



Board of City Commissioners

The Board of City Commissioners is scheduled to meet on Tuesday, June 25, 2024, at 5:15 PM in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota.

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

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

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

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

CALL TO ORDER

FUTURE COMMISSION MEETINGS

- July 9, 2024 & July 23, 2024
- August 13, 2024 & August 27, 2024
- September 10, 2024 & September 24, 2024

MISSION STATEMENT

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

MEETING OF THE BOARD OF CITY COMMISSION

1. PROCLAMATION

- Big Boy Day

Documents:

[2024 Big Boy Day Proclamation.pdf](#)

2. PUBLIC COMMENT

Restricted to items on the Consent Agenda and Regular Agenda, excluding public hearing items.

3. CONSENT AGENDA

A. Consider approval of minutes

Documents:

[June 11, 2024 - Minutes.pdf](#)

B. Consider approval of personnel actions

Documents:

[HR - Personnel Actions.pdf](#)

C. Consider approval of expenditures

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

1. Gaming Site Authorization Renewals.
2. Liquor License Renewals.
3. Appoint Robin Thorstenson, Rick Collin, and Rebecca Thiem to the Dakota Media Access (DMA) Board of Directors.
4. Letter of support for All Season, LLC.
5. Letter of Support for P & B Transportation, Inc.

Documents:

[C\) ADMIN - Gaming Site Authorizations.pdf](#)
[C\) ADMIN - Liquor License Renewals.pdf](#)
[C\) ADMIN - DMA Board Appointments.pdf](#)
[C\) ADMIN - Letter of Support for All Season, LLC..pdf](#)
[C\) ADMIN - Letter of Support for P and B Transportation, Inc..pdf](#)

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

1. Permission to extend the current ticketing contract with Intelli-Mark Technologies, Inc. formerly known as Etix, Inc.

Documents:

[C\) BEC - Ticketing Services Agreement Addendum.pdf](#)

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

1. Award the bid for library security services.

Documents:

[C\) BV MPL - Library Security Service Bid.pdf](#)

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

1. Permission to accept a Historic Preservation Fund grant award.
2. Permission to apply for PRICE grant funds.

Documents:

[C\) CD - HPF Grand Award.pdf](#)

[C\) CD - PRICE Grant Application.pdf](#)

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

1. Permission to close 4th Street between Rosser Avenue and East A Avenue on Saturday, September 28, 2024, from 3:30 PM - 8:30 PM.
2. Permission to close Central Avenue between 8th Street and 9th Street on Tuesday, July 30, 2024, from 6:00 PM to 8:00 PM.
3. Resolution approving contracts and bonds for previously awarded special assessment projects.
4. Dedication and acceptance of sidewalk easement at 2912 Peach Tree Drive.
5. Release of historical artifacts collected on HC 128 to the State Historical Society.
6. ~~Resolutions creating the district and ordering the preparation of the preliminary report for Water Improvement District WA 334 and Sewer Improvement District SE 585.~~
7. Resolutions declaring petitions have been received, creating the district and ordering the preparation of the preliminary report for Street Improvement District No. SI 582.

8. Resolutions declaring petitions have been received, creating the district and ordering the preparation of the preliminary report for Street Improvement District No. SI 584.

Documents:

- C) ENG - Community Event Application - 4th Street.pdf
- C) ENG - Community Event Application - North Central Park.pdf
- C) ENG - Contracts and Bonds.pdf
- C) ENG - Sidewalk Easement 2912 Peach Tree.pdf
- C) ENG - HC 128 Artifacts.pdf
- C) ENG - SE 585 and WA 334.pdf
- C) ENG - SI 582.pdf
- C) ENG - SI 584.pdf

- I. Consider the request for approval from the Finance Department for the following:

1. Applications for Abatement.

Documents:

- C) FIN - Applicaitons for Abatement.pdf

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

1. Permission to start the "You got a Cool Sighting" ice cream ticket program.

Documents:

- C) PD - Cool Sighting Ice Cream Ticket Program.pdf

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

1. Permission to award the contract for Ash Tree Removal to TreeMax, LLC.
2. Permission to sell/dispose of equipment through an Online Public Auction.

Documents:

- C) PW SO - Ash Tree Remove Bid Award.pdf
- C) PW SO - Items for Online Auction.pdf

4. REGULAR AGENDA

- A. Public hearing on a request for a new Class I-2: Complementary Alcohol license for KTP Boutique, LLC (dba) Apricot Lane Boutique at 4228 Boulder

Ridge Road, Suite 4.

Documents:

[R\) ADMIN - Apricot Lane Boutique Liquor License Application.pdf](#)

- B. Public hearing on a request for a new Class I-2: Complementary Alcohol license for Lotus Nail Bar & Spa, LLC. at 1401 Skyline Blvd, Suite C.

Documents:

[R\) ADMIN - Lotus Nail Bar and Spa Liquor License Application.pdf](#)

- C. Public hearing on Ordinance 6578, a zoning map amendment, and major subdivision final plat for Central Outpost Subdivision.

Documents:

[R\) CD - Ord 6578.pdf](#)

- D. Public hearing on Ordinance 6579, a zoning ordinance text amendment.

Documents:

[R\) CD - Ord 6579.pdf](#)

- E. Public hearing on Ordinance 6580, a zoning map amendment, development agreement, and major subdivision final plat for Fettig Subdivision.

Documents:

[R\) CD - Ord 6580.pdf](#)

- F. Public hearing on Ordinance 6581, a zoning map amendment and major subdivision final plat for West Region Medical Addition.

Documents:

[R\) CD - Ord 6581.pdf](#)

- G. Consider the request by the Community Development Department for a Rehabilitation Renaissance Zone project designation and take final action.

Documents:

[R\) CD - Rehabilitation Renaissance Zone.pdf](#)

- H. Consider request by the Engineering Department to modify sidewalk gap process.

Documents:

[R\) ENG - Sidewalk Gap Process.pdf](#)

- I. Consider the request for discussion of an appropriate compensation for the

newly elected Municipal Judge.

Documents:

[R\) ADMIN - Municipal Judge Compensation.pdf](#)

5. Recognition of Commissioner Marquardt for his 10 years of service on the Commission.
6. Other Business

ADJOURN

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





PROCLAMATION

WHEREAS, the City of Bismarck, North Dakota, cherishes its traditions, community spirit, and the enduring establishments that have become embedded in the hearts of its residents; and

WHEREAS, July 1, 2024, marks a momentous occasion as we celebrate the 70th anniversary of Big Boy, an iconic establishment that is an integral part of our city's fabric; and

WHEREAS, Big Boy is more than just a restaurant; it is a beloved institution where generations of locals gather to create and revisit cherished memories; and

WHEREAS, the drive-thru at Big Boy is filled with laughter, conversations, and shared community experiences, serving as a repository of nostalgia and a symbol of the strong bonds that unite us; and

WHEREAS, it is appropriate to acknowledge Big Boy as a key part of our community for its unique culinary offerings, including Pizza Burgers Flying Style, Hot N' Tots, Fries and Gravy, and for its vital role in preserving our shared heritage and fostering a sense of belonging among our residents.

THEREFORE, BE IT RESOLVED that I, Michael Schmitz, Mayor of the City of Bismarck, on behalf of this City Commission, do hereby proclaim July 1, 2024, as Big Boy Day, in celebration of the 70th anniversary of this cherished establishment. We extend our deepest gratitude to Big Boy for its steadfast commitment to our city and its people.

Signed this 25th day of June 2024.

Michael Schmitz, Mayor
Bismarck Board of City Commissioners



MEETING OF THE BOARD OF CITY COMMISSIONERS

6/11/2024 - Minutes

CALL TO ORDER

The Board of City Commissioners met on June 11, 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

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

MISSION STATEMENT

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

MEETING OF THE BOARD OF CITY COMMISSION

1. PROCLAMATION

Mayor Schmitz read a proclamation declaring June 19, 2024, as Juneteenth in the City of Bismarck.

2. PUBLIC COMMENT

No public comment was received.

3. CONSENT AGENDA

- Consider approval of minutes
- Consider approval of personnel actions
- Consider approval of expenditures

Vouchers: 1118166 to 1118376.

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

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

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

1. Asphalt Surface Technologies Corporation Change Order #1 to August 11, 2023, Agreement.
2. Funding request for appeal of Transportation Security Administration (TSA) National Amendment 23-02 Aviation Worker Screening.

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

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

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

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

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

1. Introduction of and call for a public hearing on Ordinance 6578, a zoning map amendment, and major subdivision final plat for Central Outpost Subdivision.
2. Introduction of and call for a public hearing on Ordinance 6579, a zoning ordinance text amendment.
3. Introduction of and call for a public hearing on Ordinance 6580, a zoning map amendment, development agreement, and major subdivision final plat for Fettig Subdivision.
4. Introduction of and call for a public hearing on Ordinance 6581, a zoning map amendment and major subdivision final plat for West Region Medical Addition.
5. Introduction of and call for a public hearing on Ordinance 6582, relating to the Renaissance Zone Authority.
6. Permission to apply for renewal of the "Bicycle Friendly Community" designation.
7. Proposed changes to the 2024 Urban Functional Classification System.

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

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

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

1. Applications for Abatement.

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

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

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

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

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

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

4. REGULAR AGENDA

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

Nathan Schneider, Vice President of Economic Development for Bismarck Mandan Chamber EDC, presented the recommendation from the Vision Fund Committee to award the PACE program interest buy-down to the Heartview Foundation.

Kurt Snyder, Executive Director of the Heartview Foundation presented information regarding the request for the Flex PACE interest buy-down.

Commissioner Connelly motioned to approve the request to support a Flex PACE program interest buy-down for Heartview Foundation structured as a loan for an amount of \$100,675.65 as presented, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

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

Lauren Oster, City of Bismarck Planner, presented an overview of the proposal for the conditional release of the 20-foot stormwater and drainage easement on Lots 1 and 2, Block 1, Whispering Ridge Second Subdivision.

Mayor Schmitz opened the public hearing. No public comment was received.

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

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

Greg Haug, Bismarck Airport Director, presented bid tabulations for the Airfield Painting Project and recommended awarding the bid to the lowest bidder, Ostrom Painting, for \$114,213.04.

Commissioner Marquardt motioned to award the bid to Ostrom Painting, for \$114,213.04 as presented and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

<https://bismarcknd.gov/DocumentCenter/View/47092/Item-4C---June-11-2024-PDF>

- D. Consider the request from Public Works Service Operations to enter Executive Session under North Dakota Century Code Section 44-04-19.2 regarding contract negotiations/negotiation strategy under NDCC Section 44-04-19.1 (9).

Commissioner Cleary motioned to enter into executive session under NDCC 44-04-19.2 regarding contract negotiations/negotiation strategy under NDCC Section 44-04-19.1 (9) at 5:33 PM, and Commissioner Zenker seconded. Upon a roll call vote, all voted aye. M/C.

Commissioner Cleary motioned to exit executive session at 6:17 PM and Commissioner Marquardt seconded. Upon a roll call vote, all voted aye. M/C.

The Commission reconvened at 6:20 PM, with all members present.

Commissioner Zenker motioned to move forward with the consensus as discussed during the Executive Session and directed staff to continue negotiations as discussed in the executive session, and Commissioner Cleary seconded. Upon a roll call vote, all voted aye. M/C.

5. Other Business

ADJOURN

There being no further business to discuss, the meeting adjourned at 6:22 PM.

Phone: 701-355-1300 | 221 North 5th Street | P.O. Box 5503 | Bismarck, ND 58501
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PERSONNEL ACTIONS FOR THE MEETING ON June 25, 2024

Full-Time and Part-Time Appointments

Meyer, Linda Accounting Technician	Airport	Probationary Appt. @ \$23.00/hr. 7/1/24
Egemo, Mason PT Forestry Tech	PW-Services	PT Appointment @\$16.00/hr 6/18/24
Lucas, Matthew Water Plant Operator	PW-Utilities	Probationary Appt. @ \$25.02/hr. 6/17/24

Separations

Bohl, Tyler Survey Manager	Engineering	Resigned 6/14/24
Van Neste, Joseph Police Officer	Police	Resigned 6/14/24
Scouten, Nicole Industrial Pretreatment Tech	PW-Utilities	Resigned 6/6/24

Others

Lawler, Samantha Communications Specialist	CenCom	Leave W/O Pay 5/26/24-6/8/24
Tkach, Krystal Office Assistant II	Comm Development	Leave W/O Pay 6/7/24
Ellerkamp, Isaac Firefighter	Fire	End Admin Leave 6/7/24
Ellerkamp, Isaac Firefighter	Fire	Paid Admin Leave 6/14/24
Mahowald, Tyler Police Officer	Police	Leave W/O Pay 6/1/24
Bentz, Seth Heavy Equip. Operator	PW-Services	Leave W/O Pay 6/8/24



Administration Department

DATE: June 25, 2024

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Gaming site authorization renewals.

REQUEST:

Approval of gaming site authorization renewals.

BACKGROUND INFORMATION:

Consider the request to approve the following applications for gaming:

- Bismarck Cancer Center Foundation
 - Bareknuckle Baseball, LLC. (dba) Bismarck Larks - 303 West Front Avenue
 - Bismarck Cancer Center Foundation (dba) Bismarck Cancer Center - 500 North 8th Street
- Dakota Junior Golf Association, Inc.
 - Tonka Holdings, LLP (dba) Elbow Room - 115 South 5th Street
 - Hall Family Enterprises, Inc. (dba) Golf Etc. - 511 Airport Road
 - Elite Golf 2, LLC (dba) X Golf Bismarck - 1411 East Lasalle Drive

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

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming applications.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Bismarck Cancer Center Foundation
2. Dakota Jr Golf Association



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

License Number
G-
License Year Ending June 30, _____

1. Official, Legal Name of Organization (Do Not Abbreviate) Bismarck Cancer Center Foundation		Business Telephone Number	
Business Address (Street) 500 N 8th Street	City Bismarck	State ND	ZIP Code 58501
Mailing Address 500 N 8th Street	City Bismarck	State ND	ZIP Code 58501
E-mail Address aeggert@bismarckcancercenter.com	Contact Person Aasta Eggert	Official Position of Contact Person Community Relations Coord.	
2. To be applicable for a State Gaming License an eligible organization must demonstrate that they have been actively fulfilling their primary purpose by submitting copies of the non-profit corporation's charter, articles of incorporation, corporate certificate, organizational by-laws and minutes of board meetings for the last two years with this application for state gaming license.		Have the materials for demonstrating a primary purpose been included? ☐ Yes ☐ No	
3. Is the Organization recognized as tax exempt by the Internal Revenue Service a.) If yes, enclose copy of tax exemption letter received from IRS; if letter has not been received, enclose a letter of explanation (New Applicants Only)		☒ Yes ☐ No	
4. Provide Organization's Federal Employer Identification Number (EIN) 26-0466647			
5. Type of ELIGIBLE Organization (Check One) ☒ a) Charitable ☐ e) Public Safety ☐ b) Civic & Service ☐ f) Public Spirited ☐ c) Educational ☐ g) Religious ☐ d) Fraternal ☐ h) Veterans		6. Is the Organization Chartered By ☐ International Organization ☐ National Organization ☐ State Organization ☒ None of the Above	
7. How long has the Organization existed in North Dakota? 2007			
8. Name and Title of Organization's Top Executive Official (i.e., Cmdr, Pres., etc.) Amy J. Gross		Daytime Telephone Number 701-222-6100	
9. Name of Gaming Manager Aasta Eggert		Daytime Telephone Number 701-222-6145	
9a. Signature of Gaming Manager		Date	
10. List the <u>Full</u> Governing Board of the Organization (The full Governing Board of the organization is primarily responsible and may be held accountable for the proper determination and use of net proceeds)			
Name Kirk Christy	Daytime Telephone Number 701-323-6130	Name Dr. J'Patrick Fahn	Daytime Telephone Number 701-530-7000
Name Wendy Kopp	Daytime Telephone Number 701-323-6000	Name Chris Meeker	Daytime Telephone Number 701-323-6000
Name Jeff Gustafson	Daytime Telephone Number	Name	Daytime Telephone Number
Name	Daytime Telephone Number	Name	Daytime Telephone Number
Name	Daytime Telephone Number	Name	Daytime Telephone Number
Name	Daytime Telephone Number	Name	Daytime Telephone Number
1. Has the Organization ever been Convicted of a Felony, Class A Misdemeanor Unlawful Gambling or Organized Criminal activity? ☐ Yes ☒ No			
2. Is organization properly registered as a non profit organization with the North Dakota Secretary of State? ☒ Yes ☐ No			
3. Does the Organization currently have a <u>Local / Restricted Event Permit</u> that was issued by a City/County? ☐ Yes ☒ No			
4. Does the Organization Own or Rent the premises at which Games of Chance will be conducted? ☒ Rent ☐ Own			

FFIDAVIT

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

Signature of Top Executive Official

Amy J. Gross

Date

6-6-24



CURRENT GAMING EMPLOYEE LIST

ND OFFICE OF ATTORNEY GENERAL

LICENSING SECTION

SFN 54270 (8-2023)

License No. G- 0 8 8 1

Organization Name

Bismarck Cancer Center Foundation

Mailing Address

500 N 8th Street

City

Bismarck

State

ND

ZIP Code

58501

Business Phone

701-222-6245

Cell Phone

Name of Gaming Manager

Aasta Eggert

Date of Hire

5/23/2022

NOTE: Volunteer Gaming Managers are required to have a record check completed.

Record Check Completed

☒ Yes

☐ No

Date of Birth

5/10/1988

EMPLOYEE NAME

First Name, Middle Name, Last Name

JOB TITLE

DATE OF
HIRE

DATE OF
BIRTH

Check If
Volunteer

1.

Aasta M Eggert

Community Relations Coord.

May 2022

5/10/88

☐

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RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS

Cities or Counties (If site is outside limits of an Incorporated city) in which games of chance will be conducted	
City	County (Provide ONLY if license was issued by the county)
Mandan, ND	
A new Licensed Gaming Organization may not conduct gaming in more than 15 sites.	

Total number of licenses organization is applying for (add each city or county listed above) 1 x \$175.00 _____ Total fee.

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

RETURN TO:

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

Telephone

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



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

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

Full, Legal Name of Gaming Organization

Bismarck Cancer Center Foundation

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

Name of Location

Bareknuckle Baseball, LLC

Street

313 West Front Avenue

City

Bismarck

ZIP Code

58501

County

Burleigh

Beginning Date(s) Authorized

7/1/2024

Ending Date(s) Authorized

6/30/2025

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

0

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

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

June 2025

RESTRICTIONS FOR CITY/COUNTY USE ONLY

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

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

☐

Bingo

☐

ELECTRONIC Quick Shot Bingo

☒

Raffles

☐

ELECTRONIC 50/50 Raffle

☐

Pull Tab Jar

☐

Pull Tab Dispensing Device

☐

ELECTRONIC Pull Tab Device

☐

Club Special

☐

Tip Board

☐

Seal Board

☐

Punchboard

☐

Prize Board

☐

Prize Board Dispensing Device

☐

Sports Pools

☐

Twenty-One

☐

Poker

☐

Calcuttas

☐

Paddlewheel with Tickets

☐

Paddlewheel Table

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

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

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

6/25/2024

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

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

License Number (Office Use Only)

Site Owner (Lessor) Bareknuckle Baseball LLC		Site Name Bismarck Larks		Site Phone Number 701-557-7600
Site Address 303 West Front Avenue	City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization Bismarck Cancer Center Foundation		Rental Period 7/1/2024 to 6/30/2025		Monthly Rent Amount
1. Is Bingo going to be conducted at the site?			☐ No ☐ Yes	
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.			☐ No ☐ Yes	\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____			☐ No ☐ Yes	\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____			☐ No ☐ Yes	\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: ☐ Jar Bar ☐ Standard Dispensing Device			☐ No ☐ Yes	\$
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices _____			☐ No ☐ Yes	\$
Total Monthly Rent				\$

6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☒

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

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

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

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

Signature of Lessor 	Title Owner / CEO	Date 4-30-24
Signature of Lessee 	Title Executive Director	Date 5-31-24



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

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

Full, Legal Name of Gaming Organization

Bismarck Cancer Center Foundation

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

Name of Location

Bismarck Cancer Center

Street

500 North 8th Street

City

Bismarck

ZIP Code

58503

County

Burleigh

Beginning Date(s) Authorized

7/1/2024

Ending Date(s) Authorized

6/30/2025

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

0

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

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

September 2024

RESTRICTIONS FOR CITY/COUNTY USE ONLY

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

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

☐

Bingo

☐

ELECTRONIC Quick Shot Bingo

☒

Raffles

☐

ELECTRONIC 50/50 Raffle

☐

Pull Tab Jar

☐

Pull Tab Dispensing Device

☐

ELECTRONIC Pull Tab Device

☐

Club Special

☐

Tip Board

☐

Seal Board

☐

Punchboard

☐

Prize Board

☐

Prize Board Dispensing Device

☐

Sports Pools

☐

Twenty-One

☐

Poker

☐

Calcuttas

☐

Paddlewheel with Tickets

☐

Paddlewheel Table

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

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

APPROVALS

Attorney General

Date

Signature of City/County Official

Date

6/25/2024

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

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

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

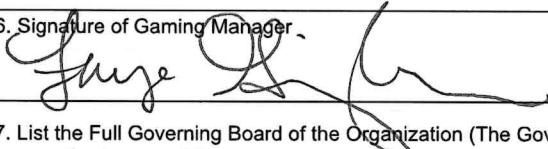
RETURN ALL DOCUMENTS TO:

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



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

License Number
G-
License Year Ending
June 30, _____

1. Official, Legal Name of Organization (Do Not Abbreviate) Dakota Junior Golf Association		Business Telephone Number (701) 400-5991	
Business Address (Street) 2900 E Broadway Ave STE4	City Bismarck	State ND	ZIP Code 58501
Mailing Address 2900 E Broadway Ave STE 4	City Bismarck	State ND	ZIP Code 58501
Address Where Gaming Accounting Records Are Kept 1838 E Interstate Ave STE B	City Bismarck	State ND	ZIP Code 58503
E-mail Address fayedjga@gmail.com	Contact Person Faye Geiszler	Official Position of Contact Person Gaming Manager	
2. Is Organization Recognized as Tax Exempt by the Internal Revenue Service? ☒ Yes ☐ No		3. Provide Organization's Federal Employer Identification Number (EIN) 45-0407475	
4. Name and Title of Organization's Top Executive Official (i.e., Cmdr, Pres., etc.) Bill Kalanek		Daytime Telephone Number (701) 319-6668	
5. Name of Gaming Manager Faye Geiszler		Daytime Telephone Number (701) 400-5991	
6. Signature of Gaming Manager 		Date 6/3/2024	
7. List the Full Governing Board of the Organization (The Governing Board is primarily responsible and may be held accountable for the proper determination and use of net proceeds)			
Name See attached	Telephone Number	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
Name	Telephone Number	Name	Telephone Number
8. Does the Organization Own or Rent the Premises at Which the Games or Chance will be Conducted? ☐ Own ☒ Rent			

AFFIDAVIT

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official 	Date 6/3/2024
--	---	-------------------------

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

Total number of licenses organization is applying for (add each city or county listed above) 2 x \$175.00 350.00 Total fee.

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

RETURN TO:

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

Telephone

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

- Tim Herman, President
- Tony Weiler, VP
- Kate Herzog, Secretary
- Bill Kalanek, Treasurer
- Perry Andrisen
- Randy DeBolt
- Thomas Welk
- Jeff Evink
- Jordan Berglund
- Brad Krogstad
- Matt Cleary
- Alex Mabin
- Scott Woodmansee
- Judy Swanberg
- Darren Schmidt

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

Organization Name Dakota Junior Golf Association		
Mailing Address 2900 E Broadway Ave STE 4		
City Bismarck	State ND	ZIP Code 58501
Business Phone (701) 400-5991		Cell Phone (701) 400-5991

License No. G- 1 0 6 8

Name of Gaming Manager Faye Geiszler	Date of Hire 4/1/2021
NOTE: Volunteer Gaming Managers are required to have a record check completed. Record Check Completed ☒ Yes ☐ No	Date of Birth 12/04/1985

EMPLOYEE NAME First Name, Middle Name, Last Name	JOB TITLE	DATE OF HIRE	DATE OF BIRTH	Check if Volunteer
1. Faye Geiszler	Gaming Manager	4/1/2021	12/04/1985	☐
2. Mandy Lundberg	Audit Technician	2/2/2022	6/19/1982	☐
3. Cameron Becker	Blackjack Dealer/Count	6/30/2021	8/20/1988	☐
4. Kim Erfle	Blackjack Dealer	6/30/2021	7/10/1964	☐
5. Candi Finley	Blackjack Dealer/Count	6/30/2021	5/17/1986	☐
6. Chad Hartze	Blackjack Dealer	6/14/2023	5/28/1963	☐
7. Victor Heil	Blackjack Dealer	6/30/2021	1/04/1985	☐
8. Ali Hoffman	Blackjack Dealer	6/14/2022	3/20/1990	☐
9. Crystal Olson	Blackjack Dealer/Count	11/14/2023	2/26/1986	☐
10. Caitlin Pittman	Blackjack Dealer	4/4/2024	5/9/1995	☐
11. Wayne Strand	Blackjack Dealer	5/10/2023	10/28/1977	☐
12. Katie Toekle	Blackjack Dealer	5/19/2023	10/5/1985	☐
13.				☐
14.				☐
15.				☐
16.				☐
17.				☐
18.				☐
19.				☐
20.				☐
21.				☐
22.				☐
23.				☐
24.				☐

RETURN THIS FORM WITH THE STATE GAMING LICENSE REAPPLICATION DOCUMENTS

INFORMATION:

1. For purposes of this form, the definition of an "employee" is:
 - a. A person who directly operates games on a site.
 - b. A person who is a shift or gaming manager
 - c. A person who is employed by a bar that is not operated by an organization, and who is authorized by an organization under subsection 4 of section 99-01.3-12-02 to withdraw currency or a drop box from a pull tab dispensing device.
 - d. A person who places a deal of pull tabs in a dispensing device, removes currency from the device, or reimburses a bar for redeemed pull tabs.
 - e. A person who is a member of a drop box cash count team.
2. List the employee's full name, including first, middle, and last. If an employee had a record check completed under a different name, indicate the name.
3. List the employee's job title. For example: Runner, Bingo caller, Dealer, Jar Operator, Count Team Member, etc.
4. List the date the employee was hired or started volunteering for the organization. If an employee had an employment gap for more than one year with the organization, list the most current re-hire date.
5. If an employee is not paid by the organization, check the volunteer box.



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

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

Full, Legal Name of Gaming Organization

Dakota Junior Golf Association, Inc.

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

Name of Location

Tonka Holdings, LLP (dba) Elbow Room

Street 115 South 5th Street	City Bismarck	ZIP Code 58501	County Burleigh
Beginning Date(s) Authorized 7/1/2024	Ending Date(s) Authorized 6/30/2025	Number of Twenty-One tables, if zero, enter "0" 2	

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

East and South locations of bar. Excludes restrooms.

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

RESTRICTIONS FOR CITY/COUNTY USE ONLY

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

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

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

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

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

APPROVALS

Attorney General	Date
Signature of City/County Official	Date 6/25/2024

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

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

License Number (Office Use Only)

Site Owner (Lessor) Tonka Group		Site Name Elbow Room		Site Phone Number 701-222-2140
Site Address 115 South 5th Street	City Bismarck	State ND	Zip Code 58501	County Burleigh
Organization Dakota Junior Golf Association		Rental Period 7/1/2024 to 6/30/2025		Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		☐ No ☒ Yes		
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		☒ No ☐ Yes		\$
2. Is Twenty-One conducted at this site?		☐ No ☒ Yes		\$
Number of Tables with wagers up to \$5 X Rent per Table \$				
Number of Tables with wagers over \$5 2 X Rent per Table \$ 300.00				\$ 600.00
3. Is Paddlewheels conducted at this site?		☐ No ☒ Yes		\$
Number of Tables 1 X Rent per Table \$ 200.00				\$ 200.00
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site?		☐ No ☒ Yes		\$
Please Check: ☒ Jar Bar ☒ Standard Dispensing Device				\$ 325.00
5. Are Electronic Pull-Tabs conducted at this site?		☐ No ☒ Yes		\$
If "Yes" please indicate the number of devices 10				\$ 1,250.00
Total Monthly Rent				\$ 2,375.00
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐				

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

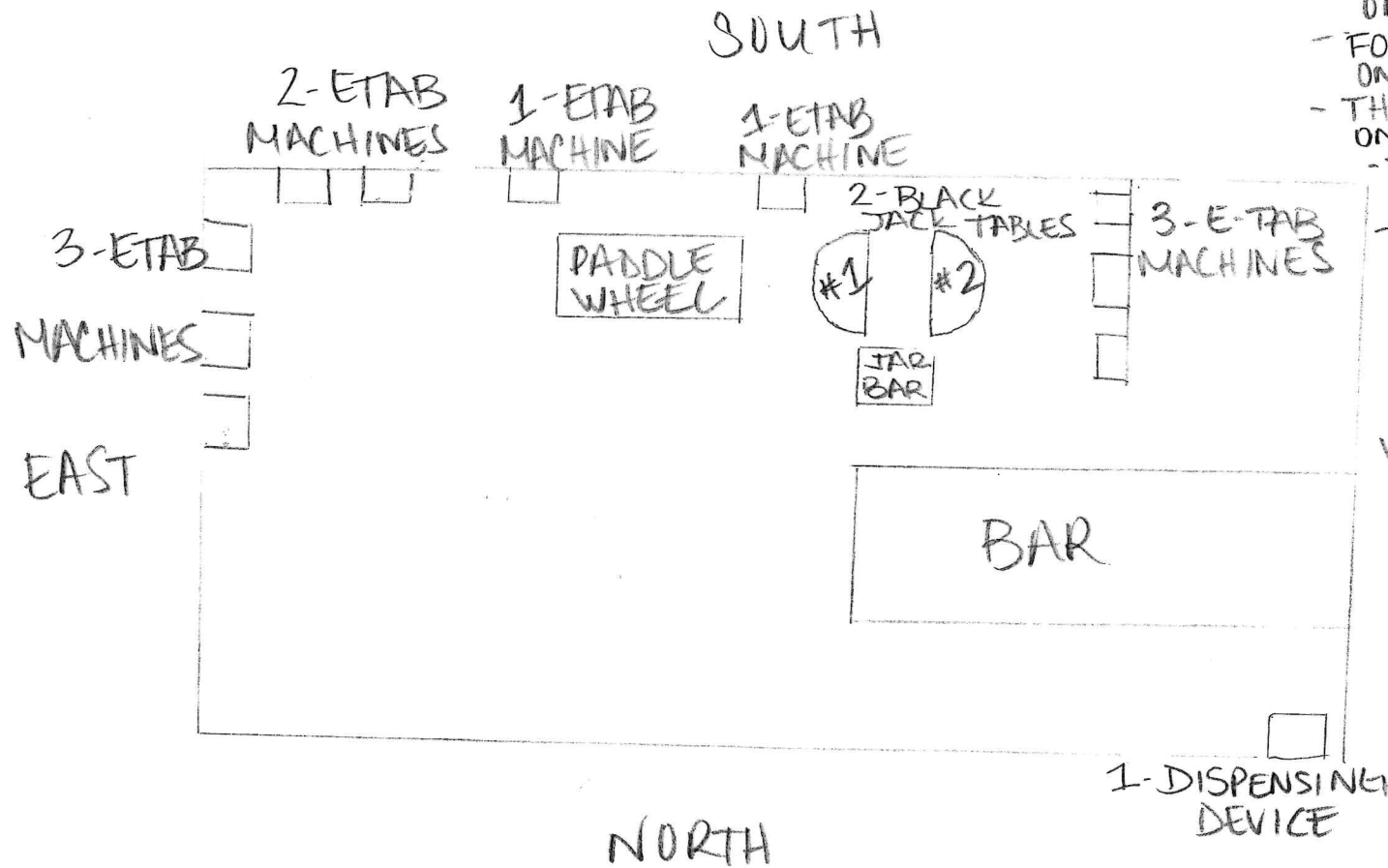
The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

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

Signature of Lessor	Title <i>Owner</i>	Date <i>2-9-2024</i>
Signature of Lessee	Title <i>Treasurer/Gaming Chair</i>	Date <i>2-9-2024</i>

ELBOW ROOM



- TWO BLACKJACK TABLES ON SOUTHSIDE
- ONE PADDLEWHEEL ON SOUTHSIDE
- FOUR E-TAB MACHINES ON SOUTHSIDE
- THREE E-TAB MACHINES ON EAST SIDE
- THREE E-TAB MACHINES ON SOUTHWEST SIDE
- ONE DISPENSING DEVICE ON THE NORTHSIDE



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

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

Full, Legal Name of Gaming Organization

Dakota Junior Golf Association, Inc.

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

Name of Location

Hall Family Enterprises, Inc. (dba) Golf Etc.

Street 511 Airport Road	City Bismarck	ZIP Code 58504	County Burleigh
Beginning Date(s) Authorized 7/1/2024	Ending Date(s) Authorized 6/30/2025	Number of Twenty-One tables, if zero, enter "0" 1	

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

South side of site. Excludes restrooms.

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

RESTRICTIONS FOR CITY/COUNTY USE ONLY

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

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

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

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

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

APPROVALS

Attorney General	Date
Signature of City/County Official	Date 6/25/2024

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

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

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

RETURN ALL DOCUMENTS TO:

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



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

License Number (Office Use Only)

Site Owner (Lessor) Golf Etc.		Site Name Golf Etc.		Site Phone Number (701) 751-7070	
Site Address 511 Airport Road		City Bismarck	State ND	Zip Code 58504	County Burleigh
Organization Dakota Junior Golf Association		Rental Period 7/1/2024 to 6/30/2026			Monthly Rent Amount
1. Is Bingo going to be conducted at the site?				☒ No ☐ Yes	
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☒ No ☐ Yes	\$
2. Is Twenty-One conducted at this site?				☐ No ☒ Yes	\$
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____					
Number of Tables with wagers over \$5 1 X Rent per Table \$ _____					\$
3. Is Paddlewheels conducted at this site?				☒ No ☐ Yes	\$
Number of Tables _____ X Rent per Table \$ _____					
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site?				☐ No ☒ Yes	\$ 200.00
Please Check: ☐ Jar Bar ☒ Standard Dispensing Device					
5. Are Electronic Pull-Tabs conducted at this site?				☐ No ☒ Yes	\$ 700.00
If "Yes" please indicate the number of devices 4					
Total Monthly Rent					\$ 900.00
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. ☐					

TERMS OF RENTAL AGREEMENT:

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

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

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

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

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

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

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

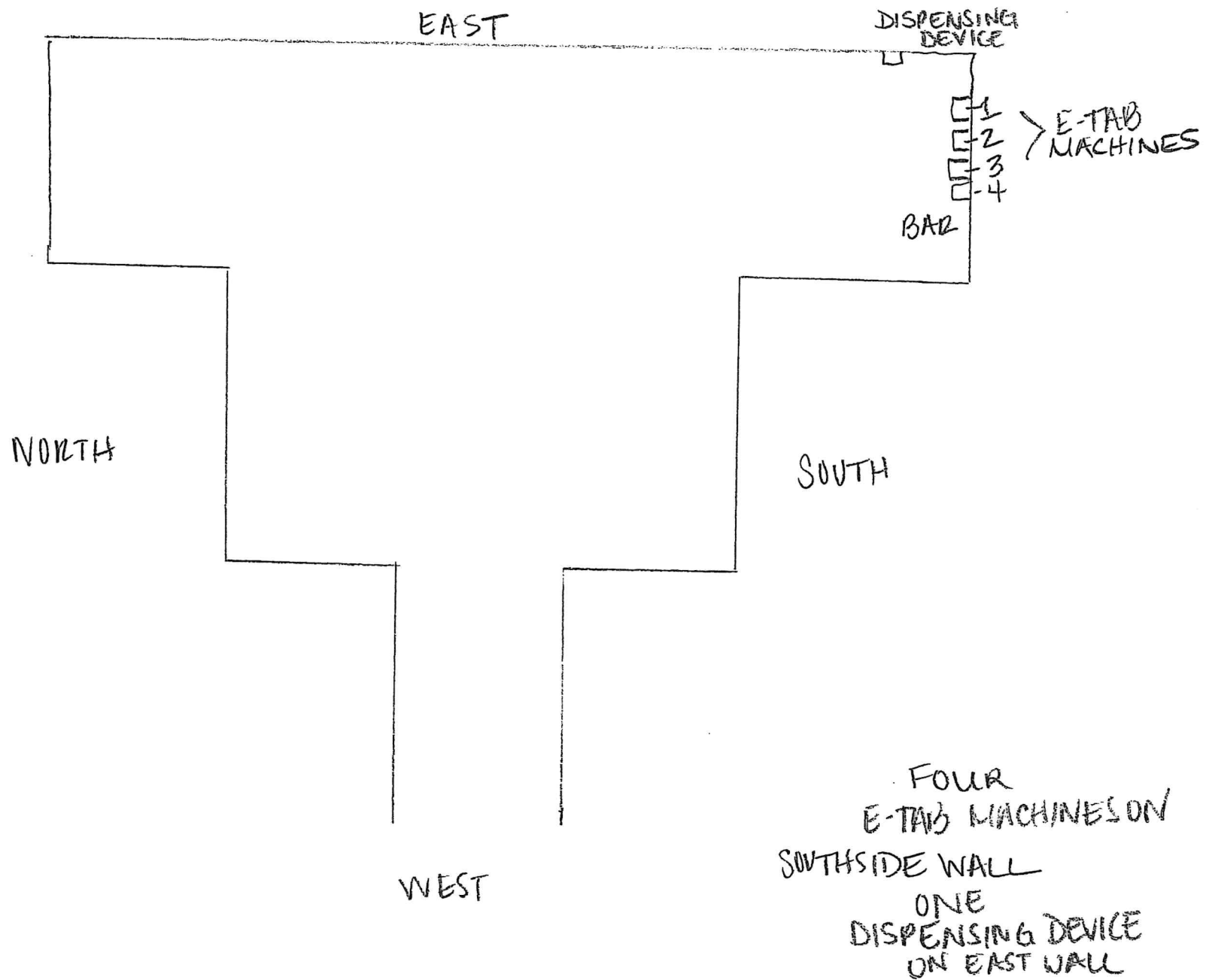
The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

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

Signature of Lessor <i>Ken Hall</i>	Title <i>General Manager</i>	Date <i>1/31/24</i>
Signature of Lessee <i>[Signature]</i>	Title <i>Treasurer</i>	Date <i>1-24-24</i>

GOLF ETC.





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

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

Full, Legal Name of Gaming Organization

Dakota Junior Golf Association, Inc.

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

Name of Location

Elite Golf 2, LLC (dba) X Golf Bismarck

Street

1411 East Lasalle Drive

City

Bismarck

ZIP Code

58503

County

Burleigh

Beginning Date(s) Authorized

7/1/2024

Ending Date(s) Authorized

6/30/2025

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

1

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

East and West side of site. Excludes restrooms.

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

RESTRICTIONS FOR CITY/COUNTY USE ONLY

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

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

☐

Bingo

☐

ELECTRONIC Quick Shot Bingo

☐

Raffles

☐

ELECTRONIC 50/50 Raffle

☒

Pull Tab Jar

☒

Pull Tab Dispensing Device

☒

ELECTRONIC Pull Tab Device

☐

Club Special

☐

Tip Board

☐

Seal Board

☐

Punchboard

☐

Prize Board

☐

Prize Board Dispensing Device

☐

Sports Pools

☒

Twenty-One

☒

Poker

☐

Calcuttas

☐

Paddlewheel with Tickets

☐

Paddlewheel Table

Days of week of gaming operations (if restricted)

Hours of gaming (if restricted)

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

APPROVALS

Attorney General

Date

6/25/2024

Signature of City/County Official

Date

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

Doug Wiles, City of Bismarck Assistant Administrator

INSTRUCTIONS:

1. City/County - Retain a **copy** of the Site Authorization for your files.
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RETURN ALL DOCUMENTS TO:

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

RECEIVED

ATTY. GENERAL'S LICENSING DEPT.

JUN 14 2023



RENTAL AGREEMENT

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

Check _____
Draft _____
Cash _____ M.O. _____

License Number (Office Use Only)

G-1068(158)

Site Owner (Lessor) X-golf Bismarck		Site Name X-golf Bismarck		Site Phone Number (701) 838-1628
Site Address 1411 E Lasalle Drive		City Bismarck	State ND	Zip Code 58503
Organization (Lessee) Dakota Junior Golf Association		Rental Period 7/1/2023 to 6/30/2025		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.				☒ No ☐ Yes ☒ No ☐ Yes \$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>300.00</u>				☐ No ☒ Yes \$ <u>300.00</u>
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____				☒ No ☐ Yes \$
4. Is Pull Tabs involving either a jar bar, standard, or electronic dispensing device conducted at this site? Please check: ☒ Jar Bar ☒ Standard Dispensing Device ☒ Electronic Dispensing Device Number of Electronic Devices <u>10</u>				☐ No ☒ Yes \$ <u>325.00</u> \$ <u>1,250.00</u>
Total Monthly Rent				<u>1,825.00</u>
5. If the only gaming activity to be conducted at this site is a raffle drawing, please check here.				☐

TERMS OF RENTAL AGREEMENT:

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

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

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

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

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

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

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

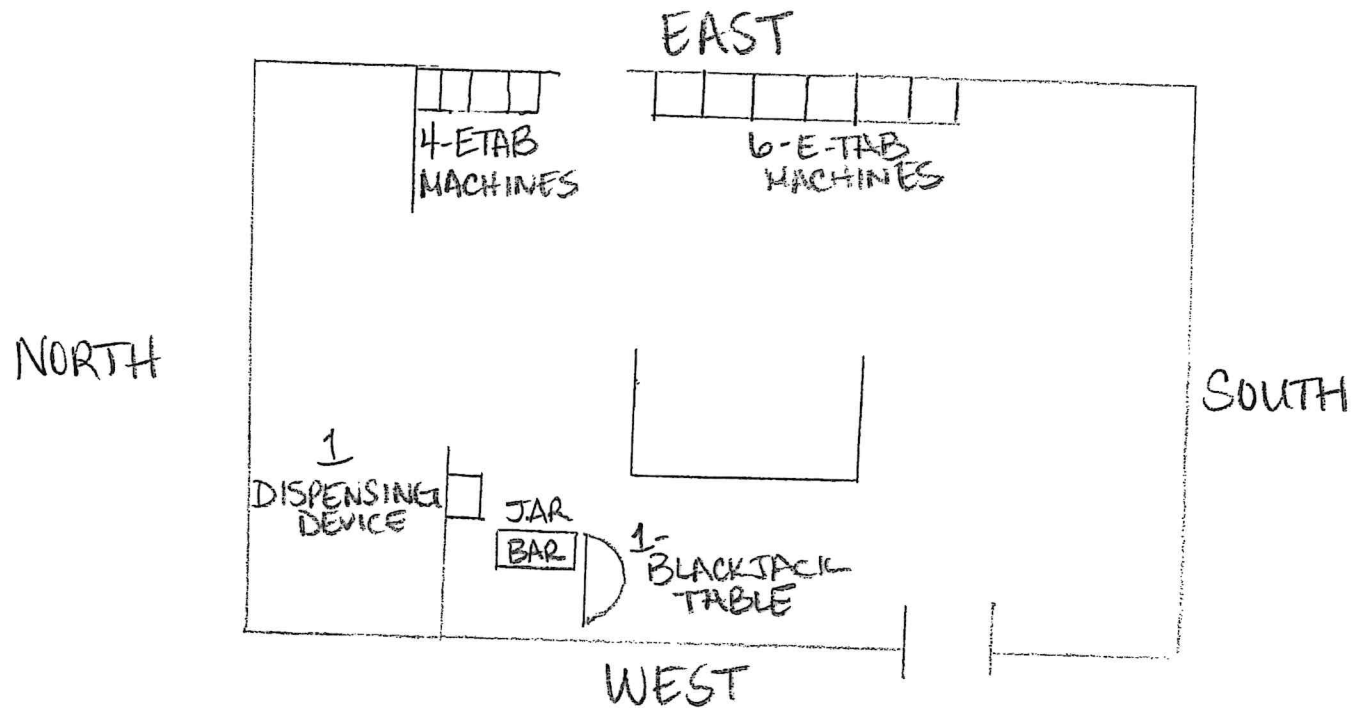
The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

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

Signature of Lessor 	Title Owner	Date 5-5-23
Signature of Lessee 	Title Treasurer	Date 5-5-23

(over)

X-GOLF BISMARCK



ONE DISPENSING DEVICE ON
NORTHWEST WALL.

JAR BAR WEST AREA.

ONE BLACKJACK TABLE LOCATED
ON WEST SIDE OF BAR.

TEN E-TAB MACHINES ON
EAST WALL OF BAR.



Administration Department

DATE: June 25, 2024

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Liquor License Renewals

REQUEST:

Approval of liquor license renewal applications.

BACKGROUND INFORMATION:

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

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

Consider the approval of the following liquor license renewals:

- Amvets Post NO. 9 (dba) Amvets Post No. 9 - 2402 Railroad Avenue
- Mongrill Holdings, Inc. (dba) Bismarck HuHot Mongolian Grill - 409 South 3rd Street
- Bismarck Lodge #302 Loyal Order of Moose (dba) Bismarck Moose Lodge 302 - 312 North 20th Street
- Chinatown Buffet, Inc. (dba) Chinatown Buffet - 330 Riverwood Drive
- Jack's Inc. (dba) Jack's Steakhouse and Seafood - 1201 South 12th Street
- John's Meat Market, Inc. (dba) John's Meat Market, Inc. - 928 East Interstate Avenue
- Lander's Interstate Service, Inc. (dba) Lander's Shell - 2210 North 12th Street
- Humpback Sally's, LLC. (dba) LÜFT - 510 East Main Avenue
- TBM Group, LLC. (dba) Main Bar & Package Store - 804 East Main Avenue
- Obrian's, Inc. (dba) Obrian's - 1059 East Interstate Avenue
- Paradiso of Bismarck, Inc. (dba) Paradiso - 2620 State Street
- Pirogue Grille, Inc. (dba) Pirogue Grille - 121 North 4th Street
- TBM Group, LLC. (dba) Polar Package Place / Lucky's Bar - 2150 East Thayer Avenue
- E N T Sports, Inc. (dba) Stadium Sports Bar & The Lodge - 1247 West Divide Avenue
- 'Nickels and Dimes Incorporate' (dba) Tilt Studio - 600 South 5th Street
- Touchmark on West Century, LLC. (dba) Touchmark on West Century - 1000 West Century Avenue
- Williquors, Inc. (dba) Williquors, Inc. - 3025 Yorktown Drive

- NHS, LLC. (dba) Wingate by Wyndham Bismarck - 1421 Skyline Blvd

RECOMMENDED CITY COMMISSION ACTION:

Approve the liquor license renewals.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Amvets Post No. 9
2. Bismarck Huhot Mongolian Grill
3. Bismarck Moose Lodge 302
4. Chinatown Buffet Application
5. Jacks Steakhouse
6. Johns Meat Market
7. Landers Shell
8. LUFT
9. Main Bar and Package Store
10. Obrians Sports Bar
11. Paradiso
12. Pirogue Grille
13. Polar Package and Luckys Bar
14. Stadium Sports Bar and The Lodge
15. Tilt Studio
16. Touchmark
17. Williquors
18. Wingate by Wyndham Bismarck

Retail Alcohol Beverage License - Submission #22828

Date Submitted: 5/7/2024



License Information:

Application Type*

Renewal

License Type*

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

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

Location Information:

Legal Business Name:*

AMVETS Club Post 9

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

AMVETS Club Post 9

Date of Incorporation:*

1983

State of ND Liquor License No.:

AA-02127

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

☐ Yes

☒ No

☐ N/A

Location Address:*

2402 Railroad Ave.

City:*

Bismarck

State:*

North Dakota

Zip:*

58501

Phone No.:*

701-258-8324

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

Rhonda Gall- General Manager

Contact Information (Where correspondence is to be sent):

Primary Contact:*

Rhonda Gall

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Bismarck

State:*

North Dakota

Zip:*

58501

Phone No.:*

[REDACTED]

Manager's Name:*

Rhonda Gall

Date of Birth:*

[REDACTED]/1968

**Percentage of
Ownership:***

0

Driver's License No.:*	State Issued:*	Gender:	Race:
██████████	North Dakota	Female	White

Home Address:*

████████████████████

City:*	State:*	Zip:*	Phone No.:*
Bismarck	North Dakota	58503	██████████

Officer/Director/Stockholder Title:*	Email Address:*
General Manager	████████████████████

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

Name:*	Date of Birth:*	Percentage of Ownership:*
Phil Miller	██████/1950	0

Driver's License No.:*	State Issued:*	Gender:	Race:
██████████	North Dakota	Male	White

Home Address:*

████████████████████

City:*	State:*	Zip:*	Phone No.:*
Bismarck	North Dakota	58503	██████████

Officer/Director/Stockholder Title:*

Email Address:

Trustee Chairman

Name:

Date of Birth:

Percentage of
Ownership:

Nicole Frohlich

/1980

0

Driver's License No.:

State Issued:

Gender:

Race:

North Dakota

Female

White

Home Address:

City:

State:

Zip:

Phone No.:

Mandan

North Dakota

58554

Officer/Director/Stockholder Title:

Email Address:

Trustee

Name:

Date of Birth:

Percentage of
Ownership:

Scott Langemo

/1963

0

Driver's License No.:

State Issued:

Gender:

Race:

North Dakota

Male

White

Home Address:

[REDACTED]

City:

Bismarck

State:

North Dakota

Zip:

58504

Phone No.:

[REDACTED]

Officer/Director/Stockholder Title:

Trustee

Email address:

[REDACTED]

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

No file chosen

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

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

- ☒ Yes
☐ No

If no, please explain:

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

- ☐ Yes
☒ No

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

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No
☐ N/A

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

building floor plan (3).pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Rhonda Gall, General Manager

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

☒ Electronic Signature

Date:*

5/7/2024

Payment Options:*

Check By Mail

NOTE: This application must be accompanied by required fees.

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

Credit Card

[Credit Card Authorization Form](#)

Upload Credit Card Authorization Form

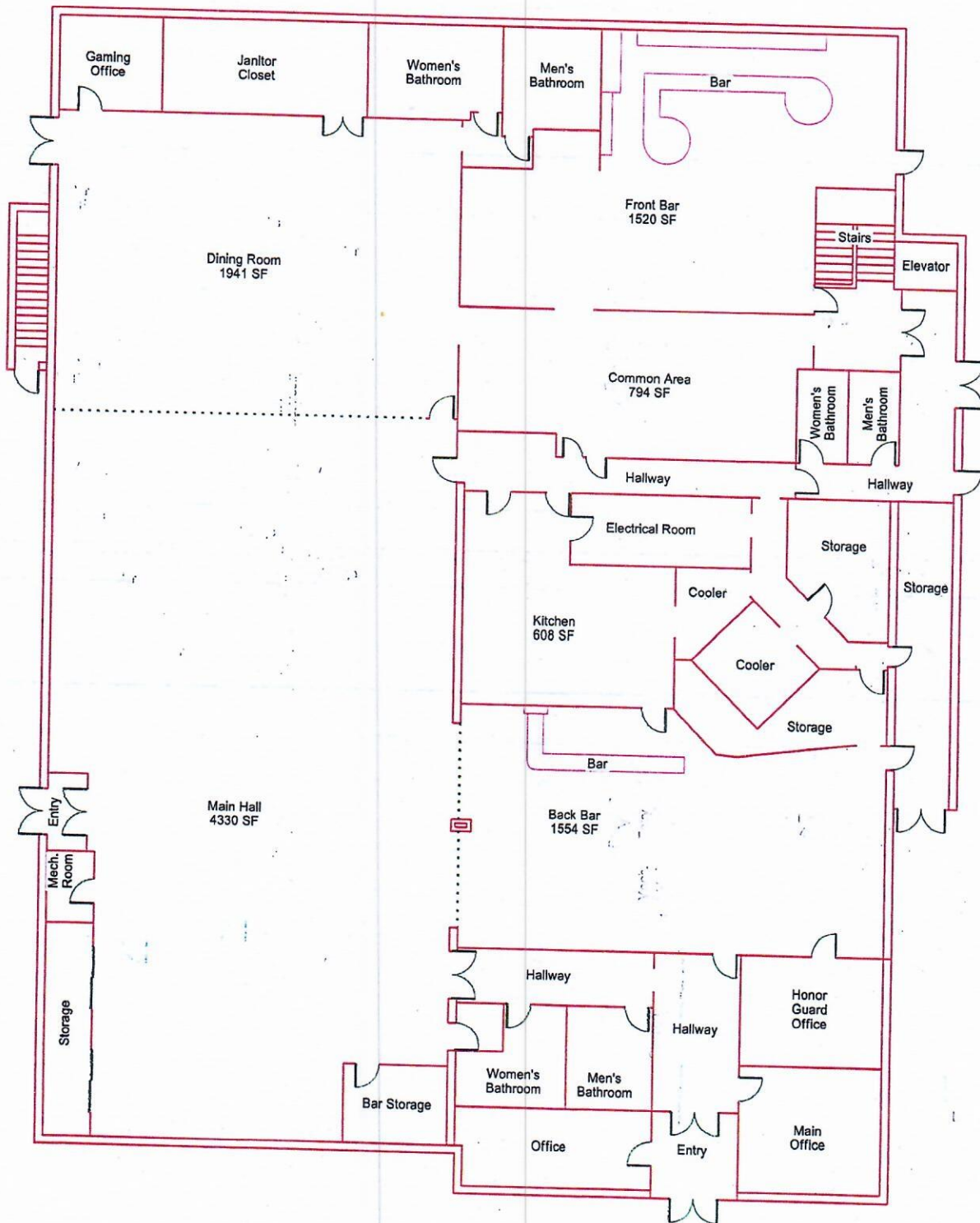
Choose File No file chosen

Mail Payments To:

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

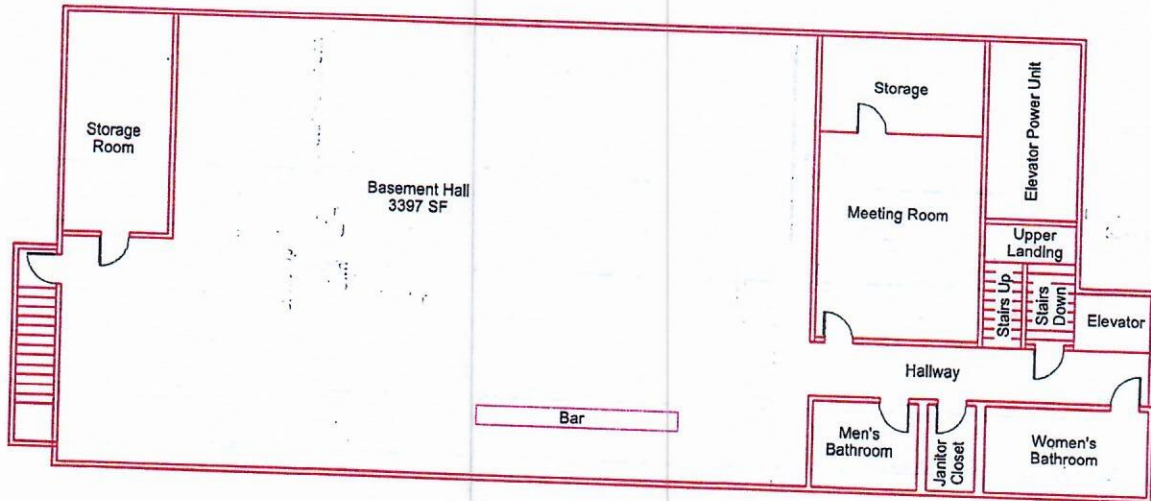
AMVETS Building Layout

2402 Railroad Ave
Bismarck, ND 58501



AMVETS Basement Layout

2402 Railroad Ave
Bismarck, ND 58501



Retail Alcohol Beverage License - Submission #23399

Date Submitted: 6/12/2024



License Information:

Application Type*

Renewal

License Type*

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

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

Location Information:

Legal Business Name:*

Mongrill Holdings, Inc.

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

Bismarck HuHot Mongolian Grill

Date of Incorporation:*

12/19/2014

State of ND Liquor License No.:

AW-00979

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

- ☒ Yes
☐ No
☐ N/A

Location Address:*

409 S 3rd St

City:*

Bismarck

State:*

ND

Zip:*

58504

Phone No.:*

701-751-2800

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

Brett Itterman

Contact Information (Where correspondence is to be sent):

Primary Contact:*

Annette Moss

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Fargo

State:*

ND

Zip:*

58107

Phone No.:*

[REDACTED]

Manager's Name:*

Jason Locken

Date of Birth:*

[REDACTED]/1977

**Percentage of
Ownership:***

0

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

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

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Presdient/CEO

Email Address:

Name:

See Attached - No Change in Ownership

Date of Birth:

**Percentage of
Ownership:**

Driver's License No.:

State Issued:

Gender:

Race:

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email Address:

Name:

Date of Birth:

**Percentage of
Ownership:**

Driver's License No.:

State Issued:

Gender:

Race:

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email address:

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

AttachmentLiquorLicenseHHBismarck.doc

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:

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- ☒ Yes
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- ☒ 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:

Fargo HuHot Mongolian Grill & 46 North Pints & Provisions (Fargo ND)

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

- ☒ Yes
☐ No

If yes please, give details:

Restaurant Operations

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:

2024.05.14 MH BIS 2023 Office of State Tax Commissioner Sales Tax.pdf

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

Attachment Bismarck Alcohol Beverage License Site Diagram.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*
☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*
☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*
☒ I agree

Signature of Applicant:*

Brett Itterman

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

☒ Electronic Signature

Date:*

6/12/2024

Payment Options:*

Check By Mail

NOTE: This application must be accompanied by required fees.

