DEGREES 39 MINUTES 38 SECONDS WEST, A DISTANCE OF 50.28 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 0.63 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. 3995

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 _____, 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––ACTING 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

OWNERS' CERTIFICATE & DEDICATION

WE, REMEDY HOUSING SOLUTIONS, LLC, CORY LOUSER, AND KATILLA WISEMAN, 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 McKENZIE AND COFFIN'S ADDITION FIRST REPLAT, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, 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.

WE ALSO DEDICATE TO ALL LANDOWNING PARTIES ALL PRIVATE EASEMENTS AS SHOWN ON THIS PLAT AS "PRIVATE SANITARY SEWER EASEMENT" TO RUN WITH THE LAND FOR USE BY ALL LAND–OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR SANITARY SEWER FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

NATHAN SCHLOSSER
REMEDY HOUSING SOLUTIONS, LLC

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED NATHAN SCHLOSSER OF REMEDY HOUSING SOLUTIONS, 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 _____

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

CORY LOUSER

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED CORY LOUSER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

KATILLA WISEMAN

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED KATILLA WISEMAN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

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

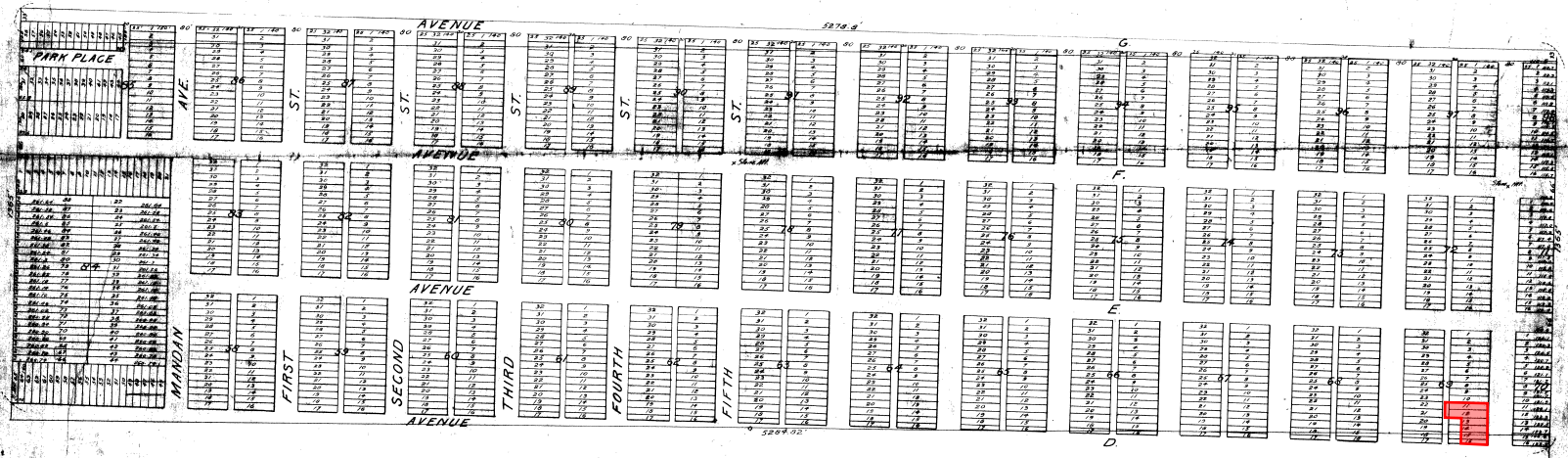
0025

PLAT OF

McKENZIE AND COFFIN'S ADDITION

TO THE

CITY OF BISMARCK



Area of McKenzie and Coffin's Second Addition

Plat of the McKenzie and Coffin Addition to the City of Bismarck in the County of Burleigh and Territory of Dakota comprising part of section thirty three(33) in Township One hundred and thirty nine (139) North of Range Eighty(80) West of the Fifth Principal Meridian and bounded as follows: Commencing at a point on the section line between sections thirty three and thirty four (33 & 34) in Township one hundred and thirty nine (139) north of Range eighty (80) west of the Fifth principal Meridian, one thousand three hundred and forty (1340) feet south from the quarter post on said section line, thence westerly at an angle of 89° 32' with said section line between sections thirty three and thirty four (33 & 34) five thousand two hundred and eighty four & eighty five hundredths (5280.85) feet to section line between sections thirty two and thirty three (32 & 33) Township one hundred and thirty nine (139) north of Range eighty (80) west of the Fifth Principal Meridian, thence north on said section line one thousand three hundred and sixty five feet, thence easterly Five thousand two hundred and seventy eight & eight tenths (5278.8) feet to section line between sections thirty three & thirty four (33 & 34), thence south on said section line one thousand three hundred and sixty five feet (1365) to place of beginning.

Alexander McKenzie and Elijah Coffin the proprietors of the McKenzie & Coffin Addition and Robt. J. Johnson and Geo. E. Reed Surveyors hereby declare and make known that the said proprietors caused to be surveyed and laid out during the month of December A.D. 1882 and this Plat thereof to be made by the said Robt. J. Johnson & Geo. E. Reed, Surveyors according to the statute in such case provided. That the foregoing is a true and accurate description of the situation and boundaries of said McKenzie and Coffin Addition. All streets, avenues and all Alleys and lots of said McKenzie and Coffin Addition are particularly described and set forth on the plat with names, width boundaries and extent of all said Streets and Avenues and width boundaries & extent of all lots and Alleys. The figures representing distances, length or width denote feet and tenths of feet. All streets are of the uniform width of eighty feet except Park Place which is sixty(60) feet wide. All Alleys are twenty(20) feet wide. All Avenues are of the uniform width of sixty six(66) feet except Avenue G which is thirty three(33) feet and Mandan which is eighty(80) feet. All the lots are numbered in figures in the regular Blocks or squares in which they are situated and their precise length and width marked on the Plat. All the lots in the irregular Blocks are numbered as stated on the Plat and their precise length and width marked on the Plat. At the time of surveying and laying out said McKenzie and Coffin Addition the proprietors caused to be planted and fixed at the intersection of the center line of Avenue F and Fifth and Twelfth streets a good and sufficient Stone monument for corners from which to make further surveys, and the points where the same may be found are designated on the Plat this x with the words "Stone Monument" written contingent thereto. And the said Robt. J. Johnson and Geo. E. Reed Surveyors further certify that the Plat of the said McKenzie and Coffin Addition was made by them from actual survey as aforesaid and the same is in all respects correct and true. In witness whereof the said Alexander McKenzie and Elijah Coffin Proprietors and Robt. J. Johnson and Geo. E. Reed Surveyors have hereunto subscribed their names.

Robt. J. Johnson, Geo. E. Reed } Surveyors

Alexander McKenzie
Elijah Coffin
Proprietors

Territory of Dakota, County of Burleigh } ss. I, F.W. McKinney a Notary Public within and for said County, do hereby certify that on this 18th day of December A.D. 1882 personally came before me Alexander McKenzie and Elijah Coffin owners and Robt. J. Johnson and Geo. E. Reed, Surveyors to me well known as the persons described in and who executed the foregoing Plat and who each acknowledged that they executed the same freely and voluntarily.

In witness whereof I have hereunto set my hand and official Seal at said County the day and year above written.

F.W. McKinney
Notary Public
Seal

Office of Register of Deeds, County of Burleigh, Territory of Dakota } I hereby certify that the within and foregoing Plat was filed in this office for record on the 18th day of December A.D. 1882 and was duly recorded in Book of Plats of 9 o'clock A.M.

John H. Richards
Register of Deeds
Seal

I hereby certify that this plat is a true and literal exemplification of the plat of survey to which it purports to relate now on file in the Register of Deeds Office, Bismarck, N.D.

John H. Reed
County Surveyor

Sworn and subscribed to before me this day of 1912

Checked and corrected Feb. 19, 1915.

Register of Deeds

County Surveyor.

23

Community Development Department

DATE: March 26, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Capital Electric Second Subdivision, Lot 2, Block 1 – Planning and Zoning Commission Appeal

REQUEST:
Appeal of the February 28, 2024, decision of the Planning and Zoning Commission to deny a zoning change from the A – Agricultural zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision.

BACKGROUND INFORMATION:
The property is located northwest of Bismarck, north of 57th Avenue NW and west of N. Washington Street, in the northwest quadrant of the intersection of Sonora Way and ND Highway 1804 NW.

The Bismarck Planning and Zoning Commission held a public hearing on this request on February 28, 2024. The applicant, a representative of the owner, and two members of the public spoke during the meeting and one written comment was submitted to the Commission. Concerns raised by members of the public, both during the hearing and in the written comment, were related to the proposed storage use adjacent to rural residential areas and the increase in traffic to this area. Other concerns raised related to crime, incompatibility with current neighborhood character, and the additional distraction it would have to the traveling public, especially those experiencing the Lewis and Clark Trail along ND Highway 1804. Written comments and an excerpt of the draft minutes are included with this memo.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission voted 5 to 3 to deny the request, noting that the proposed amendment is not compatible with adjacent land uses and zoning. The Planning and Zoning Commission did not concur with staff's determination that the proposed zoning change was consistent with the required findings of fact.

RECOMMENDED CITY COMMISSION ACTION:
Consider the request for an appeal of the February 28, 2024, decision of the Planning and Zoning Commission.

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. BCC_ZC_Cap_Elec_2nd_Appeal

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
February 28, 2024

The Bismarck Planning & Zoning Commission met on February 28, 2024, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Vice Chair Johnson presided and was present in the Tom Baker Meeting Room.

Commissioners present were Brian Bitner (via Zoom), Cole Johnson, Dan Lukens (via Zoom), Gabe Schell, Mike Schmitz, Wendy Van Duyne, Trent Wangen and Paul Zent.

Commissioners Robert Field and Mike Schwartz were absent.

Staff members present were Stephanie Pretzer – Assistant City Attorney, Ben Ehreth – Community Development Director, Sarah Fricke – Senior Administrative Assistant, Isak Johnson – Planner, Daniel Nairn – Planning Manager, Lauren Oster - Planner and Jenny Wollmuth – Senior Planner.

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PUBLIC HEARING – ZONING MAP AMENDMENT
CAPITAL ELECTRIC SECOND SUBDIVISION, LOT 2, BLOCK 1

Vice Chair Johnson called for the public hearing on a zoning map amendment from the A – Agricultural zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision. The property is located northwest of Bismarck, north of 57th Avenue Northwest and west of North Washington Street, in the northwest quadrant of the intersection of Sonora Way and ND Highway 1804 Northwest.

Ms. Oster provided an overview of the request and stated that as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Ms. Oster said, based on the findings, staff recommends approval of the zoning map amendment from the A – Agricultural zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision, as presented.

Vice Chair Johnson opened the public hearing.

The applicant, Jacob Barney, addressed the commission to explain his intentions for the site. He plans to construct a self-storage facility including landscaping to blend with the surrounding areas. He stated there is a substation on the north side of the property and the WAPA easement limits uses of this site.

Mayor Schmitz stated he believes anything could be built to the south of the 125-foot WAPA easement, so he disagrees there are restrictions on this property.

Ron Knutson, via zoom, stated he is concerned with the overall aesthetic of North Bismarck. He questioned whether a traffic study has been conducted and mentioned storage units could increase crime in the area.

Claudia Berg, a nearby resident, would have a direct view of the proposed storage units and opposes this proposal. She stated the Lewis and Clark Trail is in the area and she, therefore, has concerns with the effect on tourism and long-term development as well as traffic concerns.

Commissioner Schell stated that while he shares the concern about traffic safety, the proposal does meet site distance standards. Commissioner Zent asked whether there would be a stop sign or a yield sign, to which Commissioner Schell responded that a stop sign is the standard.

Nic Cullen, with Houston Engineering, came forward to speak on behalf of the applicant stating this site will be Industrial Flex according to the Future Land Use plan.

Mr. Barney then stated that self-storage facilities typically yield very low traffic while another use may cause more traffic. He also reminded the commission that they intend to include a landscape buffer to blend the units with the surrounding neighborhood. He stated the plans include motion sensor lights and no pole lights to disturb the neighborhood.

Vice Chair Johnson closed the public hearing.

Commssioner Wangen asked why this area is industrial in the Future Land Use plan. Mr. Nairn responded by saying the area already has a substation as well as the WAPA easement and the area has a need for storage units.

MOTION: Commissioner Bitner made a motion to deny zoning map amendment from the A – Agricultural zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision. Commissioner Schmitz seconded the motion, and it was approved with Commissioners Bitner, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion. Commissioners Johnson, Lukens, and Schell voted against the motion.

DRAFT

Sarah Fricke

From: sfricke@bismarcknd.gov
Subject: FW: Moratorium on self-storage buildings taking effect in Mandan

---

From: Ron Knutson <[redacted]>
Sent: Tuesday, February 27, 2024 8:14 PM
To: Michael Schmitz <Mschmitz@bismarcknd.gov>
Subject: Moratorium on self-storage buildings taking effect in Mandan

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Please do not allow industrial in a commercial corridor. The planning and zoning department should be ashamed of themselves for allowing spot zoning. What is the matter with them, allowing out of state and out of city people to come in and not follow the rules we had to follow the rules this is not a place to put storage units. Please vote against tomorrow's proposal. Thx Michael. Ron.
https://bismarcktribune.com/news/local/mandan/mandan-moratorium-self-storage-buildings/article_c33d0794-bb08-11ee-9eca-4f628b70d2bb.html

Sent from my iPhone

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

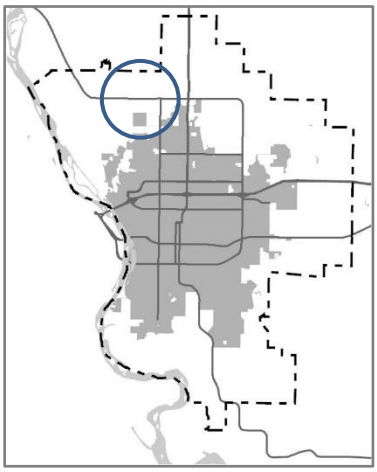
Agenda Item # 6
February 28, 2024

Application for: **Zoning Map Amendment**

Project ID: **ZC2023-013**

Project Summary

Title:	Capital Electric Second Subdivision, Lot 2, Block 1
Status:	Planning and Zoning Commission - Public Hearing
Property Owner(s):	Michael Ward, Owner Five Star Storage, Applicant
Project Contact:	Jacob Barney, Five Star Storage
Project Location:	Northwest of Bismarck, north of 57th Avenue Northwest and west of North Washington Street, in the northwest quadrant of the intersection of Sonora Way and ND Highway 1804 Northwest
Project Size:	7.04 acres
Applicant Request:	Rezone to Conditional MA – Industrial to enable the use of a self-storage facility
Staff Recommendation:	Approve with conditions



Site Information

Existing Conditions		*Proposed Conditions*	
Lots/Blocks:	1 Lot in 1 Block	*Lots/Blocks:*	1 Lot in 1 Block
Land Use:	Agriculture/Undeveloped	*Land Use:*	Conditional Light Industrial
Future Land Use:	Industrial Flex (IF)	*Future Land Use:*	Industrial Flex (IF)
Zoning:	A – Agricultural	*Zoning:*	Conditional MA – Industrial
Uses Allowed:	A – Agriculture	*Uses Allowed:*	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density:	A – 1 unit / 40 acres	*Max Density:*	Conditional MA – N/A

Area Information

Zoning Jurisdiction:	Extraterritorial Area (ETA)
Township:	Hay Creek (organized)
Neighborhood:	Undefined

Property History

Zoned:	10/1998
Platted:	04/05
Annexed:	N/A

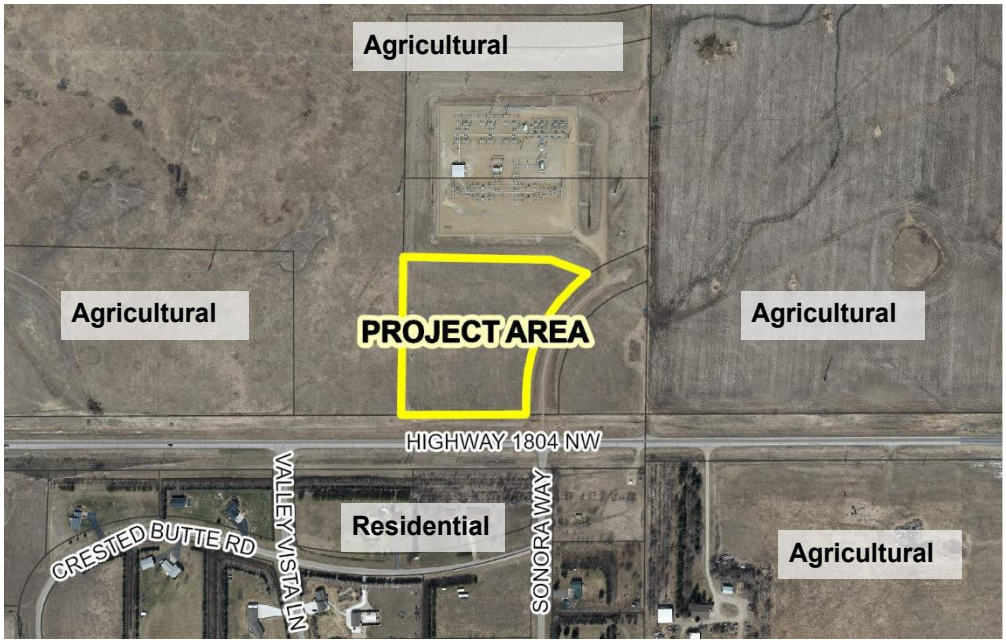
(continued)

Project Narrative

Michael Ward and Five Star Storage are requesting approval of a zoning map amendment from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district for Lot 2, Block 1, Capital Electric Second Subdivision. The applicant is proposing to develop the property to include a self-storage facility. The conditional MA – Industrial zoning would limit the use of the property to storage, as proposed.

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 Industrial Flex (IF) in the Future Land Use Plan. The Industrial Flex (IF) areas are flexible employment centers for a range of businesses, primarily for smaller-scale industrial uses and offices. Goals and objectives of this plan as they relate to a zoning map amendment are referenced in review standards below.

Adjacent uses include agricultural uses to the north, west, and east, and residential uses to the south across ND Highway 1804 NW. A substation is located on the lot to the north of the proposed site.

The right-of-way for Sonora Way was granted when the property was platted in 2005; however, the street was never built to County Commercial/Industrial Subdivision Roadway standards as the substation to the north generated minimal traffic. Since the proposed self-storage facility will generate increased traffic to this area, Sonora Way will need to be built to the County Commercial/Industrial Subdivision standards at least to the entrance of the substation driveway. A gravel temporary cul-de-sac will also need to be constructed at the end of the street for turnaround purposes.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 16 and February 23, and 30 letters were mailed to the owners of nearby properties on February 15, 2024.

(continued)

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

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

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

The 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 Industrial Flex (IF) 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 applicant is aware of the Bismarck's Growth Phasing Plan and intends to annex into the city once city services are available. However, connection to city services is currently not feasible as the closest city service are half a mile from the property.

The proposed amendment is compatible with adjacent land uses and zoning (Goal S10-a, S5-a)

Yes, with certain conditions applied to this zoning district. Adjacent uses are described in the project context section above. The proposed conditional zoning district would allow self-storage. Certain conditions including design, aesthetic, and development standards applied to the proposed zoning would alleviate potential incompatibilities to adjacent land uses in the future. A densely landscaped 20-foot-wide buffer yard is required along the south and west sides of the lot. The proposed conditional zoning restricts more intensive uses, including, but not limited to:

- Retail Group B, which includes vehicle sales
- Service Group B, which includes motor vehicle repair garages
- Wholesale trade and distribution
- Hotel/Motel

With these conditions, 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 prior 1980. Conditions have changed since this time including the 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 conditional 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)

Yes. The proposed conditional zoning map amendment would conform to the Industrial Flex (IF) 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

(continued)

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.

Staff Recommendation

Based on the above findings, staff recommends approval on the zoning map amendment from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district, as outlined in the attached draft zoning ordinance, for Lot 2, Block 1, Capital Electric Second Subdivision with the following conditions:

1. Comply with all relevant design, aesthetic, and development standards.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

CITY OF BISMARCK
ORDINANCE NO. XXXX

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 – Agricultural zoning district and included in the Conditional MA – Industrial zoning district:

Lot 2, Block 1, Capital Electric Second Subdivision

This Conditional MA - Industrial zoning district is subject to the following additional standards:

1. *Uses Permitted.* The following uses are permitted within this Conditional MA – Industrial zoning district:

    a. Industrial group A, limited to storage buildings and warehouses, including rental and condo storage units.

    b. Utility service group.

    All other uses not included in this list shall be prohibited.

2. *Special Uses.* There are no uses allowed as special uses within this Conditional MA – Industrial zoning district.