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

Credit Card

[Credit Card Authorization Form](#)

Upload Credit Card Authorization Form

Choose File No file chosen

Mail Payments To:

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

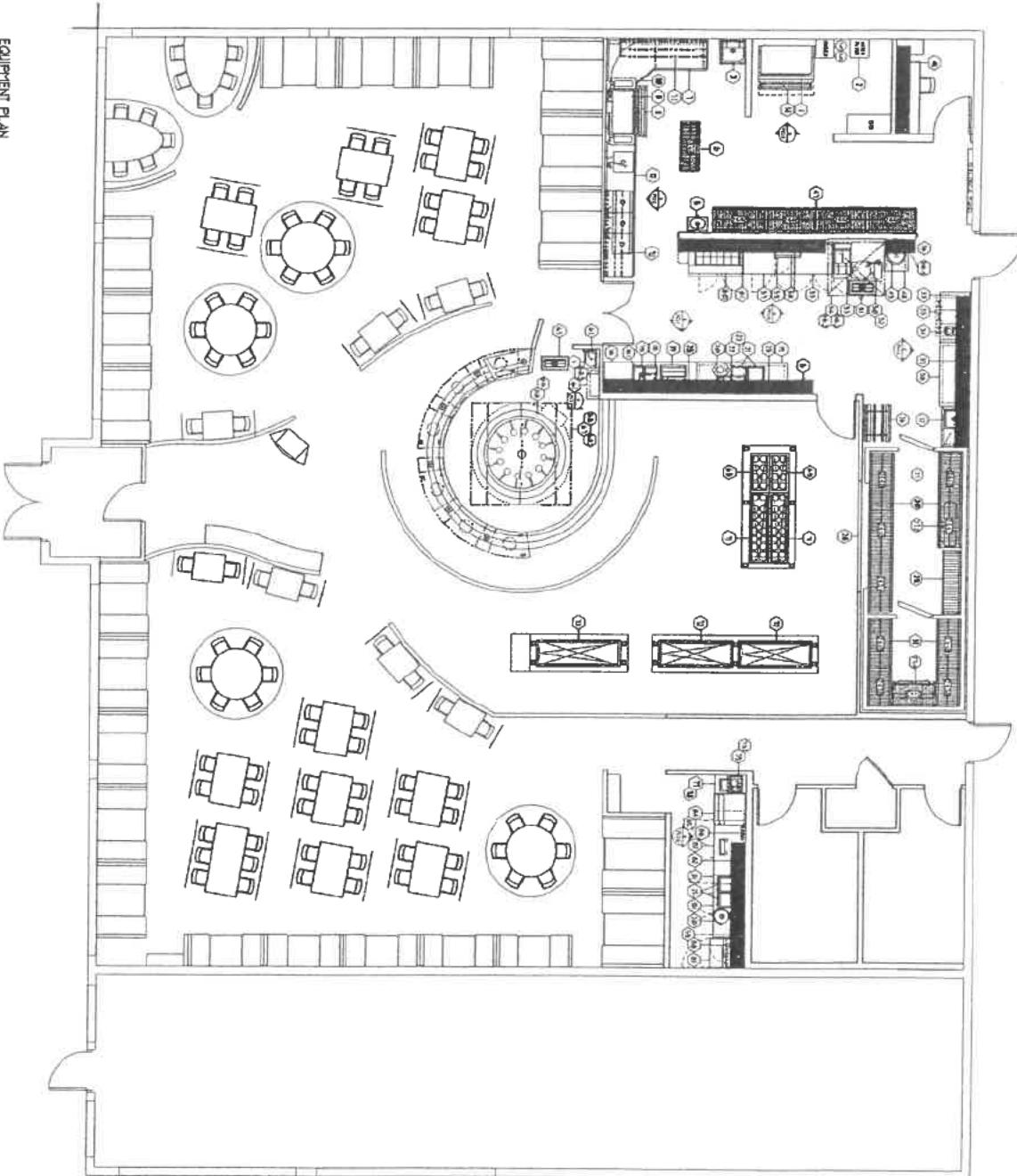
ITEM NO.	DESCRIPTION	QUANTITY	OWNER	DATE
1	RESTAURANT	1	OWNER	08/04/2011
2	KITCHEN	1	OWNER	08/04/2011
3	BAR	1	OWNER	08/04/2011
4	RESTROOM	1	OWNER	08/04/2011
5	STORAGE	1	OWNER	08/04/2011
6	RECEPTION	1	OWNER	08/04/2011
7	PAUSE	1	OWNER	08/04/2011
8	STAIR	1	OWNER	08/04/2011
9	STAIR	1	OWNER	08/04/2011
10	STAIR	1	OWNER	08/04/2011
11	STAIR	1	OWNER	08/04/2011
12	STAIR	1	OWNER	08/04/2011
13	STAIR	1	OWNER	08/04/2011
14	STAIR	1	OWNER	08/04/2011
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46	STAIR	1	OWNER	08/04/2011
47	STAIR	1	OWNER	08/04/2011
48	STAIR	1	OWNER	08/04/2011
49	STAIR	1	OWNER	08/04/2011
50	STAIR	1	OWNER	08/04/2011
51	STAIR	1	OWNER	08/04/2011
52	STAIR	1	OWNER	08/04/2011
53	STAIR	1	OWNER	08/04/2011
54	STAIR	1	OWNER	08/04/2011
55	STAIR	1	OWNER	08/04/2011
56	STAIR	1	OWNER	08/04/2011
57	STAIR	1	OWNER	08/04/2011
58	STAIR	1	OWNER	08/04/2011
59	STAIR	1	OWNER	08/04/2011
60	STAIR	1	OWNER	08/04/2011
61	STAIR	1	OWNER	08/04/2011
62	STAIR	1	OWNER	08/04/2011
63	STAIR	1	OWNER	08/04/2011
64	STAIR	1	OWNER	08/04/2011
65	STAIR	1	OWNER	08/04/2011
66	STAIR	1	OWNER	08/04/2011
67	STAIR	1	OWNER	08/04/2011
68	STAIR	1	OWNER	08/04/2011
69	STAIR	1	OWNER	08/04/2011
70	STAIR	1	OWNER	08/04/2011
71	STAIR	1	OWNER	08/04/2011
72	STAIR	1	OWNER	08/04/2011
73	STAIR	1	OWNER	08/04/2011
74	STAIR	1	OWNER	08/04/2011
75	STAIR	1	OWNER	08/04/2011
76	STAIR	1	OWNER	08/04/2011
77	STAIR	1	OWNER	08/04/2011
78	STAIR	1	OWNER	08/04/2011
79	STAIR	1	OWNER	08/04/2011
80	STAIR	1	OWNER	08/04/2011
81	STAIR	1	OWNER	08/04/2011
82	STAIR	1	OWNER	08/04/2011
83	STAIR	1	OWNER	08/04/2011
84	STAIR	1	OWNER	08/04/2011
85	STAIR	1	OWNER	08/04/2011
86	STAIR	1	OWNER	08/04/2011
87	STAIR	1	OWNER	08/04/2011
88	STAIR	1	OWNER	08/04/2011
89	STAIR	1	OWNER	08/04/2011
90	STAIR	1	OWNER	08/04/2011
91	STAIR	1	OWNER	08/04/2011
92	STAIR	1	OWNER	08/04/2011
93	STAIR	1	OWNER	08/04/2011
94	STAIR	1	OWNER	08/04/2011
95	STAIR	1	OWNER	08/04/2011
96	STAIR	1	OWNER	08/04/2011
97	STAIR	1	OWNER	08/04/2011
98	STAIR	1	OWNER	08/04/2011
99	STAIR	1	OWNER	08/04/2011
100	STAIR	1	OWNER	08/04/2011

VERIFY REPORT LOCATION

Entire Restaurant
is licensed area

North

EQUIPMENT PLAN



NOT FOR CONSTRUCTION

08/04/2011 PROGRESS PRINT

FS1.0 2 OF 18 FLOOR PLAN SHEET TITLE		HuHot Mongolian Grill BISMARCK, ND		BARGREEN ELLINGSON ARCHITECTS & INTERIORS 1025 TACOMA BLVD. THUNDERBOLT, ND 58453 Phone: (701) 455-0001 Fax: (701) 455-0001 www.bargreen.com	
--	--	--	--	---	--



APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

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

LAST REVISED: 2/6/2024

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

All Class F-1, F-2, & C-2 license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Location Information:				
Legal Business Name: Bismarck Moose Lodge 302			Date of Incorporation: 1951	State Business ID Number: 45-0228689
Doing Business As (DBA) Name, if Applicable:			If out of state corporation, is corporation registered in North Dakota? ☐ Yes ☐ No	
Location Address: 312 N 20th Street	City: Bismarck	State: ND	Zip: 58501	Phone Number: 701-224-8326
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): Thomas J St Peter				

Contact Information (Where correspondence is to be sent):				
Primary Contact: Thomas J St Peter		Phone Number: [REDACTED]	Email Address: [REDACTED]	
Mailing Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58501	

Manager's Name: Amy Gieser		Date of Birth: [REDACTED] 1972	Percentage of Ownership: 0
Driver's License Number: [REDACTED]	State Issued: ND	Gender: F	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58504
Occupation: Bar Manager	Phone Number: [REDACTED]	Title: Manager	Email Address: [REDACTED]

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

Name: Danny Hugelen		Date of Birth: [REDACTED]/1970	Percentage of Ownership: 0
Driver's License Number: [REDACTED]	State Issued: ND	Gender: M	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58504
Occupation: Salesman	Phone Number: [REDACTED]	Title: Past President	Email Address: [REDACTED]

Name: Thomas J St Peter		Date of Birth: [REDACTED]/1962	Percentage of Ownership: 0
Driver's License Number: [REDACTED]	State Issued: ND	Gender: M	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58501
Occupation: Landman	Phone Number: [REDACTED]	Title: Administrator	Email Address: [REDACTED]

Name: Brent Schmitt		Date of Birth: [REDACTED]/1982	Percentage of Ownership: 0
Driver's License Number: [REDACTED]	State Issued: ND	Gender: M	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58501
Occupation: purchasing	Phone Number: [REDACTED]	Title: President	Email Address: [REDACTED]

Name: Jody Hugelen		Date of Birth: [REDACTED]/1965	Percentage of Ownership: 0
Driver's License Number: [REDACTED]	State Issued: ND	Gender: F	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58504
Occupation: Administrative Assistant	Phone Number: [REDACTED]	Title: Chaplain	Email Address: [REDACTED]

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

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

☒ Yes ☐ No

If no, please explain:

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

☐ Yes ☒ No

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

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

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☐ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☒ Yes ☐ No

If no, please give details:

Signature:

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



Signature of Applicant

Date 6/6/24

Print Name / Title of Officer

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

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

Business Name _____

Applicant Business Name _____

Original License Holder Name Printed _____

Transfer Applicant Name Printed _____

Original License Holder Signature _____

Transfer Applicant Signature _____

State of _____

Subscribed and sworn to before me this _____

County of _____

day of _____



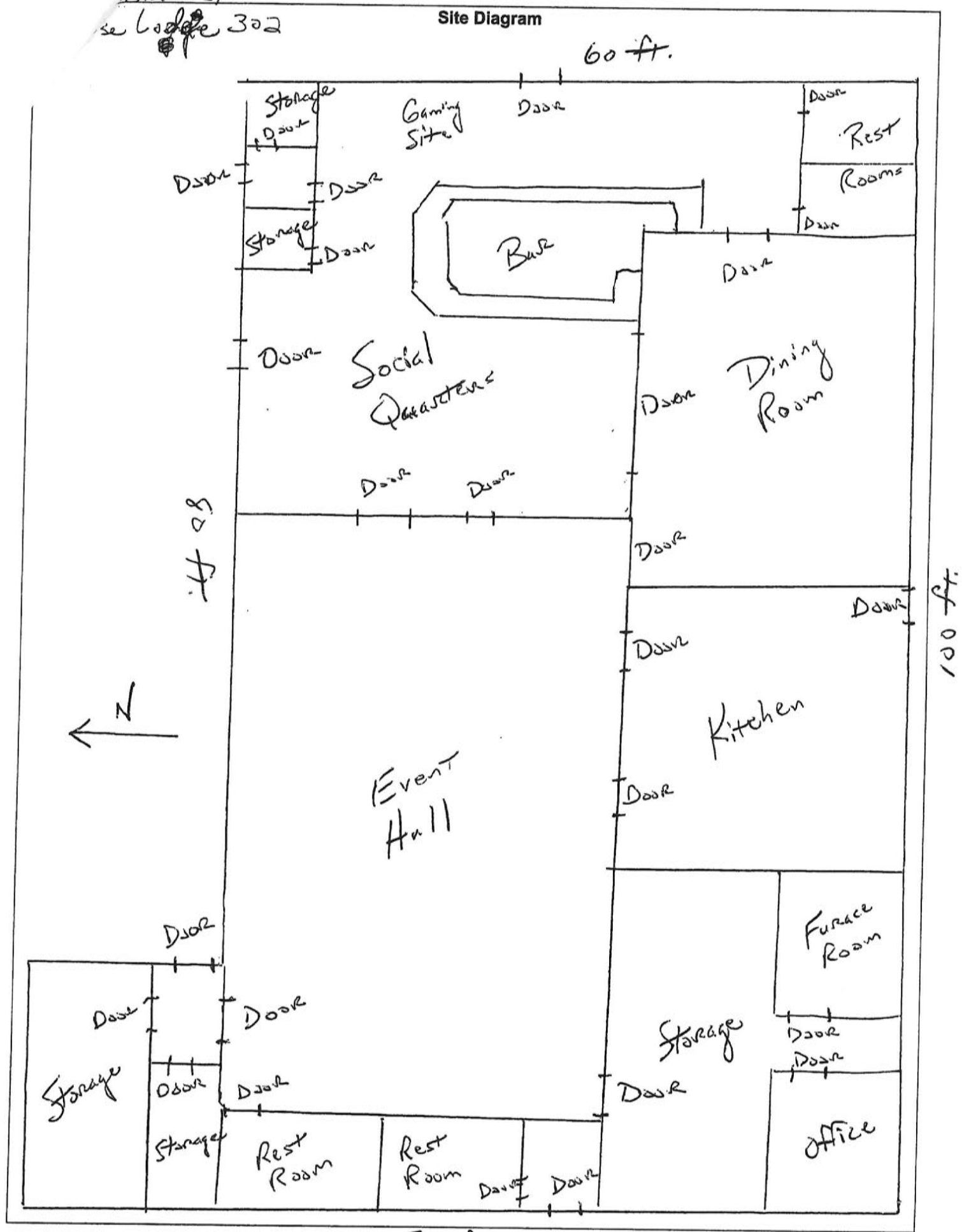
Notary Public _____

My Commission Expires _____

Smack
se Lodge 302

Site Diagram

60 ft.



60 ft



APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

LAST REVISED: 2/6/2024

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

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

All Class F-1, F-2, & C-2 license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Location Information:

Legal Business Name: <i>China town Buffet</i>		Date of Incorporation: <i>6/1/2015</i>	State Business ID Number: <i>39120300</i>
Doing Business As (DBA) Name, if Applicable: <i>China town Buffet, znc.</i>		If out of state corporation, is corporation registered in North Dakota? ☐ Yes ☐ No	
Location Address: <i>330 Riverwood Dr.</i>	City: <i>Bismarck</i>	State: <i>ND</i>	Zip: <i>58504</i>
Phone Number: <i>701 222 1688</i>			
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): <i>Jimmy Ni (Manager)</i>			

Contact Information (Where correspondence is to be sent):

Primary Contact: <i>Jimmy Ni</i>	Phone Number: [REDACTED]	Email Address: [REDACTED]
Mailing Address: [REDACTED]	City: <i>Bismarck</i>	State: <i>ND</i>
		Zip: <i>58503</i>

Manager's Name: <i>Jimmy Ni</i>	Date of Birth: [REDACTED] <i>1989</i>	Percentage of Ownership: <i>0% or N/A</i>
Driver's License Number: [REDACTED]	State Issued: <i>ND</i>	Race: <i>Asian</i>
Home Address: [REDACTED]	City: <i>Bismarck</i>	State: <i>ND</i>
		Zip: <i>58503</i>
Occupation: <i>chef, cashier</i>	Phone Number: [REDACTED]	Title: <i>Manager</i>
		Email Address: [REDACTED]

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

Name: Zeng Jin ke		Date of Birth: [REDACTED] / 1964	Percentage of Ownership: 100%
Driver's License Number: [REDACTED]	State Issued: 10/16/2020	Gender: M	Race: Asian
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58503
Occupation: owner/chef	Phone Number: [REDACTED]	Title: President	Email Address: N/A

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

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

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

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

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

☒ Yes ☐ No

If no, please explain:

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

☐ Yes ☒ No

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

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

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☐ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☒ Yes ☐ No

If no, please give details:

Signature:

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

Signature of Applicant

Date

Print Name / Title of Officer

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

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

Business Name

Applicant Business Name

Original License Holder Name Printed

Transfer Applicant Name Printed

Original License Holder Signature

Transfer Applicant Signature

State of

Subscribed and sworn to before me this

County of

day of

PATRICIA KELLER
Notary Public
State of North Dakota
My Commission Expires Feb 24, 2027

Notary Public

My Commission Expires

[Print](#)**Retail Alcohol Beverage License - Submission #23337**

Date Submitted: 6/8/2024

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

Renewal

License Type*

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

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

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

Jacks Inc

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

Jacks Steakhouse and Seafood

Date of Incorporation:*

october 6th1996

State of ND Liquor License No.:

ND

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

- ☐ Yes
- ☐ No
- ☒ N/A

Location Address:*

1201 South 12 Street

City:*

Bismarck

State:*

ND

Zip:*

58504

Phone No.:*

7014260078

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

Jack Humble Owner

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

jack humble

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

58504

State:*

ND

Zip:*

58504

Phone No.:*

[REDACTED]

Manager's Name:*

Jack Humble

Date of Birth:*

[REDACTED]/1976

**Percentage of
Ownership:***

75%

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

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

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

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

VP

Name:

Jennifer humble

Date of Birth:

/1980

**Percentage of
Ownership:**

25

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

ND

Gender:

female

Race:

white

Home Address:**City:**

Bismarck

State:

ND

Zip:

58504

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

Secretary

Name:

Allison Humble

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

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

Choose File

No file chosen

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No
☐ N/A

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Upload Gross Food Sales Report:

2024 Alcohol Permit Letter.pdf

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

Jacks Builing Layout for License.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Jack Humble

//

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

6/8/2024

Payment Options:*

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

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

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

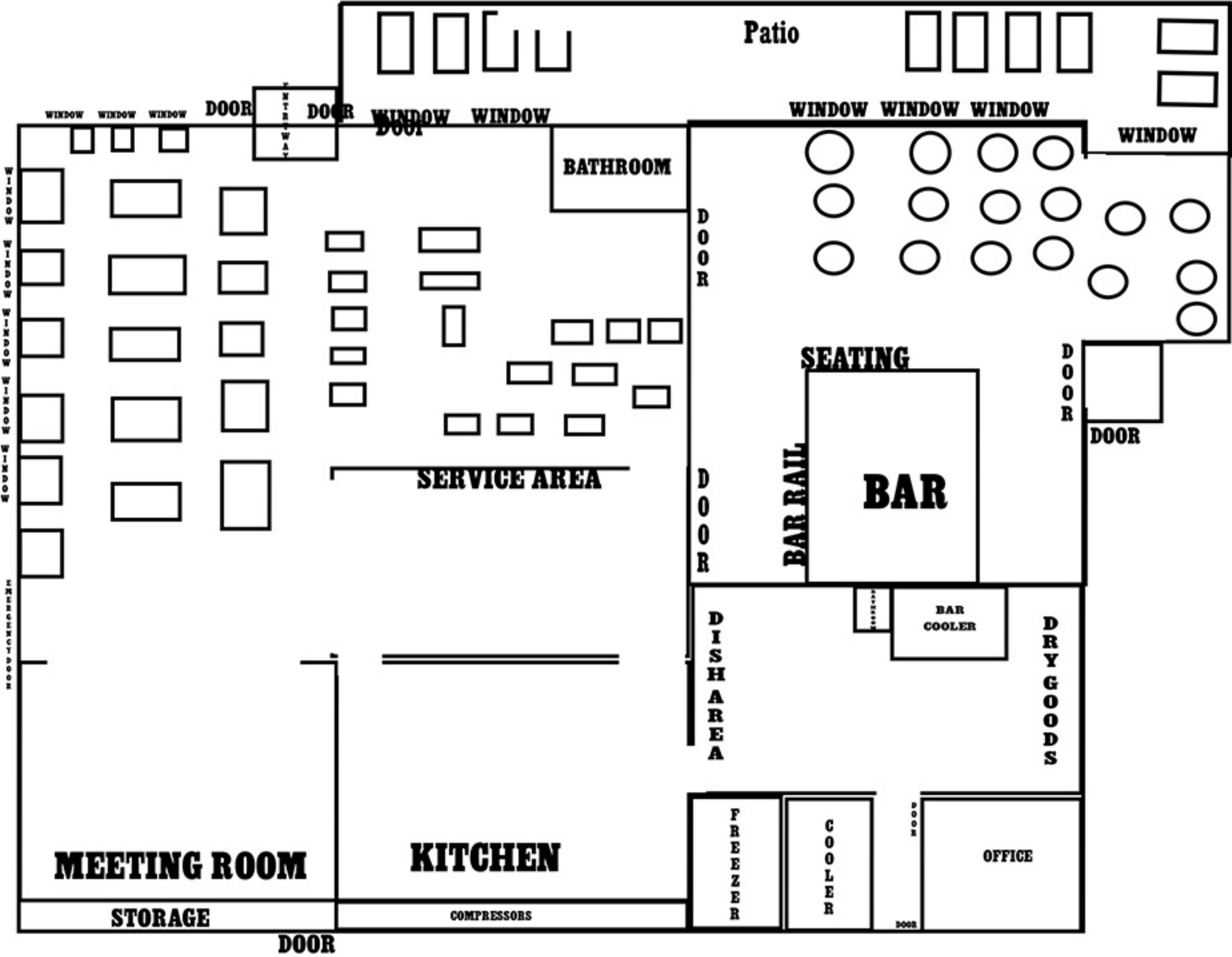
Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

Cc authorize.pdf

Mail Payments To:

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

JACK'S STEAKHOUSE & SEAFOOD



NORTH

Retail Alcohol Beverage License - Submission #23251

Date Submitted: 6/3/2024



License Information:

Application Type*

Renewal

License Type*

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

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

Location Information:

Legal Business Name:*

John's Meat Market Inc

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

John's Meat Market Inc

Date of Incorporation:*

7-15-1965

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:*

928 E Interstate Ave

City:*

Bismarck

State:*

North Dakota

Zip:*

58503

Phone No.:*

7012265132

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:*

Wade French

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

BISMARCK

State:*

ND

Zip:*

58502

Phone No.:*

[REDACTED]

Manager's Name:*

wade french

Date of Birth:*

[REDACTED] 73

**Percentage of
Ownership:***

50.05

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

Home Address:*

City:*	State:*	Zip:*	Phone No.:*
BISMARCK	ND	58501	

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

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

Name:*	Date of Birth:*	Percentage of Ownership:*
Brandi Lynch	73	49.95

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

Home Address:*

City:*	State:*	Zip:*	Phone No.:*
bismarck	North Dakota	58501	

Officer/Director/Stockholder Title:*

Email Address:

Vice President

[Redacted]

Name:

Date of Birth:

Percentage of
Ownership:

Driver's License No.:

State Issued:

Gender:

Race:

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email Address:

Name:

Date of Birth:

Percentage of
Ownership:

Driver's License No.:

State Issued:

Gender:

Race:

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email address:

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

Choose File

 No file chosen

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

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

☒ Yes

☐ No

If no, please explain:

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

☐ Yes

☒ No

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

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

☒ Yes

☐ No

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

RETAIL FLOORPLAN.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Wade French

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

☒ Electronic Signature

Date:*

6/3/2024

Payment Options:*

Credit Card Authorization Form

NOTE: This application must be accompanied by required fees.
The \$200 application fee is due when the application is submitted. (Fee does not apply to renewal applications)

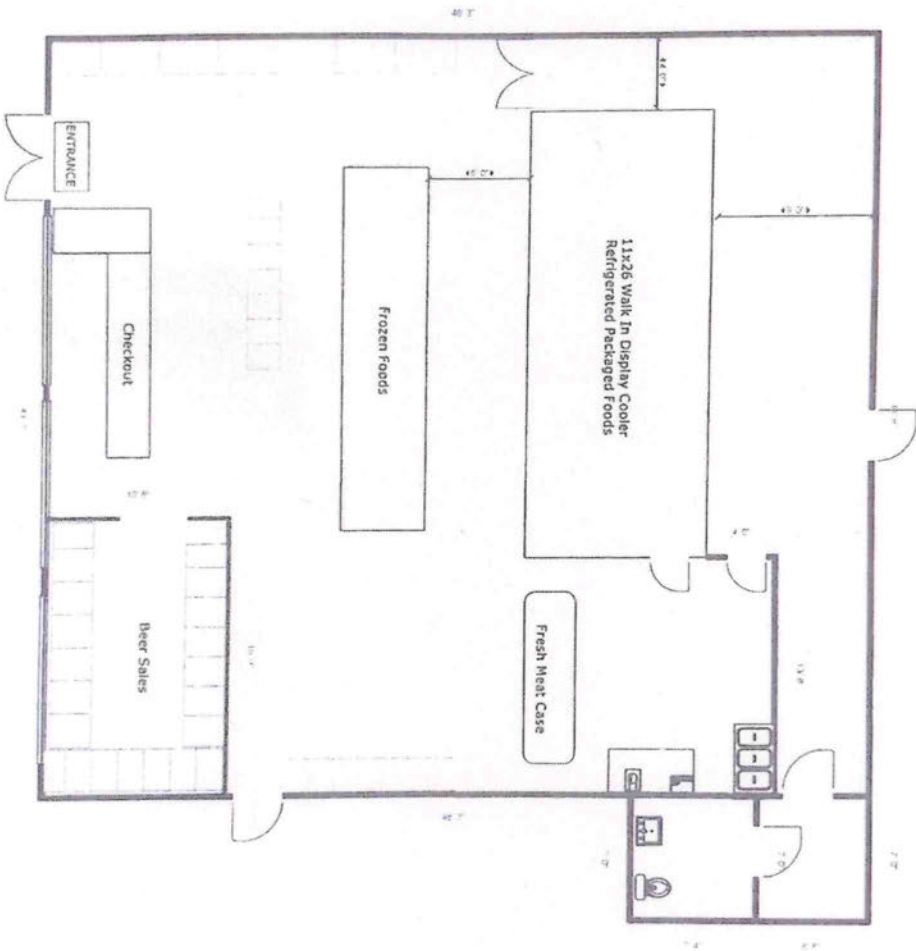
Credit Card
[Credit Card Authorization Form](#)

Upload Credit Card Authorization Form
Credit Card Authorization_5.25.2023.pdf

Mail Payments To:
City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

John's Meat Market, Inc.
928 E Interstate Ave
Bismarck, ND 58503

NORTH





APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

LAST REVISED: 2/6/2024

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

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

All Class F-1, F-2, & C-2 license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Location Information:

Legal Business Name: LANDERS INTERSTATE SERVICE, INC		Date of Incorporation: 1-2-89	State Business ID Number: 40374	
Doing Business As (DBA) Name, if Applicable: LANDERS SHELL		If out of state corporation, is corporation registered in North Dakota? ☐ Yes ☒ No		
Location Address: 2210 N 12TH ST	City: BISMARCK	State: ND	Zip: 58501	Phone Number: (701) 255-2744
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): KEVIN J. LANDERS PRES				

Contact Information (Where correspondence is to be sent):

Primary Contact: KEVIN J. LANDERS	Phone Number: [REDACTED]	Email Address: [REDACTED]		
Mailing Address: [REDACTED]	City: BISMARCK	State: ND	Zip: 58502	

Manager's Name: ERIKA L. LANDERS		Date of Birth: [REDACTED]-83	Percentage of Ownership: 25%
Driver's License Number: [REDACTED]	State Issued: ND	Gender: FEMALE	Race: WHITE
Home Address: [REDACTED]	City: BISMARCK	State: ND	Zip: 58503
Occupation: Small Business	Phone Number: [REDACTED]	Title: Manager	Email Address: [REDACTED]

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

Name: KEVIN J. LANDEN		Date of Birth: [REDACTED] 56	Percentage of Ownership: 37.5%
Driver's License Number: [REDACTED]	State Issued: ND	Gender: MALE	Race: WHITE
Home Address: [REDACTED]	City: BISMARCK	State: ND	Zip: 58503
Occupation: Small Business	Phone Number: [REDACTED]	Title: PRES	Email Address: [REDACTED]

Name: MARGO E. LANDEN		Date of Birth: [REDACTED] 53	Percentage of Ownership: 37.5%
Driver's License Number: [REDACTED]	State Issued: ND	Gender: FEMALE	Race: WHITE
Home Address: [REDACTED]	City: BISMARCK	State: ND	Zip: 58503
Occupation: Small Business	Phone Number: [REDACTED]	Title: V. Pres.	Email Address: [REDACTED]

Name: ERIKA L. LANDEN		Date of Birth: [REDACTED] 83	Percentage of Ownership: 25%
Driver's License Number: [REDACTED]	State Issued: ND	Gender: FEMALE	Race: WHITE
Home Address: [REDACTED]	City: BISMARCK	State: ND	Zip: 58503
Occupation: Small Business	Phone Number: [REDACTED]	Title: MANAGER	Email Address: [REDACTED]

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

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

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

☒ Yes ☐ No

If no, please explain:

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

☐ Yes ☒ No

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

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

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☒ Yes ☐ No

If no, please give details:

Signature:

☒ I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances.

☒ I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.

☒ I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

Signature of Applicant

Date

Print Name / Title of Officer

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

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

Business Name

Applicant Business Name

Original License Holder Name Printed

Transfer Applicant Name Printed

Original License Holder Signature

Transfer Applicant Signature

State of

Subscribed and sworn to before me this _____

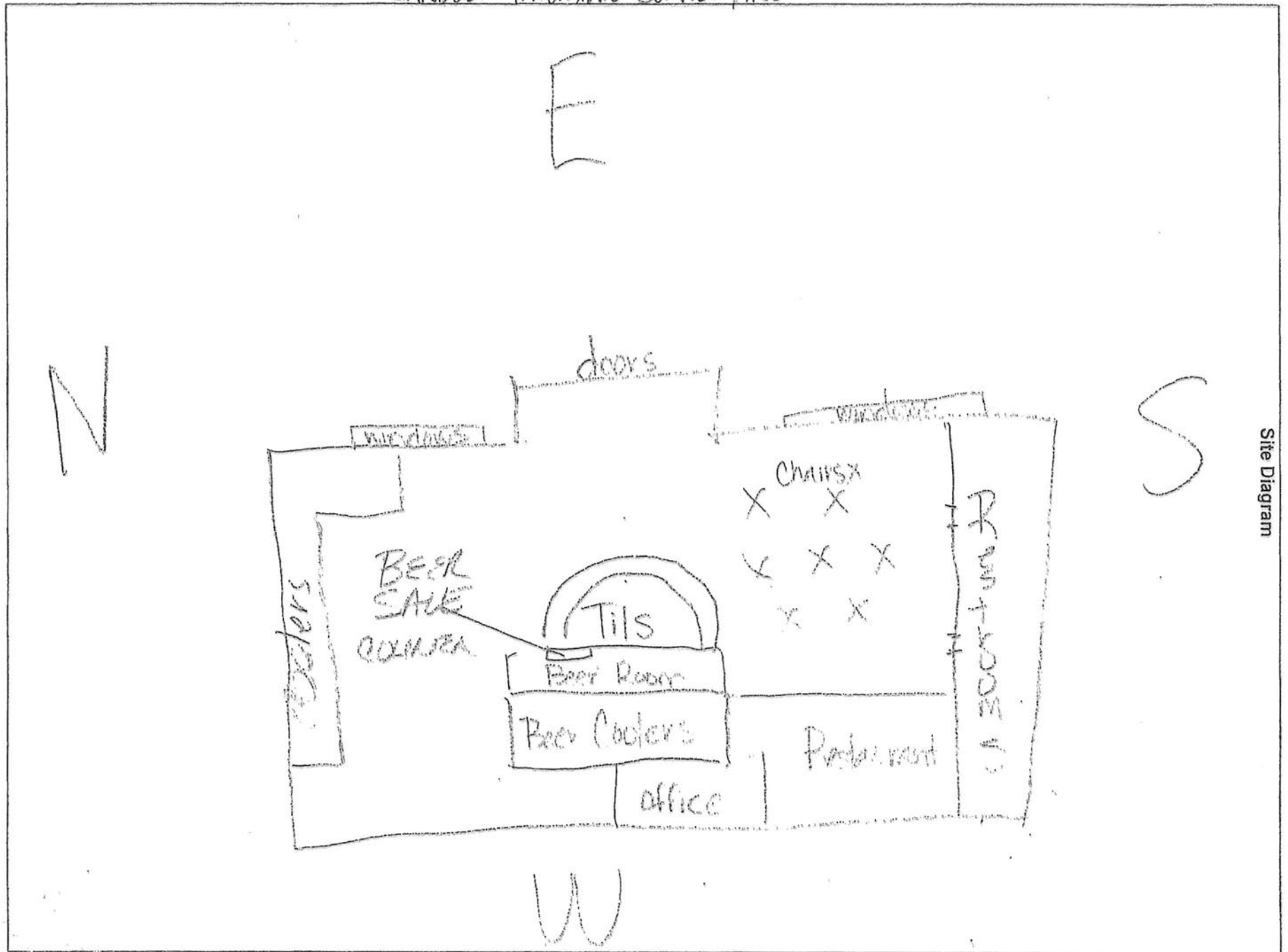
County of

day of _____

Notary Public

My Commission Expires

Landers Interstate Service, Inc



Site Diagram

[Print](#)**Retail Alcohol Beverage License - Submission #23345**

Date Submitted: 6/9/2024

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

Renewal

License Type*

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

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

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

Humpback Sally's LLC

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

LÜFT

Date of Incorporation:*

11/22/2011

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:*

510 East Main Avenue

City:*

Bismarck

State:*

North Dakota

Zip:*

58501

Phone No.:*

612-669-1320

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

Anne Becker, Executive General Manager and Managing Member

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

Anne Becker

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Bismarck

State:*

ND

Zip:*

58503

Phone No.:*

[REDACTED]

Manager's Name:*

Anne Becker

Date of Birth:*

[REDACTED]/1969

**Percentage of
Ownership:***

20.1

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

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

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

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

Managing Member

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

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

Choose File

No file chosen

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

Floorplan for Liquor License 2024.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Anne Becker

//

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

6/9/2024

☒ Electronic Signature

Payment Options:*

Check By Mail

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

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

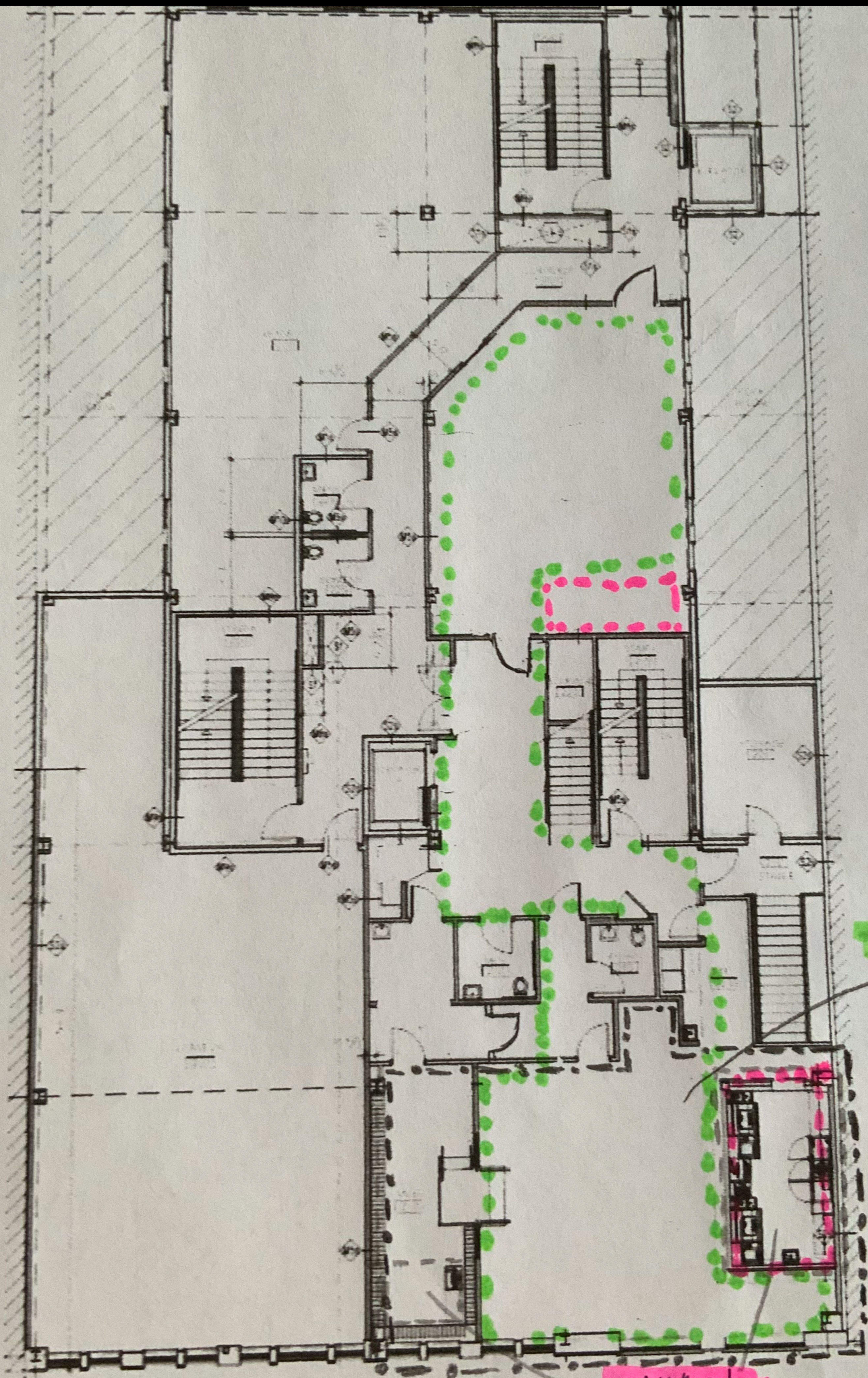
Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

Choose File

No file chosen

Mail Payments To:

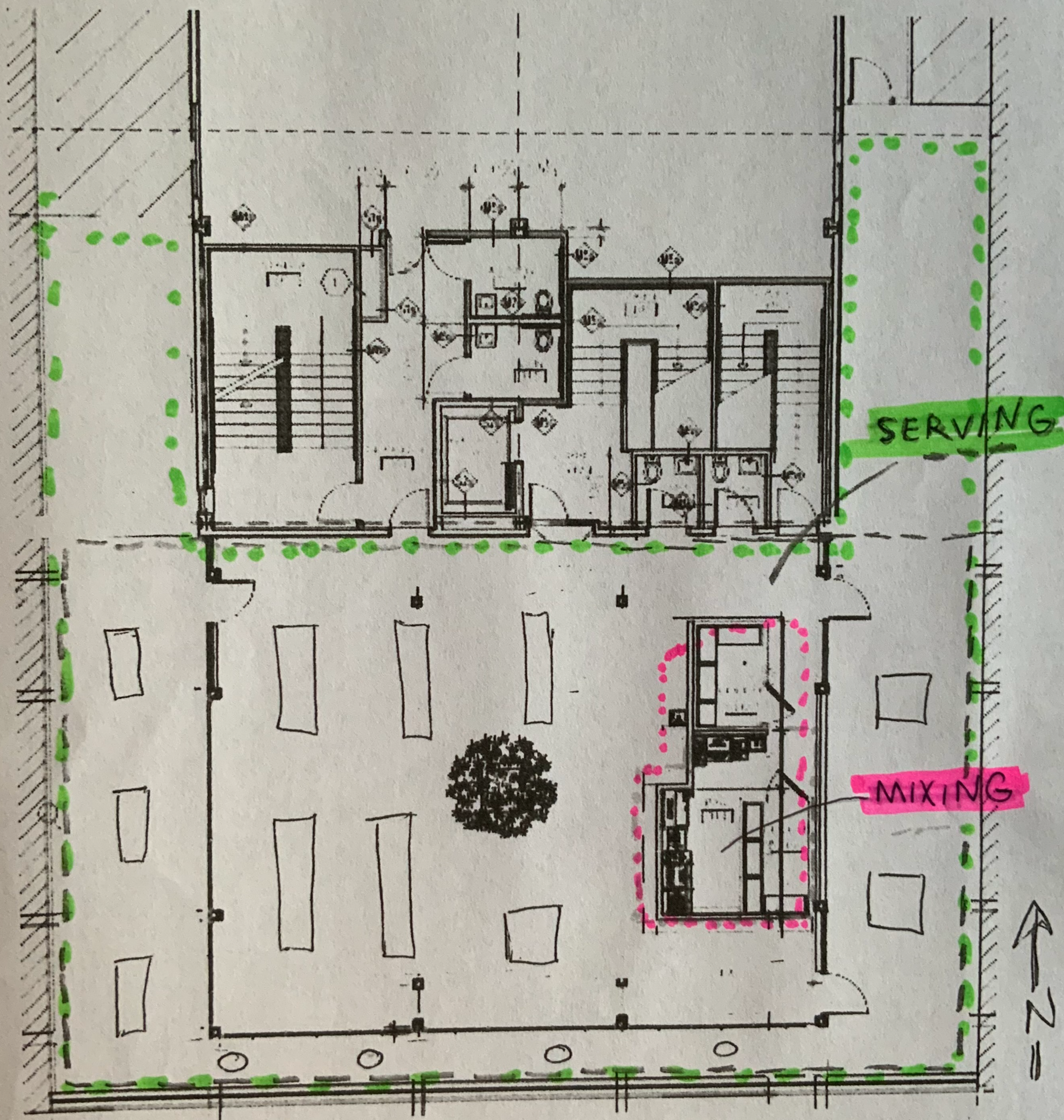
City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501



SERVING

MIXING

2nd Floor Humpback Sally's



3rd Floor HumrBACK SALLY's, LLC

[Print](#)**Retail Alcohol Beverage License - Submission #23390**

Date Submitted: 6/12/2024

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

Renewal

License Type*

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

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

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

TBM Group LLC

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

Main Bar and Package Store

Date of Incorporation:*

07-17-2020

State of ND Liquor License No.:

312896

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

- ☐ Yes
☐ No
☐ N/A

Location Address:*

804 E Main Ave

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

7012588770

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

Jeff Jonson

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

Jeff Jonson

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

[REDACTED]

Manager's Name:*

Jeff Jonson

Date of Birth:*

[REDACTED]/1963

**Percentage of
Ownership:***

100

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

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

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

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

owner

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

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

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

Main floor plan for alcohol license.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Jeff Jonson

//

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

6/12/2024

☒ Electronic Signature

Payment Options:*

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

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

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

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

Choose File

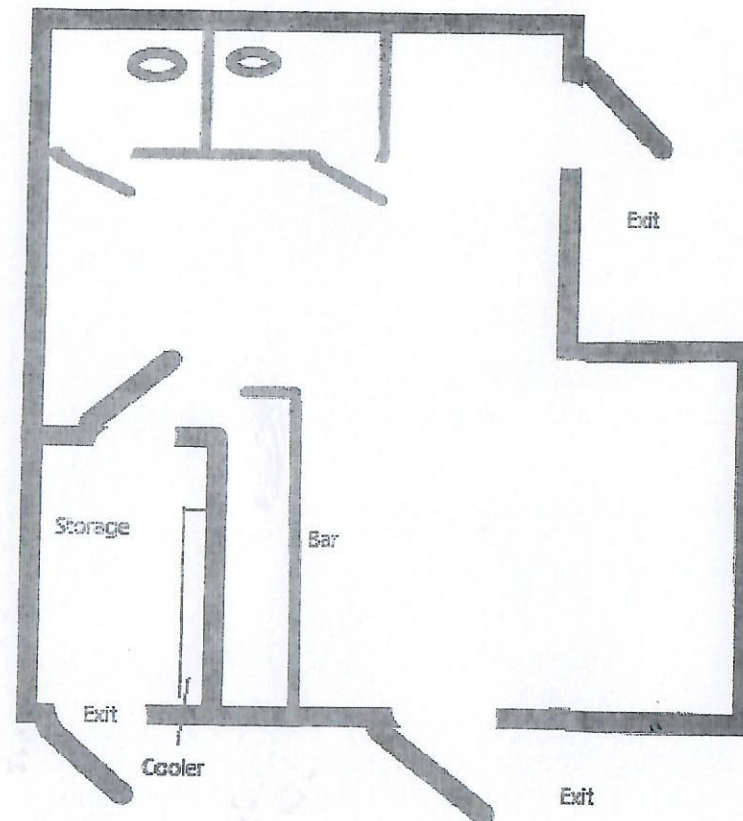
No file chosen

Mail Payments To:

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

North

Main Bar





APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

LAST REVISED: 2/6/2024

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

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

All Class F-1, F-2, & C-2 license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Location Information:

Legal Business Name: <i>OBRIAN'S INC</i>	Date of Incorporation: <i>1995</i>	State Business ID Number: <i>73644315</i>
Doing Business As (DBA) Name, if Applicable: <i>OBRIAN'S</i>	If out of state corporation, is corporation registered in North Dakota? <i>NA</i> ☐ Yes ☐ No	
Location Address: <i>1051 E. INTERSTATE AVE</i>	City: <i>Bismarck</i>	State: <i>ND</i>
Zip: <i>58504</i>	Phone Number: <i>701-258-5700</i>	
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): <i>Bill Aikson</i>		

Contact Information (Where correspondence is to be sent):

Primary Contact: <i>Bill Aikson</i>	Phone Number: [REDACTED]	Email Address: [REDACTED]
Mailing Address: [REDACTED]	City: <i>Bismarck</i>	State: <i>ND</i>
	Zip: <i>58504</i>	

Manager's Name: <i>Darlene Schmidt</i>	Date of Birth: [REDACTED] -1968	Percentage of Ownership: <i>0</i>
Driver's License Number: [REDACTED]	State Issued: <i>ND</i>	Gender: <i>M</i>
Home Address: [REDACTED]	City:	State:
	Zip: <i>58503</i>	
Occupation: <i>BAR MGR</i>	Phone Number: [REDACTED]	Title: <i>Manager</i>
	Email Address: [REDACTED]	

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

Name: <i>William Hixson</i>		Date of Birth: [REDACTED] -1950	Percentage of Ownership: <i>51%</i>
Driver's License Number: [REDACTED]	State Issued: <i>ND</i>	Gender: <i>M</i>	Race: <i>C</i>
Home Address: [REDACTED]	City: <i>Bismarck</i>	State: <i>ND</i>	Zip:
Occupation: <i>Bar Owner</i>	Phone Number: [REDACTED]	Title: <i>Pres</i>	Email Address: [REDACTED]

Name: <i>Mary Zarabertze</i>		Date of Birth: [REDACTED] -1956	Percentage of Ownership: <i>44%</i>
Driver's License Number: [REDACTED]	State Issued: <i>ND</i>	Gender: <i>F</i>	Race: <i>C</i>
Home Address: [REDACTED]	City: <i>Bismarck</i>	State: <i>ND</i>	Zip: <i>5850</i>
Occupation: <i>Retired</i>	Phone Number: [REDACTED]	Title: <i>Secy</i>	Email Address: [REDACTED]

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

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

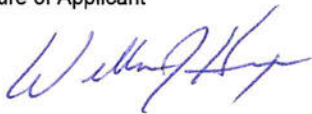
The undersigned states that the following information is true and correct.

1. Are the manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States? ☒ Yes ☐ No	If no, please explain:
2. Have any of the persons listed above been convicted of any crime within the past five years? ☐ Yes ☒ No	If yes, list all convictions and the dates, locations and sentence of disposition of each:
3. Does the building meet all state and local sanitation and safety requirements? ☒ Yes ☐ No	
4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? ☐ Yes ☒ No	If yes, please give details:
5. If a new application, has the applicant or any of the persons listed above engaged in the sale or transportation of alcoholic beverages previously? <i>NA</i> ☐ Yes ☐ No	If yes, please give details:
6. Has the applicant, or any of the persons listed above, within the past five years, had an application for any federal or state, or local license of any type rejected or denied? ☐ Yes ☒ No	If yes, please give details:
7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another? ☐ Yes ☒ No	If yes, please give details:
8. Has the business been sold or leased, or is there any intention to sell or lease the business to another? ☐ Yes ☒ No	If yes, please give details:
9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other licensed liquor establishment within or without the State of North Dakota? ☒ Yes ☐ No	If yes, please give details: Kixson - Sports Page - Bis Sidelines - Bis
10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for? ☐ Yes ☒ No	If yes, please give details:
11. Have all property taxes and special assessments currently due been paid? ☒ Yes ☐ No	If no, please give details:

Signature:

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

Signature of Applicant



Date

5-28-2024

Print Name / Title of Officer

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

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

Business Name

Applicant Business Name

Original License Holder Name Printed

Transfer Applicant Name Printed

Original License Holder Signature

Transfer Applicant Signature

State of

Subscribed and sworn to before me this _____

County of

day of _____

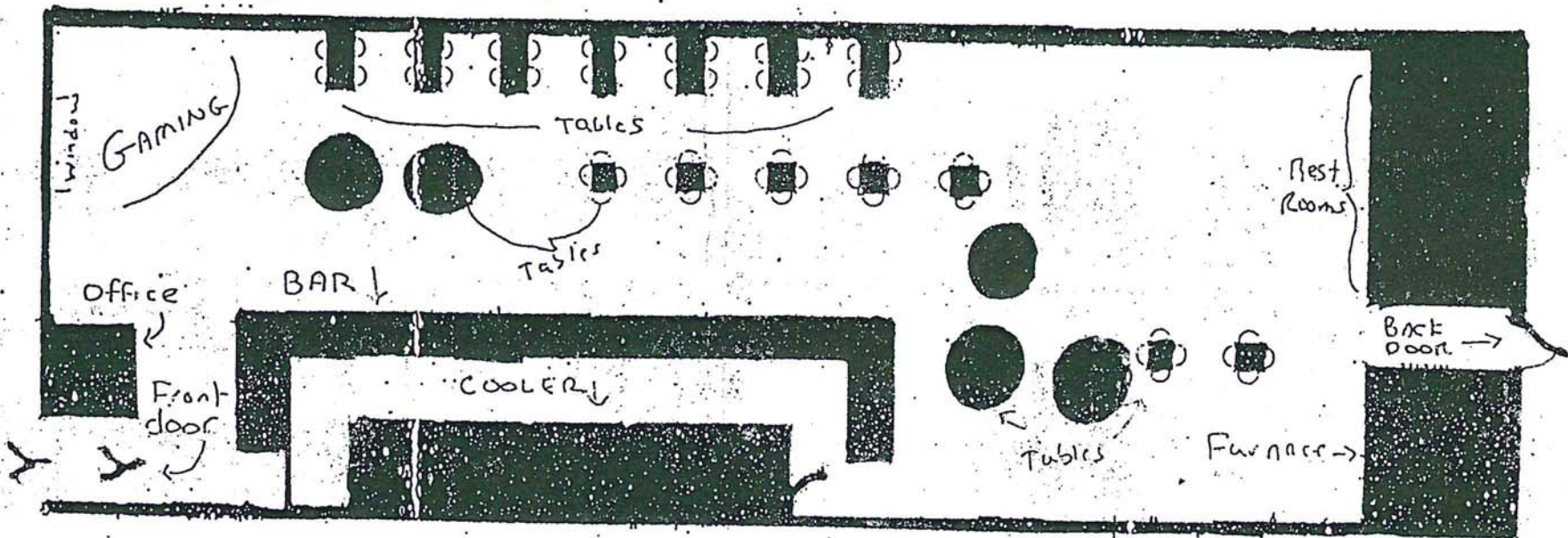
Notary Public

My Commission Expires

N ↑

O'BRIAN'S

1059 E INTERSTATE AVE.



Please retain this page
in the active file upstairs!

[Print](#)**Retail Alcohol Beverage License - Submission #23367**

Date Submitted: 6/11/2024

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

Renewal

License Type*

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

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

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

Paradiso of Bismarck

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

Paradiso

Date of Incorporation:*

10/23/1979

State of ND Liquor License No.:

AA-02188

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

- ☐ Yes
- ☐ No
- ☒ N/A

Location Address:*

2620 State St

City:*

BISMARCK

State:*

ND

Zip:*

58501

Phone No.:*

7012241111

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

Fredoon Anvary - Owner

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

Jake Woinarowicz

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Fargo

State:*

ND

Zip:*

58106

Phone No.:*

[REDACTED]

Manager's Name:*

Jake Woinarowicz

Date of Birth:*

[REDACTED]/1980

**Percentage of
Ownership:***

0%

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

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

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

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

Owner

[REDACTED]

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

Greg Pung

[REDACTED]/1953

0%

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

[REDACTED]

MN

M

W

Home Address:

[REDACTED]

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

Fargo

ND

58106

[REDACTED]

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

CFO

[REDACTED]

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

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

2875.pdf

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☒ Yes
☐ No

If yes please, give details:

Fredoon Anvary also has interests in the following licensed liquor establishments:

Mexican Foods of Fargo LLC d/b/a/ Paradiso of Fargo

Mexican Foods of Grand Forks LLC d/b/a Paradiso of Grand Forks

Mexican Foods of Jamestown LLC d/b/a Paradiso of Jamestown

Sergios of Minot d/b/a Paradiso of Minot

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

- ☒ Yes
☐ No

If yes please, give details:

Fredoon Anvary has interests in Restaurants, Real Estate, and Stock Trading.

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:

2876.pdf

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

2877.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances.*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Fredoon Anvary

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

☒ Electronic Signature

Date:*

6/11/2024

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](#)

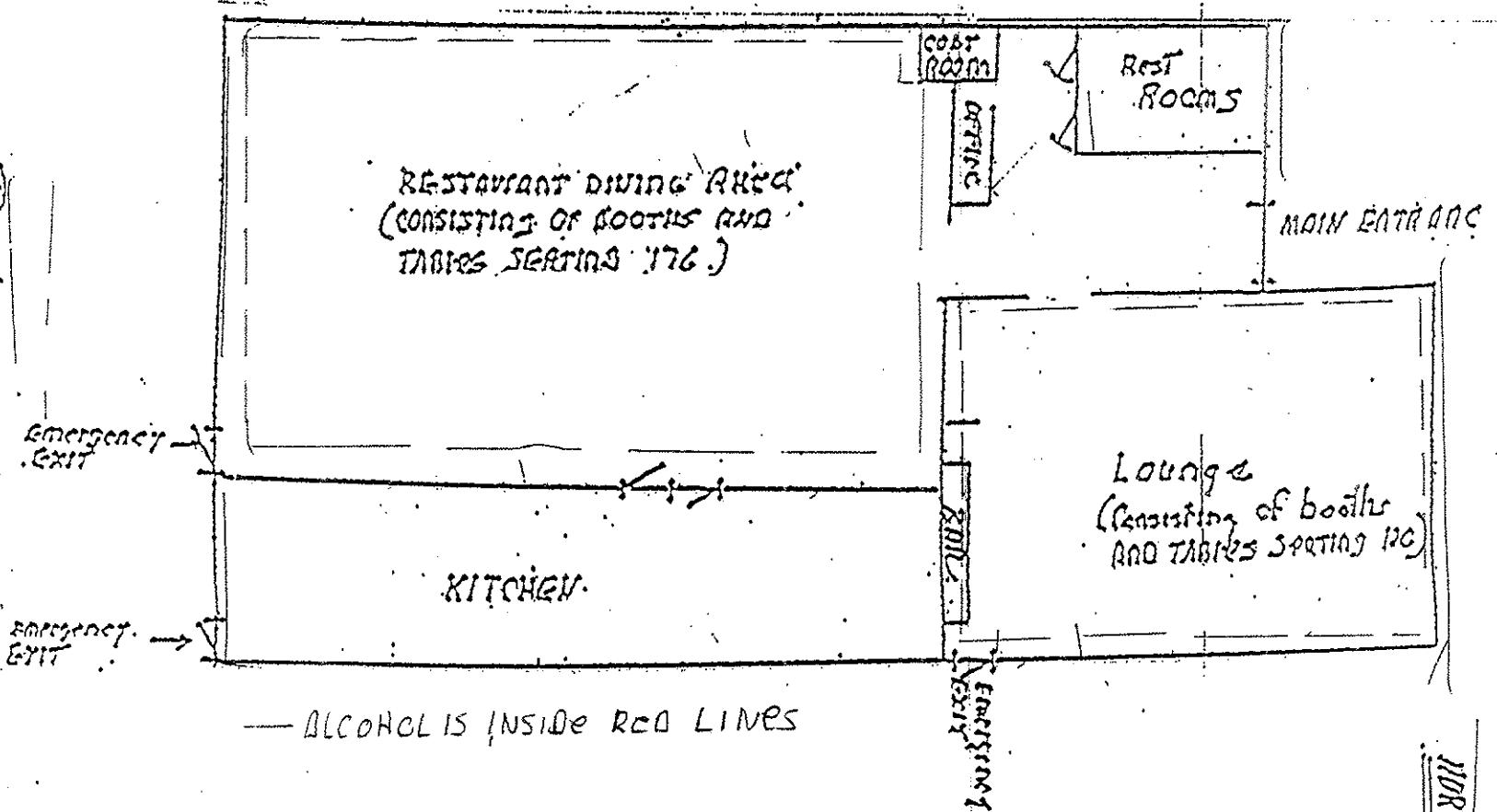
Upload Credit Card Authorization Form

2878.pdf

Mail Payments To:

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

Paradise of Bismarck, Inc



Paradise of Bismarck, Inc.
LIQUOR LICENSE SITE DIAGRAM

NORTH

Retail Alcohol Beverage License - Submission #23360

Date Submitted: 6/10/2024



License Information:

Application Type*

Renewal

License Type*

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

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

Location Information:

Legal Business Name:*

Pirogue Grille, Inc

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

Pirogue Grille

Date of Incorporation:*

12/02/2004

State of ND Liquor License No.:

ND

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

☐ Yes

☐ No

☒ N/A

Location Address:*

121 N 4th St

City:*

BISMARCK

State:*

ND

Zip:*

58501-4002

Phone No.:*

7012233770

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

Stuart Tracy, President

Contact Information (Where correspondence is to be sent):

Primary Contact:*

Stuart Tracy

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

BISMARCK

State:*

ND

Zip:*

58501-4002

Phone No.:*

[REDACTED]

Manager's Name:*

Cheryl Tracy

Date of Birth:*

[REDACTED]/1957

**Percentage of
Ownership:***

50

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

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

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Manager

Email Address:

[REDACTED]

Name:

Stuart Tracy

Date of Birth:

[REDACTED]/1959

Percentage of
Ownership:

50

Driver's License No.:

[REDACTED]

State Issued:

ND

Gender:

M

Race:

White

Home Address:

[REDACTED]

City:

Bismarck

State:

ND

Zip:

58504

Phone No.:

[REDACTED]

Officer/Director/Stockholder Title:

President

Email Address:

[REDACTED]

Name:

Date of Birth:

Percentage of
Ownership:

Driver's License No.:

State Issued:

Gender:

Race:

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email address:

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

No file chosen

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

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

- ☒ Yes
☐ No

If no, please explain:

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

- ☐ Yes
☒ No

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

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

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

- ☐ Yes
☒ 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:

Pirogue Sales Tax Info - 23.pdf

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

Dining Room - Bar Floor Plan.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Stuart Tracy

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

☒ Electronic Signature

Date:*

6/10/2024

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-2024-License.pdf
--	---

Mail Payments To:
City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

Retail Alcohol Beverage License - Submission #23388

Date Submitted: 6/12/2024



License Information:

Application Type*

Renewal

License Type*

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

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

Location Information:

Legal Business Name:*

TBM Group LLC

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

Polar Package Place/Lucky's Bar

Date of Incorporation:*

03-17-2020

State of ND Liquor License No.:

312896

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

☐ Yes

☐ No

☐ N/A

Location Address:*

2150 E Thayer Ave

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

7012588770

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

Jeff Jonson

Contact Information (Where correspondence is to be sent):

Primary Contact:*

Jeff Jonson

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

[REDACTED]

Manager's Name:*

Jeff Jonson

Date of Birth:*

[REDACTED]/1963

**Percentage of
Ownership:***

100

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

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

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

owner

Email Address:

[REDACTED]

Name:

Date of Birth:

Percentage of
Ownership:

Driver's License No.:

State Issued:

Gender:

Race:

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email Address:

Name:

Date of Birth:

Percentage of
Ownership:

Driver's License No.:

State Issued:

Gender:

Race:

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email address:

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

No file chosen

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

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

- ☒ Yes
☐ No

If no, please explain:

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

- ☐ Yes
☒ No

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

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

luckys floor plan for alcohol license.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Jeff Jonson

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

☒ Electronic Signature

Date:*

6/12/2024

Payment Options:*

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

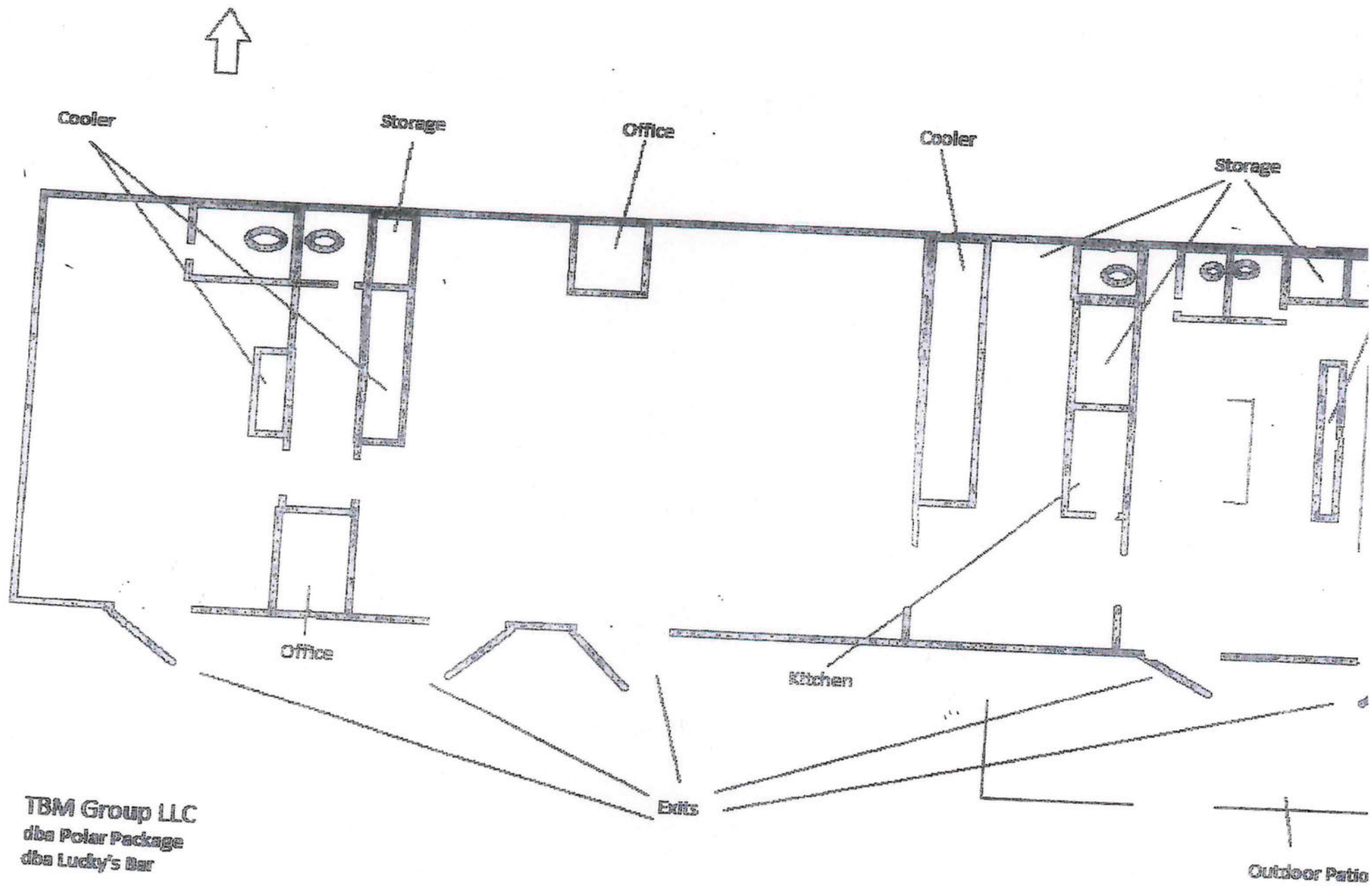
NOTE: This application must be accompanied by required fees.
The \$200 application fee is due when the application is submitted. (Fee does not apply to renewal applications)

Credit Card
[Credit Card Authorization Form](#)

Upload Credit Card Authorization Form

Choose File No file chosen

Mail Payments To:
City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501



TBM Group LLC
dba Polar Package
dba Lucky's Bar

Retail Alcohol Beverage License - Submission #23236

Date Submitted: 6/2/2024



License Information:

Application Type*

Renewal

License Type*

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

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

Location Information:

Legal Business Name:*

E N T Sports, Inc.

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

Stadium Sports Bar & The Lodge

Date of Incorporation:*

9/2011

State of ND Liquor License No.:

AA-00655

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

☐ Yes

☐ No

☒ N/A

Location Address:*

1247 W Divide Ave

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

7012584677

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

Jody Olney, Treasurer

Contact Information (Where correspondence is to be sent):

Primary Contact:*

Jody Olney

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

[REDACTED]

Manager's Name:*

Danielle Borman

Date of Birth:*

[REDACTED]/1985

**Percentage of
Ownership:***

2

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

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

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Treasurer

Email Address:

Name:

Complete List Attached

Date of Birth:

Percentage of
Ownership:

Driver's License No.:

State Issued:

Gender:

Race:

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email Address:

Name:

Date of Birth:

Percentage of
Ownership:

Driver's License No.:

State Issued:

Gender:

Race:

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email address:

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

Shareholder Roster - City Liq Lic Renewal.xlsx

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

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

- ☒ Yes
☐ No

If no, please explain:

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:

Food, tobacco, non alcoholic beverages, and branded clothing. All things consistent with a typical bar.

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

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

Building Diagram.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Jody Olney

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

☒ Electronic Signature

Date:*

6/2/2024

Payment Options:*

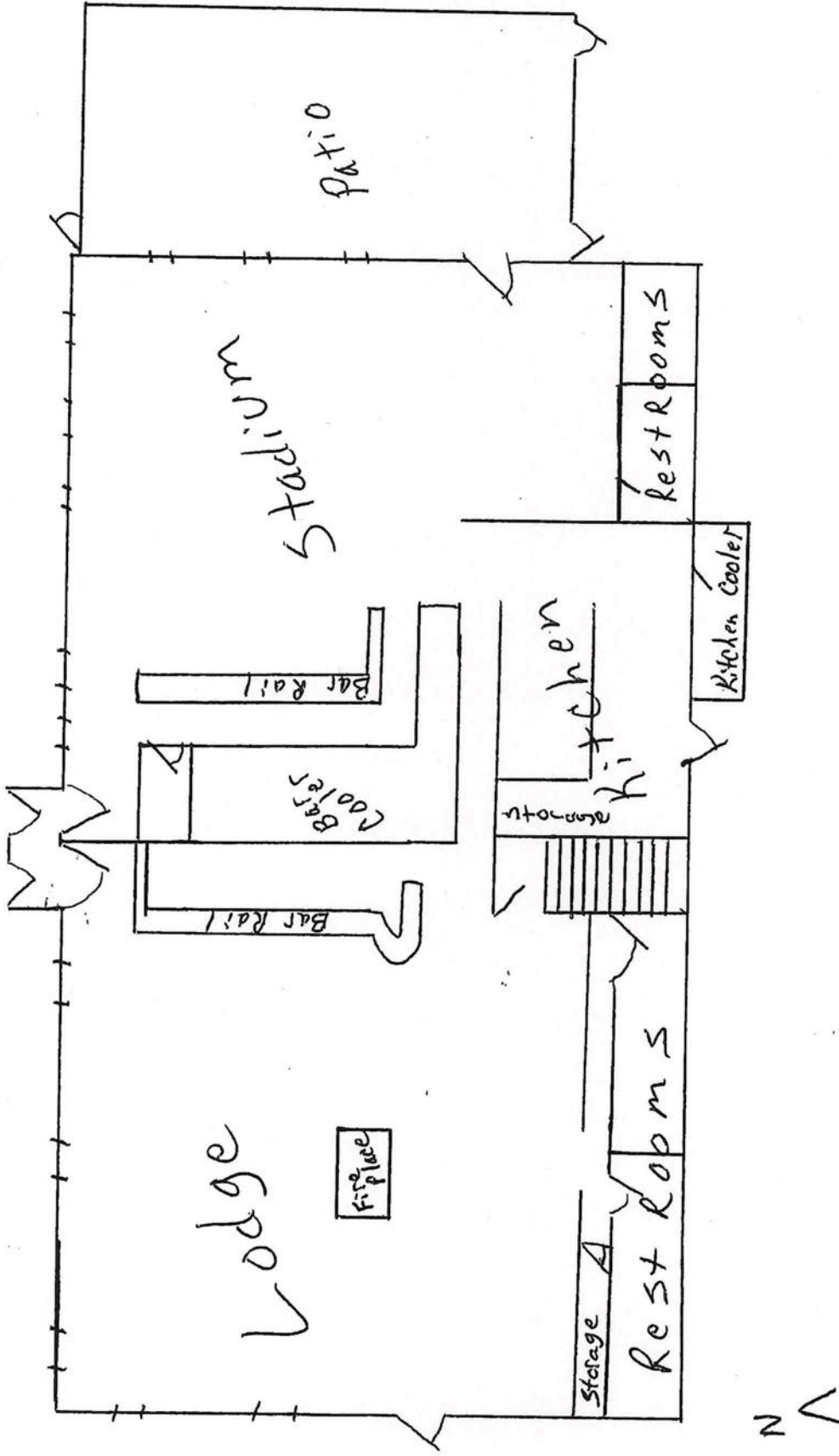
Credit Card Authorization Form

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
E N T CC Form.jpg

Mail Payments To:
City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501



ENT Sports, Inc.
 Stadium Sports Bar and the Lodge
 1247 W. Divide Ave., Bismarck ND 58501

[Print](#)**Retail Alcohol Beverage License - Submission #23359**

Date Submitted: 6/10/2024

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

Renewal

License Type*

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

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

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

'NICKELS AND DIMES INCORPORATED'

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

TILT STUDIO

Date of Incorporation:*

09/01/1972

State of ND Liquor License No.:

AA-03868

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

- ☒ Yes
☐ No
☐ N/A

Location Address:*

600 S 5TH ST #2015 (641 KIRKWOOD MALL)

City:*

BISMARCK

State:*

ND

Zip:*

58701

Phone No.:*

701-333-7166

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

CRAIG SINGER, CHAIRMAN AND TREASURER

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

NICKELS AND DIMES INCORPORATED

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

CELINA

State:*

TX

Zip:*

75009

Phone No.:*

[REDACTED]

Manager's Name:*

CHRISTIAN ANTHONY

Date of Birth:*

[REDACTED]/2000

**Percentage of
Ownership:***

0

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

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

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

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

CHAIRMAN & TREASURER

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

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

No file chosen

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

- ☐ Yes
☒ No

If no, please explain:

CHRISTIAN ANTHONY IS A RESIDENT OF NORTH DAKOTA AND THE USA
CRAIG B SINGER IS A RESIDENT OF TEXAS AND THE USA

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:

'NICKELS AND DIMES INCORPORATED' CURRENTLY HOLDS A LIQUOR LICENSE WITH THE STATE OF NORTH DAKOTA AND THE CITY OF MINOT FOR OUR MINOT, ND.

THERE ARE NO OTHER LICENSED LIQUOR RETAIL ESTABLISHMENTS THAT WE ARE INTERESTED IN.

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:

'NICKELS AND DIMES INCORPORATED' IS ALSO ENGAGED IN THE FAMILY ENTERTAINMENT CENTER AND FOOD SALES AT THIS LOCATION.

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:

2024.06.10 2023 ND SUMMARY RETRUN.pdf

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

FLOOR PLAN.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

CRAIG B SINGER

//

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

6/10/2024

☒ Electronic Signature

Payment Options:*

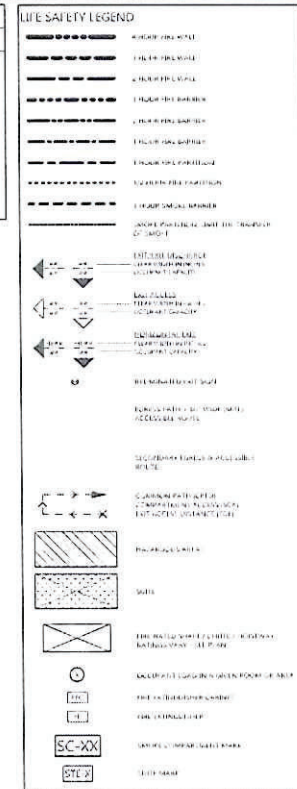
Check By Mail

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

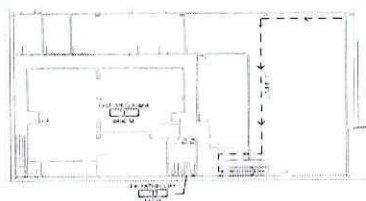
The \$200 application fee is due when the application is submitted. (Fee does not apply to renewal applications)

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

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



1 FIRST FLOOR LIFE SAFETY PLAN



2 MEZZANINE LIFE SAFETY PLAN

LIFE SAFETY CODE ANALYSIS

[illegible]

Retail Alcohol Beverage License - Submission #23316

Date Submitted: 6/6/2024



License Information:

Application Type*

Renewal

License Type*

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

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

Location Information:

Legal Business Name:*

Touchmark on West Century, LLC

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

Touchmark on West Century

Date of Incorporation:*

01/07/1998

State of ND Liquor License No.:

AA-03101

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

- ☒ Yes
☐ No
☐ N/A

Location Address:*

1000 West Century Avenue

City:*

Bismarck

State:*

ND

Zip:*

58503-0913

Phone No.:*

701-323-7000

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

Brian E. Pryor - Executive Vice President - Touchmark

Contact Information (Where correspondence is to be sent):

Primary Contact:*

Brian E. Pryor

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Beaverton

State:*

OR

Zip:*

97005

Phone No.:*

[REDACTED]

Manager's Name:*

Destiny Sisk

Date of Birth:*

[REDACTED]/1994

**Percentage of
Ownership:***

NA

Driver's License No.:*	State Issued:*	Gender:	Race:
██████████	ND	Female	Caucasian

Home Address:*

██████████

City:*	State:*	Zip:*	Phone No.:*
Bismarck	ND	58503	██████████

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

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

Name:*	Date of Birth:*	Percentage of Ownership:*
Werner G. Nistler, Jr.	██████/1946	Colleen & Werner Combined 83.577%

Driver's License No.:*	State Issued:*	Gender:	Race:
██████████	OR	Male	Caucasian

Home Address:*

██████████████████

City:*	State:*	Zip:*	Phone No.:*
Portland	OR	97225	██████████

Officer/Director/Stockholder Title:*

Email Address:

Chairman

Name:

Date of Birth:

Percentage of
Ownership:

Colleen T. Nistler

/1959

Colleen & Werner
Combined 83.577%

Driver's License No.:

State Issued:

Gender:

Race:

OR

Female

Caucasian

Home Address:

City:

State:

Zip:

Phone No.:

Portland

OR

97225

Officer/Director/Stockholder Title:

Email Address:

Vice Chairman

Name:

Date of Birth:

Percentage of
Ownership:

Marcus P. Breuer

/1975

8.993%

Driver's License No.:

State Issued:

Gender:

Race:

OR

Male

Caucasian

Home Address:

City:

Portland

State:

OR

Zip:

97221

Phone No.:

Officer/Director/Stockholder Title:

CEO

Email address:

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

Choose File

No file chosen

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

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

☒ Yes

☐ No

If no, please explain:

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

☐ Yes

☒ No

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

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

☒ Yes

☐ No

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☒ Yes
☐ No

If yes please, give details:

Touchmark owns and operates Senior Housing Retirement Communities in 10 states that serve and sell residents, their family and other bona fide visitors and guests.

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:*

TouchmarkWestCentury Floorplans 2024.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

Choose File

 No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒

 I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒

 I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒

 I agree

Signature of Applicant:*

Brian E. Pryor, Executive Vice President - Touchmark

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

☒ Electronic Signature

Date:*

6/6/2024

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

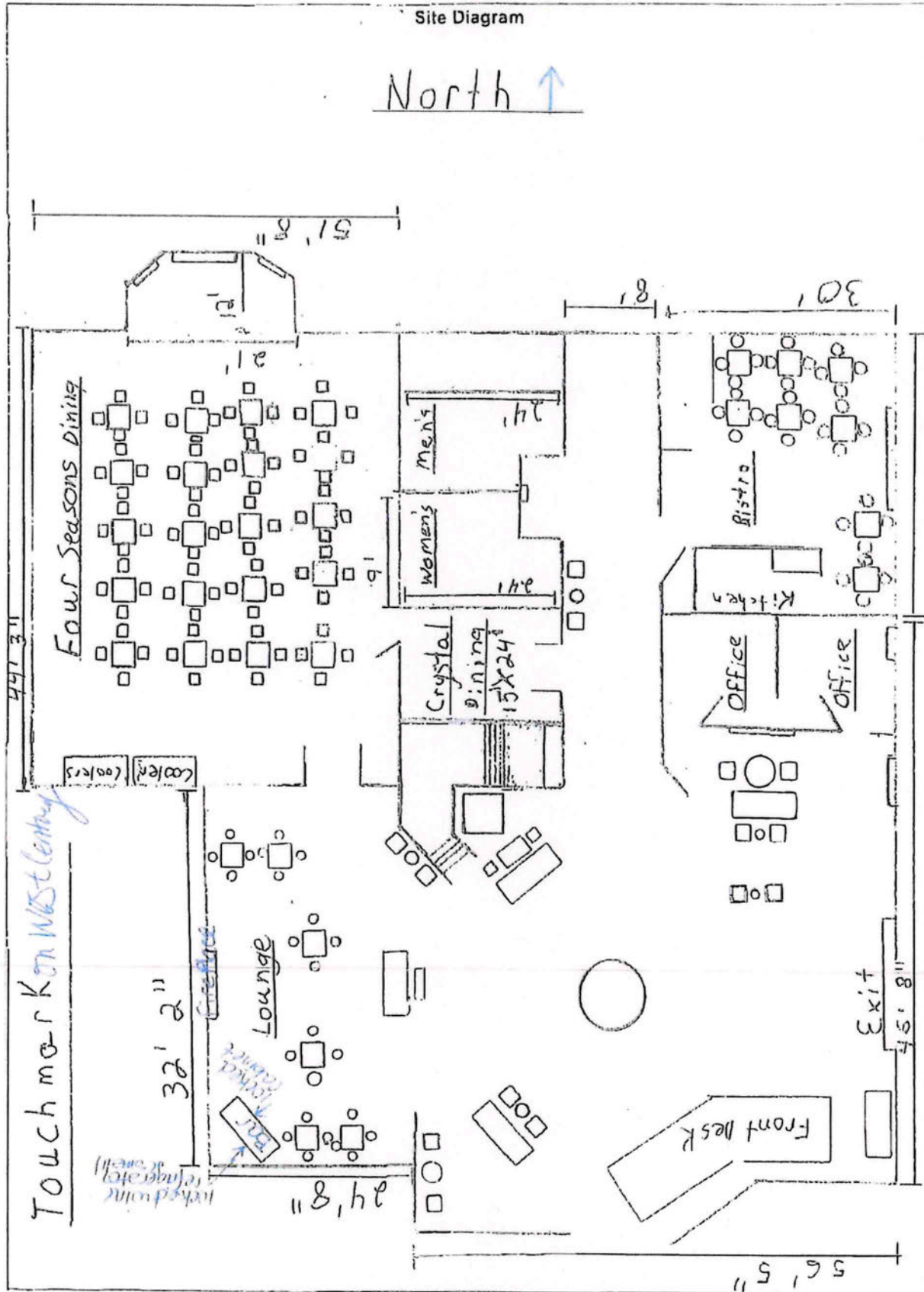
[Credit Card Authorization Form](#)

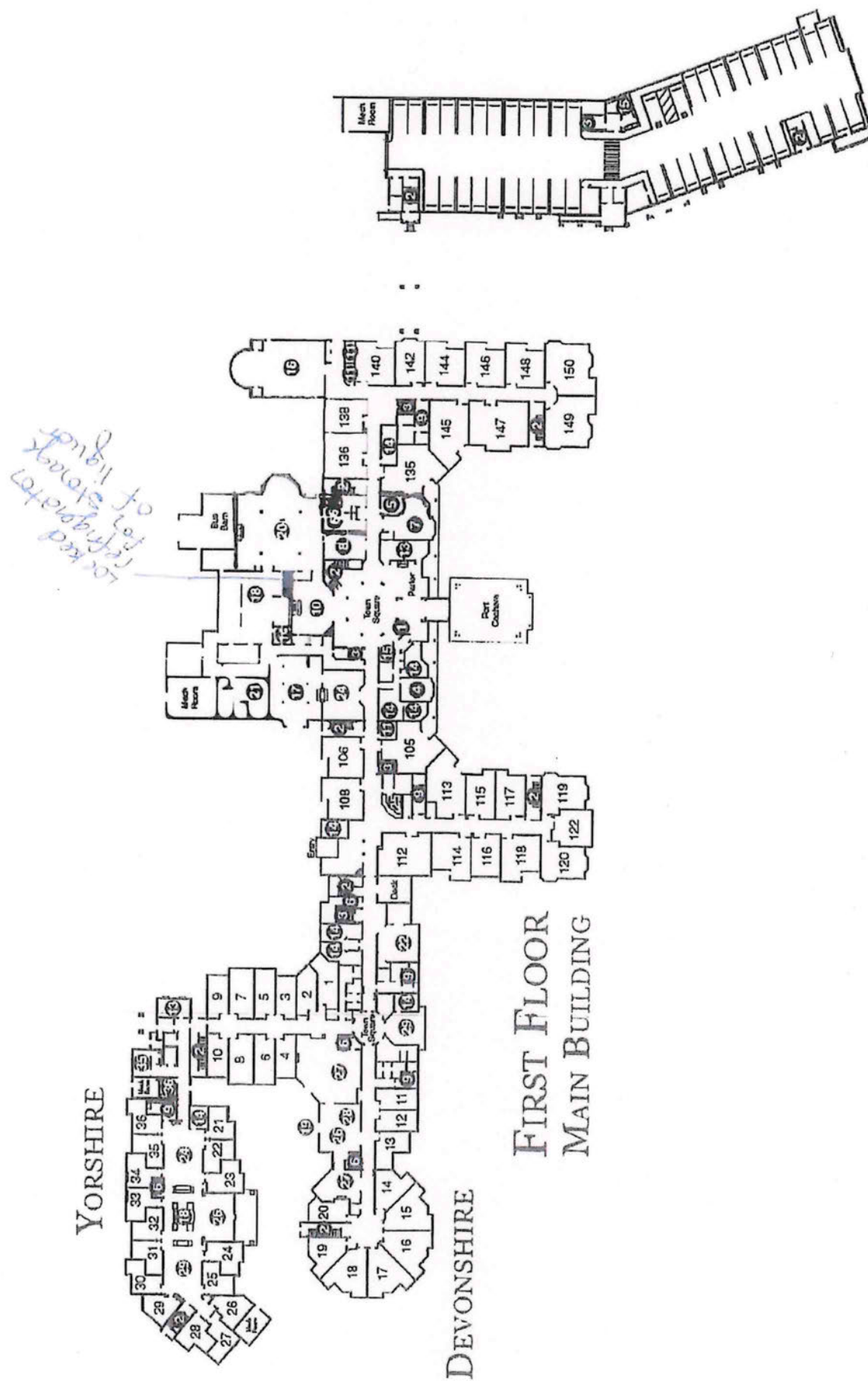
Upload Credit Card Authorization Form

BismarckCC Auth Form Touchmark.pdf

Mail Payments To:

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





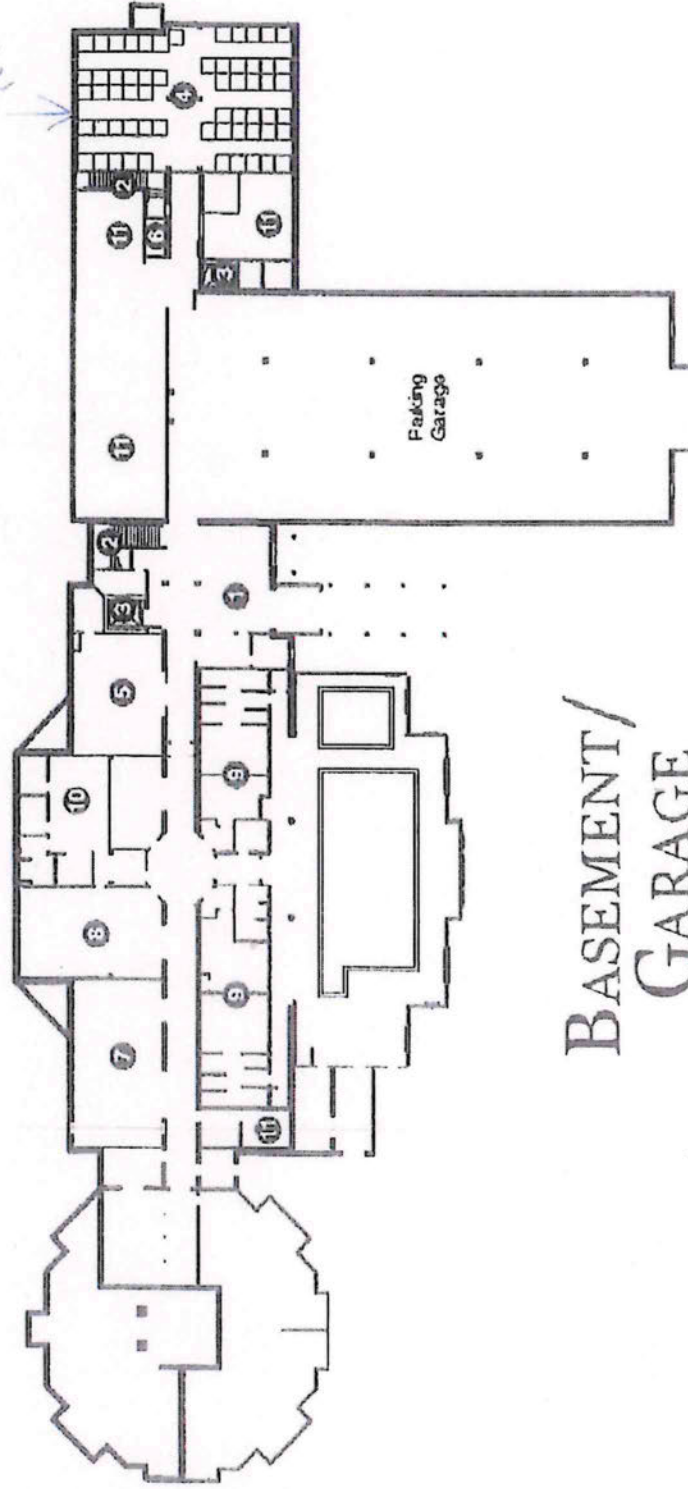
TOUCHMARK ON WEST CENTURY

Main Building Locator Map

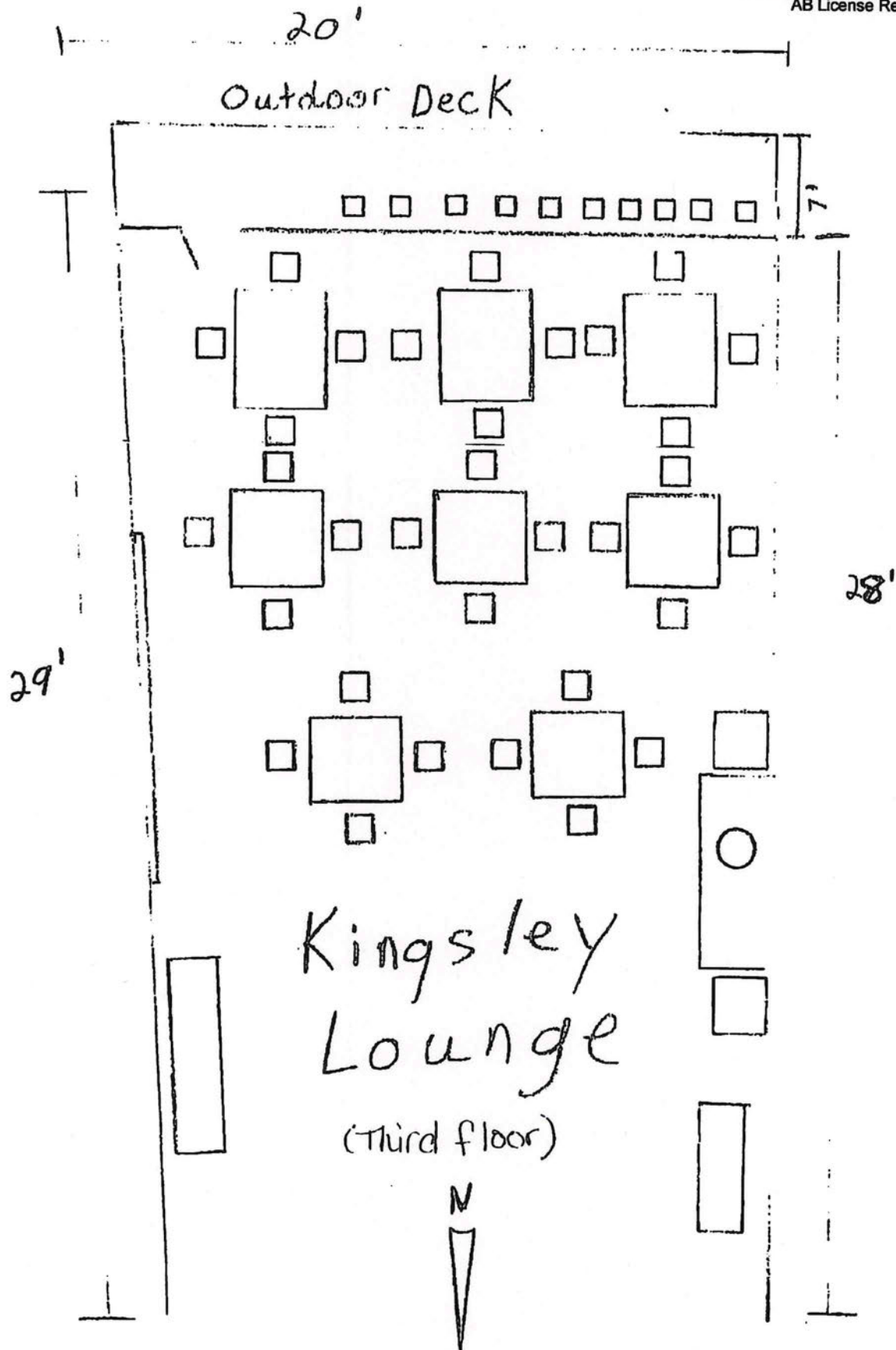
- | | |
|-------------------------------------|---------------------------------|
| (1.) Reception | 19. Memory Care Gardens |
| 2. Stairs | (20.) Four Seasons Dining Room |
| 3. Elevators | 21. Employee Lounge |
| 4. Sales Offices | 22. Creative Arts Room |
| 5. Discovery | 23. Respite/Recovery Suites |
| 6. Public Restrooms | 24. Living Room |
| (7.) Coffee & More Store Dishware | 25. Reception (Assisted Living) |
| (8.) Crystal Room | 26. Memory Care Dining Room |
| 9. Laundry | 27. Memory Care Activities Room |
| (10.) Congregate Living Room Lounge | 28. Memory Care Servery |
| 11. Maintenance | 29. Memory Care Family Room |
| 12. Resident Storage Units | 30. Salon |
| 13. Conference Room | 31. Pharmacy |
| 14. Offices | 32. Library |
| 15. Post Office | 33. Hoyle Room |
| 16. Chapel/Theater | 34. Lounge |
| 17. Prairie Rose Dining Room | 35. Bathar |
| (18.) Kitchen locked Refrigerator | 36. Trash |

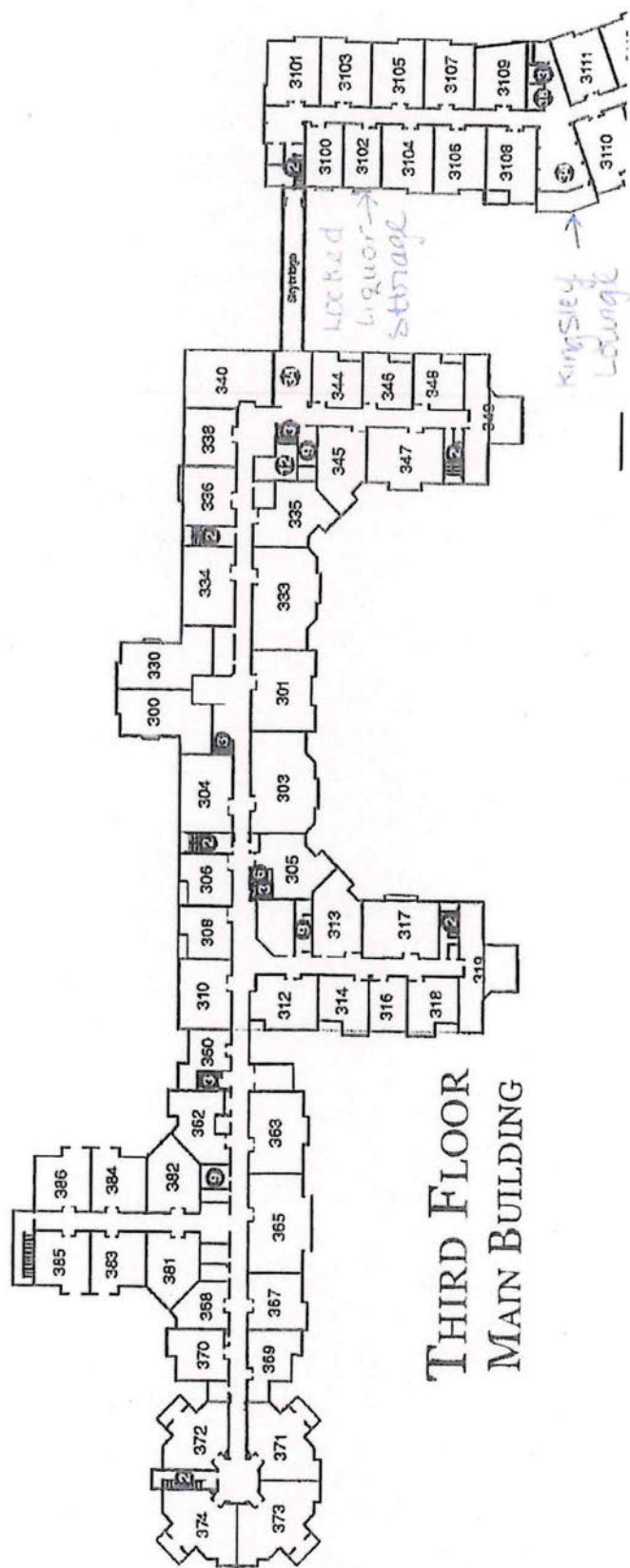
Basement/Garage Map Key

- | | |
|------------------------------------|------------------------------|
| 1. Health & Fitness Club Reception | 7. Aerobics |
| 2. Stairs | 8. Exercise Room |
| 3. Elevators | 9. Lockers |
| 4. Resident Storage Units | 10. Therapy Offices |
| 5. Massage | 11. Housekeeping/Maintenance |
| 6. Public Restrooms | |



BASEMENT/
GARAGE





THIRD FLOOR
MAIN BUILDING

Retail Alcohol Beverage License - Submission #23354

Date Submitted: 6/10/2024



License Information:

Application Type*

Renewal

License Type*

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

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

Location Information:

Legal Business Name:*

Williquors, Inc.

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

Williquors, Inc.

Date of Incorporation:*

05/15/2023

State of ND Liquor License No.:

ND

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

☒ Yes

☐ No

☐ N/A

Location Address:*

3025 Yorktown Dr, Bismarck, ND, 58503

City:*

Bismarck

State:*

ND

Zip:*

58503

Phone No.:*

701-751-7373

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

William Klein

Contact Information (Where correspondence is to be sent):

Primary Contact:*

William J. Klein

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED], Bismarck, ND, 58503

City:*

Bismarck

State:*

ND

Zip:*

58503

Phone No.:*

[REDACTED]

Manager's Name:*

William J. Klein

Date of Birth:*

[REDACTED]/1969

**Percentage of
Ownership:***

50.86840%

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

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

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:

President

Name:

Thomas A Klein

Date of Birth:

/1967

Percentage of
Ownership:

17.93490%

Driver's License No.:

State Issued:

Gender:

Race:

ND

M

W

Home Address:

City:

State:

Zip:

Phone No.:

Bismarck

ND

58503

Officer/Director/Stockholder Title:

Email Address:

Vice President

Name:

Troy S. Matthiesen

Date of Birth:

/1973

Percentage of
Ownership:

17.93490%

Driver's License No.:

State Issued:

Gender:

Race:

ND

M

W

Home Address:

[REDACTED]

City:

Mandan

State:

ND

Zip:

58554

Phone No.:

[REDACTED]

Officer/Director/Stockholder Title:

Vice President

Email address:

[REDACTED]

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

Owner.docx

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

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

- ☒ Yes
☐ No

If no, please explain:

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

- ☐ Yes
☒ No

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

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☐ No
☒ N/A

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☒ Yes
☐ No

If yes please, give details:

Sioux Falls, SD

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

- ☒ Yes
☐ No

If yes please, give details:

Food, small miscellaneous items. Retail

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

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

Site Map.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

William Klein

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

☒ Electronic Signature

Date:*

6/10/2024

Payment Options:*

Check By Mail

NOTE: This application must be accompanied by required fees.

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

Credit Card

[Credit Card Authorization Form](#)

Upload Credit Card Authorization Form

Choose File No file chosen

Mail Payments To:

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



APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

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

LAST REVISED: 2/6/2024

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

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

All Class F-1, F-2, & C-2 license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Location Information:				
Legal Business Name: NHS LLC		Date of Incorporation: 07/11/2008	State Business ID Number: 0000037248	
Doing Business As (DBA) Name, if Applicable: Wingate by Wyndham Bismarck		If out of state corporation, is corporation registered in North Dakota? □ Yes □ No		
Location Address: 1421 Skyline Blvd	City: Bismarck	State: ND	Zip: 58503	Phone Number: 701-751-2373
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): Sarah Koustrup, Partner				

Contact Information (Where correspondence is to be sent):				
Primary Contact: Sarah Koustrup		Phone Number: [REDACTED]	Email Address: [REDACTED]	
Mailing Address: [REDACTED]	City: Fargo	State: ND	Zip: 58103	
Manager's Name: Sarah Koustrup		Date of Birth: [REDACTED] 1980	Percentage of Ownership: 10%	
Driver's License Number: [REDACTED]	State Issued: ND	Gender: Female	Race: Caucasian	
Home Address: [REDACTED]	City: Fargo	State: ND	Zip: 58104	
Occupation: Hotel Management	Phone Number: [REDACTED]	Title: President	Email Address: [REDACTED]	

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

Name: Norman Leslie		Date of Birth: [REDACTED] 1966	Percentage of Ownership: 90%
Driver's License Number: [REDACTED]	State Issued: ND	Gender: M	Race: Caucasian
Home Address: [REDACTED]	City: Fargo	State: ND	Zip: 58104
Occupation: Hotel Mgmt	Phone Number: [REDACTED]	Title: CEO	Email Address: [REDACTED]

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

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

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

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

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

☒ Yes ☐ No

If no, please explain:

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

☐ Yes ☒ No

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

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

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☐ Yes ☒ No

If yes, please give details:

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

☒ Yes ☐ No

If yes, please give details:

Norman Leslie and Sarah Koustrup are liquor license holders in various hotels throughout the US.

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

☒ Yes ☐ No

If yes, please give details:

Own and manage hotels across the US.

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

☒ Yes ☐ No

If no, please give details:

Signature:

☒ I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances.

☒ I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.

☒ I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.

Signature of Applicant

Date

Print Name / Title of Officer

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

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

Business Name

Applicant Business Name

Original License Holder Name Printed

Transfer Applicant Name Printed

Original License Holder Signature

Transfer Applicant Signature

State of

Subscribed and sworn to before me this _____

County of

day of _____

Notary Seal

Notary Public

My Commission Expires



Administration Department

DATE: June 25, 2024

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Dakota Media Access Board Appointments

REQUEST:

Appoint Robin Thorstenson, Rick Collin, and Rebecca Thiem to the Dakota Media Access (DMA) Board of Directors.

BACKGROUND INFORMATION:

Dakota Media Access requests the appointment of the following to serve on the Dakota Media Access Board of Directors.

- Robin Thorstenson, ND Dept. of Human Services (2028) – reappointment
- Rick Collin, Retired (2028) – reappointment
- Rebecca Thiem, Retired – (2026) fills unexpired vacant board position

RECOMMENDED CITY COMMISSION ACTION:

Reappoint Robin Thorstenson and Rick Collin to serve four-year terms and Rebecca Thiem to fill a two-year unexpired term on the Dakota Media Access Board of Directors.

STAFF CONTACT INFORMATION:

Douglas Wiles, Assistant City Administrator, 701-355-1300, dwiles@bismarcknd.gov

ATTACHMENTS:

1. DMA Board Member Appointments



June 11, 2024

Honorable Mayor Mike Schmitz
Bismarck City Commissioners
Bismarck City Hall
PO Box 5503
Bismarck, ND 58506-5503

Dear Mayor Schmitz and Bismarck City Commissioners:

Dakota Media Access (DMA) requests the following Bismarck residents be considered for appointment to serve on the DMA Board of Directors:

Robin Thorstenson, ND Dept. of Human Services (2028) – reappointment

Rick Collin, Retired (2028) – reappointment

Rebecca Thiem, Retired – (2026) fills unexpired vacant board position

Current DMA Board Members include:

Bismarck Appointees (terms expire):

Jack McDonald, Wheeler Wolf Attorneys (2026)

Dave Diebel, D&N Cinematics (2027)

Greg Wheeler, Basin Electric (2027)

Steve Koontz, Bismarck Public Schools (2027)

Mark Connelly, Bismarck City Commission Liaison

Mandan Appointees (terms expire):

Amber Larson, Bartlett & West (2024)

Jason Arenz, BNC Bank, Mandan President (2025)

Brad Olson, Mandan City Commission Liaison

Thank you for your consideration.

Sincerely,

Jack McDonald, President
Mary Van Sickle, Executive Director

1101 E Front Avenue, Bismarck, ND 58504
701-258-8767 info@freetv.org FreeTV.org



Administration Department

DATE: June 25, 2024

FROM: Jason Tomanek, City Administrator

ITEM: Letter of Support for All Season, LLC.

REQUEST:

Letter of support for All Season, LLC.

BACKGROUND INFORMATION:

All Season, LLC. has applied for a loan from the ND Opportunity Fund Loan Program for the local match of the Flex PACE interest buydown program through the Bank of North Dakota. As part of the approval process from the ND Opportunity Fund, there is a request that the community state the project does not qualify for the community's economic development fund, but that the community supports the project.

All Season, LLC. to purchase a 2736 square foot (sf) commercial shop condo located at 6962 Auroa Loop, Unit D, Bismarck, ND. All Season, LLC. to lease the space to TLM Holdings, LLC. (dba) All Season Motorsports. All Season Motorsports is a licensed dealer of Club Car golf carts that provides sales, parts, and repairs of golf carts. The Bismarck location will be the company's second location in North Dakota (currently located in West Fargo, ND). All Season, LLC. and TLM Holdings are owned by Travis & Lorie Steckler and Megan Steckler.

RECOMMENDED CITY COMMISSION ACTION:

Consider and approve the request for a letter of support for All Season, LLC.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. All Season, LLC

All Season LLC

All Season LLC has applied for a loan from the ND Opportunity Fund Loan Program for the local match of the Flex PACE interest buydown program through the Bank of North Dakota. As part of the approval process from the ND Opportunity Fund there is a request from the project's community that states the project does not qualify for the community's economic development fund but that the community supports the project.

All Season LLC to purchase 2736sf commercial shop condo located at 6962 Auroa Loop, Unit D, Bismarck ND. All Season LLC to lease the space to TLM Holdings LLC dba All Season Motorsports. All Season Motorsports is a licensed dealer of Club Car golf carts; provides sales, parts and repairs of golf carts. The Bismarck location will be the business's 2nd location in North Dakota (currently located in West Fargo, ND.) All Season LLC and TLM Holdings are owned by Travis & Lorie Steckler (husband & wife) and Megan Steckler (sister-in-law).



Administration Department

DATE: June 25, 2024

FROM: Jason Tomanek, City Administrator

ITEM: Letter of Support for P & B Transportation, Inc.

REQUEST:

Letter of support for P & B Transportation Inc.

BACKGROUND INFORMATION:

P & B Transportation Inc. has applied for a loan from the ND Opportunity Fund Loan Program for the local match of the Flex PACE interest buydown program through the Bank of North Dakota. As part of the approval process from the ND Opportunity Fund, there is a request from the project's community that states the project does not qualify for the community's economic development fund but that the community supports the project.

P & B Transportation Inc. to purchase 10 new 2025 Freightliner Cascadia semi-trucks. The business intends to purchase new equipment to help improve its profit margins by incorporating new equipment technology and new equipment to help with employee retention. P & B Transportation Inc. has been established in Bismarck, ND, since 1996. The business is owned by Paul Meuller and Melissa Aberle.

RECOMMENDED CITY COMMISSION ACTION:

Consider and approve the request for a letter of support for P & B Transportation Inc.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. P & B Transportation LLC

P & B Transportation Inc.

P & B Transportation Inc. has applied for a loan from the ND Opportunity Fund Loan Program for the local match of the Flex PACE interest buydown program through the Bank of North Dakota. As part of the approval process from the ND Opportunity Fund there is a request from the project's community that states the project does not qualify for the community's economic development fund but that the community supports the project.

P & B Transportation Inc. to purchase 10 new 2025 Freightliner Cascadia semi-trucks. The business to purchase the new equipment to help improve their profit margins by incorporating new equipment technology and the new equipment to help with employee retention. P & B Transportation Inc. has been established in Bismarck, ND since 1996, the business is owned by Paul Meuller and Melissa Aberle (father & daughter).



Bismarck Event Center

DATE: June 25, 2024

FROM: Amanda Yellow, Interim Director

ITEM: Ticketing services agreement addendum

REQUEST:

Permission to extend the current ticketing contract with Intelli-Mark Technologies, Inc. formerly known as Etix, Inc. until June 30, 2025.

BACKGROUND INFORMATION:

The request is being made for an extension because if a new ticketing platform would have been chosen from the Ticket Company RFP, IT did not have time on their calendar to make the transition. This potential transition has been scheduled for June 2025 after the new RFP will go out in early 2025.

RECOMMENDED CITY COMMISSION ACTION:

Approve the request to extend the current ticketing contract with Intelli-Mark Technologies, Inc. formerly known as Etix, Inc. until June 30, 2025.

STAFF CONTACT INFORMATION:

Amanda Yellow, Interim Director, 701-355-1376, ayellow@bismarcknd.gov

ATTACHMENTS:

1. Intelli-Mark Technologies, Inc. Addendum



TICKETING SERVICES AGREEMENT ADDENDUM

This document is an Addendum to the Ticketing Services Agreement dated April 15th, 2016 ('AGREEMENT') between The City of Bismarck, Bismarck Event Center ('THE CLIENT') with primary offices located 315 S. 5th St. Bismarck, ND 58504 herein referred to as THE CLIENT and Intelli-Mark Technologies, Inc formerly known as Etix, Inc. ("INTELLI-MARK" or "ETIX"), a Delaware Corporation with primary offices located at 909 Aviation Parkway, Suite 900, Morrisville NC 27560.

The following changes will be made to the existing Ticketing Services Agreement upon signature of both parties:

The AGREEMENT paragraph 2 is deleted and replaced with the following:

2. Term. The term of the AGREEMENT shall be from July 1, 2016, until June 30, 2025, without any automatic renewal terms.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed.

City of Bismarck, Bismarck Event Center

INTELLI-MARK TECHNOLOGIES

By:

By: Marshall Pred

(please print name above)

Signed: _____

Signed: Marshall Pred

Date Signed: _____

Date Signed: 06/03/2024

Please sign and or scan and email to marshall.pred@etix.com



Bismarck Veterans Memorial Public Library

DATE: June 25, 2024

FROM: Christine Kujawa, Library Director

ITEM: Library Security Service Bid

REQUEST:

Award the bid for library security services.

BACKGROUND INFORMATION:

On Friday, May 24, 2024 the library's security service request for bids closed. Four bids were submitted. On Wednesday, June 5, 2024 interviews were conducted for the top two firms based on lowest bid. Interview scoring was based on price; reliability and reputation, including reference check feedback; experience; areas of expertise; and technology and communication. The top scoring firm is EH Investigations & Security, LLC.

On June 12, 2024, the Library Board of Directors approved EH Investigations & Security, LLC's bid for library security services at \$28.00/hour. The revenue for this expense is accounted for in the library's budget. Revenue source: Library Fund.

RECOMMENDED CITY COMMISSION ACTION:

Award the bid for library security services.

STAFF CONTACT INFORMATION:

Christine Kujawa, Library Director, 701-355-1482, ckujawa@bismarcklibrary.org

ATTACHMENTS:

1. 2024 Library Security Service Combined Interview Committee Scores
2. Library Security RFP Packet

Bismarck Veterans Memorial Public Library – Wednesday June 5, 2024
Library Security Services – Combined Interview Score Sheet

2024 Library Security Services Interview Scoring Committee

Elizabeth Jacobs, Assistant Library Director

Dianna Kindseth, Library Board President

Sarah Matthews, Librarian-Head of Adult Services

Randy Ziegler, Deputy Chief-Bismarck Police Department

Category	Bismarck-Mandan Security	EH Investigations & Security, LLC
Price Bismarck-Mandan Security: \$25.25/hour EH Investigations & Security, LLC: \$28.00/hour	8	4
Reliability and Reputation	5	7
Experience	6	6
Areas of Expertise	4	8
Technology/Communication	4	8
Total:	27	33

REQUEST FOR BIDS

FOR PROFESSIONAL SECURITY SERVICES

**FOR BISMARCK VETERANS MEMORIAL PUBLIC LIBRARY
CITY OF BISMARCK**

NORTH DAKOTA

May 2024

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I. INTRODUCTION

The Bismarck Veterans Memorial Public Library, herein referred to as “library,” is requesting bids from professional security firms to provide unarmed security services. The selected firm will work in conjunction with, provide administrative support to, and report to the library.

The scope of services will include following and enforcing library policies, conducting building rounds, conducting closing procedures, and other related responsibilities. The selected firm will be an independent contractor, licensed to work in North Dakota, responsible for hiring and supervising its own employees to perform the services.

A two-year contract is contemplated, with an option for the library to renew for three additional years with a 3% increase to the hourly rate for each of the additional three years, subject to an annual review, the satisfactory negotiation of terms (including a price acceptable to both the library and the selected firm), the concurrence of the Library Board of Directors, and the annual availability of an appropriation.

There is no express or implied obligation for the library to reimburse responding firms for any expenses incurred in preparing bids in response to this request.

Submission of a bid indicates acceptance by the firm of the conditions contained in this request for bids, unless clearly and specifically noted in the contract between the library and the firm selected.

Any inquiries concerning the request for bids should be addressed to Jannelle Combs, 221 N 5th St, Bismarck, ND 58501. Telephone: (701) 355-1340; Email: jcombs@bismarcknd.gov.

To be considered, a bid must be received by the City of Bismarck in the office of the City Administrator at PO Box 5503 or 221 N 5th Street, Bismarck, ND 58506-5503 by 3:00pm CT on Friday, May 24, 2024. Bids will be opened at 4:00pm CT on Friday, May 24, 2024.

Bids must be submitted on the forms furnished and shall be sealed with envelope front faces clearly marked “Bismarck Veterans Memorial Public Library - Security Services Bid.”

The award will be made on the basis of the best combination of price and service to fit the security needs of the library. Price shall not be the sole determining factor. Other factors such as efficiency, effectiveness, and dependability may be considered to meet the security needs of the library.

The right is reserved to hold all bids for a period of sixty (60) days, to reject any and all bids, to waive technicalities or to accept such as may be determined to be in the best interest of the library and City of Bismarck.

II. SCOPE OF LIBRARY SECURITY SERVICES

The security firm shall be responsible for performing procedures involving, but not limited to:

- Ensure guards are on site during all scheduled shifts. If guards cannot work their shifts, it is the responsibility of the security firm to find replacements. Replacements must be previously trained on tasks and procedures specific to the library prior to being scheduled to work at the library. All scheduled security shifts must have a guard on duty. A schedule of who will be working will be provided to the library at least one week in advance. Regular scheduled shifts are:
 - Sunday: 1-6pm (5 hours)
 - Monday: 1-9pm (8 hours)
 - Tuesday: 1-9pm (8 hours)
 - Wednesday: 1-9pm (8 hours)
 - Thursday: 1-9pm (8 hours)
 - Friday: 1-6pm (5 hours)
 - Saturday: 9am-6pm (9 hours)
 - Library Board approved holidays and closures, including closures for inclement weather, will not require security services and the library will not pay for security services on these days.
 - The firm is responsible for covering the cost of training new hires and will not charge those extra costs to the library.
 - Failure to provide on-site security on any day for any number of hours results in the prorated deduction of contractual fees for that day. Failure to provide on-site security for a total of five days in a contractual year will result in an additional **\$2,500 charge** to the security firm as liquidated damages for the loss of service and contract termination.
- Guards are in charge of the following during their scheduled shifts:
 - Emergency situations, including but not limited to: inclement weather, medical emergencies, and active shooter and safe space procedures
 - Communicate with First Responders in a professional, calm manner
 - Handle library bans and trespass notices
 - Follow and enforce library policies
 - If library patrons do not follow the policies, take action - including educating and communicating with patrons in a calm, neutral, professional manner; giving warnings; removal from building; and/or issue trespass notices.
 - Communicate with the library's Leadership Team about situations and problems encountered
 - Provide written and electronic documentation of situations and shift activities
 - Use the library's security system to monitor building activity and to retrieve photo/video footage of incidents
 - Conduct 5pm procedures during every shift, see Appendix
 - Conduct closing procedures, see Appendix

- Conduct building and grounds rounds **every 30 minutes**, see Appendix
- Work additional shifts during special events, as requested.