3. *Dimensional Standards.*

DRAFT

a. Lot Area. The minimum lot area is ten thousand (10,000) square feet.

b. Lot Width. The minimum lot width is sixty (60) feet measured along the front building line.

c. Lot Coverage. The maximum lot coverage for buildings and required parking is eighty (80) percent of the total lot area.

d. Front Yard. The minimum front yard setback is fifty (50) feet from the property line adjacent to ND Highway 1804 and fifteen (15) feet from the property line adjacent to all other roadways.

e. Side Yards. No side yards are required except where a lot adjoins a residential district.

f. Rear Yard. The minimum rear yard setback is ten (10) feet.

g. Height Limits. The maximum building height is seventy-five (75) feet.

4. *Design and Aesthetic Standards.*

a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, to create a lessened visual impact upon the surrounding land uses and to stimulate and protect investment through the establishment of high standards with respect to materials, details, and appearance.

b. Building Materials. All building facades shall be designed with finished materials, with primary building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or prefinished metal architectural panels. All elevations, especially those facing a public right-of-way, must be visually pleasing and must not be exclusively covered in prefinished metal panels if this material is used.

The following building types and materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material and exposed, untextured, uncolored, unaugmented concrete.

All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the

DRAFT

original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

c. Enclosed Building Requirement. All production, processing, storage (excluding the storage of vehicles allowed over the WAPA easement), sales, display, or other business activity shall be conducted within a completely enclosed building.

d. Outdoor Storage. Outdoor storage is only permitted for temporary vehicle storage within the WAPA easement area on the northern portion of the lot if agreed to by the utility entity. Continuous storage of vehicles involving 12 or more consecutive months without moving the vehicle(s) from the property is prohibited.

5. *Other Development Standards.*

a. Buffer Yards. In addition to the requirements of Section 14-03-11, a 20-foot-wide buffer yard shall be provided along the south side, adjacent to ND Highway 1804 NW, and west side of the lot. Said buffer yard shall be densely planted in conjunction with site development with the minimum number, species and size of trees and shrubs required for a 20-foot buffer yard in the City's landscaping ordinance (2 shade trees, 4 ornamental trees, 3 large upright coniferous trees, 10 small upright coniferous trees and 14 shrubs).

b. Lighting. Lighting at entrances, exits, and drive aisles between buildings is permitted provided that any associated glare does not create a public nuisance or traffic safety hazard. High-intensity lighting devices oriented outward, including but not limited to laser lights, strobe lights, searchlights, and beacons, are not permitted.

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.

DRAFT

Zoning and Plan Reference Map

CAPITAL ELECTRIC SECOND SUBDIVISION, L2, B1

ZC2023-013

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

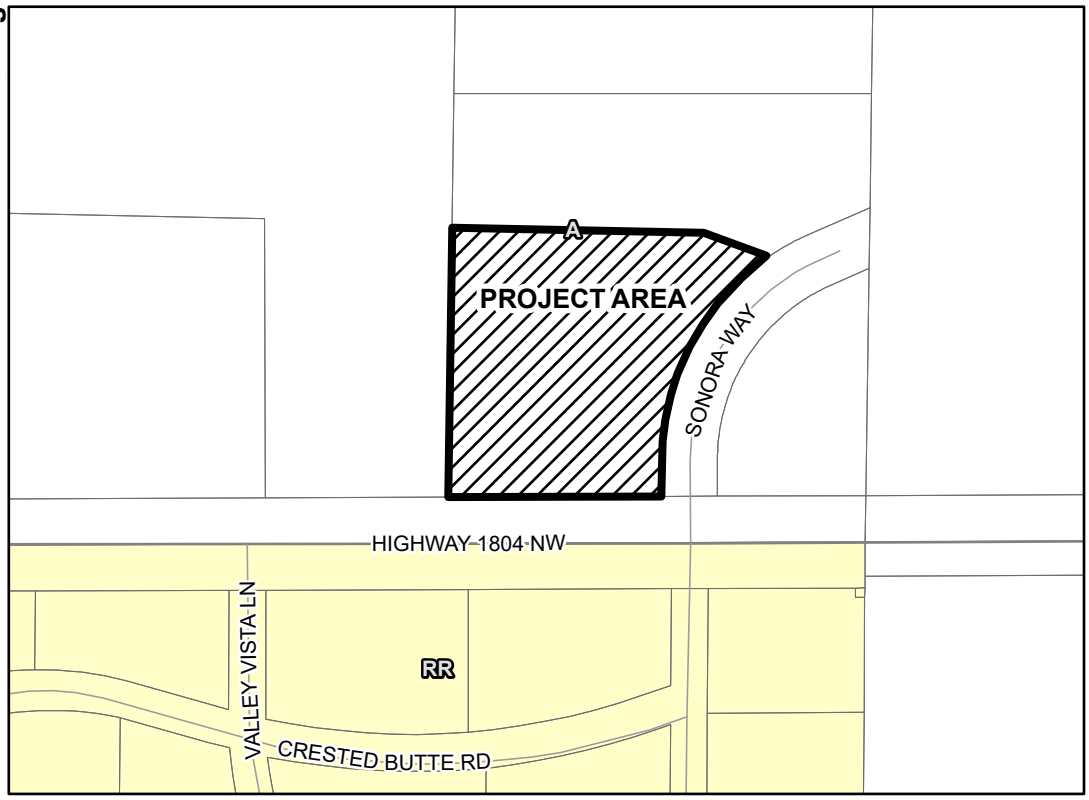
Active Mobility Plan

- Future Shared Trail

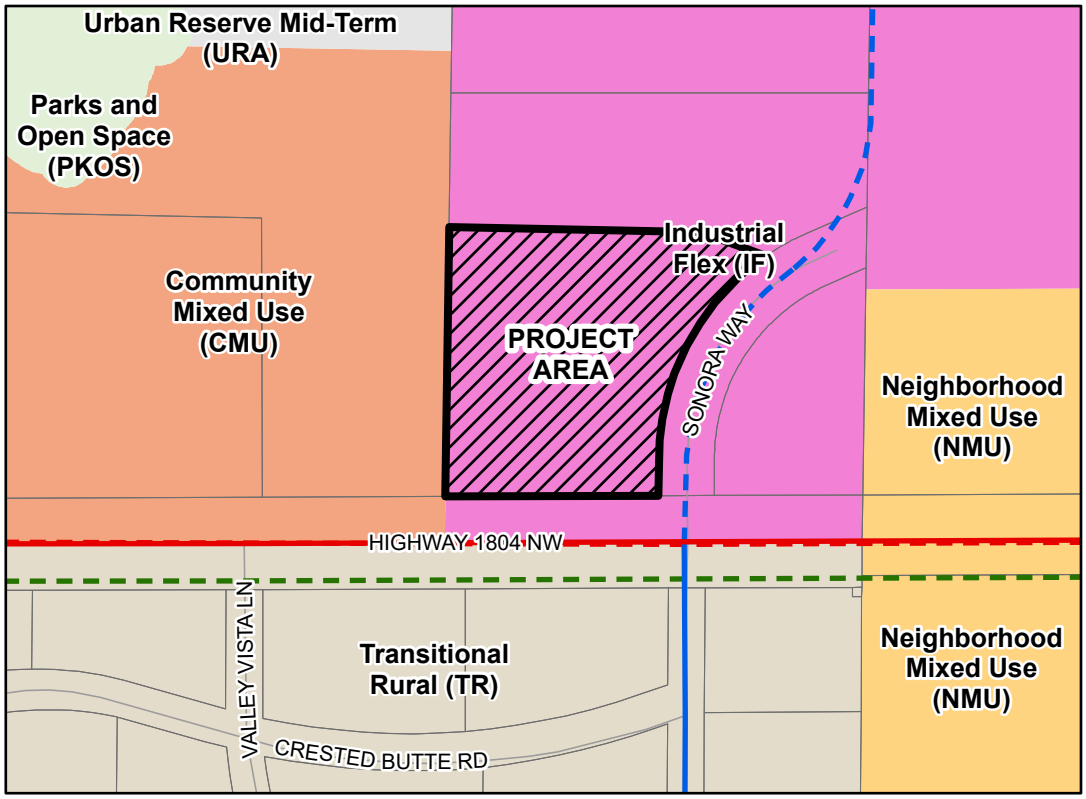
Major Street Plan

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

Zoning



Future Land Use Plan



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.

0 305 610 1,220 Feet

N

City of Bismarck
Community Development
Planning Division
January 18, 2024

Proposed Zoning Change

CAPITAL ELECTRIC SECOND SUBDIVISION, L2, B1

ZC2023-013

Proposed New Zoning Map

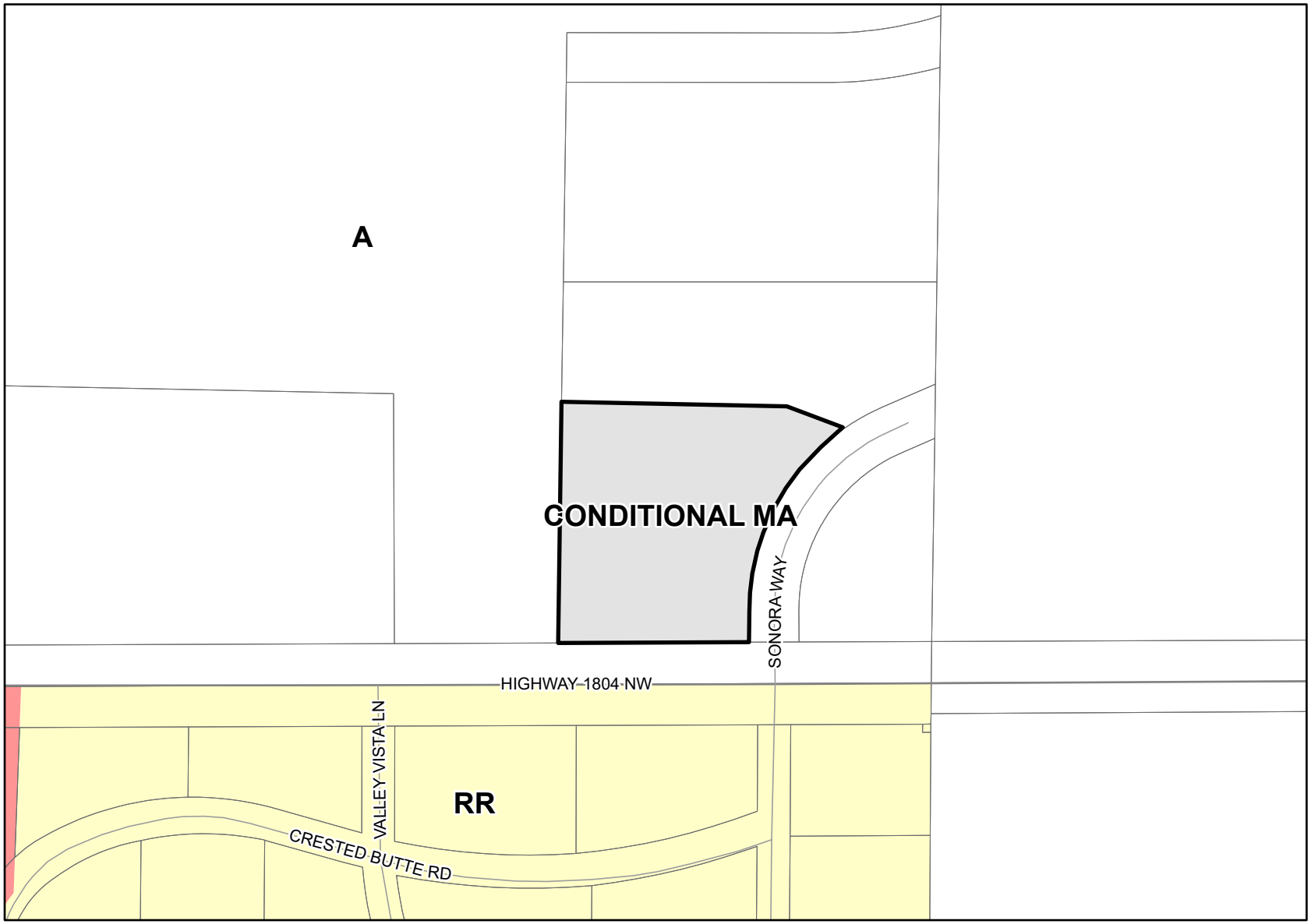
Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district



0 0.13 0.25 0.5 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
January 18, 2024

Engineering Department

DATE: March 26, 2024

FROM: Gabe Schell, City Engineer

ITEM: Street Light and Traffic Signal Project SV 73

REQUEST:
Consider a request to receive bids and award contract for Street Light and Traffic Signal Project SV 73.

BACKGROUND INFORMATION:
Street Light and Traffic Signal Project SV 73 consists of eight units of street lighting feedpoint replacement throughout Bismarck.

The engineer's estimate for the construction of this project was $137,800; the 2024 CIP programmed cost for this project was $110,000. Bids will be received on March 25, 2024. After the bid opening, staff will prepare an award summary to detail how to best award the units to utilize the programmed CIP dollars. The bid summary, award summary and project budget will be distributed prior to the commission meeting.

Project Schedule

Receipt and Opening of Bids	March 25, 2024
Award of Bid	March 26, 2024
Project Completion	November 1, 2024

RECOMMENDED CITY COMMISSION ACTION:
Receive bids and award contract for Street Light and Traffic Signal Project SV 73.

STAFF CONTACT INFORMATION:
Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:
None

Engineering Department

DATE: March 26, 2024

FROM: Gabe Schell, City Engineer

ITEM: Street Light and Traffic Signal Project SV 74

REQUEST:
Consider a request to receive bids and award contract for Street Light and Traffic Signal Project SV 74.

BACKGROUND INFORMATION:
Street Light and Traffic Signal Project SV 74 is the annual street light conductor replacement project. The 2024 project consists of one unit of conductor replacement west of Washington Street located between Century Avenue and Interstate 94. Work will include installing new street light conductors in conduit, replacing a street light feedpoint and appurtenances.

The engineer's estimate for the construction of this project was $149,000; the 2024 CIP programmed cost for this project was $118,500. Bids will be received on March 25, 2024. The bid summary and project budget will be distributed prior to the commission meeting.

Project Schedule	
Receipt and Opening of Bids	March 25, 2024
Award of Bid	March 26, 2024
Project Completion	November 1, 2024

RECOMMENDED CITY COMMISSION ACTION:
Receive bids and award for a contract for Street Light and Traffic Signal Project SV 74.

STAFF CONTACT INFORMATION:
Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:
None

Engineering Department

DATE: March 26, 2024

FROM: Gabe Schell, City Engineer

ITEM: CC24 A-2 Gap Sidewalk Revised Proposal

REQUEST:
Consider revised A-2 gap sidewalk proposal

BACKGROUND INFORMATION:
The City Concrete (CC24) A-2 gap sidewalk project was approved by the Board of City Commissioners at the March 12, 2024 meeting with direction to evaluate the proposed locations and return to the Commission on the March 26, 2024 meeting for additional discussion and direction. Commissioner Zenker and City Engineer Schell evaluated the addresses and recommend removing vacant parcels with streets constructed less than 15 years and vacant parcels where site development is realistic to occur in the near future to allow the construction of sidewalks to occur at the time of development. There may be exceptions to these general guidelines in areas where there is documented or a strong likelihood of pedestrian activity occurring.

Attached to this memo is the list of proposed addresses and site exhibits using the guidelines above. Also attached are the list of removed addresses and removed site exhibits for reference. The proposed project is now approximately 3500 LF of sidewalk with approximately 2000 LF of sidewalk removed from the iteration presented at the March 12, 2024 meeting.

RECOMMENDED CITY COMMISSION ACTION:
Approve updated City Concrete 24 A-2 Gap Sidewalk list.

STAFF CONTACT INFORMATION:
Gabe Schell, City Engineer, 701-355-1507, gschell@bismarcknd.gov

ATTACHMENTS:
1. Proposed Addresses
2. Proposed Locations Exhibits
3. Removed Addresses
4. Removed Locations Exhibits

Address	Year Street First Constructed	Proposed Installation (LF)	Additional Work	Proposed Width
1204 Golden Wave Drive	2008	86		4.5
1113 Medora Avenue	2008	84		4.5
316 Versailles Avenue	2005	344		6.0
509 Flint Drive	2020	131		4.5
512 Flint Drive	2020	183		4.5
5250 Normandy Street	2007	234		4.5
1033 Calvert Drive	2007	208		4.5
5603 Davies Drive	2020	94		4.5
3254 E. Capitol Avenue	1979	37		4.5
3256 E. Capitol Avenue	1979	41		4.5
3016 Sleepy Hollow Loop	2006	68		4.5
900 Summit Boulevard	1950	87		4.5
301 S. Mandan Street	1958	140		6.0
201 W. Sweet Avenue	1958	127	ADA Ramp	4.5
405 S. 7th Street	1966	122		6.0
425 S. 7th Street	1966	128		6.0
505 S. 7th Street	1966	175		6.0
1205 E. Front Avenue	1954	115	ADA Ramp	6.0
1502-1510 E. Sweet Avenue	1963	112		6.0
310 S. 16th Street	1953	33		4.5
1522 E. Bowen Avenue	1953	142		4.5
305 N. 23rd Street	1950	14		6.0
2400 E. Broadway Avenue	1950	101		6.0
3125 E. Thayer Avenue	1975	123	ADA Ramp	6.0
3111 E. Broadway Avenue	1975	108		6.0
3131 E. Broadway Avenue	1975	182	ADA Ramp	6.0
1342 Georgia Street	1979	41		6.0
638 Cottonwood Loop	1989	83		4.5
1510 Clipper Place	1996	104		4.5
Burleigh Avenue & Calypso Drive trail crossing	2007	119	2 ADA Ramps	Variable 4.5-10
	Total =	**3566**		



Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

Horizon Heights

N



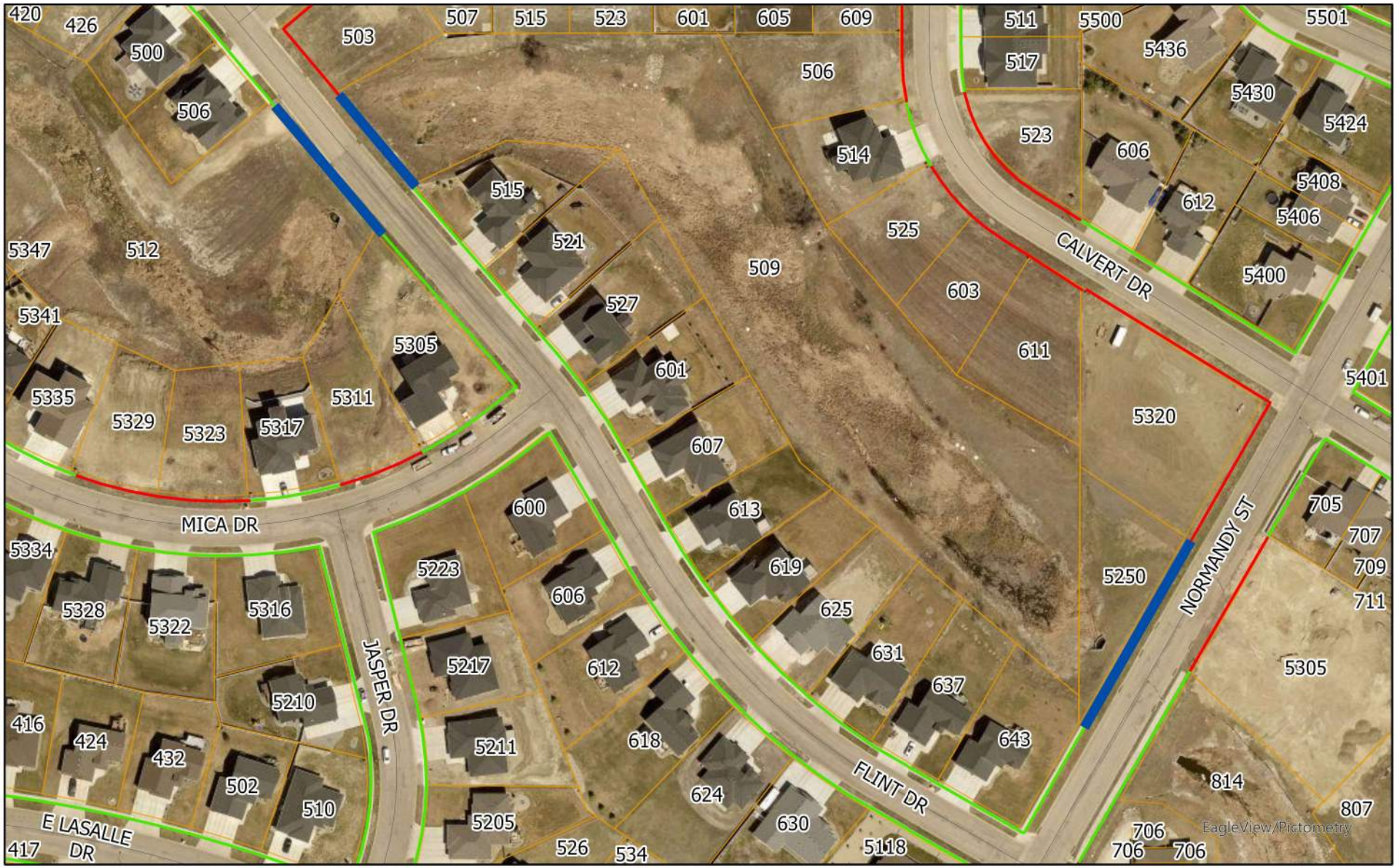
Property & Sidewalk Classification

EXISTING SIDEWALK

PROPOSED GAP CLOSURE

316 Versailles Avenue

N

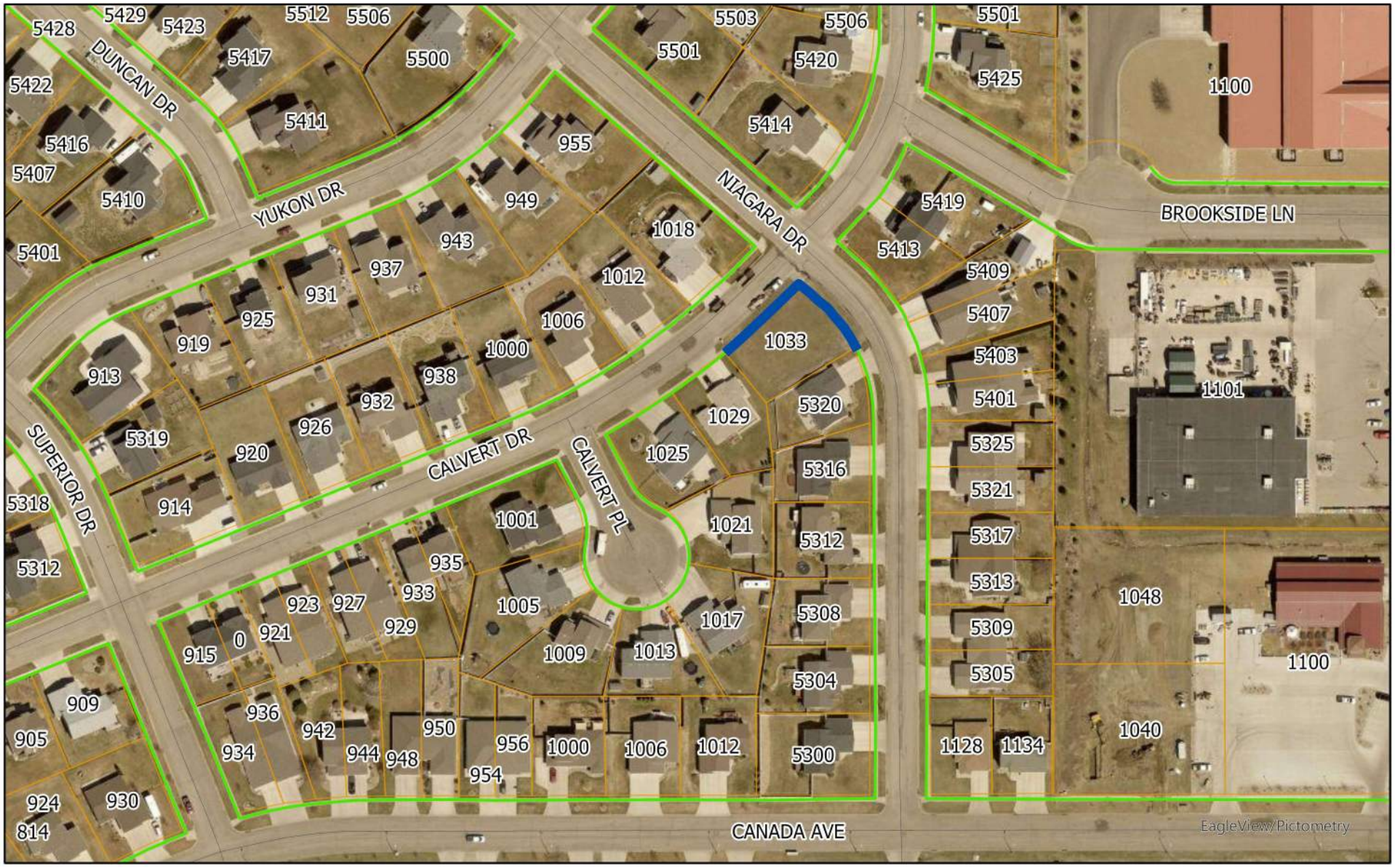


Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

Flint & Normandy

N

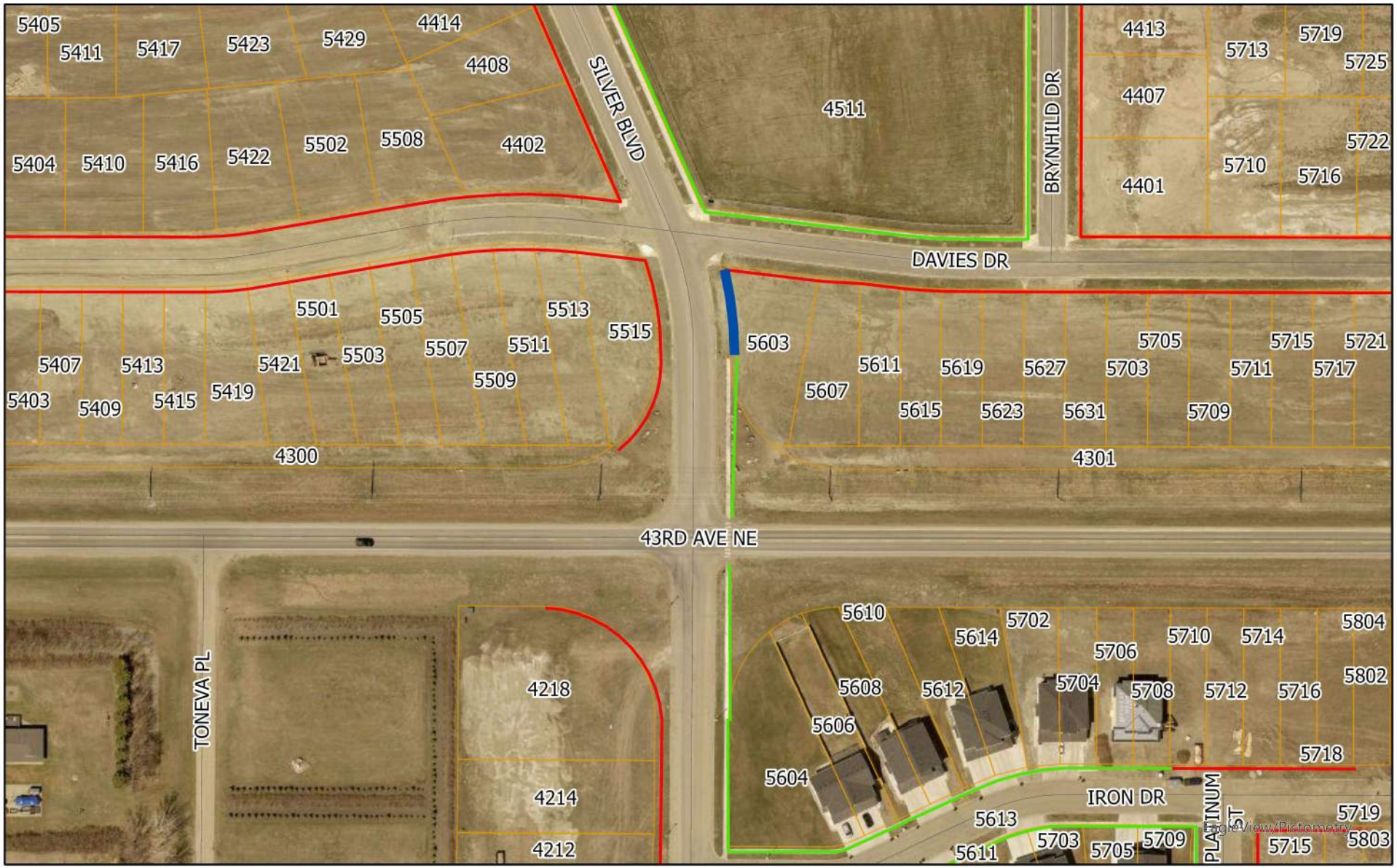


Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

1033 Calvert Drive

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

5603 Davies Drive

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

3254-3256 E. Capital Avenue

N



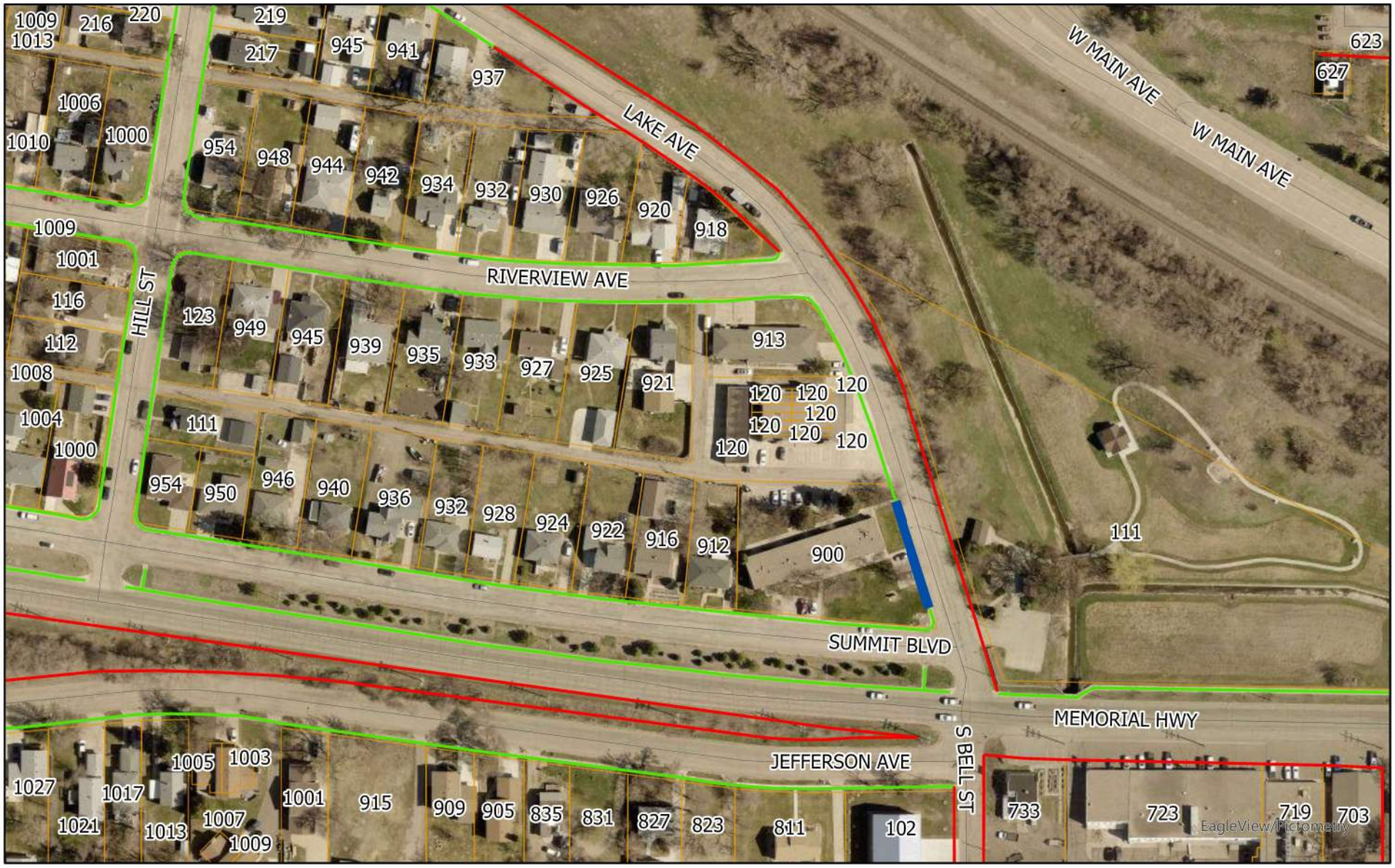
Property & Sidewalk Classification

EXISTING SIDEWALK

PROPOSED GAP CLOSURE

3016 Sleepy Hollow Loop

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

900 Summit Boulevard

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

W. Sweet & S. Mandan

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

S. 8th Street

N



Property & Sidewalk Classification

EXISTING SIDEWALK

PROPOSED GAP CLOSURE

1205 E. Front Avenue

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

S. 15th & 16th

N

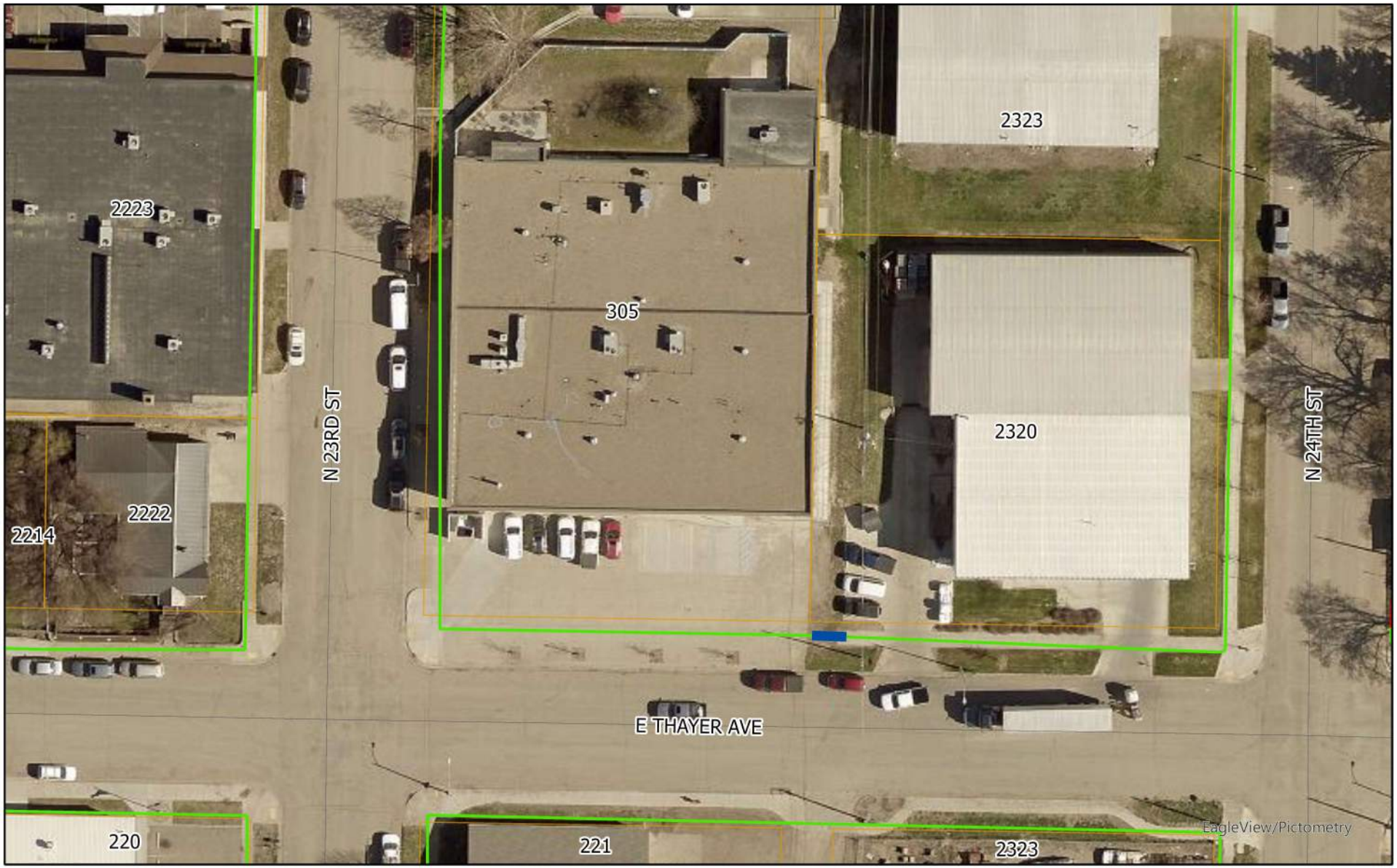


Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

E. Thayer & N. 24th

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

305 N. 23rd Street

N

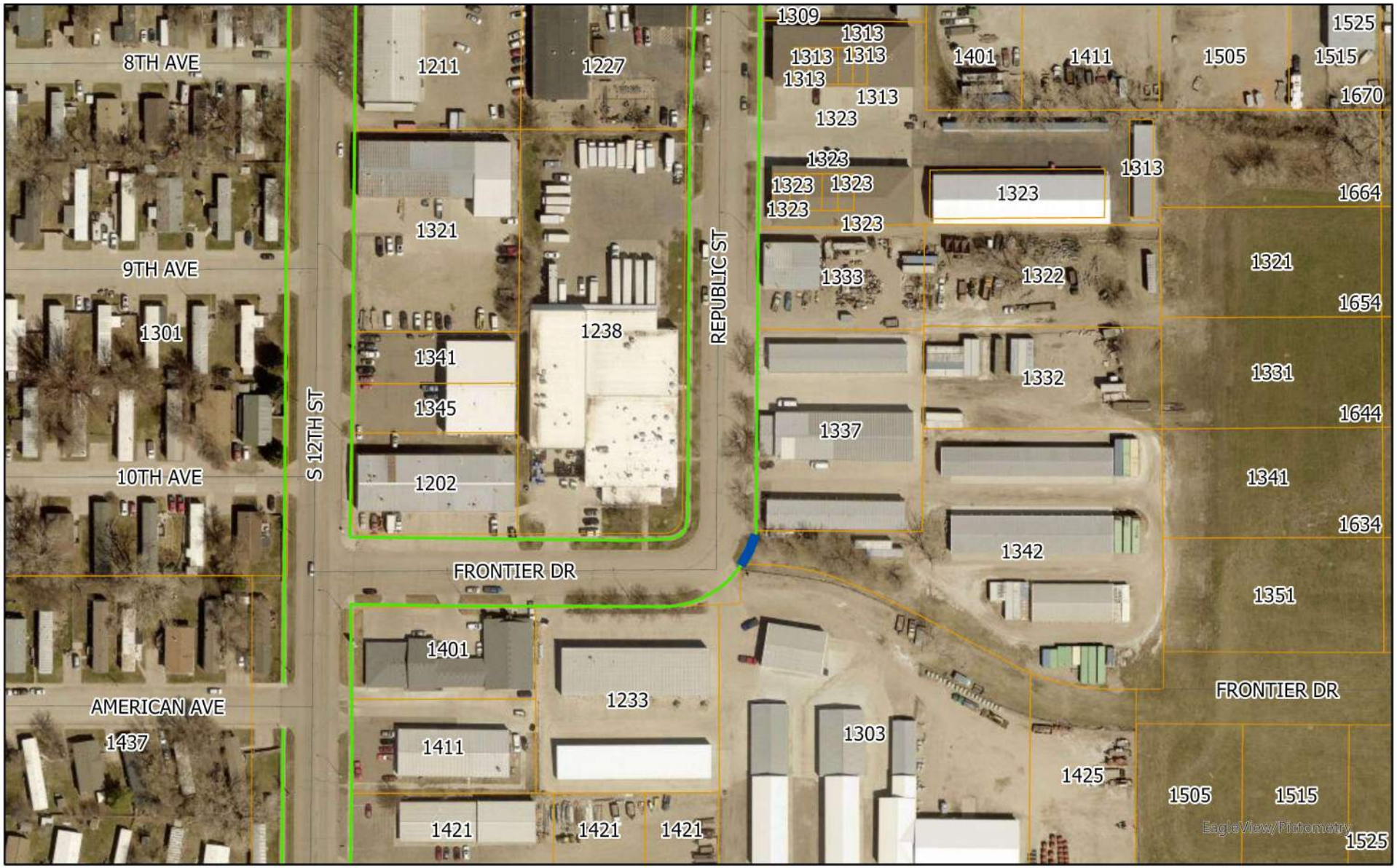


Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- PENDING GAP CLOSURE

E. Broadway & Eastdale

N



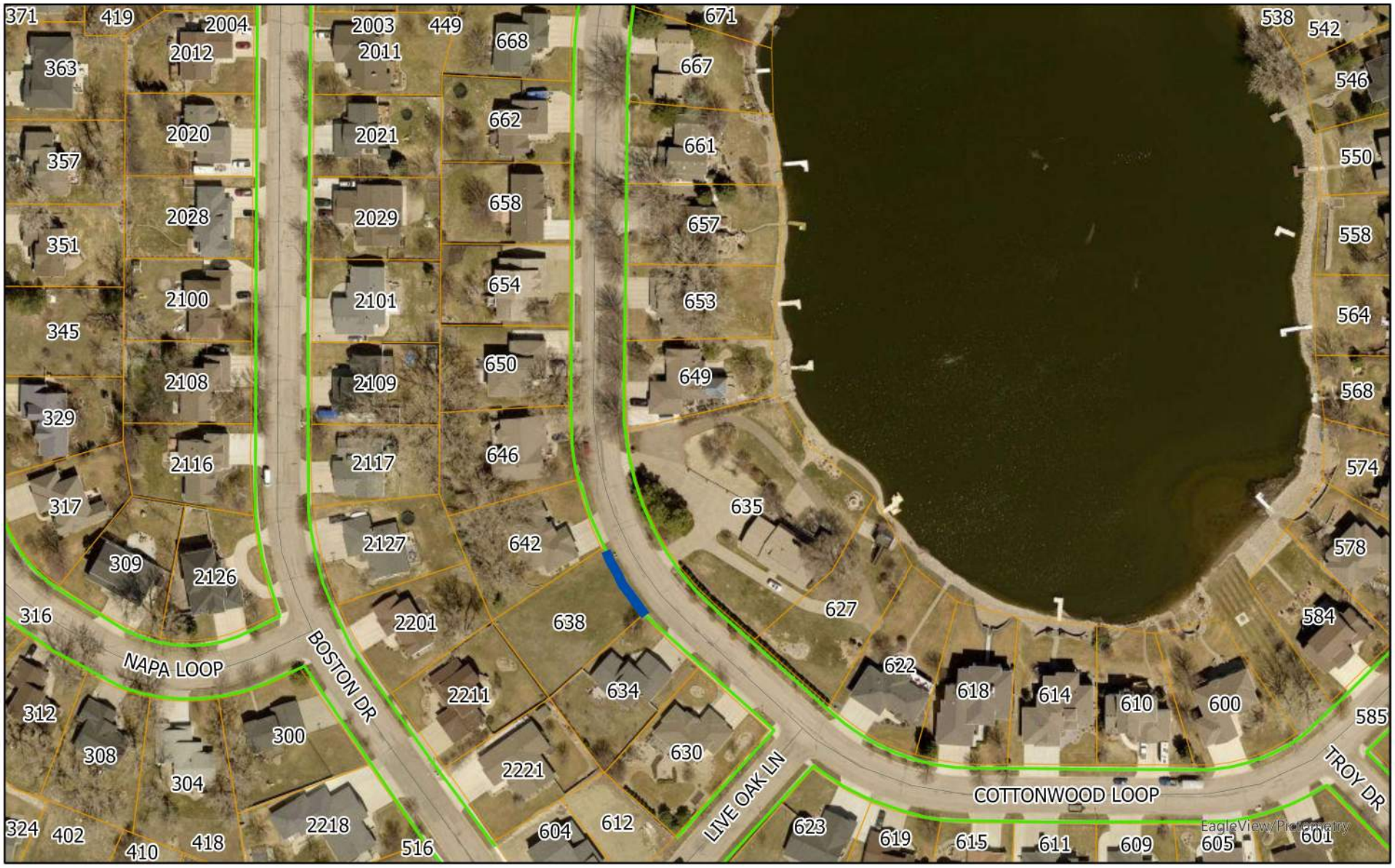
Property & Sidewalk Classification

EXISTING SIDEWALK

PROPOSED GAP CLOSURE

1342 Georgia Street

N



Property & Sidewalk Classification

EXISTING SIDEWALK

PROPOSED GAP CLOSURE

638 Cottonwood Loop

N

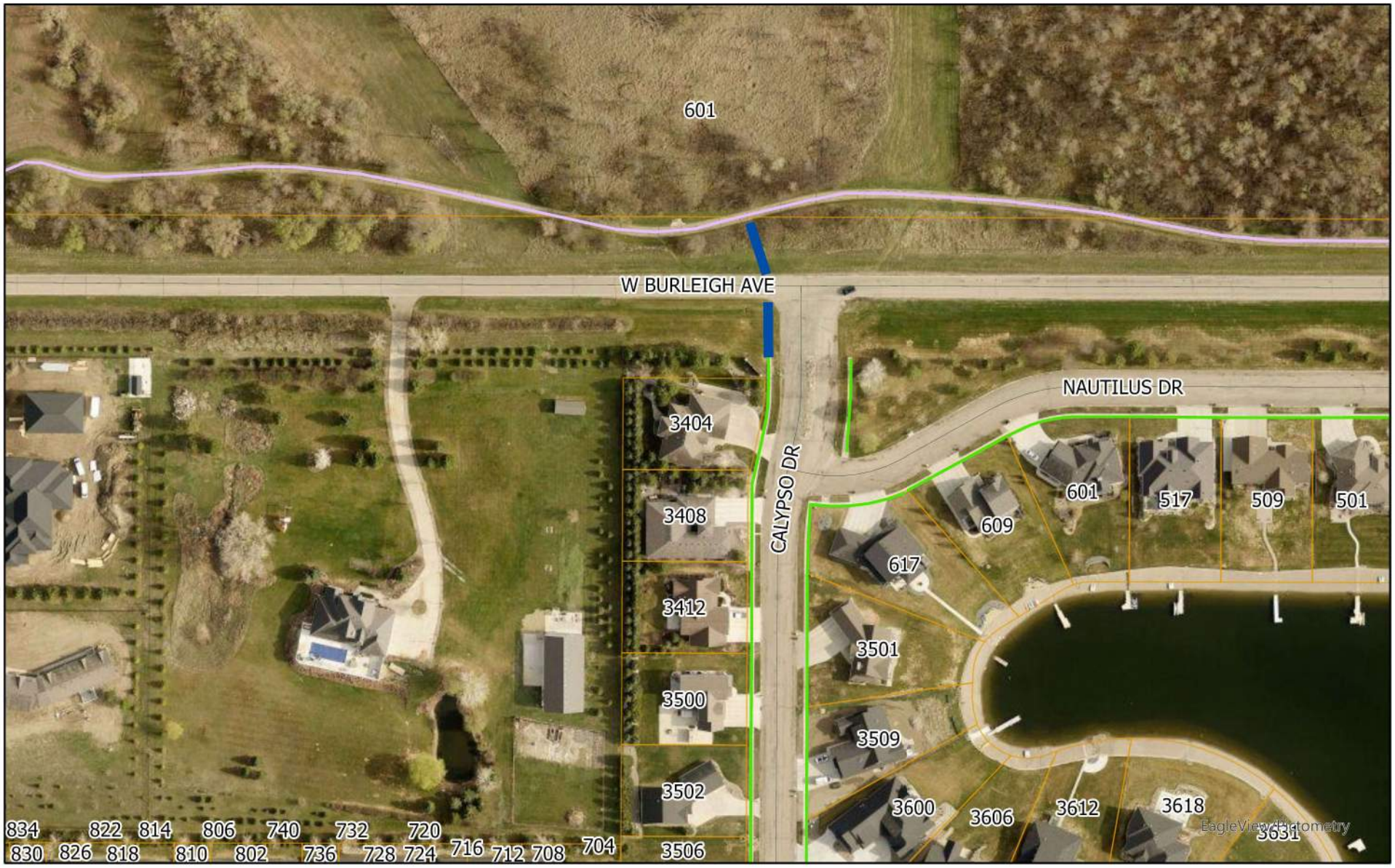


Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

1500 Clipper Place

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

W. Burleigh @ Calypso Trail Access

N

Address	Year Street First Constructed	Proposed Installation (LF)	Additional Work	Proposed Width
2911 Powder Ridge Drive	2012	88		4.5
3419 Chisholm Trail	2012	84		4.5
3816 Clairmont Road	2012	50		4.5
1106 Round Top Road	2011	105		4.5
1113 Round Top Road	2011	101		4.5
4200 High Creek Road	2011	89		4.5
4401 Normandy Street	2012	247		6.0
4500 Coleman Street	2007	568		6.0
3902 Nebraska Drive	2013	111		4.5
1100 W. Turnpike Avenue	1983	135		6.0
1110 W. Turnpike Avenue	1983	81		6.0
2123 Morrison Avenue	1981	381		6.0
	Total=	**2040**		



Property & Sidewalk Classification

EXISTING SIDEWALK

PROPOSED GAP CLOSURE

2911 Powder Ridge Drive

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

3419 Chisholm Trail

N

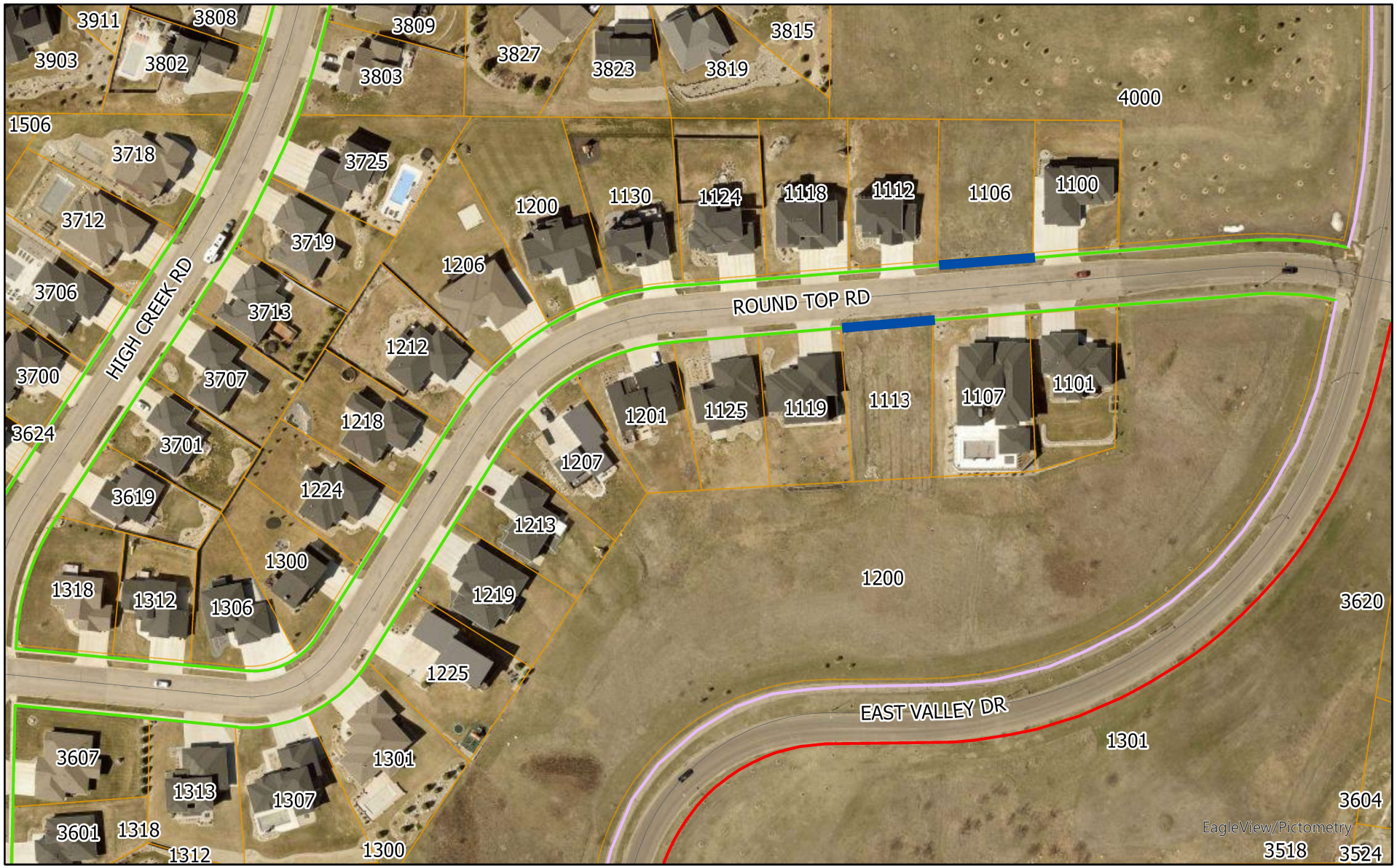


Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

3816 Clairmont Road

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

Round Top Road

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

4200 High Creek Road

N



Property & Sidewalk Classification

- EXISTING SIDEWALK
- PROPOSED GAP CLOSURE
- EXISTING TRAIL

Normandy & Coleman

N

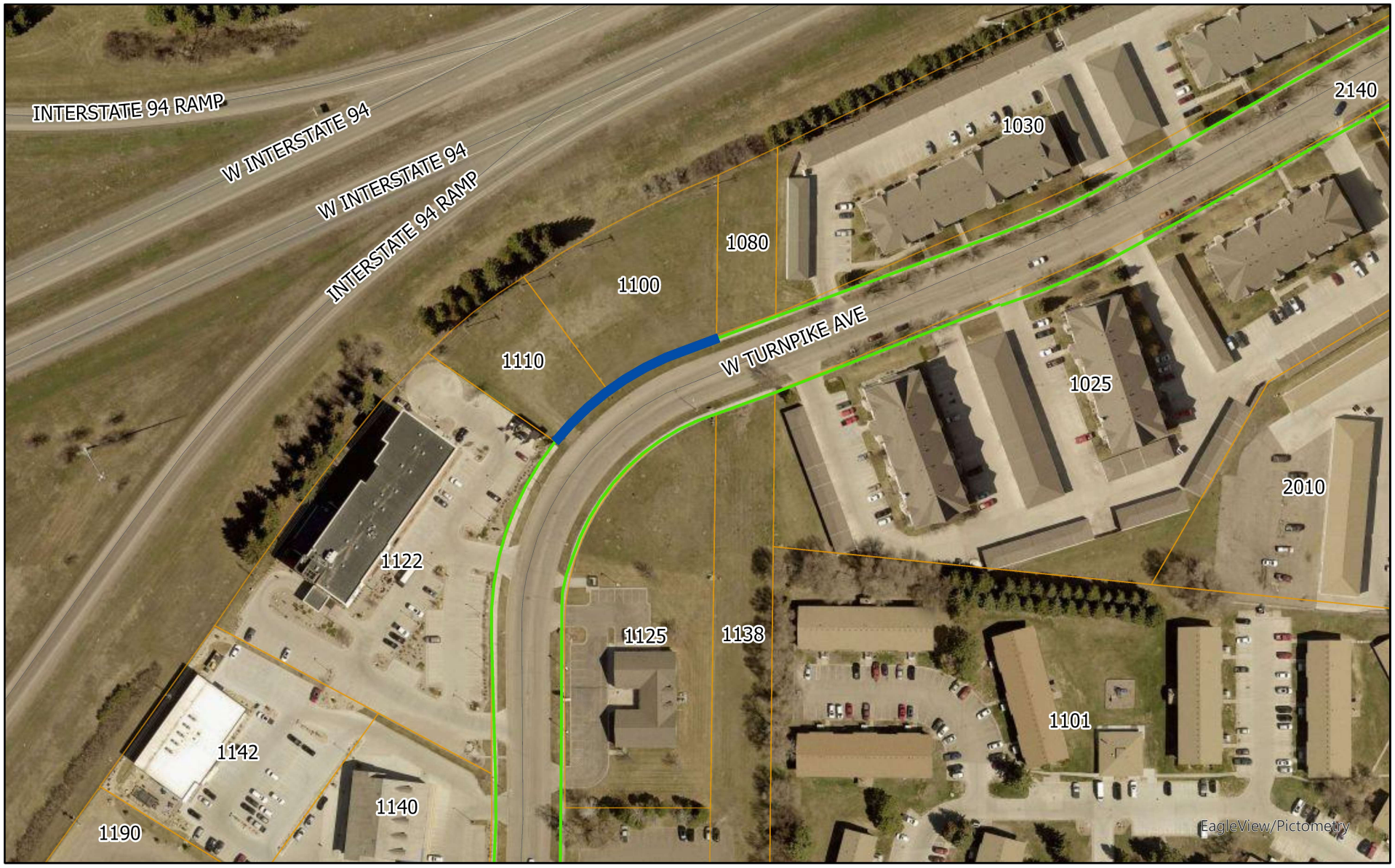


Property & Sidewalk Classification

- EXISTING SIDEWALK
- NON-EXISTING SIDEWALK
- PROPOSED GAP CLOSURE

3902 Nebraska Drive

N



Property & Sidewalk Classification

EXISTING SIDEWALK

PROPOSED GAP CLOSURE

1100-1110 W. Turnpike Avenue

N



Property & Sidewalk Classification

EXISTING SIDEWALK

PROPOSED GAP CLOSURE

2123 Morrison Avenue

N

Public Works Service Operations

DATE: March 26, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Public Works Roofing Project Bid Award

REQUEST:
Consider request to receive bids and award contract for Public Works Roofing Project.

BACKGROUND INFORMATION:
Sealed bids for City of Bismarck Public Works Roof Replacement were publicly opened and reviewed at 11:00 AM CT on Wednesday, March 13, 2024. Three (3) bids were received. However, only 2 bids were considered; Twin City Roofing and Tecta America.

Bid Tabulation
March 13, 2024
Project: **City of Bismarck**
Public Works Roof Replacement