NOTE: The successful firm will be responsible for hiring, training, and supervising all security employees. All guards will be employees of the firm, not the library. If guards are replaced, the library **must be notified prior to the new guards being scheduled**. Individuals with a history of disrupting library services will not be assigned to the library for security services. If there are issues with guard performance and professionalism, the library reserves the right to order removal of the guard and the security firm will provide another guard.

III. Appendix

Security Post Duties

Post duties include the following:

1. Become thoroughly familiar with all library policies and procedures relating to the public, especially Code of Conduct, Library Grounds Policy, and emergency related procedures.
 - If an explanation of these policies and procedures is needed, contact library administration.
 - When requested by members of the library's Leadership Team, security guards shall assist in enforcing library policies.
 - Read the policies and procedures on a quarterly basis as a refresher.
2. Security guards will make their presence known when they arrive and throughout their shifts by observing and walking around all areas of library property and checking in with library employees in all public facing departments for any important information:
 - While continual communication between security guards and library employees is essential, socializing should be limited.
 - Security guards are expected to remain alert and patrol throughout the property every **30 minutes**.
3. When arriving for shifts, retrieve the security cell phone and carry it with you at all times during shifts so employees can contact you when needed. Keep a pen and pocket-sized memo pad with you at all times so you can easily write down incident information on site.
4. Interaction with First Responders
 - Security guards will contact First Responders in the event of activity or behavior that requires their assistance, such as health emergencies or situations posing immediate danger.
 - In the event of an emergency, security guards will call 9-1-1, and supervise and monitor the event until resolved. If calling from a library telephone, dial "9-9-1-1."
5. Documentation
 - Security guards will be expected to follow documentation protocol per their security firm and the library.
 - Security guards will draft incident reports and accompanying security camera photos/footage as soon as possible after the incident has occurred utilizing clear and concise language. Keep in mind that any correspondence during library shifts, regardless of format, will be considered an open government record. Always use professional and respectful language. Check spelling and grammar prior to sharing. Incident reports should include detailed information:
 - Names and genders of individuals involved, including library employees who assist you.

- Description of the incident. Note: if a library patron states that something happened, but you didn't see it happen, be sure to state that, e.g. "library patron said..." If you don't see it, the description will be misleading and inaccurate.
 - Location of incident.
 - Time and date.
 - Whether or not First Responders were called.
 - Resolution, e.g. library patron told to leave for the day, trespassed, etc.
6. Missed shifts by security guards
- If a security guard cannot make it to their shift, the security firm will contact library administration prior to the beginning of the shift, with the name of the guard covering the shift so we know who to expect.
 - Library administration phone numbers: 701-355-1482 (Christine Kujawa, Library Director) or 701-355-1483 (Elizabeth Jacobs, Assistant Library Director).
7. Conduct the 5pm procedures, to be completed every day.
- Both sets of story room doors must be secured and locked. If there is a library event taking place in this area, wait until it ends and then check the doors.
 - The outside garage door must be closed tightly and locked. If not, secure and lock it.
 - The overhead doors in the garage and dock door must be closed completely.
 - Three southwest employee only doors should be closed and locked.
 - Check the adult services office:
 - Turn off the photocopier and laminating machine.
 - Close and lock the adult services office door.
 - Check the staff breakroom and turn off:
 - Restroom lights and exhaust fans
 - Coffee pot
 - Electric fireplace
 - Radio, television
 - The Missouri River Room lights should be off, and door closed and locked.
 - Initial completed tasks on the 5pm checklist located at the Adult Services Information Desk.
8. Assist with closing by handling assigned procedures 10-15 minutes prior to closing
- Make sure the lights in the Burleigh County Library office are off and the doors are closed.
 - Conduct exterior walk around building. Pick up large pieces of litter and put in library dumpster.
 - Turn off Teen HQ lights. The switch is above the fire extinguisher near the Head of Youth Services office.
 - Turn off Teen HQ display light and fireplace, and make sure the doors are closed and locked.

- Conduct public area walk-through, including restrooms. Notify those in study rooms or with headphones who may not hear the closing announcements that the library is closing soon.
- Assist circulation employees with a walk-through of lower level meeting room area, if needed. Make sure all doors are closed and locked.
- Ensure all library patrons have exited the building and the building is secure.
- Initial completed tasks on the closing checklist located at the Adult Services Information Desk.
- Turn off all lights in library administration, turn off and return the security cell phone to the security desk and plug it in to charge overnight. Make sure both library administration doors are securely closed and locked before exiting.
- Return the building key to its assigned location.
- Exit the building with employees and observe them walking to their vehicles. Guards will accompany employees to their vehicles, if requested.
- Check the exterior garage door to ensure it is locked.
- Check the outside front entrance doors to ensure they are locked.

Building Rounds

Security patrolling is an important duty for security guards and ensures a safe and controlled environment so both patrons and library employees feel safe. When patrolling the property on evenings and weekends, make sure the library administration doors are closed and locked before leaving the area.

The following are general building round guidelines and procedures to follow:

- Make sure the premises are secure.
- Be aware and observant of your surroundings. Use your professional presence to promote security and to discourage disruptive behavior. Avoid establishing predictable patrol patterns. Vary what you do on patrol so you can observe the entire area.
- Make sure the premises are secure.
- Always have a flashlight available while on duty. A power failure during the day can make the interior of a building totally dark.
- Use common sense to prevent injury.
- Use equipment properly and safely.
- Use all your senses to alert you to anything unusual or different. Remember to look in all directions (up, around, on the ground, to the side) while patrolling. Some important items to look for include:
 - Unlocked doors, gates, or other kinds of enclosures
 - People in unexpected places or restricted areas
 - Suspicious patrons
 - Suspicious packages
 - Notify the Building and Grounds Manager if you notice anything requiring building maintenance. Whether notifying in person or leaving a note, be as specific as possible, e.g. "lights are out on the main level in between rows 19-20," "there are carpet stains on the lower level outside the men's restroom," etc. Examples of areas requiring building maintenance include:

- Leaks or spills
- Cracked pipes
- Unusual noises
- Unusual odors
- Temperature changes
- Burned out lights
- Broken fences or gates
- Malfunctioning equipment
- Areas requiring housekeeping attention
- Be aware of and report all potential fire or safety hazards.
- If you discover something unusual or out of the ordinary that qualifies as an emergency, follow emergency procedures.

The following are specific building round guidelines by area:

Interior Rounds

Interior rounds should be conducted **every 30 minutes** and include the following areas:

- **Main level**
 - Entrance and lobby
 - Check both restrooms to be sure they are safe and secure.
 - Youth Services-Children's Library
 - Check in with Children's Library Information Desk employees. Ask if there are any outstanding issues or concerns.
 - If security guards see unaccompanied adults, notify the Children's Library employees to find out if it's permissible for the adults to be in this section. If not, they may request your assistance with politely asking the adults to go to the adult section.
 - Youth Services-Teen HQ
 - Make sure there are no adults in this section, unless a library sponsored teen/adult program is taking place.
 - If the area is empty, check the doors to ensure they are locked. Ask if there are any outstanding issues or concerns.
 - Adult areas
 - Check in with Adult Services Information Desk employees. Ask if there are any outstanding issues or concerns.
 - Thoroughly walk through all areas including computer area, study rooms, and open seating areas.
 - If study rooms are empty, check doors to ensure they are locked.
 - Push in empty chairs.
 - If trash is left behind in any of these areas, please pick it up and put in the nearest trash bin.
 - Coffee Shop
 - When walking through the adult area, look through the coffee shop windows to ensure everything looks secure and safe.
 - Stop in the coffee shop at least once during each shift. Ask employees how everything is going, and if there are any outstanding issues or concerns.

- Circulation Services
 - Check in with Circulation Desk employees. Ask if there are any outstanding issues or concerns.
- Employee areas
 - Walk through employee areas and check doors that should be locked.
 - If security guards see someone they don't recognize, ask a library employee if the person works at the library and if it's ok for them to be in the employee area.
- **Lower level**
 - When walking through the lower level check the following areas to be sure the area is secure and safe:
 - Study tables
 - Make sure people are awake and alert
 - Push in chairs
 - If trash is left behind, please pick up and put in the nearest trash bin.
 - Study rooms
 - If occupied, make sure occupants are awake and alert.
 - If unoccupied, make sure doors are closed and locked. Push in chairs.
 - If trash is left behind, please pick up and put in the nearest trash bin.
 - Restrooms
 - Check both restrooms to be sure they are safe and secure.
 - Missouri River Room
 - If occupied, when doing rounds look through the windows to ensure everything looks safe and secure.
 - If unoccupied, lights should be off, and door should be closed and locked. Exception: there are times when the lights above the fireplace are on to highlight the area, this is ok and they can be left on.
 - Maintenance/storage area doors
 - Unless the Building and Grounds Manager is seen working in the area, all storage areas, janitor closets, and maintenance equipment lights should be off with doors closed and locked. There are emergency lights in some of these areas and they stay on all the time.
 - Maintenance equipment areas
 - Walk through maintenance equipment areas. If you notice leaks or strange odors, contact the Building and Grounds Manager right away.
- **Lower level - meeting room area**
 - Meeting rooms
 - If occupied, glance through the doors during rounds to be sure the area is safe and secure.

- If unoccupied, lights should be off with doors closed and locked. There are emergency lights in some of the meeting rooms and they stay on all the time.
 - If the entire meeting room level is unoccupied, all meeting room lights should be off with doors locked, bathroom lights off, and hallway lights off. The lobby meeting room sliding door switch is located in the circulation desk area and should be set to “off.” This ensures that no one can enter the closed meeting room area. The door is always set to “exit only” to ensure the option to exit is always active in case of fire.
- Restrooms
 - Check both restrooms to be sure they are safe and secure.
- Hallways
 - Walk through all hallway areas and make sure they are safe and secure. If people are lingering in areas of the hallway, be sure they are there for a meeting. Walk all the way through the far back hallway leading to the 6th Street emergency exit. The public should never be in this area.
- Maintenance/storage area doors
 - Unless the Building and Grounds Manager is seen working in the area, all storage areas, janitor closets, and maintenance equipment lights should be off with doors closed and locked. There are emergency lights in some of these areas and they stay on all the time.
- Maintenance equipment areas
 - Walk through maintenance equipment areas. If you notice leaks or strange odors, contact the Building and Grounds Manager right away. If he is not in the building call him and explain the situation.
- **Garage**
 - Check both the bookmobile and Building and Grounds Manager garage areas.
 - Check garage doors to be sure they are closed and secured.
 - If the garage doors or loading dock door are open and there are no library employees in the area, check with library employees to find out if they should be open. If not, close the doors.

Exterior rounds

Exterior rounds should be conducted **every 30 minutes** and include the following:

- Walk the perimeter of the building. If you notice larger pieces of trash please pick up and put in the library’s dumpster.
- Check for damage to building walls and windows.
- Check flagpole and flag: make sure the flag is up and in good condition. If not, inform the Building and Grounds Manager.
- Check the grassy knoll area for safety concerns. If you notice larger pieces of trash please pick up and put in the library’s dumpster.
- At no time should the public sit on staff entrance steps or smoke near the staff entrance.

- At no time should the public sit on the southeast corner emergency exit steps. Per building code, this area must be kept clear in case of emergency.
- The library grounds area is tobacco-free. If people are smoking/vaping anywhere on the plaza, grassy knoll area, or elsewhere on library property, inform them that they must go off-property or to the sidewalk to smoke. It is permissible for patrons to smoke in their vehicles.
- If at night, check exterior parking, plaza, flagpole, and grassy knoll lights to be sure they are on. If you notice burned out lights leave a note for the Building and Grounds Manager.
- Review the Building Grounds Policy for additional information.

When security guards are caught up with rounds, they will perform the following tasks:

- Monitor the property by utilizing the security camera system.
- Catch up on reports and notes regarding activity during their shifts.
- Review library policies and procedures.
- Review incident reports to keep up-to-date on active and past incidents, including ban and trespass activity.

Additionally:

- Security guards will not use the security computer for personal use.
- Security guards will work throughout the duration of their assigned shifts and will not perform personal, non-work related tasks during their shifts.
- At no time will security guards invite personal visitors into library administration.

**Bismarck Veterans Memorial Public Library
Security Firm Quote**

Security Firm: _____

Contact: _____

Hourly Rate: _____

☐

(check box) Security firm reviewed the Request for Bids document and shall fulfill all aspects if awarded this bid, which includes scope of bid, scope of security services, security post duties, and building round duties.

Additional information:

Attach supporting documentation with the Request for Bids.



Community Development Department

DATE: June 25, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Contract Agreement 2024 Historic Preservation Fund Grant Award

REQUEST:

Permission to accept a Historic Preservation Fund grant award.

BACKGROUND INFORMATION:

The City of Bismarck has been awarded a 2024 Historic Preservation Fund grant to be used to cover the costs to create local history school education resources, conduct an urban historic survey, and staff attendance for the local Certified Local Governments and Mountain Plains Museum Association conference.

The total grant awarded was \$36,919, with \$14,929 being provided through in-kind match from city staff and Historic Preservation Commissioner's donated time and \$21,990 provided by the grant fund. No funding from the City of Bismarck will be necessary.

RECOMMENDED CITY COMMISSION ACTION:

Approve the Contract Agreement for the 2024 Historic Preservation Fund grant for \$21,990.

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. 2024 HPF Grant Award

Bismarck CLG
2024
Funded Budget

Administration			
	Federal	Match	Total
Coordinator's Salary	\$0	\$3,929	\$3,929
HPC Donated Labor	\$0	\$0	\$0
Administrative Total	\$0	\$3,929	\$3,929

Local History School Education Resources			
	Federal	Match	Total
Metal Trunk	\$450	\$0	\$450
Objects	\$1,500	\$0	\$1,500
Worksheets	\$40	\$500	\$540
Activities	\$1,000	\$1,800	\$2,800
Teacher Guide/Topic Report	\$500	\$2,000	\$2,500
TOTAL	\$3,490	\$4,300	\$7,790

Urban Survey 6th Street Bismarck			
	Federal	Match	Total
Consultant	\$15,000	\$0	\$15,000
HPC Donated Labor	\$0	\$4,500	\$4,500
Online Story Maps Walking Tour	\$0	\$1,000	\$1,000
TOTAL	\$15,000	\$5,500	\$20,500

CLG/MPMA Conference			
	Federal	Match	Total
Conference Expenses	\$3,500	\$0	\$3,500
HPC Donated Labor	\$0	\$1,200	\$1,200
Education Total	\$3,500	\$1,200	\$4,700

	Federal	Match	Total
Grant Totals	\$21,990	\$14,929	\$36,919

40% Minimum Required Match	\$21,990	\$14,660	\$36,650
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Community Development Department

DATE: June 25, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Preservation and Reinvestment Initiative Community Enhancement (PRICE) Grant Application

REQUEST:

Permission to apply for PRICE grant funds. The funding for this program is administered by the United States Department of Housing and Urban Development (HUD).

BACKGROUND INFORMATION:

City Planning staff has prepared a draft version of their PRICE grant application. The priorities established are for the preservation and revitalization of manufactured housing and eligible manufactured housing communities. Of the \$235 million available in PRICE funding, \$210 million is reserved for the main PRICE competition (PRICE Main), of which \$11 million is intended for Tribal Applicants (with \$1 million reserved for Tribal Applicants), and \$25 million is reserved for a pilot program (PRICE Replacement Pilot) to assist in the redevelopment of manufactured housing communities as replacement housing that is affordable, with a minimum allocation of \$5 million for those communities awarded funds. The PRICE Main funding will support low- and moderate-income homeowners with manufactured housing units and manufactured housing communities with critical investments such as repairs, infrastructure improvements, upgrades to increase resilience, services like eviction prevention and housing counseling, and planning activities such as those needed to transition to resident-managed communities. The PRICE Replacement Pilot will enable the replacement of manufactured housing units, especially those in disrepair, with up to four units of affordable housing – gently increasing density and ensuring affordability for years to come. A public comment period on the draft application was offered from May 31,, 2024– June 15, 2024 and a public hearing was held on June 6, 2024 and no comments were received by staff. The draft application can be found [here](#). Planning staff has gaged interest from Bismarck mobile and manufactured home community owners and intends to submit an application requesting \$17,850,407 for the enhancement of five MHCs at scattered sites within the City. Activities to be undertaken could include removal of 58 dilapidated pre-1976 units, addition of up to 70 new structures as affordable housing units, rehabilitation of 21 post-1976 units, replacement, or repair of infrastructure such as water/sewer lines, sidewalks and roads, tree removal and overall landscaping improvements and enhanced security measures such as lighting. Relocation assistance is to be provided as part of the grant for individuals who may temporarily displaced while the projects are implemented.

RECOMMENDED CITY COMMISSION ACTION:

Approval to submit an application to HUD for PRICE grant funds.

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:

None



Engineering Department

DATE: June 25, 2024

FROM: Gabe Schell, City Engineer

ITEM: Community Event Application - Block Party on 4th Street

REQUEST:

Permission to close 4th Street between Rosser Avenue and East A Avenue on Saturday, September 28, 2024, from 3:30 PM - 8:30 PM.

BACKGROUND INFORMATION:

Craftcade, Glance, Bravera, MDU, and Mojo Radio are partnering to host a community event. They plan to have free food, music, inflatables, cotton candy, drinks, and a dunk tank.

RECOMMENDED CITY COMMISSION ACTION:

Approve a request to close 4th Street between Rosser Avenue and East A Avenue on Saturday, September 28, 2024, from 3:30 PM - 8:30 PM.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Community Event Application for Block Party on 4th



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: Block Party on 4th!

Event Dates and Times: September 28th 4:00 - 9:00 pm.

Requested Street Closure Dates and Times: September 28th 3:30 - 9:30

Provide a location map with a layout of any street closures, on street parking utilization, impacts to sidewalks, emergency service access and vendor spaces.

Sponsoring Individual/Organization: Cratcade, Glance, Bravera, MSU, Mejo Radio

The purpose of the festival or event: Community fun.

The activities that will be held as part of the event: Free meal, food trucks, music, inflatables, cotton candy, drinks, Dunk Tank.

Is the festival sponsored by a non-profit community service organization? No

If no, how does the event or festival constitute a community service? We are not sponsored by a non profit. However we are taking free well donations to be donated in honor of Suicide prevention

Event Manager/Coordinator Contact Information: awareness month to FirstLink

Name: Andrea Birst

Email Address: andrea.birst@gmail.com

Cell Phone: 701-550-9095



Food Vendors will not be permitted in the public right of way unless they are in good standing with Bismarck-Burleigh Public Health Department – Environmental Health Division.

Final approval is required from Board of City Commissioners.

If approval is granted by the Board of City Commissioners, the applicant will be required to provide:

- Proof of liability insurance. Coverages to be \$2 million per occurrence and \$500,000 per person and add City of Bismarck to the policy as an additional insured with waiver of subrogation.
- Proof of food vendors being licensed and inspected by Bismarck-Burleigh Public Health Department - Environmental Health Division
- If alcohol is being served, a special event liquor permit is required.
- If amplified music is provided, a Noise Variance Permit issued from Bismarck-Burleigh Public Health Department - Environmental Health Division is required.
- Hire a professional signing contractor to install Type III barricades across the entire street width at the ends of the street closure area plus one Road Closed sign for each end of the street closure area.

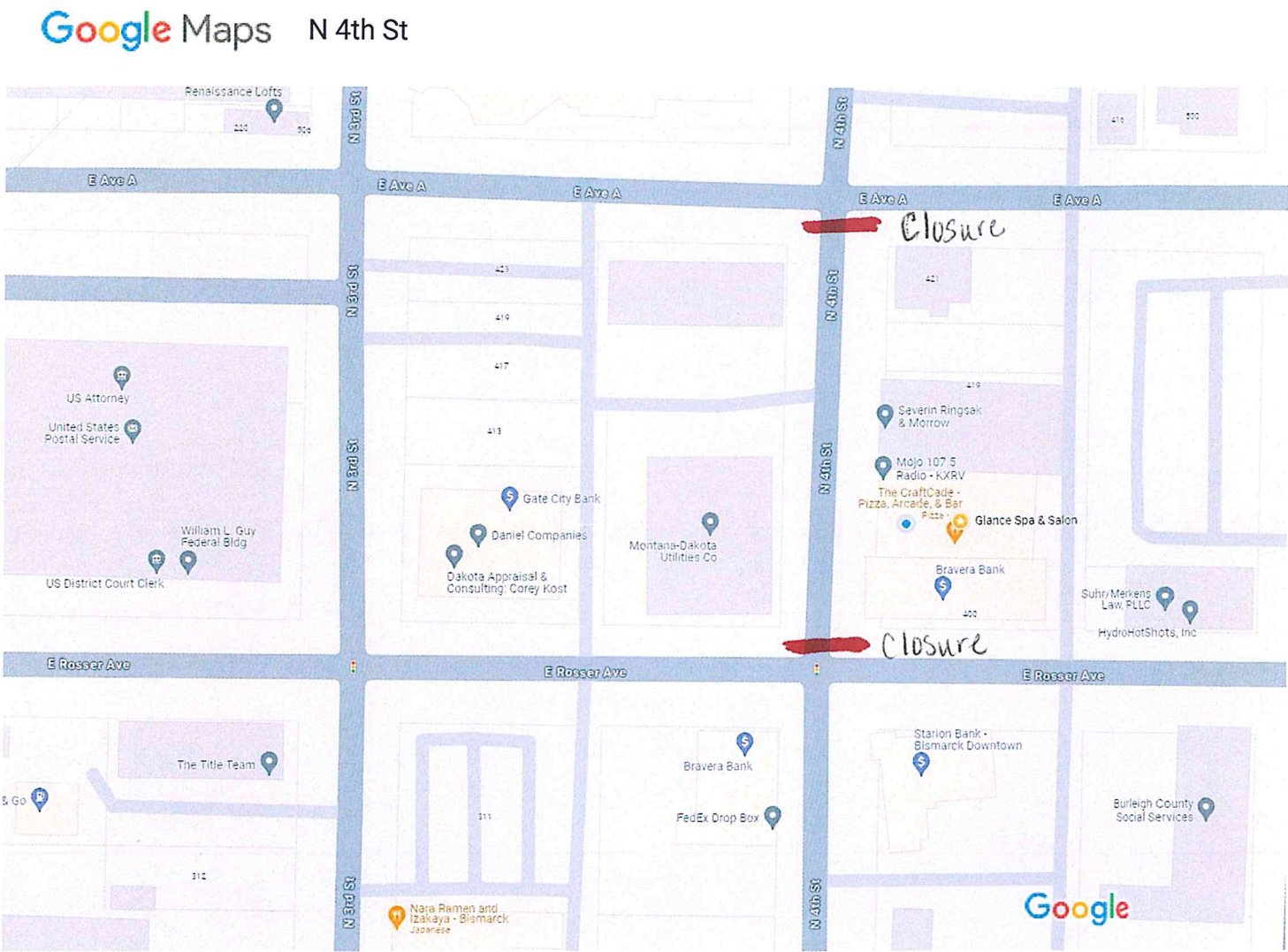
Failure to meet these requirements may result in revoking the approval.

All questions regarding this application should be directed to the City of Bismarck Traffic Engineer. 701.355.1505

Code of City Ordinance

10-05.1-03. Community Events and Festivals. 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.

1. The sponsor of the event or festival shall submit to City Administration a written application for a permit at least 45 days prior to the opening of the community event or festival for which a permit is desired. The application shall state:
 - a. The time, date and location of the festival or event. The applicant shall include a map of the proposed event showing the layout of booths, stalls or other attractions and including the specific location of any outdoor grilling activities;
 - b. The group, firm or individual by whom the festival or event will be sponsored;
 - c. The purpose of the festival or event;
 - d. The activities that will be held;
 - e. The streets requested to be closed. A drawing showing the requested street closures shall be included with the application.
2. A completed application will be considered by the City Commission.
3. In granting permits for community events and festivals, the City Commission shall consider the following:
 - a. The nature of the event or festival and how it can serve the community and its citizens;
 - b. The time period during which the event or festival will occur;
 - c. The location of the event or festival and whether the location inhibits the safe flow of traffic in the City;
 - d. Whether or not the location(s) proposed for cooking or grilling activities is appropriate considering area residents and businesses;
 - e. Whether the activities would be in compliance with other applicable laws;
 - f. Whether the event or festival is to benefit non-profit community service organizations. Commercial events or festivals which generate profit for the private sector, other than profit incidental to the festival or event which is made by persons other than the sponsor of the festival or event, shall be permitted only if the applicant submits evidence to the review committee that the event or festival constitutes a community service; and
 - g. The general health, safety and welfare of the participants in the event or festival and the citizens of the City.
 - h. The sponsor of the event or festival shall provide all cleaning services necessary to rid the festival area of all debris and litter created as a result of the event or festival.
 - i. The issuance of a permit to a sponsor shall authorize only that sponsor and participants specifically authorized by the sponsor to participate in that community event or festival without the restrictions imposed by this chapter.
 - j. Authorized participants in a community event or festival for which a permit has been issued shall not be required to obtain a city permit required by the provisions of this Chapter for the period during which the community event or festival takes place.



N 4th St

-  Directions
-  Save
-  Nearby
-  Send to phone
-  Share



Engineering Department

DATE: June 25, 2024

FROM: Gabe Schell, City Engineer

ITEM: North Central Park Community Event Application

REQUEST:

Permission to close Central Avenue between 8th Street and 9th Street on Tuesday, July 30, 2024, from 6:00 PM to 8:00 PM.

BACKGROUND INFORMATION:

8 80 Cities, Bismarck-Burleigh Public Health, and AARP North Dakota are partnering to host a community event. They plan to pilot a pop-up community street event that transforms the public space into a place for play, programming, neighborly connection, and measured impact. They plan to have activities involving: art, movement, music, engagement stations, and sport/play.

RECOMMENDED CITY COMMISSION ACTION:

Approve a request to close Central Avenue between 8th Street and 9th Street on Tuesday, July 30, 2024, from 6:00 PM to 8:00 PM.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Community Event Application for North Central Park



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 the 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: Bismarck Neighbourhood Block Party

Event Dates and Times: Tuesday, July 30th 2024, 6 - 8 pm

Requested Street Closure Dates and Times: July 30th 2024, 5 - 8:30 pm

Provide a location map with a layout of any street closures, on street parking utilization, impacts to sidewalks, emergency service access and vendor spaces.

Attached as Site Plan.PDF

Sponsoring Individual/Organization: 8 80 Cities in partnership with Bismarck-Burleigh Public Health and AARP North Dakota

The purpose of the festival or event: **To pilot a replicable and accessible model of pop-up community street events that transform public spaces into places for play, programming, neighborly connection and measured impact.**

The activities that will be held as part of the event: Art, movement, music, engagement stations, sport/play,

Is the festival sponsored by a non-profit community service organization? Yes, 8 80 Cities is a non-profit that sponsors this event through the Livable Communities office of AARP North Dakota.

If no, how does the event or festival constitute a community service? _____



Event Manager/Coordinator Contact Information:

Name: Katie Johnke, Bismarck-Burleigh Public Health

Email Address: kjohnke@bismarcknd.gov

Cell Phone: 701-331-0424

Food Vendors will not be permitted in the public right of way unless they are in good standing with Bismarck-Burleigh Public Health Department – Environmental Health Division.

Final approval is required from Board of City Commissioners.

If approval is granted by the Board of City Commissioners, the applicant will be required to provide:

- Proof of liability insurance. Coverages to be \$2 million per occurrence and \$500,000 per person and add City of Bismarck to the policy as an additional insured with waiver of subrogation.
- Proof of food vendors being licensed and inspected by Bismarck-Burleigh Public Health Department - Environmental Health Division
- If alcohol is being served, a special event liquor permit is required.
- If amplified music is provided, a Noise Variance Permit issued from Bismarck-Burleigh Public Health Department - Environmental Health Division is required.
- Hire a professional signing contractor to install Type III barricades across the entire street width at the ends of the street closure area plus one Road Closed sign for each end of the street closure area.

Failure to meet these requirements may result in revoking the approval.

All questions regarding this application should be directed to the City of Bismarck Traffic Engineer. 701.355.1505



Code of City Ordinance

10-05.1-03. Community Events and Festivals. 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.

1. The sponsor of the event or festival shall submit to City Administration a written application for a permit at least 45 days prior to the opening of the community event or festival for which a permit is desired. The application shall state:

- a. The time, date and location of the festival or event. The applicant shall include a map of the proposed event showing the layout of booths, stalls or other attractions and including the specific location of any outdoor grilling activities;
- b. The group, firm or individual by whom the festival or event will be sponsored;
- c. The purpose of the festival or event;
- d. The activities that will be held;
- e. The streets requested to be closed. A drawing showing the requested street closures shall be included with the application.

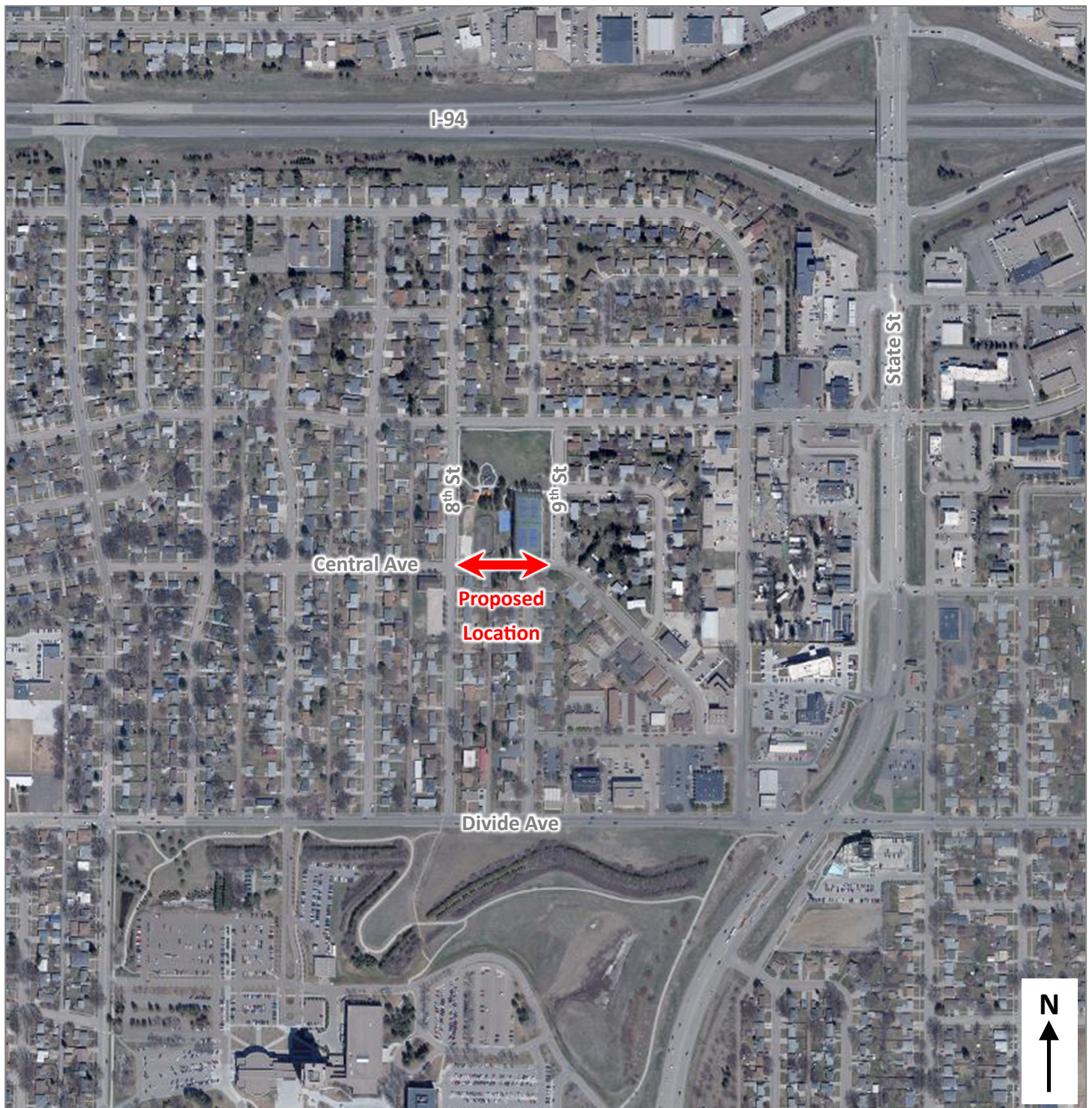
2. A completed application will be considered by the City Commission.

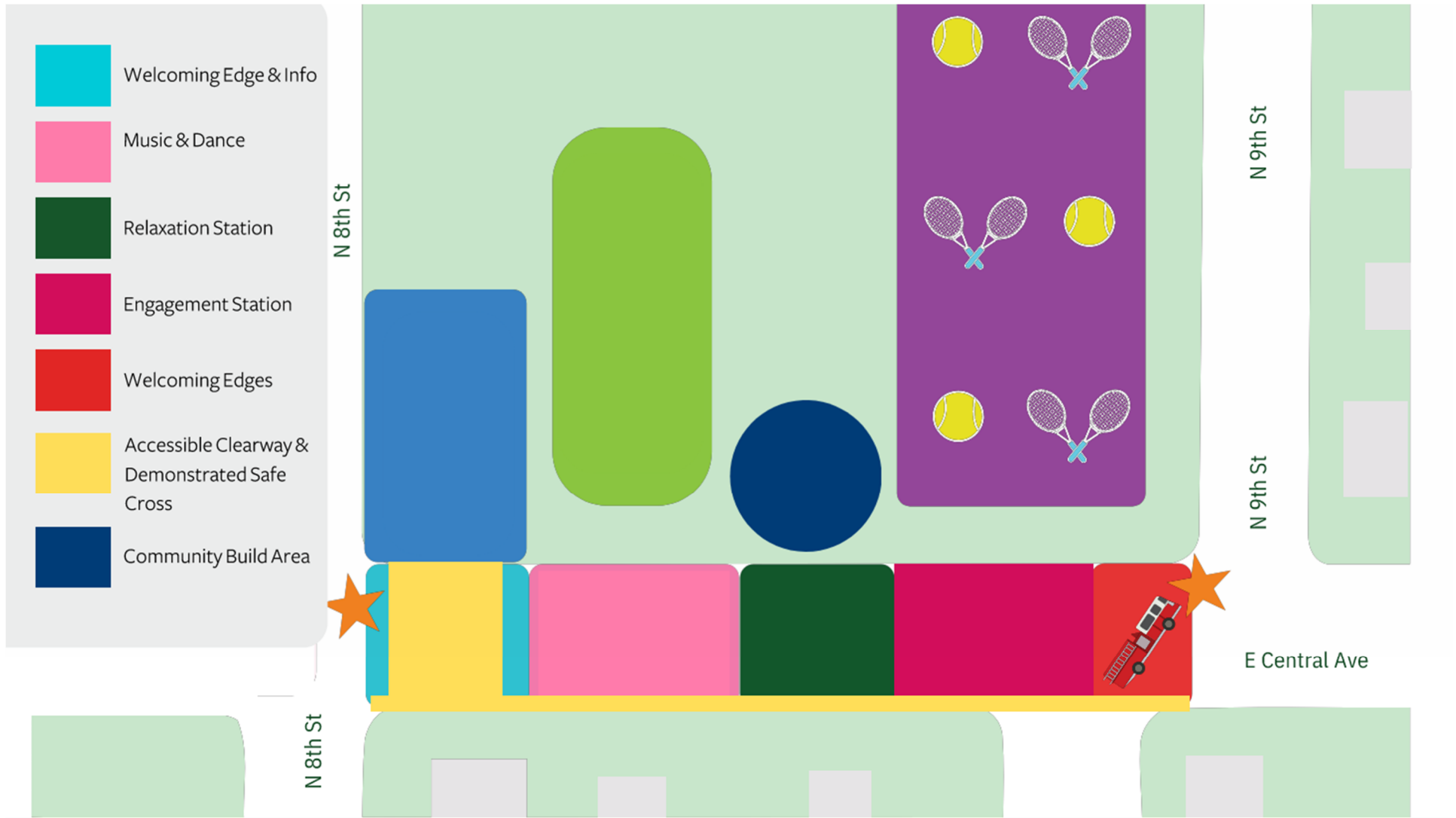
3. In granting permits for community events and festivals, the City Commission shall consider the following:

- a. The nature of the event or festival and how it can serve the community and its citizens;
- b. The time period during which the event or festival will occur;
- c. The location of the event or festival and whether the location inhibits the safe flow of traffic in the City;
- d. Whether or not the location(s) proposed for cooking or grilling activities is appropriate considering area residents and businesses;
- e. Whether the activities would be in compliance with other applicable laws;
- f. Whether the event or festival is to benefit non-profit community service organizations. Commercial events or festivals which generate profit for the private sector, other than profit incidental to the festival or event which is made by persons other than the sponsor of the festival or event, shall be permitted only if the applicant submits evidence to the review committee that the event or festival constitutes a community service; and
- g. The general health, safety and welfare of the participants in the event or festival and the citizens of the City.
- h. The sponsor of the event or festival shall provide all cleaning services necessary to rid the festival area of all debris and litter created as a result of the event or festival.
- i. The issuance of a permit to a sponsor shall authorize only that sponsor and participants specifically authorized by the sponsor to participate in that community event or festival without the restrictions imposed by this chapter.
- j. Authorized participants in a community event or festival for which a permit has been issued shall not be required to obtain a city permit required by the provisions of this Chapter for the period during which the community event or festival takes place.



Proposed Street Closure Location – Central Avenue from 8th St to 9th St





CERTIFICATE OF INSURANCE					
This certificate is issued as a matter of information only and confers no rights upon the certificate holder and imposes no liability on the insurer. This certificate does not amend, extend or alter the coverage afforded by the policies below.					
INSURED'S FULL NAME AND MAILING ADDRESS			BROKER'S FULL NAME AND MAILING ADDRESS		
1675764 Ontario Ltd. o/a 8 80 Cities 364-401 Richmond Street West Toronto, ON M5V 3A8			isure insurance inc. 101-7000 Pine Valley Drive Vaughan, ON L4L 4Y8		
			BROKER'S CLIENT ID: 018075		
COVERAGES					
This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain. The insurance afforded by the policies described herein is subject to all terms, exclusions and conditions of such policies. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS					
TYPE OF INSURANCE	INSURANCE COMPANY AND POLICY NUMBER	EFFECTIVE DATE (MM/DD/YYYY)	EXPIRY DATE (MM/DD/YYYY)	LIMITS OF LIABILITY (Canadian dollars unless indicated otherwise)	
COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE OR ☒ OCCURRENCE ☒ PRODUCTS AND/OR COMPLETED OPERATIONS ☒ PERSONAL AND ADVERTISING INJURY ☒ CROSS LIABILITY ☒ TENANTS LIABILITY ☒ NON-OWNED AUTOMOBILES ☒ HIRED AUTOMOBILES ☒ EMPLOYERS LIABILITY	Burns & Willcox Canada(Certain Underwriters at Lloyd's of London) PSM0739707693	Jul 15 2023	Jul 15 2024	EACH OCCURRENCE	\$ 5,000,000
				GENERAL AGGREGATE	\$
				PRODUCTS-COMP/OP AGG	\$ 5,000,000
				PERSONAL INJURY	\$ 5,000,000
				TENANT'S LEGAL LIABILITY	\$ 500,000
				MED EXP (Any one person)	\$ 5,000
				NON-OWNED AUTO	\$ 5,000,000
				INCLUDED	\$ 5,000,000
AUTOMOBILE LIABILITY ☐ DESCRIBED AUTOMOBILES ☐ ALL OWNED AUTOS ☐ LEASED AUTOMOBILES ☐ ☐ ** ALL LEASED IN EXCESS OF 30 DAYS WHERE THE INSURED IS REQUIRED TO PROVIDE INSURANCE				BODILY INJURY AND PROPERTY DAMAGE COMBINED	\$
				BODILY INJURY (Per Person)	\$
				BODILY INJURY (Per Accident)	\$
				PROPERTY DAMAGE	\$
OTHER LIABILITY ☒ ERRORS & OMISSIONS ☐ OTHER THAN UMBRELLA FORM (specify) _____	Burns & Willcox Canada(Certain Underwriters at Lloyd's of London) PSM0739707693	Jul 15 2023	Jul 15 2024	EACH OCCURRENCE	\$ 2,000,000
				AGGREGATE	\$
DIRECTORS & OFFICERS ☒ DIRECTORS & OFFICERS LIABILITY ☐ ☐	Great American Insurance Group. Policy CD04865030	Jul 15 2023	Jul 15 2024	LIMIT	\$ 2,000,000
ADDITIONAL INSURED NAME AND MAILING ADDRESS			DESCRIPTION OF OPERATIONS/LOCATIONS/AUTOMOBILES/SPECIAL ITEMS		
AARP 830 E Central Ave Bismarck, ND 58501, United States			Operations usual to the Named Insured.		
CERTIFICATE HOLDER – NAME AND MAILING ADDRESS			CANCELLATION		
AARP 830 E Central Ave Bismarck, ND 58501, United States			Should any of the above policies be cancelled before the expiration date thereof, the issuing company will endeavour to mail 30 days written notice to the certificate holder named on the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.		
SIGNATURE OF AUTHORIZED REPRESENTATIVE: Jaskirat Parmar			PRINT NAME: Jaskirat Parmar , RIB(Ont)		
FAX NUMBER: 905-264-8995	EMAIL ADDRESS: jaskirat@isure.ca	COMPANY: Burns & Willcox Canada (Certain Underwriters at Lloyd's of London), Great American Ins.		DATE: April 17, 2024	

June 3, 2024

Katie Johnke
407 S 26th St
Bismarck ND 58504

RE: Special Permit for Relief from Noise Level Designations

Dear Katie Johnke

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: Live Music

LOCATION: North Central Park (830 E Central Ave, Bismarck)

DATES/TIMES: July 30, 2024 from approximately 6:00pm – 8:00pm CST

CONDITIONS: None at this time.

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



Engineering Department

DATE: June 25, 2024

FROM: Gabe Schell, City Engineer

ITEM: Contracts and Bonds

REQUEST:

Resolution approving contracts and bonds for previously awarded special assessment projects.

BACKGROUND INFORMATION:

The Board of City Commissioners has previously approved the award of the listed projects. The contracts and bonds for each project have been reviewed by Engineering, Attorney and Finance Directors and signed by the Mayor and City Administrator. Approval of the contracts and bonds is North Dakota Century Code requirement for special assessed projects in order to bond these projects upon completion.

Project	Description	Contractor	Award Date
City Concrete A1	New Sidewalk and Driveways	Strata Corporation	4/8/2024
City Concrete A2	Sidewalk Gaps	Knife River Corporation	4/8/2024
City Concrete B	Hazardous and Miscellaneous Repairs	Knife River Corporation	4/8/2024
Highway Construction 158/Sewer Improvement 584/Street Improvement 580	South Washington Street/Burleigh Avenue Storm Sewer Improvements/Burleigh Avenue Street Improvements	Knife River Corporation	2/27/2024
Street Improvement 577A	2024 Pavement Maintenance	Strata Corporation	2/27/2024
Street Improvement 577B	2024 Pavement Maintenance	Northern Improvement Company	2/27/2024

Street Improvement 578	2024 Scrub Seal Project	Asphalt Surface Technologies Corporation	3/12/2024
Street Improvement 579	2024 Concrete Pavement Repair	Ti-Zack Concrete Inc.	3/12/2024

RECOMMENDED CITY COMMISSION ACTION:

Approve resolution approving contracts and bonds for previously awarded special assessed projects.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None



Engineering Department

DATE: June 25, 2024

FROM: Gabe Schell, City Engineer

ITEM: Sidewalk Easement - 2912 Peach Tree Drive

REQUEST:

Dedication and acceptance of sidewalk easement at 2912 Peach Tree Drive.

BACKGROUND INFORMATION:

A sidewalk easement is needed on the northwest quadrant of the intersection of Peach Tree Drive and Kamrose Drive in order to avoid an existing fire hydrant. The 2' wide by 10' long easement will allow the sidewalk to be installed around the hydrant and tie back into the ADA ramp.

RECOMMENDED CITY COMMISSION ACTION:

Approve dedication and acceptance of sidewalk easement at 2912 Peach Tree Drive.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. sidewalk easement 2912 Peach Tree Drive

SIDEWALK EASEMENT

This indenture, made this _____ day of _____, 20__, between **Sattler Homes Inc**, whose post office address is 1835 E Calgary Ave, Bismarck, North Dakota 58501, Grantor, and the **City of Bismarck**, a municipal corporation, whose post office address is P.O. Box 5503, Bismarck, North Dakota 58506-5503, Grantee.

1. For and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a non-exclusive easement to construct, operate, maintain, and repair a public sidewalk (the "Work") under or upon the real property hereinafter described, together with the right to ingress and egress across Grantor's real property adjacent to the Easement Area to the extent reasonably necessary in order to allow Grantor to complete the Work and to maintain and repair the sidewalk located within the Easement Area. Grantor also grants to the public a non-exclusive easement of ingress and egress upon the Easement Area for purposes compatible with use as a public sidewalk. Nothing in this agreement is meant to relieve Grantor of any statutory obligations it may have to maintain or repair public sidewalks located adjacent to Grantor's property.

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

A tract of land being a part of Lot 11 Block 6, Southland Second Addition to the City of Bismarck, Burleigh County, North Dakota, being more particularly described as follows:

Beginning at the Southeast corner of Lot 11 Block 6 Southland Second Addition; Thence North along the East boundary line of said Lot 11 Block 6 a distance of 15.00 feet; Thence West perpendicular to said East boundary line a distance of 2.00 feet; Thence South parallel to said East boundary line a distance of 15.00 feet to the South boundary line of Lot 11 Block 6; Thence along said South boundary line a distance of 2.00 feet to the point of beginning.

Said described tract contains 30.00 SQ. Feet, more or less.

See Exhibit No. 1

3. Grantor hereby reserves and retains all other property rights in and to the Easement Area, including without limitation, the rights to (a) use the Easement Area for any purpose whatsoever, so long as such use does not unreasonably interfere with Grantee's rights hereunder, and (b) locate electric, gas and water lines and other utilities in the Easement Area, so long as such improvements do not unreasonably interfere with Grantee's permitted use of the Easement Area.

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

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

6. The easement granted herein is given without any warranty or representation regarding the easement or the Easement Area whatsoever, in their "AS-IS", "WHERE-IS", "WITH ALL FAULTS" condition, and subject to all valid and existing licenses, leases, grants, exceptions, encumbrances, title defects, matters of record, reservations and conditions affecting Grantor's Property and/or affecting access thereto.

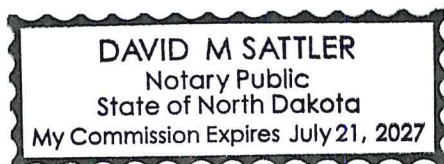
7. The terms and conditions of this instrument shall run with the land and be binding on Grantor and Grantee and their successors and assigns

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

Dated this 4th day of June, 2024.

Title: Letter

On this 4th day of June, 2024, before me personally appeared Robb Sattler, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.




Notary Public

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

_____	Attest: _____
Michael T Schmitz	Jason Tomanek
President, Board of City Commissioners	City Administrator

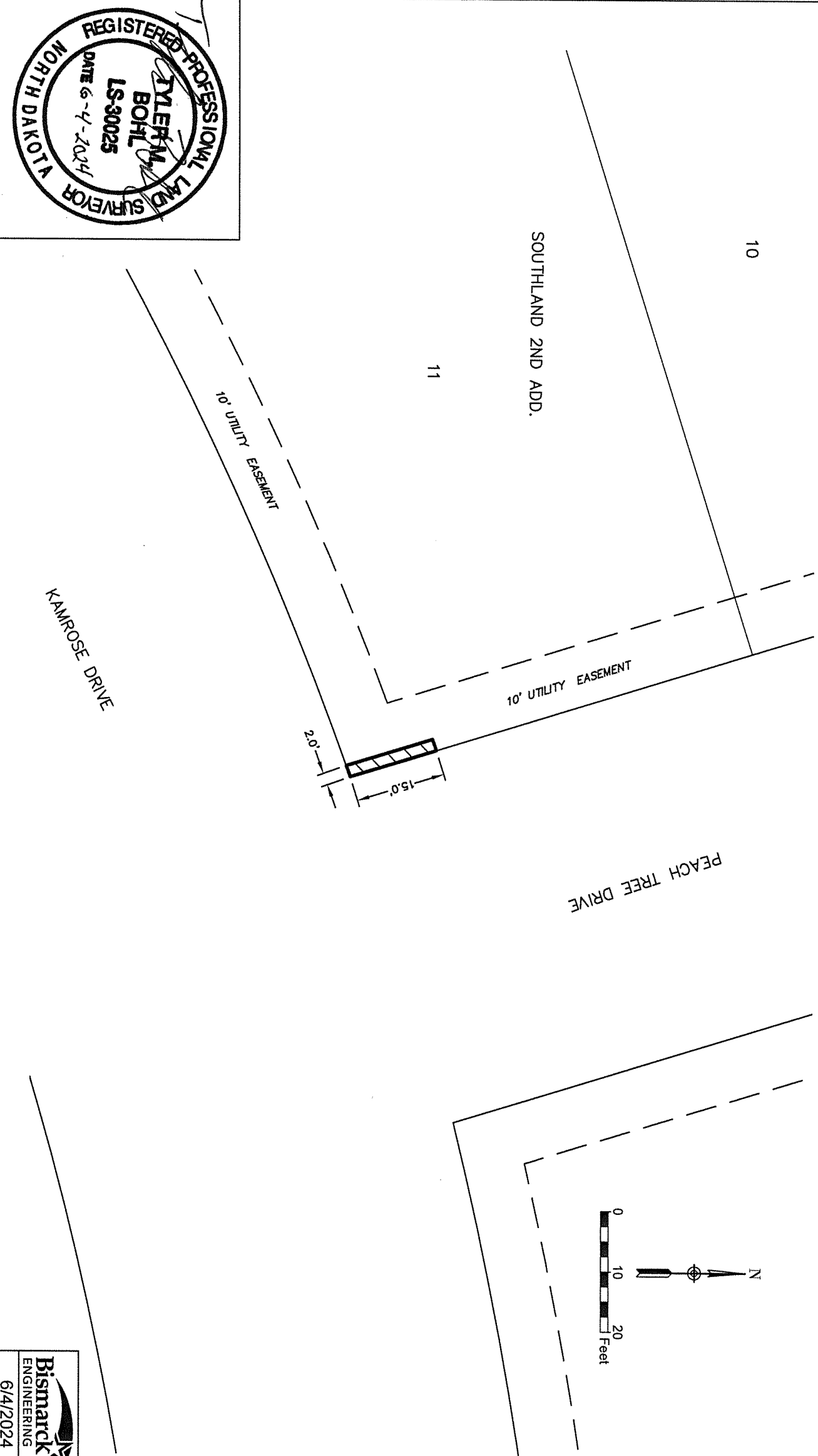
STATE OF NORTH DAKOTA	)
	) SS
COUNTY OF BURLEIGH	)

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

Notary Public

SIDEWALK EASEMENT

PART OF LOT 11, BLOCK 6, SOUTHLAND 2ND ADDITION, BISMARCK, NORTH DAKOTA





Engineering Department

DATE: June 25, 2024

FROM: Gabe Schell, City Engineer

ITEM: HC 128 - Release of Historical Artifacts

REQUEST:

Release of historical artifacts collected on HC 128 to the State Historical Society.

BACKGROUND INFORMATION:

During the street rehabilitation project in Downtown Bismarck under project HC 128, the ND Dept of Transportation (NDDOT) required the City of Bismarck to perform archeological monitoring during construction activities. The City consulted with Metcalf Archeology to perform the construction monitoring services. At the end of the project, 85 artifacts were collected and turned over to the City. On April 23, 2024, the City consulted with the Historic Preservation Commission, NDDOT, and State Historical Society on the final storage of the artifacts. The direction of NDDOT is to have an agreement in place between NDDOT, SHSND-SHPO, and the City of Bismarck to define the details of artifact ownership and curation. NDDOT does not want to own or curate the artifacts, but NDDOT does need an agreement to comply with state and federal laws. The State Historical Society has agreed to accept and store the artifacts in its facilities. The artifacts will still be able to be utilized by the City.

RECOMMENDED CITY COMMISSION ACTION:

Approval of the release of historical artifact to the State Historical Society

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

None



Engineering Department

DATE: June 25, 2024

FROM: Gabe Schell, City Engineer

ITEM: Water Improvement District WA 334, Sewer Improvement District SE 585

REQUEST:

Consider the request for resolutions creating the district and ordering the preparation of the preliminary report for Water Improvement District WA 334 and Sewer Improvement District SE 585.

BACKGROUND INFORMATION:

The owner of Lots 4 and 5, Block 4, Sloven 2nd Subdivision, Expressway Storage, LLC, has requested a street improvement by submitting a street petition for Vermont Avenue from Burlington Drive to approximately 415 feet east of Burlington Drive. Prior to installing the street, water and sanitary sewer will need to be installed within the right of way.

Previously, the developer of Lot 1, Block 4, Sloven 2nd Subdivision, DnS Investment, LLP, as a condition of development of Lot 1, provided a street petition for the improvement of this section of Vermont Avenue by special assessments with the agreement that they would share in the cost of installing the water and sewer prior to installing the roadway. The development agreement is attached.

Water and Sewer Improvement Districts are currently not included in the special assessment policy, but are permitted within North Dakota Century Code. However, since there are three parcels that would benefit from the installation of the water and sewer, the two mentioned above and Lot 12, Block 1, Sloven Sloven 2nd Subdivision, special assessing the costs would provide a means to share the cost of the improvements with all the parcels that benefit. Lot 13 is a city lot and would not benefit from the installation of water and sewer and was not included in the proposed boundary.

A map is attached of the proposed water and sewer boundary. The Engineer's Report will be provided to the commission for approval at a later date along with a staff request for direction on the basis of the special assessment.

Project Schedule

Approve Engineer's Report
Authorization to Advertise
Receipt and Opening of Bids

July 9, 2024
July 9, 2024
August 5, 2024

Award of Bid
Project Completion

August 13, 2024
Fall 2025

RECOMMENDED CITY COMMISSION ACTION:

Approve resolutions creating the district and ordering the preparation of the preliminary report for Water Improvement District WA 334 and Sewer Improvement District SE 585.

STAFF CONTACT INFORMATION:

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

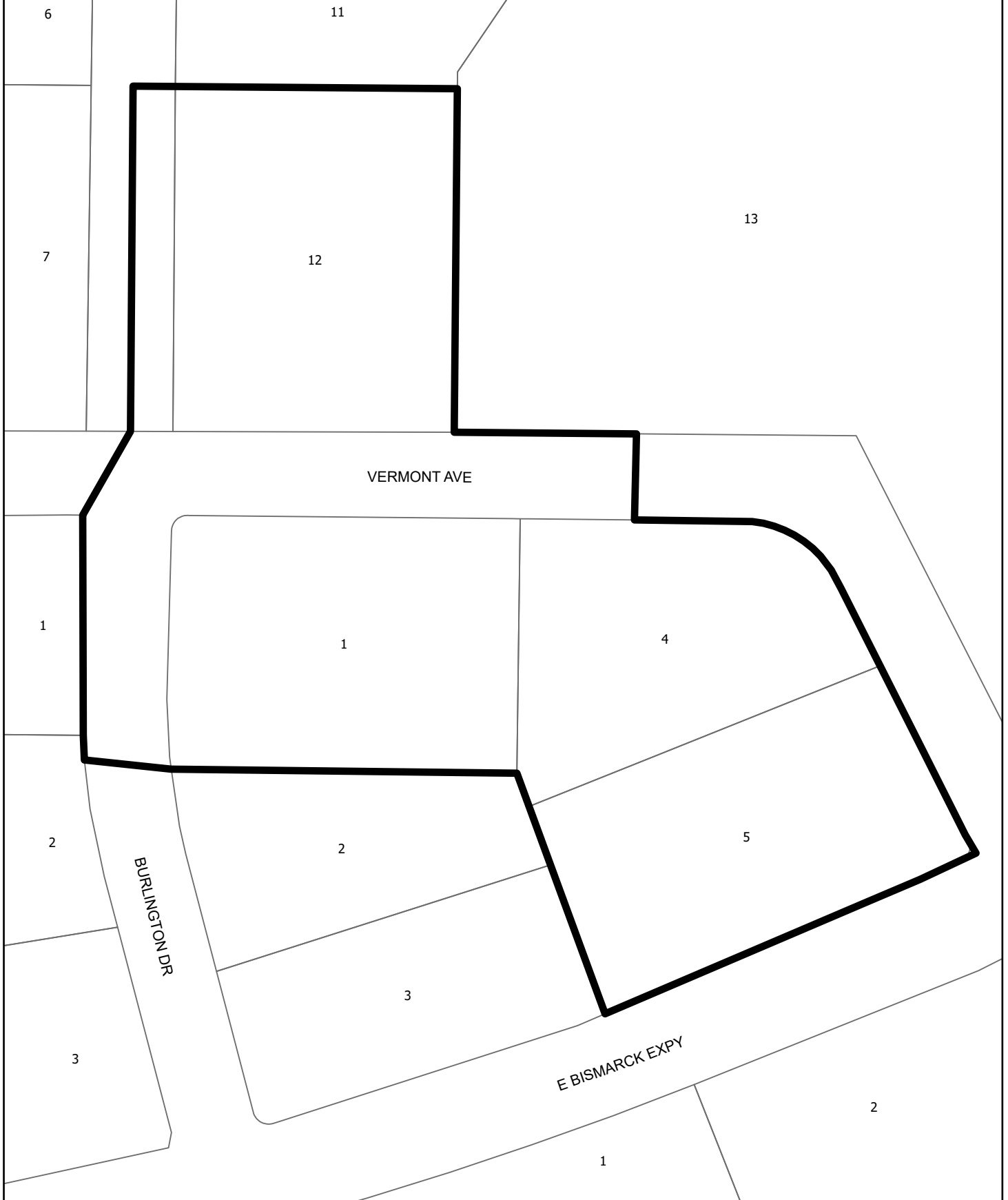
ATTACHMENTS:

1. WA 334 and SE 585 Boundary Map
2. Development Agreement - DnS Investment

WA 334
SE 585

 Water Utility Project

 Lots





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Burleigh County



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DEVELOPMENT AGREEMENT

The City of Bismarck (the "City") and DnS Investment, LLP (the "Owner") make this Development Agreement with regard to the development of a parcel (the Parcel) located in Bismarck, North Dakota and described as follows:

Lot 1, Block 4 of Sloven Second Subdivision to the City of Bismarck, Burleigh County, North Dakota

The Owner desires to develop this Parcel for commercial use. The parcel is located east of Burlington Drive and south of Vermont Avenue. The City would normally require the improvement of Vermont Avenue adjacent to the site at the time of the development of the parcel. The parties are in agreement that the improvement of Vermont Avenue adjacent to the parcel is not necessary for the further development of the site at this time and can be delayed until such time as the City receives a petition to improve Vermont Avenue from any parcel located on Vermont Avenue between Burlington Drive and Bismarck Expressway.

In exchange for the City's agreement to delay the requirement of the improvement of Vermont Avenue between Burlington Drive and Vermont Avenue, the parties agree as follows:

1. The City will approve the site plan and issue building permits in its normal course of business. Prior to such approvals or permits being issued, the Owner will execute and deliver a petition for the improvement of Vermont Avenue for that portion adjacent to the Parcel. The petition will be conditioned that it will be deemed to be submitted upon the receipt of another valid petition for improvement of any portion of Vermont Avenue between Burlington Drive and Bismarck Expressway. The Owner further agrees to install the necessary water main, sanitary sewer and service stubs in the Vermont Avenue right of way in accordance with the current Development Costs Policy prior to construction of street improvements. By entering into this Agreement, the Owner also agrees to waive their right to protest a special assessment district formed to improve Vermont Avenue that includes the roadway between Burlington Drive and Bismarck Expressway. This agreement will be placed of record in the title for the Parcel, and all successors in interest agree to waive their



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\$20.00
Page: 2 of 4
5/16/2022 8:42 AM
Burleigh County

right to protest the special assessment district under N.D.C.C. Ch 40-22 by accepting delivery of title. The City also agrees that in order to activate the petition, any project for the improvement of Vermont Avenue between Burlington Drive and Bismarck Expressway must include the entire width of the roadway.

2. It is the intention of the parties that this Agreement will run with the land as to the parcels within the plat and that the Owner will have the obligation to inform any successor in interest of the terms of this Agreement and the successor's obligation to abide by this Agreement and include compliance with this Agreement as a condition in any written instrument of conveyance of real property for the site.
3. The terms of this agreement shall be considered a covenant running with the land and bind all future owners in the same manner as if they had personally entered this agreement.

This Agreement shall bind the parties, their successors, assigns and heirs.

Dated this 2nd day of May, 2022

DnS Investment, LLP
Doran Stoltz
Partner

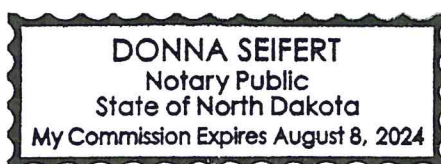
[illegible]

On this 2nd day of May, 2022, before me personally appeared Doran Stoltz, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that s/he executed the same.

Donna Seifert

Notary Public
State of North Dakota

(SEAL)

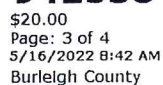



Steve Bakken
President, Board of City Commissioners

Attest: 
Keith J. Hunke
City Administrator

On this 10th day of May, 2022, before me personally appeared Steve Bakken and Keith Hunke, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that s/he executed the same.

(SEAL) **WHITNIE L. OLSEN**
Notary Public
State of North Dakota
My Commission Expires May 15, 2023





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\$20.00
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Burleigh County

PETITION FOR PERMANENT STREET IMPROVEMENT

DATE: May 4, 2022

To the Honorable Board of City Commissioners
Bismarck, North Dakota
Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent street improvements completed on:

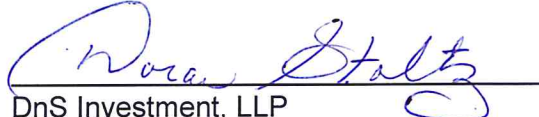
Vermont Avenue – from Burlington Drive to Bismarck Expressway

It is agreed that the necessary permanent street improvements be completed following the installation of the necessary water and sewer mains and service line stubouts by the abutting property owner(s) and that 100% of the paving cost of said permanent street improvements be assessed to or other funding arrangements made by the benefitted property according to the Current Development Costs Policy. For parcels not zoned residential, 40% of the permanent street improvement cost will be prepaid by the benefitted petitioned property. It is agreed that 100% of any temporary street improvements shall be prepaid by the benefitted petitioned property.

PROPERTY DESCRIPTION

Lot 1, Block 4 of Sloven Second Subdivision

SIGNATURE (Property Owner/s)


DnS Investment, LLP
Doran Stoltz, Partner

For City Engineer Use Only



Approved by Gabe J. Schell, PE
City Engineer, Bismarck, ND

5/4/22

Date



Engineering Department

DATE: June 25, 2024

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 582

REQUEST:

Consider the request for resolutions declaring petitions have been received, creating the district and ordering the preparation of the preliminary report for Street Improvement District No. SI 582.

BACKGROUND INFORMATION:

Street Improvement District No. 582 consists of one unit of new asphalt pavement, curb and gutter, storm sewer, ADA ramps, sidewalk, and related work. Unit 1 includes approximately 5,100 LF of new roadway in Silver Ranch Third and Fourth Additions.

The boundary map for the district is attached. The Engineering Report will be provided to the commission for approval at a later date.

Unit 1 (82.0% Petitioned)

Noble Drive - 52nd Street NE to 600 feet east of Silver Boulevard

Halverson Avenue - 160 feet west of Silver Boulevard to 600' east of Keeble Drive

Hample Drive - Noble Drive to 85 feet south of Noble Drive

Silver Boulevard - 100 feet north of Welder Avenue to 740 feet north of Noble Drive

Keeble Drive - 100 feet north of Welder Avenue to Halverson Avenue.

Project Schedule

Approve Engineer's Report

July 9, 2024

Authorization to Advertise

July 9, 2024

Receipt and Opening of Bids

August 5, 2024

Award of Bid

August 13, 2024

Project Completion

Fall 2025

RECOMMENDED CITY COMMISSION ACTION:

Approve resolutions declaring petitions have been received, creating the district, and ordering the preparation of the preliminary report for Street Improvement District No. SI 582.

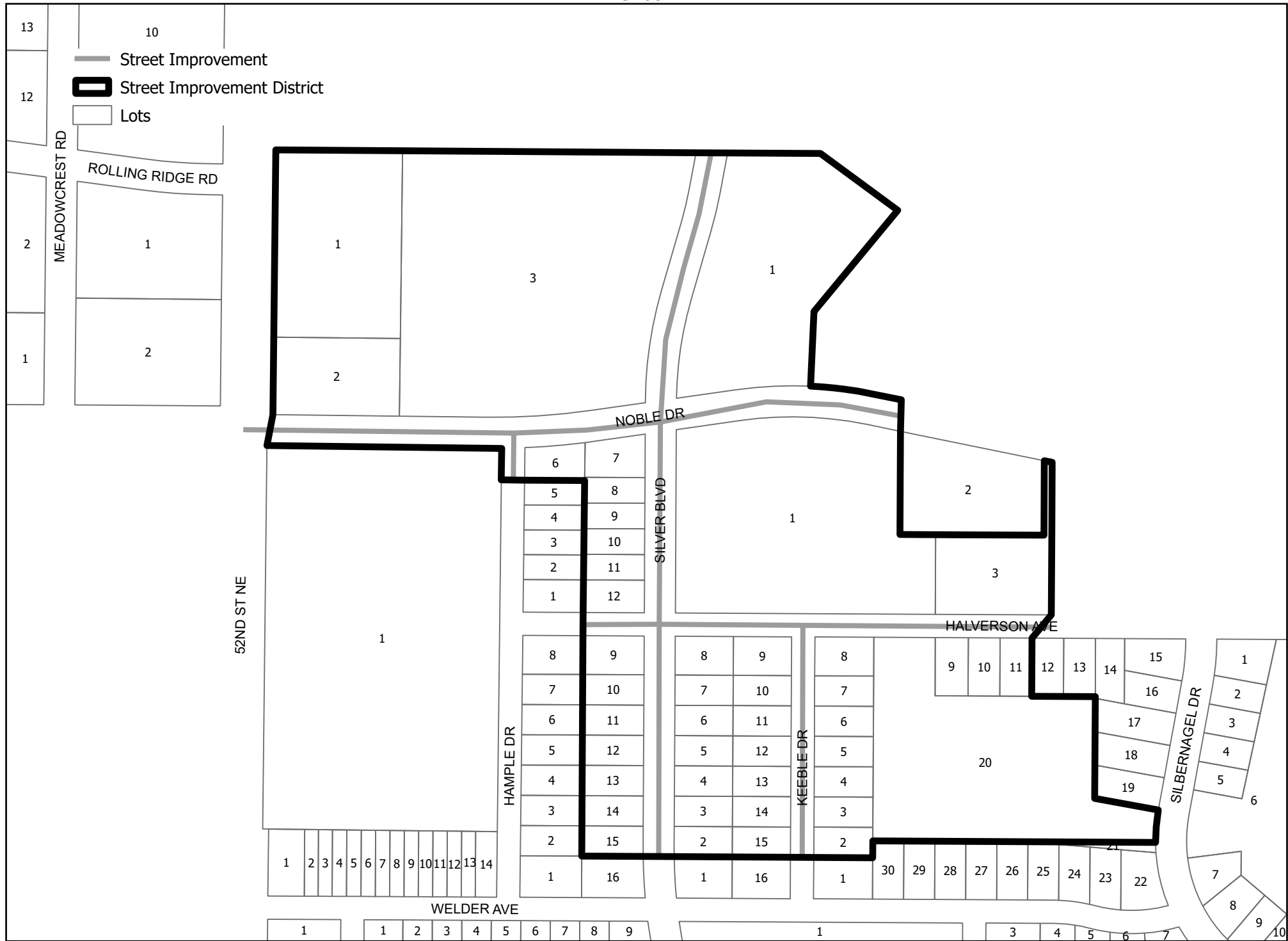
STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. SI 582 Boundary Map

SI 582





Engineering Department

DATE: June 25, 2024

FROM: Gabe Schell, City Engineer

ITEM: Street Improvement District SI 584

REQUEST:

Resolutions declaring petitions have been received, creating the district and ordering the preparation of the preliminary report for Street Improvement District No. SI 584.

BACKGROUND INFORMATION:

Street Improvement District No. 584 consists of one unit of new asphalt pavement, curb and gutter, storm sewer, ADA ramps, sidewalk, and related work. Unit 1 includes approximately 3,030 LF of new roadway in Elk Ridge Third Addition.

The boundary map for the district is attached. The developer has requested that the portion shown as benefitting property outside city limits, Block 4, Elk Ridge Third Addition, be included in the district. The annexation of all of Block 4, Elk Ridge Third Addition, is currently in progress and is scheduled to conclude at the same time the bid is awarded. Should the annexation of the parcels not be concluded, staff would come back to the commission for direction on how to proceed.

The Engineering Report will be provided to the commission for approval at a later date.

Unit 1 (100% Petitioned)

Kites Lane – 170' south of Prairie Hawk Drive to 125' south of Cogburn Road

Cogburn Road – Tyler Parkway to Kites Lane

Marsh Hawk Drive – Kites Lane to 145' south of Prairie Hawk Drive

Project Schedule

Approve Engineer's Report
Authorization to Advertise
Receipt and Opening of Bids
Award of Bid
Project Completion

July 9, 2024
July 9, 2024
August 5, 2024
August 13, 2024
Fall 2025

RECOMMENDED CITY COMMISSION ACTION:

Approve resolutions declaring petitions have been received, creating the district, and ordering the preparation of the preliminary report for Street Improvement District No. SI 584.

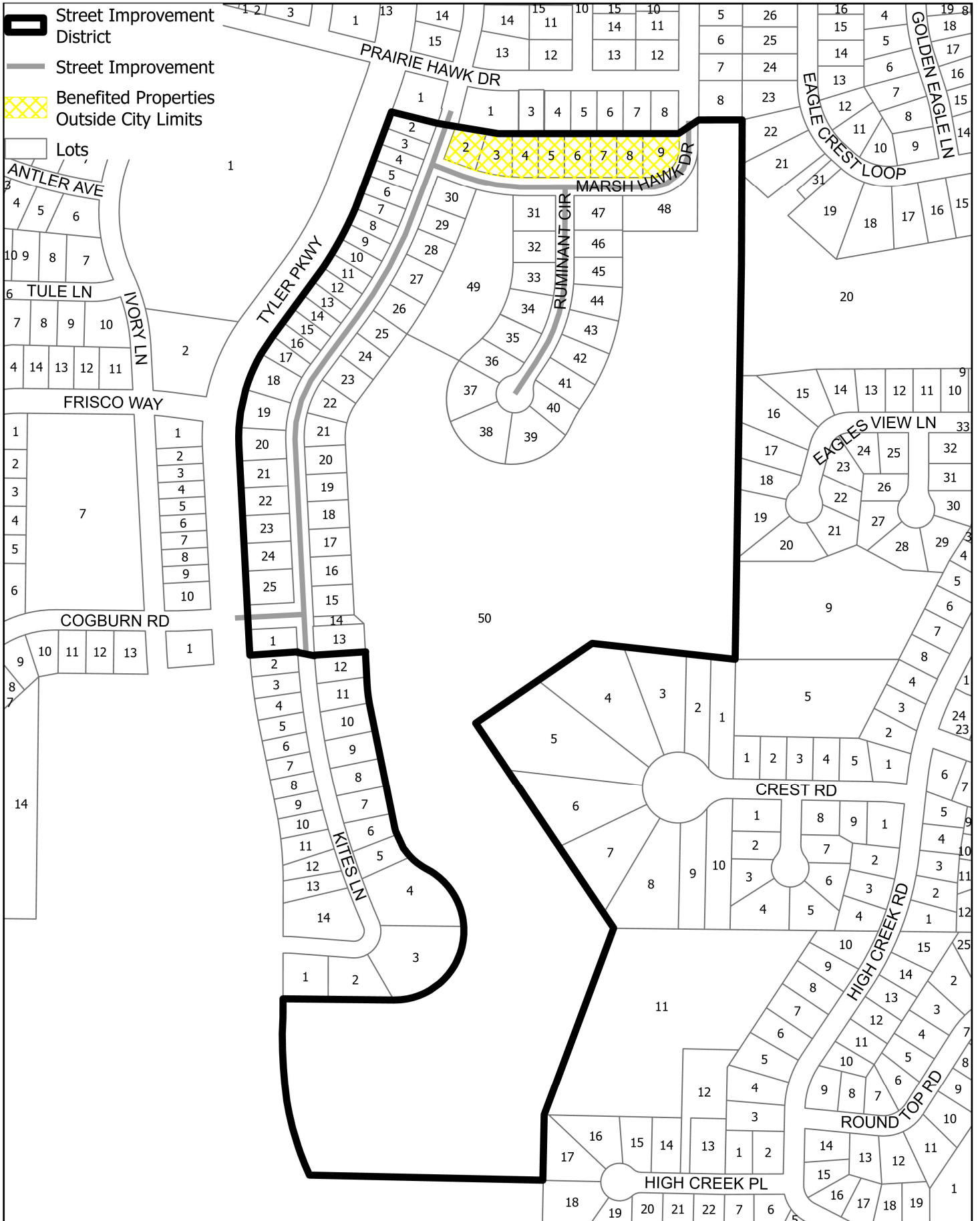
STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. SI 584 Boundary Map

SI 584





Finance Department

DATE: June 25, 2024

FROM: Dmitriy Chernyak, Finance Director

ITEM: Applications for Abatement

REQUEST:

Applications for abatement.

BACKGROUND INFORMATION:

The following property owners have met the requirements set forth in NDCC 57-02-08 to apply for the disabled veteran credit, please review for consideration.

Application for Abatement for 2023
Property Owner - Bryan and Krista Diede
Property Address - 4215 Overland Rd
Property ID - 0954-003-001

Application for Abatement for 2023
Property Owner - Dennis & Aleja-Laura Larson
Property Address - 1728 Bonn Blvd
Property ID - 1020-025-065

Application for Abatement for 2023
Property Owner - Jerome & Gloria Braxmeyer
Property Address - 1206 Voyager Dr
Property ID - 1555-003-445

RECOMMENDED CITY COMMISSION ACTION:

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

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Abatements

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District #1
County of BURLEIGH Property I.D. No. 0954-003-001
Name DIEDE, BRYAN D & KRISTA M Telephone No.
Address 4215 OVERLAND RD, BISMARCK, ND 58503-8840

Legal description of the property involved in this application:

COUNTRY WEST XXVI
BLOCK 3
LOT 1 & NORTH 5' OF LOT 2

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

Land \$ 74,000
Improvements \$ 335,000
Total *Adj.* \$ 283,000
(1)

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

Land \$ 74,000
Improvements \$ 335,000
Total *Re-Adj.* \$ 229,000
(2)

The difference of \$ 54,000.00 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- ☐ 2. Residential or commercial property's true and full value exceeds the market value
- ☐ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☒ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☐ 10. Other (explain) (Additional Credit - Was 70% Dis. / NOW @ 100% Dis.)

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

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

Applicant asks that the application be approved as presented.

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

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

Signature of Preparer (if other than applicant)

Date

Signature of applicant

Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

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

Dated this _____ day of _____, _____

City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____

County Auditor

Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

Application For Abatement Or Refund Of Taxes

Name of Applicant
Bryan & Krista Decker

County Auditor's File No.
24-630

Date Application Was Filed
With The County Auditor
6/7/24

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

Mark Sporensberg

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. 1020-025-065

Name LARSON, DENNIS & ALEJA-LAURA

Telephone No. _____

Address 1728 BONN BLVD, BISMARCK, ND 58504-7013

Legal description of the property involved in this application:

WACHTER'S 9TH Block: 25 LOT 14

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

Land \$ 82,000
Improvements \$ 369,500
Total \$ 451,500
(1)

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

Land \$ 82,000
Improvements \$ 369,500
Total Adj \$ 271,500
(2)

The difference of \$ 180,000 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) (100% Dis.)

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

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

Applicant asks that the Application be Approved AS presented.

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant [Signature]

Date 6-7-24

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

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

Dated this _____ day of _____, _____

City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____

County Auditor

Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

**Application For Abatement
Or Refund Of Taxes**

Name of Applicant

County Auditor's File No.

Date Application Was Filed
With The County Auditor

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)

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. 1555-003-445
Name BRAXMEYER, JEROME M & GLORIA S Telephone No.
Address 1206 VOYAGER DR, BISMARCK, ND 58504-8842

Legal description of the property involved in this application:

SOUTHBAY 2ND ADDITION

Block: 3

LOT 90 & UNDIVIDED INTEREST IN COMMON AREAS

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

Land \$ 135,000
Improvements \$ 545,700
Total \$ 680,700
(1)

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

Land \$ 135,000
Improvements \$ 545,700
Total Adj \$ 572,700
(2)

The difference of \$ 108,000 true and full value between (1) and (2) above is due to the following reason(s):

- ☐ 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- ☐ 2. Residential or commercial property's true and full value exceeds the market value
- ☐ 3. Error in property description, entering the description, or extending the tax
- ☐ 4. Nonexisting improvement assessed
- ☐ 5. Complainant or property is exempt from taxation. Attach a copy of Application for Property Tax Exemption.
- ☐ 6. Duplicate assessment
- ☐ 7. Property improvement was destroyed or damaged by fire, flood, tornado, or other natural disaster (see N.D.C.C. § 57-23-04(1)(g))
- ☐ 8. Error in noting payment of taxes, taxes erroneously paid
- ☒ 9. Property qualifies for Homestead Credit (N.D.C.C. § 57-02-08.1) or Disabled Veterans Credit (N.D.C.C. § 57-02-08.8). Attach a copy of the application.
- ☐ 10. Other (explain) (60% Dis)

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

1. Purchase price of property: \$ Date of purchase: Terms: Cash Contract Trade Other (explain) Was there personal property involved in the purchase price? 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

Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of _____

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

Dated this _____ day of _____, _____.

City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____

County Auditor

Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor

Date

**Application For Abatement
Or Refund Of Taxes**

Name of Applicant

County Auditor's File No.

Date Application Was Filed
With The County Auditor

Date County Auditor Mailed
Application to Township
Clerk or City Auditor

(must be within five business days of filing date)

James & Gloria Brummett

24-633

6/17/24

Mark Spandenberg

MP



Police Department

DATE: June 25, 2024

FROM: Dave Draovitch, Police Chief

ITEM: Cool Sighting Ice Cream Ticket Program

REQUEST:

Permission to start the "You got a Cool Sighting" ice cream ticket program.

BACKGROUND INFORMATION:

For many years, we participated in AAA's "I got caught" ice cream ticket program. The program rewarded kids "caught" wearing their helmets when biking, skateboarding, in-line skating or riding a scooter with an ice cream cone. That program is no longer available. Officer Caity Horne with our Crime Prevention/Community Engagement Section reached out to our local McDonald's restaurants, KLJ and Safe Kids Bismarck-Mandan, to see if there was interest in making our own program. They were interested in participating and the "You got a Cool Sighting" program was born. Due to the generosity of our partners, there will be no cost to the city to participate in the program.

RECOMMENDED CITY COMMISSION ACTION:

Grant permission to participate in the "You got a Cool Sighting" program.

STAFF CONTACT INFORMATION:

Randy Ziegler, Deputy Police Chief-Field Services, 701-355-1869, rziegler@bismarcknd.gov

ATTACHMENTS:

1. Cool Sighting

You got a Cool Sighting!



Congratulations!

You were seen wearing your safety helmet while riding your:

- ☐ Bicycle ☐ Skateboard
☐ Scooter ☐ In-line skates



Good for One
Free Small Cone

Sponsored By



Officers Name/Badge Number

Show this coupon before ordering. Only one coupon per child/visit. Not good in combination with any other offer.
Valid at Bismarck McDonalds restaurants ONLY.



Public Works Service Operations

DATE: June 25, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Ash Tree Removal Bid Award

REQUEST:

Permission to award the contract for Ash Tree Removal to TreeMax LLC.

BACKGROUND INFORMATION:

Bids for the 2024 Ash Tree Removal were opened on June 10, 2024. There were four bidders; one bidder was disqualified as they didn't have a contractor's license. I recommend the bid be awarded to TreeMax LLC as they were the low bid. The bid tabulation is included for your review.

The initial term of this agreement shall be for one (1) year commencing on bid award date and expiring December 31, 2024. The term of this agreement shall automatically renew for three additional one-year periods, including any modifications or negotiations, if approved and accepted in writing by both the contractor and the City, unless otherwise notified.

RECOMMENDED CITY COMMISSION ACTION:

Award the Ash Tree Removal Contract to TreeMax LLC

STAFF CONTACT INFORMATION:

Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov
Christy Ames-Davis, Forestry Programs Coordinator, 701-355-1723, comes@bismarcknd.gov

ATTACHMENTS:

1. Ash Tree Removal Bids
2. 2024 Ash Tree Removal Proposal

BID SUBMITTAL: OFFICE OF THE CITY ADMINISTRATOR
 PO BOX 5503 (221 N 5TH Street, 4th FLOOR)
 BISMARCK ND 58506-5503
 RECEIVED: 3:00 PM on JUNE 10, 2024
 OPENED & REVIEWED: 4:00 PM on JUNE 10, 2024

CITY OF BISMARCK FORESTRY DIVISION 2024 ASH TREE REMOVAL

**Removal of Ash Trees in the rights-of-way conforming to the General Conditions and Specifications bid prices listed below.
 Award will be made to the lowest and best bid meeting qualifications.**

STREET TREE / R-O-W REMOVAL	Beaver Creek Tree Service LLC	BLH Inc dba Bullinger Tree Service	T & M Tree Service	TreeMax LLC
<u>Separate Envelope:</u> ND Contractor's License	Yes	Yes	NO	Yes
Addendum #1 - Acknowledgement	Yes	Yes	Bid Submittal Not Opened	Yes
Met Qualifications (see list below)	Yes	Yes		Yes
2024 Tree/R-O-W Removal Price Per Diameter Inch	\$40.00/inch	\$56.50/inch		\$25.19/inch
2025 Tree/R-O-W Removal Price Per Diameter Inch	\$45.00/inch	\$57.50/inch		\$26.00/inch
2026 Tree/R-O-W Removal Price Per Diameter Inch	\$50.00/inch	\$58.50/inch		\$27.00/inch
2027 Tree/R-O-W Removal Price Per Diameter Inch	\$55.00/inch	\$59.50/inch		\$28.00/inch

Qualifications:

- 1) Locations of recent work.
- 2) Certificate of Workers Compensation coverage.
- 3) Current CPR/First Aid certification documentation (for tree removal proposal only).
- 4) Documentation of electrical line clearance qualifications/training (aerial rescue, experience, training, etc. - for tree removal proposal only).
- 5) List of all equipment to be used on project.
- 6) Copy of current and valid ISA Certified Arborist Certificate or City of Bismarck Arborist License (for tree removal proposal only).

**PROPOSAL
FOR
ASH TREE REMOVAL
BISMARCK ND**

**BIDS RECEIVED BY 3:00 PM CT
BIDS OPENED AT 4:00 PM CT
MONDAY, JUNE 10, 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 is seeking cost proposals for removal of ash trees in the rights-of-way. List of trees to be removed will be provided by the City Forester.

Sealed bids will be received in the office of the City Administrator, until 3:00 p.m. CT on Monday, June 10, 2024. Bids will be publicly opened and reviewed at 4:00 p.m. CT on Monday, June 10, 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, 4th Floor, Bismarck ND 58501) and shall be sealed and endorsed:

“Ash Tree Removal 2024”

Name of the person, firm or corporation submitting the bid.

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 Forestry Division, 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.

In accordance with North Dakota state law, a separate envelope containing a current North Dakota contractor's license must be attached to the proposal/bid envelope and labeled "Contractor's License". An application for a North Dakota contractor's license is not sufficient to fulfill this requirement.

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 sixty (60) 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.

City of Bismarck
Jason Tomanek
City Administrator

Adv 5/23 & 5/30

CITY OF BISMARCK FORESTRY DIVISION
TREE REMOVAL SPECIFICATIONS

1. GENERAL CONDITIONS

- 1.1. This project will consist of removing street trees, including trees that may be partially within the rights-of-way (ROW), as part of the City's Emerald Ash Borer Preparedness Plan and/or other considerations. Most trees being removed will be Ash, however, other species could be requested to be removed if needed. No work will be permitted on Saturday and Sunday, unless specifically requested or approved by the City Forester.
- 1.2. The Contractor shall furnish equipment, tools, materials, and labor for this project. It may also include other city owned properties and private property trees. Methods and manner used in removal and cleanup shall be subject to the approval of the City Forester.
- 1.3. The Contractor shall make every attempt to protect all public and private property adjacent to the work site and along all hauling routes. Any damage to public or private property shall be the sole responsibility of the contractor and shall be repaired to the satisfaction of the owner of the property involved.
- 1.4. In accordance with North Dakota state law, a separate envelope containing a current North Dakota contractor's license must be attached to the proposal/bid envelope and labeled "Contractor's License". An application for a North Dakota contractor's license is not sufficient to fulfill this requirement.
- 1.5. Contractor must be a licensed arborist with the City of Bismarck . Submit a copy of their current and valid certificate with the proposal.
- 1.6. Contractor must provide a Certificate of Workers Compensation Coverage and possess a current ND Contractors License.
- 1.7. Insurance: The successful contractor must furnish copies of insurance certificates for such coverage upon signing the contract. The **City of Bismarck** shall be named as an **additional insured** and **waiver of subrogation** on the policy for the duration of the contract.

Commercial General Liability Insurance	
\$2,000,000 Each Occurrence	
Automobile Liability	
Bodily Injury	\$500,000 per person
Property Damage	\$500,000 per accident
Combined Single Limit	\$2,000,000 each accident

- 1.7 Each firm submitting a proposal must provide a list of all equipment the Contractor proposes to use on this project.

- 1.8 The Contractor is responsible to have all utilities located prior to tree removal. The Contractor is responsible for any and all damage incurred during the tree removal process, including damage to underground irrigation systems. Damaged underground irrigation systems not satisfactorily repaired within seventy-two (72) hours of damage will be repaired by the City Forester and the cost will be deducted from the amount due the contractor.
- 1.9 Contractor will be responsible for providing all traffic control devices such as cones, flashers, and barricades. No street shall be closed unless approved by the City Forester.
- 1.10 All safety requirements of the Contractor, including qualified line clearance, shall be in accordance with the latest revision of the American National Safety Standards, ANSI Z133.1 and OSHA standards. **When work is performed in a tree, either by climbing or from an aerial basket, a qualified roundsman shall be within visual or voice communication.**
- 1.11 Partial billing is acceptable at any time. Ten percent (10%) of each invoice may be withheld until all work is completed.
- 1.12 The initial term of this agreement shall be for one (1) year commencing on bid award date and expiring December 31, 2024. The term of this agreement shall automatically renew for three additional one-year periods, including any modifications or negotiations, if approved and accepted in writing by both the contractor and the City, unless otherwise notified. Either party may cancel this agreement any time it may be determined to be in the best interest to do so. A notice of intent shall be served at least thirty (3) days prior to the date of said notice of cancellation.
- 1.13 The successful Contractor may be required to provide Delegation of Authority documentation showing who can sign on behalf of the company when submitting the signed contract.
- Delegation of Authority:
- > INC - president & vice president, secretary, and treasurer can sign. Others would need to show a delegation of authority to sign.
 - > LLC - Member, Managing Member, Officer (like President, VP, Sec/Treas) are OK with Inc's or LLC. Others would need to show a delegation of authority to sign.
 - > If not an LLC or Inc they are a DBA (doing business as) so they would be signing as an individual, so contract is in "person's name" and DBA "name of company" (Example: Joe Smith DBA Handyman Joe).
- 1.14 The Contractor will protect, defend and indemnify the City, its officers, agents, servants, volunteers and employees for any and all liabilities, claims, liens, fines, demands and costs including legal fees, of whatsoever kind and nature which may result in injury or death to any persons, including the contractor's own employees, and for loss or damage to any property, including property owned or in the care, custody or control of the city in connection with or in any way incident to or arising out of the occupancy, use, service, operations, performance or non-performance of work in connection with this contract resulting in whole or in part from negligent acts or omissions of Contractor, any subcontractor, or any employee, agent or representative of the Contractor

2. COMMENCEMENT AND COMPLETION OF WORK

- 2.1 **Prompt removal of tree is important.** Completion of tree work is required by August 2, 2024.

3. SPECIFICATIONS

- 3.1 All trees are marked with an orange "x" or dot and shall be removed as close to ground line as possible, with no jagged edges remaining on hinge.
- 3.2 Driveways shall only be blocked when necessary and for as short a period as possible. Whenever possible, trucks may not be driven on boulevards. **If off the roadway access is necessary, either via driveway or onto private property, attempt to contact adjacent property owner in advance.**

4. SPECIFICATIONS

- 4.1 Removal list provided by City Forester (attached)

ASH TREE REMOVAL LIST 2024

ASH TREE REMOVAL 2024			
Species	Address	DBH	Tree Location
Ash	523 01ST N	16	1S
Ash	401 01ST ST N	19	1S
Ash	1117 01ST ST N	18	1F
Ash	1121 01ST ST N	33	1F
Ash	1121 01ST ST N	18	3F
Ash	702 02ND ST N	8	1S
Ash	702 02ND ST N	3	2S
Ash	702 02ND ST N	18	3S
Ash	1323 02ND ST N	13	1F
Ash	1324 02ND ST N	6	1F
Ash	1220 03RD ST N	7	1S
Ash	1220 03RD ST N	5	2S
Ash	1221 03RD ST N	18	1F
Ash	1307 03RD ST N	18	1F
Ash	1316 03RD ST N	22	2F
Ash	1319 03RD ST N	23	2F
Ash	712 04TH ST N	11	1F
Ash	912 04TH ST N	10	1F
Ash	912 04TH ST N	12	2F
Ash	1025 04TH ST N	17	1F
Ash	1029 04TH ST N	12	1F
Ash	1162 04TH ST N	10	1S
Ash	1162 04TH ST N	10	2S
Ash	1222 04TH ST N	12	1F
Ash	1222 04TH ST N	10	2F
Ash	1318 04TH ST N	10	1F
Ash	1318 04TH ST N	7	2F
Ash	412 05TH ST N	18	1R
Ash	1717 05TH ST N	21	2F
Ash	1917 05TH ST N	22	1F
Ash	1933 05TH ST N	6	1F
Ash	1933 05TH ST N	5	2F
Ash	700 06TH ST N	9	1S
Ash	700 06TH ST N	15.5	2F
Ash	709 06TH ST N	18	1F

ASH TREE REMOVAL LIST 2024 (continued)

ASH TREE REMOVAL 2024			
Species	Address	DBH	Tree Location
Ash	927 06TH ST N	11	2F
Ash	1027 06TH ST N	12.5	2F
Ash	710 07TH ST N	7	2F
Ash	800 07TH ST N	19	1S
Ash	800 07TH ST N	23	2S
Ash	800 07TH ST N	19	3S
Ash	918 07TH ST N	9	1F
Ash	922 07TH ST N	16	1F
Ash	923 07TH ST N	10	2F
Ash	1016 07TH ST N	14	1F
Ash	1020 07TH ST N	15.5	1F
Ash	1021 07TH ST N	11.5	1F
Ash	1021 07TH ST N	22.5	2F
Ash	1734 07TH ST N	19	1F
Ash	1735 07TH ST N	26	1F
Ash	1735 07TH ST N	28	2F
Ash	1829 07TH ST N	16	2F
Ash	1911 07TH ST N	7	2F
Ash	610 08TH ST N	8	1F
Ash	1014 08TH ST N	13	1F
Ash	1017 08TH ST N	22	1F
Ash	1017 08TH ST N	17	2F
Ash	1022 08TH ST N	20	1F
Ash	619 09TH ST N	21	1F
Ash	906 09TH ST N	23	2F
Ash	911 09TH ST N	9	1F
Ash	911 09TH ST N	6.5	2F
Ash	912 09TH ST N	27	2F
Ash	927 09TH ST N	5	1F
Ash	1017 09TH ST N	15	1F
Ash	2013 09TH ST N	16	1S
Ash	2013 09TH ST N	16	2S
Ash	2013 09TH ST N	24	3S
Ash	2031 09TH ST N	29	1F
Ash	2032 09TH ST N	23	1F

ASH TREE REMOVAL LIST 2024 (continued)

ASH TREE REMOVAL 2024			
Species	Address	DBH	Tree Location
Ash	2107 09TH ST N	30	1F
Ash	2125 09TH ST N	30	1F
Ash	2125 09TH ST N	19	1S
Ash	2125 09TH ST N	20	2S
Ash	2126 09TH ST N	22	1S
Ash	100 A AVE W	14.5	2S
Ash	211 A AVE W	27	1F
Ash	213 A AVE W	26	1F
Ash	217 A AVE W	19	3F
Ash	220 A AVE W	20	2F
Ash	232 A AVE W	24	3S
Ash	1305 APACHE ST	19	1F
Ash	1305 APACHE ST	25	2F
Ash	1306 APACHE ST	23	1F
Ash	215 ARIKARA AVE E	8	1F
Ash	215 ARIKARA AVE E	6	2F
Ash	105 ARIKARA AVE W	9	1F
Ash	107 ARIKARA AVE W	5	1F
Ash	100 B AVE W	15	1F
Ash	119 B AVE W	25	1F
Ash	204 B AVE W	20	1F
Ash	210 B AVE W	5	1F
Ash	304 BROADWAY AVE E	12	1S
Ash	207 C AVE E	22	1F
Ash	102 C AVE W	24.5	2S
Ash	229 C AVE W	5	1F
Ash	505 CAPITAL AVE E	10	1S
Ash	925 CAPITAL AVE E	9	1F
Ash	925 CAPITAL AVE E	9	2F
Ash	112 CENTRAL AVE W	14	1F
Ash	112 CENTRAL AVE W	9	2F
Ash	111 CHEROKEE AVE	14	2F
Ash	413 D AVE E	31	1F
Ash	413 D AVE E	24.5	2F
Ash	413 D AVE E	27	3S

ASH TREE REMOVAL LIST 2024 (continued)

ASH TREE REMOVAL 2024			
Species	Address	DBH	Tree Location
Ash	600 D AVE E	6	1F
Ash	600 D AVE E	12	2F
Ash	115 D AVE W	12	2F
Ash	228 D AVE W	18	1F
Ash	232 D AVE W	21	2F
Ash	702 F AVE E	23	1S
Ash	702 F AVE E	18	2S
Ash	702 F AVE E	16	3S
Ash	1913 KAVANEY DR N	9	2F
Ash	208 MANDAN ST N	19	1F
Ash	222 MANDAN ST N	14.5	1F
Ash	222 MANDAN ST N	15	2F
Ash	222 MANDAN ST N	12	3F
Ash	704 MANDAN ST N	30	1F
Ash	722 MANDAN ST N	24	1S
Ash	1114 MANDAN ST N	18	1F
Ash	1207 MANDAN ST N	13	1F
Ash	1207 MANDAN ST N	8	2F
Ash	1228 MANDAN ST N	10	3F
Ash	1207 MEREDITH DR	26	1F
Ash	1207 MEREDITH DR	15	2F
Ash	1211 MEREDITH DR	28	1F
Ash	1212 MEREDITH DR	15	1F
Ash	1213 MEREDITH DR	15	2F
Ash	1306 MEREDITH DR	11	1F
Ash	1319 MEREDITH DR	17	1F
Ash	211 ROSSER AVE W	11	1F
Ash	927 SENATE DR	18	3S
Ash	1009 SENATE DR	17	1F
Ash	2101 SENATE DR	17	1S
Ash	112 SIOUX AVE	7	1F
137	TOTAL # OF TREES	2,179	TOTAL DBH

**CITY OF BISMARCK FORESTRY DIVISION
PROPOSAL FOR ASH TREE REMOVAL**

Bidder: _____

Date: _____, 2024

To The Honorable Board of City Commissioners

Bismarck, North Dakota

Commissioners:

We the undersigned agree to the removal of ash trees in the rights-of-way conforming to the General Conditions and Specifications bid prices listed below:

Include with your bid:

- 1) Current North Dakota contractor's license.
- 2) Locations of recent work.
- 3) Certificate of Workers Compensation coverage.
- 4) Current CPR/First Aid certification documentation (for tree removal proposal only).
- 5) Documentation of electrical line clearance qualifications/training (aerial rescue, experience, training, etc. - for tree removal proposal only).
- 6) List of all equipment to be used on project.
- 7) Copy of current and valid ISA Certified Arborist Certificate or City of Bismarck Arborist License (for tree removal proposal only).
- 8) Insurance: The successful contractor must furnish copies of insurance certificates for such coverage upon signing the contract Certificate of Liability Insurance & Automobile Insurance.

STREET TREE/R-O-W REMOVAL: 2024 Price per diameter (DBH) inch \$ _____

STREET TREE/R-O-W REMOVAL: 2025 Price per diameter (DBH) inch \$ _____

STREET TREE/R-O-W REMOVAL: 2026 Price per diameter (DBH) inch \$ _____

STREET TREE/R-O-W REMOVAL: 2027 Price per diameter (DBH) inch \$ _____

COMPANY _____

SIGNATURE _____

PRINTED NAME _____

TITLE _____

MAILING ADDRESS _____
City State Zip

PHONE NUMBER _____

EMAIL _____



Public Works Service Operations

DATE: June 25, 2024

FROM: Steven Salwei, Director Public Works Services

ITEM: Sell/Dispose of Public Works Equipment at an Online Public Auction.

REQUEST:

Permission to sell/dispose of equipment through an Online Public Auction.

BACKGROUND INFORMATION:

Request permission to sell/dispose of the following equipment at an Online Public Auction.

Solid Waste Collections

Unit Number	Asset Number	Description	VIN	Department	Meter Type	Meter	Acquire Date
3025	9460	2009 CAT GP25	5AM03912	Solid Waste Collections	Hours	10507	12/10/2008

Wastewater Treatment Plant

(1) Flame Atomic Absorption Spectrometer	
Make	Perkin Elmer
Model	PinAAcle 500
Serial #	P5PS17120601
Year Model	2019

RECOMMENDED CITY COMMISSION ACTION:

Approve request to sell/dispose of Public Works equipment at an online public auction from the divisions of Solid Waste Collection and Wastewater Treatment Plant.

STAFF CONTACT INFORMATION:

Steven Salwei, Director Public Works Services, 701-355-1705, ssalwei@bismarcknd.gov
Kurt Ohnell, Fleet Manager, 701-355-1711, kohnell@bismarcknd.gov

ATTACHMENTS:

None



Administration Department

DATE: June 25, 2024

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Application for a new Class I-2: Complementary Alcohol License

REQUEST:

Public hearing on a request for a new Class I-2: Complementary Alcohol license for KTP Boutique, LLC (dba) Apricot Lane Boutique at 4228 Boulder Ridge Road, Suite 4.

BACKGROUND INFORMATION:

KTP Boutique, LLC (dba) Apricot Lane Boutique is requesting the issuance of a new Class I-2: Complementary Alcohol license at 4228 Boulder Ridge Road, Suite 4.

Class I-2. To an applicant for the complementary provision of “on-sale” only beer, wine, and liquor, subject to the following conditions:

- A. The applicant must be a business with a permanent location within the City of Bismarck.
- B. The dispensing of alcohol is only to customers on the licensed premises without any additional charge for the alcoholic beverage.
- C. The license is for “on-sale” only, and “off-sale” is not permitted. A cessation of business at a licensed location for a period of ninety days or longer shall constitute cause to revoke such license pursuant to Section 5-01-09.
- D. Once a license has been established at a particular location, the license may not be transferred to another location.
- E. A licensee may not obtain an event permit pursuant to Section 5-01-13 except on real property owned in the name of the licensee.
- F. The licensee must obtain and keep in effect off-premises alcohol liability insurance and provide the City proof of insurance with its license application.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the new Class I-2: Complementary Alcohol license.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Apricot Lane Boutique Application

[Print](#)**Retail Alcohol Beverage License - Submission #23157****Date Submitted: 5/28/2024****License Information:****Application Type***

New License Application

License Type*

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

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

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

KTP Boutique LLC

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

Apricot Lane Boutique

Date of Incorporation:*

6/13/2023

State of ND Liquor License No.:**If out of state corporation,
is corporation registered in
North Dakota?**

- ☐ Yes
☐ No
☒ N/A

Location Address:*

4228 Boulder Ridge Rd, Suite 4

City:*

Bismarck

State:*

ND

Zip:*

58503

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

Kari Pollert

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

Kari Pollert

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

Bismarck

State:*

ND

Zip:*

58503

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

Kari Pollert

Date of Birth:*

/1989

**Percentage of
Ownership:***

51%

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

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

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

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

Owner

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

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

No file chosen

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

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

- ☒ Yes
☐ No

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No
☐ N/A

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

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

Upload Site Diagram:*

Floor Plan-2.pdf

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances.*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Kari A. Pollert

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

☒ Electronic Signature**Date:***

5/28/2024

Payment Options:*

Check By Mail

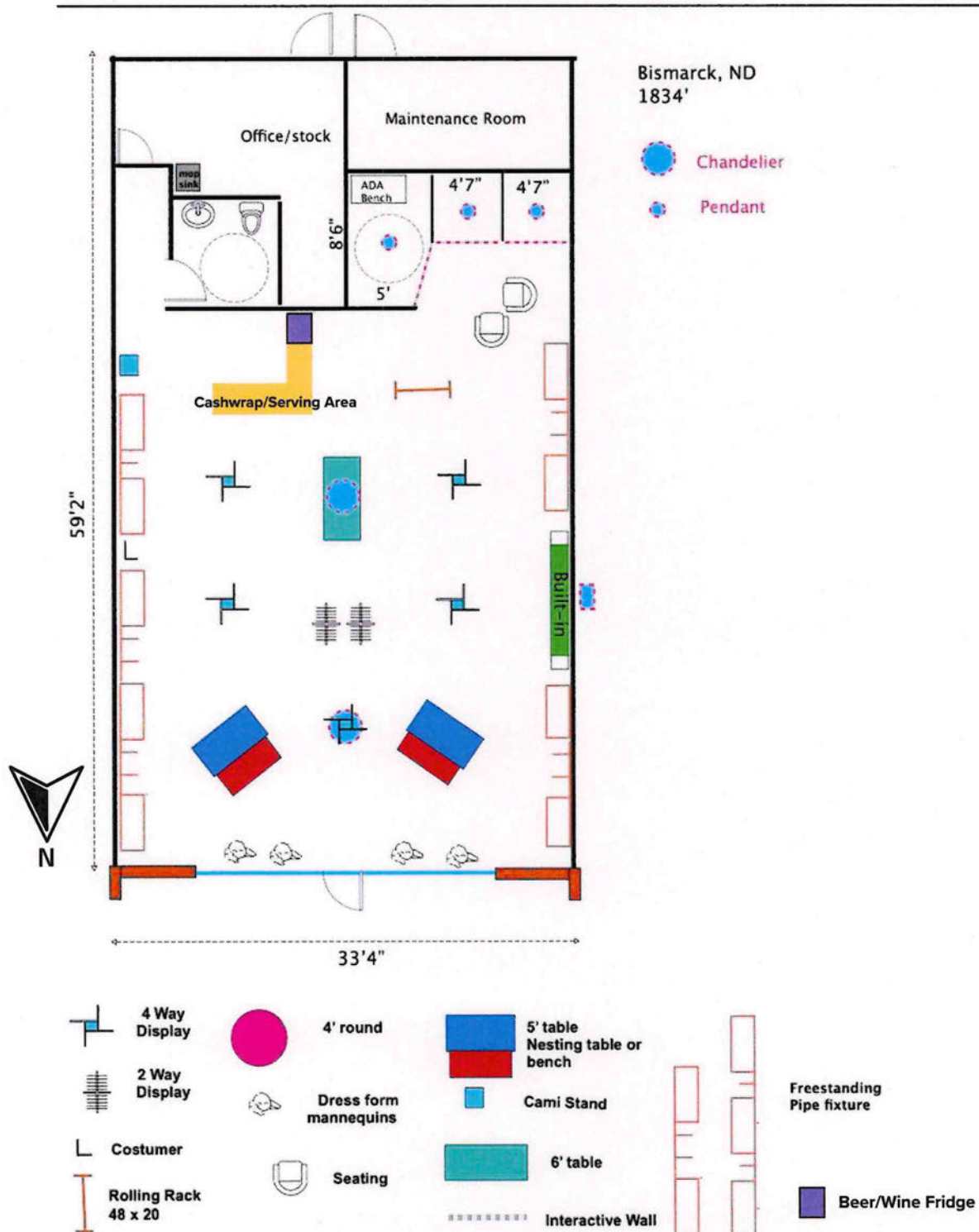
NOTE: This application must be accompanied by required fees.

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

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

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

KTP Boutique LLC dba Apricot Lane Boutique





Administration Department

DATE: June 25, 2024

FROM: Douglas Wiles, Assistant City Administrator

ITEM: Application for a new Class I-2: Complementary Alcohol License

REQUEST:

Public hearing on a request for a new Class I-2: Complementary Alcohol license for Lotus Nail Bar & Spa, LLC. at 1401 Skyline Blvd, Suite C.

BACKGROUND INFORMATION:

Lotus Nail Bar & Spa, LLC. is requesting the issuance of a new Class I-2: Complementary Alcohol license at 1401 Skyline Blvd, Suite C.

Class I-2. To an applicant for the complementary provision of “on-sale” only beer, wine, and liquor, subject to the following conditions:

- A. The applicant must be a business with a permanent location within the City of Bismarck.
- B. The dispensing of alcohol is only to customers on the licensed premises without any additional charge for the alcoholic beverage.
- C. The license is for “on-sale” only, and “off-sale” is not permitted. A cessation of business at a licensed location for a period of ninety days or longer shall constitute cause to revoke such license pursuant to Section 5-01-09.
- D. Once a license has been established at a particular location, the license may not be transferred to another location.
- E. A licensee may not obtain an event permit pursuant to Section 5-01-13 except on real property owned in the name of the licensee.
- F. The licensee must obtain and keep in effect off-premises alcohol liability insurance and provide the City proof of insurance with its license application.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the new Class I-2: Complementary Alcohol license.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Lotus Nail Bar & Spa Application

[Print](#)**Retail Alcohol Beverage License - Submission #23060****Date Submitted: 5/22/2024****License Information:****Application Type***

New License Application

License Type*

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

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

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

Lotus Nail Bar & Spa LLC

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

N/A

Date of Incorporation:*

09-24-2014

State of ND Liquor License No.:

ND

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

1401 Skyline Blvd Suite C

City:*

Bismarck

State:*

ND

Zip:*

58503

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

Tommy So

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

Tommy So

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

Bismarck

State:*

ND

Zip:*

58503

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

Tommy So

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

50

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

Officer/Director/Stockholder Title:*

Email Address:*

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

Name:*

Date of Birth:*

Percentage of Ownership:*

Driver's License No.:*

State Issued:*

Gender:

Race:

Home Address:*

City:*

State:*

Zip:*

Phone No.:*

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

President

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

N/A

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

N/A

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

Home Address:

City:

State:

Zip:

Phone No.:

Officer/Director/Stockholder Title:

Email address:

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

No file chosen

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

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- ☒ Yes
☐ No

If no, please explain:

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- ☐ 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

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If yes please, give details:

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☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☐ Yes
☒ No

If yes please, give details:

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

- ☒ Yes
☐ No

If yes please, give details:

Operation of the nail salon.

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

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Upload Gross Food Sales Report:

[Choose File](#) No file chosen

Liquor License Site Diagram Requirements:

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- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☐ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

IMG_20240522.jpg

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

[Choose File](#) No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances.*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Tommy So

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

☒ Electronic Signature

Date:*

5/22/2024

Payment Options:*

Credit Card Authorization Form

NOTE: This application must be accompanied by required fees.

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

Credit Card

[Credit Card Authorization Form](#)

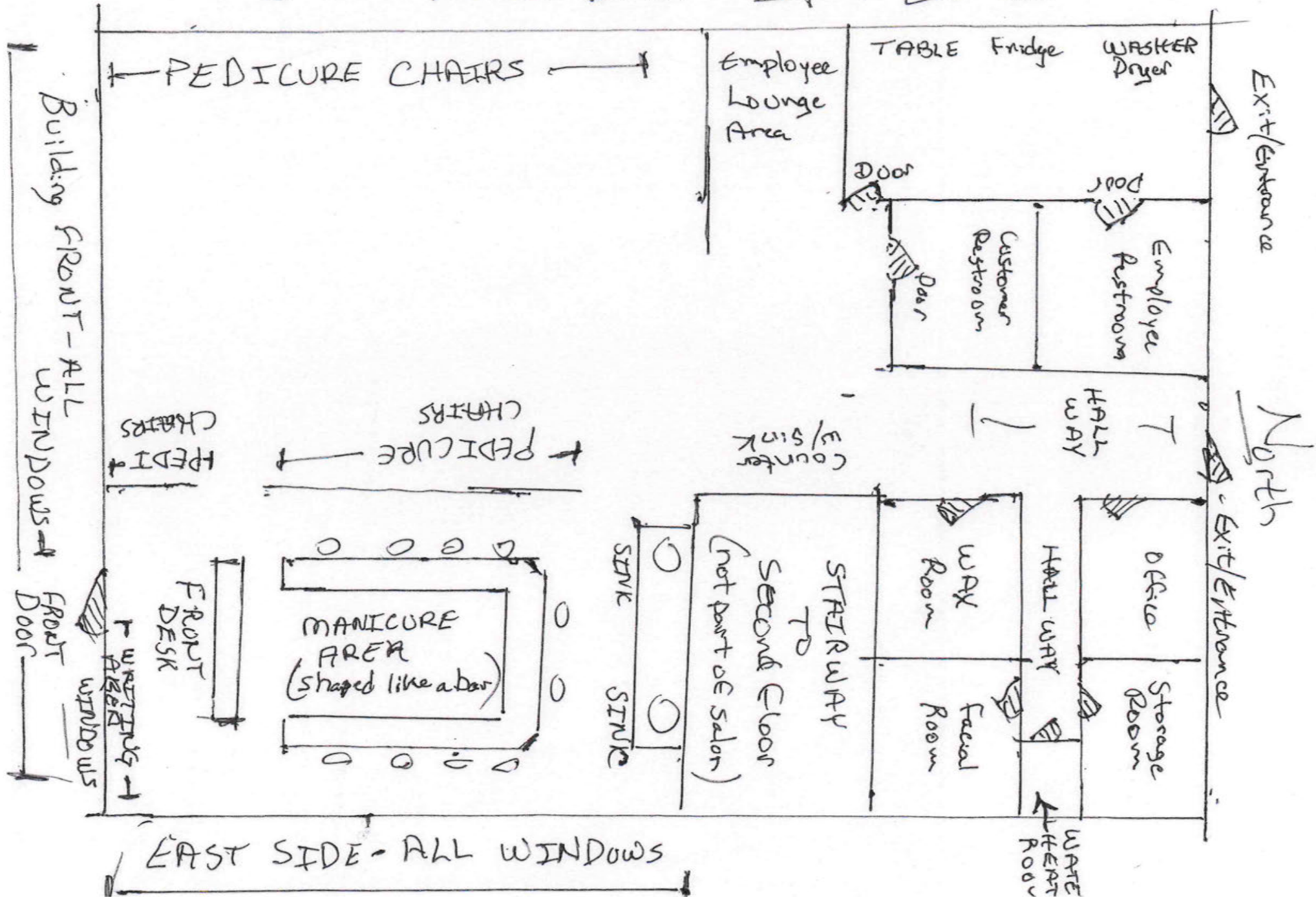
Upload Credit Card Authorization Form

IMG_20240522.jpg

Mail Payments To:

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

LOTUS NAIL BAR & SPA LLC





Community Development Department

DATE: June 25, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Central Outpost Subdivision – Zoning Map Amendment and Major Subdivision Final Plat

REQUEST:

Public hearing on Ordinance 6578, a zoning map amendment, and major subdivision final plat for Central Outpost Subdivision.

BACKGROUND INFORMATION:

Central Power Electric Cooperative, Inc requests approval of a zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district and a major subdivision final plat for Central Outpost Subdivision.

The proposed one-lot subdivision would allow construction of a maintenance facility and laydown yard. Central Power Electric Cooperative, Inc. would utilize this site for repair and upkeep of substations and other facilities in the area. A mobile substation will be housed in this location for temporary use on sites throughout the area.

A public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. No members of the public spoke at the hearing and no written comments were submitted.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the zoning map amendment and major subdivision final plat.

The City Commission considered this request on June 11, 2024, and called for a public hearing.