Project #: **J22326**

Roofing Contractor	Acknowledged Addenda 1-4	Contractor's License	Bid Bond	Installer's Certificate	Base Bid Liquid Applied Roof	Completion Date	Alternate #1 Skylight Replacement	Alternate #2 Skylight Circulation	Alternate Bid #3 EPDM Replacement	Unit Price #1 Cover Board/SF	Unit Price #2 Insulation/BF
Aspen Contracting	No Bid Bond - Invalid Bid										
Twin City Roofing	Yes	Yes	Yes	Yes	N/A	9/30/2025	$898,900.00	$60,800.00	$1,368,490.00	$3.50/SF	$4.25/BF
Tecta America	Yes	Yes	Yes	Yes	$1,374,801.00	9/13/2024	$886,030.00	$23,117.00	$0.00	$0.00	$0.00

RECOMMENDED CITY COMMISSION ACTION:
Receive bids, select alternatives to include in the contract, and award contract for Public Works Roofing Project.

STAFF CONTACT INFORMATION:
Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov

ATTACHMENTS:
1. Bid Tab Public Works Roof Replacement
2. J22326 00 1113 - Advertisement for Bids (Public Works Re-Roof)
3. Addendum 1 COB Public Works Roof Replacement
4. Addendum 2 COB Public Works Roof Replacement
5. Addendum 3 COB Public Works Roof Replacement
6. Addendum 4 COB Public Works Roof Replacement

Bid Tabulation
March 13, 2024

Project: **City of Bismarck**
Public Works Roof Replacement
Project #: **J22326**

Roofing Contractor	Acknowledged Addenda 1-4	Contractor's License	Bid Bond	Installer's Certificate	Base Bid Liquid Applied Roof	Completion Date	Alternate #1 Skylight Replacement	Alternate #2 Skylight Circulation	Alternate Bid #3 EPDM Replacement	Unit Price #1 Cover Board/SF	Unit Price #2 Insulation/BF
Aspen Contracting	No Bid Bond - Invalid Bid										
Twin City Roofing	Yes	Yes	Yes	Yes	N/A	9/30/2025	$898,900.00	$60,800.00	$1,368,490.00	$3.50/SF	$4.25/BF
Tecta America	Yes	Yes	Yes	Yes	$1,374,801.00	9/13/2024	$886,030.00	$23,117.00	$0.00	$0.00	$0.00

ADVERTISEMENT FOR BIDS

Notice is hereby given that sealed bids for City of Bismarck Public Works Roof Replacement, Bismarck, North Dakota will be received by the Board of City Commissioners of the City of Bismarck in the office of the City Administrator until 10:00 AM CT on Wednesday, February 28, 2024. Bids will be publicly opened and reviewed at 11:00 AM CT on Wednesday, February 28, 2024.

The sealed bids may be mailed to the City Administrator (P.O. Box 5503, Bismarck, ND 58506-5503) or otherwise deposited with the City Administrator (221 N 5th Street, Bismarck, ND 58501) and shall be sealed and endorsed:

Bids for City of Bismarck Public Works Roof Replacement
Name of the person, firm or corporation submitting the bid.

All bids received after the scheduled time will be returned to the bidder unopened. Bids which do not comply with the Bond and Licensing provisions and any deficient bid submitted will be resealed and returned to the Bidder.

All bids shall be in accordance with the Contract Documents as prepared by J2 Studio Architecture Design, PC, 925 Basin Avenue, Suite 5, Bismarck, ND 58504. Bona fide Prime Contract Bidders may secure copies of the proposed Contract Documents by the following methods:

Printed Procurement and Contracting Documents: Obtain on February 6, 2024 by contacting Architect. Contractor shall be responsible for the cost of all reproduction for bid and construction documents.

Online Procurement and Contracting Documents: Obtain access on February 6, 2024 by contacting Architect. Online access will be provided to all registered bidders and suppliers.

Viewing Procurement and Contracting Documents: Copies of the plans and specifications are also on file and open for public inspection at:

Bismarck-Mandan Builders Exchange, Mandan, ND
Bismarck Builders Exchange, Bismarck, ND
Fargo-Moorhead Builders Exchange, Fargo, ND
Minnesota Builders Exchange, Minneapolis, MN
Builders Exchange of Billings, Billings, MT
Bozeman Plan Room, Bozeman, MT
Missoula Plans Exchange, Missoula, MT
Construction Industry Center, Rapid City, SD

In compliance with the laws of the state of North Dakota, each Contractor must be licensed for the highest amount of their bid as stated in Section 43-07-05 of the North Dakota Century Code.

All bids must be accompanied by a separate envelope containing the contractor's license and bid security complying with Section 48-01.2-05 of the North Dakota Century Code. This separate envelope shall be attached to the outside of the BID envelope. The bid security must be in a sum equal to five (5) percent of the full amount of the bid; including all add Alternates, and must be in the form of a bidder's bond. The copy of the license or Certificate of Renewal thereof issued by the Secretary of State must be enclosed in the required bid bond envelope complying with Section 43-07-12 of the North Dakota Century Code.

No bid may be read or considered if the bid does not fully comply with the requirements of Section 48-01.2-05 and that any deficient bid submitted must be resealed and returned to the bidder immediately.

The Owner reserves the right to reject any and all bids and rebid the project until a satisfactory bid is received in accordance with 48-01.2-07. The Owner further reserves the right to hold all bids for a period of SIXT (60) DA S AFTER THE DATE OF THE OPENING. The Owner reserves the right to reject any and all bids or portions thereof and to waive irregularities, and the Owner shall incur no legal liability for the payment of any monies until the contract is awarded and approved by the proper authorities.

The successful Bidder will be required to furnish a Performance-Payment Bond.

Dated this 6th Day of February 2024.

Bruce Schirado, Building Maintenance Manager
City of Bismarck
Public Works Service Operations
601 South 26th Street, P.O. Box 5503
Bismarck, ND 58506-5503

Published February 6, 13 and 20, 2024.

END OF SECTION

Addendum

Date: February 23, 2024

Project: City of Bismarck
Public Works Roof Replacement
Bismarck, ND

J2 Studio #: J22326

RE: Addendum #1

From: J2 Studio Architecture + Design
925 Basin Avenue Suite #5
Bismarck, ND 58504
Phone: (701) 255-1622
Fax: (701) 223-8927

To: All Planholders on record

No. of Pages: 3 (1 - 8½ x 11 Addendum body, 1 – 8 ½ x 11 Planholders List)

General

1. **The bid date and time is revised as follows:**
    a. Bids will be received by the Board of City Commissioners at the City of Bismarck in the office of the City Administrator until **10:00am CT on Wednesday, March 13, 2024.**
        i. Bids may be mailed to **P.O. Box 5503, Bismarck, ND 58506-5503** or delivered to **221 N. 5th Street, Bismarck, ND 58501** and shall be sealed and endorses as per the advertisement for bids.
    b. **Bids will be opened publicly at 11:00am CT on Wednesday, March 13, 2024. Bid opening location is to be determined.**
        i. The bid opening may be attended virtually. Contact Gale Nicholson: gnicholson@bismarcknd.gov for access.
    c. Bid Submission; Bids shall follow standard bid submission and include:
        i. Bid shall be sealed and endorsed:
            1. Bids for City of Bismarck Public Works Roof Replacement
            2. Name of person, firm or corporation submitting the bid.
        ii. Bidders shall include the bid bond and their license in a separate envelope attached to the outside of the bid envelope.

iii. In the bid envelope, bidders shall include (2) copies of their bid, and (2) copies of installer's certification for the intended roofing system.
iv. Refer to the specifications for complete bid requirements.

2. **Note: An alternate bid option for standard EPDM replacement will be added in a forthcoming addendum. More information will follow.**

Specifications

Section 00 2113 Instructions to Bidders

1. Subparagraph 2.01.A.1; revise to read:
    a. 1. Bids for City of Bismarck Public Works Roof Replacement

Section 08 4500 Translucent Wall and Roof Assemblies

2. Subparagraph 2.02.A; revise to read:
    a. A. Deflection: Limit rafter deflection to L/60 with full recovery of glazing materials.
3. Subparagraph 2.02.B; revise to read;
    a. B. Thermal Resistance of Panel System: R of 5.8 minimum (U-factor of .17).

Drawings

All Drawing Sheets

1. General Clarification: Existing rooftop equipment that is to remain shall only be removed and reconnected as required for roof installation. Roofing contractor shall be responsible for determining if removal and reconnection is required and coordinate with mechanical or electrical contractor.

Approved Equals

Specification Section	Manufacturer	Model/Type
07 5600 Fluid-Applied Roofing	Garland Company	LiquiTec
	Sika	Sikalastic 641 LVOC – Applied as Partially Reinforced System

End of Addendum #1

925 Basin Avenue, Suite #5
Bismarck, ND 58504
Ph: (701) 255-1622 Fax: (701) 223-8927

Planholders List - J22321

City of Bismarck
Public Works Roof Replacement
Bismarck, North Dakota

Set	Planholder	Mailing Address	City	State	Zip	Phone #	Fax #	Contact Name
1	City of Bismarck	601 S. 26th Street	Bismarck	ND	58504	(701) 355-1743	-	Bruce Schirado
E	J2 Studio Architecture + Design	925 Basin Avenue, Suite 5	Bismarck	ND	58504	(701) 255-1622	(701) 223-8927	James Devine/Carrie Meyer
E	Prairie Engineering	619 Riverwood Drive	Bismarck	ND	58504	(701) 258-3493	-	Blake Wagner
E	Apex Engineering	600 North Second Street, Suite 145	Bismarck	ND	58504	(701) 323-3950	-	John Klein
E	Wegner Roofing	537 Airport Road	Bismarck	ND	58504	(701) 561-0777	-	Matt Arps
E	Tecta America	213 Riverwood Ave SE	Mandan	ND	58554	(701) 541-3801	-	Dave Rinas
E	Pinnacle Construction, Inc.	4020 Somerset Circle	Casper	WY	82609	(307) 200-9685	-	Jordon McDonald
E	Fargo-Moorhead Builders Exchange	1010 Page Dr	Fargo	ND	58103	(701) 237-6772	(701) 232-1653	Calisa Nickelson
E	Minnesota Builders Exchange	1123 Glenwood Avenue	Minneapolis	MN	58405	(612) 381-2620	(612) 381-2621	Jeff Boelter
E	Bismarck-Mandan Builders Exchange	805 Adobe Trail SE	Mandan	ND	58554	(701) 667-4322	(701) 667-5217	Julie Monzelowsky
E	Construction Industry Center	2771 Plant St	Rapid City	SD	57702	(605) 343-5252	(605) 343-4591	Kasi Kuiper
E	Builders Exchange of Billings	2050 Broadwater Ave, Suite A	Billings	MT	59102	(406) 652-1311	(406) 652-1391	Luke Hudson
E	Bismarck Builders Exchange	215 Airport Rd	Bismarck	ND	58504	(701) 258-4215	(701) 258-1391	Sandy Kerzman
E	Bozeman Planroom	1105 Reeves Rd W, Suite 800	Bozeman	MT	59718	(406) 586-7653	(406) 586-4062	Stan Wagner
E	Missoula Builders Exchange	201 N Russell St	Missoula	MT	59801	(406) 549-5502	(406) 721-2941	Twyla Brooks
E	ConstructConnect	-	-	-	-	(323) 602-5079	-	Maria Delfino
E	Dodge Construction Network	2860 S. State Highway 161 Ste 160 #501	Grand Prairie	TX	75052-7361	(844) 326-3826	-	Brandi Flanagan
E	SpecPro Inc.	8834 Washington Circle	Omaha	NE	68127	(402) 597-8870	-	Brandon Beery
E	Tremco Roofing	3735 Green Road	Beachwood	Ohio	44122	(989) 560-8969	-	Nick Hixson

Printed Copies = $2.10/sheet for drawings and $.12/page for specifications

Addendum

Date: March 5, 2024

Project: City of Bismarck
Public Works Roof Replacement
Bismarck, ND

J2 Studio #: J22326

RE: Addendum #2

From: J2 Studio Architecture + Design
925 Basin Avenue Suite #5
Bismarck, ND 58504
Phone: (701) 255-1622
Fax: (701) 223-8927

To: All Planholders on record

No. of Pages: 16 (2 - 8½ x 11 Addendum body, 8 – 8 ½ x 11 Specifications, 5 – 30x42 Drawings, 1 – 8 ½ x 11 Planholders List)

General

1. **The bid date and time is as follows:**
    a. Bids will be received by the Board of City Commissioners at the City of Bismarck in the office of the City Administrator until **10:00am CT on Wednesday, March 13, 2024.**
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    c. Bid Submission; Bids shall follow standard bid submission and include:
        i. Bid shall be sealed and endorsed:
            1. Bids for City of Bismarck Public Works Roof Replacement
            2. Name of person, firm or corporation submitting the bid.
        ii. Bidders shall include the bid bond and their license in a separate envelope attached to the outside of the bid envelope.

iii. In the bid envelope, bidders shall include (2) copies of their bid, and (2) copies of installer's certification for the intended roofing system.
iv. Refer to the specifications for complete bid requirements.

Specifications

Section 00 4323 Alternates Form

1. Replace this section in this entirety.
    a. This section now includes a line item for Alternate Bid #3, a standard EPDM roof replacement as well as line items for unit prices of cover board and insulation.

Section 01 2200 Unit Prices

1. Add this section in its entirety.
    a. This section includes clarifications on the unit prices as required for the Alternate Bid #3 roof replacement.

Section 01 2300 Alternates

1. Replace this section in its entirety.
    a. This section has been updated to include Alternate Bid #3, a standard EPDM roof replacement.

Section 07 5300 Elastomeric Membrane Roofing

1. Add this section in its entirety.
    a. This section includes information on the EPDM roof replacement for Alternate Bid #3.

Drawings

A101 Partial Roof Plan – Area A and Detail

1. Specific Roof Plan Notes; revise the color of the Tremco system to 'White'.

A107-A111 Partial Roof Plans – Areas A-D & Roof Details

1. Add new sheets A107-A111 in their entirety. These sheets provide roof details for Alternate Bid #3, which is the fully adhered EPDM roof replacement option for the roof.

Approved Equals

Specification Section	Manufacturer	Model/Type
07 5600 Fluid-Applied Roofing	Aldo Coatings	Aldocoat Polyurethane Roof System
	Gaco Coatings	GacoFlex U91 Urethane

End of Addendum #2

925 Basin Avenue, Suite #5
Bismarck, ND 58504
Ph: (701) 255-1622 Fax: (701) 223-8927

SECTION 00 4323
ALTERNATES FORM

PARTICULARS

1.01 THE FOLLOWING IS THE LIST OF ALTERNATES REFERENCED IN THE BID SUBMITTED BY

1.02 (BIDDER) □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□

1.03 TO (OWNER) BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK

1.04 DATED □□□□□□□□□□□□□□□□ **AND WHICH IS AN INTEGRAL PART OF THE BID FORM.**

ALTERNATES LIST

2.01 THE FOLLOWING AMOUNTS SHALL BE ADDED TO OR DEDUCTED FROM THE BID AMOUNT. REFER TO SECTION 01 2300 - ALTERNATES.

ALTERNATE 1 ADD □□□□□□□□□□□□□□□□□□□□□□□□□□

A. Scope of Work: Replacement of skylights.

ALTERNATE 2 ADD □□□□□□□□□□□□□□□□□□□□□□□□□□

B. Scope of Work: Installation of circulation at skylight areas.

ALTERNATE 3 ADD (DEDUCT) □□□□□□□□□□□□□□□□□□□□□□□□□□

C. Scope of Work: Standard removal and reinstallation of EPDM roof replacement in lieu of fluid-applied system.
   1. Unit Price #1: Remove and replace damaged cover board: Price per SF -
   2. Unit Price #2: Remove and replace damaged insulation: Price per BF -

END OF SECTION

SECTION 01 2200
UNIT PRICES

PART 1 GENERAL

1.01 SECTION INCLUDES

A. List of unit prices, for use in preparing Bids.

B. Measurement and payment criteria applicable to Work performed under a unit price payment method.

1.02 COSTS INCLUDED

A. Unit Prices included on the Bid Form shall include full compensation for all required labor, products, tools, equipment, plant, transportation, services and incidentals; erection, application or installation of an item of the Work; overhead and profit.

1.03 UNIT QUANTITIES SPECIFIED

A. Quantities indicated in the Bid Form are for bidding and contract purposes only. Quantities and measurements of actual Work will determine the payment amount.

1.04 MEASUREMENT OF QUANTITIES

A. Measurement methods delineated in the individual specification sections complement the criteria of this section. In the event of conflict, the requirements of the individual specification section govern.

B. Take all measurements and compute quantities. Measurements and quantities will be verified by Architect.

C. Assist by providing necessary equipment, workers, and survey personnel as required.

D. Measurement by Area: Measured by square dimension using mean length and width or radius.

E. Linear Measurement: Measured by linear dimension, at the item centerline or mean chord.

1.05 PAYMENT

A. Payment for Work governed by unit prices will be made on the basis of the actual measurements and quantities of Work that is incorporated in or made necessary by the Work and accepted by the Architect, multiplied by the unit price.

B. Payment will not be made for any of the following:
   1. Products determined as unacceptable before or after placement.
   2. Products remaining on hand after completion of the Work.
   3. Loading, hauling, and disposing of rejected Products.

1.06 SCHEDULE OF UNIT PRICES

A. Item #1: Remove and replace damaged cover board; Section 07 5300.

B. Item #2: Remove and replace damaged insulation; Section 07 5300.

PART 2 PRODUCTS - NOT USED

PART 3 EXECUTION - NOT USED

END OF SECTION

SECTION 01 2300
ALTERNATES

PART 1 GENERAL

1.01 SECTION INCLUDES

A. Description of Alternates.

B. Procedures for pricing Alternates.

1.02 RELATED REQUIREMENTS

A. Document 00 2113 - Instructions to Bidders: Instructions for preparation of pricing for Alternates.

B. Document 00 4323 - Alternates Form: List of Alternates as supplement to Bid Form.

1.03 ACCEPTANCE OF ALTERNATES

A. Alternates quoted on Bid Forms will be reviewed and accepted or rejected at Owner's option. Accepted Alternates will be identified in the Owner-Contractor Agreement.

B. Coordinate related work and modify surrounding work to integrate the Work of each Alternate.

1.04 SCHEDULE OF ALTERNATES

A. Alternate No. 1 - Replacement of skylights:
   1. Base Bid Item: Existing skylights shall remain; remove and reinstall as required for roof system installation.
   2. Alternate Item: Replace all 11 skylights at roof of Public Works building in their entirety.

B. Alternate No. 2 - Installation of circulation system at skylight:
   1. Base Bid Item: No work shall be done on the existing skylights for circulation.
   2. Alternate Item: Installation system to increase circulation at the skylights; refer to mechanical for full scope of work.

C. Alternate No. 3 - Standard removal and reinstallation of existing EPDM roof with new EPDM roof system:
   1. Base Bid Item: Liquid applied system shall be installed over existing EPDM system.
   2. Alternate Item: Remove existing EPDM fully adhered membrane roof and reinstall new. Replace damaged cover board or insulation where required.

PART 2 PRODUCTS - NOT USED

PART 3 EXECUTION - NOT USED

END OF SECTION

SECTION 07 5300
ELASTOMERIC MEMBRANE ROOFING

PART 1 GENERAL

1.01 SECTION INCLUDES

A. Elastomeric roofing membrane, adhered conventional application.

B. Insulation, flat and tapered.

C. Vapor retarder.

D. Cover boards.

E. Roofing cant strips, cant strips, stack boots, stack boots, roofing expansion joints, roofing expansion joints, walkway pads, and walkway pads.

1.02 RELATED REQUIREMENTS

1.03 REFERENCE STANDARDS

A. ASTM C1177/C1177M - Standard Specification for Glass Mat Gypsum Substrate for Use as Sheathing; 2017.

B. ASTM D4637/D4637M - Standard Specification for EPDM Sheet Used in Single-Ply Roof Membrane; 2015, with Editorial Revision (2022).

C. FM DS 1-28 - Wind Design; 2015, with Editorial Revision (2022).

D. NRCA (WM) - The NRCA Waterproofing Manual; 2021.

1.04 SUBMITTALS

A. See Section 01 3000 - Administrative Requirements for submittal procedures.

B. Product Data: Provide data indicating membrane materials, flashing materials, insulation, vapor retarder, surfacing, and fasteners.

C. Shop Drawings: Indicate joint or termination detail conditions and conditions of interface with other materials.

D. Manufacturer's Certificate: Certify that products meet or exceed specified requirements.

E. Warranty: Submit manufacturer warranty and ensure forms have been completed in Owner's name and registered with manufacturer.

1.05 QUALITY ASSURANCE

A. Manufacturer Qualifications: Company specializing in manufacturing the products specified in this section with minimum three years of documented experience.

B. Installer Qualifications: Company specializing in performing the work of this section with minimum three years documented experience.

1.06 DELIVERY, STORAGE, AND HANDLING

A. Deliver materials in manufacturer's original containers, dry and undamaged, with seals and labels intact.

B. Store materials in weather protected environment, clear of ground and moisture.

C. Ensure storage and staging of materials does not exceed static and dynamic load-bearing capacities of roof decking.

1.07 FIELD CONDITIONS

A. Do not apply roofing membrane during unsuitable weather.

B. Do not apply roofing membrane when ambient temperature is below 40 degrees F or above 100 degrees F.

C. Do not apply roofing membrane to damp or frozen deck surface or when precipitation is expected or occurring.

D. Do not expose materials vulnerable to water or sun damage in quantities greater than can be weatherproofed the same day.

E. Schedule applications so that no partially completed sections of roof are left exposed at end of workday.

1.08 WARRANTY

A. See Section 01 7800 - Closeout Submittals for additional warranty requirements.

B. Correct defective work within a two year period after Date of Substantial Completion.

C. Provide 10 year manufacturer's material and labor warranty to cover failure to prevent penetration of water.

PART 2 PRODUCTS

2.01 MANUFACTURERS

A. EPDM Membrane Materials:
   1. Carlisle SynTec Systems; Sure-Tough EPDM: www.carlisle-syntec.com/#sle.
   2. Elevate (formerly Firestone Building Products): www.holcimelevate.com/#sle.
   3. GenFlex Roofing Systems, LLC: www.genflex.com.
   4. Johns Manville: www.jm.com/#sle.
   5. Versico Roofing Systems: www.versico.com/#sle.
   6. Substitutions: See Section 01 6000 - Product Requirements.

B. Insulation:
   1. Atlas Roofing Corporation: www.atlasroofing.com.
   2. GAF: www.gaf.com/#sle.
   3. Dow Chemical Co: www.dow.com.
   4. Owens Corning Corporation: www.owenscorning.com.
   5. Versico Roofing Systems; SecurShield Insulation: www.versico.com/#sle.
   6. Substitutions: See Section 01 6000 - Product Requirements.

2.02 ROOFING - UNBALLASTED APPLICATIONS

A. Elastomeric Membrane Roofing: One ply membrane, fully adhered, over cover board and existing insulation.

B. Roofing Assembly Requirements:
   1. Factory Mutual Classification: Class 1 and windstorm resistance of 1-75, in accordance with FM DS 1-28.

C. Acceptable Insulation Types (at repaired areas) - Constant Thickness Application: Any of the types specified.

D. Acceptable Insulation Types (at repaired areas) - Tapered Application: Any type that meets requirements and is approved by membrane manufacturer for application.

2.03 ROOFING MEMBRANE AND ASSOCIATED MATERIALS

A. Membrane: Ethylene-propylene-diene-terpolymer (EPDM); non-reinforced; complying with minimum properties of ASTM D4637.
   1. Thickness: 0.060 inch (60 mil).
   2. Color: Black.

B. Seaming Materials: As recommended by membrane manufacturer.
   1. Fire-retardant adhesive.

C. Flexible Flashing Material: Same material as membrane.
   1. Thickness: 60 mil.
   2. Tensile Strength: 1,200 psi.
   3. Elasticity: 50 percent with full recovery without set.
   4. Color: Black.

2.04 COVER BOARDS

A. Cover Boards: Glass-mat faced gypsum panels complying with ASTM C1177/C1177M, fire resistant type.
   1. Thickness: to match existing; believed to be 1/2" thickness, Type X, fire-resistant.
   2. Products:
      a. Georgia-Pacific; DensDeck Prime Roof Board with EONIC Technology: www.densdeck.com/#sle.
      b. Carlisle Syntec SecurShield HD; carlislesyntec.com
      c. USG Corporation: www.usg.com/#sle..
      d. Substitutions: See Section 01 6000 - Product Requirements.

2.05 INSULATION (REPAIRED AREAS ONLY)

A. Polyisocyanurate Board Insulation (for insulation at damaged areas only - refer to Unit Prices): Rigid cellular foam, complying with ASTM C1289, Type II, Class 1, cellulose felt or glass fiber mat both faces; Grade 1 and with the following characteristics:
   1. Products:
      a. Carlisle Roofing Systems, Inc, InsulBase Bevel: www.carlisle-syntec.com/#sle.
      b. Atlas Roofing Corporation: www.atlasroofing.com.
      c. Dow Chemical Company: www.dow.com/#sle.
      d. GAF: www.gaf.com/#sle.
      e. Versico Roofing Systems; SecurShield Insulation: www.versico.com/#sle.
      f. Substitutions: See Section01 6000-Product Requirements.