The attached staff report contains a complete review of the request, according to the standards of the Comprehensive Plan, city ordinances, and relevant law. Additionally, the staff report contains an overview of past public engagement related to this request.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing on the zoning map amendment as outlined in Ordinance 6578 and major subdivision final plat for Central Outpost Subdivision 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

ATTACHMENTS:

1. Central Outpost

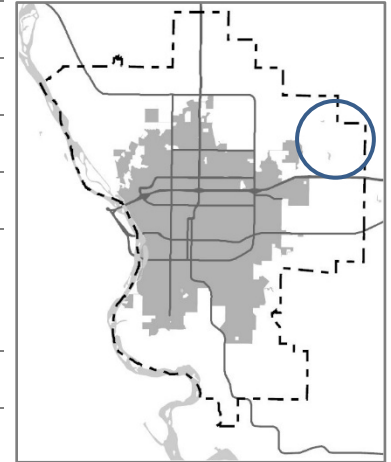
STAFF REPORT

Application for: **Final Plat**
Zoning Map Amendment

Project ID: **FPLT2024-003**
ZC2024-002

Project Summary

<i>Title:</i>	Central Outpost Subdivision
<i>Status:</i>	Board of City Commissioners - Consideration
<i>Property Owner(s):</i>	Central Power Electric Cooperative, Inc.
<i>Project Contact:</i>	Bryan Hastig, Interstate Engineering
<i>Project Location:</i>	Northeast of Bismarck, east of 80th Street NE and on the north side of 43rd Avenue NE (E ½ of E ½ of SW ¼ of Section 16, T139N-R79W)
<i>Project Size:</i>	40.21 Acres
<i>Applicant Request:</i>	Plat for development of utility maintenance facility and service yard
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 Tract	<i>Lots/Blocks:</i>	1 Lot in 1 Block
<i>Land Use:</i>	Agriculture	<i>Land Use:</i>	Utility maintenance facility and service yard
<i>Future Land Use:</i>	Urban Reserve Mid-Term (URA)	<i>Future Land Use:</i>	Urban Reserve Mid-Term (URA)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	PUD – Density specified in PUD

Area Information

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)
<i>Township:</i>	Gibbs (organized)
<i>Neighborhood:</i>	Undefined

Property History

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

(continued)

Project Narrative

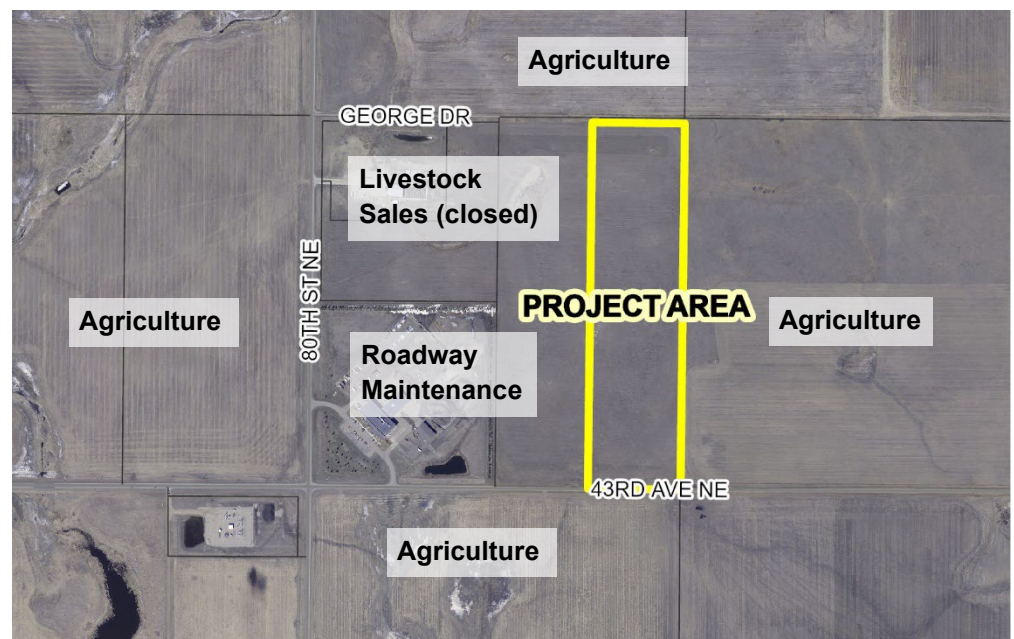
Central Power Electric Cooperative, Inc is requesting approval of a zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district and a major subdivision final plat for Central Outpost Subdivision.

The proposed 1-lot subdivision would allow construction of a maintenance facility and laydown yard. Central Power Electric Cooperative, Inc. would utilize this site for repair and upkeep of substations and other facilities in the area. A mobile substation will be housed in this location for temporary use on sites throughout the area.

Project Context

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

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



The property has been identified as mostly Urban Reserve Mid-Term, with a small portion as Urban Reserve Long-Term, in the Future Land Use Plan. Urban Reserve areas are suitable for urban development but are not projected to be annexed by the year 2045. Goals and objectives of this plan as they relate to this zoning map amendment and subdivision are referenced in review standards below.

The Major Street Plan shows an arterial roadway and two collectors adjacent to the proposed plat. Conformance with this plan is discussed in Findings of Fact below.

Public Engagement

Gibbs Township was notified of this request on April 8, 2024. The township has issued a resolution in support of this request, which is attached to this staff report.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 10 and May 17, and seven letters were mailed to the owners of nearby properties on May 10, 2024.

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

(continued)

publicly online through the Community Development Activities map.

The Planning and Zoning Commission held a public hearing on this request on May 22, 2024. No members of the public addressed the Commission during this hearing, and no written comments were submitted. The Planning and Zoning Commission voted unanimously to recommend approval of the requested zoning map amendment and major subdivision final plat.

Additional public notification will occur if the Board of City Commission calls for a public hearing.

Review Standards and Findings of Fact

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

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Urban Reserve Mid-Term in the Future Land Use Plan, as described in the Project Context section above. Specific land uses are not identified for this area, because urban development is not expected until after 2045, the time horizon of the plan. The proposed zoning district would generally conform to the character of this district.

In this area, any development should be made with consideration for future redevelopment at urban densities. A large-lot utility site would not be likely to create a barrier to annexation, and the northern portion of the 40-acres tract could be further subdivided in the future as warranted for development.

It should be noted that the lands to the west of 80th Street NE are identified for Urban Neighborhood, and previous Future Land Use Plans identified the subject site for residential development. Although future land use is formally undefined, approval of this plat will make residential development of the immediate surroundings, in particular the tract of the land to the west, less likely and desirable.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are identified in the project context section above. All immediately adjacent lands are undeveloped or in agricultural use. The nearest developed sites are a roadway maintenance facility, a former livestock sales pavilion, and an electrical substation. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of A – Agricultural was established when the city assumed the extraterritorial authority of this area. Conditions have changed since this time, as the city limits have expanded in the northeastern corridor.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would not directly adversely impact housing opportunities. However, over the longer-term, development of a non-residential use on this site may decrease the likelihood of residential development in the surrounding tracts of land. The inclusion of landscape buffers is intended to mitigate this impact.

(continued)

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

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

"Collaborate with public utility and delivery organizations to ensure efficient services" (C10).

This location is central to the utility service area, which includes several rural substations, and this location will optimize access to the mobile substation and other service needs of their facilities.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

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

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

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Planned Unit Development (Section 14-04-18(3)a)

Yes. The Planned Unit Development (PUD) would be limited to only public utility services, which would prevent the site and general area from developing into an industrial character overall,

and further aforementioned goals related to efficient service delivery.

The dimensional standards and requirements of the PUD mirror that of the roadway maintenance facility owned by Burleigh County. The application of these standards would create consistency for like uses within this section of land.

Adequate buffer areas have been provided between any noncompatible land uses (Section 14-04-18(3)b)

Yes. Although there are no incompatible adjacent uses currently, the proposed Planned Unit Development includes landscaped buffers to mitigate any potential negative impacts on future nearby uses. The landscaped buffers would be 50-feet in width and densely planted, similar to what has been planted by Burleigh County Highway Department to the west.

Natural features of the site would be preserved, insofar as possible, including the preservation of trees and natural drainage ways (Section 14-04-18(3)c)

Yes. The proposed planned unit development incorporates these existing natural features into the design of the development to the greatest extent feasible. A pending stormwater management plan will address any potential for water runoff from the site. There are no hazardous water or topographical slope conditions.

The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated (Section 14-04-18(3)d)

Yes. The proposed planned unit development is served entirely by existing public rights-of-way without need for an internal circulation system

The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located (Section 14-04-18(3)e)

(continued)

Yes. The proposed utility servicing uses, as designed and laid out in the proposed planned unit development, would be compatible and harmonious with the surrounding area.

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

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

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion

Yes. No conditions were placed on the tentative approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat for stormwater and drainage, utilities, future City water and sewer, and rural water. Easements have been dedicated for the interim use as a rural site, and also for future urban services once the site is annexed into corporate limits.

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

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

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision, in each case the half of the right-of-way within the platted area. A total of 75 feet of right-of-way would be dedicated for 43rd Street NE on the southern boundary. On the northern boundary, 40 feet would be dedicated for an extension of George Drive. Third, a new collector roadway would be dedicated along the eastern boundary, to be named Lignite Drive. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. There are no corridors identified in the Active Mobility Plan within or adjacent to the proposed subdivision. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes, with improvements to 43rd Avenue NE. The segment of this roadway at this site is currently not paved. As a condition for acceptance of right-of-way, Burleigh County is anticipated to require improvement of this roadway to county standards. A waiver from improvement at this time of the

(continued)

collector roadways is being requested by the applicant.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. There are no internal roadways proposed with this plat, and all access currently would be gained from the existing 43rd Avenue NE. Any future development that requires additional roadway access could be determined through a replatting process.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. This plat would share a single access point to 43rd Avenue with the undeveloped tract of the land to the west. An access easement between these two properties would be recorded in conjunction with the plat. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the County's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Due to the public utility function of this site, it is important for an access point to the site to remain open at all times.

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

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

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

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal 16-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f](#), Section 14-09-04(2)d)

Yes. The proposed subdivision is within two miles of the city limits and will require an agreement with the South Central Regional Water District prior to recordation of the plat. The City of Bismarck will retain rights to extend municipal water into the proposed subdivision after five years.

Water and sewer easements for future municipal services have been included on this plat. Detailed servicing plans have not been developed, but the reservation of easements during the platting process may facilitate future urbanization, as anticipated in the Comprehensive Plan.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

(continued)

Yes. The proposed subdivision is outside of Bismarck city limits and will not be served by municipal services at this time.

Technical specifications required of the preliminary plat have been met (Section 14-09-07)

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

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

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Upon tentative approval of the preliminary plat, the applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing was held for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district, as attached, and approval of a final plat for Central Outpost Subdivision.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Final Plat
5. Preliminary Plat
6. Site Plan (referenced in PUD)
7. Landscape Plan (referenced in PUD)
8. Township Resolution

Staff report prepared by: Daniel Nairn, AICP, Planning Manager

701-355-1854 | dnairn@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. 6578

First Reading

Second Reading

Final Passage and Adoption

Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the PUD – Planned Unit Development zoning district

Lot 1, Block 1, Central Outpost Subdivision.

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan and landscape plan approved in conjunction with the PUD.
2. *Uses Permitted*. The uses within the district shall be limited to the following:
 - a. *Principal Uses*. The following principal uses shall be allowed:
 - i. Public utility storage and maintenance facility
 - ii. Public utility service yard
 - iii. Farming group

- b. *Accessory Uses.* No accessory uses shall be permitted, with the exception of any general services and utilities necessary for proper function of the principal uses on the site, including but not limited to above-ground storage tanks.
- 3. *Special Uses.* No uses requiring a special use permit shall be allowed.
- 4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
 - a. *Front Yard (south).* The setback from the south lot line adjacent to the arterial roadway of 43rd Avenue NE shall be 175 feet.
 - b. *Front Yard (east).* The setback from the east lot line adjacent to the collector roadway of Lignite Drive shall be 125 feet.
 - c. *Side Yard (west).* The setback from the west lot line shall be 50 feet.
 - d. *Rear Yard (north).* The setback from the north lot line shall be 50 feet.
 - e. *Height.* No building shall exceed fifty (50) feet in height.
- 5. *Development Standards.* The following development standards shall apply to all development within the district.
 - a. *Landscaping.* A landscaped buffer yard, as depicted in the landscape plan, is provided on the north and west sides of the developed site to screen the operation from adjacent land uses. Buffer yards shall be planted in conjunction with site development. General plantings on the south and southeast portions of the lot, as depicted in the land use plan, must be planted to provide visual screening of the parking area from adjacent rights-of-way.
 - b. *Parking.* Off-street parking spaces for a service business shall be required, according to Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading). Required parking and necessary drive lanes must be paved. All other service yard areas may utilize a gravel surface.
 - c. *Service Yard.* All exterior equipment and material storage areas shall be fenced and set back no less than one hundred fifty (150) feet from the south or east property line and no less than seventy-five (75) feet from a north or west property line.
- 6. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for Commercial zoning

districts. Notwithstanding, no off-premise advertising signs shall be allowed.

7. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

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

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



Zoning and Plan Reference Map

CENTRAL OUTPOST SUBDIVISION

PPLT2024-001

ZC2024-002

Zoning Districts

A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

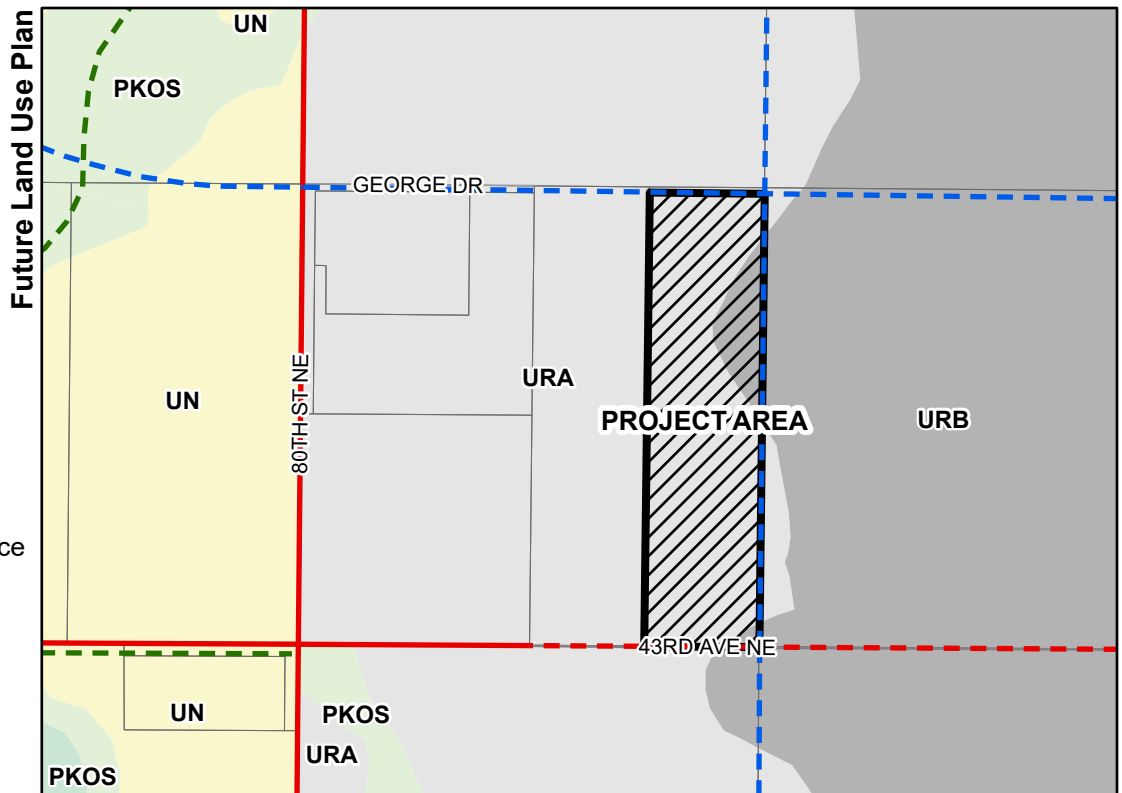
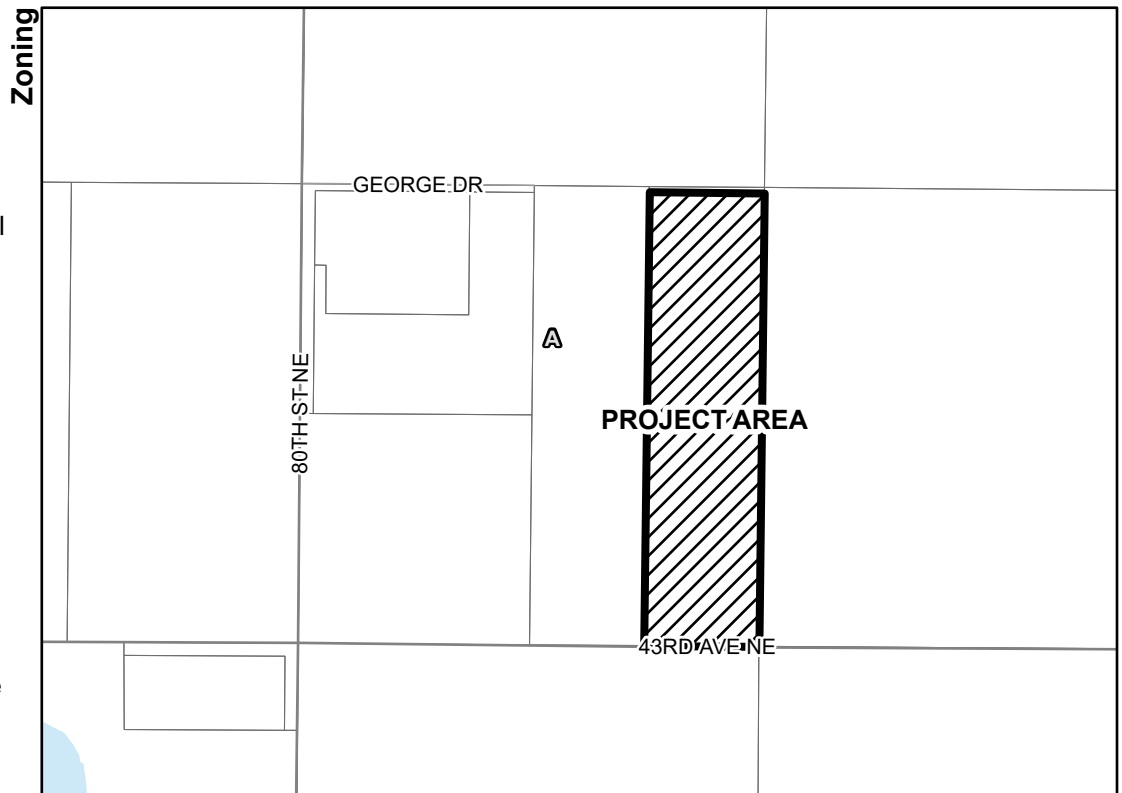
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Rural Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

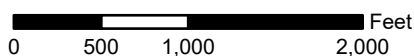
— Future Shared Trail

Major Street Plan

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



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development
Planning Division
March 19, 2024



Proposed Zoning Change

CENTRAL OUTPOST SUBDIVISION

ZC2024-002

Proposed New Zoning Map

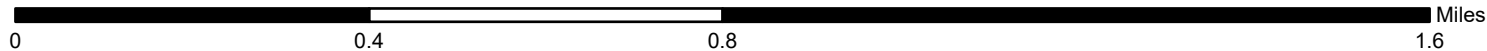
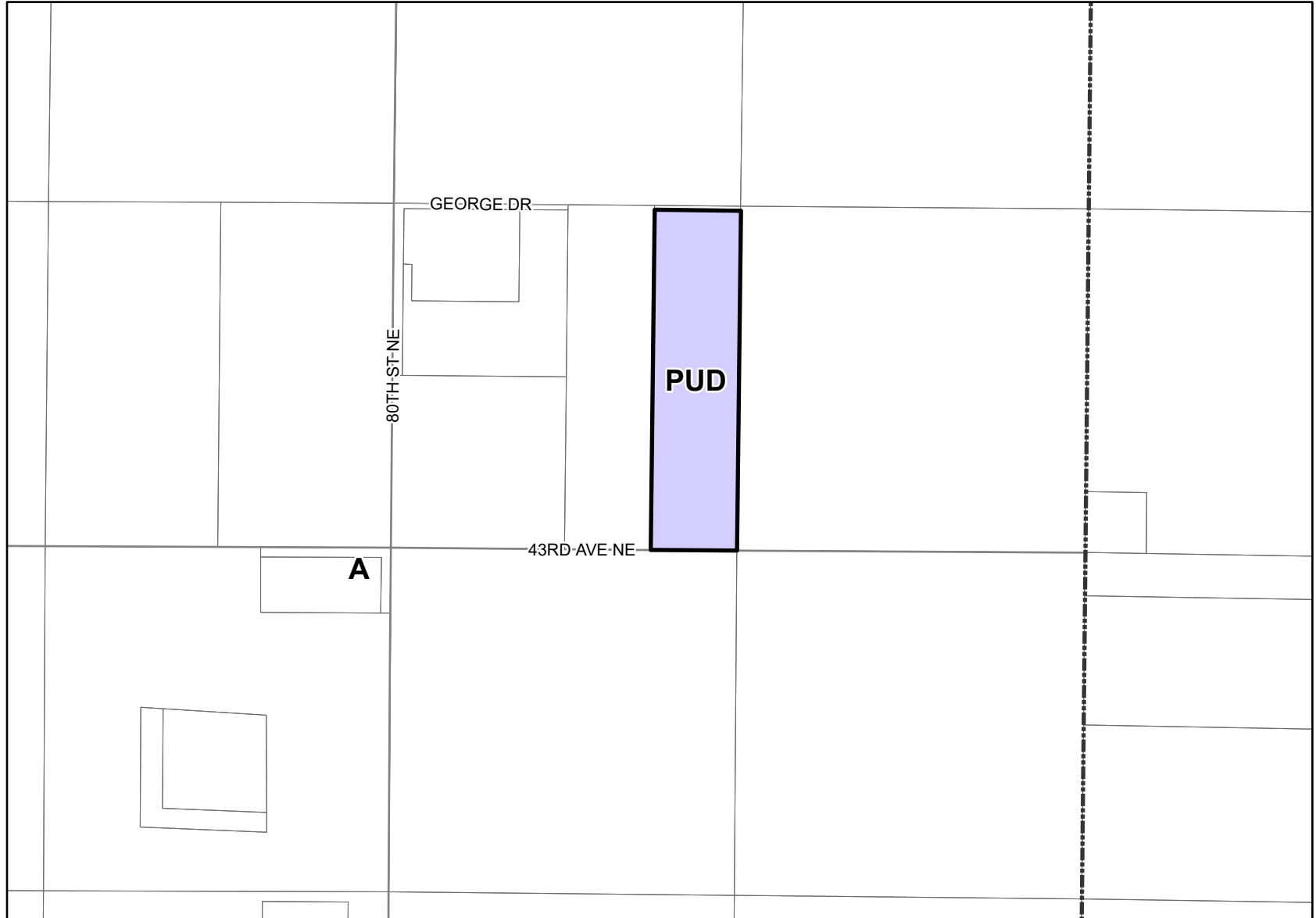
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

- A** Agriculture
- RR** Rural
- R5** Residential
- RMH** Manufactured
Home Residential
- R10** Residential
- RM** Residential
Multifamily
- RT** Residential
(Offices)
- HM** Health and
Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit
Development
- DC** Downtown Core
- DF** Downtown Fringe

*A "C-" prior to the district
indicates that special
conditions would apply
to the zoning district*



*This map is for representational use only and does not represent a survey.
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City of Bismarck
Community Development
Planning Division
March 19, 2024

LOCATED IN THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER (E1/2E1/2SW1/4),
SECTION 16, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH P.M.,
BURLEIGH COUNTY, NORTH DAKOTA

I/We, Central Power Electric Cooperative, Inc., being the owners of the land platted herein, have caused the land to be platted and do hereby voluntarily consent to the execution of this plat titled Central Outpost Subdivision, and dedicate all rights of way as shown on this plat to Burleigh County, North Dakota, and consent to any access control to the property as shown, and affirm that the description as shown in the certificate of the registered land surveyor is correct.

We also dedicate to Burleigh County all easements as shown on this plat as "Stormwater and Drainage Easement" to run with the land for the free and unobstructed flow of water under and/or over those areas including the construction and maintenance of stormwater facilities together with necessary appurtenances.

We also dedicate to South Central Regional Water all private easements as shown on this plat as "Rural Water Easement" to run with the land for use by all land-owning parties, their tenants, visitors, and licensees to construct, maintain, and repair water main facilities under or upon those areas designated as such.

On this _____ day of _____, 20_____, before me personally appeared Thomas L. Meland, General Manager of Central Power Electric Cooperative, Inc., known to me to be the person described in and who executed the within certificate and they acknowledged to me that they executed the same.

I, Matthew Weeks, hereby certify I am a licensed land surveyor in the State of North Dakota, that this survey was made by me or under my direct supervision and that the survey is true and correct to the best of my knowledge, that all monuments shown hereon are correct, that all required monuments have been set, and that all dimensional and geodetic details are correct. This survey does not represent a complete title search.

My commission expires _____, 20____, notary public Morton County, North Dakota.

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on this plat, has approved the grounds as shown on this plat as an amendment to the master plan of the City of Bismarck, North Dakota, has accepted the dedication of all rights of way and public easements shown thereon and does hereby vacate any previous platting within the boundary of this plat.

LOCATED IN THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER (E1/2E1/2SW1/4),
SECTION 16, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH P.M.,
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On this _____ day of _____, 20_____, before me personally appeared Thomas L. Meland, General Manager of Central Power Electric Cooperative, Inc., known to me to be the person described in and who executed the within certificate and they acknowledged to me that they executed the same.

I, Matthew Weeks, hereby certify I am a licensed land surveyor in the State of North Dakota, that this survey was made by me or under my direct supervision and that the survey is true and correct to the best of my knowledge, that all monuments shown hereon are correct, that all required monuments have been set, and that all dimensional and geodetic details are correct. This survey does not represent a complete title search.

My commission expires _____, 20____, notary public Morton County, North Dakota.

The subdivision of land as shown on this plat has been approved by the Planning and Zoning Commission of the City of Bismarck, North Dakota, on the _____ day of _____, 20____, in accordance with the laws of the State of North Dakota and ordinances of the City of Bismarck.

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on this plat, has approved the grounds as shown on this plat as an amendment to the master plan of the City of Bismarck, North Dakota, has accepted the dedication of all rights of way and public easements shown thereon and does hereby vacate any previous platting within the boundary of this plat.



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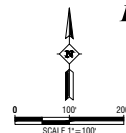
SEC	T	R
16	139	79

Drawn By: <u>B.H.H.</u>	Surveyed By: <u>EW</u>	Project No: <u>CR22-00-129.0</u>
Checked By: <u>MLW</u>	Designed By: <u>B.H.H.</u>	Date: <u>1/23/2024</u>

SHEET NO.

LEGEND:

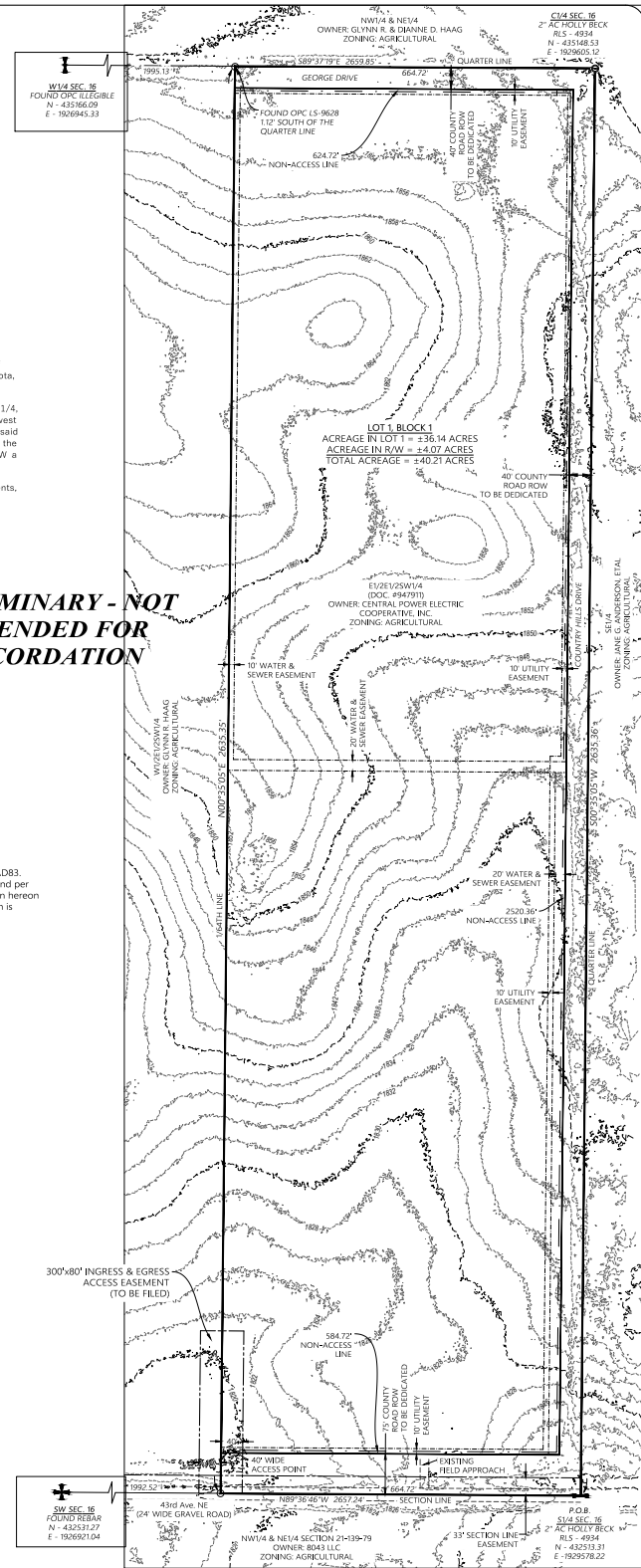
- - SECTION CORNER
- - QUARTER CORNER
- - CENTER QUARTER CORNER
- - FOUND REBAR W/ OPC, LS-9628
- - SET REBAR W/ YPC, LS-3626



VICINITY MAP
N.T.S.



**PRELIMINARY - NOT
INTENDED FOR
RECORDATION**

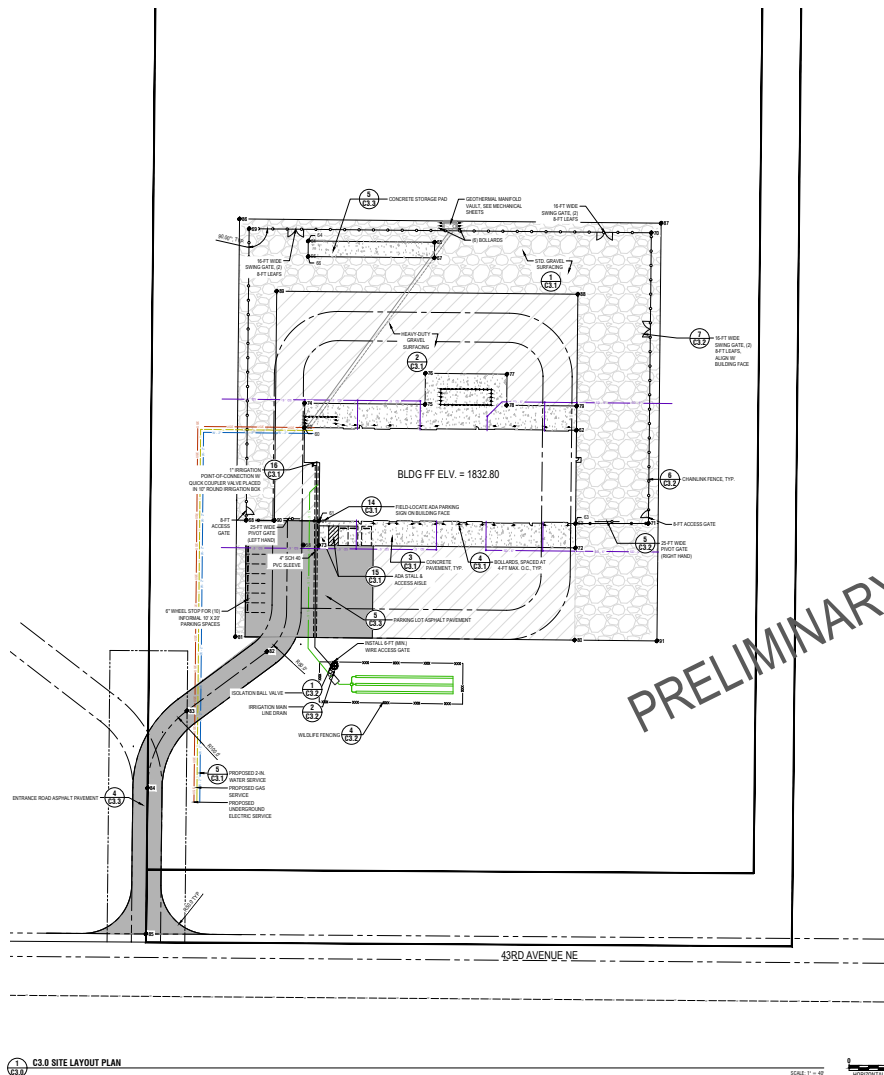




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[illegible]

GENERAL NOTES

2. EXISTING FEATURES BASED ON TOPOGRAPHIC SURVEY COMPLETED BY INTERESTED ENGINEERING AND SURVEYING AGENCY DURING JUNE, 2003.
3. CONDUCT ALL WORK IN ACCORDANCE WITH THE NORTH DAKOTA STATEMENT OF WORK FOR THE PLANNED CONSTRUCTION PROJECTS SPECIFIC CONDITIONS.
4. IMMEDIATELY REPORT ANY AND ALL DISCREPANCIES FOUND ON THE PROJECT TO THE PLANNED CONSTRUCTION PROJECTS SUPERVISOR AND THE OWNER'S REPRESENTATIVE.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LOCATION, CONTRACTOR SHALL FIELD VERIFY EXISTATION CONDITIONS AND DEPTH OF ALL UTILITIES PRIOR TO EXCAVATION OF CONSTRUCTION ACTIVITIES.
6. LEGAL EASEMENTS AND DEEDS SHALL BE OBTAINED FROM PROJECT AREA TO OBTAIN EASEMENT AND RIGHT-OF-WAY.
7. ALL WORK ARE DONE WITHOUT SURVEYED INFORMATION ON THE DRAWINGS.
8. REPORT TO C.E. FOR DESIGN FEEDBACK AND INFORMATION.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS INCLUDING THE IRRIGATION WATER DRAIN, ELEVATION, SLOPE, AND EROSION CONTROL FOR FUTURE CONSTRUCTION.
10. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE NORTH DAKOTA STATEMENT OF WORK. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE NORTH DAKOTA STATEMENT OF WORK.
11. THE IRRIGATION PATTERN IS SCHEMATIC. FIELD MEASURE ALL DIMENSIONS AND CORRECTIONS TO THE SCHEMATIC SHALL BE DONE IN ACCORDANCE WITH THE NORTH DAKOTA STATEMENT OF WORK.
12. DO NOT EXCAVATE, INSTALL THE SYSTEM WHEN OBVIOUS OBSTRUCTIONS EXIST. IMMEDIATELY REPORT THE DISCREPANCY TO THE SITE TO THE OWNER'S REPRESENTATIVE. IN THE EVENT OF A DISCREPANCY, THE CONTRACTOR SHALL AGREE TO ALL CORRECTIONS WITHOUT ANY NECESSARY REASON.
13. NO SUBSTITUTIONS WILL BE ALLOWED WITHOUT WRITTEN CONSENT FROM THE OWNER'S REPRESENTATIVE.
14. CONFORM TO IRRIGATION REGULATIONS TO LOCAL CODES.
15. SLOPE MINIMUMS 2:1.

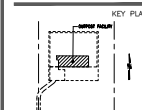
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255	43284.90	102668.80	100.00	BLDG PT
256	43284.81	102668.79	100.00	BLDG PT
257	43284.72	102668.78	100.00	BLDG PT
258	43284.63	102668.77	100.00	BLDG PT
259	43284.54	102668.76	100.00	BLDG PT
260	43284.45	102668.75	100.00	BLDG PT
261	43284.36	102668.74	100.00	BLDG PT
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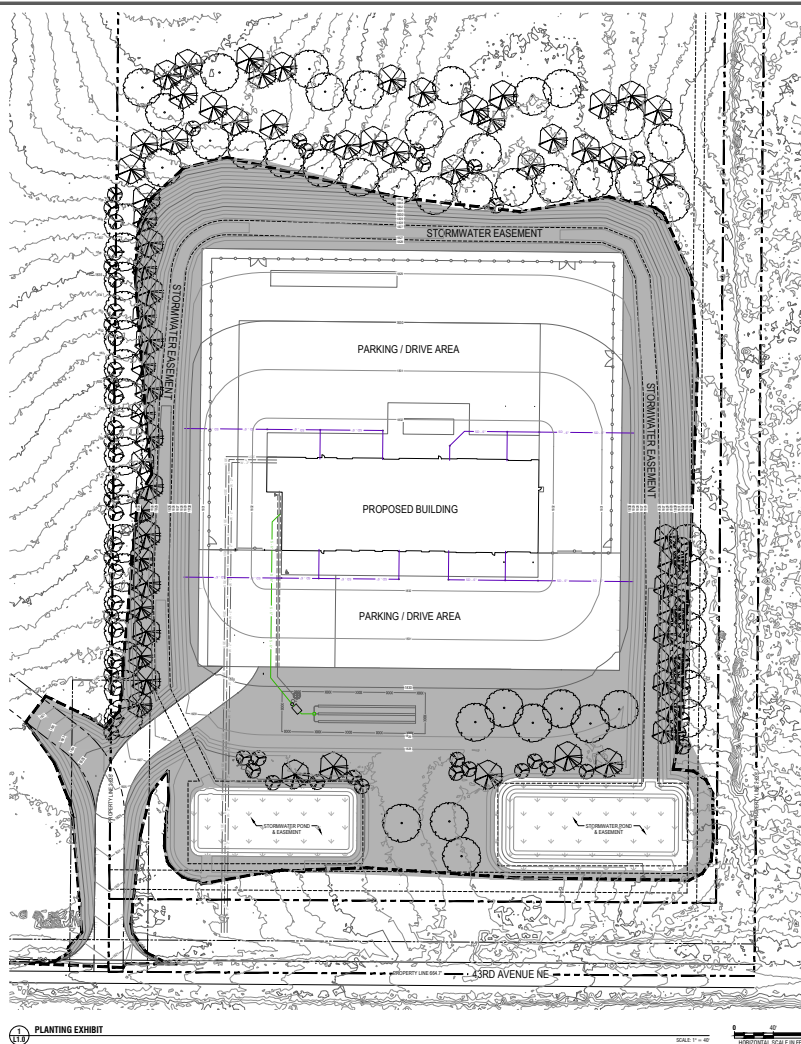


PROJECT NO: CR-22-00-129.04
SCALE: AS SHOWN
DATE: MAY 7, 2024
DRAWN: NBT

C3.0 SITE LAYOUT PLAN



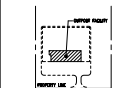
SHEET: C3.0

[illegible]

PRELIMINARY NOT FOR CONSTRUCTION



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FOSS ARCHITECTURE & INTERIORS



 SHEET: L1.0

**RESOLUTION OF
GIBBS TOWNSHIP**

WHEREAS, The Board of Supervisors of Gibbs Township have been advised of a request submitted to Bismarck's Planning and Zoning Commission within the geographic boundaries of this township.

WHEREAS, Central Power Electric Cooperative, Inc is requesting approval of a zoning map amendment from the A – Agricultural zoning district to the PUD – Planned Unit Development zoning district and a major subdivision plat for Central Outpost Subdivision.

WHEREAS, Gibbs Township wishes to make a recommendation to the Planning and Zoning Commission regarding this request and has the right, under Section 14-01-02 of the Bismarck Code of Ordinances, to appoint a representative to participate as a voting member of the Planning and Zoning Commission in any action related to this issue.

NOW, THEREFORE, BE IT RESOLVED by Board of Township Supervisors of Gibbs Township, Burleigh County, North Dakota, takes a position regarding the above-referenced request for the zoning map amendment and subdivision to:

☒ Support

☐ Support with Conditions:

☐ Oppose for Reasons:

Adopted this 12 day of April.

CERTIFICATE

IN WITNESS WHEREOF, I have hereunto set my hand, this this 11 day of April.



Signature

Richard Sanders

Printed Name
Township Supervisor
Gibbs Township
Bismarck, North Dakota



Community Development Department

DATE: June 25, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Amend Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district based on certain criteria.

REQUEST:

Public hearing on Ordinance 6579, a zoning ordinance text amendment.

BACKGROUND INFORMATION:

The Community Development Department requests approval of amendments to Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district based on certain criteria.

The proposed amendments would allow for agriculture recreation uses that offer opportunities to promote agritourism and to amend the ordinance to allow private riding arenas that are larger in size than standard accessory buildings.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Representatives of Apple Creek Farms, the Tourism Division of the Department of commerce, and several citizens spoke during the public hearing. Concerns were raised by some that the proposed ordinance limited opportunities for agriculture recreation in particular that certain events, such as pumpkin patches, corn mazes and u-pick produce should not be restricted to the major agriculture recreation uses.

At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with a representative of Apple Creek Farms and the Tourism Division of the ND Department of Commerce to address concerns expressed during the hearing.

Planning staff, a representative of Apple Creek Farms, and representatives of the Tourism Division met on May 3, 2024 to modify the ordinance to address concerns made during the public hearing.

A continued public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. Two members of the public spoke during the hearing. One member requested the

lot/parcel size requirement for minor agriculture recreation uses be removed from the ordinance.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission voted unanimously to approve the zoning ordinance text amendment with the removal of the lot/parcel size requirement for minor agriculture recreation uses.

The City Commission considered the proposed zoning ordinance text amendment at their June 11, 2024 meeting and called for a public hearing on the request.

The attached staff report contains a complete review of the request, according to standards of the Comprehensive Plan, city ordinances, and other relevant law. Additionally, the staff report contains an overview of past public engagement related to this request.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing on the zoning ordinance text amendment as outlined in Ordinance 6579 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

Jenny Wollmuth, Senior Planner, 701-355-1850, jwollmuth@bismarcknd.gov

ATTACHMENTS:

1. ZOTA2023-001 - Ag Recreation

STAFF REPORT

Application for: **Zoning Ordinance Text
Amendment**

Project ID: **ZOTA2023-001**

Project Summary

<i>Title:</i>	Agriculture Recreation Uses and Private Riding Arena
<i>Status:</i>	Board of City Commissioners – Public Hearing
<i>Project Contact:</i>	Jenny Wollmuth, AICP, CFM
<i>Request:</i>	Amend Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district based on certain criteria
<i>Staff Recommendation:</i>	Approve
<i>Planning & Zoning Commission:</i>	Approve

Project Narrative

The Community Development Department requests approval of amendments to Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district based on certain criteria.

Planning staff has been asked by property owners to amend the zoning ordinance to allow for agriculture recreation uses that offer opportunities to promote agritourism and to amend the ordinance to allow private riding arenas that are larger in size than standard accessory buildings.

Planning and Zoning Commission Action

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Representatives of Apple Creek Farms, the Tourism Division of the Department of commerce, and several citizens spoke during the public hearing. Concerns were raised by some that the proposed ordinance limited opportunities for agriculture recreation in particular that certain events, such as pumpkin patches, corn mazes

and u-pick produce should not be restricted to the major agriculture recreation uses.

At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with a representative of Apple Creek Farms and the Tourism Division of the ND Department of Commerce to address concerns expressed during the hearing.

Planning staff, a representative of Apple Creek Farms, and representatives of the Tourism Division met on May 3, 2024 to modify the ordinance to address concerns made during the public hearing.

A continued public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. Two members of the public spoke during the hearing. One member requested the lot/parcel size requirement for minor agriculture recreation uses be removed from the ordinance.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission voted unanimously to approve the zoning ordinance text

(continued)

amendment with the removal the lot/parcel size requirement for minor agriculture recreation uses.

Planning staff, a representative of Apple Creek Farms, and representatives of the Tourism Division met on May 3, 2024 to modify the ordinance to address concerns made during the public hearing.

During this meeting, it was decided to revise the definitions of both major agriculture recreation and minor agriculture recreation to provide additional agriculture recreation opportunities and increase the number of days for a major recreation event from 12 to 30.

Revised Definitions

Agriculture Recreation, Minor. Any agricultural-related use that combines agriculture production with commercial recreation uses that are ancillary to the primary agricultural use. Such uses include education related events and tours, farm to table dinners, pumpkin patches, u-pick produce, Christmas tree farm, corn maze, and hayrides for someone other than the property owner. Minor agriculture recreation uses shall not exceed an occupancy of seventy-five (75) people at any one time.

Agriculture Recreation, Major. Any agricultural-related use that combines agriculture production with commercial recreation uses that are ancillary to the primary agricultural use. Such uses include but are not limited to education related events and tours, a celebration, ceremony, wedding, reception, corporate function, u-pick produce, Christmas tree farm, pumpkin patches, corn maze and hayrides for someone other than the property owner. A Major agriculture recreation use shall not exceed an occupancy of two-hundred fifty (250) people at any one time and shall not exceed thirty (30) days per calendar year.

Sources of Information

Planning staff reviewed ordinances from peer communities throughout the state and zoning

practice publications from the American Planning Association.

A stakeholder group, including representatives from the Planning and Zoning Commission, Board of Adjustment, representatives from Papas Pumpkin Patch, Apple Creek Farms and Grandpa Al's Hayrides was formed in the Fall of 2023 and five meetings have been held to draft and review the proposed amendments. City and County staff also met with representatives of the Convention and Visitors Bureau and the Tourism Division of the ND Department of Commerce in March and again in May 2024.

Proposed Changes

The proposed amendments include the following:

- Definitions for agriculture, minor agriculture recreation, major agriculture recreation, and private riding arena.
- Modify the lot/parcel size and increase the area of accessory buildings approved by special use permit for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB).
- Minor agriculture recreation uses permitted by right for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB).
- Major agriculture recreation uses approved by special use permit for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB) and include 35 or more acres. Criteria for approval include mitigation of noise and light impacts to adjacent properties, additional setback requirements and requirements to meet applicable building and fire codes.

(continued)

- Private riding arenas approved by special use for properties located in the A – Agriculture zoning district that are entirely outside of the Urban Service Area Boundary (USAB) and include 35 or more acres. Criteria for approval include location requirements, building size limitation of no larger than 22,000 square feet, setback requirements, restrictions for sales, training and/or similar events, and requirements to meet applicable building and fire codes.

Public Engagement

A stakeholder committee met on five occasions to draft, review and offer suggested changes to the draft ordinance.

Planning and Zoning Commission

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 12 and April 19, 2024 and the hearing was continued to the next regular meeting of the Planning and Zoning Commission.

All written comments received by staff prior to the public hearing were distributed to the Planning and Zoning Commission prior to their April 24 and May 22, 2024, meeting and summarized by staff during the oral presentation.

City Commission

The public was duly notified of this request. A notice was published in the Bismarck Tribune on June 12 and June 19, 2024.

All written comments received by staff prior to the public hearing will be distributed to the City Commission prior to the June 25, 2024, meeting and summarized by staff during the oral presentation.

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

Review Standards and Findings of Fact

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

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

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

Objective 17(e) states:

“Encourage agritourism that combines retail of local produce with unique experiences, such as vineyards, pumpkin patches, Christmas tree groves, community-supported agriculture, and farm-based event venues.”

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

Yes. This section of the zoning ordinance was previously amended in 2012, specifically relating to sizes of accessory buildings in the A – Agriculture zoning district within a certain distance of corporate limits. Conditions have changed since this time period, which justify the proposed revision. In particular, the utilization of the Urban Service Area Boundary (USAB) to designate areas suitable for agriculture recreation uses and private riding arenas.

(continued)

The general intent and purpose of the zoning ordinance would be adhered to with the proposed amendment (Section 14-02-01; [NDCC 40-27-03](#))

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

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

Yes. All sections of the zoning ordinance containing any references to or potential conflicts with the proposed zoning ordinance text amendment have been reviewed and corrected, as needed. Additional definitions for agriculture, agriculture recreation and private riding arena, and criteria for approval have been added to the ordinance to avoid misinterpretation, and to clarify uses and approval requirements.

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

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

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

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

Certain federal and state requirements associated with commercial building construction may apply to event spaces / buildings associated with agriculture recreation and private riding areas, depending on the situation. Notably, any commercial use, regardless of size, that is open to the public must provide reasonable accommodations for persons with disability to be compliant with the Americans with Disabilities Act (ADA). Although this is not a zoning criterion, the property owner is still responsible for compliance.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment for Sections 14-02-03, 14-03-06, 14-03-08, and 14-04-17 of the City Code of Ordinances to allow agriculture recreation uses and private riding arenas in the A – Agriculture zoning district based on certain criteria.

Attachments

1. Revised draft zoning ordinance text amendment
2. Map of the USAB
3. Written Comments

CITY OF BISMARCK

ORDINANCE NO. 6579

First Reading _____
Second Reading _____
Final Passage and Adoption _____
Publication Date _____

AN ORDINANCE TO AMEND 14-02-03, 14-03-06, 14-03-08, 14-04-17, OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO RIDING ARENA AND AGRICULTURE RECREATION.

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

Section 1. Amend. 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to riding arenas, his hereby enacted to read as follows:

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

* * * * *

Agriculture. The science or practice of cultivating the soil, producing crop, and raising livestock.

Agriculture Recreation, Minor. Any agricultural-related use that combines agriculture production with commercial recreation uses that are ancillary to the primary agricultural use. Such uses include education related events and tours, farm to table dinners, pumpkin patches, u-pick produce, Christmas tree farm, corn maze, and hayrides for someone other than the property owner. Minor agriculture recreation uses shall not exceed an occupancy of seventy-five (75) people at any one time.

Agriculture Recreation, Major. Any agricultural-related use that combines agriculture production with commercial recreation uses that are ancillary to the primary agricultural use. Such uses include but are not limited to education related events and tours, a celebration, ceremony, wedding, reception, corporate function, u-pick produce, Christmas tree farm, pumpkin patches, corn maze and hayrides for someone other than the property owner. A Major agriculture recreation use shall not exceed an occupancy of two-hundred fifty (250) people at any one time and shall not exceed thirty (30) days per calendar year.

* * * * *

Private Riding Arena: A building or portion of a building used exclusively for private equestrian activities by the property owner. A private riding arena must be ancillary to a single-family dwelling.

* * * * *

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

1. Accessory Uses and Buildings

* * * * *

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

* * * * *

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

The allowable accessory buildings for a single-family rural residence on a lot in the agriculture zoning district (A) A – Agriculture zoning district with at least (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size area, and located entirely outside the Urban Service Area Boundary (USAB), may be increased to a maximum of seventy-five hundred (7,500) 8,000 square feet provided a special use permit is approved by in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in the A – Agriculture zoning district with at least eighty (80) acres in area, or two aliquot parts of a corrective section intended to comprise two quarter-quarter sections, provide such aliquot parts are not less than seventy (70) acres in area when combined together, and located entirely outside the Urban Service Area Boundary (USAB), may be increased to a maximum of 15,000 square feet as a special use in accordance with the provisions of Sections 14-03-08 and 14-04-17.

A private riding arena up to 22,000 square feet, in addition to the accessory buildings allowed in this section for a single-family rural residence, may be located on a lot in the A – Agriculture zoning district with at least thirty-five (35) acres area, and located outside the Urban Service Area Boundary (USAB), as a special use in accordance with the provisions of Section 14-03-08.

* * * * *

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

* * * * *

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

* * * * *

aa. Agriculture Recreation, Major. Agriculture Recreation, Major may be permitted in any A – Agricultural district as a special use provided:

1. The use is ancillary to the primary agricultural use.
2. The lot in which the use is located is at least thirty-five (35) acres in area.
3. The lot in which the use is located is outside the Urban Service Area Boundary (USAB).
4. Attendance is limited to two hundred and fifty (250) persons in attendance at any one time.
5. No more than thirty (30) days per calendar year, not to include minor agriculture recreation uses.
6. Site design and building(s) must conform to all applicable requirements of the International Building Code (IBC) and the International Fire Code (IFC) as

adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations).

7. All parking areas shall be mowed and designed to prevent debris from the site entering the public right-of-way and be arranged to provide for orderly and safe loading or unloading and parking.
8. Access to buildings or areas associated with the agriculture recreation use shall be an all-weather access and be designed for safe and orderly access for patrons and emergency services.
9. Sound generated by the use shall meet the requirements outlined in Chapter 08-10 of the City Code of Ordinance.
10. All outdoor light fixtures shall be installed in a manner intended to limit the amount of off-site impacts. Light fixtures located near adjacent properties may require special shielding devices to prevent light trespass.
11. The use is setback a minimum of 50 feet adjacent to properties with a residential use, zoning, or land use classification.
12. A site plan, and if necessary, a stormwater management plan is submitted for review and approval prior to the issuance of a building permit or commencement of operations.

bb. Private riding arena: A private riding arena may be permitted in any A – Agricultural district as a special use provided:

1. The use is ancillary to and in conjunction with a single-family dwelling.
2. The lot in which the use is located is at least thirty-five (35) acres.
3. The lot in which the use is located is outside the Urban Service Area Boundary (USAB).
4. There will be no sales, shows, competitions, training clinics, or similar events within or on the premises in which the private riding arena is located. There will be no spectator seating, stands or bleachers within the arena.
5. The proposed building is setback a minimum of 100 feet adjacent to properties with a residential use or zoning.
6. Site design and building(s) must conform to all applicable requirements of the International Building Code (IBC) and the International Fire Code (IFC) as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations).

7. A site plan, and if necessary, a stormwater management plan is submitted for review and approval prior to the issuance of a building permit.

14-04-17. "A" Agricultural Zoning District. In an A agricultural district, the following regulations shall apply:

* * * * *

2. Uses Permitted. The following uses are permitted.

i. Agriculture Recreation, Minor, shall be allowed on a parcel entirely located outside the Urban Service Area Boundary (USAB), and shall not exceed an occupancy of seventy-five (75) people at any one time.

* * * * *

The following special uses are allowed as per Section 14-03-08 hereof:

* * * * *

u. Private riding arena

v. Agriculture Recreation, Major

* * * * *

11. Accessory Buildings.

* * * * *

The allowable accessory buildings for a single-family rural residence on a lot in the agriculture zoning district (A) A – Agriculture zoning district with at least (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size area, and located entirely outside the Urban Service Area (USAB) may be increased to a maximum of seventy-five hundred (7,500) 8,000 square feet provided a special use permit is approved by in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings to a non-farm single-family residence may be increased to a maximum of fifteen thousand (15,000) square feet in area provided:

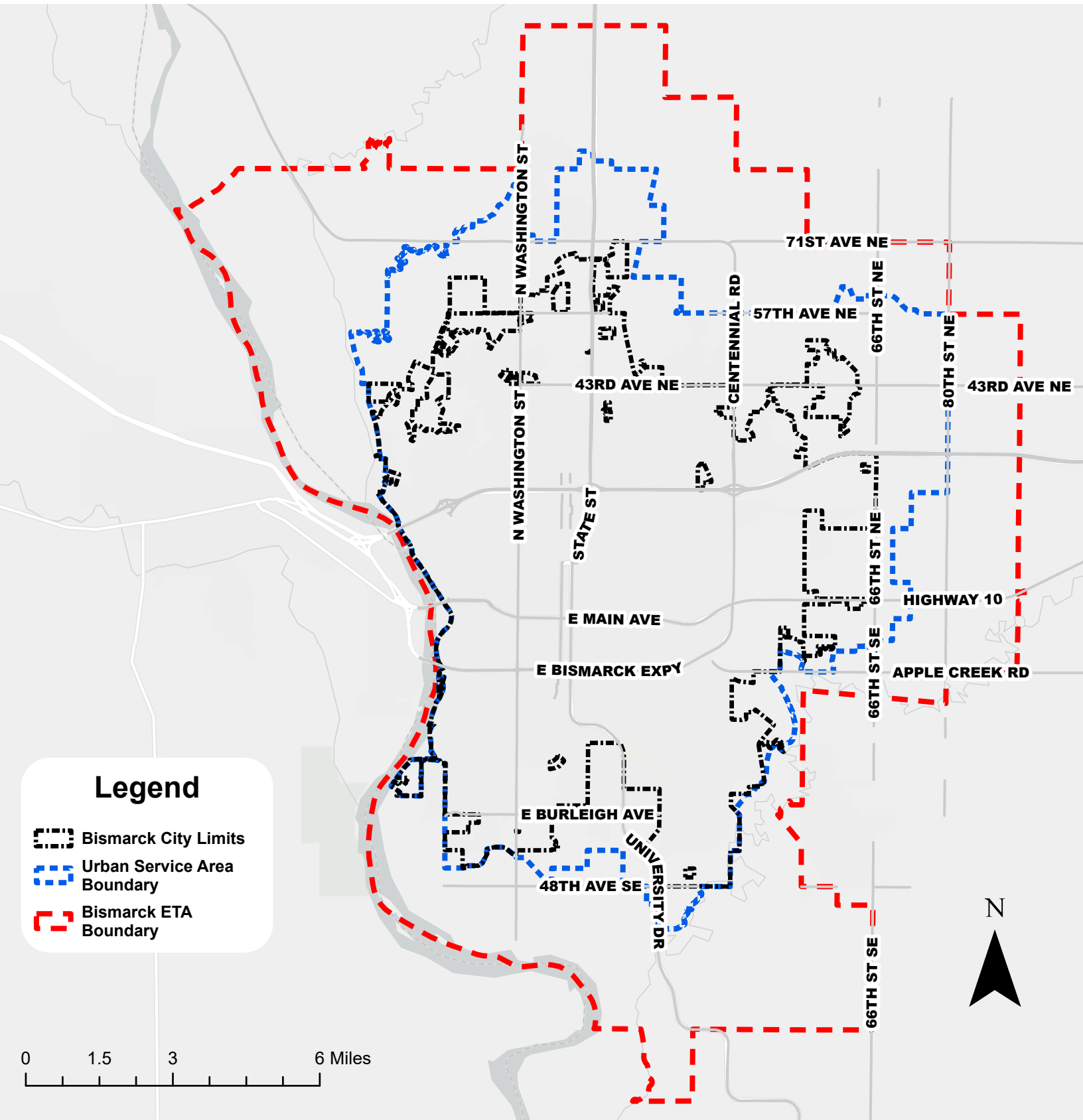
- a. The property on which the accessory building(s) is to be located is no less than 80 acres in area, or two aliquant parts of a corrective section intended to comprise two quarter-quarter sections, provided such aliquot parts when combined are not less than seventy (70) acres in area.
- b. The property on which the accessory buildings(s) is to be located is at least two (2) miles from the current corporate limits of Bismarck.
- c. A special use permit is approved by the Planning Commission in accordance with provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in the A – Agriculture zoning district with at least seventy (70) acres in area and located entirely outside the Urban Service Area Boundary (USAB), may be increased to a maximum of 15,000 square feet as a special use in accordance with the provisions of Sections 14-03-08.