2.06 ACCESSORIES

A. Roofing Expansion Joint Flashing: Sheet butyl.

B. Stack Boots: Prefabricated flexible boot and collar for pipe stacks through membrane; same material as membrane.

C. Cant and Edge Strips: Wood fiberboard, compatible with roofing materials ; cants formed to 45 degree angle.

D. Sheathing Adhesive: Noncombustible type, for adhering gypsum sheathing to metal deck.

E. Sheathing Joint Tape: Paper type, 2 inch wide (or manufacturer's standard width), self adhering.

F. Insulation Joint Tape: Glass fiber reinforced type as recommended by insulation manufacturer, compatible with roofing materials; 6 inches wide; self adhering.

G. Insulation Fasteners: Appropriate for purpose intendedand approved by roofing manufacturer.
   1. Length as required for thickness of insulation material and penetration of deck substrate, with metal washers.

H. Membrane Adhesive: As recommended by membrane manufacturer.

I. Surface Conditioner for Adhesives: Compatible with membrane and adhesives.

J. Thinners and Cleaners: As recommended by adhesive manufacturer, compatible with membrane.

K. Insulation Adhesive: As recommended by insulation manufacturer.

L. Roofing Nails: Galvanized, hot-dipped type, size and configuration as required to suit application.

M. Strip Reglet Devices: Galvanized steel, maximum possible lengths per location, with attachment flanges.

N. Insulation Perimeter Restraint: Stainless steel edge device configured to restrain insulation boards in position and provide top flashing over ballast.

O. Sealants: As recommended by membrane manufacturer.

P. Walkway Pads: Suitable for maintenance traffic, contrasting color or otherwise visually distinctive from roof membrane.
   1. Composition: Asphaltic with mineral granule surface or Roofing membrane manufacturer's standard.
   2. Size: 30 by 30 inches.
   3. Surface Color: Black.

PART 3 EXECUTION

3.01 EXAMINATION

A. Verify that surfaces and site conditions are ready to receive work.

B. Verify deck is supported and secure.

C. Verify deck is clean and smooth, flat, free of depressions, waves, or projections, properly sloped and suitable for installation of roof system.

D. Verify deck surfaces are dry and free of snow or ice.

E. Verify that roof openings, curbs, and penetrations through roof are solidly set, and cant strips are in place.

3.02 PREPARATION - METAL DECK

A. Install deck sheathing on metal deck (at repaired areas as required):
   1. Lay with long side at right angle to flutes; stagger end joints; provide support at ends.
   2. Cut sheathing cleanly and accurately at roof breaks and protrusions to provide smooth surface.
   3. Tape joints.

B. Mechanically fasten sheathing to roof deck, in accordance with Factory Mutual recommendations and roofing manufacturer's instructions.
   1. Over entire roof area, fasten sheathing using six fasteners with washers per sheathing board.

3.03 VAPOR RETARDER AND INSULATION - UNDER MEMBRANE (REPAIRED AREAS ONLY)

A. Install vapor retarder to deck surface with adhesive in accordance with manufacturer's instructions.
   1. Extend vapor retarder under cant strips and blocking to deck edge.
   2. Install flexible flashing from vapor retarder to air seal material of wall construction, lap and seal to provide continuity of the air barrier plane.

B. Ensure vapor retarder is clean and dry, continuous, and ready for application of insulation.

C. Attachment of Insulation:
   1. Mechanically fasten insulation to deck in accordance with roofing manufacturer's instructions.

D. Cover Boards: Mechanically fasten cover boards in accordance with roofing manufacturer's instructions.

E. Lay subsequent layers of insulation with joints staggered minimum 6 inches from joints of preceding layer.

F. Place tapered insulation to the required slope pattern in accordance with manufacturer's instructions.

G. On metal deck, place boards parallel to flutes with insulation board edges bearing on deck flutes.

H. Lay boards with edges in moderate contact without forcing. Cut insulation to fit neatly to perimeter blocking and around penetrations through roof.

I. Tape joints of insulation in accordance with roofing and insulation manufacturers' instructions.

J. Do not apply more insulation than can be covered with membrane in same day.

3.04 INSTALLATION - MEMBRANE

A. Install elastomeric membrane roofing system in accordance with manufacturer's recommendations and NRCA (WM) applicable requirements.

B. Roll out membrane, free from wrinkles or tears. Place sheet into place without stretching.

C. Shingle joints on sloped substrate in direction of drainage.

D. Overlap edges and ends and seal seams by contact adhesive, minimum 3 inches. Seal permanently waterproof. Apply uniform bead of sealant to joint edge.

E. At intersections with vertical surfaces:
   1. Extend membrane over cant strips and up a minimum of 4 inches onto vertical surfaces.
   2. Fully adhere flexible flashing over membrane and up to nailing strips.

F. Around roof penetrations, seal flanges and flashings with flexible flashing.

G. Install roofing expansion joints where indicated. Make joints watertight.

H. Coordinate installation of roof drains and sumps and related flashings.

3.05 CLEANING

A. See Section 01 7000 - Execution and Closeout Requirements for additional requirements.

B. Remove bituminous markings from finished surfaces.

C. In areas where finished surfaces are soiled by work of this section, consult manufacturer of surfaces for cleaning advice and comply with their documented instructions.

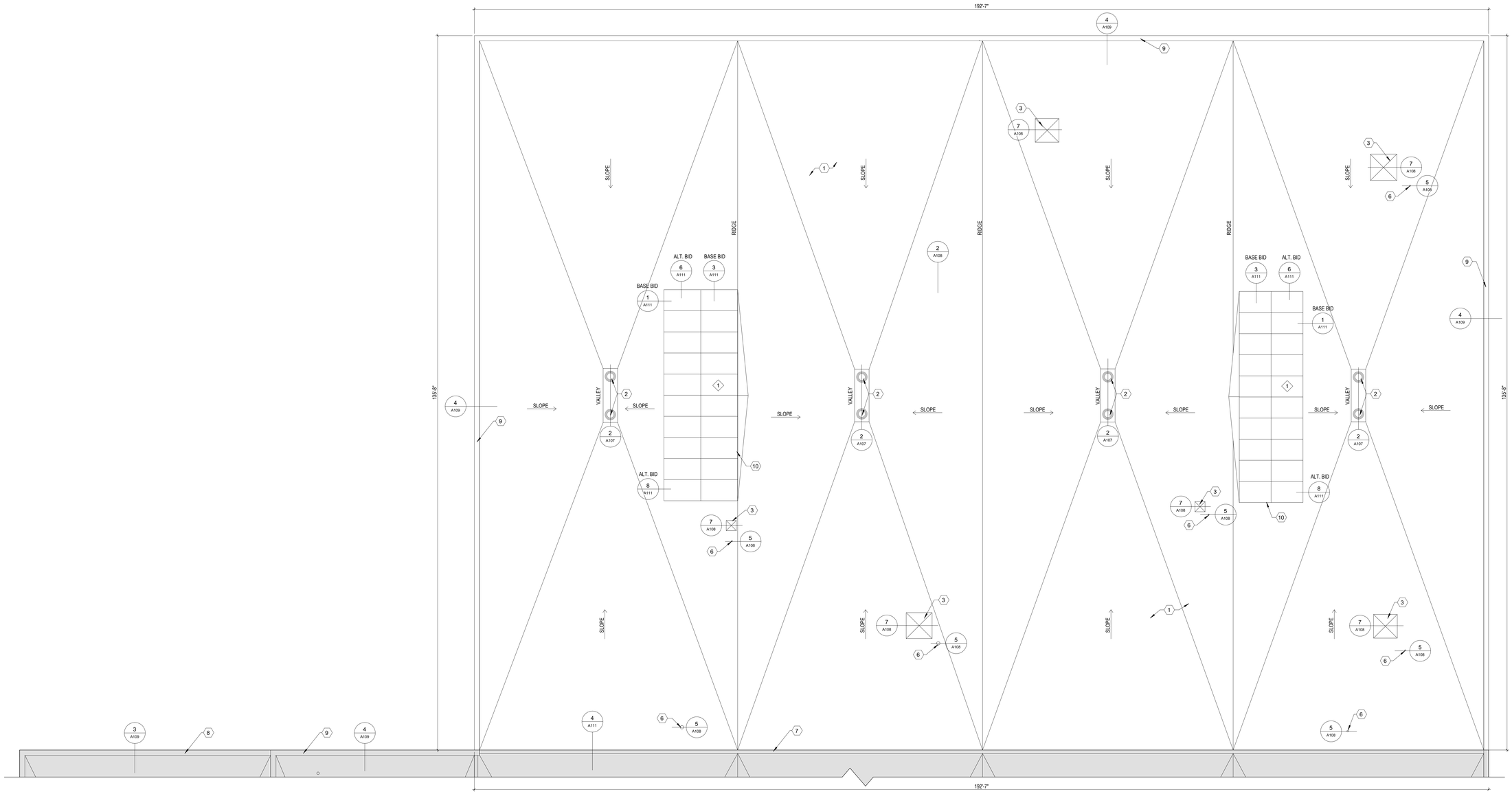
D. Repair or replace defaced or damaged finishes caused by work of this section.

3.06 PROTECTION

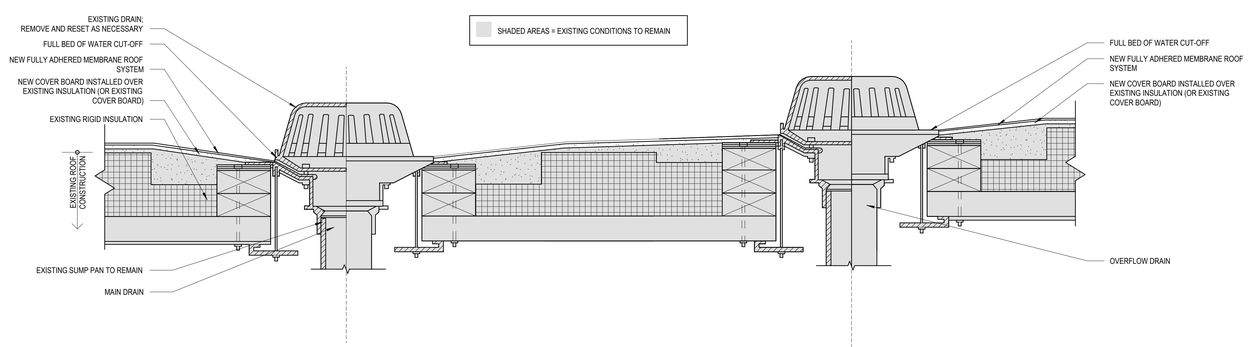
A. Protect installed roofing and flashings from construction operations.

B. Where traffic must continue over finished roof membrane, protect surfaces using durable materials.

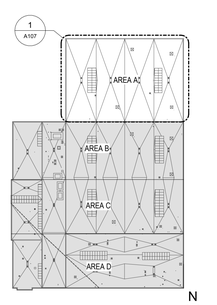
END OF SECTION



1 Partial Roof Plan - Area A (Approx. 26,128 SF) (Alt. Bid #3)
Scale: 1/8" = 1'-0"



2 Typical Roof Drain and Overflow Drain Detail
Scale: 3" = 1'-0"



Roof Key Plan
Not to Scale

SPECIFIC ROOF PLAN NOTES:

A002

1. REMOVE EXISTING ROOF SYSTEM AND REPLACE WITH NEW FULLY ADHERED MEMBRANE ROOF SYSTEM; MATCH EXISTING SLOPED
2. EXISTING ROOF DRAIN AND OVERFLOW DRAIN; RE-SET AS REQUIRED FOR ROOF INSTALLATION.
3. EXISTING MECHANICAL EQUIPMENT WITH RAILS AND/OR CURBS; RE-FLASH/RE-ROOF RAILS AND/OR CURBS; REMOVE AND RE-SET MECHANICAL EQUIPMENT AS REQUIRED FOR ROOFING AND FLASHING INSTALLATION. DISCONNECT AND RE-CONNECT POWER AND GAS TO MECHANICAL EQUIPMENT AS REQUIRED. COORDINATE DISCONNECTION AND RE-CONNECTION IN ADVANCE WITH OWNER.
4. APPROXIMATE LOCATION AND ROUTE OF EXISTING ELECTRICAL CONDUIT AND BLOCKING SUPPORTS. REMOVE AND RE-SET AS REQUIRED FOR ROOFING INSTALLATION.
5. EXISTING ROOF ACCESS HATCH.
6. EXISTING PITCH POCKET / PENETRATION THROUGH ROOF. REPLACE WITH SIZE REQUIRED FOR PENETRATION.
7. EXISTING ROOF EXPANSION JOINT.
8. REMOVE EXISTING ROOF FASCIA AT PERIMETER (TYP.); INSTALL NEW PRE-FINISHED METAL FASCIA TO MATCH EXISTING PROFILE.
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10. EXISTING SKYLIGHT; BASE BID - REMOVE AND RESET AS REQUIRED FOR ROOFING INSTALLATION; ALT. BID #1 - REPLACE SKYLIGHT IN ITS ENTIRETY, REFER TO SHEET A106.
11. NEW AIR CONDITIONING UNIT ON EXISTING EQUIPMENT RAILS; REFER TO MECHANICAL.
12. NEW EXHAUST FAN ON EXISTING EQUIPMENT RAILS; REFER TO MECHANICAL.
13. AREA OF KNOWN ROOFING DAMAGE; APPROXIMATELY 50 SF; REMOVE EXISTING MEMBRANE, COVERBOARD, AND INSULATION AS REQUIRED FOR REPAIR; RE-INSTALL NEW AS REQUIRED BEFORE INSTALLING NEW ROOF.
14. WALKWAY PADS; REMOVE AND REPLACE WITH NEW WALKWAYS PADS

A002

GENERAL ROOF PLAN NOTES:

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4. ALL PENETRATION DETAILS PER MANUFACTURER'S STANDARD DETAILS.
5. MECHANICAL PENETRATIONS; REFER TO MECHANICAL DRAWINGS FOR MECHANICAL PENETRATIONS.
6. PLUMBING PENETRATIONS; REFER TO PLUMBING DRAWINGS FOR PLUMBING PENETRATIONS.

ADD THIS SHEET IN ITS ENTIRETY

A002

REVISIONS

MARK	DATE	DESCRIPTION

Contract Documents

February 6, 2024
J2 Project No. J22326

LICENSED ARCHITECT JAMES DEVINE (1292) DATE: 02-06-2024 STATE OF NORTH DAKOTA

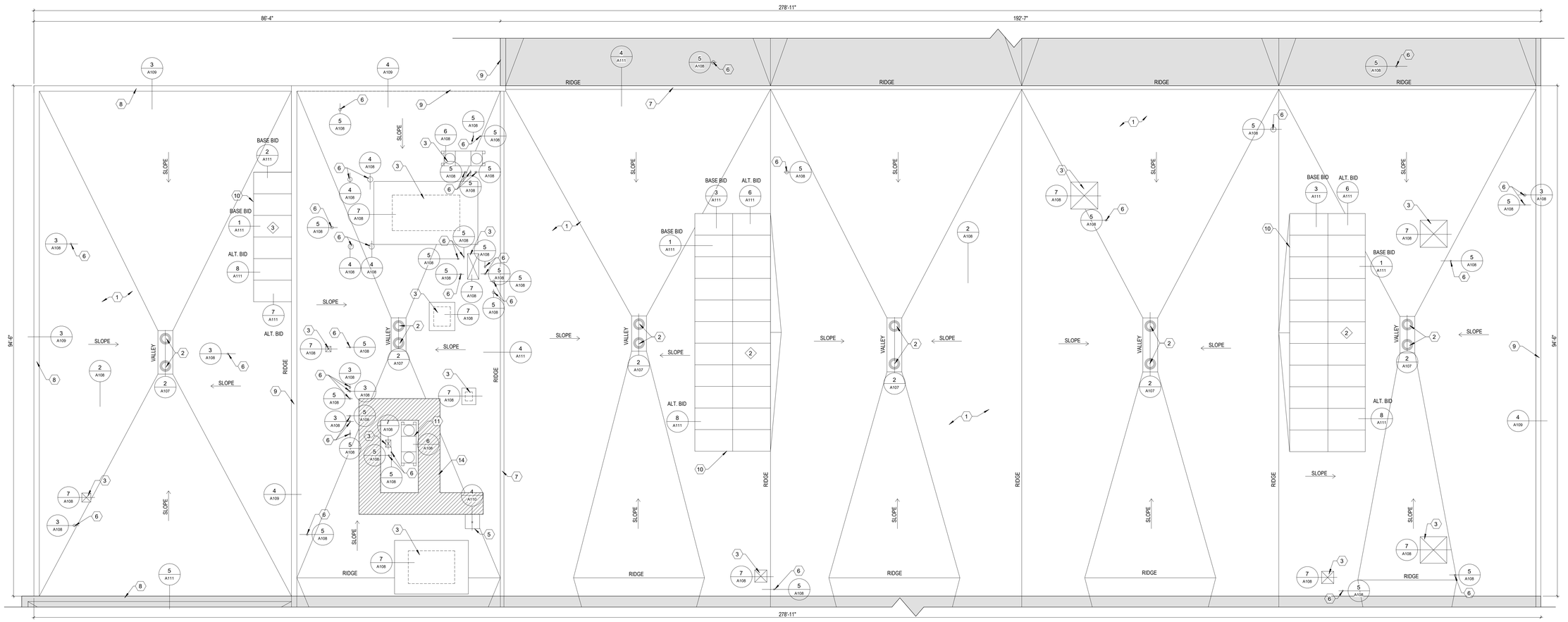
City of Bismarck
Public Works Roof Replacement
Bismarck, ND

J2 studio architecture + design, pc
925 Basin Avenue, Suite #5
Bismarck, ND 58504
(701) 255-1622

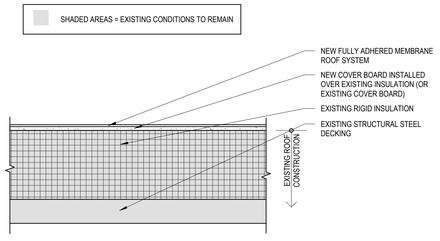
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Partial Roof Plan - Area A and Detail - Alt. Bid #3

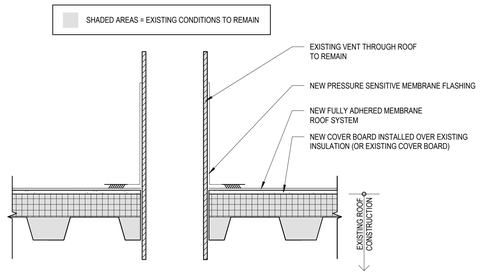
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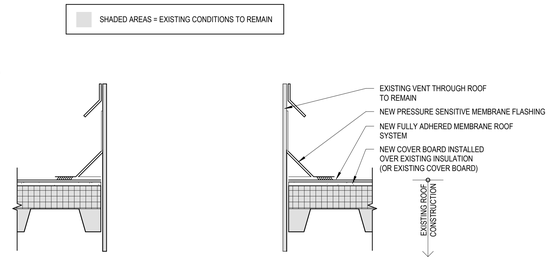
1 Partial Roof Plan - Area B (Approx. 26,358 SF) (Alt. Bid #3)
Scale: 1/8" = 1'-0"



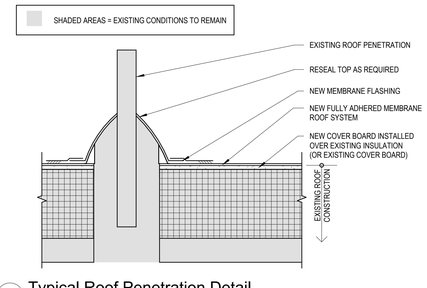
2 Typical Roof Section
Scale: 3" = 1'-0"



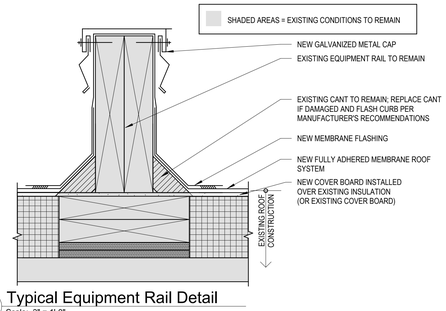
3 Typical Roof Vent Detail
Scale: 3" = 1'-0"



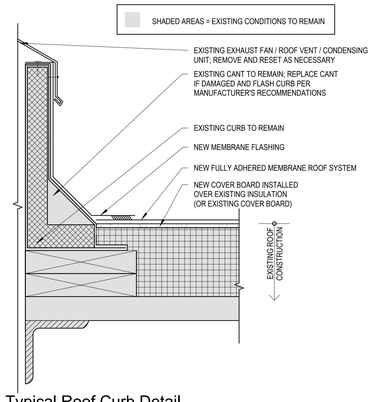
4 Typical Roof Vent Detail
Scale: 3" = 1'-0"



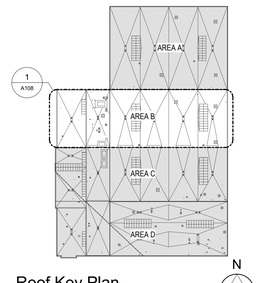
5 Typical Roof Penetration Detail
Scale: 3" = 1'-0"



6 Typical Equipment Rail Detail
Scale: 3" = 1'-0"



7 Typical Roof Curb Detail
Scale: 3" = 1'-0"



Roof Key Plan
Not to Scale

SPECIFIC ROOF PLAN NOTES:

ADD3

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2. EXISTING ROOF DRAIN AND OVERFLOW DRAIN; RE-SET AS REQUIRED FOR ROOF INSTALLATION.
3. EXISTING MECHANICAL EQUIPMENT WITH RAILS AND/OR CURBS; RE-FLASH/RE-ROOF RAILS AND/OR CURBS; REMOVE AND RE-SET MECHANICAL EQUIPMENT AS REQUIRED FOR ROOFING AND FLASHING INSTALLATION; DISCONNECT AND RE-CONNECT POWER AND GAS TO MECHANICAL EQUIPMENT AS REQUIRED. COORDINATE DISCONNECTION AND RE-CONNECTION IN ADVANCE WITH OWNER.
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ADD3 ADD3

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ADD THIS SHEET IN ITS ENTIRETY

ADD3

REVISIONS		
MARK	DATE	DESCRIPTION

Contract Documents

February 6, 2024
J2 Project No. J22326

DECEASED ARCHITECT JAMES DEVINE (1292) DATE: 02/06/2024 STATE OF NORTH DAKOTA

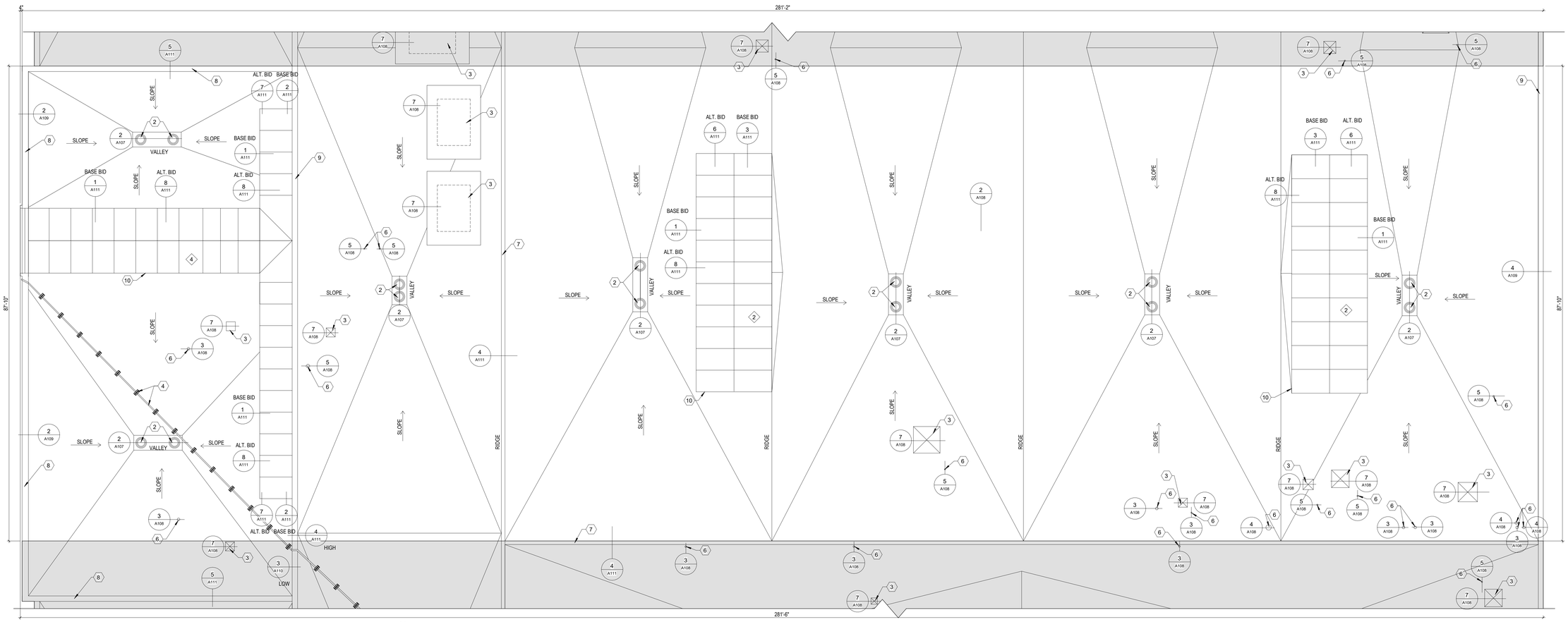
City of Bismarck
Public Works Roof Replacement
Bismarck, ND

J2 studio architecture + design, pc
925 Basin Avenue, Suite #5
Bismarck, ND 58504
(701) 255-1622

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Partial Roof Plan - Area B and Details - Alt. Bid #3

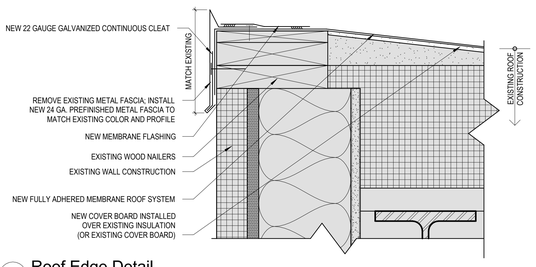
A108



1 Partial Roof Plan - Area C (Approx. 24,701 SF) (Alt. Bid #3)
Scale: 1/8" = 1'-0"

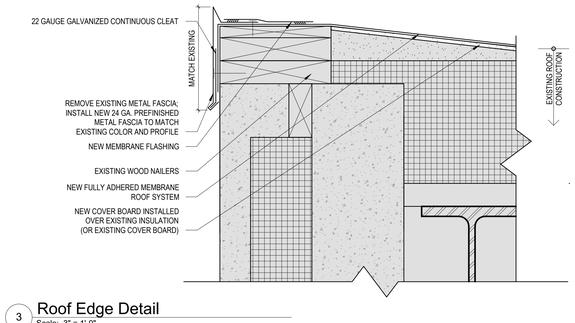
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SHADED AREAS = EXISTING CONDITIONS TO REMAIN



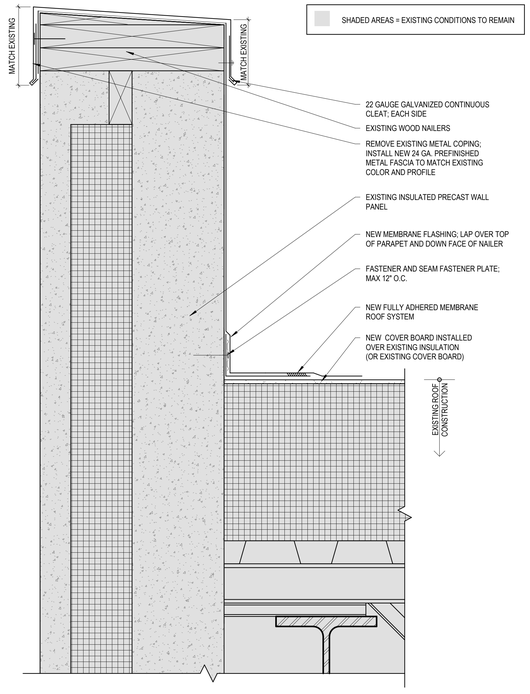
2 Roof Edge Detail
Scale: 3" = 1'-0"

SHADED AREAS = EXISTING CONDITIONS TO REMAIN

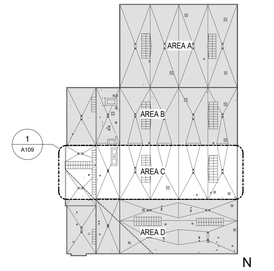


3 Roof Edge Detail
Scale: 3" = 1'-0"

SHADED AREAS = EXISTING CONDITIONS TO REMAIN



4 Parapet Detail
Scale: 3" = 1'-0"



Roof Key Plan
Not to Scale

N

SPECIFIC ROOF PLAN NOTES:

A003

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A003 A003

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ADD THIS SHEET IN ITS ENTIRETY

A003

REVISIONS		
MARK	DATE	DESCRIPTION

Contract Documents

February 6, 2024
J2 Project No. J22326

DECEASED ARCHITECT JAMES DEVINE (1292) DATE: 02-06-2024 STATE OF NORTH DAKOTA

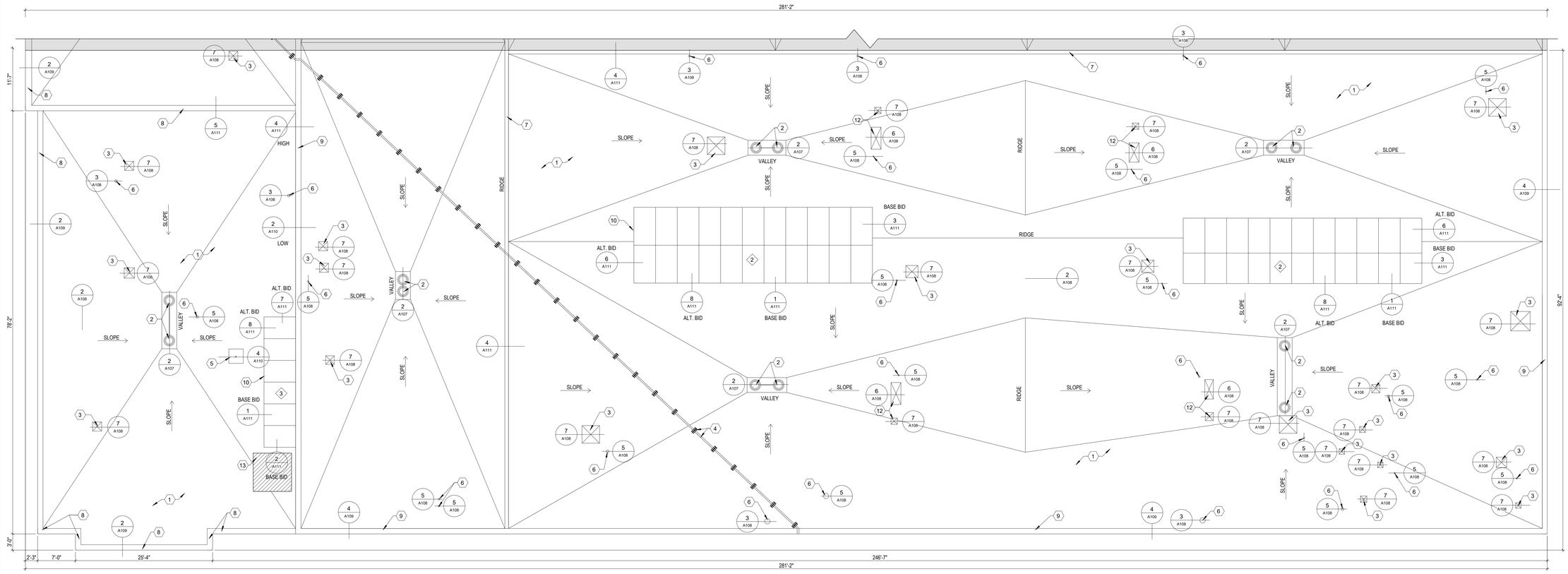
City of Bismarck
Public Works Roof Replacement
Bismarck, ND

J2 studio architecture + design, pc
925 Basin Avenue, Suite #5
Bismarck, ND 58504
(701) 255-1622

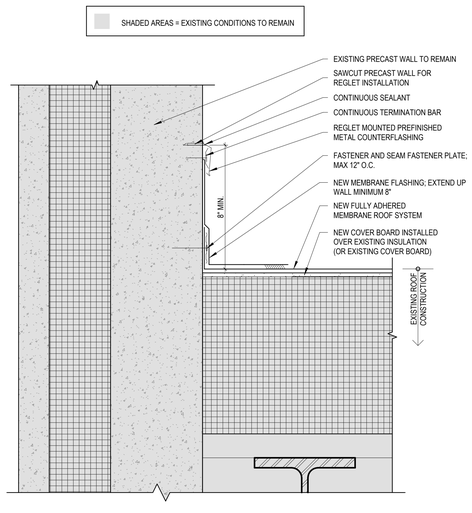
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Partial Roof Plan - Area C and Details - Alt. Bid #3

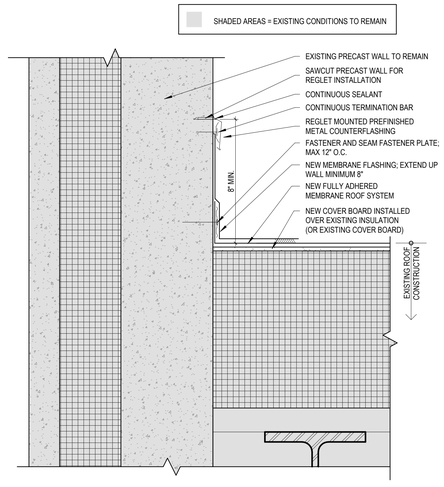
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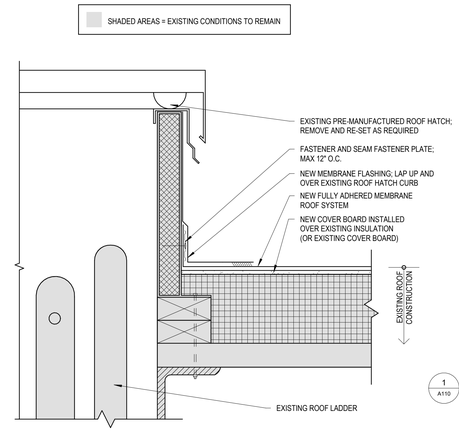
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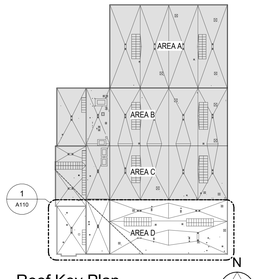
2 Roof Counterflashing Detail
Scale: 3" = 1'-0"



3 Roof Counterflashing Detail
Scale: 3" = 1'-0"



4 Roof Hatch Detail
Scale: 3" = 1'-0"



Roof Key Plan
Not to Scale

SPECIFIC ROOF PLAN NOTES:

A003

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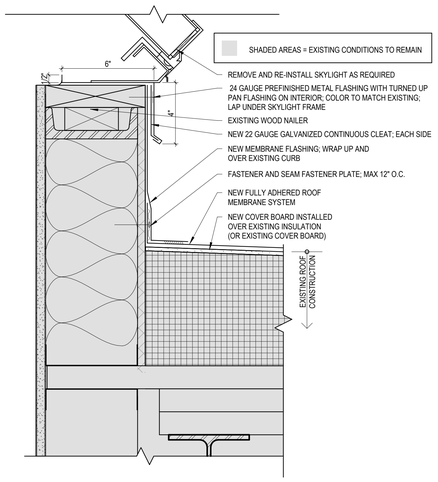
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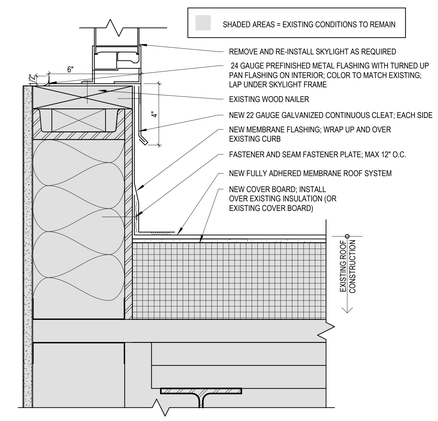
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Partial Roof Plan - Area D and Details - Alt. Bid #3

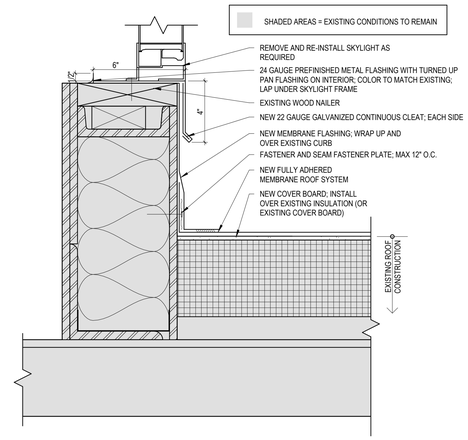
A110



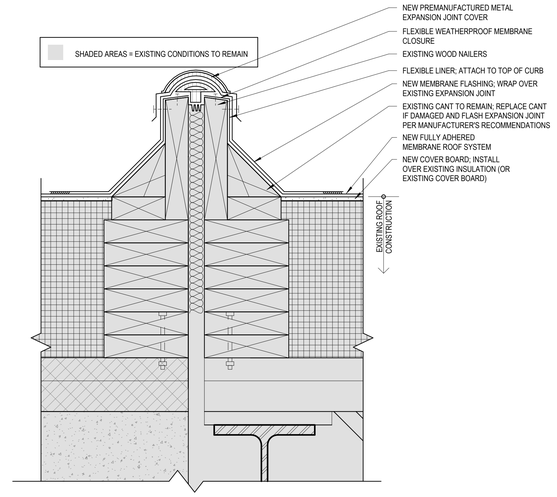
1 Roof Curb at Skylight Detail
Scale: 3" = 1'-0"



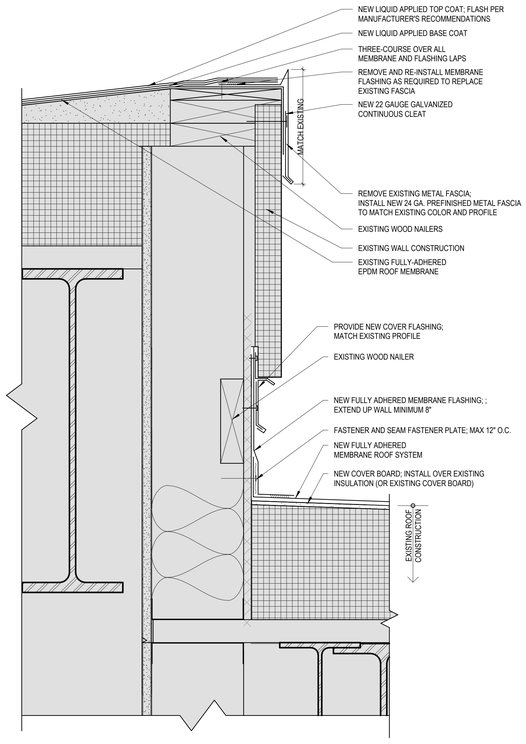
2 Roof Curb at Skylight Detail
Scale: 3" = 1'-0"



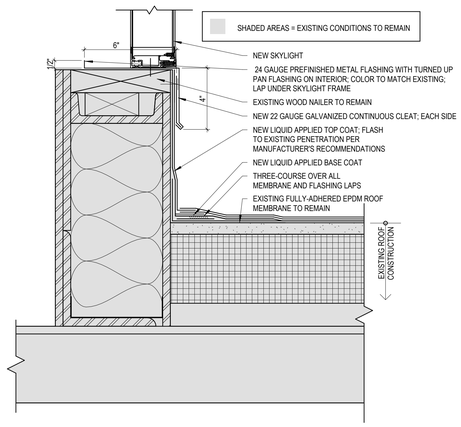
3 Roof Curb at Skylight Detail
Scale: 3" = 1'-0"



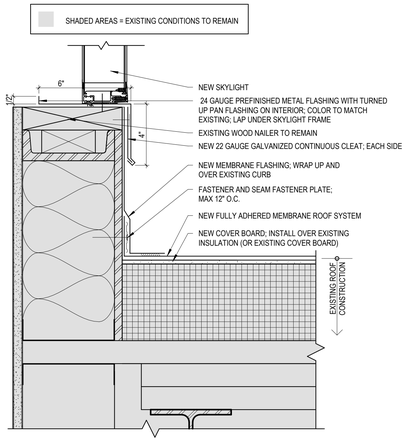
4 Roof Expansion Joint Detail
Scale: 3" = 1'-0"



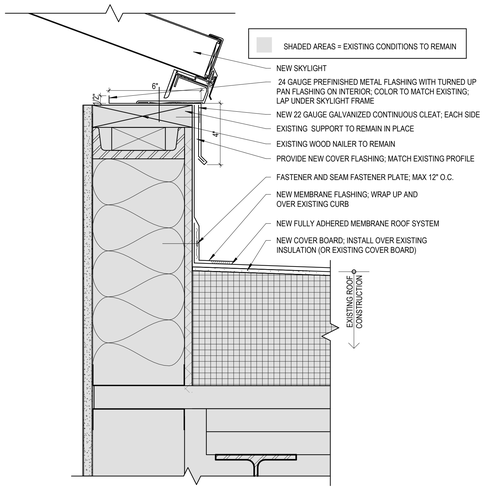
5 Roof Expansion Joint Detail
Scale: 3" = 1'-0"