A private riding arena up to 22,000 square feet, in addition to the accessory buildings allowed in this section for a single-family rural residence, may be located on a lot in the A – Agriculture zoning district with at least thirty-five (35) acres area, and located entirely outside the Urban Service Area Boundary (USAB), as a special use in accordance with the provisions of Section 14-03-08.

* * * * *

- Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.
- Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- Section 4. Effective Date. This ordinance shall take effect after final passage, adoption and publication.



Sarah Fricke

From: sfricke@bismarcknd.gov
Subject: FW: Apple Creek Farms Request for approval of ordinance of Ag Recreation Minor & Ag Recreation Major

From: [REDACTED] >
Sent: Tuesday, April 23, 2024 3:27 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Apple Creek Farms Request for approval of ordinance of Ag Recreation Minor & Ag Recreation Major

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Re: Apple Creek Farms Request for approval of ordinance of Ag Recreation Minor & Ag Recreation Major

I'm writing to officially share my support of Apple Creek Farms Request for approval for the ordinance to allow Ag Recreation Minor & Ag Recreation Major for the activities they host at their property.

Albeit I am **opposed** to the city of Bismarck having the ETA or jurisdiction in this area in the first place.

With that stated, I am a North Dakota resident, a community member of approx. 20 years in the Bismarck rural area (*I live just across the road from Apple Creek Farms*) & close neighbor of Apple Creek Farms, I support the events they host at this location AND I support their Request for approval of ordinance of Ag Recreation Minor & Ag Recreation Major.

It's likely that I may not be able to attend the public meeting in person, be sure to include this letter of support.

I've lived in this area long before Apple Creek Farms began their events. I have yet to experience so much as one negative issue or even an inconvenience due to the events / activities held at Apple Creek Farms. In fact, on the contrary, thus far it's been nothing but a positive improvement to our community. The property and landscaping is pleasant to look at, the events are well organized and respectful.

I'd also like to know specifically how and why Apple Creek Farms is being seemingly singled out. Who decided this was an issue and why? Was it a specific employee within the City of Bismarck or complaint from who?

Respectfully,

Jeanne David

1100 80th Street SE

Bismarck, ND 58504

701-[REDACTED]

Sarah Fricke

From: Planning - General Mailbox
Sent: Tuesday, April 23, 2024 4:48 PM
To: Sarah Fricke; Daniel Nairn; Isak Johnson; Jenny Wollmuth; Lauren Oster
Subject: FW: Apple Creek Farm Request for Approval of Ordinance of Ag Recreation Minor & Major

From: Sara Timmer [REDACTED]
Sent: Tuesday, April 23, 2024 4:12 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Apple Creek Farm Request for Approval of Ordinance of Ag Recreation Minor & Major

CAUTION: *External Email - Use caution clicking links or opening attachments*****

Hello,

I am writing to share my support for Apple Creek Farm's request for approval of the ordinance to allow ag recreation minor and major for the activities they host at their property.

I am a lifelong resident of Bismarck, having lived here for 36 years, and I am in full support the events hosted at Apple Creek Farm. I believe they serve a great purpose in the community.

Though I will not be able to attend the meeting, I would like to have my letter of support considered.

Sincerely

Sara J. Timmer



Community Development Department

DATE: June 25, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Fettig Subdivision – Zoning Map Amendment, Major Subdivision Final Plat and Development Agreement

REQUEST:

Public hearing on Ordinance 6580, a zoning map amendment, development agreement, and major subdivision final plat for Fettig Subdivision.

BACKGROUND INFORMATION:

Robert Fettig requests conditional approval of a zoning map amendment from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district and a major subdivision final plat for Fettig Subdivision.

The proposed zoning map amendment and final plat are being requested to allow the development of a single-family dwelling in conjunction with a commercial use on Lot 3 of the proposed plat. The area within the proposed plat is partially developed, a hotel is located on Lot 1 and a single-family dwelling is located on Lot 2. The proposed plat is located adjacent to city limits.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Concerns were raised by the property owner and their consulting engineer relating to the request of the City to annex the plat, or at a minimum Lots 2 and 3 of the proposed plat, and noted that municipal sanitary sewer is not readily available to the property. At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with the owner and their consulting engineer to create a development agreement that specifies conditions for future annexation.

Staff have prepared a draft development agreement that would require a signed annexation petition for the entire subdivision to be submitted to the City and that the City will hold said petition until no less than twenty (20) years after the date of the agreement or at such time when City sanitary sewer services are within 500 feet and available for use with required rights-of-way or easements to access the utility/sewer whichever is sooner. At which point, the petition may be submitted to the Board of City Commissioners for final action and consideration for annexation, following standard procedures in place at the time.

The signed annexation petition would be required prior to recording the proposed plat and

finalization of the zoning map amendment. The owner and their consulting engineer have agreed to the provisions outlined in the development agreement.

A continued public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. No members of the public spoke at the hearing and no written comments were submitted.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission voted 9 to 1 to approve the development agreement, zoning map amendment and major subdivision final plat for Fettig Subdivision.

The City Commission considered the proposed zoning map amendment at their June 11, 2024 meeting and called for a public hearing on this request.

The attached staff report contains a complete review of the request, according to the standards of the Comprehensive Plan, city ordinances, and relevant law. Additionally, the staff report contains an overview of past public engagement related to this request.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing on the zoning map amendment as outlined in Ordinance 6580, and take final action on the zoning map amendment, development agreement, and major subdivision final plat for Fettig Subdivision.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov
Jenny Wollmuth, Senior Planner, 701-355-1850, jwollmuth@bismarcknd.gov

ATTACHMENTS:

1. Fettig Subdivision

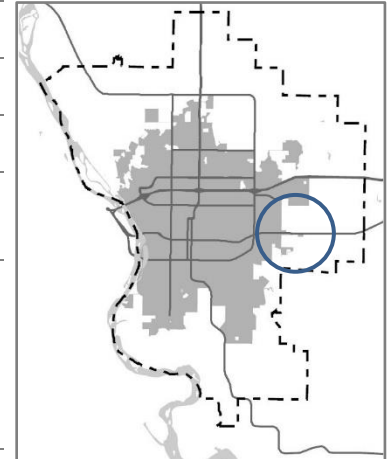
STAFF REPORT

Application for: **Zoning Map Amendment**
Final Plat

Project ID: **ZC2023-014**
FPLT2024-002

Project Summary

<i>Title:</i>	Fettig Subdivision
<i>Status:</i>	Board of City Commissioners – Public Hearing
<i>Property Owner(s):</i>	Robert Fettig
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Company
<i>Project Location:</i>	East of Bismarck, between 52nd Street SE and 66th Street SE, along the south side of East Main Avenue / County Highway 10 (a replat of all of Highway Subdivision and Part of the NE¼ of Section 6, T138N-R79W/Apple Creek Township)
<i>Project Size:</i>	4.8 acres
<i>Applicant Request:</i>	Plat and rezone property for development of a single-family dwelling in conjunction with commercial use
<i>Staff Recommendation:</i>	Approve with conditions
<i>Planning & Zoning Commission:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block and 2 parcels	<i>Lots/Blocks:</i>	3 lots in 1 block
<i>Land Use:</i>	Commercial (hotel) and single-family	<i>Land Use:</i>	Commercial (hotel), single-family, and single-family in conjunction with commercial use
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	A – Agricultural CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	A – Agriculture CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	A – 1 unit / 40 acres CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

(continued)

Area Information

Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	04/1978
<i>Township:</i>	Apple Creek (organized)	<i>Platted:</i>	07/2009 (Highway Subdivision)
<i>Neighborhood:</i>	Old Highway 10	<i>Annexed:</i>	N/A

Project Narrative

Robert Fettig is requesting approval of a zoning map amendment from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district and a major subdivision final plat titled Fettig Subdivision.

The proposed zoning map amendment and final plat are being requested to allow the development of a single-family dwelling in conjunction with a commercial use on Lot 3 of the proposed plat. The area within the proposed plat is partially developed; a hotel is located on Lot 1 and a single-family dwelling is located on Lot 2.

Due to the proximity of corporate limits, its location in the Expansion Future Area, and the location of municipal water, staff have indicated to the applicant that support of the proposed zoning map amendment and proposed plat would be contingent on annexation of the proposed plat or at a minimum Lot 2 and Lot 3 of the proposed plat to meet the goals and objectives of the Comprehensive Plan.

The proposed plat is adjacent to corporate limits and in an area that is partially zoned CG – Commercial. Pre-zoning and annexation in anticipation of future development were common practices in the 1970s and 1980s prior to the adoption of a Future Land Use Plan.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Concerns were raised by the property owner and their consulting engineer relating to the request of the City to annex the plat or at a minimum Lots 2 and 3 of the proposed plat and noted that municipal sanitary sewer is not readily available to the property. The consultant also suggested that the owner would be amenable to a development

agreement that would specify conditions of annexation based on availability of municipal sanitary sewer.

At the conclusion of the public hearing, the Planning and Zoning Commission voted to continue the public hearing and directed staff to work with the owner and their consulting engineer to create a development agreement that specifies conditions for future annexation.

Staff have created a development agreement that would require a signed annexation petition for the entire subdivision be submitted to the City and that the City will hold said petition until no less than twenty (20) years after the date of the agreement or at such time when City sanitary sewer services are within 500 feet and available for use with required rights-of-way or easements to access the utility/sewer whichever is sooner, at which point the petition may be submitted to the Board of City Commissioners for final action and consideration for annexation, following standard procedures in place at the time.

The signed annexation petition and development agreement would be required prior to recording the proposed plat and finalization of the zoning map amendment.

The owner and their consulting engineer have agreed to the provisions outlined in the development agreement.

A continued public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. No members of the public spoke at the hearing and no written comments were submitted.

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At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning & Zoning Commission voted 9 to 1 to approve the development agreement, zoning map

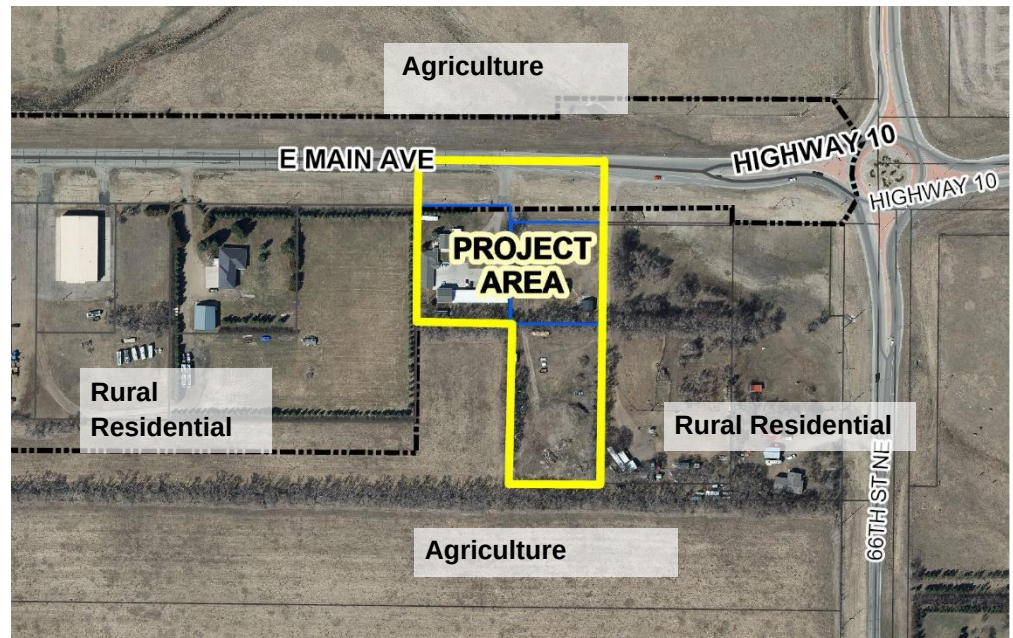
amendment and major subdivision final plat for Fettig Subdivision.

Project Context

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

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

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



Comprehensive Plan

Goals and objectives of the Comprehensive Plan as they relate to the zoning map amendment and final plat are referenced in review standards below.

Future Land Use Plan

The property has been identified as Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The NMU areas are the social and commercial gathering spaces for the immediate surrounding residential areas.

The property is also located in the Expansion Future area of the Growth Phasing Plan. This plan is a map that shows when areas of Bismarck and its extraterritorial area are expected to annex and develop based on proximity and availability of city services. Expansion Future areas may not be easily serviced with existing infrastructure and municipal services, but annexation is expected as

the city expands, and infrastructure and municipal services become available. Municipal water is available and located within the right-of-way of East Main Avenue.

Access

Access to all three lots within the proposed plat would be from an existing access point along East Main Avenue via access easements. The proposed plat also includes an access easement along the north side of Lot 2 which could provide access to the adjacent property to the east if access along East Main Avenue becomes limited in the future.

Infrastructure

The City and South Central Regional Water District (SCRWD) entered into an agreement in 1996, which was revised in 2019. This agreement that allows the City to provide municipal water to SCRWD and for SCRWD to sell this water to rural

(continued)

residents. As part of this agreement, the City must approve of and agree to SCRWD providing water to properties within 2-miles of corporate limits. Municipal water was extended within the East Main Avenue right-of-way recently; however, SCRWD is currently providing water to adjacent properties and to Lot 1 and Lot 2 of the proposed plat.

Municipal sanitary sewer is not currently available in this location and there are existing individual private sewer systems located on each lot. Typically, these private sewer systems are not located on property that is annexed; however, as sewer is not available at this time, staff have indicated that the existing private sewer systems could remain, and a new private sewer system could be installed on Lot 3 until the provisions in the development agreement have been met.

Public Engagement

Apple Creek Township was notified of this request on April 19, 2024.

Planning and Zoning Commission

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 12 and 19, and 16 letters were mailed to the owners of nearby properties on April 12, 2024.

The Planning and Zoning Commission held a continued public hearing on these requests on May 22, 2024. At the conclusion of the continued public hearing and based on the findings listed below, the Planning and Zoning Commission recommended approval of the draft development agreement, zoning map amendment and major subdivision final plat for Fettig Subdivision.

At the continued public hearing, the applicant's representative spoke. However, no other members of the public spoke at the hearing. No written comments were submitted.

City Commission

The public was duly notified of this request. A notice was published in the Bismarck Tribune on June 12 and June 19, 2024.

All written comments received by staff prior to the public hearing will be distributed to the City Commission prior to the June 25, 2024, meeting and summarized by staff during the oral presentation.

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

Review Standards and Findings of Fact

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

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Neighborhood Mixed Use (NMU) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow the construction of a single-family dwelling in conjunction with a commercial use on Lot 3 of the proposed plat. Development that may be anticipated from the proposed zoning

(continued)

would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The property is zoned both A – Agriculture and CG – Commercial. The CG – Commercial zoning district was established in 1978 and conditions have changed since this time. The proposed zoning map amendment is being requested to allow the development of Lot 3 to include a single-family dwelling in conjunction with a commercial use.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

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

No. The proposed amendment may impede the goals and objectives of the Comprehensive Plan. Specifically, without annexation of the plat, the following goals would not be advanced.

Objective G5(a) states:

“Preserve the ability of the City to expand its boundaries by strictly limiting rural development within the Urban Service Area of the Growth Phasing Plan, unless future urbanization is clearly feasible and agreed to by all parties”

Objective G3(c) states:

“Provide all municipal services, including roadways, water, sewer, stormwater,

police, and fire protection equitably to all annexed land, unless certain service connections are clearly not feasible in the immediate future and both City and landowner mutually agree to forgo such services temporarily until readily available”

Lots within this plat would have access to municipal water which is located within the East Main Avenue right-of-way. The City has agreed that lots within the plat can be serviced by an individual septic tank and drain field until such a time that municipal sanitary sewer is available.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

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

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

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

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

No. City of Bismarck staff find that the proposed zoning map amendment would adversely impact the public health, safety, and general welfare. In particular, without annexation of the proposed plat, the ability of the city to expand its

(continued)

boundaries and extend municipal services would be limited.

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion.

Yes. The Planning and Zoning Commission did not place conditions on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. Easements are included for stormwater and drainage, municipal water and sanitary sewer, access, and other utilities.

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

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

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

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A

complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. East Main Avenue is included in the proposed plat and is an existing arterial roadway. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. A future shared use trail could be incorporated into the right-of-way for East Main Avenue. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore, no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

(continued)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity has been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision. In particular, access easements have been added to the proposed plat to provide future access to adjacent properties.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Access to all three lots within the proposed plat would be from one existing access point along East Main Avenue via access easements. The proposed plat also includes an access easement along the north side of Lot 2 which could provide access to the adjacent property to the east if access along East Main Avenue becomes limited in the future.

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

Yes. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal 16-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA),

also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f](#), Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

No, unless the proposed plat is annexed and a development agreement is created and approved by the Bismarck City Commission. Public costs associated with provision of municipal water and future sewer service to new development will be adequately compensated for through payment of utility capital charges. The initial development will be funded by the developer or through special assessment of properties benefitted by said improvements, as outlined in the Development Cost Policy. Ongoing costs of maintenance and operation of all public facilities will be offset by property and/or sales tax derived from the proposed subdivision.

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

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

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the draft development agreement, zoning map amendment from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district, and major subdivision final plat for Fettig Subdivision, with the following condition:

1. A signed annexation petition is submitted prior to recording the proposed plat.
2. A development agreement is approved by the City Commission prior to recording the proposed plat.

Attachments

1. Draft Development Agreement
2. Draft Zoning Ordinance
3. Zoning and Plan Reference Map
4. Proposed Zoning Map
5. Growth Phasing Plan Map
6. Preliminary Plat
7. Final Plat
8. Draft Rural Water Agreement

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

DEVELOPMENT AGREEMENT – 2024

The City of Bismarck (the “City”) and Robert Fettig, their successors and assigns (the “Developer”), make this Development Agreement (“Agreement”) with regard to future annexation of lands into the corporate limits of the City, such lands described as follows:

Lots 1-3, Block 1, Fettig Subdivision, Burleigh County, North Dakota.

The **Developer** desires to develop the land known as Fettig Subdivision, which lies within one-quarter mile of **City’s** corporate limits and is thus not subject to restrictions on agreements to annex in 40-47-01.2 (City Zoning) of North Dakota Century Code. The **City** desires to preserve its ability the grow in an orderly and efficient manner in the future.

In exchange for the mutual performance of the parties under this Agreement, the parties hereby agree to the following terms, conditions and obligations:

1. The **Developer** will file with the **City** a duly executed petition for annexation of Fettig Subdivision, contemporaneously with the execution of this agreement. The petition for annexation shall remain binding on any successors to interest in the above described property and shall be a covenant running with the land.
2. The **City** shall hold said petition until no less than twenty (20) years after the date of this agreement or at such time when **City** sanitary sewer services are within 500 feet and available for use with required rights-of-way or easements to access the utility/sewer whichever is sooner, at which point the petition may be submitted to the Board of City Commissioners for final action and consideration for annexation, following standard procedures in place at the time.
3. Upon receipt of the annexation petition, the **City** will authorize the plat for Fettig Subdivision for recordation with the Burleigh County Recorder’s Office

Notary Public

Dated this ____ day of _____, 2024.

City of Bismarck

Michael T. Schmitz
President, Board of City
Commissioners

Attest: _____
Jason Tomanek
City Administrator

STATE OF _____)
) ss.
COUNTY OF _____)

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

Notary Public

CITY OF BISMARCK

ORDINANCE NO. 6580

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agriculture and CG – Commercial zoning districts and included in the CG – Commercial zoning district:

Lots 1-3, Block 1, Fettig Subdivision

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

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



Zoning and Plan Reference Map

FETTIG SUBDIVISION

PPLT2023-004

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

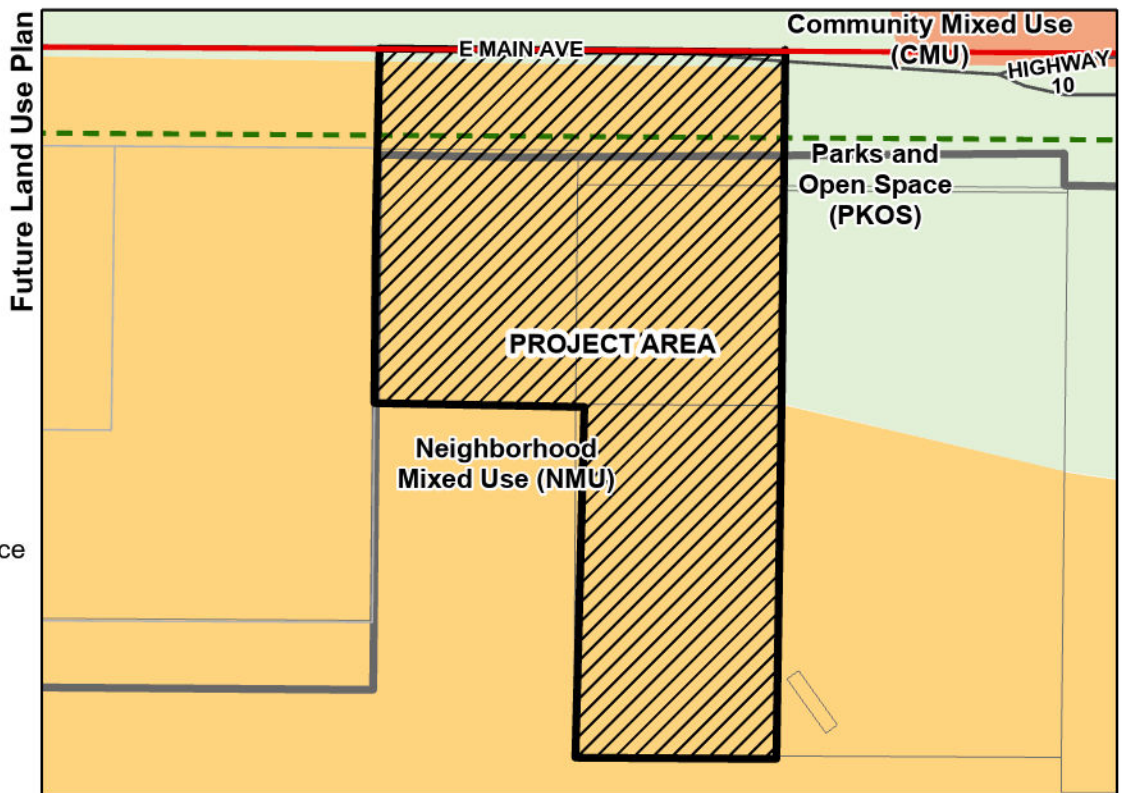
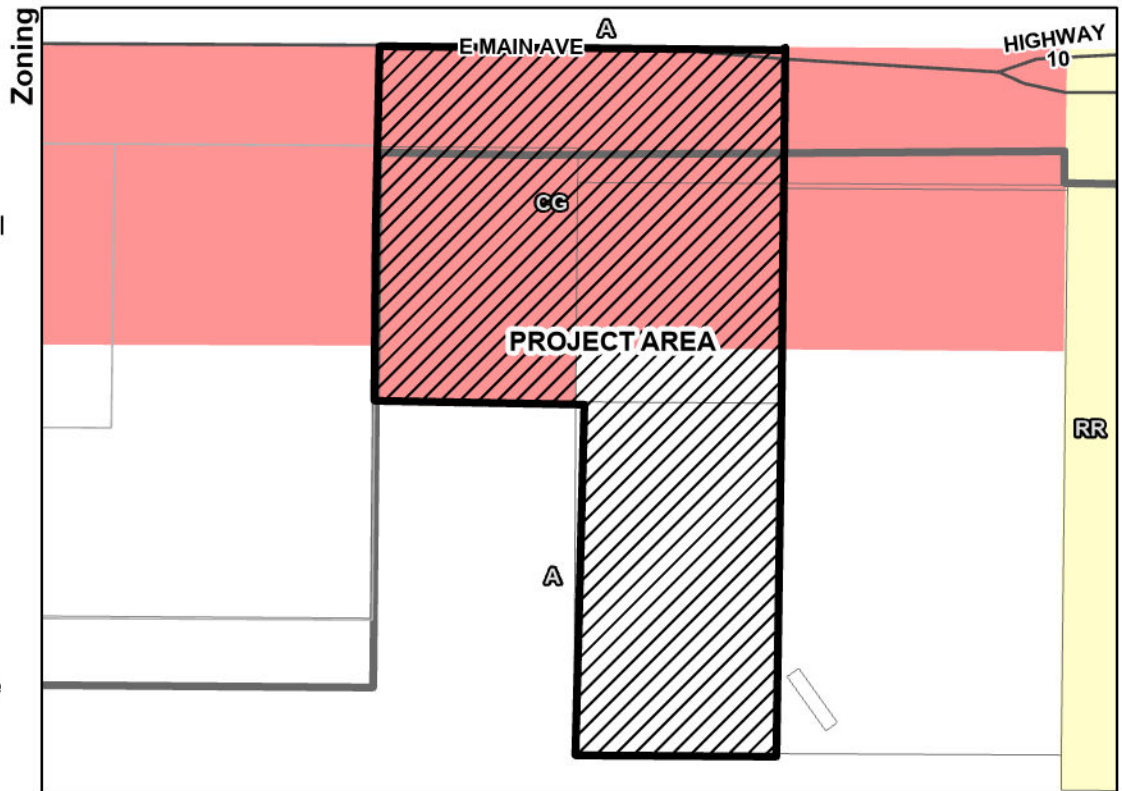
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

Future Shared Trail

Major Street Plan

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



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.

0 137.5 275 550 Feet



City of Bismarck
Community Development
Planning Division
February 20, 2024

Proposed New Zoning Map

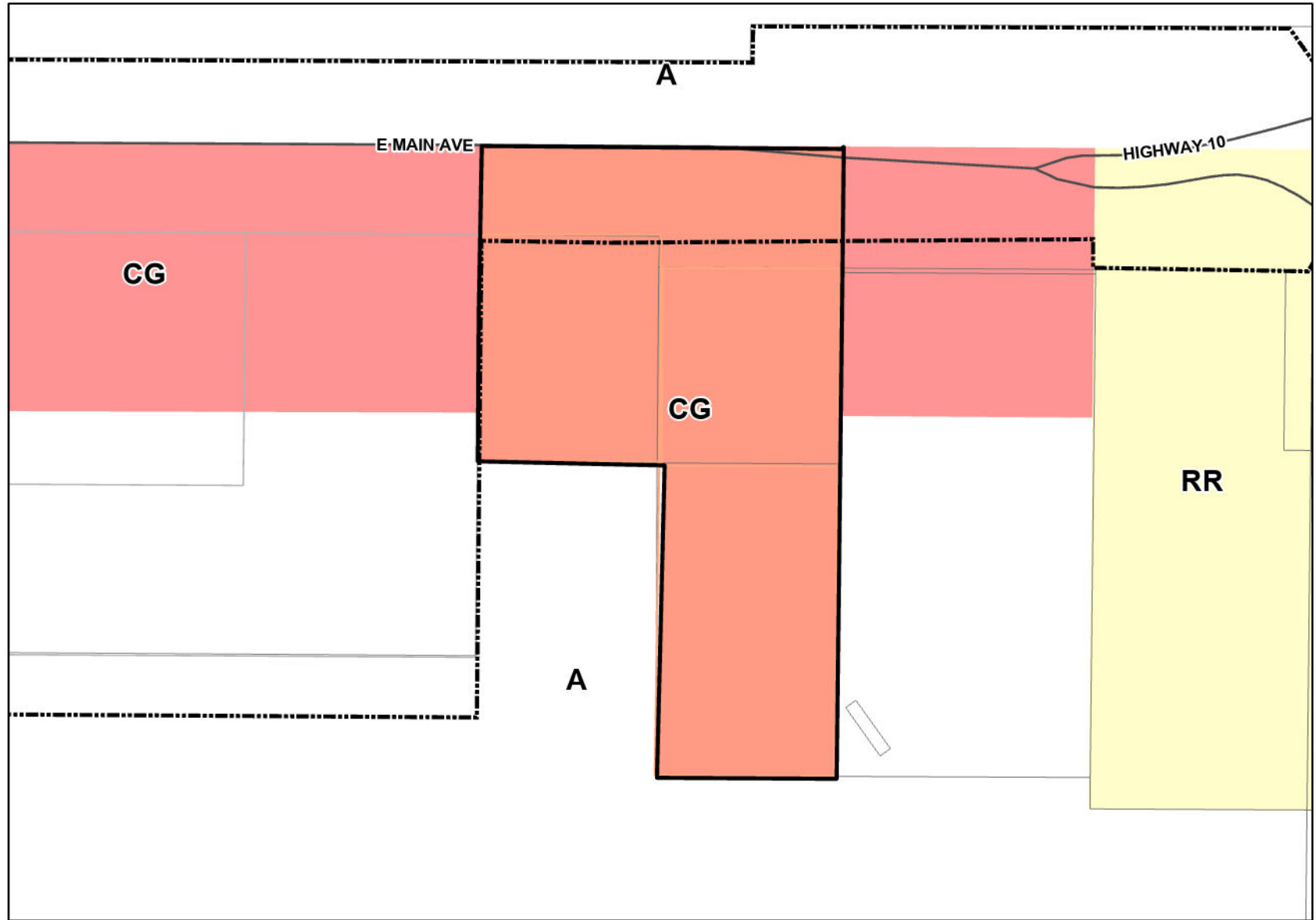
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

- A** Agriculture
- RR** Rural
- R5** Residential
- RMH** Manufactured
Home Residential
- R10** Residential
- RM** Residential
Multifamily
- RT** Residential
(Offices)
- HM** Health and
Medical
- CA** Commercial
- CG** Commercial
- MA** Industrial
- MB** Industrial
- PUD** Planned Unit
Development
- DC** Downtown Core
- DF** Downtown Fringe

*A "C-" prior to the district
indicates that special
conditions would apply
to the zoning district*



0 0.05 0.1 0.2 Miles

*This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.*

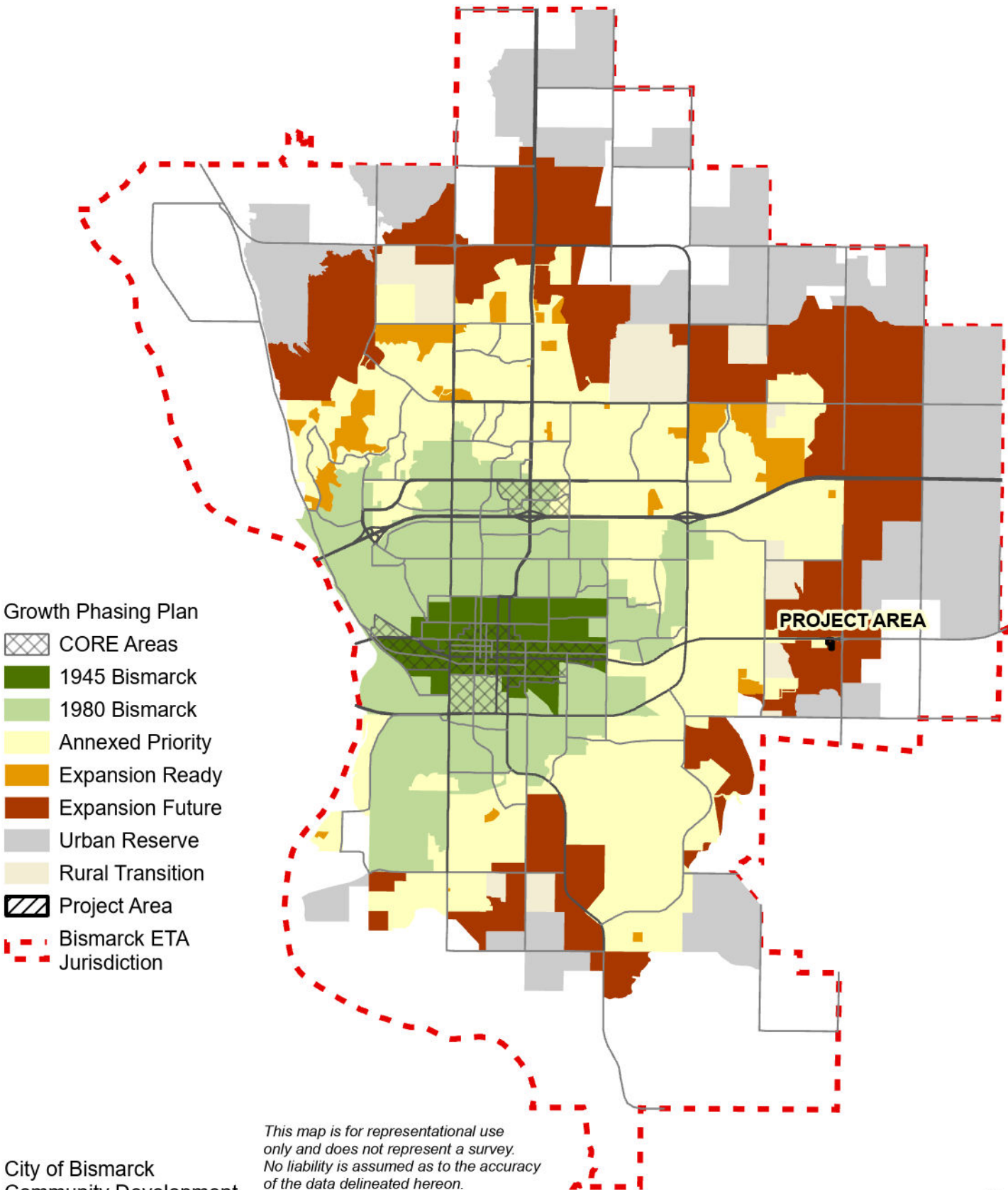


City of Bismarck
Community Development
Planning Division
February 20, 2024



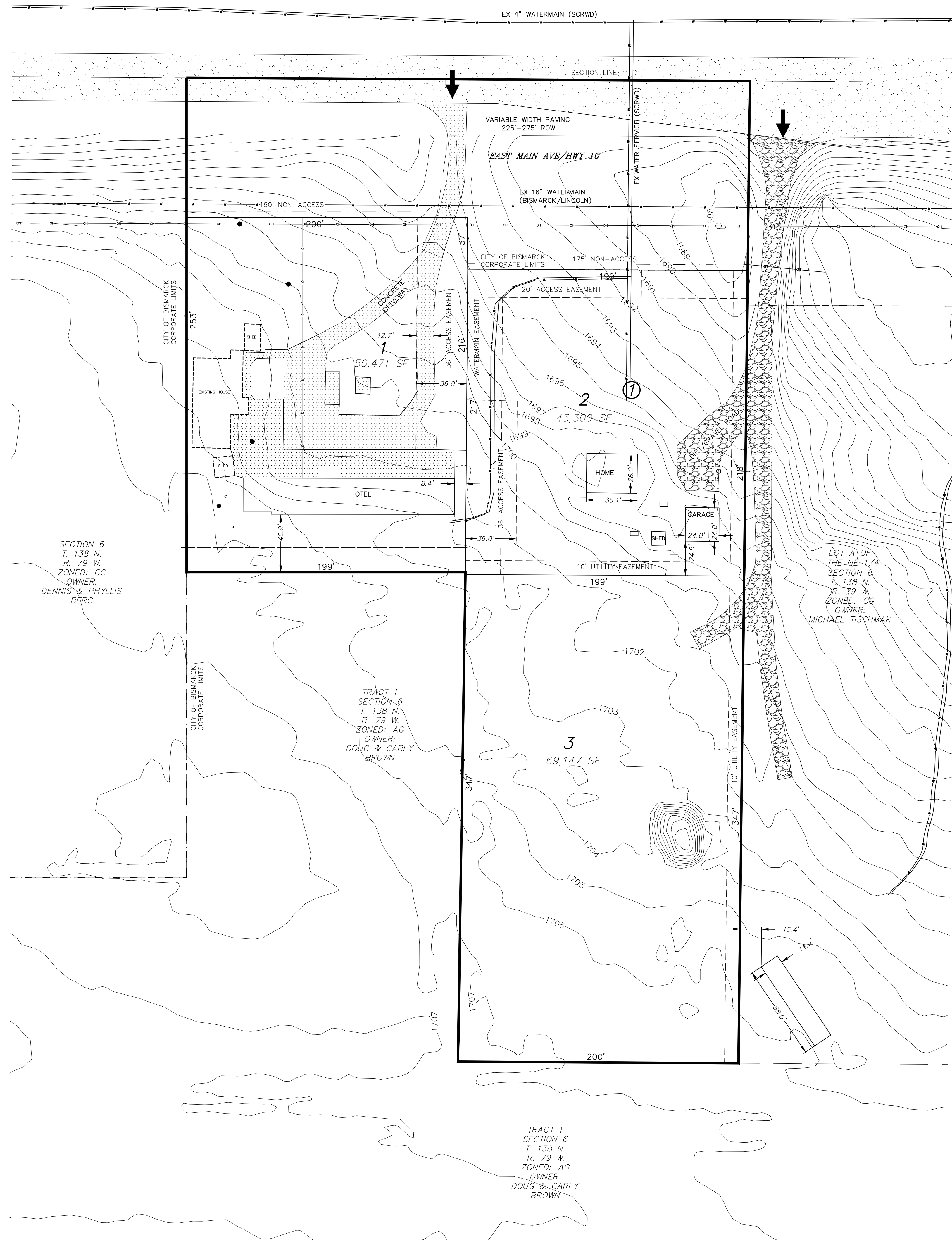
Growth Phasing Plan Map
FETTIG SUBDIVISION

PPLT2023-004



FETTIG SUBDIVISION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6,
TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BURLEIGH COUNTY, NORTH DAKOTA

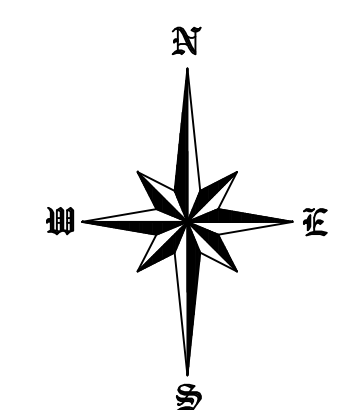


LOCATION MAP

4.8 ACRES
EXISTING ZONING: A/CG
PROPOSED ZONING: CG
3 LOTS
1 BLOCK

OWNER: ROBERT FETTIG

400' ARTERIAL RIGHT-OF-WAY



0 40' 80'
SCALE - 1" = 40'

VERTICAL DATUM: NAVD 88

JANUARY 26, 2024



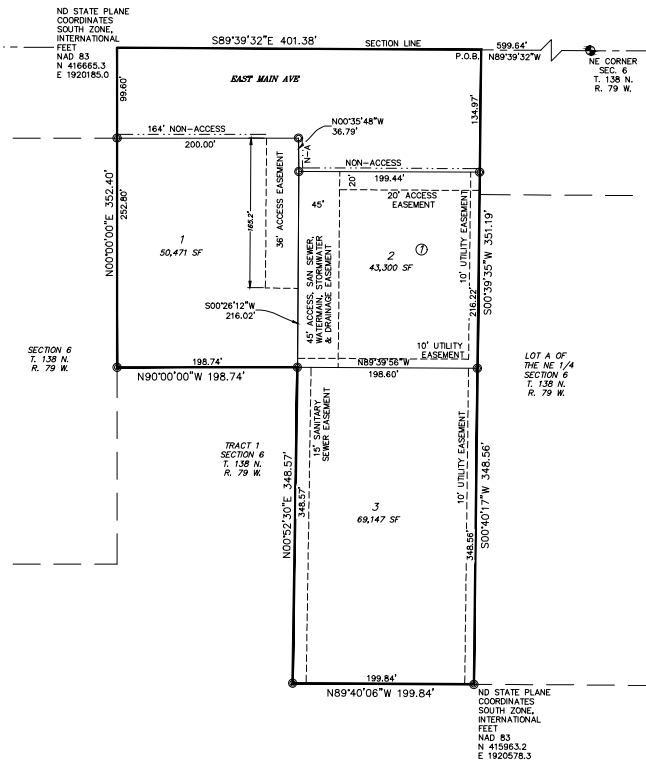
SWENSON, HAGEN & COMPANY P.C.

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

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

FETTIG SUBDIVISION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6,
TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

BEING ALL OF HIGHWAY SUBDIVISION & PART OF THE NE 1/4 OF SECTION 6, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH LINE OF SAID NE 1/4 THAT IS NORTH 89 DEGREES 39 MINUTES 32 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 599.84 FEET FROM THE NE CORNER OF SAID NE 1/4; THENCE SOUTH 00 DEGREES 19 MINUTES 35 SECONDS WEST, ALONG THE WEST LINE AND ITS NORTHERLY EXTENSION OF LOT 1 OF SAID NE 1/4, A DISTANCE OF 351.19 FEET; THENCE SOUTH 00 DEGREES 40 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 348.56 FEET, TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 40 MINUTES 06 SECONDS WEST, ALONG THE BOUNDARY OF TRACT 1 OF SECTION 6, A DISTANCE OF 199.84 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 30 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 348.57 FEET; THENCE NORTH 80 DEGREES 00 MINUTES 00 SECOND WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 198.74 FEET TO THE WEST LINE OF HIGHWAY SUBDIVISION; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID WEST LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 352.40 FEET TO THE NORTH LINE OF SAID NE 1/4; THENCE SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 401.38 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 4.82 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

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

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2024, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST:
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2024.

MICHAEL T. SCHMITZ - PRESIDENT

ATTEST: JASON TOMANEK - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL - CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

I, ROBERT FETTING, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED FETTING SUBDIVISION, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS UTILITY EASEMENT TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATION AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

THEY ALSO DEDICATE ACCESS EASEMENTS TO THE PUBLIC, TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, TO PASS AND REPASS ALONG SAID EASEMENT, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY IN THE SUBDIVISION.

THEY FURTHER GRANT A WATERMAIN & SANITARY SEWER EASEMENT TO THE CITY OF BISMARCK, SAID EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATERMAIN AND SANITARY SEWER FACILITIES UNDER OR UPON THE REAL PROPERTY DESIGNATED HEREON AS WATERMAIN EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ROBERT FETTING
6319 E MAIN AVE
BISMARCK, ND 58501

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED ROBERT FETTING, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATA:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

VERTICAL BENCHMARK:
SE CORNER FETTING SUBDIVISION
ELEV. 1706.19 (NAVD 88)

AREA DATA

LOTS	162,916 SF	4.74 ACRES
STREETS	16,803 SF	1.06 ACRES
TOTAL	209,811 SF	4.82 ACRES



SCALE: 1" = 60'

APRIL 9, 2024

MONUMENT IN PLACE



SWENSON, HAGEN & COMPANY P.C.

909 Basin Avenue
Bismarck, North Dakota 58501
Sheng@swensonhagen.com
Phone (701) 221-2600
Fax (701) 221-2606
Surveying
Titlework
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

WATER SERVICE AGREEMENT FOR FETTIG SUBDIVISION

The City of Bismarck (**City**) and South Central Regional Water District (**SCWD**) agree as follows:

Whereas the **City** and **SCWD** have an Agreement (Agreement for the Sale of Water by the City of Bismarck to the Burleigh Water Users Cooperative, now known as South Central Regional Water District, dated 1996) which provides for the sale of Bismarck water to **SCWD** under certain terms and conditions; and

Whereas the Agreement provides that **SCWD** may not provide new service to any platted subdivision within two (2) miles of the Bismarck corporate limits without prior approval by the **City**; and

Whereas Fettig Subdivision is located within two (2) miles of the Bismarck corporate limits and **developer** desires to have **SCWD** provide water to the subdivision.

The **City** grants **SCWD** permission to provide water service to Lots 1-3, Block 1, Fettig Subdivision subject to the following terms and conditions:

1. The **City** agrees that **SCWD** can provide water service to Fettig Subdivision for a period of 5 years from the date of the filing of the plat and thereafter, the City will give **SCWD** a 1-year notice of the **City's** intent to offer service to Fettig Subdivision and for **SCWD** to end service.
2. All service line installations in Fettig Subdivision shall be to current **City** specifications.
3. A note concerning the terms of this agreement shall be included on the plat of Fettig Subdivision. The plat note shall read, "The water service agreement between the City of Bismarck and South Central Regional Water District will allow the provision of water service to Fettig Subdivision for a period of 5 years and subsequent to that time, the City may, upon a 1-year notice, require South Central Regional Water District to discontinue water service if City water service is available."

4. A note concerning the terms of this agreement shall be included in each individual service agreement between **SCWD** and members in Fettig Subdiviison.
5. Any penalties, fees, or costs to a property owner associated with discontinuation of SCWD service related to said annexation and provision of City services after the initial five (5) year term shall be waived by SCWD.

Dated this _____ day of _____, 20__.

City of Bismarck

Attest: _____
Jason Tomanek
City Administrator

By: _____
Michael Schmitz, President
Bismarck City Commission

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

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

Notary Public

(SEAL)

Dated this _____ day of _____, 20__.

South Central Regional Water District

Attest: _____ By: _____
Alan Smith Larry Kassian
Chief Financial Officer Executive Director

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this _____ day of _____, 20__, before me personally appeared Larry Kirschmann, Executive Director of South Central Regional Water District and Alan Smith, Chief Financial Officer of South Central Regional Water District, known to me to be the persons described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

(SEAL)

Notary Public



Community Development Department

DATE: June 25, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: West Region Medical Second Addition – Zoning Map Amendment and Major Subdivision Final Plat

REQUEST:

Public hearing on Ordinance 6581, a zoning map amendment and major subdivision final plat for West Region Medical Addition.

BACKGROUND INFORMATION:

High Plains PMS LLC and Bearstail Basketball request approval of a zoning map amendment from the CG – Commercial and RT – Residential zoning districts to the CG – Commercial zoning district and major subdivision final plat for West Region Medical Second Addition. Approval of the proposed zoning map amendment and proposed plat would rededicate Idaho Drive, adjust lot lines and allow for future commercial development including a basketball training and game facility.

A public hearing at the Planning and Zoning Commission meeting was held on May 22, 2024. No members of the public spoke at the hearing and no written comments were submitted.

At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously approved the zoning map amendment and major subdivision final plat for West Region Medical Second Addition.

The City Commission considered the proposed zoning map amendment at their June 11, 2024 meeting and called for a public hearing on the request.

The attached staff report contains a complete review of the request, according to the standards of the Comprehensive Plan, city ordinances, and relevant law. Additionally, the staff report contains an overview of past public engagement related to this request.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing on the zoning map amendment as outlined in Ordinance 6581 and take final action on the zoning map amendment and major subdivision final plat titled West Region Medical Second Addition.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov
Jenny Wollmuth, Senior Planner, 701-355-1850, jwollmuth@bismarcknd.gov

ATTACHMENTS:

1. West Region Medical Second Addition

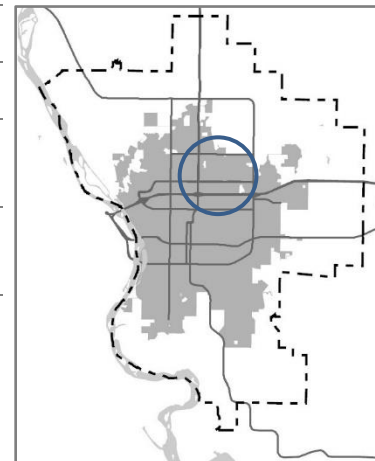
STAFF REPORT

Application for: **Zoning Map Amendment**
Final Plat

Project ID: **ZC2024-001**
FPLT2024-001

Project Summary

<i>Title:</i>	West Region Medical Second Addition
<i>Status:</i>	Board of City Commissioners – Public Hearing
<i>Property Owner(s):</i>	High Plains PMS LLC Bearstail Basketball
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Company
<i>Project Location:</i>	In north-central Bismarck, north of East Century Avenue between State Street and North 19th Street, along the south side of East Calgary Avenue (being a replat of all of West Region Medical Addition)
<i>Project Size:</i>	17 acres
<i>Applicant Request:</i>	Replat property for future development
<i>Staff Recommendation:</i>	Approve
<i>Planning & Zoning Commission:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	3 parcels in 2 blocks	<i>Lots/Blocks:</i>	3 lots in 2 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Commercial land uses including basketball training and game facility
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	RT – Residential CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	RT – Offices and multi-family residential CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	RT – 30 units / acre CG – 42 units / acre	<i>Max Density:</i>	CG – 42 units / acre

(continued)

Area Information

Zoning Jurisdiction: Bismarck City Limits
Township: N/A (City of Bismarck)
Neighborhood: Memorial

Property History

Zoned: 06/2004
Platted: 07/2013
Annexed: 04/1993

Project Narrative

High Plains PMS LLC and Bearstail Basketball are requesting approval of a zoning map amendment from the CG – Commercial and RT – Residential zoning districts to the CG – Commercial zoning district and major subdivision final plat for West Region Medical Second Addition.

Approval of the proposed zoning map amendment and proposed plat would rededicate Idaho Drive, adjust lot lines, and allow for future commercial development including a basketball training and game facility.

A public hearing at the Planning and Zoning Commission was held on May 22, 2024. No members of the public spoke at the hearing and no written comments were submitted.

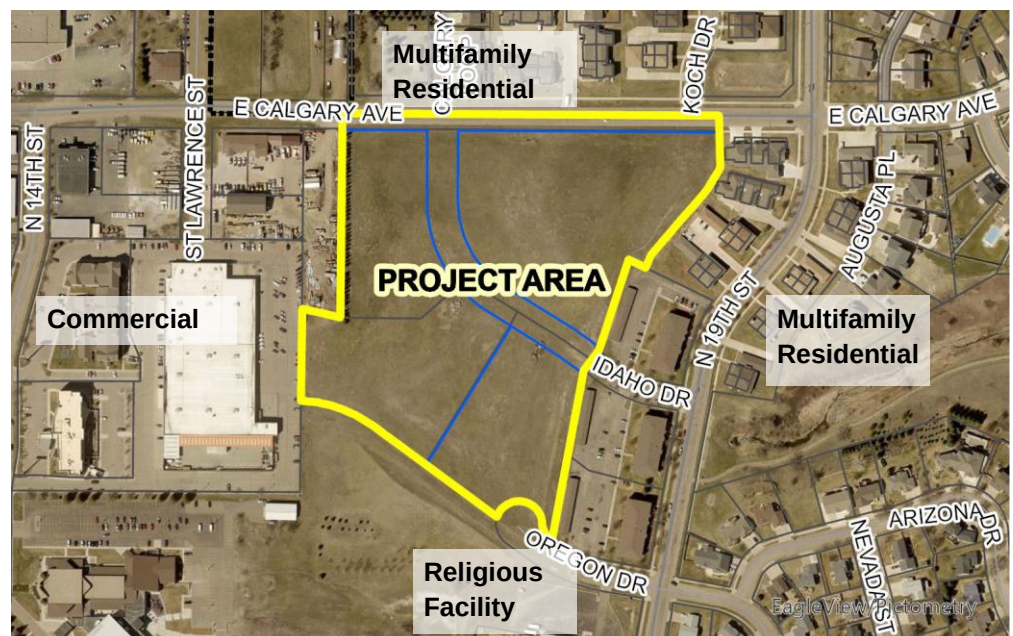
At the conclusion of the public hearing and based on the findings contained in the staff report, the Planning and Zoning Commission unanimously approved the zoning map amendment and major subdivision final plat for West Region Medical Addition.

Planning and Zoning Commission Action

Project Context

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

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



The property has been identified as Community Mixed Use (CMU) in the Future Land Use Plan. The CMU areas are places of commerce, employment, and residence for the Bismarck

community. Goals and objectives of this plan as they relate to the proposed zoning map amendment and final plat are referenced in review standards below.

(continued)

Adjacent uses include multifamily residential to the north across East Calgary Avenue and to the east, a religious facility to the south, and commercial property to the west.

Background Information

The proposed plat is a replat of all of West Region Medical Addition, which was approved in 2013. A plat modification to vacate all of Idaho Drive and a lot modification to combine Lots on either side of Idaho Drive into one parcel were approved in 2015 at the owner's request.

The proposed plat would rededicate Idaho Drive in the same location as the original plat and create parcels for development. Idaho Drive would be constructed to the northwestern edge of Lot 1, Block 1 and would continue north to East Calgary Avenue as development of the adjacent lots occurs.

Public Engagement

Planning and Zoning Commission

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 10 and 17, and 94 letters were mailed to the owners of nearby properties on May 10, 2024.

At the public hearing, the applicant's representative spoke. However, no other members of the public spoke at the hearing. No written comments were submitted.

City Commission

The public was duly notified of this request. A notice was published in the Bismarck Tribune on June 12 and June 19, 2024.

All written comments received by staff prior to the public hearing will be distributed to the City Commission prior to the June 25, 2024, meeting and summarized by staff during the oral presentation.

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

Review Standards and Findings of Fact

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

Zoning Map Amendment

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Community Mixed Use (CMU) in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow for commercial uses, specifically a basketball training and game facility which is allowed in the CG – Commercial zoning district as a commercial recreation group. Development that may be anticipated from the proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of RT – Residential and CG – Commercial were established in 2004. Conditions have changed since this time including adoption of new comprehensive plans.

(continued)

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

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

Yes. The proposed zoning map amendment would confirm to the Community Mixed Use (CMU) designation as outlined in the Future Land Use Plan.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

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

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

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

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

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff

find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Major Subdivision Final Plat

The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion.

Yes. The Planning and Zoning Commission did not place conditions on the approval of the preliminary plat.

Sufficient easements and rights-of-way are included on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. Easements are included for stormwater and drainage, municipal water and sanitary sewer, access, and other utilities.

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

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

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

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. Staff held a meeting with the applicant to discuss the request

(continued)

prior to submittal of a formal application. A complete application for the final plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

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

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. East Calgary Avenue is included in the proposed plat and is an existing collector roadway. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. There is an existing street bike connection within the right-of-way of East Calgary Avenue. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. The proposed subdivision would likely not have a substantial effect on circulation and safety

of public roadways in the vicinity, and therefore, no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes. Subdivision design requirements, such as maximum block length, intended to promote street connectivity have been met, and there are no cul-de-sacs or dead-end streets in the proposed subdivision. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal I5](#), Section 14.1-04-03);

Yes. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) for the proposed subdivision.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision ([Goal I6-a](#))

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

(continued)

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f](#), Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

Yes. The proposed subdivision involves infill and redevelopment of an area already served by municipal infrastructure. The additional up-front and ongoing costs to the City are expected to be minimal, relative to the benefits provided by the subdivision.