6 Skylight Roof Curb Detail - Alt. Bid #1
Scale: 3" = 1'-0"



7 Skylight Roof Curb Detail - Alt. Bid #1
Scale: 3" = 1'-0"



8 Skylight Roof Curb Detail - Alt. Bid #1
Scale: 3" = 1'-0"

ADD THIS SHEET IN ITS ENTIRETY
ADD3

REVISIONS

MARK	DATE	DESCRIPTION

Contract Documents

February 6, 2024
J2 Project No. J22326

LICENSED ARCHITECT JAMES DEVINE (1292) DATE: 02/06/2024 STATE OF NORTH DAKOTA

City of Bismarck
Public Works Roof Replacement
Bismarck, ND

J2 studio architecture + design, pc
925 Basin Avenue, Suite #5
Bismarck, ND 58504
(701) 255-1622

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Roof Details - Alt. Bid #3

A111

Planholders List - J22326

City of Bismarck
Public Works Roof Replacement
Bismarck, North Dakota

Set	Planholder	Mailing Address	City	State	Zip	Phone #	Fax #	Contact Name
1	City of Bismarck	601 S. 26th Street	Bismarck	ND	58504	(701) 355-1743	-	Bruce Schirado
E	J2 Studio Architecture + Design	925 Basin Avenue, Suite 5	Bismarck	ND	58504	(701) 255-1622	(701) 223-8927	James Devine/Carrie Meyer
E	Prairie Engineering	619 Riverwood Drive	Bismarck	ND	58504	(701) 258-3493	-	Blake Wagner
E	Apex Engineering	600 North Second Street, Suite 145	Bismarck	ND	58504	(701) 323-3950	-	John Klein
E	Wegner Roofing	537 Airport Road	Bismarck	ND	58504	(701) 561-0777	-	Matt Arps
E	Tecta America	213 Riverwood Ave SE	Mandan	ND	58554	(701) 541-3801	-	Dave Rinas
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E	M.J. Dalsin Co. of N.D., Inc.	635 Armour Street	West Fargo	ND	58078	(701) 282-0509		Mark Stahl
E	Fargo-Moorhead Builders Exchange	1010 Page Dr	Fargo	ND	58103	(701) 237-6772	(701) 232-1653	Calisa Nickelson
E	Minnesota Builders Exchange	1123 Glenwood Avenue	Minneapolis	MN	58405	(612) 381-2620	(612) 381-2621	Jeff Boelter
E	Bismarck-Mandan Builders Exchange	805 Adobe Trail SE	Mandan	ND	58554	(701) 667-4322	(701) 667-5217	Julie Monzelowsky
E	Construction Industry Center	2771 Plant St	Rapid City	SD	57702	(605) 343-5252	(605) 343-4591	Kasi Kuiper
E	Builders Exchange of Billings	2050 Broadwater Ave, Suite A	Billings	MT	59102	(406) 652-1311	(406) 652-1391	Luke Hudson
E	Bismarck Builders Exchange	215 Airport Rd	Bismarck	ND	58504	(701) 258-4215	(701) 258-1391	Sandy Kerzman
E	Bozeman Planroom	1105 Reeves Rd W, Suite 800	Bozeman	MT	59718	(406) 586-7653	(406) 586-4062	Stan Wagner
E	Missoula Builders Exchange	201 N Russell St	Missoula	MT	59801	(406) 549-5502	(406) 721-2941	Twyla Brooks
E	ConstructConnect	-	-	-	-	(323) 602-5079	-	Maria Delfino
E	Dodge Construction Network	2860 S. State Highway 161 Ste 160 #501	Grand Prairie	TX	75052-7361	(844) 326-3826	-	Brandi Flanagan
E	SpecPro Inc.	8834 Washington Circle	Omaha	NE	68127	(402) 597-8870	-	Brandon Beery
E	Tremco Roofing	3735 Green Road	Beachwood	Ohio	44122	(989) 560-8969	-	Nick Hixson

Printed Copies = $2.10/sheet for drawings and $.12/page for specifications

Addendum

Date: March 7, 2024

Project: City of Bismarck
Public Works Roof Replacement
Bismarck, ND

J2 Studio #: J22326

RE: Addendum #3

From: J2 Studio Architecture + Design
925 Basin Avenue Suite #5
Bismarck, ND 58504
Phone: (701) 255-1622
Fax: (701) 223-8927

To: All Planholders on record

No. of Pages: 3 (2 - 8½ x 11 Addendum body, 1 – 8 ½ x 11 Planholders List)

General

1. **The bid date and time is as follows:**
    a. Bids will be received by the Board of City Commissioners at the City of Bismarck in the office of the City Administrator until **10:00am CT on Wednesday, March 13, 2024.**
        i. Bids may be mailed to **P.O. Box 5503, Bismarck, ND 58506-5503** or delivered to **221 N. 5th Street, Bismarck, ND 58501** and shall be sealed and endorsed as per the advertisement for bids.
    b. **Bids will be opened publicly at 11:00am CT on Wednesday, March 13, 2024. Bid opening will be held in the 4th Floor Mayor's Conference Room.**
        i. The bid opening may be attended virtually. Contact Gale Nicholson: gnicholson@bismarcknd.gov for access.
    c. Bid Submission; Bids shall follow standard bid submission and include:
        i. Bid shall be sealed and endorsed:
            1. Bids for City of Bismarck Public Works Roof Replacement
            2. Name of person, firm or corporation submitting the bid.
        ii. Bidders shall include the bid bond and their license in a separate envelope attached to the outside of the bid envelope.

iii. In the bid envelope, bidders shall include (2) copies of their bid, and (2) copies of installer's certification for the intended roofing system.
iv. Refer to the specifications for complete bid requirements.

2. **After further research on the prior approved products in Addendum #2, we have determined that they are not equal to the originally specified 07 5600 product for this project. The proposed substituted products meet the specifications for a different line of the specified product, but not the intended product for the project. Therefore, Aldo Coatings 'Aldocoat Polyurethane Roof System' and Gaco Coatings 'GacoFlex U91 Urethane' are no longer approved equals.**

   Contractors shall bid one of the following systems:

Tremco	**Alphaguard Bio**
Garland Company	**LiquiTec**
Sika	**Sikalastic 641 LVOC – Applied as Partially Reinforced System**

Specifications

None

Drawings

None

Approved Equals

None

End of Addendum #3

925 Basin Avenue, Suite #5
Bismarck, ND 58504
Ph: (701) 255-1622 Fax: (701) 223-8927

Planholders List - J22326

City of Bismarck
Public Works Roof Replacement
Bismarck, North Dakota

Set	Planholder	Mailing Address	City	State	Zip	Phone #	Fax #	Contact Name
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E	Pinnacle Construction, Inc.	4020 Somerset Circle	Casper	WY	82609	(307) 200-9685	-	Jordon McDonald
E	M.J. Dalsin Co. of N.D., Inc.	635 Armour Street	West Fargo	ND	58078	(701) 282-0509		Mark Stahl
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E	ConstructConnect	-	-	-	-	(323) 602-5079	-	Maria Delfino
E	Dodge Construction Network	2860 S. State Highway 161 Ste 160 #501	Grand Prairie	TX	75052-7361	(844) 326-3826	-	Brandi Flanagan
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E	W.L. Hall	530 15th Avenue S	Hopkins	MN	55343	(952) 974-7617		Craig Hall/Brent Hall
E	Tremco Roofing	3735 Green Road	Beachwood	Ohio	44122	(989) 560-8969	-	Nick Hixson

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Addendum

Date: March 8, 2024

Project: City of Bismarck
Public Works Roof Replacement
Bismarck, ND

J2 Studio #: J22326

RE: Addendum #4

From: J2 Studio Architecture + Design
925 Basin Avenue Suite #5
Bismarck, ND 58504
Phone: (701) 255-1622
Fax: (701) 223-8927

To: All Planholders on record

No. of Pages: 7 (2 - 8½ x 11 Addendum body, 4 – 8 ½ x 11 – Bid Forms, 1 – 8 ½ x 11 Planholders List)

General

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        i. Bid shall be sealed and endorsed:
            1. Bids for City of Bismarck Public Works Roof Replacement
            2. Name of person, firm or corporation submitting the bid.
        ii. Bidders shall include the bid bond and their license in a separate envelope attached to the outside of the bid envelope.

iii. In the bid envelope, bidders shall include (2) copies of their bid, and (2) copies of installer's certification for the intended roofing system.
iv. Refer to the specifications for complete bid requirements.

Specifications

Section 00 4100 Bid Form – Base Bid

1. Replace this section in its entirety. This bid form shall be utilized by contractors intending to bid both the base bid and the Alternate Bid #3 roof replacement option.
    a. Contractors shall also indicate their alternate bid pricing on this bid form for Alternate Bids #1, #2 and #3.

Section 00 4100 Bid Form – Alternate Bid #3

1. Add this section in its entirety. This bid form shall be utilized by contractors intending to bid only the Alternate Bid #3 roof replacement option.
    a. Contractors shall also indicate their alternate bid pricing on this bid form for Alternate Bids #1 and #2.

Section 00 4323 Alternates Form

1. Remove this section in its entirety.
    a. Clarification: this section has been added to the bid forms.

Drawings

None

Approved Equals

None

End of Addendum #4

925 Basin Avenue, Suite #5
Bismarck, ND 58504
Ph: (701) 255-1622 Fax: (701) 223-8927

SECTION 00 4100
BID FORM – BASE BID ALTERNATE BID PRICING

THIS BID FORM SHALL BE UTILI□ED BY CONTRACTORS PROVIDING PRICING FOR BOTH THE BASE BID AND THE ALTERNATE BID 3 REPLACEMENT OPTION.

THE PRO ECT AND THE PARTIES

2.01 TO

A. Owner
Board of City Commissioners of the City of Bismarck
P.O. Box 5503
221 N. 5th Street
Bismarck, ND 58506-5503

2.02 FOR

A. Project: City of Bismarck Public Works Roof Replacement

B. Architect's Project Number: J22326
601 S. 26th Street
Bismarck, ND 58504

2.03 DATE □□□□□□□□□□□□□□□ (BIDDER TO ENTER DATE)

2.04 SUBMITTED BY (BIDDER TO ENTER NAME AND ADDRESS)

A. Bidder's Full Name
1. Address
2. City, State, ip

2.05 OFFER - BASE BID

A. Having examined the Place of The Work and all matters referred to in the Instructions to Bidders and the Contract Documents prepared by J2 Studio Architecture Design, PC for the above mentioned project, we, the undersigned, hereby offer to enter into a Contract to perform the Work for the Sum of:

B.
dollars
( ), in lawful money of the United States of America.

C. We have included the required security deposit as required by the Instruction to Bidders.

D. We have included the required performance assurance bonds in the Bid Amount as required by the Instructions to Bidders.

E. All applicable federal taxes are included and State of North Dakota taxes are included in the Bid Sum.

2.06 ACCEPTANCE

A. This offer shall be open to acceptance and is irrevocable for (60) sixty days from the bid closing date.

B. If this bid is accepted by Owner within the time period stated above, we will:
1. Execute the Agreement within seven days of receipt of Notice of Award.
2. Commence work within seven days after written Notice to Proceed of this bid.

C. If this bid is accepted within the time stated, and we fail to commence the Work or we fail to provide the required Bond(s), the security deposit shall be forfeited as damages to Owner by reason of our failure, limited in amount to the lesser of the face value of the security deposit or the difference between this bid and the bid upon which a Contract is signed.

D. In the event our bid is not accepted within the time stated above, the required security deposit shall be returned to the undersigned, in accordance with the provisions of the Instructions to

Bidders; unless a mutually satisfactory arrangement is made for its retention and validity for an extended period of time.

2.07 CONTRACT TIME

A. Complete the Work by the day of , . (Bidder to enter day, month, and year.)

2.08 ALTERNATES

A. **THE FOLLOWING AMOUNTS SHALL BE ADDED TO OR DEDUCTED FROM THE BID AMOUNT. REFER TO SECTION 01 2300 – ALTERNATES.**
   1. **ALTERNATE 1 ADD**
      a. Scope of Work: Replacement of skylights.
   2. **ALTERNATE 2 ADD**
      a. Scope of Work: Installation of circulation at skylight areas.
   3. **ALTERNATE 3 ADD (DEDUCT)**
      a. Scope of Work: Standard removal and reinstallation of EPDM roof replacement in lieu of fluid-applied system.
         1) Unit Price #1: Remove and replace damaged cover board: Price per SF
         2) Unit Price #2: Remove and replace damaged insulation: Price per SF

2.0 ADDENDA

A. The following Addenda have been received. The modifications to the Bid Documents noted below have been considered and all costs are included in the Bid Sum.
   1. Addendum # Dated .
   2. Addendum # Dated .
   3. Addendum # Dated .
   4. Addendum # Dated .
   5. Addendum # Dated .

2.10 BID FORM SUPPLEMENTS

A. The following information is included with Bid submission:
   1. Manufacturer's certification for intended roofing system.

2.11 BID FORM SIGNATURE(S)

A. The Corporate Seal of

B.

C. **(B -)**

D. was hereunto affixed in the presence of:

E.

F. **(A , T)**

G. (Seal)

H.

I. **(A , T)**

2.12 IF THE BID IS A OINT VENTURE OR PARTNERSHIP, ADD ADDITIONAL FORMS OF EXECUTION FOR EACH MEMBER OF THE OINT VENTURE IN THE APPROPRIATE FORM OR FORMS AS ABOVE.

END OF SECTION

SECTION 00 4100
BID FORM – ALTERNATE BID PRICING ONLY

THIS BID FORM SHALL BE UTILI□ED BY CONTRACTORS PROVIDING PRICING ONLY FOR THE ALTERNATE BID 3 REPLACEMENT OPTION.

THE PRO ECT AND THE PARTIES

2.01 TO

A. Owner
Board of City Commissioners of the City of Bismarck
P.O. Box 5503
221 N. 5th Street
Bismarck, ND 58506-5503

2.02 FOR

A. Project: City of Bismarck Public Works Roof Replacement

B. Architect's Project Number: J22326
601 S. 26th Street
Bismarck, ND 58504

2.03 DATE □□□□□□□□□□□□□□□ (BIDDER TO ENTER DATE)

2.04 SUBMITTED BY (BIDDER TO ENTER NAME AND ADDRESS)

A. Bidder's Full Name
1. Address
2. City, State, ip

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D. We have included the required performance assurance bonds in the Bid Amount as required by the Instructions to Bidders.

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      a. Scope of Work: Installation of circulation at skylight areas.
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   5. Addendum # Dated .

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A. The Corporate Seal of

B.

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E.

F. **(A**

G. (Seal)

H.

I. **(A**

2.12 IF THE BID IS A OINT VENTURE OR PARTNERSHIP, ADD ADDITIONAL FORMS OF EXECUTION FOR EACH MEMBER OF THE OINT VENTURE IN THE APPROPRIATE FORM OR FORMS AS ABOVE.

END OF SECTION

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Public Works Roof Replacement
Bismarck, North Dakota

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E	Wegner Roofing	537 Airport Road	Bismarck	ND	58504	(701) 561-0777	-	Matt Arps
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Printed Copies = $2.10/sheet for drawings and $.12/page for specifications

Administration Department

DATE: March 26, 2024

FROM: Michael Connelly, Commissioner

ITEM: Home Rule Charter ½-Cent Sales Tax Request

REQUEST:
Consider the request from Commissioner Connelly to discuss the initiation of a Home Rule Charter Amendment to add an additional ½-cent sales, use, and gross receipts tax with the proceeds to be dedicated exclusively to public safety and public transportation needs.

BACKGROUND INFORMATION:
Commissioner Connelly directed staff to prepare a memorandum relating to the current citizen-initiated effort to collect the necessary signatures to cause this topic to be considered by the voters of the city of Bismarck. There are five citizens sponsoring a petition to collect an additional ½-cent on sales, use, and gross receipts collected in Bismarck city limits with the funds collected for use by public safety and public transportation needs.

RECOMMENDED CITY COMMISSION ACTION:
Consider the request by Commissioner Connelly and provide direction on how to get the petition added to the upcoming election ballot.

STAFF CONTACT INFORMATION:
Jason Tomanek, City Administrator, 701-355-1300, jtomanek@bismarcknd.gov

ATTACHMENTS:
1. Home Rule Charter Amendment

Bismarck
CITY ATTORNEY

November 29, 2023

Diane Patterson
[redacted]
Bismarck, ND 58504

Sharon Kromarek
[redacted]
Bismarck, ND 58503

Virginia Pedersen
[redacted]
Bismarck, ND 58504

Randee Sailer
[redacted]
Bismarck, ND 58503

Carl Young
[redacted]
Bismarck, ND 58504

Re: Initiation of Home Rule Charter Amendment

Dear Ms. Patterson and Sponsoring Committee:

Today, I received the last draft of the Petition regarding the above matter. As you know, per the City of Bismarck Home Rule Charter, the City Attorney shall "approve the petition for circulation if it is in proper form and contains the full text of the measure." I do not comment on the content of the proposed amendment, nor on its constitutionality nor its enforceability.

Under Bismarck Home Rule Charter, a petition must be signed by at least equal in number to 15% of the number of electors who voted for all candidates for the Mayor in 2022. A total of 9,776 votes were cast for Mayor in 2022, of which 15% would be 1,466 signatures. Electors must be Bismarck city residents that sign the petition as well as list their address. State law also requires that the signed petitions must be accompanied by several affidavits under N.D.C.C. § 40-12-03 and N.D.C.C. § 40-12-04.

Best regards,

Jannelle Combs
Bismarck City Attorney's Office

Cc: Keith Hunke, Bismarck City Administrator

I here sign that I approve of the revisions to the Home Rule Charter Measure for the INITIATION OF HOME RULE CHARTER AMENDMENT TO ADD AN ADDITIONAL ½ CENT SALES, USE AND GROSS RECEIPTS TAX WITH THE PROCEEDS TO BE DEDICATED EXCLUSIVELY TO PUBLIC SAFETY AND PUBLIC TRANSPORTATION NEEDS

SPONSORS

Diane Patterson [redacted] Bismarck, ND 58504 Diane Patterson 01-02-2024	Carl Young [redacted] Bismarck, ND 58504 12-29-2023
Virginia Pedersen [redacted] Bismarck, ND 58504 Virginia Pedersen 1-2-24	Sharon Kromarek [redacted] Bismarck, ND 58503 Sharon Kromarek 12-30-23
Randee Sailer [redacted] Bismarck, ND 58503 Randee Sailer 1/1/24	

INITIATION OF HOME RULE CHARTER AMENDMENT TO ADD AN ADDITIONAL ½ CENT SALES, USE AND GROSS RECEIPTS TAX WITH THE PROCEEDS TO BE DEDICATED EXCLUSIVELY TO PUBLIC SAFETY AND PUBLIC TRANSPORTATION NEEDS

We the undersigned, being qualified electors of the City of Bismarck request that Board of City Commissioners for the City of Bismarck place the following proposed AMENDMENT TO THE HOME RULE CHARTER on the next city election ballot as provided by law for the creation of a half-cent sales tax to be dedicated exclusively to Public Safety and Public Transportation needs.

SPONSORS

Diane Patterson [redacted] Bismarck, ND 58504	Carl Young [redacted] Bismarck, ND 58504
Virginia Pedersen [redacted] Bismarck, ND 58504	Sharon Kromarek [redacted] Bismarck, ND 58503
Randee Sailer [redacted] Bismarck, ND 58503	

FULL TEXT OF PROPOSED AMENDMENT

EFFECTIVE UPON PASSAGE, AN AMENDMENT TO CREATE AND ENACT A NEW SUBSECTION TO ARTICLE 3 SECTION 17 OF THE HOME RULE CHARTER FOR THE CITY OF BISMARCK AS FOLLOWS:

c. To impose a retail sales, use and gross receipts tax of no more than one-half percent of those gross receipts taxed pursuant to Chapters 57-39.2, 57-39.4, 57- 40.2 57-39.5 and 57-39.6 N.D.C.C.

1. The proceeds of this one-half cent city sales, use and gross receipts tax shall be dedicated only to public safety and public transportation needs in the following proportions:

I. 3/10th of a cent dedicated to public safety: specifically costs associated with the building of police and fire stations, the acquisition of police and fire emergency vehicles, and the costs associated with the city's cost of utilizing the Burleigh/Morton Detention Center

II. 2/10th of a cent dedicated to public transportation needs: specifically costs associated with providing reliable service for disabled, elderly, and socio-economically challenged residents.

~~c.~~ d. The sales, use and gross receipts tax…..

QUALIFIED ELECTORS

Month, Day, Year	Name of Qualified Elector	Residential Address	City, State, ZIP Code
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

STATE OF NORTH DAKOTA)
)
County of _____)
(county where signed)

I, _____, being sworn, say that I am a qualified elector;
(Circulator)
that I reside at _____; and that to the best of my knowledge and
(Circulator Address)
belief each person whose signature appears on the attached petition is a qualified elector of the City of Bismarck.

_____
(Signature of Circulator)

Subscribed and sworn before me on _____, 2017, at _____, North Dakota.
(City)

(NOTARY SEAL/STAMP)

_____
(Signature of Notary)
Notary Public
My Commission Expires: _____