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning map amendment from the RT – Residential and CG Commercial zoning districts to the CG – Commercial zoning district and major subdivision final plat for West Region Medical Second Addition.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Preliminary Plat
5. Final Plat

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. 6581

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RT – Residential and CG – Commercial zoning district and included in the CG – Commercial zoning district:

Lot 1 and Lot 2, Block 1, West Region Medical Second Addition

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the CG – Commercial zoning district and included in the CG - Commercial zoning district:

Lot 1, Block 2, West Region Medical Second Addition

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



Zoning and Plan Reference Map

WEST REGION MEDICAL SECOND ADDITION

PPLT2024-002

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

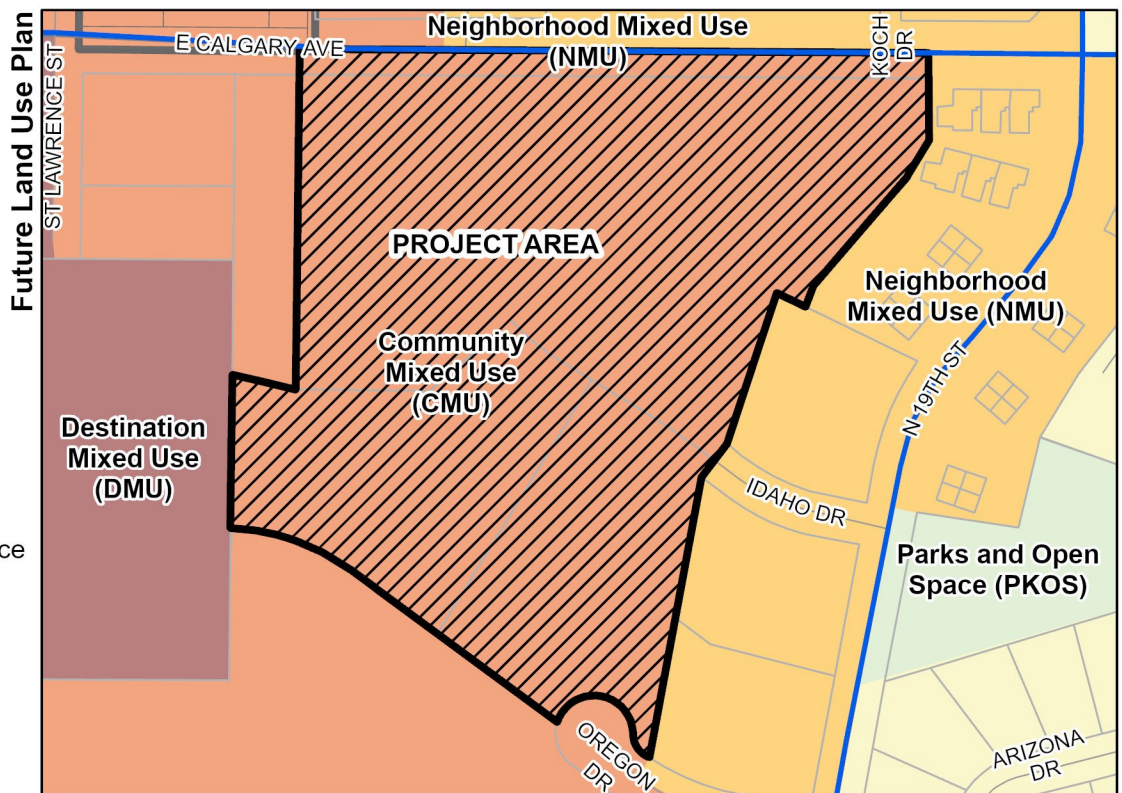
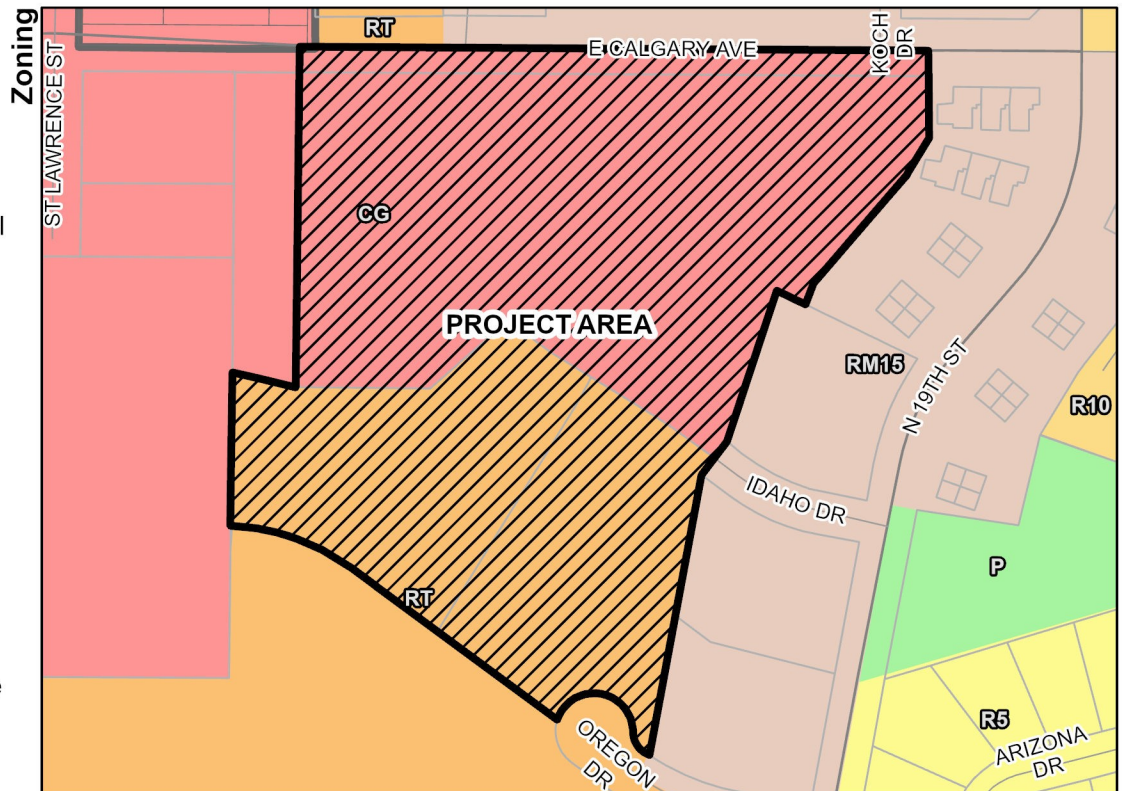
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Rural Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

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



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.

0 220 440 880 Feet



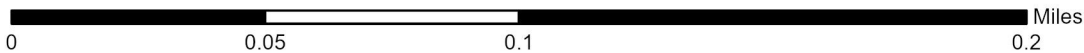
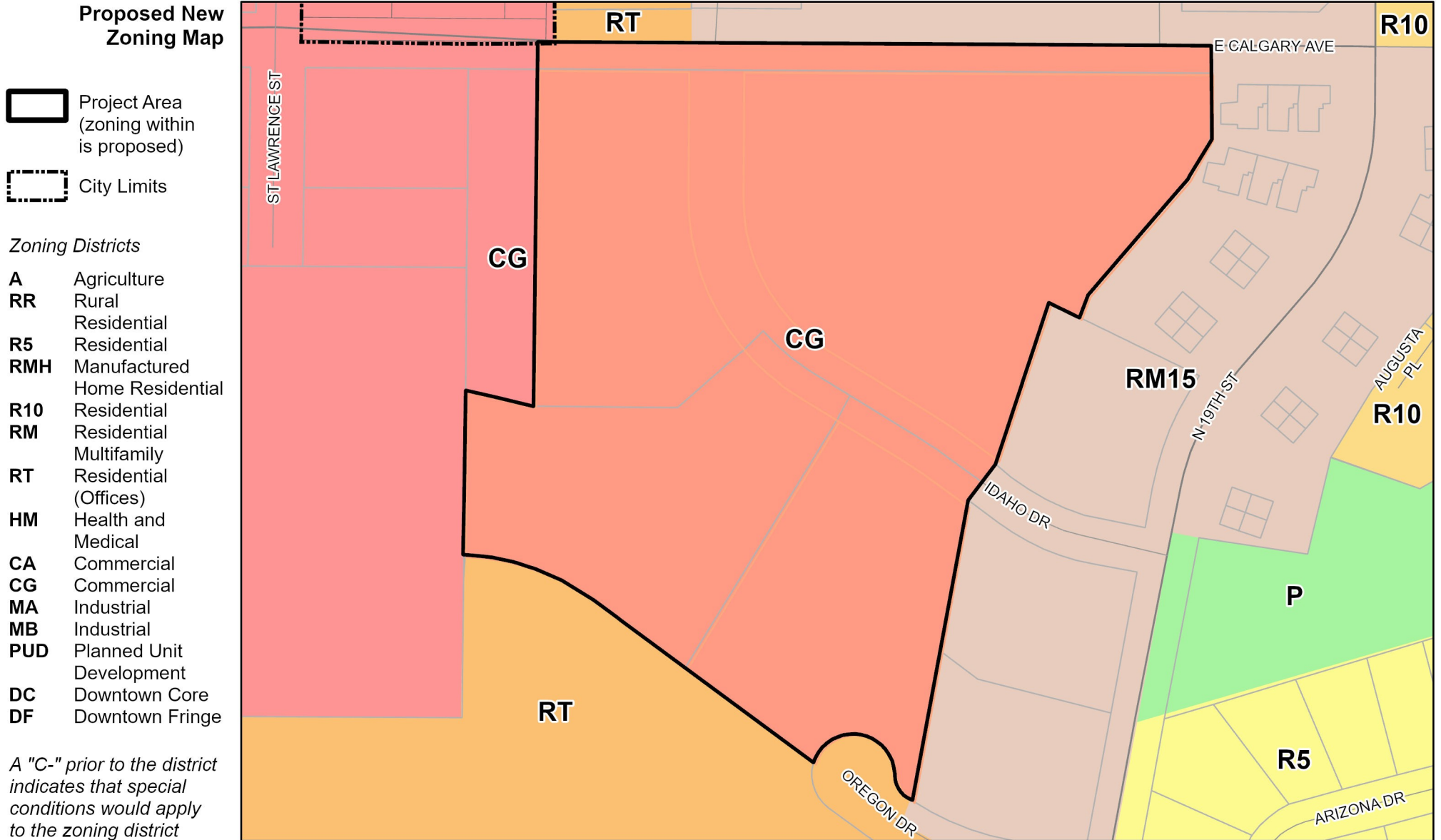
City of Bismarck
Community Development
Planning Division
March 19, 2024



Proposed Zoning Change

WEST REGION MEDICAL SECOND ADDITION

PPLT2024-002



*This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.*



City of Bismarck
Community Development
Planning Division
March 19, 2024

WEST REGION MEDICAL SECOND ADDITION

BEING A REPLAT OF ALL OF WEST REGION MEDICAL ADDITION
PART OF THE SW 1/4 OF SECTION 22
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

17.0 ACRES

EXISTING ZONING: RT/CG

PROPOSED ZONING: CG

3 LOTS, 2 BLOCKS

OWNER: HIGH PLAINS PMS, LLC
PO BOX 564
MANDAREE, ND 58757

BEARS TAIL BASKETBALL
8008 NORTHWOOD PLACE
BISMARCK, ND 58503



0 80'

SCALE - 1" = 80'
VERTICAL DATUM: NAVD 88
MARCH 21, 2024



LOCATION MAP



SWENSON, HAGEN & COMPANY P.C.

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

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

WEST REGION MEDICAL SECOND ADDITION

BEING ALL OF WEST REGION MEDICAL ADDITION
OF THE SW 1/4 OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING ALL OF WEST REGION MEDICAL ADDITION OF THE SW 1/4 OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BUREIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 BLOCK 1 PEBBLE CREEK SIXTH ADDITION; THENCE NORTH 00 DEGREES 37 MINUTES 50 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 6 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 531.71 FEET TO THE CENTERLINE OF CALGARY AVENUE RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 38 MINUTES 19 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 981.55 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 00 DEGREES 11 MINUTES 11 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 135.66 FEET TO THE WEST LINE OF LOT 2 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 29 DEGREES 03 MINUTES 58 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 67.54 FEET TO THE WEST LINE OF LOT 3 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 40 DEGREES 50 MINUTES 43 SECONDS WEST, ALONG SAID WEST LINE AND THE WEST LINE OF LOT 4 BLOCK 1 PEBBLE CREEK NINTH ADDITION, A DISTANCE OF 223.05 FEET; THENCE SOUTH 21 DEGREES 00 MINUTES 20 SECONDS WEST, CONTINUING ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 35.11 FEET TO THE NORTH LINE OF LOT 5 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE NORTH 64 DEGREES 11 MINUTES 01 SECOND WEST, ALONG SAID NORTH LINE, A DISTANCE OF 49.36 FEET TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH 18 DEGREES 20 MINUTES 45 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 247.69 FEET TO THE NORTH LINE OF IDAHO DRIVE RIGHT-OF-WAY; THENCE SOUTH 37 DEGREES 16 MINUTES 56 SECONDS WEST, A DISTANCE OF 66.01 FEET TO THE WEST LINE OF LOT 3 BLOCK 1 PEBBLE CREEK SIXTH ADDITION; THENCE SOUTH 10 DEGREES 28 MINUTES 26 SECONDS WEST, ALONG SAID WEST LINE, AND THE WEST LINE OF LOT 4 BLOCK 1 PEBBLE CREEK SIXTH ADDITION, A DISTANCE OF 445.81 FEET TO THE BOUNDARY OF OREGON DRIVE RIGHT-OF-WAY; THENCE NORTHWESTERLY AND TO THE RIGHT, ON A 60.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 33 DEGREES 03 MINUTES 45 SECONDS EAST, ALONG SAID BOUNDARY, AN ARC LENGTH OF 53.63 FEET; THENCE WESTERLY AND TO THE LEFT, ON A 60.00 FOOT RADIUS CURVE, CONTINUING ALONG SAID BOUNDARY, AN ARC LENGTH OF 165.19 FEET TO THE NORTH LINE OF LOT 5 BLOCK 1 PEBBLE CREEK SIXTH ADDITION; THENCE NORTH 53 DEGREES 32 MINUTES 48 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 398.32 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID NORTH LINE, ON A 340.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 204.53 FEET TO THE EAST LINE OF LOT 1 BLOCK 1 HOME DEPOT ADDITION; THENCE NORTH 00 DEGREES 35 MINUTES 37 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 199.93 FEET TO THE SOUTH LINE OF LOT 6 BLOCK 1 PEBBLE CREEK NINTH ADDITION; THENCE SOUTH 76 DEGREES 47 MINUTES 20 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 102.59 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 17.04 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

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

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____, 202____, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ — CHAIRMAN

ATTEST
BEN EHRETH — SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

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

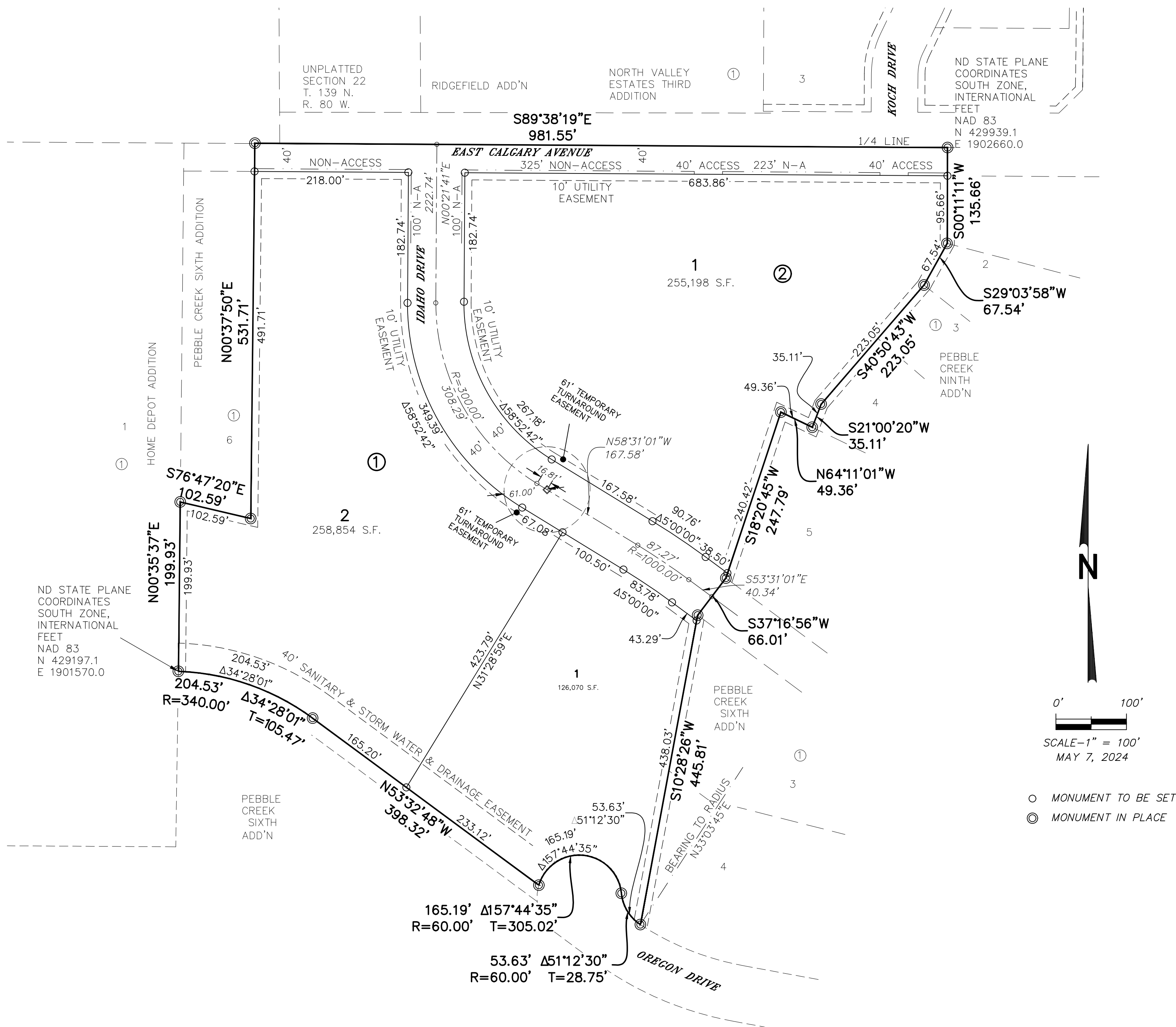
MICHAEL T. SCHMITZ---PRESIDENT

ATTEST: JASON TOMANEK---CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT.

GABRIEL J. SCHELL---CITY ENGINEER



NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

VERTICAL BENCHMARK:
HYD #2011 ELEV. 1774.17 (NGVD 29)
19TH STREET 1ST NORTH OF IDAHO DRIVE

AREA DATA

LOTS	640,122 S.F.	14.70 ACRES
STREETS	102,169 S.F.	2.34 ACRES
TOTAL	742,291 S.F.	17.04 ACRES

OWNER'S CERTIFICATE & DEDICATION

WE, HIGH PLAINS PMS, LLC & BEARS TAIL BASKETBALL, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED WEST REGION MEDICAL SECOND ADDITION, AND DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

WE ALSO DEDICATE TO THE CITY OF BISMARCK ALL EASEMENTS AS SHOWN ON THIS PLAT AS UTILITY EASEMENT TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATION AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

BIRON BAKER
HIGH PLAINS PMS, LLC
PO BOX 564
MANDAREE, ND 58757

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED BIRON BAKER OF HIGH PLAINS PMS, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

OWNER'S CERTIFICATE & DEDICATION CONT'D

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

BEARS TAIL BASKETBALL
8008 NORTHWOOD PLACE
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED _____ OF BEARS TAIL BASKETBALL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



SWENSON, HAGEN & COMPANY P.C.

909 Basin Avenue
Bismarck, North Dakota 58504
shcug@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management



Community Development Department

DATE: June 25, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: JoMo Coffee House – Rehabilitation Renaissance Zone Project

REQUEST:

Consider the request for a Rehabilitation Renaissance Zone project designation and take final action.

BACKGROUND INFORMATION:

Truongthaigroup LLC requests approval of a Rehabilitation Renaissance Zone Project at 515 East Main Avenue along with a local property tax exemption on the increased value of the property for five years as well as an exemption from state income tax on income derived from the same location.

The applicant is proposing to rehabilitate an existing commercial building for a new business that would be a combination coffee/tea house and restaurant. The estimated project cost of the rehabilitation is \$1,000,000 which exceeds the required threshold of 50% of the assessed building value.

The Renaissance Zone Authority held a public hearing on this request at their May 9 meeting. There were no public comments submitted prior to the meeting and no members of the public spoke at the hearing, with the exception of the applicant who addressed some questions from the Authority. At the end of the hearing, the Authority unanimously approved the project as a local property tax exemption on the increased value of the property for five years as well as a exemption from state income tax on income derived from the property with two conditions:

1. A Certificate of Good Standing from the North Dakota Office of State Tax Commissioner is received prior to approval by the Bismarck Board of City Commissioners.
2. A description of exterior work above the main entrance (including an example of paint color) is provided so the Downtown Design Review Technical Advisors can confirm consistency with Downtown Design Review guidelines.

The Certificate of Good Standing has been received by Community Development staff and final discussions between the applicant and the Downtown Design Review Technical Advisors of minor exterior work are ongoing as of this memo.

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:

Consider the request for a Rehabilitation Renaissance Zone project designation and take final action.

STAFF CONTACT INFORMATION:

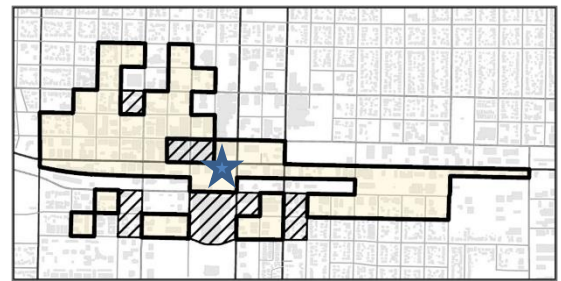
Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Isak Johnson, Planner, 701-355-1850, ijohnson@bismarcknd.gov

ATTACHMENTS:

1. Jomo Coffee House

Project Summary

<i>Title:</i>	JOMO HOUSE
<i>Project Type:</i>	Rehabilitation
<i>Status:</i>	Board of City Commisisoners
<i>Property Owner(s):</i>	Truongthaigroup LLC
<i>Project Contact:</i>	Leo Ivy, Truongthaigroup LLC
<i>Project Location:</i>	515 East Main Avenue
<i>RZ Block #:</i>	25
<i>Applicant Request:</i>	Rehabilitation of structure for coffee/tea house and restaurant use
<i>Staff Recommendation:</i>	Approve
<i>RZA Recommendation:</i>	Approve



Project Information

<i>Building Floor Area (square feet):</i>	4,326	<i>Completion Date:</i>	October 2024	<i>Certificate of Good Standing:</i>	Received
<i>Total Assessed Value (existing):</i>	\$375,300	<i>Proposed Investment:</i>	\$1,000,000	<i>Estimated Value with Investment:</i>	\$1,000,000
<i>Annual Property Taxes (existing):</i>	\$4,879	<i>Estimated Property Tax Benefit:</i>	\$41,000	<i>Estimated Income Tax Benefit:</i>	TBD

Project Narrative

Truongthaigroup, LLC is requesting approval of a Rehabilitation Renaissance Zone (RZ) project for the building at 515 East Main Avenue. The applicant is proposing to rehabilitate an existing commercial building for a new business that would be a combination coffee/tea house and restaurant. Some minor Downtown Design Review (DDR) between the applicant and the DDR Technical Advisors was authorized by the Renaissance Zone Authority.

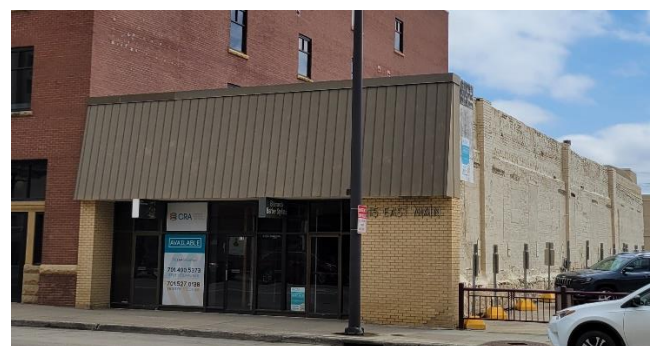


Figure 1: Existing exterior of building from 515 East Main Avenue

(continued)

Project Context

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

Adjacent uses include the retail and restaurants to the north, office uses and associated parking to the east and south, and offices and bars to the west. The property for this project has previously housed other retail and service uses including a barber shop.



Since Truongthaigroup, LLC are requesting a Rehabilitation RZ project, the project must receive all necessary approvals prior to beginning construction. The rehabilitation project includes a complete replacement of the roof and possible introduction of a fire suppression sprinkler system. Interior framing of the space and new concrete flatwork will create the seating section for the restaurant/coffee shop, as well as necessary office, kitchen, and bathroom spaces. Relevant electrical, mechanical, and plumbing work will be conducted, including replacing the old electrical meter, ductwork and building a vent hood system with an exhaust motor on the roof for the kitchen area.

The estimated project cost for the rehabilitation is \$1,000,000. This amount is approximately 341% of the assessed building value, which exceeds the 50% of the assessed building value requirement. The investment also exceeds the requirement to invest \$40 per square foot of commercial floor area, which is \$173,040.

Since the program was reinstated effective January 4, 2024, planning staff have been working to amend the Renaissance Zone Development Plan to reflect the changes which were agreed upon by the Bismarck Board of City Commissioners and the Burleigh County Commission in the letter of intent sent from the City to the County. The change which is most relevant to new RZ projects is the agreed upon change to the property tax exemption which stated that RZ projects would be eligible for a property tax exemption on the increased value of the property while still paying property taxes on the base value (defined as the existing assessed building value of the property prior to project approval). This is different from the previous property tax exemption of the program which provided an exemption on all property tax related to the building.

Officially, these changes to the Renaissance Zone Development Plan have not yet been finalized, but these intended changes have been communicated to all inquiries of the program, including this applicant. After the public hearing,

(continued)

the Renaissance Zone Authority voted unanimously to recommend approval of the Rehabilitation RZ project as a local property tax exemption for five (5) years on the increased value of the building as a result of this project. This was done to meet the intent of the proposed changes that have not yet been finalized.

The Authority placed two conditions on their approval recommendation:

1. A Certificate of Good Standing from the North Dakota Office of State Tax Commissioner is received prior to approval by the Bismarck Board of City Commissioners.
2. A description of exterior work above the main entrance (including an example of paint color) is provided so the Downtown Design Review Technical Advisors can confirm consistency with Downtown Design Review guidelines.

A Certificate of Good Standing has since been received and final discussions between the applicant and the Downtown Design Review Technical Advisors of minor exterior work are ongoing.

Public Engagement

The public was duly notified of this request prior to the public hearing at the Renaissance Zone Authority meeting. A notice was published in the Bismarck Tribune on April 27 and May 4, and 18 letters were mailed to the owners of nearby properties on April 26.

No written comments were received prior to the hearing and no members of the public spoke, apart from the applicant who addressed some questions from the Authority.

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.

Renaissance Zone

The property has not previously been designated a Renaissance Zone of this type and meets the relevant minimum project eligibility criteria for the City of Bismarck Renaissance Zone Program

Yes. The property has not previously been designated as a Renaissance Zone project of this, or any, type and it meets all eligibility criteria as described above in the Project Information and Project Context sections.

The proposed project is consistent with the goals and objectives of the City of Bismarck Renaissance Zone Development Plan

Yes. This project supports the redevelopment of existing structures within the Renaissance Zone, and Downtown. Additionally, this project that will add to the variety and vibrancy of the area by adding a new and unique business within the Renaissance Zone.

Use and design standards of the DC – Downtown Core or DF – Downtown Fringe zoning districts, as applicable, would be met with the proposed project (Section 14-04-21.1(4), 14-04-21.2 (4), 14-04-21.3, 14.04.21.4)

Yes. The restaurant and coffee/tea house use are allowable uses within the DC – Downtown Core district. No major exterior alterations or new construction is proposed which would need to meet relevant design standards. Any proposed signage will be reviewed by City staff when the owners apply for a sign permit.

The project would meet all applicable building code requirements.

(continued)

Yes. Adherence to building and fire codes would be verified prior to issuance of a building permit, subject to review of more detailed building plans. There are no features of the proposed design submitted with this request that present an obvious and insurmountable conflict with building code requirements.

Proper administrative procedures related to the request are being followed (Section 14-04-21.1(4)b, 14-04-21.2 (4)b)

Yes. An application requesting a Renaissance Zone designation approval has been submitted to the Community Development Department. Staff have reviewed the application and submit to the Renaissance Zone Authority for final consideration.

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the Rehabilitation Renaissance Zone project at 515 East Main Avenue, as presented in all submitted documents and materials, as a property tax exemption on the increased value of the building as a result of the project as well as the relevant state income tax exemption on business-related income for five years.

Attachments

1. RZ project map
2. Renderings of the project (interior only)
3. Local property tax exemption description

Staff report prepared by: Isak Johnson, Planner

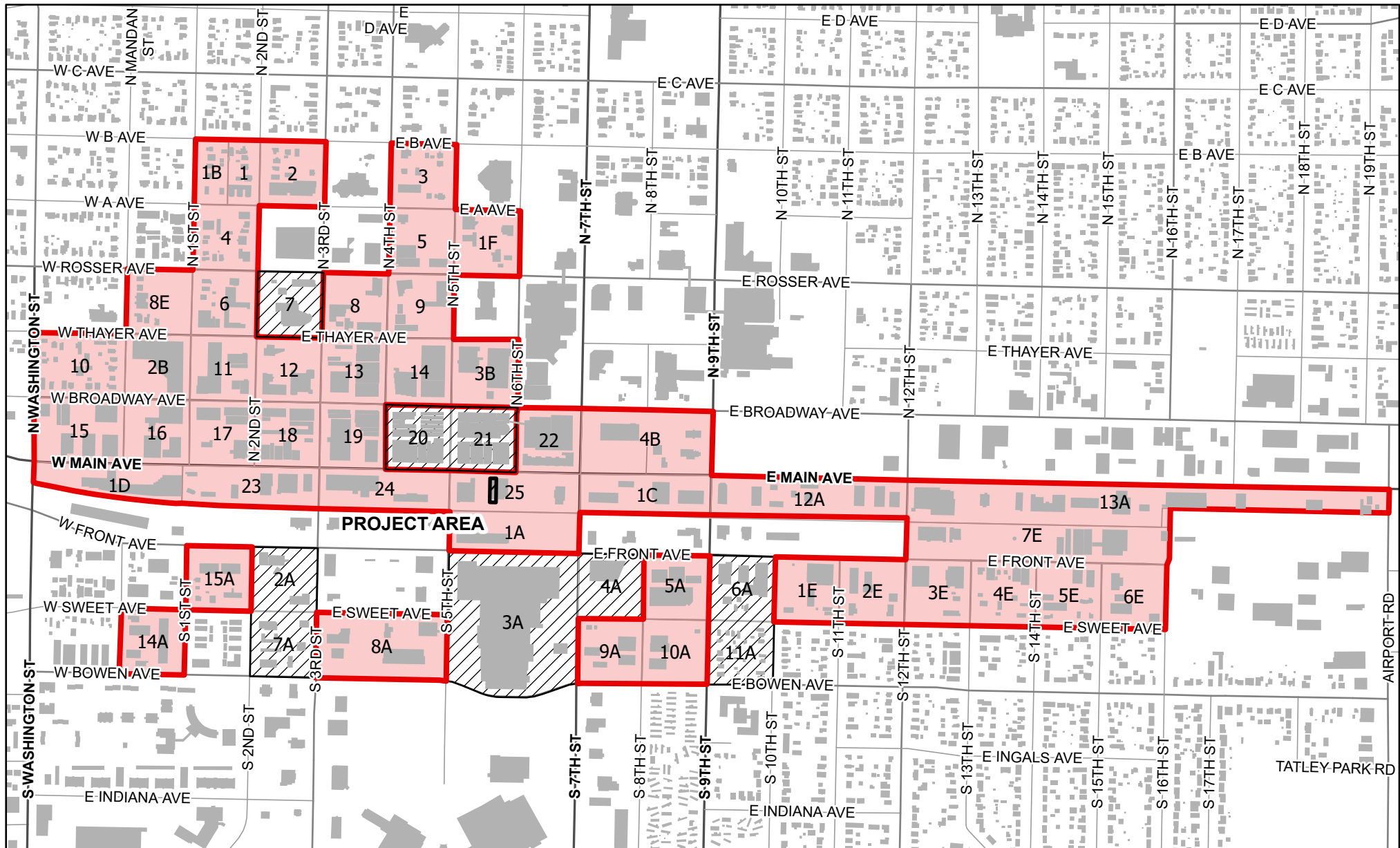
701-355-1850 | ijohnson@bismarcknd.gov



RENAISSANCE ZONE - PROJECT LOCATION MAP

COFFEE TEA HOUSE AND RESTAURANT

RZ2024-001



City of Bismarck
Community Development
Planning Division
June 17, 2024

COMPLETED BLOCK



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

0 245 490 980 Feet



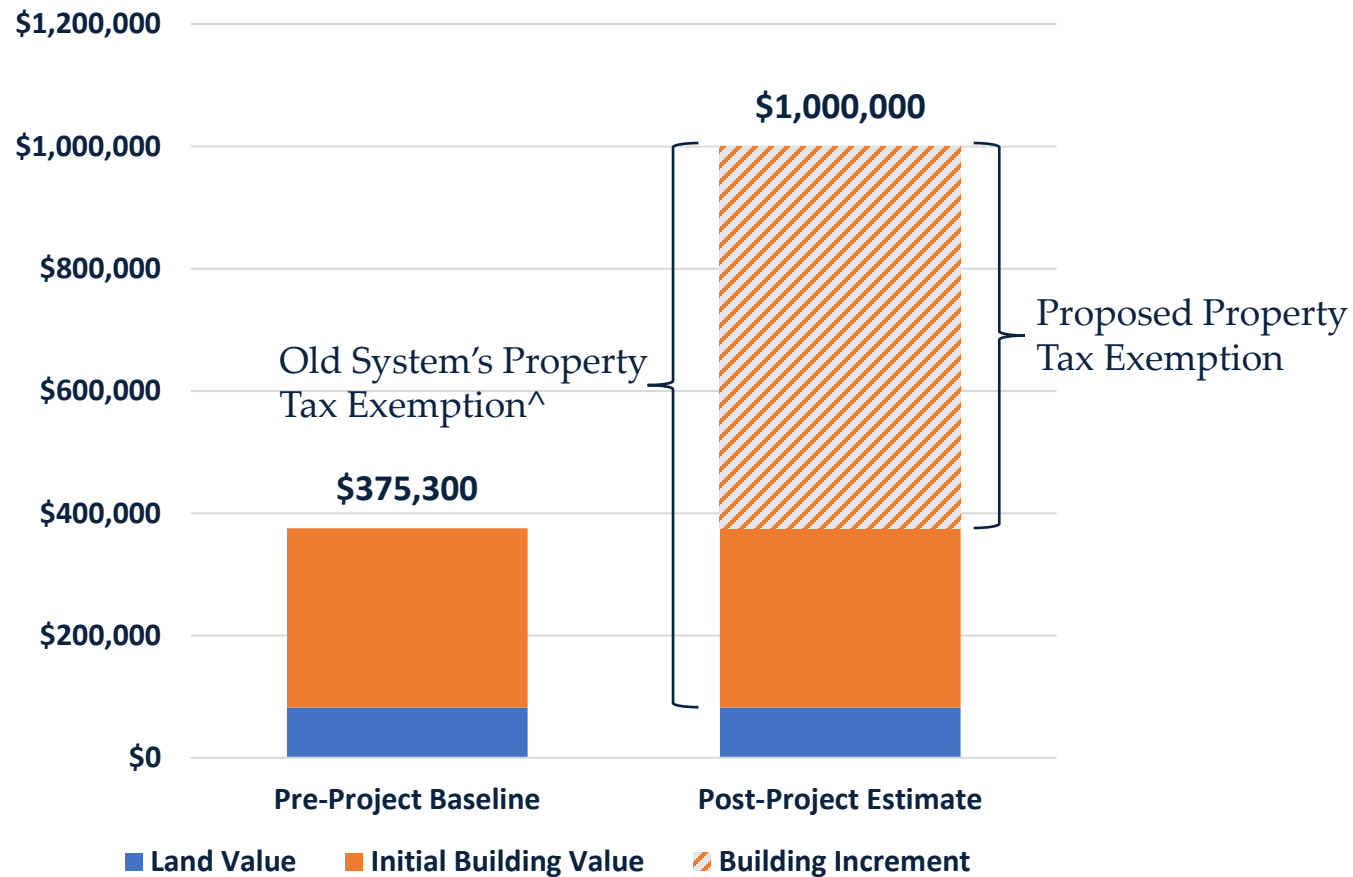
Renderings of the interior







Property Tax Exemption



^ = or some fraction thereof

- Proposed system from letter of intent between City of Bismarck and Burleigh County
- Exemption on increased value of the building only
- Five years, as recommended by the Renaissance Zone Authority



Engineering Department

DATE: June 25, 2024

FROM: Gabe Schell, City Engineer

ITEM: Sidewalk Gap Process

REQUEST:

Consider request to modify sidewalk gap process

BACKGROUND INFORMATION:

The Bismarck City Commission provided direction at the April 23, 2024, meeting to evaluate the sidewalk gap process. Sidewalk portfolio holder Commissioner Zenker and City Engineer Gabe Schell propose changes to the timing to complete privately constructed sidewalks and propose a City financial participation in gap sidewalks performed by the City's contractor. The attached exhibit details the primary steps in the sidewalk gap process and proposed changes to the process.

Over 130 responses to date have been submitted through the online sidewalk suggestion tool (<https://arcg.is/0LTDvX0>). Also, the Bismarck-Mandan MPO is developing a Safe Routes to Services plan that will likely include pedestrian-focused improvements. Both the online form and the Safe Routes to Services plan will help inform future gap sidewalk recommendations.

RECOMMENDED CITY COMMISSION ACTION:

Approve request to modify gap sidewalk process

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Sidewalk Process Changes 2024

Sidewalk Gap Process
6/18/2024

Process Step	Current Process	Proposed Process
Identification	Public input, Pedestrian activity, Engineering judgement, Vacant lots annexed for 15 years but no building permit	No Change
Recommendation	Evaluate location based on potential usage, costs, impacts and other criteria.	No Change
Approval	City Engineer and Sidewalk Portfolio holder present list of sidewalks to Commission for consideration. Occurs in late winter.	No Change
Bid	City concrete contract bid mid spring as "estimated work". Gap project bid as stand-alone contract but at the same time as new development sidewalk and hazardous sidewalk contract.	No Change
Notification	Letter sent to property owner informing them of Commission decision to construct sidewalk and option to use City's contractor or private contractor. Notice provided after bid to give accurate cost to inform property owner's decision.	No Change
Time to Complete	Property owner given 30-45 days to return petition with decision to use City's contractor or hire private contractor. Failure to return a petition is treated as direction to use City's contractor. Construction to be completed prior to end of construction season. City contractor performed work is billed the following spring or placed on assessments with first installment due with real estate taxes approximately 12-18 months after the work was performed.	Property owner given 30-45 days to return petition with decision to use City's contractor or hire private contractor. Private construction to be completed prior to end of <u>following</u> construction season. City contractor to perform work during current construction season. No other changes.
City Financial Participation	0% City contribution	25% City contribution if City contractor is used. 0% City contribution if privately performed. No City contribution if owner told previously sidewalks were required (gaps, commercial building permit, residential home) or for other political subdivision property.
Exception	Issuance of building permit or indication building permit is imminent will remove property from "gap" project and place it into other typical new construction process. Failure to issue building permit returns the property to the following year's "gap" project.	Failure to privately construct by the end of the following construction season will trigger City constructing the sidewalk with no financial contribution as soon as practical (likely 2 years after original notice given)



Administration Department

DATE: June 25, 2024

FROM: Jason Tomanek, City Administrator

ITEM: Compensation discussion for the newly elected Municipal Judge

REQUEST:

Consider the request for discussion of an appropriate compensation for the newly elected Municipal Judge, Amanda Harris.

BACKGROUND INFORMATION:

The citizens of Bismarck have elected a new municipal judge. According to North Dakota Century Code Chapter 40-18-06.1, and City Code of Ordinances Title 2-05-04, the Board of City Commissioners determines the salary of the Municipal Judge. Attached is the North Dakota Century Code 40-18, City Code of Ordinances Title 2-05-04, and 2024 salary data from the North Dakota League of Cities (pg. 10), which will provide information regarding the qualifications of municipal judges and comparable salary data from across the state.

RECOMMENDED CITY COMMISSION ACTION:

Staff is requesting that commissioners review and discuss the provided information and direct staff how to proceed concerning the compensation of the newly elected municipal judge.

STAFF CONTACT INFORMATION:

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

ATTACHMENTS:

1. Century Code - Chapter 40-18 - Municipal Judges
2. City Code of Ordinances Title 2-05-04
3. ND League of Cities - Municipal Judge Pay

CHAPTER 40-18 MUNICIPAL JUDGES

40-18-01. Jurisdiction and qualifications of municipal judge.

1. The municipal judge within a city having a population of five thousand or more must be licensed to practice law in this state, unless no person so licensed is available in the city. In a city with a population of less than five thousand, the municipal judge need not be licensed to practice law in this state, nor may the judge be required to be a resident of the city. The municipal judge has jurisdiction to hear, try, and determine offenses against the ordinances of the city.
2. In a city with a population of less than five thousand, the city may, by resolution or ordinance, require that municipal judges of the city be licensed to practice law in this state.
3. Notwithstanding any other provision of law, the municipal court has no jurisdiction to hear, try, and determine an offense which would be a violation of section 39-08-01 or equivalent ordinance, if the individual charged with the offense has twice previously been convicted of a violation of section 39-08-01 or equivalent ordinance within the seven years preceding the commission of the offense charged or if the individual charged with the offense has three times previously been convicted of a violation of section 39-08-01 or equivalent ordinance within the fifteen years preceding the commission of the offense charged. If such an offense is charged in the municipal court and the municipal judge has notice of a violation of section 39-08-01 or equivalent ordinance twice within the seven years, or three times within the fifteen years, preceding the commission of the offense charged, the municipal judge shall dismiss the charge, without prejudice, and direct that the charge be filed against the individual in district court.
4. Notwithstanding any other provision of law, a municipal court in which the judge is not a person licensed to practice law in this state has no jurisdiction to hear, try, and determine an offense that would be a violation of section 39-08-01 or equivalent ordinance.

40-18-02. City justice of the peace - Jurisdiction and procedure.

Repealed by S.L. 1959, ch. 268, § 34.

40-18-03. Vacancy in office of municipal judge - Temporary absence of municipal judge.

If a vacancy exists in the office of municipal judge by death, resignation, or otherwise, it must be filled by appointment by the executive officer, subject to confirmation by the governing body of the city. An appointee shall qualify and hold office until the next city election and until a successor is elected and qualified. The governing body may appoint an alternate municipal judge to serve when the municipal judge is unable to serve due to temporary absence, interest, disqualification, or disability. The alternate judge must be compensated at a rate set by the governing body and shall possess the qualifications of a municipal judge.

40-18-04. Office hours of municipal judge.

Superseded by N.D.R.Crim.P., Rule 56.

40-18-05. Municipal judge is conservator of the peace.

The municipal judge within the judge's city shall be a conservator of the peace and shall have power to bring persons before the municipal judge which are charged with violations of municipal ordinances. The municipal judge's court shall be open as determined by the city to hear and determine cases cognizable before the municipal judge.

40-18-06. Salary of municipal judge - Payment of funds to treasury.

The municipal judge must be paid a salary by the city and may not be paid in relation to fees or fines collected by the municipal court. The municipal judge's salary may not be reduced during the municipal judge's term of office.

At the end of each month, the municipal judge shall make and file with the city auditor a written report under oath showing an account of all fees, fines, costs, forfeitures, and any other monetary consideration collected by the court during the preceding month and showing the actions in which the fees were collected. The municipal court shall pay the amount of fees, fines, costs, forfeitures, and any other monetary consideration collected to the city treasury at the end of each month. The judge's salary may not be paid until the judge has complied with this section.

40-18-06.1. Municipal court clerk - Appointment - Salary - Authority.

The governing body of a city, with the consent of its municipal judge, may appoint any qualified person to serve as municipal court clerk or deputy clerk for municipal ordinance violations. A municipal court clerk or deputy clerk is entitled to receive a salary as fixed by the governing body. The municipal judge is responsible for the supervision of the municipal court clerk or deputy clerk when the clerk or deputy clerk is performing judicial or administrative functions on behalf of the municipal court. The municipal judge may assign responsibilities to the municipal court clerk or deputy clerk, including the administration of the office of the municipal court and the supervision of other personnel of that office. The supreme court may adopt rules for the qualifications of municipal court clerks and deputy clerks, the extent and assignment of authority by municipal judges, and the conduct of the office, including rules for training sessions and for continuing education.

40-18-06.2. Transfer of municipal ordinance cases to district court - Abolition of office of municipal judge.

With the agreement of the governing body of the county, the presiding judge of the judicial district in which the city is located, and the state court administrator, the governing body of a city may, by ordinance, transfer some or all of the cases of the municipal court to the district court serving the county in which the city is located. These cases are deemed district court cases for purposes of appeal. The governing body of a city with a population of less than five thousand, upon transferring all municipal court cases to the district court, may abolish by resolution the office of municipal judge. The term of office of the municipal judge elected to serve that city terminates upon the last day of the month in which all municipal cases have been transferred to district court or the expiration of the judge's term, whichever occurs first.

40-18-07. Warrants of arrest issued by municipal judge - Service of warrant.

Superseded by N.D.R.Crim.P., Rule 4.

40-18-08. Warrants issued by municipal judge to run to whom.

Superseded by N.D.R.Crim.P., Rule 4.

40-18-09. Subpoena of witnesses - Continuance of trial - Verbal notice to witnesses to attend.

Superseded by N.D.R.Crim.P., Rule 17.

40-18-10. Trials for misdemeanors before municipal judge governed by justice court procedure.

Repealed by S.L. 1967, ch. 327, § 4.

40-18-11. How proceedings in criminal cases not provided for in this chapter to be governed.

Superseded by N.D.R.Crim.P., Rules 1, 54.

40-18-12. Commitment for violation of city ordinance - Limitation - Labor in lieu of fine - Diagnosis and treatment of persons convicted while driving under the influence.

If the defendant is found guilty of the violation of a municipal ordinance and is committed as provided in section 40-11-12, the governing body may provide by ordinance that the defendant work for the city at such labor as the defendant's strength and health permit, not exceeding eight hours in each working day. For that work, the person so imprisoned must be allowed for each day, exclusive of board, ten dollars on account of the fines and costs assessed. If a person is convicted under an ordinance prohibiting driving or being in physical control of a vehicle while under the influence of an intoxicating liquor or a narcotic drug, the court shall order the person to an appropriate licensed addiction treatment program for addiction evaluation.

40-18-13. Sentencing alternatives - Suspension of sentence or imposition of sentence.

Subject to section 40-05-06, a municipal judge may use the sentencing alternatives provided by section 12.1-32-02 and may suspend any sentence the judge imposes or defer the imposition of any sentence during the good behavior of any person adjudged to have committed an offense, or for other reasonable cause, under subsection 3 or 4 of section 12.1-32-02, except that a municipal judge may not suspend a sentence or the imposition of sentence for driving a motor vehicle in violation of an operator's license suspension, revocation, or restriction or for a violation of section 39-08-01 or equivalent ordinance if that suspension of sentence or suspension of the imposition of sentence is prohibited under section 39-06-17 or 39-06-42 or chapter 39-08.

40-18-14. Municipal judge may enforce orders and judgments and punish for contempt.

A municipal judge may enforce due obedience to the court's orders and judgments. The judge may fine or imprison for contempt committed in the judge's presence while holding court, as well as for contempt of process issued, and of orders made by the judge. When an act or omission constituting a contempt in a municipal court is not committed in the presence of the municipal judge, an affidavit alleging the facts may be filed and a warrant of arrest thereupon may issue on which the person accused may be arrested and brought before the municipal judge immediately. The person must be given a reasonable opportunity to employ counsel and defend against the alleged contempt. After hearing the allegations and proofs, the municipal judge may discharge the person or adjudge the person guilty and may punish by fine or imprisonment or both. The fine in any case may not be more than one thousand five hundred dollars and the imprisonment may not be more than thirty days.

40-18-14.1. Judgment for fine or costs.

If the judgment provided for in section 40-18-14 imposes a fine or assesses a cost, the municipal judge may order an authenticated copy of the judgment be filed in the office of the clerk of any district court of any county in the state. The clerk of district court shall treat the municipal court judgment in the same manner as a civil judgment of any district court of any county of the state.

40-18-14.2. Notice of filing.

1. At the time of filing a judgment under section 40-18-14, the municipal court judge shall order an affidavit providing the name and last-known mailing address of the defendant and otherwise complying with section 28-20-15 be filed.
2. Upon the filing of the judgment and affidavit as provided in section 40-18-14, the clerk of municipal court shall mail notice of the filing of the municipal judgment to the defendant at the defendant's last-known address and file proof of mailing with the district court. The notice must include the name and mailing address of the municipal court.
3. An execution of other process for enforcement of a municipal court judgment filed under this section may not be issued until ten days after the date the judgment is filed.

40-18-14.3. Stay.

If the defendant shows the district court of any county that an appeal from the judgment provided in section 40-18-14 is pending or will be taken, the court shall stay enforcement of the municipal court judgment until the appeal is concluded or the time of appeal expires.

40-18-14.4. Fees.

The municipal judge shall order a filing fee of ten dollars to be paid to the clerk of the district court.

40-18-14.5. Effect of filing.

Upon filing of a judgment under section 40-18-14 with the district court in accordance with this chapter, the judgment is enforceable only in the same manner as provided for a judgment for money in a civil action.

40-18-15. Trials in nonjury cases arising under the ordinances of a city.

An action for the violation of a city ordinance for which the right to a jury trial does not otherwise exist or in which the defendant has timely and appropriately waived a right to a jury trial in writing pursuant to rules of the supreme court may be tried and determined by the municipal judge without the intervention of a jury. In the event of an adverse verdict in a municipal court trial, a defendant may appeal as provided in section 40-18-19, but a waiver of jury trial in the municipal court proceeding also constitutes a waiver of jury trial in the district court.

40-18-15.1. Transfer to district court - Expenses of prosecution - Division of funds and expenses between city, county, and state.

A matter may be transferred to district court for trial if within twenty-eight days after arraignment the defendant has requested in writing to transfer the case to district court and to exercise the defendant's right to a jury trial. After a transfer to district court, if the defendant waives a jury trial, the matter must be remanded to the municipal court for disposition if the defendant and prosecuting attorney agree to the remand. Unless remanded to the municipal court by agreement of the parties, the district court shall retain jurisdiction for sentencing. The city shall provide a prosecuting attorney and, in the case of any indigent defendant, a defense attorney. The city may contract with the county, state, or any individual or entity for prosecution or defense services. In the contract, the city, county, and state may agree to a division of all fees, fines, costs, forfeitures, and any other monetary consideration collected from cases transferred under this section, which must be paid to the city and county treasury and state general fund at least once each quarter. At the time of payment, the clerk of district court shall account under oath to the city auditor, county, and state treasurer for all money collected. In the contract the city, county, and state may also agree to a division of expenses, including jury and witness expenses, related to cases transferred under this section. In the absence of a contract all fees, fines, costs, forfeitures, and any other monetary consideration collected from transferred cases must be deposited in the state general fund.

40-18-16. Procedure when jury demanded in court of municipal judge.

Repealed by S.L. 1973, ch. 327, § 2.

40-18-17. Challenges for cause to jurors in court of municipal judge.

Repealed by S.L. 1973, ch. 327, § 3.

40-18-18. Fee of juror in court of municipal judge.

Repealed by S.L. 1973, ch. 327, § 4.

40-18-19. Appeals from determinations of municipal judge.

An appeal may be taken to the district court from a judgment of conviction or order deferring imposition of sentence in a municipal court in accordance with the North Dakota Rules of

Criminal Procedure. An appeal is perfected by notice of appeal. A perfected appeal to the district court transfers the action to such district court for trial anew. On all appeals from a determination in a municipal court, the district court shall take judicial notice of all of the ordinances of the city. No filing fee may be required in district court for the filing of an appeal from a judgment of conviction for the violation of a municipal ordinance. Expenses necessary for the adequate defense of a needy person in an appeal to district court from a judgment of conviction for the violation of a municipal ordinance, as approved by the presiding district judge, must be paid by the city wherein the alleged offense took place.

40-18-20. Demand for change of judge.

Any party to a proceeding pending in any municipal court may obtain a change of judge pursuant to section 29-15-21, except that either a district judge or a municipal judge may be appointed to act in place of the disqualified judge. The alternate municipal judge, if any, is automatically appointed to preside in the case.

40-18-21. Change of venue in municipal court.

Superseded by N.D.R.Crim.P., Rule 21.

40-18-21.1. Change of venue - Reliable electronic means.

1. A municipal judge may change the venue of a proceeding under this chapter upon consideration of the following factors:
 - a. Convenience to the parties and witnesses;
 - b. Judicial efficiency;
 - c. Available facilities; and
 - d. Administration of justice.
2. A municipal judge may not change the venue of a proceeding if any party to the proceeding objects to the change.
3. A municipal judge may use contemporaneous audio or audiovisual transmission by reliable electronic means in accordance with rule 52 of the North Dakota Supreme Court Administrative Rules. A municipal judge who presides over a proceeding through contemporaneous audio or audiovisual transmission by reliable electronic means is equivalent to a municipal judge who is physically present at the proceeding.

40-18-22. Continuing education of municipal judge and alternate judge required.

Each municipal judge and alternate judge shall comply with continuing judicial education requirements established by supreme court rule. The city shall reimburse the judge for necessary expenses of travel and subsistence as other city officials are so reimbursed.

If any judge fails to fulfill the requirements of this section, without being excused by the supreme court, the state court administrator shall report the judge's failure to the judicial conduct commission for appropriate action.

TITLE 2 ADMINISTRATION AND
GOVERNMENTAL ORGANIZATION

JURISDICTION OF GOVERNING BODY

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law or by the City Commission, all bonds, contracts and conveyances of the city must be signed by the president of the board of city commissioners and countersigned by the city administrator, who shall affix the seal of the municipality thereto. The city attorney shall approve all documents as to form.

*Reference: NDCC Sec. 40-01-06, Article 3, Home Rule Charter for the City of Bismarck.
(Ord. 4823, 02-25-97)*

CHAPTER 2-05. MUNICIPAL JUDGE

2-05-01. Term of Office. The municipal judge shall hold office for a term of four years from and after his election, and until a successor is elected and qualified.

2-05-02. Duties and Powers. The judge has the power to perform all duties prescribed by state law, specifically Chapter 40-18, NDCC, and the ordinances of the city. The judge has the authority to impose any fee, fine, court cost, impact fee or other charge authorized by state law, by a fee schedule approved by the City Commission or imposed by ordinances of the city. The judge may impose a fee of twenty-five dollars (\$25) as part of a sentence imposed on a defendant who pleads guilty to or is convicted of violating a city ordinance for which the maximum penalty that may be imposed under the ordinance for the violation includes imprisonment. All fees paid to the municipal court under this section shall be deposited in the general fund monthly for annual allocation by the board of city commissioners to victim and witness advocacy programs whose primary function is to provide direct services to victims and witnesses of crime or to the statewide automated victim information and notification system, as provided for under Chapter 12.1-34, NDCC.

2-05-03. Monthly Report. The judge shall submit to the board a monthly report of all proceedings or matters held before the court. The report shall include:

1. The names of the parties and the nature of the proceedings.
2. The disposition of the proceedings.
3. The total amount of costs and fines assessed and paid.
4. An itemized account of all fees and a list of all officers and witnesses.
5. A duplicate receipt from the city auditor for the total amount of fees and money collected by the judge on behalf of the city.

Until the report has been filed with the city auditor,
a salary may not be paid to the judge.
Reference: NDCC Sec. 40-13-11 (Ord. 6257, 06.13.17; Ord. 6313, 03.13.18)

2-05-04. Compensation. The municipal judge shall receive an annual salary set by the board as full compensation.

2-05-05. Vacancy in Office - Alternate Judge. If a vacancy exists in the office of municipal judge by death, resignation, or otherwise, it shall be filled by appointment by the executive officer, subject to confirmation by the board. An appointee shall qualify, and hold office until the next city election, and until a successor is elected and qualified. The governing body of a city may appoint an alternate municipal judge to serve when the municipal judge is unable to serve due to temporary absence, interest, disqualification or disability. The alternate shall be compensated on a per diem basis at the rate set by the board and shall possess, as nearly as is practicable, the qualifications of the regular municipal judge.
Reference: NDCC Sec. 40-18-03

2-05-06. Office Hours. The municipal court shall be open for business as provided by Rule 56, N.D.R.Crim.P.
Reference: NDCC Sec. 40-18-04

2024 Municipal Judge Pay		
City	Population	Pay
Ashley	601	\$2,955.92 Yearly
Beulah	3044	\$900.00 Monthly
Bismarck	74,445	\$5,473.69 Bi-Weekly
Bottineau	2186	\$645.83 Monthly
Buxton	351	\$150.00 Monthly
Carrington	2053	\$655.25 Monthly
Casselton	2460	\$284.45 Monthly
Casselton	2460	\$284.45 Monthly
Cavalier	1242	\$176.92 Monthly
Dickinson	24979	\$3,824.54 Monthly
Drayton	746	\$172.00 Monthly
Dunseith	632	\$125.00 Per Court Day
Fargo	133,444	\$127,218.00 Yearly
Garrison	1467	\$250.00 Monthly
Glenburn	394	\$1,200.00 Yearly
Grafton	4170	\$1,240.00 Monthly
Grand Forks	58692	\$84,683.00 Yearly
Grenora	209	\$90.00 Hourly
Halliday	231	\$172.00 Monthly
Harvey	1621	\$370.00 Monthly
Hatton	707	\$50.00 Monthly
Hazen	2279	\$288.00 Monthly
Horace	4277	\$4,800.00 Yearly
Kindred	996	\$75.00 Monthly
LaMoure	764	\$100.00 Monthly
Larimore	1246	\$172.00 Monthly
Lidgerwood	616	\$150.00 Monthly
Lincoln	4358	\$4,404.12 Yearly
Mandan	24,486	\$2,193.41 Bi-Weekly
Mayville	1820	\$153.75 Monthly
Northwood	946	\$172.00 Monthly
Portland	579	\$100.00 Monthly
Riverdale	223	\$100.00 Monthly
Rolette	472	\$125.00 Per Cour Day
Rolla	1189	\$150.00 Monthly
St. Thomas	317	\$200.00 Monthly
Stanley	2194	\$700.00 Monthly
Stanton	364	\$150.00 Monthly
Steele	685	\$3,400.00 Yearly
Thompson	1068	\$3,000.00 Yearly
Valley City	6566	\$37,319.00 Yearly
Williston	27029	\$64,890.00 Yearly
Zap	221	\$100.00 Monthly